

MINUTES
SHARON SELECT BOARD
December 19, 2023

The meeting of the Sharon Select Board was called to order at 7:00 pm by Chair Kiana Pierre-Louis remotely via Zoom. Select Board members Emily Smith-Lee and Hanna Switekowski were in attendance as was Town Administrator Frederic E. Turkington, Jr.

Public comment period

Ms. Pierre-Louis explained that there would be an opportunity for comment on Hazard Mitigation later in the meeting. Those comments should be held until then. She then made remarks about the work of public safety officials and public works officials during the recent storm. There were about 250 calls for service due to the severe weather event which took down many trees and power lines throughout the community. The Board is appreciative of the work done by employees daily, but especially during events like this. She wished to take a moment to say thank you. A reminder for those who may be affected or have no power to call National Grid or Eversource and not 9-1-1. It will take time to have services restored as utility crews are unable to utilize lift equipment in such windy conditions. Shelter is available at the Public Safety Building as is the ability to charge devices.

There being no other comments, Ms. Pierre-Louis moved on with the meeting.

Board and Committee reappointment interviews

Ms. Pierre-Louis explained that the Board asks a standard set of questions for each candidate:

Please tell us about your personal background, education, employment, things you like to do for fun, etc. and how/if it relates to the committee for which you seek appointment.

Why are you interested in appointment to the particular committee? What goals do you have for your service?

(If applicable) We often have more interested citizens who step forward to serve. If not chosen for the particular committee to which you have applied, would you consider a different assignment?

How can we ensure the work of your committee reflects the breadth of thought that reflects Sharon's diverse community?

Elliott Feldman of the Council on Aging Board has expressed an interest in appointment to another term in his role when his term expires at the end of this year. Mr. Feldman was given the opportunity to respond to the Board's standard questions and explain about the work he does in the community in this role. He also expressed his goals for another term with the Council on Aging Board.

The Board thanked Mr. Feldman the hard work he does on behalf of the community and for his time this evening.

Hazard mitigation presentation by MAPC

MOTION: To open the public hearing at 7:20 pm.
(Switekowski– Smith-Lee)

Switekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Chief Madden welcomed and introduced Mr. Martin Pillsbury of the Metropolitan Area Planning Council. He explained that this was last prepared and finalized in 2018 years ago and must be reviewed every five years. This is the first of at least two of public meetings on the review of the town's hazard mitigation plan.

Mr. Pillsbury presented an overview of the hazard mitigation plan. This plan involves natural hazards that the Town might face from time to time, much like yesterday's storm. He explained that the Disaster Mitigation Act of 2000 created the framework for state and local governments to engage in hazard mitigation planning to receive certain types of non-emergency disaster assistance. Mitigation helps to strategically reduce impacts of natural hazards. Some of the techniques used in hazard mitigation include prevention through planning and zoning, property protection, public education through outreach, protection of public resources such as wetlands and floodplains and emergency services protection. The planning process involves representatives from the fire and police departments, public works, conservation, civil defense, health department, building and recreation departments. These representatives will participate in several meetings, review and endorse plan goals and provide local data/expertise on critical facilities and hazards as well as review and endorse the updated mitigation strategy for the plan.

Mr. Pillsbury concluded the presentation with an overview of the next steps. There will be two additional local team meetings and a second public forum where the updated draft plan will be presented for public comment. A draft plan will then be sent to MEMA and FEMA for review. The Select Board will then vote to adopt the final plan and the Town will receive final FEMA approval. Comments and questions should be directed to Mr. Pillsbury and Jiwon Park of MAPC by email at SharonResilience@mapc.org.

The Board expressed their appreciation for this update on the status of the plan. They acknowledged that there would be another public presentation as the process progresses. The Board then accepted comments from the public.

Sylvia Mignon and John Kohler 39 Lake Avenue. Their neighbor at 33 Lake Avenue has clear cut the slope between our homes, resulting in 4 episodes of our basement/garage flooding (July 16, 27, 29 and August 18). We averted a flood on August 21 with the use of a sump pump. From us you have received letters, photos of our flooded property, and a number of emails. Through this process we have shown the flooding was a direct result of the neighbor's behavior.

