

BOARD OF SELECTMEN'S MEETING TUESDAY, OCTOBER 18, 2016

In attendance: Kathleen M. Conlon, David T. Burnes, J. Thomas Hurley, Annemarie Fagan, Town Administrator, Barbara Martin, Contract and Licensing Agent/Benefits Assistant

1. Chairman Kathleen M. Conlon convened the meeting at 7:04 p.m. in the John Cronin Conference Room at the Town Hall of Milton.
2. David T. Burnes moved, J. Thomas Hurley seconded and the Board voted unanimously to approve the meeting minutes from September 27, 2016 as written.
3. The Board confirmed future meeting dates of October 25, November 2, November 15 and November 29, 2016. The meeting on October 25 is tentatively scheduled for the purpose of holding interviews for Town Administrator.
4. Keith Schleicher of 376 Blue Hills Parkway addressed the Board to voice his support of the Ice House project. Mr. Schleicher reported that he has collected 256 signatures in support of this project since Friday, October 14th through Tuesday, October 18, 2016.
5. David T. Burnes moved, J. Thomas Hurley seconded and the Board voted unanimously to approve the Town Employee Internet Usage Policy as written.
6. J. Thomas Hurley moved and David T. Burnes seconded and the Board voted unanimously to approve the Early Voting Sign Policy as written.
7. J. Thomas Hurley moved and David T. Burnes seconded and the Board voted unanimously to approve and sign a proclamation to celebrate the 100th birthday of Agnes Battaglia. Chairman Conlon offered the Board's congratulations to Ms. Battaglia on her 100th birthday.
8. David T. Burnes moved and J. Thomas Hurley seconded and the Board voted unanimously to authorize the Chair to vote on the Board's behalf for the four municipal open seats (Framingham, Bedford, Somerville and Braintree) for the Boston Region Metropolitan Planning Organization.
9. J. Thomas Hurley moved and David T. Burnes seconded and the Board voted unanimously to approve a one day liquor license for Saint Pius X Parish for a karaoke night to be held at 101 Wolcott Road on Saturday, November 12, 2016 from 6:00 p.m. to 10:00 p.m.
10. J. Thomas Hurley moved and David T. Burnes seconded and the Board voted unanimously to re-appoint Clare F. Keating of 28 Harland Street, Peter Mullen of 36 Edward Avenue, Kevin B. Chrisom of 62 Courtland Circle, David T. Burnes of 24 Garfield Road and William B. Clark of 525 Canton Avenue to the Max Ulin Skating Rink Lease Committee through May 2017.
11. Town Administrator Annemarie Fagan informed the Board that Police Chief John King has resigned from the Retirement Board due to his recent promotion to Chief. Chief King was the Board's appointee on the Retirement Board. The Town Administrator recommends that Assistant Town Administrator/HR Director, Paige Eppolito be appointed to fill the vacancy.

David T. Burnes moved and J. Thomas Hurley seconded and the Board voted unanimously to appoint Paige Eppolito as the Board of Selectmen's representative on the Retirement Board to serve through July 2018.

12. J. Thomas Hurley reported on the Friends of Milton Crew fundraiser, named 'Head of the Carbs' that is scheduled for Friday, October 21st at the First Parish Church. Many of Milton's restaurants are participating and tickets are still available.

David T. Burnes reported on the Swing for Sports golf tournament held on Tuesday, October 11th. Secretary Burnes also noted the Milton High School football game scheduled for Saturday, October 22nd against Wellesley High School.

13. Chairman Conlon reported on the activity of the Master Plan Implementation Committee and that Cheryl Tougias, Chair of the Master Plan Implementation Committee, will meet with the Board to provide a more detailed report. Chairman Conlon also discussed software packages that a consultant to the Master Plan Committee said are available to help with traffic issues, a subject of the Master Plan. Chairman Conlon also reported that the committee has been meeting fairly regularly since the Spring. In addition to a town wide traffic study, the committee is discussing housing plans and the development of the wharf area.
14. At 7:15 p.m. the public hearing for the Consent to Assignment or Transfer of Control of the RCN Cable Television Franchise was opened. Chairman Conlon recused herself from the hearing and Secretary Burnes was acting Chair for the hearing.

