



# TOWN OF SOUTHBOROUGH

## SELECT BOARD Meeting Minutes

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**Meeting Date:** Tuesday, February 7, 2023 6:30PM  
**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 6:32PM.

**II. 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.

Ms. Cook stated that the Board would welcome public feedback on the new audio system.

David Parry, 22 Main Street, stated he has learned that the flooding issue at the St. Mark’s intersection has been solved so no additional funds need to be spent on the road or intersection.

**III. Scheduled Appointments (Board may vote)**

a. Report of the Auditor for Fiscal Year 2022

Mr. Tony Roselli, CPA from Roselli, Clark & Associates, appeared on before the Board on the matter. Mr. Roselli shared his presentation of the Financial Statements of the Town for the fiscal year ending June 30, 2022. In his remarks, Mr. Roselli suggested a review of the Assessor’s Overlay, ambulance receivables, special revenue accounts and staying abreast of IT security. Ms. Malinowski asked what are best practices and who is responsible for ambulance receivables. Mr. Roselli stated that the Fire Chief would be responsible and would work with the Finance Director to review. Ms. Braccio asked Mr. Ballantine and Ms. McAuliffe to provide a copy of the special revenue accounts and balances. Mr. Ballantine and Ms. McAuliffe stated they would provide the information. Ms. Cook shared past Town information regarding the size of the Stabilization Fund. Mr. Roselli stated that Standard and Poor’s likes to see a Stabilization Fund of 15% and noted Southborough’s is approximately 9.5%. He suggested inquiring as to whether the Town’s Stabilization Fund is impacting its Management Score with Standard and Poor. Mr. Stivers stated that the presentation was favorable and asked if there are any issues to keep an eye on. Mr. Roselli suggested that the debt ceiling negotiations in Washington, D.C. might impact municipalities. Mr. Roselli concluded his presentation by stating the Town has an outstanding Finance Team in place.

b. Brian Ballantine & Carla McAuliffe – Q2 Financial Report

Mr. Ballantine and Ms. McAuliffe appeared before the Board on the matter. Ms. Cook thanked the Finance Team for their successful financial management of the Town. Mr. Ballantine reviewed the revenue portion of the report, noting revenues have generally increased from this time last year. Highlights included the following: local receipts have been raised, excise tax is up 16% and the Water Fund is up by \$279,000. Ms. Cook asked that Mr. Ballantine look into maximizing investment income. Ms. McAuliffe reported on the Town’s Q2 expenses, which included upfront costs for MIS and police and fire overtime due to staffing challenges. She also stated the Reserve Fund is still intact and some intergovernmental transfers have been identified that will occur at the end of the year and have been

46 budgeted for. Ms. McAuliffe reported that the Town has received \$558,000 in FEMA funds and there  
47 is one outstanding non-vaccine claim. She reported that the regional vaccine claim had been  
48 approved and the local vaccine claim is still pending. Ms. McAuliffe reported that there were a few  
49 ARPA expenditures in Q2 and she expects more ARPA expenditures in Q3. Ms. Malinowski thanked  
50 the Finance Team for their work and stated she's pleased the department heads have embraced the  
51 planning process and thinks the Town is seeing the benefits of this type of financial planning. Mr.  
52 Purple added that the planning process is serving to keep the number of Reserve Fund transfers low.  
53 Mr. Ballantine thanked Ms. McAuliffe and Captain Aspesi for their work in managing the CARES and  
54 FEMA process.  
55

56 c. Barry Rubenstein, Personnel Board Chair – FY24 SAP and Results of Salary Study

