I. Call Meeting to Order

II. Public Comment

III. Scheduled Appointments (Board may vote)
   a. Police Chief Ken Paulhus recommendations:
      i. Appointment of Austin Chapski as Full-Time Student Police Officer
      ii. Appointment of Brittany Remillard to Full-Time Communications Officer (from Part-Time)
   b. Request for Heavy Vehicle exclusion on Pine Hill Road

IV. Reports
   a. Town Administrator’s Report
   b. Chairman’s Report
   c. Members’ Reports

V. Consent Agenda (Board may vote)
   a. Approval of new cruiser detail rate as recommended by Police Chief Ken Paulhus
   b. Approval of Harvard donation of forklift for Fire Department
   c. One-Day beer and wine license application: Notch Beer Garden for RxAdvance event on 9-25-19

VI. Other Matters Properly Before the Board (Board may vote)
   a. Request from David McCay for Special Municipal Employee designation for Economic Development Committee members
   b. Nomination process for MetroWest Regional Collaborative (MWRC) seat on Boston Metropolitan Planning Organization (MPO)

VII. Executive Session
    The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, to discuss the following items: (1) Police Union CBA [Exemption 3], and (2) Golf Course Management contract [Exemption 2], as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

VIII. Adjournment

Brian E. Shea, Chairman

UPCOMING MEETINGS
September 17, 2019
October 1, 2019
To: Southborough Board of Selectmen
From: Police Chief Kenneth Paulhus
Subject: Full-Time Telecommunications Officer
Date: August 15, 2019

Dear Board of Selectmen:

Please consider my recommendation to elevate Ms. Brittany Remillard as a Full-Time Telecommunications Officer, effective on September 9, 2019. She is currently a Part-Time T/C Officer for the Department. The opening becomes available when T/C Officer Austin Chapski steps down to begin his career as a Student Officer on the same date.

Ms. Remillard is currently enrolled in the Criminal Justice Program at Worcester State College, and is a member of the U.S. Army National Guard in Reading, MA.

The recommended pay rate for the position would be Step 2 of the Local 44 Contract, $22.20 per hour, based on her past training and experience.

Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!
To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Full Time Student Officer Appointment

Date: August 15, 2019

Dear Board of Selectmen:

Please consider my recommendation to appoint Mr. Austin Chapski as a Full-Time Student Police Officer, effective on September 9, 2019. This classification will last until his graduation from the MPTC Randolph Police Academy at which time he will transition to a Probationary Officer. Mr. Chapski was extended a Conditional Offer as a Student Officer on 4/23/2019, with a start date TBD.

As you know, Mr. Chapski is a graduate of Algonquin Regional High School, and holds a Bachelor's Degree in Criminal Justice from Worcester State College. He is a Town Resident. His employment history, background check, and interviewing skills reflect a high level of communication and community policing skills.

Austin will be stepping down from his current full-time assignment as a Telecommunications Officer to accept the position made possible by the retirement of Lt. James.

His salary will be $700.00 per week per the Union Contract for a Student Officer which will end when Mr. Chapski becomes certified as a Police Officer upon graduation from the MPTC. He will transition to Step 1, Full-Time Probationary Officer, per Union Contract.

Please feel free to contact me with any further questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!
July 26, 2019

Dear Board Members,

As a result of a project that has been developing in our neighborhood of Southborough, on the Framingham line, since the beginning of 2019, the discussion on traffic along Pine Hill Road has been reopened. The proposed development is to lease 12 acres of the 112 acre property for the indoor cultivation of cannabis, both medical and recreational, from Doug Stephan, owner of Eastleigh Farm.

TRAFFIC is the main concern. Right now, we have a significant traffic problem on Pine Hill Road, with speeding and reckless driving. Recently, I have been in touch with both Mark Purple, Town Administrator and also with Karen Galligan, Superintendent DPW and continue discussion with them. Mark Purple provided information that a study was made several years ago, when John Boland was DPW Superintendent, and a request made to MassDOT, which was denied. According to Mark, (quote) reasons for denial included the alternate route would be almost five miles long, and that the alternate route would send traffic into abutting communities. But, with the passage of time and the massive increase of traffic over the past few years, our little rural road is now a major cut through for the 9/90 business corridor.

