PROPOSED AGENDA

The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed. Items may be taken out of order and at times that differ from those listed below. Other items not listed may also be brought up for discussion to the extent permitted by law.

Present: Cindy Napoli Vice Chair, Chase Gerbig Clerk, Paul Glavey, Chuck DeCoste
Absent: Joe Knox Chair

6:00 PM
1. Executive Session:
Chase made the motion that the Board of Selectmen vote, pursuant to MGL c.30A,§21, (a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel and (a) (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; and to convene in open session thereafter
Seconded by Chuck; Motion passed 4 to 0. Roll Call: Cindy Napoli Aye; Chuck DeCoste Aye; Paul Glavey Aye; Chase Gerbig Aye.

7:10 PM - Return from Executive Session
2. Organization – Agenda read by Cindy Napoli
Pledge of Allegiance – Led by Cindy Napoli
Read Mail – Town Administrator Nina Nazarian
- Letter from Nashoba School District informing the town of the apportioned share for FY2021 in the amount of $617,681.
- Letter from state of Commonwealth of MA regarding FY2021 Chapter 90 apportionment of $392,913 subject to final passage of bond authorization; these are funds provided by the state on an annual basis for transportation infrastructure purposes.
- Letter from the Littleton Police Department outlining the MA Police Accreditation Commission regarding the process 3-day process examining various aspects of the policies and procedures, operations and facilities of the Department. It is expected to run from March 25 through March 27, 2020; kudos to the department for seeking accreditation
- Letter from the Littleton Light Department regarding a community forum to be held on Saturday, March 28 at 10AM at the high school to update the public on PFAS contaminations detected in some of the town’s water supplies; anticipating the department will be on the March 23 agenda.

7:20 PM
3. Department/Board Updates
A. Police Department Sargent Appointment – Derrick Camelo
Police Chief Matthew Pinard introduced Mr. Camelo who has been with the department for approximately 5 years; has been interim Sargent; request is for an appointment to permanent position; congratulations Board members to both Sargent Camelo and Chief Pinard in his selection.

Chase Gerbig made the motion that the Board of Selectmen appoint Mr. Derrick Camelo as Sargent for the Littleton Police Department; Seconded by Paul Glavey; Motion passed 4 to 0.

B. Open Meeting Law Training Opportunity by Town Clerk
Diane Crory informed the Board of a free Open Meeting Law training opportunity on Wednesday, March 25 from 5:30 to 7:30 PM at the Pompo Community Center in Stow; registration is required by contacting the Center either by phone or on line.
C. Littleton Common Tree Removal and Planting Plan
Chris Stoddard, DPW Director, reviewed the tree removal plan for the Littleton Town Common: information was provided in the Board’s packet; tree removal will be over a 3 year period to stagger cutting and planting new trees; plan is supported by the Shade Tree committee who will assist in choosing the types of trees that will be planted.

Cindy requested background information on the removal and planting plan – Chris said that a lot of the ash trees on the Common are either dead or dying due to the Emerald ash beetle infestation. By planting a variety of trees it is hoped this will not occur in the future; approximately $12,500. has been received in state grants toward the planting of trees in Littleton, including the Common.

Chase Gerbig made the motion that the Board approve the tree removal plan as presented; Seconded by Chuck DeCoste; Motion passed 4 to 0.

7:35 PM
4. Public Input/Members’ Updates
-Marge Payne, Chair of the Council on Aging – discussed the decision made at today’s meeting to be pro-active in recommending to the BOS to authorize Liz Tretiak, Director of Elder and Human Services to put a temporary hold on non-essential activities such as the monthly luncheons, fitness classes, etc. Paul felt it was the right decision to make and requested that the Board be kept updated.

-Mark Rambaucher of Hartwell Ave. said that the library is still planning on holding their fund raising mini golf event on Friday, March 27 from 6 to 9PM and on Saturday, March 28 from 10AM to 3PM; Catered appetizers will be available on Friday. Raised about $700K to date with an additional $120K to $150K anticipated towards cost of new library.

