

## Select Board Meeting Minutes

**Meeting Date:** 1/24/2023

**Members in Attendance:** Arthur Doyle, Chair; Michael Zullas, Vice Chair; Richard G. Wells, Jr., Secretary; Roxanne Musto, Member and Nicholas Milano, Town Administrator

**Late Arrival:** Erin Bradley, Member

**Guests:** Attorney Kevin Freytag, office of Town Counsel

**Meeting Location:** Remote-Zoom/Webinar

**Time Meeting called to Order: 7:32PM**

**Time Meeting Adjourned: 9:45PM**

- 1. Call to Order**
- 2. Pledge of Allegiance**

Chair Doyle called the Select Board meeting to order at 7:32PM and reported that the meeting is being held remotely under Chapter 22 of the Acts of 2022, introduced the Members of the Board and Staff and led the Pledge of Allegiance.

Ms. Bradley arrived at 7:36PM.

### **3. Public Comment**

Sean Fahy- Planning Board Member and Town Meeting Member, Precinct 9. Mr. Fahy spoke as a Milton resident and taxpayer.

Mr. Fahy shared his concerns about the cost implications the MBTA Communities Zoning Law will have on the Town of Milton. He will share his report/data with the Board.

Kevin Donahue-203 School Street

Mr. Donahue shared his comments regarding the future of Gile Road and the proposed school building project. Mr. Donahue encouraged the Select Board and the Town of Milton to prepare a Warrant Article that addresses the re-allocation of town-owned property on Gile Road. Mr. Donahue would like the Town of Milton to ensure that the parcels of land can revert back to their prior use/designation if a new land and/or building opportunity should arise.

### **4. Discussion/Approval - Second Amendment to the Memorandum of Agreement by and Between the Town of Milton and the Boston Water and Sever Commission**

Mr. Berkeley, Director of the Department of Public Works provided the Board Members with an overview of the proposed amendment to the Memorandum of Agreement. In 2013, following a Consent Decree, the City of Boston and the Town of Milton formed an agreement to promote water quality within the stormwater system. The municipalities share maintenance information and emergency response services for areas such as Beacon Street Circle and Beacon Street in Hyde Park. The proposed amendment would extend the agreement for an additional five years. It was last updated in 2018.

Mr. Wells moved to approve the Second Amendment to the Memorandum of Agreement by and Between the Town of Milton and the Boston Water and Sever Commission and authorize the Town Administrator to sign on the Board's behalf. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the Second Amendment to the Memorandum of Agreement by and Between

the Town of Milton and the Boston Water and Sever Commission and authorize the Town Administrator to sign on the Board's behalf.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**5. Discussion/Approval - Memorandum of Understanding between the Town of Milton and the Milton Residences for the Elderly, Inc.**

Attorney Kevin Freytag from the Office of Town Counsel and Sarah McLaren, Executive Director at Milton Residence for the Elderly joined the discussion to offer an overview of the proposed memorandum. The Memorandum of Understanding would provide support services by the Council on Aging to residents at these locations.

Mr. Zullas moved to approve the Memorandum of Understanding between the Town of Milton and the Milton Residences for the Elderly, Inc and authorize the Town Administrator to sign on the Board's behalf. The motion was seconded by Ms. Bradley. The Board voted unanimously by roll call (5-0) to approve the Memorandum of Understanding between the Town of Milton and the Milton Residences for the Elderly, Inc and authorize the Town Administrator to sign on the Board's behalf.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**6. Discussion/Approval – Select Board Letters of Support or Endorsement for Applications before the Community Preservation Committee**

Mr. John Kieran, Chair of the Conservation Commission joined the meeting to provide the Board with an overview of the proposal of the Pope's Pond Pedestrian Bridge. The proposal has been endorsed by Northeastern University's Chapter of American Society of Civil Engineers. Milton's Parks and Recreation; The Board of Parks Commissioner and the Department of Public Works in Milton. Initial funding of \$100,000 was granted during the 2020 Annual Town Meeting. \$125,00 in additional support. is needed. Mr. Kiernan noted that the proposal meets the goals of the Community Preservation Act. The bridge would allow a pathway that extends around portions of the pond to completely circumvent it.

Mr. Wells moved to approve the Conservation Commission's project to construct a pedestrian bridge over Pine Tree Brook, at the inlet to Pope's Pond. The Select Board's support is premised on the basis that the project will enhance the Town's natural resources and provide increased public access to this open space and recreational resource. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the Conservation Commission's project to construct a pedestrian bridge over Pine Tree Brook, at the inlet to Pope's Pond.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

The Select Board had a brief discussion regarding the proposed project for the Carriage House and Barn at the Forbes House Museum. The Board agreed to postpone any action on this request until more details are made available.

**7. Discussion - Draft Letter to Massachusetts Housing Partnership re: Responses to Questions for the Development of a Request for Proposals for Milton's Town Farm**

Mr. Milano provided an update from the discussion with Ms. Creamer and Mr. Callahan, representatives of the Affordable Housing Trust during the meeting of the Governor Stoughton Trustees. A letter to the Massachusetts Housing Partnership, (MHP) has been distributed among the Members for their feedback/comments.

The Board Members discussed the merits of requesting input from the Massachusetts Housing Partnership to assist in developing a Request for Proposals for Milton's Town Farm.

Ms. Musto felt that this letter would imply that the Board was in favor of developing affordable housing on the Governor Stoughton property.

