



BOARD OF SELECTMEN
MEETING AGENDA
Monday, September 26, 2022
7:00 p.m.

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to the Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on July 16, 2022, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

To view or listen

- Live Stream link YouTube:
https://www.youtube.com/channel/UCRdBrw3HeEAMB_KFKasrgXA
- Zoom webinar link: <https://town-northborough-ma-us.zoom.us/j/85410741600>
When prompted, enter Password 635560
- CATV Government Channels: Verizon Channel 30, Charter Channel 192
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When prompted, enter Meeting ID 854 1074 1600 and Password 635560

For Public Comment

Public Comment is allowed and encouraged during any agenda item. To offer comments at any time, please use the “raise hand” button in Zoom, or raise your hand if in person. The Chair will recognize you before any vote or before the agenda item is otherwise concluded.

*** Public comment will be limited to 3 minutes per person ***



BOARD OF SELECTMEN
MEETING AGENDA CONTINUED
Monday, September 26, 2022
7:00 p.m.

1. Public Comment.
2. [Approval of September 12, 2022 Meeting Minutes.](#)
3. [7:00PM – Continued Public Hearing to consider Pole Petition 30579396 from Massachusetts Electric Company d/b/a National Grid and Verizon New England for a new pole location on Pinehaven Drive.](#)
4. [Mormax Corporation d/b/a BJ's Wholesale Club – Application for a Change of Manager for its All Alcoholic Package Store License for premises located at 6102 Shops Way.](#)
5. [Consideration of Open Meeting Law response for complaint filed against the Board of Selectmen regarding the September 12, 2022, meeting by Patrick Higgins and Associates.](#)
6. [DPW Director Scott Charpentier: Consideration of fee schedule for snow removal and treatment on private ways.](#)
7. [Consider creation of a Temporary Traffic and Safety Committee.](#)
8. Reports.
9. [Execution of Cemetery Deed 1156.](#)
10. Any other business to come before the Board.
11. Public Comment.
12. Executive Session – pursuant to M.G.L., Chapter 30A, Section 21, Subsection 6 (Real Property – Acquisition of 10 Monroe Street) due to the Chair's determination that a discussion regarding these matters in an open meeting may have a detrimental effect on the position of the Board.

**BOARD OF SELECTMEN
MEETING MINUTES – September 12, 2022**

7:00 p.m. - Chairman's Introduction to Remote Meeting

Chairman Cohen stated that this Open Meeting of the Board of Selectmen was being conducted remotely consistent with the July 16, 2022 Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and that all members of the Board of Selectmen are allowed and encouraged to participate remotely.

Chairman Cohen noted that the Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. He added that ensuring public access does not ensure public participation unless such participation is required by law. Chairman Cohen noted that this meeting will allow for Public Comment throughout the agenda. He indicated the various ways that the public may view or participate in this meeting as listed on the posted agenda.

Chairman Cohen confirmed that the following members and persons anticipated on the agenda were remotely present and could be heard.

Board of Selectmen

Mitch Cohen
Julianne Hirsh
Jason Perreault
T. Scott Rogers

Others

John Coderre, Town Administrator
David Parenti, Fire Chief
William Lyver, Police Chief
Scott Charpentier, DPW Director

Any votes taken this evening will be by roll call.

PUBLIC COMMENT

Chairman Cohen invited comments from the public. There were none.

APPROVAL OF MINUTES – AUGUST 15, 2022 MEETING

Selectman Hirsh moved the Board vote to approve the August 15, 2022 meeting minutes as presented; Selectman Perreault seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

7:00 p.m. - CONTINUED PUBLIC HEARING

To consider an application from G&I IX FORBES WHITNEY LLC to amend the existing aboveground storage license for premises located at 30 Forbes Road by increasing the on-site storage of flammable and combustible liquids, flammable gases and flammable solids.

Chairman Cohen indicated that the applicant has requested continuance of this public hearing to the Board's November 7, 2022 meeting.

Selectman Perreault moved the Board vote to continue the public hearing for the application of G&I IX FORBES WHITNEY LLC to amend the existing aboveground flammables and combustible storage license for premises located at 30 Forbes Road to the November 7, 2022 meeting of the Board of Selectmen at 7:00pm; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

7:05 p.m. - CONTINUED PUBLIC HEARING

To consider Pole Petition 30579396 from Massachusetts Electric Company d/b/a National Grid and Verizon New England for a new pole location on Pinehaven Drive.