57 Mr. Rubenstein explained the Salary Survey that was conducted for the Town by the Collins Center  
58 for Public Management. He stated that, as a result of the Compensation Study, the Personnel Board  
59 recommends spending \$19,506 to bring identified employees into the minimum range and, as a  
60 result of the Classification Study, the Personnel Board recommends spending \$27,900 to reclassify  
61 certain positions. He stated that all job classifications have been moved to Schedule A and that  
62 Schedule C has been eliminated. He also stated that the Personnel Board recommends a 4% salary  
63 increase for Town SAP employees and explained how the Personnel Board arrived at that  
64 recommendation. The Board discussed and Mr. Rubenstein discussed how the article would be  
65 presented at Annual Town Meeting. Mr. Rubenstein stated the Personnel Board would discuss the  
66 Salary Survey, additional funds needed and documents explaining the changes. Ms. Braccio asked  
67 why there seemed to be many changes to the SAP this year. Mr. Rubenstein stated that the  
68 Personnel Board contracted with a new consultant for the Salary Survey. He also stated that, even  
69 without the Salary Survey, he believes the Personnel Board would have adjusted the schedules, given  
70 the current economic climate. Ms. Braccio noticed that a quorum of Personnel Board members had  
71 just been formed. Mr. Rubenstein called the February 7<sup>th</sup> meeting of the Personnel Board to order at  
72 7:49PM. Mr. Stivers stated the total cost of the adjustments is approximately \$180,000 and stated  
73 he supports these changes that ensure Southborough is competitive in the municipal marketplace.  
74 Mr. Dennington asked for clarification on the SAP funding article in the warrant. Ms. Cook stated  
75 that the recommendations from the Personnel Board would be included in the department budgets.  
76 Ms. Malinowski asked how the Town would avoid 4% yearly increases if it does not have a Step  
77 system in place. Mr. Rubenstein stated he anticipates the Town would adopt a Step system in the  
78 next fiscal year. Ms. Malinowski asked a procedural question about what would happen if the SAP  
79 has been approved and then a department budget is held, reduced and then passed due to the  
80 increase in the SAP. Mr. Purple stated that Mr. Ballantine would have the individual numbers in each  
81 budget, should adjustments be necessary. Mr. Purple also suggested Mr. Rubenstein include  
82 clarification that the Salary Study increases are included in the department budgets and will be  
83 reflected in the percentages. Mr. Rubenstein adjourned the meeting of the Personnel Board at  
84 7:58PM.  
85

86 d. Review of Special Municipal Employees (consideration of adding SHOPC)

87 Ms. Cook reviewed the definition of a Special Municipal Employee (SME) under M.G.L. Chapter 268.  
88 She stated that presently, members on the following Town boards/committees are designated as  
89 SMEs: Advisory Committee, Council on Aging, Economic Development Committee, the Board of  
90 Assessors and Election Poll Workers. Mr. Dennington stated that, although this request has  
91 originated from an individual, the law states that SME designations are made on a board/committee  
92 basis. Mr. Dennington stated that John Wood, Vice Chair of SHOPC, has recently taken a sales  
93 position with Konica Minolta, which has business relationships with municipalities. Mr. Dennington  
94 stated that Southborough is in Mr. Wood's sales territory and the company has not yet found

95 another sales representative to service the account instead of Mr. Wood. He stated Mr. Wood  
96 contacted the State Ethics Commission and was advised that, in order to continue serving on SHOPC,  
97 the committee members would need to be designated as SMEs. Mr. Dennington reported that  
98 SHOPC voted to request that the Board designate SHOPC's members as SMEs and stated he supports  
99 SHOPC's request. The Board agreed to remind all boards/committees of the requirement of the SME  
100 policy, including the requirement to file a disclosure with the Town Clerk, if applicable. The Board  
101 agreed to request that all boards/committees with SME designation review the policy at a meeting  
102 with their members. Mr. Dennington moved to remove the SME designation for the Tree Warden.  
103 Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0). Mr. Dennington  
104 moved to designate SHOPC members as SMEs. Mr. Stivers seconded the motion. The motion was  
105 unanimously approved (5-0-0).