Pursuant to Massachusetts General Laws, Chapter 166A, Section 7, and 207 CMR 4.03 (1), the public hearing was opened by reading the following public hearing notice:

PUBLIC HEARING NOTICE

The Board of Selectmen of the Town of Milton, as Issuing Authority, has scheduled a Cable Television Renewal License Transfer Hearing to be held on Tuesday, October 18, 2016, at 7:15 PM in the Cronin Conference Room at the Milton Town Hall, located at 525 Canton Avenue, Milton, Massachusetts.

The purpose of the hearing will be to review the FCC Form 394 completed transfer request received by the Town on September 12, 2016. The Form 394 seeks the Board of Selectmen's approval for the transfer of control of the Cable Television Licensee from Yankee Cable Partners, LLC to Radiate Holdings, LP. A copy of the FCC Form 394 is in Milton's Selectmen's Office and may be viewed during regular business hours. Interested parties can call the Board of Selectmen's Office at 617-898-4843.

Selectman Burnes introduced Peter Epstein, counsel for the Town of Milton, Thomas K. Steel, Vice President and Regulatory Counsel for RCN (transferor) and Seth A. Davis of Mintz, Levin, Cohen, Ferris, Glovsky and Popeo, P.C., counsel representing Radiate Holdings (transferee).

At this time Chairman Burnes recognized Attorney Epstein, who advised the Board of the

Commonwealth's four criteria to be met in order to satisfy the requirements for the transfer of license. Attorney Epstein noted that once the public hearing is concluded, the Board of Selectmen has 120 days to make a decision regarding the transfer. If questions regarding the transfer cannot be answered at this hearing then written answers must be submitted to the Board of Selectmen by November 1, 2016.

Attorney Epstein requested Attorney Davis to give an overview of Form 394, specific to the Town of Milton. Attorney Davis stated that Form 394 describes the transition and benefits of the transaction; Radiant Holding LP will be the parent of all holding companies with the majority of the equity from TPG, a leading equity firm. The benefit of the transition is the enormous continuity of the present employees of RCN, a reduction in industry competition and a continuous improvement of the investment.

Attorney Steel stated that a one to one investment is seamless for his organization. He also stated that as a high level transaction, the transfer will continue to enhance customer service. Selectman Hurley asked if there are any plans to increase the RCN's audience within the Town. Attorney Steel answered that the infrastructure will remain the same for the present time but may be looked at in the future.

Attorney Epstein then asked Attorney Davis to respond to the first of the four criteria – the financial ability of Radiant to operate the cable company. Attorney Davis then outlined the company's financial assets of uncalled capital, the replacement of debt with the new financing and the company's net liquid assets. Attorney Davis stated that the company's position in the market will be stronger with these additional funds. Attorney Epstein then noted that the purchase price of RCN will not have an adverse effect on subscribers. He also stated that TPG's acquisition of RCN is a positive development and is a vote of confidence in cable systems.

The second criteria that must be satisfied is the technical ability to operate the cable company. With RCN personnel in place, most particularly with Tom Steel continuing to be the Town of Milton's local representative, Radiant has the resources and the expertise to operate the cable company. Attorney Epstein wants it noted for the record that Tom Steel's name was not listed in Schedule 6 of Form 394 and wants a commitment in writing to augment Schedule 6 that Attorney Steel will continue to operate in his present capacity relevant to the cable company. Attorney Epstein re-iterated that TPG is an investment company.

The third criteria is management's ability to operate the cable company. Attorney Davis once again stated that RCN personnel will provide the technical aspect of operating the local system and will be utilizing local personnel. TPG is relying on Tom Steel whose background includes being a CFO, CEO and COO.

The fourth and final criteria that must be met is the legal ability to operate a cable system. Attorney Epstein stated that the only hurdle is to get the Board's approval of the transfer. Attorney Epstein asked Attorney Davis if Radiant had reviewed the current license and he responded that all franchises had been reviewed and that extensive conversations had been held with Attorney Steel. Attorney Epstein then said if Milton had not acted on the change

of control notice (no public hearing), the transfer would be automatic, being proactive is always advantageous for a town.