National Grid is requesting approval to relocate Pole #10 on Pinehaven Drive approximately nine feet north from its current location, to remove the existing tree guy and install a new anchor/guy. The relocation of Pole #10 and the installation of a new anchor/guy will provide improved support for this pole. Jeffrey Silva from National Grid was present.

In response to inquiries made during the August 15, 2022 public hearing, DPW Director Scott Charpentier indicated that Town Engineer Fred Litchfield met again at the site with Jeffrey Silva from National Grid. Although the pole location will not change, the guy wire anchor will be relocated slightly up the hill just beyond the edge of the existing pavement of the parking spot near 48 Pinehaven Drive.

Michelle Mendelson of 48 Pinehaven Drive was present and indicated that she has not seen a new schematic design and is opposed to the new plan as she does not feel that she has enough reassurance or recourse that the new plan will not interfere with the parking spot. Mr. Silva confirmed that the newly proposed location of the guy wire anchor is now on Ms. Mendelson's private property, requiring an easement from the property owner.

Following some further discussion, the Board was able to share a street view of the parking spot to allow Mr. Silva to better describe the proposed location of placing a new 40 foot pole with the new guy wire anchor being located back 15 feet from the pole. He added that because the property also goes up at an angle, the guy wire would be at a height of approximately 14 to 15 feet.

Board members shared their thoughts on whether to approve the petition this evening or continue the public hearing. The consensus was to continue the public hearing to ensure that everyone has a clear understanding of what the expectations and the reality of what the work will entail are.

Selectman Perreault moved the Board vote to continue the public hearing to consider Pole Petition 30579396 from Massachusetts Electric Company d/b/a National Grid and Verizon New England for a new pole location on Pinehaven Drive to September 26, 2022 at 7:00pm; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

7:35 p.m. - PUBLIC HEARING

To consider a petition as submitted by New Cingular Wireless PCS, LLC d/b/a AT&T for a Grant of Location for one Small Wireless Facility on a Replacement Utility Pole near 267 – 269 Main Street.

Attorney Michael Dolan, Kelly Fay from Nexius and Donald Haes, a radiation safety specialist were present on behalf of AT&T. AT&T is requesting approval for a grant of location for a small wireless facility on a replacement utility pole in the Town's Right-of-Way near 269 Main Street to address rapidly increasing demand on AT&T's wireless network in this area.

Selectman Hirsh expressed concern regarding the Nexius Report in that it looks like the structural analysis was done on the wrong pole at 292 Main Street, not 269 Main Street. Attorney Dolan and Ms. Fay stated that it appears that the engineers overlooked updating the address in the report. They confirmed that the structural analysis was done on the correct pole (25-1) and is accurate in the report. Attorney Dolan also confirmed that as of right now, this is the last petition for a Small Wireless Facility in Northborough.

Chairman Cohen noted that several emails were received from concerned parents and others regarding the proposed location being directly in front of a school.

Attorney Dolan summarized the Telecommunications Act of 1996 and some of the legal and regulatory constraints that would apply to this petition. He noted that the small wireless facility that is being proposed is considered safe and complies with all Federal, State and Local regulations relative to radio frequency (RF) emissions, adding that this proposal is a small fraction of the allowable limit of radio frequency emissions. Mr. Coderre added that according to Town Counsel, the Board is not allowed to take into consideration potential health impacts and safety concerns, to the extent that the site complies with the regulations of the Federal Control Commission (FCC).

Mr. Haes has over 35 years of experience in the RF Field. He explained how he performed the calculations and theoretical predictions as detailed in his report, which indicates that if the site were to be built as proposed and designed, it would be well within the allowable limits for RF exposure under the regulations of both the FCC and the State. Attorney Dolan confirmed that AT&T has a remote network center that monitors the operation of all of their antenna facilities 24/7. If anything deviates from a facility's normal operating level, a signal goes to the network center, at which time an engineer would visit the site to address it.