I would like to request that either traffic weight restriction or speed bumps be implemented on Pine Hill Road. Yesterday, I received news of yet another accident at the intersection of PHR and Edmands Road a couple of days ago, which involved the assistance of our Police Department, Fire Department and Ambulance Services. Even though a 25 mile speed restriction was placed near the intersection a few months ago, vehicles speeding up Edmands Road take no heed. I, myself, have been involved in precarious situations there, as we all have, as the site line is severely impacted by the stone wall. Removal of trees has made very little difference.

Just as an FYI, the first public meeting was held in January 2019. Commonwealth Farm 1761, Inc. was invited to give a presentation on the proposed development. The second public meeting was held on Wednesday July 24. If the site plan approved, the proposed development will allow for the continuation of Eastleigh Farm as a farm. That is potentially good news, but will increase the traffic.

In a further correspondence with Mark Purple, he advises me that (quote): Based on past studies, the cost would be between $8-10,000 for a traffic study. If it were a safety study, the cost would escalate to $18-20,000. The Town does not have a budget for these studies, and would have to identify a funding source.

Kindly consider this request to control traffic on Pine Hill Road. I would be grateful to you for providing any suggestions that may assist in preventing Pine Hill Road from becoming a disaster zone.

Sincerely,

Caroline Rossen
Dear Board of Selectmen:

Please consider my request to raise the rate for use of a Southborough Police Cruiser on private detail work from the current rate of $12.50 hr. to $20.00 per hour. The rate was last set approximately thirteen years ago under Chief Webber. Currently, departments in the area are charging the following: Framingham-$25.00, Westborough-$20.00, Marlborough-$20.00, and Ashland-$100.00 flat rate per job.

The increase is due to the ever-increasing cost to maintain and repair cruisers for the large amount of road work occurring year round in the community.

Thanks in advance for your consideration. Please contact me with any questions or concerns you might have.

Kenneth M. Paulhus
Chief of Police
No-Cost Equipment Donation and Assignment

This No-Cost Equipment Donation and Assignment ("Donation"), executed and delivered as of August 13, 2019 (the "Effective Date"), is by and between the President and Fellows of Harvard College, a Massachusetts nonprofit educational corporation, acting through Harvard Medical School ("Harvard") to the Town of Southborough (MA) Fire Department ("Recipient"). Harvard and Recipient are referred to herein collectively as the "Parties"; each individually a "Party".

WHEREAS, Harvard desires to donate, and Recipient desires to receive at no cost, the Assets (as defined hereafter) pursuant to the terms and conditions set forth herein; and

WHEREAS, Harvard has agreed to convey and assign all of its rights, title and interest in and to the Assets to Recipient in consideration of the Purchase Price (as defined hereafter).

NOW, THEREFORE, in consideration of the premises and mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. Donation of Assets. As of the Effective Date, Harvard hereby agrees to donate and assign, and Recipient agrees to receive at no cost, free and clear of all liens, Harvard’s right, title and interest in and to the assets listed on Schedule I (the “Assets”), which is attached hereto and incorporated herein (“Schedule I”).

2. Condition of the Assets. Recipient hereby acknowledges that the assets are being conveyed, and assigned to Recipient by Harvard in an “as-is” condition and Harvard makes no additional representations and warranties relating to the assets (implied or otherwise), except as set forth in this Donation. By way of clarification, except as otherwise set forth in this Donation, Harvard hereby disclaims and excludes all other warranties, express or implied, including, but not limited to, any and/or all the implied warranties of merchantability and/or fitness for a particular purpose, and any warranty otherwise arising out of the assets or this Donation.

3. Software. If any software is conveyed as part of the Assets, Harvard does not convey any license to use such software or represent that Recipient shall have any right to use such software. The Parties hereby agree that it shall be the obligation of Recipient to obtain any required licenses to use such software directly from the licensors thereof.

4. Title and Risk of Loss. The Parties hereby acknowledge Recipient has engaged a third party to package and ship the Assets identified in Schedule I to the Recipient’s premises ("Recipient’s Premises"). The Parties hereby acknowledge and agree that all rights, title and risk of loss relating to the Assets shall pass from Harvard to Recipient upon the earlier to occur of the following: (i) third party’s receipt of the Assets, or (ii) at the freight on board ("FOB") shipping point. By way of clarification, Harvard shall not
be liable for any loss or damage during the course of shipment, including, but not limited to, accidents, theft, vandalism, labor difficulties, or disputes, weather extremes, other acts of nature, or other circumstances causing a delay in delivery.