A. Update on new hotel at The Point
Chuck discussed recent meeting with the developers; Courtyard Marriott is owed by LaFrance hotels from Westport MA and have a non-compete option with Sam Park regarding construction of another hotel; current room tax income from the Marriott is close to $400K with an additional approximate $280K in property tax revenue; MA DEP is requiring a Phase 2 sewer treatment facility at a cost of about $3M; proposing a TIF (tax increment financing) to the town for about $1.5M. With interest, Chuck felt the figure was closer to $2M over 10 to 15 years. The Board felt they would be more comfortable with a $1M or $1.25M TIF; anticipate tax income would be approximately the same as the Courtyard, and assessed value approximately the same; less income would be derived from a retail store so they felt it was worth it to the town to engage in the TIF.

Paul said he was not normally in favor of a TIF, however, was in favor of this one as it would be financially beneficial to the town and suggested placing it on the town warrant. Cindy requested a written proposal to review and would like to continue with discussion.

7:50 PM
5. 1-Day Liquor License Request by Rotary Club of Littleton on April 18, 2020 to Celebrate the 50th Anniversary & Fund Raiser at NEPPA Building
Cheryl Cowley briefly discussed plans for the event; Rotary is still waiting to choose caterer and bartenders; limited seating; prizes; black tie optional; $150/couple or $75 per person.

Chuck made the motion that the Board of Selectmen vote, pursuant to M.G.L. c. 138, §14 to issue a Special License (also known as a 1-day liquor license) to the Rotary Club of Littleton for all alcoholic beverages (open bar) to be served on April 18, 2020 during the Rotary Club’s “Celebrate 50th Anniversary and Fund Raiser” event for the hours of 6:30 PM and 11:30 PM with details subject to review and approval by the Littleton Police Chief; Seconded by Chuck DeCoste: Motion passed to 3 to 0. (Chase leaving briefly at 7:30 PM)
8:20 (taken out of order)

6. MSBA Statement of Interest for Shaker Lane
A vote is needed by the Board to submit a statement of interest to the MA School Building Authority for a potential rebuild/rehab of the Shaker Lane School and evaluate options; the school needs to be updated as last rehab was in 1998; feasibility engineering study will be done to determine best course of action and what is most cost effective; anticipate a year or more process; approval does not commit either the town or MSBA to the process of rebuilding or rehab; School committee has already voted to approve the submission.

Chase Gerbig made the motion that the Board of Selectmen vote to authorize the Superintendent to submit to the Massachusetts Building Authority the Statement of Interest Form that will be submitted to the MSBA by no later than Wednesday, April 8, 2020 for the Shaker Lane School located at 35 Shaker Lane, Littleton, MA which describes and explains the deficiencies and priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for MSBA Application Priorities which were provided; Seconded by Paul Glavey; Motion passed 4 to 0.

Chase Gerbig made the motion that the Town Administrator be designated to sign any documentation representing the Board; Seconded by Chuck DeCoste; Motion passed 4 to 0.

8:35 PM (taken out of order)

7. 119 Tahattawan Road, Assessor’s Map U33 2.0 and land located off Harwood Avenue, Assessor’s Map R07 5
Chase has had conversations regarding purchasing the property with internal town organizations as well as external organizations and state grant possibilities; appraisal and asking price have been received; next step would be a financial package that would meet seller’s price and the town’s ability to pay that amount; anticipate getting back to the seller tomorrow, March 10.

8:40 PM (taken out of order)

8. Discuss MBTA Parking Lot Expansion and consider funding partnership
Nina indicated that Senator Eldridge is interested to see if the Board of Selectmen would support the expansion of the MBTA parking lot by about 60 spaces, regardless of whether or not the Board was looking to financially partner on the costs associated with the expansion. Paul felt there was a need, however, felt the town should have more of a role including dedicating spaces specifically for residents and to receive the revenue from the spaces; Chase questioned whether spaces could actually be allotted to Littleton and was concerned about the cost to Littleton for 60 spaces if there was no guarantee on reserved spaces.

Joe Laydon spoke re: Littleton Station Report – consultant doing most of work; Joe has been working with Maren Toohill to incorporate the collected comments into a matrix to provide to consultant; hoping to receive an appendix from the consultant by end of week; working group will review final draft plan with incorporated comments and changes after town meeting.