Attorney Dolan answered a question from Amy Poretsky of 47 Indian Meadow Drive about the exact location of the pole explaining that poles do not have street addresses but are rather assigned pole numbers. Attorney Dolan and Ms. Fay responded to her question as to whether AT&T considered using the macro location behind the Police Station rather than using poles up and down Main Street, in particular the proposed location, which is in front of a school. They explained regulations that rule out being able to use a certain pole, as well as other considerations when looking at certain site locations. It was confirmed that AT&T found no other viable option for a small wireless facility in this area. Lastly, Ms. Poretsky asked the Board to consider creating an application that would provide an opportunity for a peer review and to consider charging a fee for these types of petitions.

Chairman Cohen indicated that following the small wireless facility license that was granted by the Board back in March, the Planning Board forwarded the following interim recommendations:

1. Move the installation to a telephone pole at least 1,000 linear feet from the St. Bernadette School building to alleviate safety concerns.
2. Prohibit signage on the exterior of the installation, except for that necessary for identification and public safety.
3. 90 days after the facility becomes operational, require the applicant to demonstrate that frequency levels are within safety standards
4. Require that the applicant collocate on an existing cell tower in lieu of installing several small wireless facilities to satisfy the demand.

Attorney Dolan responded to Recommendation #2 indicating that there are proposed 6x2 notice signs to be placed opposite each other at the bottom of the antenna for OSHA public safety as required by Federal Law. He indicated that AT&T would be agreeable to Recommendation #3 and would demonstrate after 90 days that the frequency levels are within safety standards via a physical site visit. Attorney Dolan explained that the guidance has always been for land use planning to use existing poles rather than attaching hypotheticals as to whether a new pole could be located on private property. Mr. Haes clarified that it is the measurement of the radio frequency of missions rather than the measurement of frequencies.

A question was asked about abutter notification and concern was expressed that not all abutters were notified by certified mail. Mr. Coderre confirmed that the appropriate abutters were notified, but added that he will follow up with the Board as to whether it was by certified mail as he is not sure it is required for this type of petition.

Selectman Perreault moved the Board vote to close the public hearing; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"no"
Rogers	"aye"	Cohen	"aye"

In reference to AT&T agreeing to Recommendation #3, Chairman Cohen requested that for simplicity and comparative sake that AT&T overlay the actual frequencies to page 6 of Mr. Haes' report showing the 9.3% allowed frequency under the Federal guidelines or the 11.9% allowed frequency under the State guidelines. Attorney Dolan confirmed that that would be agreeable.

Selectman Perreault moved the Board vote to grant a location for and permission to AT&T to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable, remote nodes, and top-mounted antennas, to be attached to a National Grid utility pole, located in the public right-of-way near 267-269 Main Street in Northborough, with the condition that 90 days after the facility becomes operational, the applicant will demonstrate that radio frequency emissions are within the represented safety standards; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"no"
Rogers	"aye"	Cohen	"aye"

Chairman Cohen stated that he reluctantly voted to grant the license given the limited ability to deny. He added that some of the things discussed during the hearing will be helpful to both the Board of Selectmen and the Planning Board for future hearings of this type and others.

CONSIDERATION OF AN APPLICATION FOR A COMMON VICTUALLER LICENSE AS SUBMITTED BY JOLLY ROGERS DINER, LLC FOR PREMISES LOCATED AT 249 WEST MAIN STREET

Mr. Coderre indicated that this application for a Common Victualler License was submitted by Jolly Rogers Diner LLC at 249 West Main Street – the former Two Doors Away Cafe.

Mr. Roger Convery of Jolly Rogers Diner was present and stated that this is a change of ownership only. All other aspects of the business will remain the same.

Selectman Perreault moved the Board vote to approve the application for a Common Victualler License as submitted by Jolly Rogers Diner LLC for premises located at 249 West Main Street with the conditions that the licensee receive satisfactory inspections by the Fire, Building and Health Departments; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

SKIP DOYLE - ROTARY CLUB

Update on Applefest Street Fair and request to close Blake Street on September 18, 2021 from 7am to 5pm.

Skip and Pat Doyle were remotely present and provided details on the Street Fair that will be held on Blake Street on Saturday, September 17th. Ms. Doyle noted that there will be a large number of vendors this year.

Mr. Doyle requested the closing of Blake Street for the Street Fair on Saturday, September 17th from 7am to 5pm in order to allow vendors ample time to set up and break down their booths.