5. Expenses. Recipient agrees to pay for any and all expenses associated with the Assets including, but not limited to, transportation of the Assets to Recipient’s designated location, insurance on the Assets and the transport of the Assets, and any and all other expenses related to the removal of the Assets from Harvard’s premises (or such location of the Assets) ("Harvard’s Premises").

6. Damages and Release. Upon passing of title of the Assets pursuant to Section 5 hereof, Recipient shall be responsible for any theft, loss or damage to the Assets, including, but not limited to, damage caused by Recipient’s shipping and delivery agent relating to the donation and/or removal of the Assets. Recipient hereby waives, and releases Harvard from, any claims for any liability relating to the Assets (including, but not limited, damage, theft or loss) against Harvard and its departments, partners, officers, directors, shareholders, board members, representatives, agents, consultants, employees, affiliates and their respective successors and assigns. This Section shall survive termination of this Donation.

7. Representations and Warranties. Except as set forth in Schedule 1, Harvard hereby represents that is has full and unencumbered ownership, right, title and interest in the Assets. Each Party represents and warrants that (i) it has the authority to enter into this Donation, (ii) it is not a party to any agreement with any third party which prohibits it from fulfilling its obligations under this Donation and (iii) this Donation, when executed and delivered, shall be a valid and binding obligation on such Party, enforceable in accordance in its terms.

8. Delivery and Possession. Unless otherwise agreed to by the Parties, Recipient shall take possession within thirty (30) days of execution of this Donation. In removing the Assets from Harvard’s Premises, Recipient shall act as if time is of the essence.

9. Governing Law. This Donation shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts, without regard to its conflicts of law principles. Each of the Parties hereby irrevocably and unconditionally (i) consents to submit to the exclusive jurisdiction of the courts of the Commonwealth of Massachusetts and the United States of America located in Suffolk County, Massachusetts (the “Massachusetts Courts”) for any litigation arising out of or relating to this Donation and the transactions completed hereby (and agrees not to commence any litigation relating thereto except in such courts), (ii) waives any objection to the laying of venue of any such litigation in Massachusetts Courts and (iii) agrees not to plead or claim in any Massachusetts Court that such litigation brought therein has been brought in an inconvenient forum.

10. Further Assurances. Each Party hereto shall execute, deliver, file and record, or cause to be executed, delivered, filed and recorded, such further agreements, instruments and other documents, and take, or cause to be taken, such further actions, as the other Party hereto may reasonably request as being necessary or advisable to effect or evidence the transactions contemplated by this Donation.

11. Waiver. No waiver of any breach of this Donation by Harvard shall be deemed a waiver of any subsequent breach.

12. Entire Agreement. This Donation shall constitute the entire agreement between the Parties regarding the subject matter hereof and shall supersede all proposals and prior discussions and writings between the
Parties with respect thereto. The Parties agree that this Donation cannot be altered, amended or modified, except by a writing signed by an authorized representative of each Party.

IN WITNESS WHEREOF, the Parties hereto have executed this Donation as of the Effective Date.

The President and Fellows of Harvard College, acting though the Harvard Medical School ("Harvard")

By: ____________________________ Date: August 13, 2019 ______

Jeff DiCiaccio
Director of Strategic Procurement

Town of Southborough Fire Department ("Recipient")
21 Main Street, Southborough, MA 01772

By: ____________________________ Date: ______________________

Name: Steven Achilles
Title: Fire Chief
DONATION AND ASSIGNMENT: SCHEDULE I

This Schedule I ("Schedule I") is to the Donation and Assignment, dated as of August 13, 2019, by and between Recipient and Harvard (the "Donation"). Capitalized terms not defined herein shall have the meaning ascribed to such term in the Donation.

