



TOWN OF SOUTHBOROUGH

RECEIVED
By K Battles at 2:53 pm, Apr 11, 2023

SELECT BOARD Meeting Minutes

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Meeting Date: Tuesday, March 7, 2023 6:30PM
Location: McAuliffe Hearing Room, Town House, 17 Common Street, Southborough
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

Ms. Cook called the meeting to order at 6:35PM.

II. Executive Session

Ms. Cook moved to enter into Executive Session at 6:36PM, per M.G.L. Chapter 30A, Section 21, and return to Open Session, to consider the purchase, exchange, lease or value of real property at 5 Cordaville Road (Exemption 6), as the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Ms. Malinowski seconded the motion. The motion was unanimously approved (5-0-0) by roll call vote: Mr. Stivers, aye; Mr. Dennington, aye; Ms. Braccio, aye; Ms. Malinowski, aye; Ms. Cook, aye. Ms. Braccio called the meeting of the Affordable Housing Trust Fund Committee to order at 6:36PM. Members present: Kathy Cook, Lisa Braccio, Andrew Dennington, Chelsea Malinowski, Sam Stivers, Doriann Jasinski and Bill Boland. Ms. Braccio moved to enter into Executive Session at 6:36PM, per M.G.L. Chapter 30A, Section 21, and return to Open Session, to consider the purchase, exchange, lease or value of real property at 5 Cordaville Road (Exemption 6), as the chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Ms. Malinowski seconded the motion. The motion was unanimously approved (7-0-0) by roll call vote: Ms. Cook, aye; Ms. Malinowski, aye; Mr. Stivers, aye; Mr. Dennington, aye; Ms. Jasinski, aye; Mr. Boland, aye; Ms. Braccio, aye

The Board returned to Open Session at 7:18PM.

III. Scheduled Appointments (Board may vote)

a. Appointment of Steve Holland to Capital Improvement and Planning Committee (CIPC)
The Board interviewed Mr. Holland for the position. Ms. Cook moved to appoint Mr. Holland to the CIPC, term to expire 6/30/2024. Mr. Stivers seconded the motion. The motion was unanimously approved 5-0-0).

b. Community Center Exploration Committee: amendment of charge
Ms. Cook moved to approve the Community Center Exploration Ad Hoc Committee Charge, as amended and presented this evening. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0).

c. Citizen Petition warrant articles
Ms. Cook stated the Board would not be voting on these articles this evening. She stated that all of the Citizens' Petitions are advisory in nature and are non-binding for the relevant body. The Board heard the presentations and asked questions on the following citizen's petitions:

i. Article #34: Voting Age

Mr. James Nichols-Worley, 94 Main Street and sponsor of the article, appeared before the Board on the matter and presented his petition to lower the municipal voting age.

ii. Article #35: Citizen's Petition-Zoning Change

46 Mr. David Parry, 22 Main Street and sponsor of the article, stated that he would move to indefinitely
47 postpone the article at Town Meeting, as the owner has entered into an agreement to sell the
48 property.

49 iii. Article #36: Citizen's Petition, add Driver Feedback Signs

50 This article was not reviewed, as Mr. David Lapine, sponsor of Article #36, was not present.

51 iv. Article #37: Driver Feedback Sign

52 This article was not reviewed, as Mr. David Lapine, sponsor of Article #37, was not present.

53 v. Article #38: Withdraw from REC

54 Ms. Bonnie Phaneuf, 179 Middle Road and sponsor of the article, appeared before the Board on the
55 matter and presented her petition requesting the Town withdraw from the proposed RECC. Ms.
56 Phaneuf expressed concern about the site, funding source after year 3, contracts of other towns for
57 ambulance service and changeover within the Board.

58 vi. Article #39: Emergency Dispatch Services

59 This article was not reviewed, as Mr. Kyle Davincent, sponsor of Article #39, was not present.

60 vii. Article #40: Public Works Planning Board

61 Ms. Patricia Burns-Fiore, 10 Winter Street and sponsor of the article, appeared before the Board on
62 the matter. She stated the purpose of the article is to change the appointing authority for the PWPB
63 and to encourage review of the Department of Public Works.

