



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, May 15, 2018, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf, Town Administrator Mark Purple
Absent: Chairman Daniel Kolenda

- I. Mr. Shea called the meeting to order at 6:31 pm.
Mr. Shea served as chairman for the meeting in Chairman Kolenda's absence.

Mr. Shea opened the meeting by providing a memo to the Board from Special Counsel Talerman regarding his opinions on Articles one and two of the Special Town Meeting. Mr. Shea asked the Board if they wanted to release this memo to the public. He added that Special Counsel Talerman opined that it should be shared and that releasing the memo would not set precedent for the future. Mrs. Phaneuf made a motion to release the memo regarding article one and two. Mr. Shea seconded and all in favor. Copies of the memo were provided to the public.

- II. **Scheduled Appointments**

6:30p.m. — Representative Dykema and Senator Eldridge — FY19 State budget update

Senator James Eldridge handed out a letter to the Board that outlined his state budget priorities. He presented to the Board that amendments to the budget have been filed and they will be debating on Tuesday. Some of the goals he mentioned were to fully fund agencies and raise more revenues through closing corporate tax loopholes. Other priorities that pertain to Southborough include local aid, chapter 70 education, chapter 90 roads and bridges, regional school transportation, and improving public transportation across the state. Senator Eldridge added that the green budget which is the state budget fund to protect the environment is now at .5% and he hopes it will be increased to 1%.

Representative Carolyn Dykema reiterated that chapter 70 education aid is a top priority and added that Southborough will receive \$2.5 million for K-12 education. She mentioned the challenges with busing and transportation costs for regional schools and that a significant amount of money was added to this fund. Also with the approval of the Chapter 90 budget item, Southborough will receive \$433K to support local road work. She said she will continue to look at the future of the commuter rail as improvements will be needed as traffic volume has grown tremendously on the Mass Pike over the last 3-5 years.

Mr. Shea updated Senator Eldridge and Representative Dykema on the groundbreaking of the public safety building and thanked them for their help in securing funding for the project. He then asked if the CPA funding match which has been on a steady decline from 100% will increase from the current 11%. Senator Eldridge responded that he has filed an amendment to bring that match up to 50% for all communities.

Mr. Shifrin asked what the urban revitalization would include. Senator Eldridge replied that the fund is for low income communities and that is why Southborough does not qualify. Mrs. Phaneuf asked about counting the housing provided by the private schools to the housing stock for the town. She added she wasn't looking for payment for these units but

for the housing stock. Representative Dykema mentioned that there was a bill to count trailer parks as affordable units though they are not deeded as low income but added there was no progress on that legislation so far. Both Representative Dykema and Senator Eldridge agreed to look into that.

7:00p.m. — Paul Cimino, Moderator — Pre-Town Meeting for May 22, 2018 Special Town Meeting

Mr. Shea opened the discussion by acknowledging the release of a memo to the Board from Special Counsel Talerma earlier in the meeting.

Mr. Shea then turned the meeting over to Town Moderator Cimino to run through the warrant articles and discuss procedural issues and recommendations for each. Mr. Cimino invited the Board and Advisory to share opinions and ask questions regarding the articles. He began with article one regarding the ZBA quorum sponsored by Mrs. Hoolahan. She stated she intended to do a five minute presentation and requested out of town counsel to be present with her. Mr. Shea added that Special Town Counsel will speak to this article and asked that he be present to answer questions from the floor. Mr. Cimino agreed. Town Counsel Cipriano stated it would be a 2/3 vote to pass. He added that he would not be able to provide opinions on the ZBA articles because he is representing litigation on some of these same issues raised in Articles one and two. Mr. Cimino mentioned that Advisory would be discussing the articles tomorrow night and forming an opinion on support or opposition and the Planning Board voted the night before to wait until town meeting. Mr. Shea stated the Board would like to hear from Attorney Talerma and hold their recommendations until a meeting held before town meeting. Mr. Shifrin wanted to give his opinion to the applicant and stated that after reading the memo from Attorney Talerma, he felt that they are trying to over regulate due to a specific instance that happened in the past. Mrs. Braccio asked Mrs. Hoolahan if she looked into other towns' ZBA bylaws for reference. Mrs. Hoolahan replied she did not but the language came from chapter 249. She also noted that her group may be open to amending the article.