The Town of Sharon treated us very well with the placement of an asphalt berm at the top of our driveway. The berm was later extended up Lake Avenue when the initial berm was found to not be sufficient (storm on August 21). The berm is serving us well and we are grateful for the assistance we received.

We write today to express concern that the water that was coming onto our property adds to the water flowing down Lake Avenue into Lake Massapoag. I observed during the December 11 storm that water overwhelmed the two drains located on Beach Street and flowed directly over the ground into the Lake. I have made the same observation regarding today's storm—overwhelmed storm drains and water flowing directly over the ground into Lake Massapoag. We have never used fertilizer on our lawn, and of course, the concern is about adding damaging chemicals to the Lake. We share the commitment of the Town of Sharon to the environment and want to make sure you are aware of this problem as you develop hazard mitigation strategies.

For us, we have now spent \$5,000 on various mitigation strategies for our flooding problem. Upon the recommendation of our water/civil engineer, we paid for a survey of our property. This helped in that we learned we own an additional 3-4 feet of the slope upon which we have now planted vegetation to soak up rainwater. We also learned that the neighbors cut trees (in 2019) and vegetation (summer 2023) that are on the side of the road and belong to the Town of Sharon. We find this an important concern as well; this reaffirms the importance of the Town of Sharon developing policies and procedures that preserve the health of all Sharon properties.

Laura Russell of the Lake Massapoag Advisory Committee wished to thank the Sharon DPW for its quick action helping residents and homeowners during yesterday's intense storm. Second, because we got the notice of this meeting after LMAC's meeting one week ago, these are my personal comments.

During the last two weeks – *in December* - Sharon has had two intense tropical rainstorms which registered about 4" and 4.5" of rain respectively on my deck, and about 3" each from Ambient weather stations in homes near the lake, along with strong winds, localized flooding, many downed trees, and power outages. These are obvious climate hazards.

Accompanying all this runoff there is an *invisible hazard* we need to face: the *runoff of excess nutrients* from the watershed into Lake Massapoag, especially *phosphorus*, which accumulates deep in *lake sediment* and feeds *cyanobacteria blooms*.

Two lake area residents will be sharing photos and videos of water overwhelming the storm drains and running into the lake on Beach St. at the bottom of Lake Ave, and of a large pool that sits on Beach Rd, which as a private way has no storm drains. Today I saw rapids where Sucker Brook enters the lake, and Josh Philibert said it was backed up behind the culvert yesterday. After every storm I documented severe beach and sand erosion at Veterans Memorial Beach, along with deepening ruts in the parking lots.

As you may recall, a lakewide cyanobacteria bloom closed the lake for over two weeks in July 2021, following the first of three heavy tropical storms that also led to high E. coli counts at Community Center Beach (CCB). In every season since, there have been repeated localized blooms from late August-late October, requiring posting of caution signs to stay out and move to a clear area, and CCB was closed to swimming starting in 2023.

LMAC has been doing extensive testing to document phosphorus and E. coli levels at its many inflows, where high levels are routinely recorded, and professional testing of water quality in the Deep Hole and lake coves. We are again on a path toward eutrophication of Lake Massapoag. In 1984, a comprehensive diagnostic study said that without action, Lake Massapoag would become eutrophic by the year 2000 - dead from lack of oxygen as algae and weeds became overgrown. *The Town made significant investments to implement many of its recommendations, and we gained nearly 40 years of lake health.*

We are at a crossroads again, due to continued development and climate change. LMAC applied for and received two state grants to develop a *Watershed-Based Plan for a Resilient Lake Massapoag 2025-2050*, with funding from an EEA MVP Action Grant and a DEP 604b Watershed Planning Grant, and matching funds from the Town and CPC.

A Resilient Sharon needs a Resilient Lake.