**Product description:** Toyota Forklift Truck with side shift (fuel-propane)

**Manufacturer name:** Toyota

**Model name and/or number:** 7FGU25

**Serial number:** 69362

**Contact information of donating department:**
- Department name: HMS Facilities
- Name: Sharon Lorince
- Email: Sharon_lorince@hms.harvard.edu
- Phone number: 617-432-1418
Designated Driver List for RX Advance event on September 25, 2019

-Elizabeth Hall from RX Advance. She is Notch’s event contact at RX Advance and will be at the event that day. (508) 804-6900
APPLICATION FOR ONE-DAY ALCOHOL LICENSE
TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

☐ WINE/MALT ONLY  ☑ ALL ALCOHOL [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: __________________________

John "Ji" Thompson 717 580 8668
Event Manager/Applicant Name 24-Hour Contact Telephone Number

Jo Notch Brewing 233R Derby Street Salem MA 01970
Event Manager/Applicant Address

jt@notchbrewing.com
Event Manager/Applicant Email Address

Notch Brewing 233R Derby Street Salem MA 01970
Organization Representing Address of Organization

Office Worker Hospitality 25 September 2019
NAME OF EVENT / PURPOSE DATE OF EVENT RAIN DATE

LOCATION OF EVENT  ☑ Outside
( ) Inside

Is the organization you are representing non-profit* ☑ YES ☑ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached ☑ YES ☑ NO

Hours of Sale/Consumption of Alcoholic Beverages 4pm AM/PM to 6pm AM/PM.
APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? ____________________

What is the predominate age group of the expected attendees? ________25 - 40________

Is an admission fee to be charged? ______ Yes ______ No

Are tickets being sold in advance for this event? ______ Yes ______ No

How will alcoholic beverages be dispensed or served? (Please check all that apply)

______ Waiter/Waitress

______ Bar with bartender

______ By the glass

______ By the bottle

______ Self-serve

Name and address of company providing bartending service, if applicable:

________________________

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

______ We will still check IDs as we normally would

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? ______ Yes ______ No

If Yes, with whom and what date? Name ________ Chief Paulhus __________ Date __________

Will a police detail or other security be required? ______ Yes ______ No

If Yes, # of details and name and address of provider (if applicable)?

______________________________________________
APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

***NOTE: Copies of all original certificates MUST accompany this form.***

Notch Brewing Mobile Brewer

Company/Organization

John Thompson 8/4/19

Manager [Note: Manager training MUST be current] Date

<table>
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<tr>
<th>Manager/Employee Name</th>
<th>Date of Hire</th>
<th>Type of Training [certification]</th>
<th>Date Valid</th>
<th>Date of Expiration</th>
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<td>John Thompson</td>
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<td>5/8</td>
<td>TIPS</td>
<td>5/8/18</td>
<td>5/8/21</td>
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</table>

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ("e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy):

1. ServSafe Alcohol offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. SAFE ID Check offered by J.B.S. Professional Services, LLC [617-539-0118]
3. Alcohol Intervention Methods [A.I.M.] offered by Campbell/Trent [508-756-8542]
4. Training for Intervention Procedures by Servers of Alcohol [TIPS] offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]
Certificate of Completion

This Certificate of Completion of eTIPS On Premise 3.0
For coursework completed on May 8, 2018
provided by Health Communications, Inc.
is hereby granted to:

Sara Hopps
Certification to be sent to:
Notch Brewery
15 Walton Rd
Beverly MA, 01915-2321 USA
APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☐ Completed license application with cash/check
☐ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*
☐ Completed ‘Alcohol Awareness Server Training Affidavit’ form, including copies of training cards
☐ List of designated drivers to be available for transporting attendees considered unable to drive

IF APPLICABLE:

☐ Invitation/flyer/letter of explanation regarding event
☐ Proof of non-profit status (for ‘All Alcohol License’ only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

• Application for Special One-day License must be submitted at least 30 days prior to event
• A police detail may be required, depending upon the number of people and the event. It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147
• Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
• Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
• License must be posted in the most conspicuous place at the location of event
• DO NOT allow anyone to bring their own alcoholic beverages to your event
• A one-day license CAN NOT be granted to:
  o any person for more than a total of 30 days per calendar year
  o any person that has an on-premises annual license application pending
  o any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: ______________________

☐ APPROVED
☐ DENIED

License #__________ Notice Sent to ABCC (within 10 days of issuance) ______________________

Payment received: _____ Date_______________ Cash_____ Check# ______________________

Remarks:_____________________________________________________________________________
I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, John M. Thompson, in consideration of having been granted a special license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough (“Town”), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town’s Local Licensing Authority.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

CONTACT NAME: Rosemarie Gillard
PHONE: 800-333-7234
FAX: 781-586-8244
E-MAIL: rgillard@easterninsurance.com

INSURED
Eastern Insurance Group LLC
77 Accord Park Drive
Unit B1
Norwell MA 02061