#### 106 **IV. Reports**

##### 107 a. Chair's Report

###### 108 i. Recap of conversation with CPC on possible increase in CPA surtax to 3%

109 Ms. Cook reported that she and Mr. Andrew Pfaff, Chair of the Advisory Committee, attended a  
110 recent meeting of the Community Preservation Committee (CPC). She stated the CPC has approved  
111 bringing forth an article for \$250,000 for the tennis courts at Algonquin Regional High School. She  
112 also stated the CPC was in favor of considering a possible increase in the CPA surtax from 1% to 3%.  
113 She stated they discussed the timing and potential increase in funds if the surtax was increased. She  
114 stated they also discussed the manner in which the issue would come to the ballot.

###### 115 ii. 2/6 Public Works Planning Board meeting

116 Ms. Cook stated she attended the February 6<sup>th</sup> Public Work Planning Board (PWPB) meeting. She  
117 stated the PWPB approved their outstanding minutes and re-elected William Boland as Chair and  
118 Mark Bertonazzi as Vice-Chair. She stated the PWPB discussed their role. During public comment,  
119 Ms. Cook read the role of the PWPB, as defined by the Special Act, and commented that the role of  
120 the PWPB is advisory in nature to the Board. She stated the role of the PWPB would be discussed at  
121 a future Board meeting. Mr. Stivers, a member of the PWPB, stated that the PWPB does not want to  
122 duplicate the efforts of other Town boards/committees and recognizes the wealth of public works  
123 knowledge and experience on the PWPB to review potential projects. Mr. Stivers supports Ms.  
124 Cook's suggestion to clarify the role of the PWPB.

###### 125 iii. Town response to the weekend weather

126 Ms. Cook thanked Southborough Police and Fire Departments and the DPW for their response to the  
127 loss of power on Pine Hill Road over the weekend. Ms. Braccio thanked Mr. Esposito from the  
128 Facilities Department for his efforts in assisting affected residents.

##### 129 b. Members' Reports

###### 130 i. Ride Along update

131 Ms. Braccio stated she had the opportunity to ride with Sgt. DeLuca and Det. Neivert from the  
132 Southborough Police Department. For safety reasons, she asked the public to please move to the left  
133 lane when there is a police stop on Route 9 in the right lane. She thanked the Police Department and  
134 Chief Newell for the opportunity to participate in this program, as it offers an important perspective  
135 and is an opportunity for dialogue with the officers.

###### 136 ii. SHOPC update; Affordable Housing Trust Fund Strategic Financial Plan

137 Mr. Dennington reported that at the last two SHOPC meetings, a discussion was held about the  
138 Affordable Housing Trust Fund Strategic Financial Plan FY2023-2027, prepared by Metropolitan Area  
139 Planning Council (MAPC). Mr. Dennington stated the plan provides a five-year strategy for achieving  
140 the Town's affordable housing goals and includes specific suggestions. Mr. Dennington stated he  
141 would provide a copy of the plan, noting it was not included in tonight's packet.

##### 142 c. Town Administrator Report

###### 143 i. Update on tree work

144 Mr. Purple stated that the updated tree removal list was not included in tonight's packet and stated  
145 he would provide a copy. He acknowledged Mr. Chris Leroy, Tree Warden designee, for his direction  
146 of tree removal thus far and stated Mr. Leroy expects all work to be completed by March 1, 2023. He  
147 also thanked Ms. Hale and Ms. Barry for alerting the public, when possible, about which trees are  
148 being removed. Mr. Stivers thanked Mr. Leroy for his communication with Town residents regarding  
149 tree removal. Ms. Malinowski thanked Mr. Leroy for considering student's safety when planning tree  
150 removal.