- The Town's Hazard Mitigation Plan should prominently *include hazard mitigation to the lake* via mitigation of increased runoff of phosphorus, excess nutrients, septic seepage, etc. and its impact on cyanobacteria, bacteria, and invasive weeds.
- All of the Town's development, open space, recreation, zoning, etc. plans should *include lake impacts* and how to protect it, and incorporate the recommendations of the Watershed-Based Plan 2025-2050 we are now developing.
- Core sediment testing funded by CPC this November, with results due next month, will be used in LMAC's plans for special FY25 funding to address *internal loading of accumulated phosphorus* in deep lake sediment through high-dose alum, and potential piloting of Clean Flo technology.
- The Watershed-Based Plan will include recommendations for priority projects to reduce *external loading of phosphorus* via best management practices (BMP) and green infrastructure projects; state funding is available and requires local match.
- LMAC is launching a *Love our Lake campaign* to reduce residential nutrients and runoff, with details in your next water bill, and information via Town announcements, the lake website, partner organizations, and social media.
- We have begun talking with legislators to *increase the ability of towns to enact nutrient reduction measures* that have been authorized on Cape Cod and the Island for years, and update and reform measures needed for timely permitting.

There being no other comments, the Board closed the public hearing.

MOTION: To close the public hearing at 8:02 pm.
(Switlekowski– Smith-Lee)

Switlekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Update and report presentation by the Governance Study Committee

Mr. Turkington began this conversation with some background. The Board had asked the Governance Study Committee to look at three specific issues: recall of elected officials, removal of appointed officials, and delineation of the powers of the Moderator.

Governance Study Committee Chair, Mr. Gansesh Rangarajan, explained that three members of the committee would present the recommendations of the committee. Ms. Arguimbau will present on removal, Mr. King will discuss recall, and Mr. Keenan will discuss the powers of the Moderator. The full report of the committee was provided to the Board with their meeting materials.

Ms. Arguimbau explained that the committee's recommendations were set up in the report as if they would be presented in a Town Meeting warrant. The committee recommends that any holder of an office appointed to a nonelected board or committee in the Town of Sharon may be removed from office by the Select Board. With respect to grounds for removal, the committee suggests that removal may be initiated for any appointee to a nonelected board or committee in the Town of Sharon on any of the following grounds of malfeasance, misfeasance, nonfeasance, or other abuse of office:

1. Conviction of a felony, or other serious crime involving moral turpitude.
2. Failure to take the oath by swearing in with the Town Clerk within 30 days of notice of appointment.
3. Unless having taken it prior to appointment, failure to take the Massachusetts Ethics Training Course within 30 days of notice of appointment.
4. Failure to meet the responsibilities described in the oath and ethics training course described above.
5. A poor attendance record that impairs the ability of the board or committee to function.

A member's opinions or votes on any subject within the public body's jurisdiction cannot constitute grounds for removal, as members of elected public bodies should be able to make decisions within their authority without fear of recall. An exception may be made if an official's vote or actions involve a conflict of interest as set forth in MGL Chpt.268A or ethics violation as described in 930 CMR 1.00-7.00.

The removal process shall be initiated by a committee if a majority of the members of the committee agree that there are sufficient grounds to warrant the removal of the committee member. A formal vote will be taken during the committee meeting. The committee Chair shall then notify the Select Board of this request, providing the name of the member, the office held, the statement of the grounds for removal, and the results of the committee's formal vote on the removal.

Mr. King explained that the recommendation for recall of elected officials is similar to the recommendation for removal. Recall elections may be initiated for any elected town officer on any of the following grounds:

1. Malfeasance, misfeasance or nonfeasance in office or other abuse of office.
2. Conviction of a felony, or other serious crime involving moral turpitude.

A member's opinions or votes on any subject within the public body's jurisdiction cannot constitute grounds for a recall petition, as members of elected public bodies should be able to make decisions within their authority without fear of recall. An exception may be made if an official's vote or actions involve a conflict of interest as set forth in MGL Chpt.268A or ethics violation as described in 930 CMR 1.00-7.00.

The process for recall is recommended as follows: not less than 2% of registered voters in the Town of Sharon, rounded down to the nearest 50, may initiate a recall by filing with the Town Clerk an Affidavit of Intent to recall, signed under the penalties of perjury, containing the name of the officer and the office held whose recall is sought and a statement of the grounds for recall.

Upon certification by the Town Clerk of a sufficient number of signatures related to the Affidavit of Intent, the Town Clerk shall, within 3 business days, notify the primary petitioner, who shall be the voter first named on such notice of intent, that copies of blank petitions are available at the office of the Town Clerk. The blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal attached thereto.