Cindy indicated that a developer had been looking at land adjacent to the train station, but was advised that the Board was waiting for the Littleton Station Report to be reviewed first. She said she was interested in the additional 60 spaces only if they benefited residents; mentioned that Acton has satellite parking areas throughout the town with shuttle service to the West Acton train station and the Board could pursue something similar.

Consensus was that the Board supported the additional spaces if there were benefits to Littleton residents and financial benefit to the town.

9:45 PM

9. Approve FY21 Operating and Capital Budgets, Discuss Town Meeting Report with Director of Finance and Budget
Cheryl Herrick-Stella, Director of Finance and Budget, reviewed adjustments to the FY 2021 Capital and Operating Budgets and discussed the appearance of the budget in the Town Meeting Warrant, and how
Capital Articles are presented. The packet provided to the Board included the memos outlining these changes, a recommended draft of the capital warrant article and a revised Budget Transfer Form.

Chase expressed concern regarding the capital change request of $75K to reconfigure the 3rd floor to accommodate staffing and reorganization. Nina indicated that the Town Administrator side of the floor, needs to incorporate a Human Resource office and a facilities manager office. Based on proposed construction changes on the other side of the 3rd floor, the entryway space to the Permitting, Conservation and Planning areas are being reviewed and worked out. Joe Laydon stated that the $75K figure would include moving walls, air vents and lights but final amount would be based on architect report. Conference room 307 may be repurposed for office space which would result in utilizing the fire or police department conference rooms; Ed Mullen indicated that some furniture could be used, while other may have to be purchased.

Chuck expressed concern of the additional figure of $75K to the space needs budget, did not anticipate the project which was unplanned; Paul liked the concept, but not the fact that it was not in the budget; Chase said the project was based on budgeting decisions of a month ago when two full-time employees were added; Cindy also felt that it was a last minute request.

Cindy expressed concern regarding document retention schedule and if documents are being held too long, taking up space; suggested a company be retained to help on this issue. Chuck indicated that this suggestion had been mentioned before and also felt there was a lot of wasted space in the 3rd floor hallway. Ed Mullen, Building Commissioner/Zoning Enforcement Officer, said that his department was required by law to keep all documents for the life of the structure for which a permit was issued; hoping to get a lot of documents scanned into a database.

Chase Gerbig made the motion that the Board vote to accept the FY21 budget and warrant article update dated March 2, 2020 as outlined by the Director of Finance and Budget; Seconded by Chuck DeCoste; Motion passed 4 to 0.

Paul expressed appreciation to Cheryl for the clear explanation and presentation of the budget.

Nina wanted to ensure that the Board was clear that the bottom line of general government would be voted on; there was a form provided to the Board which would allow for interdepartmental transfers using the model presented; Board would get notified and have one week to object before any transfer took place, then it could be put on an agenda for discussion and not transferred. Paul felt it was not a change he would prefer, felt it invites things being overlooked. Chase asked if there were caps on interdepartmental budget transfers that could be done through this mechanism; Nina said the Board could vote on something over a certain amount and just notified if below that figure. Paul felt line items worked whereas Chase felt the plan was making the Board more efficient and liked the model.

8:00 PM
10. Continuation of Public Hearing pursuant to Selectmen’s Regulations and Policies, Chapter 8, Earth Removal Regulations, Section VI.D. – 64 Spectacle Pond Road
Paul Glavey made the motion the Board vote to re-open the continued Soil Removal Hearing relating to 64 Spectacle Pond Road; Seconded by Chuck DeCoste; Motion passed 3 to 0.

Atty. Sherrill Gould representing Mr. Sean Green – reviewed that a plan had previously been provided by engineer Seth Donohoe; that she had made the request that a peer review not be required due to cost constraint; requested that the town engineer do the review, however, was told that he could not do that type of review for that type of grading and engineering; Atty. Gould indicated that Joe Laydon had received some fee proposals and made the request again not to have peer review due to cost, indicating that Mr. Donohoe and his firm were very reputable. Paul felt the peer review would not only be an additional cost but also an additional delay in getting the work done.

