



TOWN OF SOUTHBOROUGH

SELECT BOARD Meeting Minutes

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Meeting Date: Tuesday, January 17, 2023 6:30PM
Location: Public Safety Training Room, Public Safety Building, 32 Cordaville Road, Southborough
Present: Kathryn Cook, Andrew Dennington, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple. Absent: Lisa Braccio

Those wishing to watch or participate remotely can do so by accessing the meeting link at:
<https://www.southboroughtown.com/remotemeetings>

I. Call Meeting to Order

Chair Cook called the meeting to order at 6:30PM. Technical difficulties prevented the public from hearing the audio portion of the meeting. The meeting was stopped at 6:33PM to address the issue. The audio portion of the meeting was restored and the meeting was resumed at 6:34PM.

II. Public Comment

III. Ms. Cook stated that there are two opportunities for public comment during the meeting and reminded the public that public comment is reserved for non-agenda items only. Ms. Bonnie Shimkiss, _____, appeared before the Board to offer public comment. Ms. Cook stated that Ms. Shimkiss would be commenting on an agenda item, as family matters prevent Ms. Shimkiss from staying until the agenda item she wishes to comment on is discussed. Ms. Shimkiss stated she is disappointed in the lack of clarity and transparency surrounding this project. She stated she believes a public road is being conveyed to a private entity and that this is illegal. Ms. Cook offered to discuss Ms. Shimkiss’s concerns during the coming week.

IV. Scheduled Appointments (Board may vote)

a. 6:30PM: Continued Hearing to Amend a Class II Auto License; RZND Motors
Mr. Purple reported that Town Counsel has reviewed the matter, along with Town Planner Karina Quinn and Building Commissioner Laurie Livoli, and determined that the Applicant should appear before the Zoning Board of Appeals (ZBA) for a Special Permit for a pre-existing use. Mr. Purple stated he has communicated the process to the Applicant and recommends that the Board close the public hearing without a finding. Ms. Cook moved to close the public hearing to amend a Class II Auto License for RZND Motors without a finding. Mr. Stivers seconded the motion. The motion was unanimously approved (4-0-0).
b. Planning Board; MBTA Communities
Ms. Meme Luttrell, Chair of the Planning Board, Ms. Marnie Hoolahan, Planning Board member and Ms. Colleen Stansfield, Business Administrator for the Planning Department, appeared before the Board to discuss the matter. Ms. Luttrell provided an overview of the MBTA Communities zoning legislation. She stated the Action Plan informs the State of the steps the Town is taking to comply with the legislation, noting the Action Plan is due by January 31, 2023 and satisfies compliance until December 31, 2024. Ms. Luttrell stated SHOPC has provided comments on the Action Plan and she is seeking the Board’s comments this evening. She stated that the Action Plan would be finalized at the Planning Board’s January 23rd meeting. Ms. Stansfield added that she had applied for a community outreach grant associated with the MBTA Communities legislation, noting public understanding of the legislation’s impact on the Town would be important. Ms. Stansfield also stated that the Town had received a \$20,000 technical assistance grant for the project and is working with Bohler Engineering on technical issues related to the project, including creating a map for the project. Ms.

46 Cook asked about next steps. Ms. Stansfield stated that approval of zoning changes related to the
47 project, including the creation of a new district or overlay, would likely be voted on at Annual Town
48 Meeting 2024 or Special Town Meeting 2024. Ms. Hoolahan stated the Planning Department would
49 be seeking additional funding in the FY24 budget to cover any costs associated with the legislation
50 not covered by grants. Ms. Malinowski asked if Bohler Engineering would help determine whether a
51 new district is created or an overlay is used. Ms. Stansfield stated Bohler would assist in determining
52 where the best location would be and the Town would determine which path to pursue. Mr. Stivers
53 asked if the State was likely to relax the guidelines any further. Ms. Luttrell stated that is unlikely and
54 noted Southborough's requirement is now 10 acres. Mr. Stivers stated he is supportive of the
55 overlay approach, as it offers the Town more flexibility. Mr. Dennington asked for clarity regarding
56 Sarah Hoecker's work on the project and Bohler Engineering. Ms. Stansfield stated that Ms. Hoecker
57 has created updated mapping that has been used in the project thus far. Ms. Cook stated that
58 Dell/EMC is marketing its residential parcel as a 40B project and also stated the Board had allocated
59 \$8,500 in ARPA funds to SHOPC specifically for the MBTA Communities project. Ms. Laura Angle-
60 Vaughan, 198 Woodland Road, asked if the legislation requires the development of multi-family units
61 within the half-mile radius of the MBTA station. Ms. Luttrell stated that it does not and only requires
62 the Town to adopt a district(s) or overlay by right.