Mr. Keenan explained that the recommendation relating to the Moderator includes that the moderator shall not have exclusive authority to appoint the full body of any committee.

Currently, the members of the Nominating Committee for the Finance Committee are appointed solely by the moderator.

The Governance Study Committee recommends that the 5-member nominating panel be appointed as follows: one member each should be named by the Select Board, School Committee, Planning Board, Diversity Equity and Inclusion (DEI) Committee, and moderator.

No elected member of town government (Select Board, School Committee, Planning Board, Library Trustees, Housing Authority, Board of Assessors. town clerk or moderator) shall serve on the nominating panel. The nominating committee shall be treated as other committees in Sharon and shall not require Town Meeting approval.

Currently, all 5 members of the Personnel Board are nominated by the moderator. It is the Governance Study Committee's recommendation that the Personnel Board be appointed by the Select Board.

Once the Select Board reviews these recommendations and decides on the path forward on each, several committee members expressed the willingness to work with Town Counsel in helping review any final drafts or articles that would be put together for review at the town meeting.

The Board thanked the committee for their research and finalizing this report. Timing was discussed as it relates to upcoming Annual Town Meeting. Mr. Turkington advised that ideally a final warrant article should be ready for presentation to the Finance Committee at the end of January.

Discussion on changes to personnel bylaw

The Board heard from members of the Personnel Board. Chair Kathleen Kelley explained that last year's Annual Town Meeting voted to uphold the Personnel Board as an independent functioning body. The concern is in the future that if the Select Board were to appoint members to the Personnel Board it would then become an advisory board. She would like the opportunity to speak with the Moderator about that being the appointing authority for the Personnel Board. The Personnel Board has worked very hard to modernize the current bylaw. At present, it is in the hands of counsel for review. Ms. Kelley explained that she would love to hear from the Select Board on what additional changes are needed.

Ms. Switekowski mentioned that the Governance Study Committee looked at updating roles and responsibilities and she was intrigued by how other communities moved toward human resources personnel. She hopes to compromise in keeping the Personnel Board albeit in an advisory role.

Ms. Smith-Lee opined that she has seen no evidence that anything is broken per se. She would like to have more frequent check ins so that the Select Board can understand more fully whether they should incorporate the Personnel Board in any aspect of the work of the Select Board.

Ms. Pierre-Louis feels similarly to Ms. Switekowski on the advisory point. She does feel it was clear from the action at Town Meeting that the Personnel Board should be retained. She stated that her number one issue was modernizing the bylaw. She does feel that there is a level of brokenness due to outdated provisions of the bylaw and no oversight. Ms. Pierre-Louis does hear and understand the feeling of having checks and balances but feels that can be done in an advisory role.

The Board thanked the members of the Personnel Board.

Board of Registrars of Voters appointment

Ms. Switekowski recused herself on this matter. The Select Board met with two interested candidates for this role, Ms. Anne Marie Sargent on November 14 and Ms. Jana Katz on December 5. Both candidates explained that this is an interesting time to contribute to the election process. They both expressed their thoughts on access to elections and a secure democratic process. After deliberation, the Select Board selected Jana Katz to fill the vacant seat on the Board of Registrar of Voters. Ms. Pierre-Louis thanked both candidates for stepping forward to support the community. She expressed her hope that they will continue to be engaged in the Town's governance.

MOTION: To appoint Jana Katz to the Board of Registrars of Voters through March 30, 2024.
(Smith-Lee – Pierre-Louis)

Switekowski: ABSTAIN

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Class II Auto Dealer renewal application for DC Auto Sales

The Board previously had a request by this applicant for a name change. Mr. Ogunlade explained that he purchases cars at auction and resells them. About a year ago, he received complaints from people that he didn't recognize. Mr. Ogunlade alleges that someone has been using the DC Auto Sales name to sell vehicles. He has reported this to the Sharon Police Department. The applicant worked out a solution with the registry and later withdrew his request for a license under the name of Elite Auto.

The Board expressed their deep concerns about this business due to the feeling that the owner has not been upfront about several matters. After thoughtful deliberation and expressions of their desire to support local business, it was the Board's consensus that this license be denied.