Mr. Donohoe has indicated that he could probably start work either this week or next week.
Chuck was in favor of the peer review and would like to see the work performed in line with what was there previously; engineering criteria was according to what Mr. Green had requested, but because 75 truckloads of soil had been removed he would like something that was closer to what was there before the soil removal than what was proposed at the last BOS meeting. Atty. Gould indicated that Mr. Green was not required by the town earth removal by-law to restore the property to what the topography was, but was required not to create any drainage or runoff onto abutters.

Atty. Gould has reviewed the title to the property and elevations and there is no runoff going down toward the adjoining properties of Dutcher and McLeod; runoff is going down towards the catch basin which is illegally on Mr. Green’s property collecting illegal trespass of water from Dutchers and McLeods. Mr. DeCoste stated that the case being presented to the Board was regarding the removal of the soil; short of returning all the soil, he would like to receive more than was proposed by Mr. Donohoe; Chuck feels a continuous berm would fit better and would not have to worry about future run-off. Paul agreed the property looked worse than in the actual pictures and could understand the desire to have the work done as soon as possible, but still did not find a peer review was necessary.

Chase was in favor of peer review even though the work would not be done as quickly. Joe Laydon indicated that dealing with a peer review would mean dealing with a proposed final grading proposal; if the Board felt the 2’ berm that was proposed and presented at the last BOS meeting did not go far enough then that would have to be some sort of examination that was done in advance of the peer review because the character issue of the property was not solely a drainage issue.

Cindy then stated that the Board had been dealing with the situation since November because Mr. Green did not apply for the appropriate permit; but just arbitrarily cleared his lot, removing a lot of soil, violating the town’s earth removal regulations; she felt the Board has been very patient. Atty. Gould said that she and/or Mr. Green had attended several meetings and said the inability to start work sooner was because of snow on the ground and the inability of the engineer to get to the site. She indicated that the plan proposed by the engineer was based on the specific standards of restoration within the earth removal permit application; felt no peer review should be required other than sending the report prepared by Mr. Donohoe to Green International rather than then physically coming to the site.

Chuck felt Mr. Donohoe’s plan would be presented in the best light to make it look as good as possible for Mr. Green and he would like to see a mound, a valley and then a mound, going from a substantial berm because of 75 loads of earth removed illegally; would like the site to look more like it was originally.

Paul asked if the work could be initiated and have a revised plan be submitted with Chuck’s requirements; Chase wanted to assure the aesthetics would not impact the runoff; Cindy noted that town counsel recommended in a November BOS meeting that a bond be imposed to assure the work was done in a timely fashion and to the specifications and standards of the Board. who chose not to request the bond; concerned that if a peer review was not required, it is possible that the work would be completed but find out in the spring it did not meet the specifications of the Board.

Nina indicated that Board could impose a bond, but Atty. Gould said that imposing a bond would not give Chuck the engineering specifications that he suggested; she said that Mr. Donohoe could re-engineer the plans to be aesthetically more pleasing and issue more drainage calculations. Atty. Gould had no objection to a bond except that it would delay the start of the work and asked if a new plan would then have to go to peer review. Chuck said he would take the stamp of the amended plan on its merit; Chase agreed. Chuck would like the berm to be larger than it is presently but smaller than it was originally and a continuous berm length which was determined by Atty. Gould and the Board on the plan. Paul recommended having Chase review the revised plan.

Chuck DeCoste made the motion to continue the Soil Removal Public Hearing relating to 64 Spectacle Pond Road to Monday, March 23, 2020 at 8:00 PM to be held in Room 103 of 37 Shattuck Street, Littleton and authorize the work to progress upon consent of the designated Board member that the
revised plan satisfies the Board’s concerns regarding the berm; Seconded by Paul Glavey; Motion passed 4 to 0.

9:45 PM
11. May Town Meeting & May Town Election – Vote to insert articles on Town Meeting warrant & vote to insert debt exclusion question on town election warrant
The warrant is open now and closes March 20, 2020. Included in the Board packet was a draft warrant with proposed articles for inclusion on the warrant which were discussed.