Karen Muggerridge (15 Parmenter Road) felt that the article should be postponed to next annual town meeting because special town counsel is not supportive and to give boards and committees better opportunity to give full consideration to what she perceived as a rushed article. Mr. Shifrin informed those who hadn't read the memo that special town counsel's opinion were that this article was illegal, unwise, and overly cumbersome. Mr. Shifrin felt more time was needed to figure out the problem and an appropriate solution.

Mr. Cimino moved on to article two regarding rules and regulations of zoning bylaws. Christopher Perkins said he would not give a formal presentation and this article was intended to support article one. Mr. Cimino told him that if article one passes, only town meeting can change the bylaw and with its passing, he may want to consider withdrawing article two. Mr. Perkins agreed. Mr. Shea added that special town counsel will address this article and article one. Attorney Cipriano told the public it needs a 2/3 vote to pass.

Mr. Cimino moved on to article three which is amending the zoning appeal process and sponsored by the Board. Mrs. Braccio told Mr. Cimino that Mrs. Lutrell will do a presentation with her. The Board agreed to allow Mrs. Braccio to present with Mrs. Lutrell. Mr. Cipriano then told the Board that the Planning Board needs to recommend this article and it would need to be reported as such to come to special town meeting. He added that if Planning does not support, the only allowable action by Town Meeting would be to

indefinitely postpone. Mrs. Lutrell from the Planning Board said that there was no formal vote but they were in support. She planned to bring this back to their meeting on the 22nd. Mr. Cipriano said the article needed a 2/3 vote to pass.

Mrs. LaVault spoke to article four from Recreation to repair Kallander Field. She said there will be a short presentation and she asked Mr. Cimino if Arthur Eddy, the design group member who performed the study, could attend special town meeting. Mr. Cimino gave permission. Mrs. Phaneuf added that she will be presenting a slide. Mrs. Braccio asked if a legal easement from SOLF regarding piping through the property was required, who would be financially responsible for it in the future. DPW Superintendent Galligan said the town would do maintenance and they would probably need an easement. She said usually the work is done first and the easement is made after. Mrs. Phaneuf felt that there were a lot of unanswered questions regarding this article and given two articles passed at town meeting, recreation could wait until April to include their request into the capital plan. Mrs. Phaneuf asked what the status of Fay Field was and felt that if there is money for Fay Field, there is money to fund Kallander. Colin Hynes, president of Southborough Youth Soccer, explained that they are in negotiation and as participation is on the decline, they are looking to be conservative with their money. Mrs. Phaneuf asked if Southborough Youth Soccer would want to use the fields proposed even if Fay Field is on schedule. Mr. Hynes said he would. Mrs. Phaneuf felt that if their participation were on the decline, there shouldn't be an urgent need. Mrs. LaVault stated they were bringing this back because they are concerned with safety and chose to go to special town meeting. She said she was not looking to avoid participating in the capital plan. Mr. Shifrin felt that though the process was not satisfactory, the main problem of the field is simple and needs to be done. Mrs. Braccio was cautious because neither SOLF nor Carriage Hill has met as a board to take a position. She added her concern that citizen's petitions are a way to get petitions onto the warrant but she hesitates when they are in regards to the budget. Her concern was that this would set a precedent for boards to compete for funding and groups will benefit by bypassing the process. She felt that allowing this to happen could put the AAA rating in jeopardy. Mr. Purple asked recreation to make a list of priorities for the next few years to put into the capital budget to maintain fairness between all committees and boards. Mr. Shifrin added that flexibility is needed when there is new information introduced and wide support from the town.

Mrs. Phaneuf stated that since 2014 the town has spent \$1.4million on recreation and \$800K of that has yet to be spent because some projects have not been started. She felt recreation is already overextended and with the articles passed at the recent town meeting, even more will be on hold. Mrs. Muggerridge, speaking as an Advisory member, suggested when an assessment is being presented, to also include the cost to carry out the entire project in order for the public to understand the full investment. Mr. Cimino asked if anyone planned on presenting in opposition with no answer from the public. Mr. Cipriano said because it was a borrowing article, it would need a 2/3 vote to pass. Mr. Cimino then extended the deadline for presentations to Friday morning.