64 viii. Article #41: Citizen's Petition-5G Equipment Policy

65 This article was not reviewed, as Ms. Heidi Davis, sponsor of Article #41, was not present.

66 ix. Article #42: Citizen's Petition-Letter of Concern to FCC

67 This article was not reviewed, as Ms. Heidi Davis, sponsor of Article #42, was not present.

68 x. Article #43: Citizen's Petition-Letter to IG

69 Mr. David Parry, 22 Main Street and sponsor of the Articles #43 and #44, appeared before the Board
70 on the matters. He stated that Article #43 and Article #44 are relevant only if the land swap/road
71 discontinuance article does not pass. He stated that Article #43 seeks to request a forensic
72 examination by the Inspector General's office of the DPW and Town Administrator's office, as they
73 managed the St. Mark's project. He stated it also requests that the Advisory Committee conduct a
74 review of the project and deliver its findings to Town Meeting.

75 xi. Article #44: Citizen's Petition-St. Mark's Street Project

76 Mr. Parry stated that Article #44 seeks to cease all work on the St. Mark's project.

77 d. Discussion with CPC Chair regarding Articles #24 and #25

78 Ms. Cook announced that discussion of this matter would take place at 8:30PM and the Board
79 continued with the Agenda. Mr. Andrew Mills, CPC Chair, joined the Board for discussion of this
80 matter at 8:44PM. With regard to Article #24, Mr. Mills stated that the CPC has worked with the
81 Algonquin Regional School Committee to ensure CPA funds would be spent on projects that fall
82 within the CPA's guidelines and were not comingled with other aspects of the Algonquin project. He
83 stated Article #24 requests that the Town appropriate \$246,418.51 of CPA monies to fund 7 tennis
84 courts, 3 pickle ball courts and 1 basketball court as part of the Algonquin Regional High School
85 Athletic Complex. Mr. Mills stated the CPC voted to support Article #24. The Board discussed Article
86 #24 relative to Article #14 and discussed moving Article #24. Mr. Stivers made a motion to move
87 Article #24 in the proposed current version of the warrant to become the new Article #14 and make
88 the appropriate adjustments to succeeding articles. Ms. Malinowski seconded the motion. The
89 motion was unanimously approved (5-0-0).

90 Ms. Jasinski, Chair of SHOPC, called the meeting of SHOPC to order at 8:57PM. Members present:
91 Ms. Jasinski, Mr. Dennington and Mr. Thomas Bhisitkul. Members present via Zoom: Mr. Doug Manz
92 and Mr. Alexander Frisch. Members absent: Mr. Jesse Stein and Mr. John Wood. Ms. Cook stated
93 that Article #25 requests the transfer of \$55,800, representing this year's allotment, from CPA
94 Affordable Housing Funds to the Affordable Housing Trust Fund (AHTF). Ms. Cook stated Town