Chase Gerbig made the motion that the Board vote to insert articles 1-18, 29, 30, 32, 35 and 36 of Version 7 on the Town Meeting Warrant; Seconded by Chuck DeCoste; Motion passed 4 to 0.

The following draft debt exclusion question was provided, subject to review by Board and/or Town Counsel: Shall the Town of Littleton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of architectural, engineering, design and construction of the public library, including the payment of all other costs incidental and related thereto.

Chuck felt that the premise was that it would be put on the ballot as the library was voted for and will happen; this question will allow a vote outside the levy. Paul does not support the ballot vote; Chase would like to wrap the debt exclusion question together with senior center funding, possibly hold off until fall, feels what is presented does not represent a comprehensive package of the original intent; would like to know possibilities of piggy-backing on another election.

10:25 PM (taken out of order)
12. Discussion of amendments to Town Code pertaining to Highway Department, Transfer Station and other provisions of the Code.
Overview of codes that may be archaic and may need to be removed or reviewed; Chris Stoddard will review some codes pertaining to the Highway Department; Paul recommended that transfer station codes be reviewed by Board of Health; Chase felt that fees should not be included in codes; Cindy suggested removing forms with indication where they could be found. Discussion to be continued in depth at a future Board meeting.

10:35PM
13. Approve Development Agreement with proposed Community Care Collective
The Board voted to sign the Host Community Agreement with Community Care Collective at their February 24, 2020 meeting, which has now been fully executed; an additional vote is required for the Board’s approval of the Development Agreement.

Paul Glavey made the motion that the Board vote to sign the Development Agreement with Community Care Collective; Seconded by Chuck DeCoste; Motion passed 3 to 0. Cindy abstained.

10:36 PM
14. Host Community Agreement (HCA) Negotiations with proposed Littleton Apothecary
Chuck said that there has been no recent progress; applicant has accepted some of the additions with the exception of the impact fee; hoping to move things forward soon; Christine Nordhaus, applicant, feels that she is nearly ready to withdraw her application because the process has taken so long; Nina feels the interactions that she has participated in were productive, however, both the Town and the applicant failed to provide information within an appropriate timeframe, although it was only a matter of a day or two; believes the town has every intent on moving forward with negotiations.

9:20 PM (taken out of order)
15. Discussion of Shirdi Sai Temple Nuisance Complaints
Russ Arena, Ernie’s Drive and also representing Steve Gentilli, Ernie’s Drive, both long-time Littleton residents; 3 acres of the 28 acres of temple property is in Littleton; commercial exhaust fan directed to both Ernie’s Drive properties; noise test performed indicated noise exceeded some required levels;
presented correspondence with the temple; hoping to get assistance from town regarding noise and odors from commercial fans which sometimes starts at 6:30AM and shuts off at approximately11 PM, although not every day; nauseating odor from fans– making it impossible to sit outside; permeates enclosed porch, garages and cars; feels the temple is basically industrial entity within a neighborhood setting.

Paul verified the direction of the fans and the odor problem from a previous visit; reversing the vents along with a muffler should eliminate the problem; Groton BOS will address the meeting next Monday, March 16; Paul and Chuck plan to attend as well as the possibility of some BOH members, to support the Littleton residents; Cindy felt a letter of support would be appropriate as this is a quality of life issue; Paul will draft a letter on behalf on the Board.

10:20PM
16. Discussion of Northern Bank development at 265 Great Road and adjacent properties
Cindy indicated that the Board had received a letter from Northern Bank who wanted to change the property adjacent to 265 Great Road from residential to commercial; the Planning Board voted this week not to include that parcel as part of the form based code bylaw; Northern Bank held a meeting with residents of Robinson Road who are concerned about what the area would look like if that parcel was included in the development project. Board would defer to the Planning Board; hoping for cooperation from all. Anna Hueston is anticipating working with the residents, Northern Bank and the BoS to determine a solution for all.

10:45 PM
17. Board of Selectmen Retreat
No final plans as yet, although several moderators have been suggested; would prefer to have someone who is aware of Littleton government and Board; need to determine an objective prior to meeting; Board members will email their suggestions.