63 c. Melissa Danza – Proposed bylaw for review and referral to Planning
64 Ms. Cook stated that the Conservation Commission is proposing two bylaw changes for Annual Town
65 Meeting. The Board discussed whether to refer consideration of the proposed changes to the
66 Planning Board to conduct the public hearing process. Ms. Cook moved to refer the proposed bylaw
67 changes by the Conservation Commission to the Planning Board. Ms. Malinowski seconded the
68 motion. The motion was unanimously approved (4-0-0).
69

70 V. Reports

71 a. Chair's Report

72 i. Relocation of CommCan

73 Ms. Cook clarified that after December 31, 2022, the Town was no longer going to receive payment
74 from CommCan due to the passage of Senate Bill 3096, which eliminated the requirement for
75 payment from medical marijuana facilities and now requires payment only for expenses directly
76 caused by the facility.

77 ii. Update on DPW Superintendent process

78 Ms. Cook reported that the process is moving forward and noted Ms. Malinowski and Mr.
79 Dennington are working on the details of the contract.

80 iii. Planning Board Articles

81 Ms. Cook stated that Ms. Luttrell, Planning Board Chair, has requested that the Board review the
82 proposed Tree Protection Bylaw and the proposed Scenic Road Bylaw so that any comments can be
83 considered before the Warrant goes to print on March 1st. Ms. Cook stated that the Planning Board
84 would appear at the Board's February 7th meeting to discuss the matter.

85 iv. Hopkinton Water Connection

86 Ms. Cook stated that work on the Inter Municipal Agreement (IMA) is progressing and expects to
87 have in completed at some point in the near future. She stated that Hopkinton's Select Board is
88 supportive of the agreement and, presently, their Town Manager and DPW Superintendent and Town
89 Counsel are meeting to review the proposal. Ms. Cook stated that there would be a warrant article
90 to authorize payment for the independent engineering peer review of the project, to be reimbursed
91 by Hopkinton. Mr. Dennington asked how the warrant article would be funded. Ms. Cook stated it
92 would be funded out of Free Cash. Ms. Malinowski suggested the Board present at Town Meeting a
93 map of affected streets and a timeline for the project. Ms. Luttrell asked if this item was on the
94 agenda. Ms. Cook stated that this matter was an update and part of her report as Board Chair.

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Ms. Cook announced to the public that Town Clerk Hegarty would like all Town residents to return their census forms.

b. Members’ Reports

Mr. Stivers reported that he was honored to attend the Eagle Scout Court of Honor ceremony awarding the Eagle Scout Award to Sean Desmond, Jackson Harris, Owen Hart, Cameron Jackson, Noah LaBelle. He stated he presented a certificate of achievement on behalf of the Town and Board.

c. Town Administrator Report

- i. MA State Lottery Commission – KENO monitors at 344 Turnpike Road (Southborough Turnpike Gulf) and 110 Southville Road (Fitzgerald’s General Store)

Mr. Purple stated he received notices from the State Lottery Commission that two locations in Southborough, 344 Turnpike Road (Southborough Turnpike Gulf) and 110 Southville Road (Fitzgerald’s General Store), are seeking to install KENO monitors. Mr. Purple informed the Board they had the right to a hearing before the Lottery Commission within 21 days of receipt of the notice to object the installation. He stated that any objection must be related to prior actions with the establishments. He noted there are Board of Health issues with one of the locations that need to be fully understood prior to moving forward with installation of KENO monitors. Ms. Cook asked the Board that, if they had any concerns, to let her know and this matter would be placed on the January 31st agenda.

VI. Consent Agenda

- a. Approve Open Session Meeting Minutes: December 20, 2022; January 3, 2023; January 4, 2023

Mr. Stivers held Consent Agenda item “a”. **December 20, 2022:** Mr. Stivers had scrivener’s changes to the minutes. **January 3, 2023:** Mr. Stivers had scrivener’s changes to the minutes. Ms. Cook moved to approve the Open Session Meeting Minutes for December 20, 2022 and January 3, 2023, as amended and the Open Session Meeting Minutes for January 4, 2023, as written. Ms. Stivers seconded the motion. The motion was unanimously approved (4-0-0).