Selectman Rogers moved the Board vote to close Blake Street on Saturday, September 17, 2022 between the hours of 7am to 5pm for the annual Applefest Street Fair; Selectman Perreault seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

MICHELLE GILLESPIE – APPLEFEST COMMITTEE CHAIR

Update on 2022 Applefest Events.

Michelle Gillespie, Karen Brewster, Pat Griffin and Cheryl Scali were remotely present to provide details on the 2022 Applefest events that will begin on Friday, September 16th through Sunday, September 18th. Ms. Gillespie noted that most of the events will be held outside and located in the downtown area. She directed the public to visit the Applefest website at www.northboroughapplefest.com for information on all of the scheduled events, including a

Farmer's Market on the Town Common on Saturday and the Applefest BBQ and Fireworks at Algonquin High School on Saturday night.

BRETT PELLETIER OF KIRK & COMPANY

White Cliffs Update.

Mr. Coderre provided an update and reviewed the efforts of the White Cliffs Committee thus far. The Committee has been busy working with Brett Pelletier of the consulting firm Kirk & Company on potential reuse options in preparation for a public bid process. At this stage in the process, Mr. Pelletier is collecting priorities and input in terms of a potential reuse from various Boards and Committees, including the Planning Board, Historic District Commission, Masterplan Implementation Committee and the Board of Selectmen for inclusion in the Request for Proposals (RFP) document.

Mr. Pelletier was present and provided an update on the progress to date regarding the repositioning of the White Cliffs. In addition he outlined the general timeline and strategy for deploying the RFP and reviewing responses. He noted that the process is broken down into three discrete tasks, each with sub-tasks. The Committee is currently working its way through Task 1 (Develop and Draft RFP) with some overlap into Task 2 (Engage and Cultivate Interest).

Task 1: Develop and draft RFP

- Includes significant due diligence in advance of deployment
- Clear RFP scoring metrics and priorities
- Deployment of the RFP

Task 2: Engage and Cultivate Interest

- Marketing and business development
- Site visits, strategy sessions, creative capital stack

Task 3: Evaluation of RFP submissions

- Informed by the Town's priorities and RFP scoring metrics
- Pick a partner
- Negotiate terms

Mr. Pelletier indicated that the White Cliffs Committee has identified five major criteria for framing the RFP and evaluation of responses, proposals and project scope as listed below:

1. Restoration and preservation of the structure
2. Reduce municipal fiscal burden
3. Consideration of landscaping and grounds
4. Creation of public access and connection to the community
5. Responsiveness to the Master Plan and Downtown Revitalization Plan

The White Cliffs Committee also agreed on the basic evaluation criteria as it pertains to the qualifications of the respondent or team as listed below:

1. Respondent/Team experience and qualifications
2. Financial, organizational and technical capacity
3. Proposal quality from criteria listed above
4. Brief project feasibility/proforma exercise

Mr. Pelletier indicated that the current timeline includes the preparation and delivery of a draft RFP to be completed on or around September 15, 2022. A review period for the Committee to provide feedback and edits will follow and the deployment of the RFP will be around the first week of October with a 60 day RFP response window.

Mr. Pelletier noted that he has engaged with over 50 market participants, including developers, real estate brokers, end users, historic preservation professionals and adjacent professionals active in the adaptive reuse market.

Board members praised Mr. Pelletier for his optimism and his efforts to date and look forward to what is hopefully an expedited process with a positive outcome for the community. Chairman Cohen requested that the Board have the opportunity to tour the building once tours are scheduled with potential bidders. Mr. Coderre added that any recommendation for reuse of the property will require Town Meeting approval. He hopes that action can be taken at the 2023 April Town Meeting, but it depends on how long it will take to frame up a potential deal with the recommended responder.

Lisa Maselli of 13 Maple Street commented about how the market analysis has evolved and how it now seems to be more sophisticated for historic assets compared to when the property was purchased back in 2016.

EXTENSION OF WHITE CLIFFS COMMITTEE CHARGE

Mr. Coderre noted that the White Cliffs Committee was established by the Board of Selectmen in September, 2017 to serve for a period of up to two years. Following a period of delay caused by the pandemic, the Committee is moving forward. As the Board heard this evening, the Committee has engaged Brett Pelletier of Kirk & Company to issue a Request for Proposal (RFP) to repurpose the property. He recommended that the charge of the White Cliffs Committee be extended through December 31, 2023.

