



TOWN OF SOUTHBOROUGH

SELECT BOARD Meeting Minutes

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Meeting Date: Tuesday, January 31, 2023 6:00PM
Location: McAuliffe Hearing Room, Town House, 17 Common Street, Southborough, MA
Present: Kathryn Cook, Lisa Braccio, Andrew Dennington, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple.

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 6:03PM.

II. Appointment of Police Lieutenant

Police Chief Ryan Newell appeared before the Board to request the appointment of Sean McCarthy to the position of Police Lieutenant for the Southborough Police Department. Chief Newell cited Mr. McCarthy's various achievements within the department. Each member of the Board expressed their support for Mr. McCarthy's appointment. Mr. Dennington moved to appoint Mr. Sean McCarthy to the position of Police Lieutenant for the Southborough Police Department. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0).

The Board took a brief recess at 6:16PM and resumed the meeting at 6:20PM.

III. Public Comment

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. Mr. Al Hamilton, 35 Pine Hill Road, asked that the Board remove the License Agreement from the Memorandum of Understanding (MOU) with St. Mark's in an effort to move the project forward. Mr. David Parry, 22 Main Street, requested that the December 20, 2022 minutes be amended to include his written comments submitted at that meeting as a document referenced at the meeting.

IV. Scheduled Appointments (Board may vote)

a. FY24 Budget
i. Finance Team recommendation
Mr. Ballantine detailed the most recent adjustments to the budget, as listed in his memo to the Board. He stated these changes have resulted in a 5.69% increase in the draft budget. Mr. Purple stated that the FY25 budget would again contain a large capital budget and ARPA funds may not be available to use at that time. The Board acknowledged that the School Department budget might decrease in the next few weeks. Ms. Cook suggested budgeting \$50,000 for sidewalk maintenance from ARPA, noting there is presently approximately \$47,000 in sidewalk maintenance from a 2022 Town Meeting article. Ms. Malinowski and Ms. Braccio expressed concern with the commercial tax impact on the FY24 budget. The Board discussed the use of ARPA funds in the FY24 budget and budget impacts in FY25. Mr. Dennington suggested returning ARPA funds budgeted for FY24 Capital items to the ARPA general tax relief category for use in FY25. The Board discussed options related to funding sidewalk maintenance and Capital items in FY24 and agreed there would be no vote on these items at this time. Ms. McAuliffe stated that ARPA funds could be used to fund sidewalk maintenance, as long as the funds were used within the ARPA deadline of 2026 and not carried over.

46 Ms. Cook stated that the Economic Development Director position and the funds for the Tree
47 Funding Article were not included in the budget. She reminded the Board that the bid for tree
48 removal had come in under budget and noted \$42,000 was returned to ARPA, which could fund the
49 Tree Funding Article. Ms. Braccio stated that she is comfortable with the All Terrain Utility Vehicle for
50 the Fire Department funded through ARPA funds. Mr. Ballantine requested that the Board provide
51 guidance on the Personnel Board's Pay Classification Study and its impact on the FY24 budget. The
52 Board agreed to include an explanation of the study in the SAP Article and include the
53 increases/impacts in the individual budgets. Mr. Ballantine noted the net total increase of the study
54 is approximately \$25,000.
55

56 V. Reports

57 a. Chair's Report

58 i. Hopkinton Water Update

59 Ms. Cook reported she, Mr. Butler and Mr. Purple recently met with their counterparts in Hopkinton.
60 She stated that the project is moving forward with the terms outlined by the Town. Mr. Purple
61 stated that it is important to explore whether any easements would be necessary for the project and
62 that he would work with the consultant to determine that information prior to Town Meeting. Ms.
63 Cook stated that the article for consideration at Town Meeting is to fund the independent peer
64 review of the project, a cost that would be reimbursed by Hopkinton.

65 ii. 1/28 Budget summit

66 Ms. Cook stated the budget summit was held this past Saturday and the Board reviewed the budgets
67 for 14 departments. She stated the eight additional hours for the Outreach Coordinator at the Senior
68 Center had been included in the budget reviewed earlier this evening.

69 Mr. John Reed, 34 Bigelow Road, stated that he brought his daughter, Colleen, to tonight's meeting
70 to learn about Town activities for completion of her current events project. He also asked how to
71 stay informed on the Hopkinton Water Project. Ms. Cook stated all information is available through a
72 link on the DPW website. Mr. Reed thanked Mr. Dennington for his efforts in the completion of the
73 Northboro Road culvert project.