Attorney Epstein then asked a series of final questions. The first question, is Radiant willing to comply with all conditions and Attorney Davis replied 'Yes' and was then asked if there were any conditions which wouldn't be complied with and the response was 'no'. He also asked that both parties certify that the information redacted in Exhibit 1 is not germane to the transaction. Both parties affirmed. The final question that Attorney Epstein asked Attorney Davis was to explain the permitted lien listed in Schedule 1.1. Attorney Davis responded that he would have to have that information forwarded to the Town. Attorney Epstein asked why the Milton Board of Selectmen should approve the transfer of control to Radiant Holdings, L.P. Attorney Davis responded that this transaction is a great option, Radiant has an experienced team, has strong financial backing and is good for the Town of Milton.

Chairman Burnes thanked everyone for participating and asked if there was anyone from the public who had questions. Rick Neely, an RCN customer, asked for a sense of RCN's scale in comparison to Comcast. The response was that RCN is much smaller. Attorney Steel then said that the company will become one of the top ten in the country with the acquisition. Mr. Neely said that is important to know size and scale for level of expertise.

Attorney Epstein recommended that the public hearing remain open for the next 14 days and be closed at the Board of Selectmen's meeting on November 2, 2016. The hearing concluded at 7:57 p.m. and Chairman Conlon returned to the meeting.

15. At 7:58 p.m. a public hearing was held on the application submitted on behalf of Extra Space Properties Seventy Two LLC for the replacement of two existing channel letter type signs with two updates and slightly larger channel letter type signs on the front and right hand side of the building at 2 Adams Street, and to add one cabinet type sign at the office façade. Present at this hearing were Richard Pretorius and Director of Planning and Community Development, William Clark.

No member of the Planning Board was present. Mr. Clark discussed the specifications of the new lit signs which are halo lit and are replacing existing signs. The lights will be on when the facility is open for business (6A – 10P). They will be turned off 15 minutes after closing. The Sign Review Committee is in favor of the application. Selectman Burnes voiced concern about the residents of 88 Wharf. Mr. Clark responded that the new sign is not as big or as bright as the original sign. Chairman Conlon asked if anyone from the public wished to speak in favor of new lighting. Michael Bourque, a representative of 88 Wharf, stated that he was in favor of the sign. Chairman Conlon then asked if anyone would like to speak against the new sign. Chairman Conlon read a note from a resident of 88 Wharf, Shirley DeLibero, who was not in favor of the sign. The hearing was then closed at 8:09 p.m.

J. Thomas Hurley moved and David T. Burnes seconded the motion and the Board voted unanimously to approve the application submitted on behalf of Extra Space Properties Seventy Two LLC for the replacement of two (2) existing channel letter type signs with two (2) updates and slightly larger channel letter type signs on the front and right hand side of

the building at 2 Adams Street, and to add one (1) cabinet type sign at the office façade, as the applicant has demonstrated:

- a. There is a reasonable need for the sign. The applicant operates a business, Extra Space Storage, at 2 Adams Street. The building is described as Store #1099. The address is located in the Business district. The building is located at the end of a driveway which is at an elevation below the grade of Adams Street. The proposed lights will help to identify the business for vehicular and pedestrian traffic on Adams Street.
- b. There is a reasonable basis for exempting the sign from applicable standards. The building is open for customer access from 6:00 a.m. to 10:00 p.m., so illumination is necessary for patrons to see the signs. The cabinet sign applied for will be an unlit sign to indicate the location of the business' office
- c. The exemption of the proposed sign from such standards will not have a substantial detrimental effect on the community. The two new lit signs are replacements for existing signs, and the total area of signs is reduced compared to the existing condition. The business is located entirely in the Business district, and each of the illuminated lettered signs face other business district properties.