Selectman Hirsh moved the Board vote to extend the charge of the White Cliffs Committee through December 31, 2023; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

DPW DIRECTOR SCOTT CHARPENTIER

Acceptance of gift funds for a Town Common mural project and a bench to be located at Ellsworth-McAfee Park pursuant to MGL, Chapter 44, Section 53A.

Cultural Council Member Suzanne Cox talked about initiatives that the Council has been working on as part of their public art campaign. This year, the Council and the DPW Department are working with a local Massachusetts based muralist Sophy Tuttle to produce a mural on the side of a local business that faces the Town Common. The Council has chosen a nature themed mural based on survey responses indicating that nature and community should define our Town. The painting of the mural will begin hopefully during the week of September 19th and will take 7-10 days to complete.

Mr. Charpentier indicated that Mr. Robert Turkanian has donated \$4,750 to cover the cost of the project. Mr. Turkanian also donated the kinetic art piece that is located in rear right-hand side of the Town Common.

Selectman Hirsh moved the Board vote to accept gift funds and authorize the DPW to expend such funds for a Town Common mural project pursuant to MGL Chapter 44 Section 53A; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

Mr. Charpentier indicated that Town resident Brenda Derby reached out to him looking to donate funds for a bench in remembrance of Bucky Rogers, a long-time resident who passed away last November. Mr. Charpentier recommended that the donated bench replace a deteriorated bench that was removed at Ellsworth-McAfee Park along the walking trail that was in appreciation to Paula Moore for her assistance in the establishment of the Ellsworth-McAfee Park. The donation is in the amount of \$1,425.99.

The Board listened to public comments from Amy Poretsky of 47 Indian Meadow Drive requesting that the plaque for Paula Moore be saved and from Laura Ziton of 17 Franklin Circle expressing disappointment that the deteriorated bench was removed. Mr. Charpentier responded that all legacy plaques are saved at the highway garage. Chairman Cohen suggested that the location of the deteriorated bench for Paula Moore be maintained as this is a good opportunity to try to raise funds for a new bench, adding that the remembrance bench for Bucky Rogers can be installed at another location.

Selectman Hirsh moved the Board vote to accept gift funds and authorize the DPW to expend such funds for a bench at Ellsworth-McAfee park pursuant to MGL Chapter 44 Section 53A; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

REPORTS

Julianne Hirsh

- Thanked Town Planner Laurie Connors and the Town Common volunteers for the flower planters on Church Street and Main Street.
- Thanked Gary Phillips and volunteers, including young students, for planting and maintaining a pollinator garden at Watson Park, which is now also used for bee research.
- Thanked the parents who refreshed the landscape at Peaslee School.
- Thanked the Garden Club for maintaining their gardens during the dry summer months.
- Thanked the DPW Department for maintaining the garden in front of Town Hall.
- Announced that the Community Preservation Committee is accepting applications.
- Noted that the Master Plan Implementation Committee will meet on September 15th.

Jason Perreault

- No report.

T. Scott Rogers

- In memory of 9/11, expressed his gratitude and appreciation to all first responders.
- Thanked the Fire Chief and Police Chief for their monthly reports. Noted that the Fire Department donated old medical supplies to Ukraine, configured the outside break area, received the crash stabilization package and the exhaust capture systems. Noted that the Police Department is looking for police officers. Chief Lyver provided a brief update on the recruitment process.
- Reported on the efforts of the Groundwater Advisory Committee.
- Noted that the Health Department has Covid test kits available and they are scheduling booster and flu vaccine clinics.
- Noted a new Community Resource Guide will be published and mailed to all residents.
- Noted that the Recreation Department's Fall programs are open for sign-up.
- Noted that the Trail design for the Senior Center is underway.
- Noted that there will be a public input session for the planned Dog Park on October 11th.
- Announced the various openings on Boards and Committees.
- Asked what the Board's intent is for filling the open alternate seat on the Zoning Board of Appeals. Chairman Cohen responded that the opening should be advertised in the same manner as all other openings.