INSURER(S) AFFORDING COVERAGE
INSURER A: Hanover Insurance Co. 22292
INSURER B: Commerce Insurance Co. 34754
INSURER C: Hartford Fire Insurance Co. 19682
INSURER D: Allmerica Financial Benefits 41840
INSURER E: 

COVERAGES

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<td>IF YES, DESCRIBE UNDER DESCRIPTION OF OPERATIONS BELOW</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Liquor Manufacturer/Brewery.
Location: RXAdvance - 2 Park Central Dr, Southborough, MA 01772
Town of Southborough and RXAdvance are named as additional insured with regards to the general liability coverage where required by written contract.
CGL Form CG001-4/13; 421-2915: CGL Broadening Endorsement provides blanket AI on a primary and non-contributory basis when required by written contract, blanket WOS when required by written contract;
CGL Enhancement Endorsement 421-2916 provides AI-Broad Form Vendors when required by written contract,

CERTIFICATE HOLDER

CANCELLATION

Town of Southborough
Southborough, MA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John Koegel/REG

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July 19, 2019

VIA E-MAIL AND FIRST CLASS MAIL

Brian Shea, Chair
Board of Selectmen
Town House
17 Common Street
Southborough, MA 01772

Re: Request for Special Municipal Employee Designation for Members of the Economic Development Committee

Dear Chairman Shea:

I have been proud to serve the Town of Southborough as a member of the Economic Development Committee ("EDC") since 2012, including as Chair for five years. As you may know, in my day job, I am a partner at Mirick O'Connell where I represent property owners, developers and municipalities in environmental and land use disputes and permitting. To this point, my Firm has not undertaken any engagements that relate in any way to the EDC's work. It recently has come to my attention that a Firm client may advance a project proposal that arguably relates to ongoing work of the EDC. Although other attorneys in my Firm will handle that matter, and I will recuse myself from any EDC involvement on the proposal should the need arise, I write requesting that the Board of Selectmen designate the position of EDC member as "special municipal employees."

By way of background, my Firm represents a number of municipalities as Town Counsel, and we are Labor Counsel, School Counsel, or Special Counsel in dozens of others. My Firm also represents project applicants and opponents before municipal boards and committees in various communities. Over the years, the Firm has represented a variety of clients in Southborough. In addition to the practice of law, many of the attorneys in my Firm serve on town boards and committees in their home communities, which we encourage.

Special Municipal Employee Status

"Special municipal employee" status is a routine designation that promotes disclosure of potential conflict issues, allows our attorneys to contribute and volunteer in their home towns,
and allows those communities to enjoy the benefits our attorneys’ experience and expertise. The designation was designed to permit and encourage individuals who may have business with a town (either individually or through a family member) to volunteer and serve in their communities. I understand that the State Ethics Commission encourages municipalities to grant “special municipal employee” status to any qualifying position, as this status provides flexibility and encourages volunteerism. This is particularly important on a committee like the EDC, which relies upon and encourages the participation of local businesses and non-profit organizations.

“Special municipal employee” status can be assigned to certain municipal positions by a vote of the Board of Selectmen under M.G.L. c. 268A, § 1(n). A position is eligible for “special” status provided that:

- the position is unpaid;
- it is a part-time position which allows the employee to work at another job during normal working hours; or
- the position is unpaid for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the position that is designated as having “special” status, not the individual. Therefore, all employees holding the same office or position must have the same classification.

Only two sections of the conflict of interest law apply less restrictively to “specials,” §§ 17 and 20. All other sections governing regular municipal employees apply to “special municipal employees” in the same way. Section 17 generally prohibits municipal employees from representing a private party or anyone else before municipal boards or departments of the town they serve. Generally, a special municipal employee will be able to do work for someone before a municipal board or agency other than the one on which she serves, but not in relation to a matter before her own board or agency. Section 20 relates to having a direct or indirect financial interest in a contract with the Town.

Many communities regularly grant special municipal employee status to encourage volunteers to serve. In Southborough, members of the Advisory Committee and Board of Assessors currently have “special municipal employee status,” as does Town Counsel and the Tree Warden.

**Conclusion**

I hope this background and explanation is helpful. In the event that a conflict of interest arises related to my law practice and my work on the EDC, I will file any necessary disclosures and/or recuse myself from any EDC work and deliberations on that matter, as I have done in the past.
I am happy to answer any questions the Board may have, although I also encourage you to consult with Town Counsel as well. Thank you in advance for your consideration.