151 Mr. Purple stated that Ms. Laurie Livoli, Building Commissioner, is retiring, effective March 3, 2023,  
152 and thanked her for her service to the Town. He stated he would meet with Ms. Livoli and Ms. Hale  
153 to discuss the bridge period until Ms. Livoli's replacement is hired.  
154

155 **V. Consent Agenda**

156 a. Approve Open Session Meeting Minutes: January 28, 2023

157 Ms. Cook requested to hold Consent Agenda item "a". Ms. Cook had scrivener's changes to the  
158 minutes. Mr. Stivers had scrivener's changes to the minutes. Mr. Dennington moved to approve the  
159 Open Session Meeting Minutes of January 28, 2023, as amended. Mr. Stivers seconded the motion.  
160 The motion was unanimously approved (5-0-0).

161 b. Award contract for the Golf Course tee reconstruction project

162 Mr. Stivers requested to hold Consent Agenda item "b". Mr. Stivers spoke in support of the project.  
163 Ms. Cook asked for a review of the funds that would be used for the project. Mr. Purple stated this  
164 project, along with paving the driveway and parking lot, would cost approximately \$144,800, which  
165 would be paid from the Golf Revolving Fund. Mr. Purple stated he would ask that the Board and  
166 Advisory Board to vote to raise the spending limit for this project only so that all work could be  
167 completed during this year. Ms. Cook asked about irrigation for the golf course. Mr. Purple reported  
168 that Mr. Schoener, Chair of the Golf Course Committee, and Mr. Mills, Chair of the CPC, have  
169 discussed the project and timing. Ms. Cook moved to approve the bid of \$75,300 by Bowditch  
170 Excavating on this project, including the alternate bid of \$10,600 for the trees. Mr. Stivers seconded  
171 the motion. The motion was unanimously approved (5-0-0).

172 c. Approve contract for Community Paradigm for DPW Superintendent recruitment

173 Ms. Braccio requested to hold Consent Agenda item "c". Ms. Braccio recused herself from Consent  
174 Agenda item "c" and left the meeting at 8:47PM, as her husband is a snow removal contractor for the  
175 Town. Mr. Purple stated that Mr. Lynch stated that the fee of \$9,000 covers the cost of the search  
176 until the position is filled. Mr. Purple stated the only additional fee to the Town would be to re-  
177 advertise the position. Ms. Malinowski moved to approve Consent Agenda item "c". Mr. Stivers  
178 seconded the motion. The motion was unanimously approved (4-0-0).

179 Ms. Braccio rejoined the meeting at 8:49PM.

180 **VI. Other Matters (Board may vote)**

181 a. Discussion and possible vote of MOU with St. Mark's for disposition/acquisition of property

182 Ms. Cook stated the MOU for tonight's discussion reflects the changes requested by the Board at  
183 their January 31<sup>st</sup> meeting. Mr. Stivers asked that the word "license" be removed from Section 5j.  
184 The Board agreed with Mr. Stivers. The Board agreed they would like to see language clarifying that  
185 the Town may work on St. Mark's property until the conveyances are completed. Ms. Cook asked  
186 that the typographical error in the 6<sup>th</sup> Whereas be corrected. Ms. Cook noted the Planning Board  
187 would speak with Mr. Talerman to discuss any issues with the MOU. The Board agreed that the MOU  
188 reflects that Town meeting has control of the approval process and would review the MOU at its  
189 February 28<sup>th</sup> meeting. Mr. Grant Farrington, 56 Flagg Road, asked why language was added in the  
190 Town Meeting Contingency. Ms. Cook stated the language provides greater flexibility. Mr.  
191 Farrington also asked about Paragraph 7. Ms. Cook stated the language is legally correct, as defined  
192 earlier in the MOU. Ms. Patricia Burns-Fiore, 10 Winter Street, stated her questions had been

193 answered. Mr. David Parry, 10 Main Street, urged the Board to carefully consider what happens if  
194 the land-swap fails at Town Meeting.