Mitch Cohen

- Noted that the online permit center is up and running on the Town website.
- Congratulated the Community Affairs Committee on a successful summer concert series.
- Congratulated Town Clerk Andy Dowd and his staff and everyone else involved for their efforts in running a smooth State Election. Asked that restrooms be made available to residents during the November Election.
- In the absence of it not being placed as a formal agenda item, and as Chair, he proclaimed the Month of September as Childhood Cancer Awareness Month.
- Noted the receipt of an email from a resident regarding the odor in the vicinity of SA Farms, adding that the Town cares very much about this matter. He encouraged residents to contact the Town if the odor continues.

John Coderre

- No report.

ACCEPTANCE AND EXECUTION OF PROPERTY DEED FOR 61 & 65 WEST MAIN STREET

Mr. Coderre noted that the closing of 61 & 65 West Main Street has been postponed numerous times pending the final remediation work by the seller. Now that the remediation is complete, it is time for the Board of Selectmen to accept and execute the Acceptance Deed as prepared by Town Counsel. Since the Town is the buyer, Town Counsel will hold the signed Acceptance in anticipation of the closing, which is tentatively scheduled for September 20th.

Mr. Coderre added that the Town is proceeding with the purchase of 10 Monroe Street, a small parcel located directly behind 61 & 65 West Main Street. These two sites combined will give the Town sufficient area for the new Fire Station.

Selectman Rogers moved the Board vote to approve and sign the Acceptance for the 61 and 65 West Main Street properties, as prepared by Town Counsel. The Acceptance is to be held in escrow by Town Counsel until such time as the closing occurs; Selectman Perreault seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

APPROVAL OF FIRE STATION BUILDING COMMITTEE

Mr. Coderre informed the Board that given the acquisitions of 61 & 65 West Main Street and 10 Monroe Street, it is appropriate for him to form the advisory Fire Station Building Committee, which will be charged with overseeing the design and construction of the new Fire Station. The Committee will consist of the following appointments:

1. One member from Board of Selectmen designated by the Chair
2. One member from Financial Planning Committee designated by Chair
3. Fire Chief David Parenti
4. Fire Captain Dan Brillhart
5. Citizen—Dawn Rand
6. Citizen—Diana Nicklaus
7. Citizen—To be announced

Mr. Coderre noted that he selected Dawn Rand and Diana Nicklaus to serve as two of the three citizen members. Ms. Rand is the former Chair of the Fire Station Feasibility Study Committee and Ms. Nicklaus is a well-known architect and a former member of the Design Review Committee. He added that per the Town Charter, he is the appointing authority subject to approval of the Board of Selectmen. He indicated that he will be completing interviews and hopes to have the final committee member selected soon.

Amy Poretsky of 47 Indian Meadow Drive asked at what point the Design Review Committee and the Planning Board will be brought into the building process of the new Fire Station. Mr. Coderre responded that the normal process as with all other building projects will be followed. She also expressed concern with the appointment of one of the Citizen members.

Kerri Martinek of 16 Hemlock Drive asked if there was consideration for having a Planning Board designee on the Fire Station Building Committee? Mr. Coderre responded that traditionally a Planning Board member does not serve on a Building Committee as they have the opportunity to review the project as it goes through the normal process.

Mr. Coderre responded briefly to several questions by Lisa Maselli of 13 Maple Street. Following his responses, she suggested that the final design of the new Fire Station be considered at a Special Town Meeting rather than the Annual Town Meeting.

In response to a question by Selectman Hirsh, Mr. Coderre confirmed that only those staff members who are appointed to the Building Committee will be voting members.

Lisa Maselli of 13 Maple Street asked how much greater the price tag will be for the new Fire Station given the increased cost of materials since the project was first proposed. She also asked if the Board would consider postponing the appointments to the Fire Station Building Committee when all five members of the Board are present. Chairman Cohen explained the process for cost estimating the project.