Article five, to amend the date and time of town meeting, was discussed by Mrs. LaVault who proposed the article. She said she would present one slide. She and her group feel moving town meeting to Saturday would improve participation and help get a more diverse population to vote. She added this practice has been in place in Westborough for ten years. Mr. Cipriano said because it is a general bylaw, it would need a majority vote to pass.

Mr. Shea informed Mr. Cimino that the Board plans to meet before town meeting to take positions on the articles. Mr. Cimino requested the positions be made early enough to be projected on screen at special town meeting.

Kenneth Paulhus, Police Chief— Recommendation to hire Robyn Richards as Part-Time Officer

Chief Paulhus told the Board he was looking to expand part time dispatch from two officers to three. He would like to hire Robyn Richards whom he felt was an excellent candidate as she is already a part time communications officer in Upton and graduating from Framingham State. Mrs. Phaneuf made a motion to hire Ms. Richards as part-time telecommunications officer. Mr. Shifrin seconded. All in favor. Chief Paulhus added that the Department has finished their accreditation paperwork and the state will come onsite to review in a few months for full accreditation. If the Southborough Police receives the full accreditation, they will be the 61st department to do so in the State.

Karen Galligan, DPW Superintendent—Award of water main contract for Public Safety Facility project

Superintendent Galligan asked the Board to award the water main contract for the public safety facility per the recommendation of the Town's consultant, Pare Corporation. She explained the work would start July 9, 2018 and this contract would bring the water main to the site and the building's contractor will bring it to the site. She added it should take 4-5 weeks. Superintendent Galligan wanted the public to know that the gas main is also being extended this summer from Main Street for the public safety building. This will hinder traffic flow around July 16, 2018. Mr. Shea made a motion to award the contract as recommended, including the conditions noted in the Pare letter. Mrs. Braccio seconded. All in favor.

III. Reports

Report of the Chairman

Mr. Shea told the Board that he attended the Planning Board meeting the night before. He mentioned Ms. Davis presented to the Planning Board and they are interested in moving forward to see if there could be any modifications to zoning bylaws. The Board of Selectmen recently asked Mr. Purple to reach out to Mass Municipal and any other agencies to see if other communities would be addressing the issue in any way and if they went through Town Meeting and the Attorney General. Mr. Shea has been looking for examples to work from and asked Mr. Purple to continue to follow up. Mr. Purple said he has been in touch with MMA and John Robinson and nothing tangible had come back. He will continue to follow up.

Report of the Town Administrator

Mr. Purple updated the Board that the Cable Television Committee has held a meeting and Mr. Rooney will be chairing the committee. He mentioned it was necessary to begin negotiations with Southborough's cable providers now. Verizon is up next year, followed by Charter, and Comcast in 2021. Mr. Purple has been reaching out to his peers for a new cable attorney as the one used often in the past has retired. There is also a council of cable attorneys they are looking at based on recommendations and qualifications. He informed the Board that he cannot sign to authorize counsel to move forward with negotiations as it is not on the agenda. He will ensure it is on the agenda for the next meeting.

Mr. Purple told the Board that Beth Rosenbloom will be retiring as a conservation agent for the town and her last day will be July 6th, 2018. He shared his thoughts on the amount of great work she did for Southborough, her professionalism, and that she will be missed. Mr. Purple said he was working with Mrs. Hale to find her replacement.

IV. Consent Agenda

1. Mrs. Phaneuf wanted to hold the acceptance of the resignation of Leo Bartolini from Zoning Board of Appeals. Mrs. Phaneuf wanted to make the public aware that Mr. Bartolini told Chairman Kolenda prior to the meeting that he had made the decision not to seek reappointment; his resignation was not a result of the outcome of the meeting. Mrs. Phaneuf made a motion to accept the resignation of Leo Bartolini from Zoning Board of Appeals. Mr. Shea seconded. All in favor.
2. Mr. Shea made a motion to accept New England Center for Children PILOT payment of \$52,036.00. Mr. Shifrin seconded. All in favor.
3. Mr. Shea made a motion to approve and sign MOU between Southborough/Southborough Emergency Management Agency and St. Mark's School (Buses.) Mr. Shifrin seconded. All in favor
4. Mr. Shea made a motion to accept Fay School Donation of \$100,000 for Public Safety Building. Mr. Shifrin seconded. All in favor.
5. Superintendent Galligan told the Board the work has been completed and removed the fuel tanks and replaced them with the new above-ground tanks. Mr. Shea made a motion to approve Fuel License amendment for new DPW fuel tanks. Mrs. Braccio seconded. All in favor.