MOTION: To not renew a Class II Auto Dealer license for DC Auto Sales.
(Smith-Lee - Switekowski)

Switekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Consent calendar

- I. Vote to approve the following minutes
 - a. November 14, 2023 – open session

- b. December 5, 2023 - open session
- II. Vote to approve the following banner request/requests:
 - a. The Emma Greenspan Foundation Annual Emma's Run – April 14-22, 2024 in 2st position
 - b. The Friends of the Sharon Public Library Annual Book Sale – May 13-20, 2024 in 1st position and consider a fee waiver
- III. Vote to approve the request from the Massapoag Yacht Club to set out race markers on the lake for the 2024 season
- IV. Vote to award a contract to Advantage Drug Testing of Andover, MA for a three-year period from January 1, 2024 through December 31, 2026 for the administration of a Drug and Alcohol Testing Program for Municipal Employees
- V. Vote to approve the following common victualler licenses from January 1, 2024 through December 31, 2024
 - a. Angel's Café – License application form
 - b. Coriander Bistro – License application form
 - c. Hummus v Hummus – License application form
 - d. Simcha - License application
 - e. The Cape Club of Sharon – License application
 - f. The Salvation Army, Camp Wonderland – License application form
 - g. Ward's Berry Farm – License application form
- VI. Vote to approve the following Alcohol License renewals from January 1, 2024 through December 31, 2024
 - a. Machapuchre Inc, dba Coriander Bistro – Retail license renewal form
 - b. Milies, Inc., dba Carriage House Pizza - Retail license renewal form
 - c. Simcha – Retail license renewal form
 - d. Ginko Restaurant Inc, dba Sichuan Gourmet – Retail license renewal form
- VII. Vote to make the following Board/Committee reappointments through December 31, 2026 (interview dates)
 - a. Geila Aronson, Commission on Disabilities (11/14/23)
 - b. Margaret Arguimbau, Conservation Commission (11/14/23)
 - c. Keevin Geller, Conservation Commission (11/14/23)
 - d. Alan Westman, Conservation Commission (10/24/23)
 - e. Elliot Feldman, Council on Aging Board (12/19/23)
 - f. Bette Gladstone, Council on Aging Board (n/a, 2nd term)
 - g. Jeffrey Shapiro, Council on Aging Board (n/a, 2nd term)
 - h. Chris Pimental, Energy Advisory Committee (n/a, 2nd term)
 - i. Janelle Dominique, Historical Commission (12/5/23)
 - j. Landon Goldfarb, Recreation Advisory Committee (n/a, 2nd term)
 - k. Erin Wilkinson, Recreation Advisory Committee (n/a, 2nd term)
 - l. Richard Caproni, Tech/Telecom Advisory Committee (12/5/23)
 - m. Chuck Levine, Tech/Telecom Advisory Committee (11/14/23)
 - n. Deepak Shahane, Tech/Telecom Advisory Committee (11/14/23)
 - o. Neil Coplan, Transportation Advisory Committee (12/5/23)
 - p. Rory McGregor, Water Management Advisory Committee (10/10/23)
 - q. Anne Carney, Water Management Advisory Committee (10/10/23)
 - r. Leadon Langley, Water Management Advisory Committee (10/24/23)
 - s. Arnold Wallenstein, Zoning Board of Appeals (n/a, 2nd term)
 - t. Robert McGrath, Constable (n/a)
 - u. Neil McGrath, Constable (n/a)

- VIII. Vote to make the following annual appointments through December 31, 2024
- a. Animal Control Officer, Rachel Oles
 - b. Animal Inspector, Edwin Little
 - c. Building Inspector, David Abbott
 - d. Civil Defense Director, Michael Polimer
 - e. Electrical Inspector, Mark Fisher
 - f. Fence Viewer, William Heitin
 - g. Finance Director, Krishan Gupta
 - h. Norfolk County Advisory Board Representative, Edwin Little
 - i. Parking Officer, Patricia Carroll
 - j. Parking Clerks, Kevin Weber and Elizabeth Curley
 - k. Plumbing & Gas Inspector, Scott Angelos
 - l. Sealer of Weights and Measures, Mark Coyne
 - m. Town Counsel, Richard Gelerman
 - n. Veteran's Agent, Paul Bergeron
 - o. Crossing guards:
 - i. Andrea Sullivan
 - ii. Karen McDougal
 - iii. Valeriy Tsinman
 - iv. Mario Raynor
 - v. Diane Dobie
 - vi. Gale Simpson
 - p. Special police officers:
 - i. John Ford
 - ii. Michael Hocking
 - iii. Philip McEnany
 - iv. John McGrath
 - v. Donald Williams
 - vi. Donald Brewer
 - vii. Donald Reed
 - q. Municipal Solar Oversight Committee:
 - i. George Aronson
 - ii. Silas Fyler
 - iii. Robert Maidman
 - iv. Christopher Pimental
 - v. Xander Shapiro