Selectman Hirsh moved the Board vote to approve the Town Administrator's appointments to the Fire Station Building Committee as presented; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"

APPOINTMENTS TO THE BOARD OF LIBRARY TRUSTEES, SCHOLARSHIP COMMITTEE AND THE BOARD OF REGISTRARS

Selectman Hirsh moved the Board vote to appoint Brittany Burns and Patricia Fontes to the Board of Library Trustees, each for a partial three-year term as recommended by the Interview Committee; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"

Selectman Hirsh moved the Board vote to appoint Cynthia Moore to the Scholarship Committee for a partial one-year term as recommended by the Interview Committee; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"

Selectman Hirsh moved the Board vote to appoint James Harrington to the Board of Registrars for a partial three-year term as recommended by the Interview Committee; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"

EXECUTION OF CEMETERY DEED 1154

Selectman Perreault moved the Board vote to execute Cemetery Deed 1154; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

OTHER BUSINESS

None.

PUBLIC COMMENT

Chairman Cohen invited comments from the public. There were none.

10:35 p.m. - EXECUTIVE SESSION

Selectman Rogers moved the Board vote to enter into Executive Session - pursuant to M.G.L., Chapter 30A, Section 21, Subsection 3 (Collective Bargaining Strategy Planning) due to the Chair's determination that a discussion regarding these matters in an open meeting may have a detrimental effect on the position of the Board; Selectman Hirsh seconded the motion; the roll call was taken as follows:

Perreault	“aye”	Hirsh	“aye”
Rogers	“aye”	Cohen	“aye”

ADJOURNMENT

Chairman Cohen announced that the Board will enter into Executive Session and will not return to the open meeting.

The open meeting ended at 10:35 p.m.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. September 12, 2022 Meeting Agenda
2. August 15, 2022 Meeting Minutes
3. Aboveground Storage Public Hearing continued to November 7, 2022 Meeting
4. Information Packet – Pole Petition 30579396
5. Information Packet – AT&T Small Wireless Facility Petition
6. Information Packet – Common Victualler License
7. Memorandum – Update on Applefest and Street Fair
8. Information packet – White Cliffs Update
9. Draft thank you letters for gift donations
10. Information Packet – Deed Acceptance of 61 & 65 West Main Street
11. Information Packet – Appointments to Boards and Committees
12. Cemetery Deed



TOWN OF NORTHBOROUGH

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NORTHBOROUGH BOARD OF SELECTMEN PUBLIC HEARING NOTICE

Pursuant to Massachusetts General Laws, Chapter 166, Section 22, you are hereby notified that the Northborough Board of Selectmen will hold a remote Public Hearing on Monday, August 15, 2022 at 7:05pm to consider Pole Petition 30579396 from Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc.

Pinehaven Drive

National Grid to relocate Pole #10 approximately 9' North from its current location, remove existing tree guy and install a new anchor/guy.

Reason

The relocation of Pole #10 and the installation of a new anchor/guy will provide improved support for this pole.

Enclosed you will find a copy of the petition and corresponding plan for your review.

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to the Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on July 16, 2022, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

To join the Public Hearing

URL link: <https://town-northborough-ma-us.zoom.us/j/87974690612> Passcode: 005972

Join by phone: 1 646 876 9923 / Webinar ID: 879 7469 0612 / Passcode: 005972

Any person wishing to be heard should remotely join this Public Hearing at the date and time mentioned above. You can also call the Town Engineer at 508-393-5015 with any questions.

Kristen Wixted, Clerk
Northborough Board of Selectmen

cc: Abutters
National Grid
Verizon New England

MEMO

TO: John Coderre, Town Administrator

CC: Scott Charpentier, Public Works Director
William Lyver, Police Chief
David Parenti, Fire Chief