Very truly yours,

David K. McCay

DKM/ljg

cc: Board of Selectmen
Mark Purple, Town Administrator
Aldo A. Cipriano, Town Counsel
James F. Hegarty, Town Clerk
July 18, 2019

TO: Chief Elected Officials

FR: Paul Regan, Executive Director, MBTA Advisory Board
Marc Draisen, Executive Director, Metropolitan Area Planning Council

RE: Municipal Elections to the Boston Region Metropolitan Planning Organization

**IMPORTANT DATES:**
- Nomination Papers Due – Friday, October 4, 2019, at 5:00 PM, to MAPC;
- Election – October 30, 2019 at MAPC Fall Council Meeting, location TBD

We are pleased to forward a copy of the election procedures for the elected municipal seats on the Boston Region Metropolitan Planning Organization (MPO). The MPO is responsible for planning and programming financial resources for a multi-modal transportation system for the 101 municipalities in the Boston region. (An overview of MPO member responsibilities is included as Attachment C of the Official Notice of Elections.)

There are four seats on the MPO up for election. The MPO seat currently held by the City of Framingham representing the Metro West Regional Collaborative (MetroWest) sub-region, the seat currently held by the Town of Bedford representing the Minuteman Advisory Group on Interlocal Coordination (MAGIC) sub-region, the seat currently held by the City of Somerville representing the Inner Core sub-region, and the seat currently held by the Town of Braintree representing the South Shore Coalition (SSC) sub-region, are up for election this year.

Any municipality located in the four above mentioned sub-regions may seek nominations to run for those respective open sub-regional seats.

The MPO has 22 voting members, which currently include:

**State members**
Massachusetts Department of Transportation (MassDOT) with three seats appointed by the Secretary of Transportation, at least one of which is from its Highway Division;
Massachusetts Bay Transportation Authority (MBTA);
Massachusetts Port Authority (Massport)
Regional members
Metropolitan Area Planning Council (MAPC);
MBTA Advisory Board;
Regional Transportation Advisory Council (RTAC)

Current municipal members
City of Boston with two seats

Twelve (12) elected municipalities, one seat each from the eight MAPC sub-regions.
Inner Core Committee: Somerville
Three Rivers Inter-local Council: Norwood
South West Area Planning Committee: Medway
MetroWest Regional Collaborative: Framingham
North Suburban Planning Council: Woburn
North Shore Task Force: Beverly
Minuteman Advisory Group on Inter-local Coordination: Bedford
South Shore Coalition: Braintree

Two (2) cities filling at-large seats: Newton and Everett
Two (2) towns filling at-large seats: Arlington and Lexington

All elected municipal seats (including the sub-regional seats) are elected by all of the 97 municipalities in the Boston Region MPO area. Each of the 97 municipalities may vote for one (1) municipality for each of the four (4) open sub-regional seats.

The election will be held at MAPC’s Fall Council Meeting on October 30th, location TBD. The usual process of mailing ballots and accepting absentee ballots will apply, as described in the procedures.

In order to qualify to be on the ballot, each chief elected official who wishes to be a candidate must secure the signatures of five chief elected officials in the region, including their own. Chief elected officials may only sign nomination papers for one municipality per open sub-regional seat. Nominations are due to MAPC by 5:00 PM on Friday, October 4, 2019 and must be filed in person or by mail at the MAPC, 60 Temple Place, 6th Floor, Boston, MA 02111. Faxes or emails will not be accepted.

A copy of the official notice and procedures for nomination and election to the MPO are attached. We appreciate your interest in this important matter and look forward to your participation. If you have questions, please call Eric Bourassa (617) 933-0740 or Paul Regan at (617) 426-6054.
Official Notice
2019 Boston Region MPO Municipal Election Procedures

At the MAPC Fall Council Meeting on Wednesday October 30, 2019 location TBD. Elections will be held for four (4) of the twelve (12) elected municipal seats on the Boston Region Metropolitan Planning Organization (MPO).

At that time one municipality from each of the four sub-regional seats up for election, will be elected to the MPO by the chief elected officials of the 97 municipalities which constitute the Boston metropolitan region. Pursuant to the MPO Memorandum of Understanding, approved on July 7, 2011, MAPC and the MBTA Advisory Board (Advisory Board) administer the election of the municipal representatives to the MPO.