10:50 PM
18. Town Administrator
A. Approval of Facilities Director Job Description
Personnel has not approved the description as yet, waiting for Board approval; Chuck concerned about the actual place the Facilities Director would reside – Highway Department, Building Department, School Department, etc. but is comfortable with job description. Nina and Dr. Clenchy to work out any challenges of the position and if delegation of the reporting, it should be done only when position is well established; want to ensure the success of the position.

Chase Gerbig made the motion that the Board vote to approve the Facilities Director Job Description and to appoint himself to serve on the screening committee; Seconded by Paul Glavey; Motion passed 4 to 0.

B. Housing Choice Grant Authorization
Littleton was designated a Housing Choice Community in 2018. Designation lasts for two (2) years and towns interested in maintaining designation must reapply for designation.

Chase Gerbig made the motion that the Board vote to authorize the Chair of the Board to sign the Housing Choice Designation Application; Seconded by Chuck DeCoste; Motion passed 4 to 0.

C. Couper Farm Estates Deed Rider - Authorization of Town Administrator as Marketing Agent
The Couper Farm Estates development included units that were to be affordable. Since the units were approved with age restrictions not compatible with DHCD Requirements, the Deed Rider has been drafted so that the Town is the Monitoring Agent; Resale Price Certificate establishes a resale price multiplier which will apply to any future resale of the property; proposal that the Town Administrator be designated as the Monitoring Agent.
Chase Gerbig made the motion that the Board vote to designate the Town Administrator as Marketing Agent as stated within the draft Deed Rider and to sign on behalf of the Town the Resale Price Certificate for 10 Dean Lane; Seconded by Cindy Napoli; Motion passed 4 to 0.

D. Central Mass Mosquito Control Project – Request for permission to enter Town of Littleton parcels in the vicinity of Long Lake for maintenance and clearing Central Mass Mosquito Control Project (CMMCP)
This is pre-emptive work within an existing drainage ditch to eliminate potential and/or existing mosquito breeding sites.

Chase Gerbig made the motion that the Board grant permission to enter Town of Littleton parcels identified in the letter to the Littleton Conservation Commission dated February 26, 2020 for the purpose of maintenance and clearing and to authorize the Town Administrator to sign the included Permission Slip for Water Management Work; Seconded by Chuck DeCoste; Motion passed 4 to 0.

E. Local Licensing Authority Form for Chip Shots – KAD Withdrew Agreement to purchase property (9:35PM)
Joint letter received from KAD, Inc. and Maruti, Patel & Dave, Inc.; LLA form to be signed and authorized by BOS. Atty. Brian Burke, representing KAD, indicated that the purchase agreement was to be terminated.

Chuck DeCoste made the motion that the Board vote to approve the joint request from KAD, Inc. and Maruti, Patel & Dave, Inc to reverse the previously approved All Alcohol Restaurant License Transfer; from Maruti, Patel & Dave, Inc; thus, returning the license to Maruti, Patel & Dave, Inc. d/b/a Chip Shots Pub, Nikita H Patel license manager; for the premises located at 245 Ayer Road, Littleton, MA 01460 with hours of operation of 11:00 AM to 1:00 AM Monday through Sunday, pursuant to MGL Chapter 138, Section12; Seconded by Paul Glavey; Motion passed 4 to 0.

F. Annual Town Report – Approve Front and Back Covers
Chase Gerbig made the motion that the Board vote to approve the amended annual report front and back covers as selected; Seconded by Paul Glavey; Motion passed 4 to 0.

11:05 PM
19. Minutes
Chase Gerbig made the motion that the Board of Selectmen vote to approve the amended regular session meeting minutes of February 24, 2020; Seconded by Chuck DeCoste; Motion passed 4 to 0.

Nina noted that she will be meeting with the School Department tomorrow regarding concerns of the coronavirus and will keep the Board informed.

Chase Gerbig made the motion to adjourn the meeting; Seconded by Chuck DeCoste; Motion passed 4 to 0.

Respectfully submitted,

Sue Raymond