Mr. Zullas noted that a letter to the Massachusetts Housing Partnership would not indicate a commitment from the Select Board. The Massachusetts Housing Partnership initiated the correspondence and the Town is following up.

**8. Committee Appointments**  
**a. Capital Improvement Planning Committee**  
**i. Meredith Hall, Planning Board Representative**

Mr. Wells moved to re-appoint Meredith Hall as the Planning Board Representative to the Capital Improvement Planning Committee for a term to expire on June 30, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to re-appoint Meredith Hall as the Planning Board Representative to the Capital Improvement Planning Committee.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**9. Discussion/Approval – One-Day Liquor License: Forbes House Museum February 9, 2023 - Appreciation Event for Members and their Friends**

Mr. Wells moved to approve the One Day Liquor License: Forbes House Museum February 9, 2023 - Appreciation Event for Members and their Friends. The motion was seconded by Mr. Zullas. The Board voted unanimously by roll call (5-0) to approve the One Day Liquor License to Forbes House Museum.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

### **10. Town Administrator's Report**

Mr. Milano shared a reminder that the Annual Town Election will be held on Tuesday, April 25, 2023. Nomination papers are now available in the Town Clerk's office. All nomination papers must be filed with the Board of Registrars by 5:00 P.M., Tuesday, March 7, 2023. Incumbent Town Meeting Members must file written notice of intention to the Town Clerk by 5 P.M. February 28, 2023 to have their name placed on the ballot.

Mr. Milano shared an update regarding the pending sale of the Convent at Fontbonne Academy. The Congregation of the Sisters of St. Joseph withdrew from negotiations with the Town regarding the sale of this property. In light of this decision, it is anticipated that at the Special Town Meeting the Select Board will request that the Warrant article be sent back to the Select Board for further study, unless the Congregation of the Sisters of St. Joseph asks to resume negotiations and the Town and the Congregation reach an agreement.

### **11. Chair's Report**

No report at this time.

### **12. Public Comment Response**

Mr. Zullas noted in response to Mr. Donahue's comments that Warrant Articles had been submitted for the Annual Town meeting relative to Gile Road.

Ms. Musto extended her appreciation to Mr. Fahy for his comments.

### **13. Future Meeting Dates**

Chair Doyle noted that the Select Board will be meeting on Tuesday, February 7, 2023, Monday, February 13, 2023, Tuesday, February 21, 2023.

At 8:52PM, Chair Doyle welcomed the Members of the Airplane Noise Advisory Committee, (ANAC) to the Select Board Meeting. The Select Board and the Airplane Noise Advisory Committee will be meeting in an Executive Session. Ms. Kathleen Conlon, the Chair called the Airplane Noise Advisory Committee meeting to order and invited the Members to introduce themselves.

Kathleen Conlon, Chair  
Christopher Hunt  
Andrew Schmidt  
Rajai Pathak

Chair Conlon moved to enter into Executive Session to discuss (litigation) strategy with respect to litigation filed by the Town of Milton v. Federal Aviation Administration, No. 22-152 (U.S. Court of Appeals, First Circuit) based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board and the Airplane Noise Advisory Committee. The Airplane Noise Advisory Committee will not return to Open Session. The motion was seconded by Mr. Schmidt. The Committee voted by roll call (3-0) to enter Executive Session

**HUNT: YES**  
**SCHMIDT: YES**  
**CONLON: YES**

Note: Due to a technical issue, Mr. Pathak did not participate in the roll call vote. He did rejoin the meeting.

**14. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(6) - To consider the purchase, exchange, lease or value of real property located at 930 Brook Road (Fontbonne Convent)**

At 8:54PM, Chair Doyle moved to enter into Executive Session to consider the purchase, exchange, lease or value of real property located 930 Brook Road (Fontbonne Convent, Sisters of St. Joseph) based on my belief that discussion of this matter in open session may have a detrimental effect on the negotiating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to enter into Executive Session.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**15. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(3) - Discussion/Strategy with respect to litigation filed by the Town of Milton v. Federal Aviation Administration, No. 22-152 (U.S. Court of Appeals, First Circuit)**

Chair Doyle moved to enter into Executive Session to discuss (litigation) strategy with respect to litigation filed by the Town of Milton v. Federal Aviation Administration, No. 22-152 (U.S. Court of Appeals, First Circuit) based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to enter into Executive Session.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**16. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(3) -To discuss strategy with respect to litigation against the Massachusetts Bay Transit Authority regarding the condition of the stairs located at the MBTA station located at Adams Street, Milton, MA**

Chair Doyle moved to enter into Executive Session to discuss litigation strategy against the Massachusetts Bay Transit Authority (MBTA) related to the condition of the stairs at the MBTA station located at Adams Street, Milton, MA based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to enter into Executive Session.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

**17. Adjourn**

Ms. Bradley moved to adjourn at 9:45PM. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call to adjourn.

**ZULLAS: YES**  
**WELLS: YES**  
**BRADLEY: YES**  
**MUSTO: YES**  
**DOYLE: YES**

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

Documents

Second Amendment to the Memorandum of Agreement by and Between the Town of Milton and the Boston Water and Sewer Commission  
Memorandum of Understanding between the Town of Milton and the Milton Residences for the Elderly, Inc.  
Draft Letter to Massachusetts Housing Partnership re: Responses to Questions for the Development of a Request for Proposals for Milton's Town Farm  
One-Day Liquor License: Forbes House Museum- February 9, 2023 - Appreciation Event for Members and their Friends