95 Counsel has stated that CPC needs to approve the transfer prior to voting on the article at Town
96 Meeting. Mr. Mills stated that CPC has not received an application from SHOPC to review the
97 transfer. Ms. Cook stated that there will be a Fall Town Meeting and asked the Board to consider
98 postponing Article #25 until that time. The Board agreed to remove Article #25 from the current
99 warrant and postpone until Fall Town Meeting. Ms. Cook stated that the AHTF Committee met
100 earlier this evening to consider using funds to acquire a property as an affordable housing unit. She
101 shared that, presently, there is approximately \$197,000 in CPA Affordable Housing funds. Mr. Mills
102 stated the funds have been approved by Town Meeting but have yet to be moved into the AHTF. Mr.
103 Mills and the Board discussed how to move the funds into the AHTF. Mr. Mills recommended that
104 Ms. McAuliffe create a process for tracking transferred funds and reporting that information to the
105 State. Ms. Cook stated that, presently, there is approximately \$239,000 in the AHTF. The Board
106 agreed that the process to move CPA funds would be as follows: Ms. McAuliffe will send the CPC a
107 report of AHTF funds with an email requesting that approved CPA funds be moved into the AHTF.
108 Ms. Frederica Gillespie, Chair of the Open Space Preservation Committee, stated that any CPA funds
109 have to be spent in compliance with the Community Preservation Act and a deed restriction must be
110 placed on the land in question in perpetuity. Ms. Patricia Burn-Fiore, 21 Winter Street, asked why
111 the potential acquisition of land and property is not subject to a Town Meeting vote. Mr. Stivers
112 stated the legislation that established the AHTF and AHTF Committee allows for the purchase of real
113 property through the AHTF Committee. Ms. Jasinski moved to adjourn the SHOPC meeting at
114 9:10PM. Mr. Bhisitkul seconded the motion. The motion was unanimously approved (5-0-0) by roll
115 call vote: Mr. Frisch, aye; Mr. Manz, aye; Mr. Bhisitkul, aye; Ms. Jasinski, aye; Mr. Dennington, aye.

116 **IV. Reports**

117 a. Chair's Report

118 i. Update on proposed Hopkinton water connection IMA

119 Ms. Cook reported that the proposed draft IMA is moving forward and she hopes the Board will
120 review the draft IMA at the March 21st meeting. She does not expect the IMA will be signed before
121 Town Meeting.

122 ii. Discussion of One Stop Expression of Interest application

123 Ms. Cook stated that State One Stop Grant Expression of Interest deadline is March 17th and grant
124 submissions are due May 1st. She stated that, at this point, the Town is eligible to apply for two
125 grants. Ms. Doriann Jasinski, Chair of SHOPC, stated that SHOPC would submit an Expression of
126 Interest for a \$40,000 grant through DHCD Housing Choice. The Board discussed how to move
127 forward with the remaining Expression of Interest. Ms. Malinowski described how the process
128 worked last year and suggested using that feedback in this year's process. Mr. Stivers suggested
129 using a coordinated strategy for assessing available One Stop grants to determine the most successful
130 grant submissions that advance the Town's goals. The Board agreed that Ms. Hale would reach out
131 to CIPC, the Planning Board and Economic Development Committee (EDC) to review potential
132 submissions and determine the process for moving forward with a second grant submission.

133 b. Members' Report

134 i. St. Mark's Street Park Working Group update

135 Mr. Dennington reported that the St. Mark's Street Park Working Group voted unanimously at its
136 March 6th meeting to send the Board a final concept of the proposed park. Mr. Dennington
137 presented the proposed park plan to the Board, noting that the location of the parking lot would be
138 corrected on the proposal prior to the presentation at Town Meeting. He thanked Ms. Marguerite
139 Landry, Chair of the St. Mark's Street Park Working Group, for her efforts with the Group's work. Ms.
140 Braccio asked if shade trees could be located near the seating area to provide shade. Mr. Dennington
141 stated that this presentation is merely a concept plan for the park. Ms. Malinowski asked about the
142 rain garden. Mr. Dennington stated it is a landscape feature that aids with drainage, noting that it
143 was part of the original design of the park by VHB in June of 2021. Ms. Malinowski asked about the

144 cost of the park. Mr. Dennington stated that Article #13 states all costs for the park, from
145 engineering through construction, would not exceed \$250,000.

146 Ms. Braccio offered condolences on behalf of the Board to the family of Mr. Charles Keller, a 31-year
147 employee of the Southborough Police Department who recently passed away, and thanked him for
148 his service to the Town.

149 c. Town Administrator Report

150 Mr. Purple reported that, today, the Massachusetts Supreme Judicial Court released a decision in the
151 case of Louise Barron v. Daniel Kolenda and the Town of Southborough. He stated the Town's
152 counsel in the case is reviewing the decision and will provide more information after the review is
153 concluded. Mr. Purple also provided an update on the tree removal efforts, stating that the process
154 would conclude by April 5th at the latest. Mr. Purple thanked Mr. Chris Leroy for expediting the tree
155 removal process and thanked Mr. Leroy, Ms. Hale and Ms. Barry for their efforts in communicating
156 the process to the Town.