195 b. Update on IMA for Regional Dispatch

196 Ms. Elizabeth Lydon, Town Counsel, joined the meeting for this discussion. Ms. Malinowski updated  
197 the Board as to the current status of the IMA. She stated that Fire Chief Purcell from Westborough is  
198 working on the grant submission, which is due March 2<sup>nd</sup>. Ms. Malinowski noted she has received  
199 public comment regarding the location of the proposed Regional Emergency Communications Center  
200 (RECC), which is located at 30 Otis Street in Westborough and is designated as a Superfund site. She  
201 stated extensive cleanup has occurred and the Town of Westborough is meeting with EPA officials  
202 this week. Ms. Malinowski stated there would be a lease for the property but the IMA does not  
203 address the lease. Mr. Stivers asked that any lease agreement contain language that indemnifies the  
204 lessee from any responsibility for the RECC site. Ms. Malinowski reviewed the changes to the IMA  
205 that are in progress. The Board discussed how current Town dispatch employees would be treated in  
206 staffing the RECC. Ms. Malinowski stated current employees would have preference before  
207 interviewing outside candidates. The Board supported the changes Ms. Malinowski recommended,  
208 including the assessment percentages, termination language and debt veto language. Mr. Stivers  
209 suggested a list of changes, which included clarifying the language in Section 7 regarding one vote per  
210 member and capping damages should a community terminate its relationship with the RECC. Ms.  
211 Malinowski asked that Mr. Stivers forward his list of changes to her for review with the other  
212 communities. Mr. Dennington suggested Section 7H reflect that, at the Board of Directors level, a  
213 majority of voting members are present for a valid vote and, also, to remove language where the  
214 Executive Director serves as a tiebreaker. Ms. Malinowski stated she would provide the latest draft,  
215 including tonight's comments, to the Board and other communities for review. Ms. Braccio  
216 suggested the Board consider how to address Town non-emergency and business calls, as well as  
217 staffing the Public Safety Building entrance. Mr. Blair Sutherland, 139 Parkerville Road, thanked  
218 everyone for their attention to detail in creating the IMA and their work with the other communities.  
219 He thanked Ms. Malinowski for her operational considerations thus far and stated he believes more  
220 work will need to be done when the Operations Committee is created. Ms. Bonnie Pfaneuf, 179  
221 Middle Road, thanked Ms. Malinowski for her efforts thus far. She suggested disclosure language to  
222 ensure Southborough has no responsibility for any disturbances created at the RECC site. Regarding  
223 any budgets, Ms. Pfaneuf asked if there would be an EMD account and commented that there should  
224 be monitoring of any accounts by the communities and any excess funds should be returned to the  
225 communities. She also commented no debt should be incurred without an appropriation. Ms. Cook  
226 suggested Ms. Malinowski explore RECC site language in the IMA. The Board thanked Ms.  
227 Malinowski, Mr. Purple and Ms. Lydon for their efforts in the process.

228  
229 The Board took a brief recess at 10:07PM and reconvened at 10:12PM.

230  
231 c. Review of Annual Town Meeting Warrant articles

232 With regard to the placeholder articles, the Board removed all of the articles, with the exception of  
233 amending the Demolition Delay Bylaw. The Board agreed to hear from the Historical Commission  
234 and the Planning Board at its February 28<sup>th</sup> meeting and may wish to hear from the Community  
235 Preservation Committee at that time. The Board also agreed to hear a report from Ms. Cook on the  
236 Hopkinton Water Connection and review the items in Article 13 at its February 28<sup>th</sup> meeting. The  
237 Board agreed to review ARPA expenditures for ADA compliance at its February 15<sup>th</sup> meeting and the  
238 Trottier HVAC roof replacement and Article 29-Tree Maintenance Fund- at its February 28<sup>th</sup> meeting.  
239 Regarding the article To Hear Reports, Mr. Purple stated he would confirm with Mr. Cimino and  
240 would remove it after that time. Mr. David Parry, 10 Main Street, stated he was in support of  
241 dispensing with the reading of reports as a way to save time at Town Meeting. Ms. Cook stated the