- b. Dissolve ad-hoc Capital Planning Committee

- c. Capital Improvement Planning Committee appointments

Ms. Malinowski held Consent Agenda item “c”. Ms. Malinowski abstained from voting on this matter as her husband is seeking appointment to the Capital Improvement Planning Committee. Ms. Cook moved to approve Consent Agenda item “c”. Mr. Stivers seconded the motion. The motion was approved (3-0-1)

- i. Jason Malinowski: term to expire 6/30/2026
- ii. Joseph Palmer: term to expire 6/30/2026
- iii. Jeffrey Hark: term to expire 6/30/2026
- iv. Tony Schoener: term to expire 6/30/2025
- v. Karen Wheeler: term to expire 6/30/2025
- vi. Brian Ballantine, Ex-Officio
- vii. Mark Purple, Ex-Officio

- d. Accept resignation of Lisa Braccio from the Capital Planning Committee, effective January 17, 2023

- e. Accept resignation of Matt Berger from the Economic Development Committee, effective January 17, 2023

- f. Approve Police Chief Newell’s recommendation to appoint Christina Stapleton as full-time Communications Officer

- g. Approval of take-home vehicle for DPW Operations Supervisor

Ms. Malinowski, Ms. Cook and Mr. Stivers held Consent Agenda item “g”. Ms. Cook stated that approval of this matter does not need Select Board approval at this time and will not be voted on this

144 evening. She made clear that the Board had already approved this issue when it approved a Side
145 Letter creating the position of DPW Operations Supervisor on May 19, 2020. She stated an oversight
146 occurred and the position was not added during negotiation of the most recent Collective Bargaining
147 Agreement signed in July 2022 and would be added during the negotiation of the Collective
148 Bargaining Agreement effective July 2025. Ms. Cook read parts of the Side Letter. Ms. Cook stated
149 this matter would be discussed with the incoming DPW Superintendent. Mr. Stivers stated fuel-
150 efficient vehicles should be considered when employees are allowed to take vehicles home. He also
151 stated policy should be followed by lettering Town vehicles with the Town seal and department.
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153 Ms. Cook moved to accept Consent Agenda items “b”, “d”, “e” and “f.” Mr. Stivers seconded the
154 motion. The motion was unanimously approved (4-0-0)
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156 **VII. Other Matters (Board may vote)**

157 a. Finance Team; Guidance for FY24

158 The Board agreed to discuss the draft budget with assumptions that contain an 8.25% tax increase
159 with a 16% tax shift and does not include any additional staff hours proposed in department budgets.
160 Ms. Cook noted that revenue has increased 1.1%, while expenditures have increased 4.3%, noting the
161 Town’s total budget has increased 8%. The Board discussed the proposed draft budget and ways to
162 reduce to overall increase. Ms. Cook stated she would like to see the budget reflect a 5-6% increase.
163 Ms. Malinowski suggested the Board recommend Mr. Ballantine and the Finance Team conduct an
164 exercise to determine what is necessary for department budgets for FY24. She further suggested Mr.
165 Ballantine and the finance team work with Advisory to keep a list of budget reduction items that may
166 be added back into the FY24 budget if funds allow. The Board reviewed the Capital budget to
167 determine if any items might be eliminated or deferred for budget reduction purposes. The Board
168 discussed using ARPA funds to offset FY24 Capital budget items. The Board agreed to ask Mr.
169 Ballantine and the Finance Team to identify any one-time budget items that could be funded using
170 ARPA funds. Ms. Cook moved to use up to \$500,000 in ARPA funds from the general tax relief
171 category for appropriate one-time items to be determined by Mr. Ballantine and the Finance Team.
172 Ms. Malinowski seconded the motion. The motion was unanimously approved (4-0-0). The Board
173 agreed to defer making a decision on removing sidewalk maintenance from the Capital budget until
174 its January 31st meeting. The Board agreed to ask Mr. Ballantine and the Finance Team prepare two
175 budgets, one with a 5% tax increase with a 16% shift, and another with a 6% tax increase with a 16%
176 shift. Mr. Dennington suggested the Board consider funding the EDC Coordinator position in FY24
177 with the amount of funds budgeted in FY23 and funding the increase to full-time with ARPA monies
178 for the first year of the position. The Board agreed to discuss this matter at a later date. The Board
179 also agreed to ask Mr. Ballantine and Finance Team to use the philosophy of level funding for
180 budgeting purposes.