157 i. Update on hiring processes for DPW Superintendent and Building Commissioner

158 Ms. Braccio left the meeting at 7:56PM, as she has recused herself from this matter because her
159 husband is a snow removal contractor for the Town.

160 Ms. Hale reported that she spoke with Mr. Bernard Lynch, recruitment consultant from Community
161 Paradigm, who provided an update on recruitment efforts, including an expansion of traditional
162 recruitment measures. Ms. Hale reported that the application deadline is March 20th and will have
163 more information for the Board at that time.

164 Ms. Braccio rejoined the meeting at 7:57PM.

165 Ms. Hale reported that Building Inspector Laurie Livoli's last day of work was on Friday, March 3rd,
166 and she thanked Ms. Livoli for her service to the Town. Ms. Hale reported that there are twelve
167 applicants for the position and approximately half of the applicants have municipal experience. She
168 reported that interviews are scheduled to begin next week and the interview team consists of Ms.
169 Hale, Town Planner Karina Quinn, Conservation Agent Melissa Danza and a member of the Zoning
170 Board of Appeals (ZBA).

171
172 Ms. Cook stated the Mr. Steve Holland's appointment to the CIPC earlier in the meeting had an
173 incorrect length of term as part of the motion. Ms. Cook moved to appoint Mr. Steve Holland to the
174 CIPC, term to expire 6/30/23. Ms. Malinowski seconded the motion. The motion was unanimously
175 approved (5-0-0).

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178 **V. Consent Agenda**

179 a. Approve Open Session minutes: February 15, 2023

180 Ms. Cook requested to hold Consent Agenda item "a." Ms. Cook requested the following change:
181 line 40: change to "June 1st deadline to withdraw, per the IMA." Ms. Cook requested an additional
182 scrivener's change. Mr. Stivers requested a scrivener's change to the minutes. Ms. Cook moved to
183 approve the February 15, 2023 Open Session Meeting minutes. Mr. Stivers seconded the motion.
184 The motion was unanimously approved (5-0-0).

185 b. Accept donation in the amount of \$50 from Boland Family Trust to the Library

186 c. Appoint DPW Water Division Supervisor

187 d. Approve Final FY24 (Non-Water) Budget with minor revisions

188 Ms. Cook moved to approve Consent Agenda items "b", "c" and "d." Mr. Stivers seconded the
189 motion. The motion was unanimously approved (5-0-0).

190 e. Accept donation in the amount of \$1,000 from L'Abri Fellowship

191 Ms. Braccio requested to hold Consent Agenda item "e." Ms. Braccio thanked L'Abri Fellowship for
192 their continued annual support. Mr. Stivers also thanked L'Abri Fellowship for their contributions.

193 Ms. Cook moved to accept the donation from L'Abri Fellowship. Mr. Stivers seconded the motion.
194 The motion was unanimously approved (5-0-0).

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196 The Board recessed at 9:13PM and resumed the meeting at 9:23PM.

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

199 a. Review of proposed FY24 Water Enterprise Fund Budget

200 Ms. Malinowski presented the FY24 Water Enterprise Fund Budget. Ms. Cook moved to support the
201 Water Enterprise Fund Budget of \$2,804,097 for FY24. Mr. Stivers seconded the motion. The motion
202 was unanimously approved (5-0-0).