MOTION:

(Smith-Lee – Pierre-Louis)

(Pierre-Louis – Smith-Lee)

Switlekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Town Administrator's report

Mr. Turkington provided the following update.

Update on work of task force supporting migrant families. A leadership team consisting of Assistant Supt. of Schools Meg Dussault, Public Health Administrator Leandra Mclean, Fire Chief Mike Madden, Assistant Town Administrator Lauren Barnes and me has worked with a number of community faith leaders and community organizers to provide essential, unmet needs for the 16 families placed by the state at the EconoLodge. We have held Zoom meetings to coordinator collections of items ranging from diapers to

hygiene products to coats and warm clothing to books and craft supplies. We have established a donation fund to provide laundry services and purchase specialty items for infants and toddlers. A webpage has been set up on the Town website to provide updates to the community about emerging needs and opportunities to participate in welcoming these new residents. On December 8, we received notice that 96 rooms at the Best Western will be utilized as of December 16 to house the 16 families now at EconoLodge, plus families being relocated from other hotels with contracted space there expiring by December 15. See updates from Meg Dussault in correspondence.

Review of personnel by-law by Personnel Board. The Board met on October 11 to finalize comments and questions for labor counsel before holding a meeting on October 26 to complete that portion of the review. They met again on November 7 to prepare for a meeting with the Select Board in early December to discuss the governance issues within the by-law in hopes of reaching consensus on any changes to appointment of members, scope of oversight, etc. We expect to have the updated by-law ready for insertion in the 2024 ATM Warrant in January.

Status of collective bargaining negotiations. Our second session with firefighters is scheduled for December 18 at 2PM. I have not received a request from police officers or lieutenants to negotiate. SMEA bargaining committee is organizing on January 4, so I expect to receive a request to negotiate shortly.

Select Board Correspondence/Announcements

We received / exchanged approximately 16 pieces of correspondence between Friday, December 1 and 6:00 p.m. on Thursday, December 14. Topics included:

- Notices and invitations including: three updates on placement of migrant families at EconoLodge and Best Western; Cultural Council newsletter; invitation to Hanukkah celebration on December 10; notice from MassDOR certifying FY2024 tax rate; letter from AG approving zoning articles from 2023 Annual Town Meeting; minutes of November 30, 2023 STM; applications for appointment from Kafka (COA) and Goldfarb (Recreation);
- Email from residents of Castle Drive seeking installation of speed tables and response from town engineer;
- Email from Sustainable Sharon Coalition seeking update on Board study on PAYT, cardboard drop off location, and four-tier pricing model to encourage food composting;
- Email from Michael Khoury with letters of support and response from Matt Macdonald and other Edge Hill Road residents requesting ZBA to postpone next discussion of proposed LIP project;
- Email requesting School Committee to agenda for discussion petition regarding social media statements by members

Topics not reasonably anticipated within 48 hours in advance of the meeting

None.

Adjourn

MOTION: To adjourn at 9:26 pm
(Smith-Lee – Switlekowski)

Switlekowski: AYE
Smith-Lee: AYE
Pierre-Louis: AYE
3-0 **PASSES**

List of Documents

- Board/Committee applications (3)
- Public notice
- Hazard mitigation plan of 2018

- Report
- Bylaw draft
- Class II Auto Dealer renewal application
- Minutes
- Banner request forms (2)
- Request letter
- Contract award form
- Common victualler license applications (7)
- Alcohol license renewal applications (4)
- List of reappointments through December 31, 2026
- List of annual appointments through December 31, 2024
- Town Administrator's report