In accordance with Section III. C. 5 of the Milton Zoning ByLaws, the Board of Selectmen hereby issues a permit for the proposed sign, upon the following conditions:

1. The design, mounting, structure, dimensions, lettering, lighting fixtures and illumination of the signs shall conform with the picture and specifications submitted with the application, copies of which are attached hereto and incorporated by reference. If the applicant wishes to illuminate the cabinet sign indicating the office, another application must be made.
 2. The sign shall be illuminated only on days when Extra Space Storage is open for business.
 3. Illumination of the sign shall cease no later than fifteen (15) minutes after the close of business on each day that Extra Space Storage is open for business.
 4. Violation of any condition of this permit which is not cured within a time satisfactory to the Board of Selectmen shall be a basis for modification, amendment or termination of this permit by the Board of Selectmen.
 5. This permit shall expire if Extra Space Storage ceases to occupy the building at 2 Adams Street, Milton, or if Extra Space Properties Seventy Two LLC ceases to operate the business of Extra Space Storage at 2 Adams Street, Milton.
16. Eugene Boylan, Chair of Town Administrator Search Committee, along with committee members Rick Neely and Robert Milt, presented to the Board the process by which they recommend three candidates for consideration for the position of Town Administrator. Mr. Boylan stated that the Committee first met on April 14th, held eighteen meetings and responded to the Board of Selectmen's charge of selecting the three candidates best suited for position based upon qualifications and recommendations of the Board. The committee

advertised in both print and electronic media and had a pool of forty-eight candidates. Three rounds of interviews were conducted to reduce the field from the original number to the final three candidates.

The candidates that have been recommended for consideration by the Board of Selectmen are:

- Blythe Robinson, Town Manager of Upton, MA
- Anthony Marino, Assistant Town Manager of Hanover, MA
- Michael Dennehy, Commissioner of Public Works, Boston, MA

The qualities that were emphasized with the candidates were leadership, ability to build consensus, ability to deal with adversity, and communication. Rick Neely said that each of the final three candidates stressed service to the community, sensitivity to customer service, strong constituent services, along with working with various elected boards on ideas for economic development. Robert Milt said the candidates exhibited very positive thoughts on forward thinking ideas. These candidates represent the “best of the best”. Candidates were pressed on offering initiatives for the future, innovative thinking realizing the limitations of tax revenues.

Chairman Conlon commented on the incredible amount of dedicated work by the committee. The Chairman also recognized Town Administrator Annemarie Fagan for her commitment to stay long after her retirement date. Selectmen Burnes said the Town is fortunate to have Annemarie Fagan with her institutional knowledge and selflessness as well as her willingness to help. Interviews were scheduled for Tuesday, October 25th in the Cronin room. Questions for the candidates from the Board should be submitted to the Town Administrator or the Assistant Town Administrator.

17. Chief John King presented the Police Department’s quarterly report. Chief King reported that he is working on modernizing the department, that the police cadet program is Saturday, October 22nd, he is working on updating the department’s website design, and has implemented the Smart 911 technology for which there is a three year contract. The Chief detailed the personnel changes in the department which include the hiring of two new Police Officers and is in the process of hiring a third. Chief King announced the promotion of Lt. James O’Neil to Deputy Chief of Police. Chairman Conlon thanked Chief King for his service on the Retirement Board from which he recently resigned due to his increased responsibilities as Chief.
18. Chairman Conlon provided an update on a proposed resolution presented to Massport’s Board of Directors in September. Chairman Conlon informed the Board that, based on consultation with Attorney Karis North and others, she and other Milton residents will speak to the resolution during Massport’s Board meeting on October 20th. Chairman Conlon informed the Board of a meeting that she, Ms. Fagan and ANAC Chair, Andy Schmidt had with American Airlines executives to discuss the installation of vortex generators on their fleet.

19. Future agenda items to include an invitation to the Master Plan Implementation Committee to make a presentation to the Board. Selectmen Hurley would like a report from the Max Ulin Rink Lease Committee. Selectmen Burnes informed the Board that the committee was meeting on October 19th and information is somewhat dependent on the DCR getting back to the Town. The Shade Tree Advisory Committee will also meet with the Board of Selectmen at a Board meeting in November.
20. At 8:56 p.m. Chairman Conlon moved and J. Thomas Hurley seconded and the Board voted to enter into Executive Session with Selectmen Hurley voting yes, Selectmen Burnes voting yes and Chairman Conlon voting yes for the purpose of discussing strategy with respect to Real Property (0 Central Avenue), believing that having such discussions in Open Session would have a detrimental effect on the negotiating position of the Selectmen, and to return to Open Session for the purpose of adjournment.
21. Selectman Hurley moved and Selectman Burnes seconded a motion and the Board voted unanimously to adjourn the meeting at 9:33 p.m.