74 b. Members' Reports

75 i. Regional Dispatch update

76 Ms. Malinowski updated the Board on the progress of the IMA. She stated she and Mr. Purple have
77 been meeting with representatives from Grafton, Westborough and Hopkinton. Ms. Malinowski
78 stated Town Counsel Liz Lydon and Town Counsel Talerman have reviewed the draft IMA and offered
79 comments. She stated she would have copies for the Board and other towns to review within the
80 next few days and suggested Attorney Lydon attend the Board's February 7th meeting to discuss the
81 IMA. Regarding the timeline, Ms. Malinowski stated that the group is targeting February 23rd to sign
82 the IMA and March 2nd to submit a grant application which includes the executed IMA.

83 c. Town Administrator Report

84 Mr. Purple stated he had nothing additional to report.
85

86 VI. Consent Agenda

87 a. Approve Open Session Meeting Minutes: January 6, 2023; January 17, 2023

88 Mr. Stivers requested to hold Consent Agenda item "a". **January 6, 2023:** Mr. Stivers requested the
89 following change to Line 32: "during which time she answered 16 questions posed by the Board."

90 **January 17, 2023:** Mr. Dennington requested the following change to Line 196: add "is." Mr. David
91 Parry requested that the December 20, 2022 minutes be amended to include receipt of his written
92 comments. Ms. Cook informed Mr. Parry that item is not on the Consent Agenda. Ms. Cook moved
93 to approve Consent Agenda item "a", both as amended. Mr. Stivers seconded the motion. Ms.
94 Braccio abstained from the vote. The motion was approved (4-0-1).

- 95 b. Approve amended ACO for Breakneck Hill Farm dump remediation
96 Mr. Dennington requested to hold Consent Agenda item “b”. Mr. Dennington asked if the Town
97 would still be able to meet the deadlines in the amended ACO. Mr. Purple stated that it would. Mr.
98 Purple stated that the Town tried unsuccessfully to include the abutter in any clean up process and
99 the amendment relieves the Town of the obligation to meet the deadlines if the Licensed Site
100 Professional is unable to determine the cost of the cleanup to present at Annual Town Meeting. He
101 stated there is a placeholder in the warrant for this article. Ms. Cook moved to approve Consent
102 Agenda item “b”. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0).
103 c. Accept a donation in the amount of \$9,100 from the Friends of Southborough Recreation
104 Ms. Cook moved to approve Consent Agenda item “c”. Mr. Stivers seconded the motion. The motion
105 was unanimously approved (5-0-0).
106 d. Approve contract for interim EDC Coordinator
107 Ms. Braccio requested to hold Consent Agenda item “d”. Ms. Braccio requested to remove Bullet #7
108 under section 1 of the agreement. The Board discussed the matter and agreed to remove Bullet #7.
109 Ms. Cook moved to approve Consent Agenda item “d”, as amended by removing Bullet #7 under
110 section 1, page 1 of the contract. Ms. Malinowski seconded the motion. The motion was
111 unanimously approved (5-0-0).
112 e. Approve Fire Chief’s recommendations for new ambulance rates
113 Ms. Cook requested to hold Consent Agenda item “e”. Fire Chief Achilles explained the four
114 categories for the new ambulance rates, noting rates have not been increased since 2019. Ms.
115 Malinowski moved to approve Consent Agenda item “e”, effective immediately. Mr. Stivers
116 seconded the motion. The motion was unanimously approved (5-0-0).
117