203 b. Update on Regional Dispatch

204 Ms. Malinowski stated that there have been questions about the financial impact of regionalization.
205 She reported that she investigated the impact using three scenarios: 1) keeping dispatch as it is
206 currently (local and 1 dispatcher); 2) doubling the department; and 3) entering into the RECC with
207 Westborough and Grafton. Ms. Malinowski presented the information to the Board and public. The
208 Board discussed the scenarios. Mr. Malinowski reported that she, along with Mr. Purple, Mr. Stivers,
209 Police Chief Newell, Fire Chief Achilles, Conservation Agent Melissa Danza and Assistant Public Health
210 Director Taylor West met with representatives from the Environmental Protection Agency (EPA) and
211 the State Department of Environmental Protection (DEP). Also present was a Licensed Site
212 Professional (LSP). Ms. Malinowski shared that the EPA and DEP representatives have been involved
213 with this site for 25-30 years. She stated the group shared the Town's concerns and learned the EPA
214 will continue to produce 5-year reports on the site that focus on both human and environmental
215 health concerns. She stated she hopes representatives from the EPA and DEP will appear before the
216 Board at its March 21st meeting. Mr. Stivers added the 5-year reports are trending in the right
217 direction and that projects have been successfully completed on other sites similar to the one under
218 consideration for the RECC in Westborough. Ms. Phaneuf asked if anything would be presented at
219 Town Meeting to address the dispatch issue locally. Ms. Malinowski stated there is not. Ms. Phaneuf
220 stated she would like to know the distance from the proposed RECC building to the landfill and asked
221 whether dispatchers are covered under the assumptive illnesses clause. Ms. Cook stated Mr. Purple
222 would provide the answer to that question. Ms. Phaneuf stated it is important to ensure the lease
223 protects the Town from any liability associated with the site.

224 c. Finalize and sign St. Mark's MOU

225 Ms. Cook reported that Ms. Luttrell and Mr. Stein, representing the Planning Board, spoke with Town
226 Counsel Talerma and were satisfied with the inclusion of the final sentence in the Planning Board
227 Contingency section of the MOU. Mr. Dennington reported that he spoke with Town Counsel
228 Talerma and was satisfied with the language in the MOU in its present form. Ms. Cook moved to
229 approve the Purchase and Sale of Real Estate that has been signed by St. Mark's School. Mr. Stivers
230 seconded the motion. The motion was unanimously approved (5-0-0). Ms. Cook stated the Board
231 would execute the agreement before they leave tonight's meeting.

232 d. Review and sign Warrant for 2023 Annual Town Meeting

233 The Board discussed outstanding issues with articles. **Article #9** - Ms. Cook reported that Town
234 Counsel Liz Lydon and Conservation Agent Melissa Danza recommended not postponing this article
235 until Fall Town Meeting. Mr. Purple stated the LSP would be at Town Meeting to answer any
236 questions. The Board discussed the language in the warrant and agreed that Mr. Purple would ask if
237 the words "or any other amount" could be stricken from the warrant. **Article #28** – Ms. Malinowski
238 stated that this article would be a maintenance fund that will carry over each year, if not spent. The
239 Board discussed the funding of this article. Ms. Malinowski stated that a tree inventory would be
240 done as a first step to understanding costs. **Article #9** - Ms. Cook moved to support borrowing for
241 the remediation of Breakneck Hill. Mr. Stivers seconded the motion. The motion was unanimously