Board would hear Mr. Nichols-Worley’s Citizen Petition at either its February 28<sup>th</sup> or March 7<sup>th</sup> meeting. Mr. Purple suggested Articles 34, 35 and 36 could be added to a consent list. Regarding Article 33, the Board agreed to schedule a joint meeting with the Affordable Housing Trust Fund Committee at its February 28<sup>th</sup> meeting. The Board discussed the ordering of the warrant, including articles that could be placed on a consent agenda. Ms. Cook clarified that if the Algonquin Athletic Complex article passes and the CPC Algonquin Athletic Fields article passes, a new IMA would need to be executed between the Town and Northborough for the debt structure of the project. The Board agreed to move Article #24 after Article #13 in the draft warrant discussed this evening.

d. Discussion of Building Commissioner recruitment process

The Board discussed the recruitment process for the open position. The Board agreed to recruit internally and through other networks as a first step in filling the position. Ms. Hale will revise the job description of Building Commissioner and present it for the Board’s review/approval at its February 15<sup>th</sup> meeting.

**VII. Public Comment**

Mr. David Parry, 10 Main Street, asked where the repayment of grant funds to the State would come from if the land-swap fails. Ms. Cook stated the Board is aware but has not fully discussed the matter.

**VIII. Executive Session**

Ms. Cook moved to enter into Executive Session at 11:01PM per M.G.L. Chapter 30A, Section 21, and not return to Open Session to discuss contract negotiations for the Finance Director (Exemption 2), as the Chair has determined that an open meeting may have a detrimental effect on the Town’s position. Mr. Stivers seconded the motion. The motion was approved by roll call vote: Mr. Dennington, aye; Mr. Stivers, aye; Ms. Braccio, aye; Ms. Malinowski, aye; Ms. Cook, aye (5-0-0).

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

Respectfully submitted,  
Bridgid Rubin, Recording Secretary

List of Documents referred to at the February 7, 2023 SB Meeting:

- Report on Examination of the Basic Financial Statements and Additional Information for the Year Ended 6.30.2023
- Memorandum from Mr. Purple, Ms. McAuliffe, Mr. Cibelli and Mr. Ballantine, dated January 26, 2023
- Q2 Report on Revenues and Expenses for the period ending December 31, 2022 with attachments
- Memorandum from Police Chief Newell, dated January 31, 2023
- Memorandum from Mr. Barry Rubenstein, dated February 2, 2023
- Memorandum from Mr. Mark Purple, dated February 7, 2023
- Email from Mr. Andrew Dennington, dated December 5, 2022
- Memorandum from Mark Purple to Town Clerk Jim Hegarty, dated November 12, 2019
- Memorandum from Mr. Mark Purple, dated February 7, 2023 with attachments
- Letter of Engagement between the Town of Southborough and Community Paradigm Associates, LLC
- Draft Memorandums of Understanding between the Town of Southborough and The Trustees of St. Mark’s School of Southborough, Inc.

- 289 • Draft FY24 ATM Recommended Budget and Dept Breakdowns
- 290 • Memorandum from Elizabeth Lydon, Town Counsel, dated January 31, 2023
- 291 • Draft IMAs for the Metro West Regional Emergency Communications Center, dated
- 292 January 31, 2023
- 293 • January 28, 2023 Open Session Meeting Minutes
- 294 • Town of Southborough Affordable Housing Trust Fund Strategic Financial Plan FY2023-
- 295 2027
- 296 • Email from Chris Leroy, Tree Warden Designee, dated January 31, 2023
- 297 • Draft Annual Town Meeting Warrant Table of Contents
- 298 • Memorandum from Brian Ballantine, dated February 2, 2023
- 299 • Southborough School District Revised Preliminary Budget FY24
- 300 • Northborough- Southborough School District Revised Preliminary Budget FY24
- 301 • Revised Agenda and schedule for 1.28.23 SB Meeting