118 **VII. Other Matters (Board may vote)**

- 119 a. Select Board representative to the PILOT Committee
120 Ms. Cook updated the Board on the history of this matter and stated a representative of the Board is
121 required to sit on the committee. Mr. Stivers moved to nominate Ms. Cook as the Board’s
122 representative on the PILOT Committee. Ms. Braccio seconded the motion. Mr. Stivers amended his
123 motion to include the term effective through 6/30/2023. The amended motion was approved (5-0-
124 0).
125 b. St. Mark’s St. Park Working Group discussion
126 Ms. Cook stated the cost to complete the park would be contained in a warrant article authorizing up
127 to \$250,000 to be spent on the park, noting this article would follow the land swap article. She
128 stated that the Board had authorized the expenditure of up to \$20,000 in ARPA funds for the
129 Working Group to engage VHB to design a park, based on citizen design ideas, but that VHB has said
130 they would not incur any charges for this request, as they have left over money from other projects.
131 Mr. Dennington stated that the warrant article for funding the completion of the park would
132 authorize the use of funds from Free Cash and that this vote would only take place if the land swap
133 article is approved by Town Meeting. Mr. Dennington stated VHB has recommended that \$250,000 is
134 a reasonable figure to complete the park, including the engineering to create bid documents. Ms.
135 Cook and Ms. Malinowski stated that it is important to explain the funding for the park at Town
136 Meeting. Mr. Dennington stated the next meeting of the St. Mark’s Street Park Working Group
137 would be held on Wednesday, February 8th, at which time the Working Group would discuss the
138 plans for the park that would be communicated to VHB. Ms. Braccio inquired about potential names
139 for the park. Mr. Dennington stated the Working Group has discussed Tricentennial Park or Heritage
140 Park but that decision would occur after public input. Ms. Patricia Burns-Fiore, 10 Winter Street,
141 shared that she met with Ms. Marguerite Landry, Chair of the St. Mark’s Street Working Group,
142 regarding additions to the park design and feels two of the potential designs are incorporating similar
143 design elements. Mr. Grant Farrington, 58 Flagg Road and a member of the St. Mark’s Street Park

144 Working Group, stated that naming the park was in the revised charge for the Working Group. Mr.
145 David Parry stated he feels the park is a waste of money, should be located on Main Street and is
146 based on lies. He suggested an independent civil engineering firm evaluate the existing intersection
147 and the proposed intersection.

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

149 Town Counsel Talerman joined the Board for this discussion. Ms. Cook asked the Board to discuss
150 the retention of the current License Agreement in the MOU. She stated executing this agreement
151 would terminate the current reciprocal License Agreement and replace it with Section 5 of the MOU.
152 She stated that she has heard from Town members that they would like to see the License
153 Agreement removed in all forms from the MOU. Mr. Talerman stated that licenses do not require
154 Town Meeting approval and are widely used in municipal law with regard to property (e.g. road
155 projects). He stated one reason licenses are needed in this case is so that St. Mark's and the Town
156 can work on each other's property now and after the proposed land swap occurs and, if the
157 conveyances do not occur, the licenses are still in effect and the parties can either chose to move
158 forward with the project or not. He stated the current licenses are in effect until revoked by either
159 St. Mark's or the Town. The Board discussed the impacts of including Section 5 in the MOU and the
160 removal of licenses. The Board also discussed the timing and impact of discontinuing St. Mark's
161 Street. The Board asked Mr. Talerman to discuss the following changes to the MOU with his
162 counterpart at St. Mark's School: 1) change the MOU to remove all licenses if there is no Town
163 Meeting approval, with the exception of any licenses necessary for clean up; 2) accelerate the
164 discontinuance of the road; and 3) insert timeline language for the application for Major Site Plan
165 review by the Planning Board. Mr. Talerman and Mr. Purple will reach out to their counterparts at St.
166 Mark's regarding the matter. Mr. David Parry stated that the Planning Board intends to investigate
167 the discontinuance of St. Mark's Street. He stated he does not want to see the role of the Planning
168 Board trivialized and he asked that St. Mark's School spend their own money to complete their own
169 parking lot. Mr. Talerman stated that the role of the Planning Board's is advisory, not binding, and
170 stated their recommendations are helpful. He recommended that the Board provide the Planning
171 Board notice of the discontinuance of the road. Ms. Burns-Fiore asked for clarification on the
172 direction of the Board with regard to the MOU. Ms. Cook stated the Board discussed a variety of
173 options but would not be making a decision at tonight's meeting. Ms. Burns-Fiore stated that, after
174 Annual Town Meeting 2022, any reference to a license in the MOU would have a negative impact on
175 passage of the land swap warrant article at Annual Town Meeting 2023. Ms. Burns-Fiore asked if the
176 land swap fails at Annual Town Meeting, could an easement be used to maintain the infrastructure
177 that has been installed. Mr. Talerman stated he would need to look at that matter. Ms. Burns-Fiore
178 stated that the project is a mess, both literally and figuratively, but she stated it is important to move
179 forward to solve the problem in the most respectful way to the taxpayers. Ms. Burns-Fiore asked for
180 clarification that no Town funds would be spent on St. Mark's land after the land swap has occurred.
181 Ms. Cook stated that her understanding is that the MOU states that the Town will not expend any
182 funds on the land St. Mark's is swapping for. For clarification purposes, Ms. Malinowski suggested
183 Mr. Purple work with the contractor to identify the work left to be done on the blue section of the
184 proposal. Mr. Purple stated that it is important that the Board and St. Mark's have the same
185 understanding of the conditions in the MOU.