181 b. Approval of job description for Community Development Coordinator position

182 Ms. Cook reported that Mr. Anderson and Mr. Belniak, from the EDC, met with Ms. Braccio and Mr.
183 Dennington to draft the proposed job description for the Community Development Coordinator. Ms.
184 Braccio has requested the following change to the job description: under Statement of Duties, line 5,
185 change “may” to “will.” The Board and EDC are in agreement with the change. Ms. Luttrell
186 expressed that concern that this position would bypass the transparent nature of the EDC by
187 exercising independent judgement and asked if this position would have its own staff. Mr. Alan
188 Belniak, Vice Chair of the EDC stated that the position is intended to work closely with the EDC and
189 reports to Town Administrator Purple. He also stated the job description was written in a non-
190 restrictive manner with regard to managing staff and there are no plans for the position to manage
191 staff. Mr. Purple discussed the need for a strategy for pursuing grants and that there is staff to
192 execute grants. He stated documents such as the Master Plan and the Water Master Plan are guides

193 for grants to pursue. He stated that he would like wording related to the position supervising staff
194 removed from the job description. Ms. Cook stated Ms. Braccio is supportive of moving the job
195 description forward, though has not decided yet whether she is supportive of adding the position.
196 Ms. Malinowski stated she in support of the changes to the job description but is not supportive of
197 adding the position at this time. Mr. Dennington asked about next steps. Ms. Vanessa Hale,
198 Assistant Town Administrator, stated that the job description would be sent to the Personnel Board
199 for review at their January 27th meeting. She stated the job description would be sent to the Collins
200 Center for grading and then considered at the Personnel Board's early February meeting. Ms. Cook
201 moved to approve the job description for the position of Community Development Coordinator with
202 the following changes: under Statement of Duties, line 5, change "may" to "will" and delete the
203 paragraph titled Supervision. Mr. Stivers seconded the motion. Mr. Purple clarified that he suggests
204 leaving the paragraph titled Supervision with the following changes: delete "initially" and insert "for"
205 after Town Administrator. Ms. Cook amended her original motion to include the following changes:
206 under Statement of Duties, line 5, change "may" to "will" and leave the paragraph titled Supervision
207 with the following changes: delete "initially" and insert "for" after Town Administrator. Mr. Stivers
208 seconded the motion. The motion passed (3-1-0).

209 c. Approval of St. Mark's MOU for land swap

210 Ms. Cook stated that there would be no vote on the matter this evening. She stated the intent is to
211 discuss the matter and hear public comment. She also stated that St. Mark's has signed off on the
212 agreement and any changes would need to be sent to St. Mark's for consideration. Ms. Malinowski
213 asked if the agreement would be executed before or after Town Meeting. The Board discussed
214 whether the agreement should be executed before or after Town Meeting. The Board agreed the
215 MOU should be executed before Town Meeting. Ms. Cook stated the article funding the park project
216 would appear on the warrant after the MOU warrant article. She stated that the park was part of the
217 Various Streets project included in the E. H. Perkins bid and included storm water infrastructure and
218 moving the road. Ms. Cook stated the money for park construction, approximately \$240,000, has
219 been removed from the contract through a change order. She stated that once any questions have
220 been answered and comments have been heard, the Board would discuss the matter at its January
221 31st meeting and vote on the MOU at that time or at its February 7th meeting. Ms. Luttrell asked if the
222 License Agreement remains valid if Town Meeting fails to approve the MOU. Ms. Cook replied that it
223 does. Ms. Luttrell expressed her concern regarding the Planning Board Contingencies section in the
224 MOU relative to the surviving License Agreement if Town Meeting fails to approve the MOU. Mr.
225 Dennington noted that no work has been done while the License Agreement has been in effect and
226 there is no money presently allocated to complete the project. Mr. Stivers added that no discussions
227 have taken place as to what happens if Town Meeting rejects the MOU and the License Agreement
228 survives. Ms. Patricia Burns-Fiore, 10 Winter Street, asked what was the State grant money spent on.
229 Ms. Cook replied that it was spent on drainage infrastructure and to move the intersection. Ms.
230 Burns-Fiore stated she does not agree that drainage infrastructure and moving the intersection were
231 within the grant requirements. She also asked how much St. Mark's has paid the Town for work done
232 on the property under the License Agreement. Ms. Cook stated that St. Mark's is not contributing
233 anything financially to the Town regarding the project. Ms. Cook also stated St. Mark's would be
234 appearing before the Planning Board for site plan approval for the parking lot. Ms. Marguerite
235 Landry, appearing as a Library Trustee, stated she is grateful that the infrastructure work was done at
236 the intersection, as there has been no flooding in the Library since completion of the work. Mr.
237 Dennington added that since the controversy began over the project, no work has been done on the
238 project under the License Agreement and the Board has worked hard to have Town Meeting approve
239 any work that would be done.