approved (5-0-0). **Articles #12 and #13** – Ms. Cook moved to support both articles related to the park. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0). **Current Article #24 that will be moved to Article #14**–Ms. Cook moved to support the cost of the tennis, pickle ball and basketball courts. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0). **Article #28** – Ms. Cook moved to support the Tree Maintenance Fund. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0). **Article #4** – Mr. Dennington moved to support the SAP warrant article. Mr. Stivers seconded the motion. The motion was unanimously approved (5-0-0). **Article #26** – Ms. Braccio asked that the Board wait to vote on this article until more details are available to the public. Ms. Cook stated more information would be available at the Board’s March 21st meeting. Ms. Malinowski asked for clarification regarding funding of Article #26. Ms. Cook stated taxes would not be raised to fund this article. The Board agreed to vote on Article #26 at its March 21st meeting. The Board and Mr. Purple discussed with Town Moderator Cimino the clearest manner to convey the Board’s support or non-support for warrant articles. **Article #34** – Ms. Cook moved to support Article #34. Mr. Stivers seconded the motion. The Board discussed the motion. The motion was approved (4-1-0; Mr. Stivers voted against the motion). **Articles #36 and #37** – The Board discussed Articles #36 and #37 and agreed they do not support either article. Ms. Cook moved to support Articles #36 and #37, as currently numbered in the warrant. Mr. Stivers seconded the motion. The motion unanimously failed (0-5-0). **Article #38** – Ms. Cook moved to support Article #38. Mr. Stivers seconded the motion. The motion unanimously failed (0-5-0). **Article #39** – Ms. Cook moved to support Article #39. Mr. Stivers seconded the motion. The motion unanimously failed (0-5-0). **Article #40** – Ms. Cook moved to support Article #40. Mr. Stivers seconded the motion. The motion failed (1-4-0; Mr. Stivers voted in support of the motion). **Article #41 and #42** – The Board agreed to wait until Town Meeting to take a position on this article. The Board discussed the presentation of Board-sponsored articles at Town Meeting. **Article #29** – Mr. Dennington moved to support Article #29. Mr. Stivers seconded the motion. The motion failed (2-3-0; Mr. Stivers and Ms. Braccio voted in support of the motion). Mr. David Parry, 22 Main Street, asked that Article #44 be placed before Article #43 and the Board agreed with that change.

e. Request for earmarks to be sent to Rep. Kate Donaghue
The Board discussed a list of earmarks to send to Rep. Donaghue. Mr. Purple stated that earmarks would be capped at \$75,000. The Board listed the following suggestions to present to Rep. Donaghue: Breakneck Hill remediation (\$75,000), upgrading public meeting capabilities at the Senior Center, monies for dementia/memory outreach at the Senior Center (\$40,000), tree inventory or study (\$40,000), COVID-19 vaccine reimbursement (\$15,000), UTV (\$40,000), Fire PPE (\$20,000), ADA upgrades (\$50,000), 21-E Study (\$20,000), and monies to deposit into the AHTF (\$75,000). Ms. Debbie DeMuria, 58 Flagg Road, suggested the following earmarks: consulting to assist the Town with electrification and climate action plans (\$20,000 each). Mr. Purple will prepare a draft of the list for the Board’s review.

VII. Public Comment

Mr. David Parry, 22 Main Street, commented that the St. Mark’s road project has nothing to do with flooding at the Library. Town Moderator Cimino asked that speakers addressing the Board speak directly into microphones so that those in the remote audience can hear their comments.

VIII. Adjournment

Ms. Cook moved to adjourn the meeting at 11:06PM.

<i>Upcoming Meetings</i>	
<i>March 21, 2023</i>	<i>March 25, 2023 (Town Meeting)</i>

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Respectfully submitted,

Bridgid Rubin, Recording Secretary

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

- Draft Town Meeting Warrant, dated March 3, 2023
- Community Center Exploratory Committee Charge, edited
- Select Board Open Session Meeting Minutes, dated February 15, 2023
- Memorandum from Ryan Donovan, dated February 28, 2023, RE: Library Donation
- Memorandum from Abdul Alkhatib, dated March 3, 2023, RE: Appointment of Connor Murray
- Memorandum from Brian Ballantine, dated March 2, 2023, RE: FY24 Budget Vote for Town Meeting Recommendation
- Letter from L'Abri Fellowship, dated March 1, 2023, RE: Donation
- Financial Analysis of Dispatch Regionalization
- Memorandum from Jen Hansen, dated February 16, 2023, RE: SCAC Membership and Quorum
- Community One Stop for Growth –FY23 Application Template
- Memorandum of Purchase and Sale of Real Estate between St. Mark's School and the Town of Southborough executed by St. Mark's School
- St. Mark's Street Park Concept Plan
- Citizen Activity Form for Stephen Holland
- Draft Warrant Posting Notice