MPO Seats Up For Election in 2019:

One (1) municipality from the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion.
One (1) municipality from the Metro West Regional Collaborative (MetroWest) sub-region.
One (1) municipality from the South Shore Coalition (SSC) sub-region. One (1) municipality from the Inner Core sub-region.

Terms of election on the MPO are for three years.

Nomination Process
Nominees for the elected municipal seats shall be the chief elected official of the municipality. In cities this is the Mayor or, if the city does not have the office of Mayor, then the Chairman of the Council, with the exception of Plan E cities (Cambridge) in which case it shall be the City Manager. In towns, the chief elected official is the Chairman of the Board of Selectmen. The MPO will accept the Chairman’s nomination of a candidate whether or not the full Board of Selectman has voted it.

A nominee for an open municipal seat must receive five nominations made by any chief elected official from the Boston region, regardless of which sub-region they are from. A chief elected official may nominate his or her municipality and that nomination shall count as one of the five nominations needed to place a municipality on the ballot. Each chief elected official may only sign nomination papers for one municipality per open seat.

Nominations papers are due on Friday, October 4th, 2019 to MAPC by 5:00 PM and must be filed in person or by mail at MAPC, 60 Temple Place, 6th Floor, Boston, MA 02111, Attn: MPO Elections. Faxes or emails will not be accepted. Nomination papers shall include a statement of candidacy (250 word limit) of the community, also due at this time.

Voting Process
Each of the 97 municipalities may vote for one (1) municipality for each of the four (4) open seats.
Ballot
A ballot will be prepared by MAPC and the Advisory Board based on the certification of nomination papers. The ballot shall contain a list of the nominated municipalities. Candidate communities shall appear on the ballot in an order drawn by lot by designated officers of MAPC and the Advisory Board. The subregion of each of the communities shall be identified on the ballot. A candidates’ booklet shall be issued that shall contain the statement of candidacy of the communities. The list of communities shall appear in the booklet in the same order that they appear on the ballot. In a second mailing, MAPC and the Advisory Board will include an absentee ballot and instructions for how municipalities can cast their vote.

Opportunities for Discussion with Representatives of the Candidate Communities
The Metropolitan Area Planning Council and the MBTA Advisory Board shall provide appropriate opportunity for the electorate to meet representatives of candidate communities. In 2019, this may be accomplished by holding a Candidates Forum at the State Transportation Building in mid-October (date and time TBD).

Election
The election will be held at MAPC’s Fall Council Meeting on October 30th location TBD. On that day, the designated officers of MAPC and the Advisory Board shall supervise the election to the municipal seats. Ballots shall be cast by the chief elected official of the municipality (as defined by the rules for nominees), or that person’s designee. Designees shall present a letter signed by the chief elected official to the designated officers of MAPC and of the Advisory Board 30 minutes prior to the convening of the election on Election Day. This letter will appoint the designee and confirm his or her authority to cast the municipality’s ballot. Such a designation shall be delivered in person or by mail. Designees may represent only one municipality in the election. The designation may require the designee to vote for specific individuals or may vest discretion in the designee.

If the chief elected official is unable to attend the election and does not designate another individual to attend, an absentee ballot may be filed. Such an absentee ballot must be filed by 5 PM the day before the election with the Metropolitian Area Planning Council, 60 Temple Place, Boston, MA 02111. No faxes will be accepted. This ballot is valid for any election (e.g. runoff election in case of a tie) held on the day of the MPO election for which the candidates selected on the ballot are still eligible to receive votes.

The MPO seat is held by the municipality. The chief elected official (or their official designee) shall represent the municipality throughout the municipality’s term of office.