V. Other Matters Properly Before the Board

1. Review of Board and Committee Appointments for Fiscal Year 2019

Mr. Purple provided the Board with a list of all the committee members up for reappointment. His plan was to get the list to the Board to review tonight and discuss at the next meeting. The same process will occur with the internal staff appointments. He explained there were many reappointments, some vacancies and non-responses, and two not seeking reappointment. He mentioned the ZBA vacancy is usually filled by an alternate member and Mr. Dennington will send a letter to suggest who should take the opening. Mr. Shea wanted an alternate member to take the open slot. He also wanted to wait to hear Mr. Dennington's suggestion. Mr. Shea suggested a special effort be made to publicize the ZBA and Conservation Committee openings to the community. He added that because of correspondence he saw from Mr. Weishan on the Historical Commission to an abutter that was not in-line with behavior that should be expected by any board or committee member, he would not like to reappoint him to his position. Mr. Phaneuf agreed but asked that Mr. Weishan be invited to the next meeting to address his behavior and reasoning for wanting a reappointment. Mrs. Braccio suggested there be guidelines in place for boards and committees. She would like to see that addressed in the future.

Mrs. Phaneuf suggested that those who have not responded to show their interest in remaining on their committees should not be reappointed. Mrs. Lutrell of the MetroWest Regional Collaborative stated that she is listed as "no response" but had done so within the timeframe. Other similar instances were brought up and it was decided to reach out again to all listed as "no response." Mrs. Phaneuf asked if there

were any committees that could be discharged or their charge had been completed. Mr. Purple mentioned that the Golf Course Conservation Restriction Committee and the Main Street Design Working Group may be two whose charges are either complete or need to be revisited. Mrs. Phaneuf and Mrs. Braccio wanted to see the official charges of the groups before deciding.

2. Approval of Golf Course Continuity Plan during Public Safety construction

Mr. Malinowski presented to the Board a continuity plan for golf, as required by the Planning Board, to accelerate the golf course work to get them functioning in their new location faster. This was proposed by the contractor and would help them get the building closed in by winter which also accelerates the septic plan. This also fixes the school earlier than expected and would not interrupt golf operations or the construction of the public safety building. Mr. Malinowski asked for the Board's approval to accept this plan. He said that phase one will be completed before August 1, 2018. Mr. Purple added that the contractor is committed to the deadline and there are monetary penalties every day that the deadline isn't met. Mr. Shea moved to approve the plan. Mrs. Braccio seconded. All in favor.

VI. Public Comment

None

VII. On a motion made by Brian Shea, seconded by Lisa Braccio and voted all in favor, the meeting was adjourned at 8:50 pm.

<i>Upcoming Meetings</i> <i>June 5, 2018</i> <i>June 19, 2018</i>

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 15, 2018 BOS Meeting:

- Southborough Special Town Meeting Warrant for May 22, 2018
- Letter from Chief Paulhus to Board of Selectmen regarding Part-Time Telecommunications Officer/Dispatcher dated May 7, 2018
- Letter from Karen Galligan, DPW Superintendent to Board of Selectmen regarding request to award contract for Cordaville Road Water Main dated May 4, 2018
- Tabulation of Bids for the Cordaville Road Water Main Extension dated April 11, 2018
- Letter from Timothy Thies, Vice President Pare Corp to Superintendent Galligan regarding bid reviews dated May 3, 2018
- Letter to Chairman Kolenda from Leo Bartolini, Jr. regarding Mr. Bartolini's resignation from ZBA dated May 2018
- Donation Letter from New England Center for Children to Town Administrator Purple dated April 27, 2018
- MOU between Town of Southborough Emergency Management Agency and St. Mark's School (Buses)

- Donation Letter from Robert Galveston, Jr. Head of Fay School to Jason Malinowski, Chair Public Safety Building Committee dated April 26, 2018
 - DPW Flammable and Combustible Storage License Amendment dated May 9, 2018
 - Flammable and Combustible Storage License from Department of Public Safety – Division of Fire Prevention dated March 11, 1975
 - Site Plan 147 Cordaville Road
 - Town of Southborough Committee List and Members dated May 9, 2018
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