186 d. Consideration of expenditures under ARPA funds

187 Ms. Malinowski stated that the Board of Health and the Health Department have reduced the
188 number of hours for the Public Health Director in FY24 and that the earmark of ARPA funds is no
189 longer necessary. She stated the Board of Health and Health Department are grateful for the Board's
190 support. Ms. Cook moved to reallocate \$51,825 in ARPA funds earmarked for the Public Health
191 Director to the general tax relief category. Mr. Stivers seconded the motion. The motion was
192 unanimously approved (5-0-0). Ms. Cook stated Mr. Jason Montijo, Technology Manager, has

193 requested \$30,000 in ARPA funds from the category designated for WiFi Upgrades for Zoom
194 modifications to the Public Safety Training Room to allow for an additional space to conduct hybrid
195 meetings. Ms. Malinowski asked that the ARPA spreadsheet be updated and distributed to Board
196 members. Ms. Cook stated she would update and distribute. Ms. Cook moved to allocate \$30,000 in
197 ARPA funds from the category designated for WiFi Upgrades for Zoom modifications for the Public
198 Safety Training Room. Mr. Stivers seconded the motion. The motion was unanimously approved (5-
199 0-0).

200 e. DPW Superintendent recruitment process update

201 Ms. Braccio left the meeting at 9:41PM because she has recused herself from this matter, as her
202 husband is a snow removal contractor for the Town. Ms. Cook stated that the Town had offered Mr.
203 Phil McNulty the position of DPW Superintendent and, during contract negotiations, Mr. McNulty
204 withdrew his acceptance of the position. Ms. Cook stated that Mr. Purple has reached out to Mr.
205 Bernard Lynch, a professional municipal recruiter, for recruitment assistance. Ms. Cook stated Mr.
206 Lynch has sent a proposal for services totaling \$9,000 for the Board's consideration. The Board
207 expressed support for this approach in filling the position of DPW Superintendent. Ms. Malinowski
208 asked if the price includes a signed contract with the chosen candidate. Mr. Purple stated he would
209 ask Mr. Lynch if this was part of the scope of work and report back to the Board. The Board agreed
210 to withhold voting on the matter until its February 7th meeting. Mr. John Thorburn, 1114 Madison
211 Place, asked if Mr. Lynch would provide at least two candidates. Mr. Purple stated the contract
212 addresses "candidates", indicating more than one.

213
214 **VIII. Public Comment**

215 Mr. David Parry stated the intersection project should be cancelled outright and St. Mark's should
216 pay for the cost of any clean up. He stated St. Mark's should pay the Town \$500,000 for work that
217 has been done and the Town should return \$290,000 in grant funds to the State.

218
219 **IX. Adjournment**

220 Ms. Cook moved to adjourn the meeting at 9:53PM. Mr. Dennington seconded the motion. The
221 motion was unanimously approved (4-0-0).
222

<i>Upcoming Meetings</i>	
<i>February 7, 2023</i>	<i>February 28, 2023</i>

223
224 Respectfully submitted,

225
226 Bridgid Rubin, Recording Secretary

227
228 List of Documents referred to at the January 31, 2023 SB Meeting:

- 229 • Memorandum from Police Chief Ryan Newell, dated January 19, 2023, RE: Appointment
- 230 of Lieutenant Sean McCarthy
- 231 • Police Lieutenant Employment Contract
- 232 • Memorandum from Brian Ballantine, dated January 26, 2023, FY24 Budget Cycle with
- 233 attachments
- 234 • Draft Open Session Meeting Minutes for January 6, 2023
- 235 • Draft Open Session Meeting Minutes for January 17, 2023
- 236 • Letter from James A. McQuade, Department of Environmental Protection, dated January
- 237 27, 2023
- 238 • Memorandum from Tim Davis, dated January 20, 2023
- 239 • Contract for Interim EDC Coordinator, dated January 19, 2023

- 240 • Memorandum from Fire Chief Steve Achilles, dated December 8, 2023
- 241 • Draft Memorandum of Understanding between the Town of Southborough and St.
- 242 Mark's School with attachments
- 243 • Memorandum from Jason Montijo, dated January 25, 2023
- 244 • Memorandum from Chelsea Malinowski, dated January 24, 2023, RE: ARPA Funds
- 245 • Letter from Bernard Lynch, dated January 25, 2023, RE: Letter of Engagement Agreement
- 246 • Document submitted to Board January 31, 2023 from David Parry