The designated officers of MAPC and of the Advisory Board shall certify the results of the election to the chairman of the MPO by 12 noon on the Friday following the election.
## MAPC Sub-regions

<table>
<thead>
<tr>
<th>SUBREGION</th>
<th>COMMUNITIES</th>
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<tbody>
<tr>
<td>North Suburban Planning Council</td>
<td>Burlington, Lynnfield, North Reading, Reading, Stoneham, Wakefield, Wilmington, Winchester, Woburn</td>
</tr>
<tr>
<td>Minuteman Advisory Group</td>
<td>Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Littleton, Lincoln, Maynard, Stow, Sudbury</td>
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<tr>
<td>Interlocal Coordination (MAGIC)</td>
<td>Ashland, Framingham, Holliston, Marlborough, Natick, Southborough, Wayland, Wellesley, Weston</td>
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<tr>
<td>MetroWest Regional Collaborative</td>
<td>Bellingham, Dover, Franklin, Hopkinton, Medway, Milford, Millis, Norfolk, Sherborn, Wrentham</td>
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<tr>
<td>South West Advisory Planning</td>
<td>Canton, Dedham, Dover, Foxborough, Medfield, Milton, Needham, Norwood, Randolph, Sharon, Walpole, Westwood</td>
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<tr>
<td>Committee (SWAP)</td>
<td>Braintree, Cohasset, Hingham, Holbrook, Hull, Marshfield, Norwell, Rockland, Scituate, Weymouth</td>
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<tr>
<td>Three Rivers (TRIC)</td>
<td>Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Milton, Newton, Quincy, Revere, Saugus, Somerville, Waltham, Watertown, Winthrop</td>
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# Boston MPO 97 Cities and Towns

## Cities

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<thead>
<tr>
<th>Beverly</th>
<th>Lynn</th>
<th>Revere</th>
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<tr>
<td>Boston</td>
<td>Malden</td>
<td>Salem</td>
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<td>Braintree</td>
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<td>Cambridge</td>
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<td>Chelsea</td>
<td>Melrose</td>
<td>Watertown*</td>
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<td>Everett</td>
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<td>Franklin*</td>
<td>Peabody</td>
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<td>Gloucester</td>
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<td>Framingham</td>
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* MAPC Legal Counsel has rendered an opinion that Franklin and Watertown are defined as cities for the purpose of the MPO Election.

## Towns

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<tr>
<th>Acton</th>
<th>Hopkinton</th>
<th>Randolph</th>
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Overview of MPO Member Responsibilities

Background:

The Metropolitan Planning Organization is established as a required part of the transportation planning process under federal law. It is responsible for planning and programming financial resources for a multi-modal transportation system for the Boston region. The MPO was established in 1973.

The Boston MPO Memorandum of Understanding (MOU) that details the governing structure and process of the MPO can be viewed at www.bostonmpo.org/mou

Specific Responsibilities:

The MPO must prepare and approve several plans and programs on an annual basis. These include:

- The Unified Planning Work Program (UPWP), which programs funds for transportation planning programs in the region;
- The Transportation Improvement Program (TIP), which programs federal, state, and local funding for surface transportation projects (highway and transit).

The MPO also prepares and approves several other plans and programs as necessary. These include:

- The Regional Transportation Plan (RTP), which provides a 25-year plan for the Region’s transportation needs and priorities and;
- The conformity of all surface transportation plans and programs with applicable federal laws (including air quality, and the Americans with Disabilities Act).

MPO Meetings:

Meetings are held as needed to accomplish the MPO’s business. There are approximately two MPO meetings a month and all but four are held in Boston, during the day, at the state transportation building. Four MPO meetings will be held (one per quarter) outside of Boston. MPO meetings typically begin at 10 AM on the first and third Thursday of the month, and last approximately three hours. The MPO has the authority to establish necessary committees to accomplish its responsibilities. Recent experience suggests that the municipal members of the MPO or their designees attend at least two meetings per month to accomplish the work of the MPO.
2019 MPO Election
Nomination Papers

Nominated Community

Name of Chief Elected Official

Signature

Open MPO Seat Community
is Running For
(only check one)

☐ MAGIC Seat

☐ Inner Core Seat

☐ MetroWest Seat

☐ South Shore Seat

Endorsers

Nominating Community

Name of Chief Elected Official

Signature

Individual endorsements may be attached as a separate letter but must specify the municipality and the official being nominated and must be signed by the chief elected official of the endorsing community.

Please return in person or by mail
By 5 PM on Friday, October 4th, 2019 to:
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Phone inquiries to
Eric Bourassa, MAPC (617) 933-0740
Paul Regan, MBTA Advisory Board (617) 426-6054
2019 MPO Statement of Candidacy

(250 Word Limit)

Municipality: __________________________

Chief Elected Official: __________________________

(Suggestions include a brief statement of qualifications; comments on the importance of transportation to the region; and expectations for the Boston Metropolitan Planning Organization)