240 The Board agreed to a brief recess at 9:33PM and resumed meeting at 9:41PM.

241 d. Review of IMA for regional dispatch

Ms. Malinowski presented the draft District Agreement for the proposed MetroWest Regional Emergency Communications Center. She stated the group is awaiting Hopkinton’s comments on the draft. Ms. Malinowski stated the group is seeking Select Board comments from each town and then will have each Town Counsel review the draft. Ms. Cook asked how the total project cost is determined and whether debt would need to be issued by the Town. Ms. Malinowski stated that an architect is working with Westborough to determine all costs associated with the building chosen for the site of the RECC. She stated that there is nothing to bond, as the group is pursuing the State grant available. Ms. Malinowski described the process for grant application, including future years. Ms. Malinowski stated she recommends a budget, including expenses, be added as part of the agreement. The Board discussed the issue of local control in the current draft. Mr. Stivers stated a balance must be struck between regional control and local control to be effective. Mr. Dennington suggested Section 5F of the agreement require 75% approval, rather than the 50% in the draft. Ms. Malinowski stated the group is working to determine how best to fund an operational occurrence that would require Town Meeting approval. Mr. Dennington suggested the Executive Director of the entity appear before the Board to keep them apprised of the status of operations and that the Executive Director or Board of Directors be required to deliver an Annual Report for the entity. The Board discussed the impact of the annual assessment for the Town. Ms. Malinowski detailed the timeline, noting the grant application is due in March and awards will occur in May of this year. The Board also discussed potential legal remedies. The Board agreed to continue to pursue regionalization and acknowledged there are outstanding issues that need to be addressed. They also acknowledged they are awaiting Town Counsel’s review of the matter.

VIII. Public Comment

Ms. Burns-Fiore reiterated her concern with how grant monies were allocated for the park project and does not believe St. Mark’s should pay nothing to the Town.

IX. Adjournment

X. Executive Session

The Board entered into Executive Session at 10:18PM, per M.G.L. Chapter 30A, Section 21, and did not return to Open Session to conduct a strategy session in preparation for contract negotiations with non-union personnel (Exemption 2) by roll call vote: Mr. Dennington, aye; Mr. Stivers, aye; Ms. Malinowski, aye; Ms. Cook, aye (4-0-0).

<i>January 31, 2023</i>	<i>Upcoming Meetings</i>	<i>February 7, 2023</i>
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Respectfully submitted,
Bridgid Rubin, Recording Secretary

List of Documents referred to at the January 17, 2023 SB Meeting:

- Draft Action Plan for MBTA Communities
- Memorandum from Melissa Danza, dated January 12, 2023, RE: 2023 Spring Town Meeting Warrant Articles with attached draft articles

- 288 • Letter from Ellen Rosenfeld, dated December 30, 2022, RE: Notification of CommCan,
289 Inc.'s Intent to Relocate Its Medical Dispensary from Southborough to Rehoboth
- 290 • Two Letters from Massachusetts State Lottery Commission, dated January 12, 2023
- 291 • Draft Select Board Open Meeting Minutes, dated December 20, 2022
- 292 • Draft Select Board Open Meeting Minutes, dated January 3, 2023
- 293 • Draft Select Board Open Meeting Minutes, dated January 4, 2023
- 294 • Article 31 – Capital Improvement and Planning Committee with email attachments
- 295 • Email Memo from Lisa Braccio dated January 11, 2023
- 296 • Email from Jason Malinowski dated January 10, 2032
- 297 • Email Memorandum from Town Clerk Jim Hegarty, dated January 11, 2023
- 298 • Memorandum from Police Chief Ryan Newell, dated January 11, 2023, RE: Appointment
299 of Full-Time Communications Officer Christina Stapleton with attachments
- 300 • Memorandum from Mark Purple, dated January 10, 2023, RE: Take-home Vehicle for
301 DPW Operations Supervisor
- 302 • Memorandum from Brian Ballantine, dated January 13, 2023, RE: FY24 Budget Cycle with
303 attachments
- 304 • Draft job description for the Community Development Coordinator position
- 305 • Memorandum of Purchase and Sale of Real Estate
- 306 • Draft District Agreement for the MetroWest Regional Emergency Communication Center
- 307 • Public hearing notice for RZND Motors, dated December 20, 2022, and attachments