FROM: Fred Litchfield, Town Engineer

DATE: September 23, 2022

RE: Pole Petition for WR# 30579396

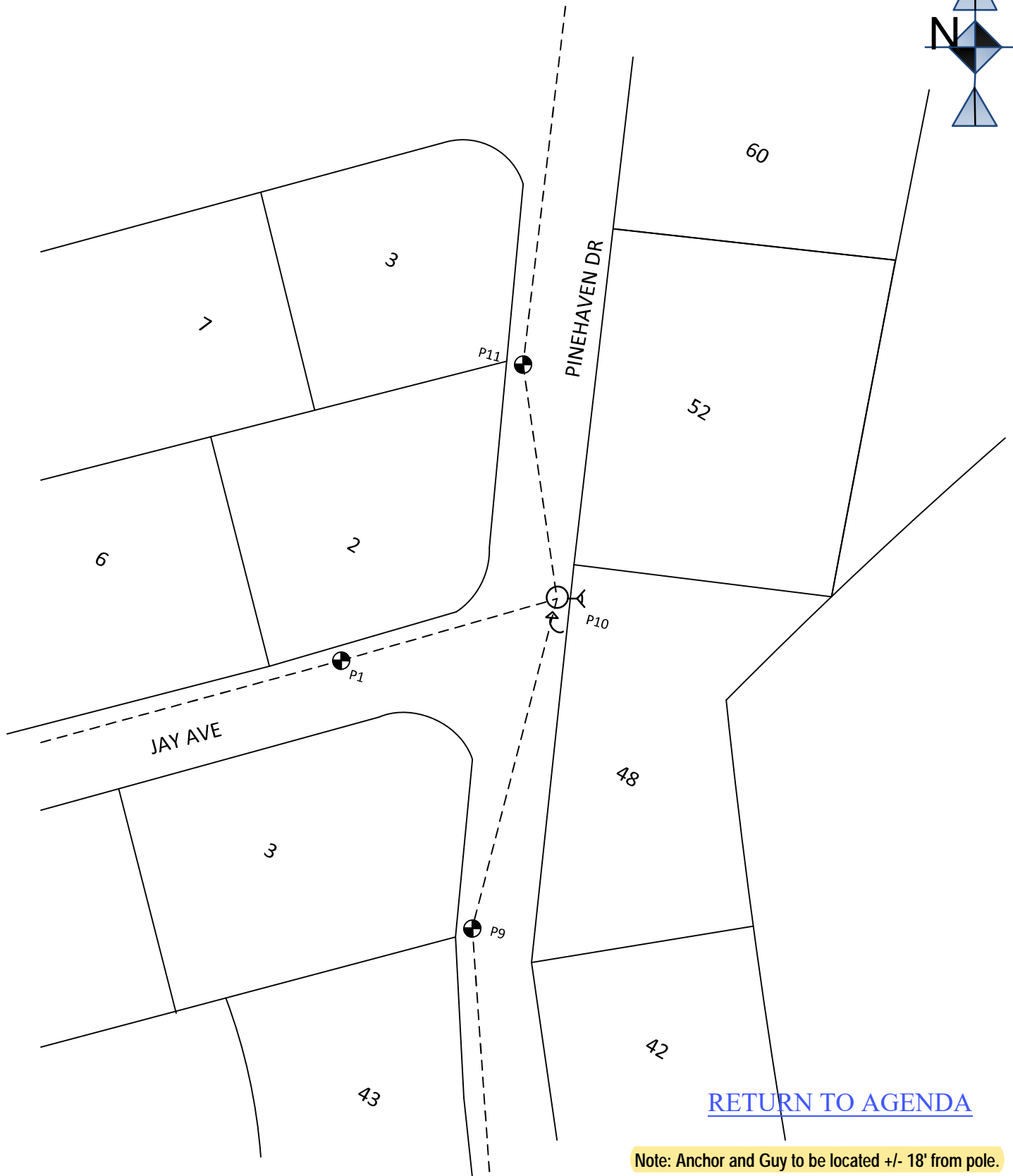
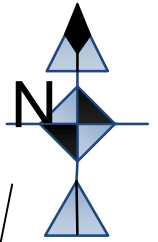
As a result of the discussion from the Board of Selectmen's meeting held on Monday, September 12th being continued, I have reviewed the attached petition again for the relocation of Pole 10 which is located on the easterly side of Pinehaven Drive near the intersection with Jay Ave.

This work is being proposed by National Grid to eliminate an existing guy wire attached to a tree and installing a new pole and a separate guy anchor. On Wednesday, September 21st, I met on site with Jeffrey Silva, the National Grid designer responsible for this petition and Ms. Mendelson, the abutter. Although the pole location has not changed, the guy wire anchor has been relocated slightly up hill from the previous spot and the wire extending from the pole to the anchor (approximately 18 feet) is just east of the existing edge of pavement of the parking spot closest to Pinehaven Drive. Mr. Silva has provided a sketch verifying the angle of the anchor wire from the pole to the anchor, which he reviewed with both Ms. Mendelson and, me. After concluding the sketch verifies adequate clearance above a car parked at the spot in question, Mr. Silva presented Ms. Mendelson with an easement for the location of the guy anchor on her property in accordance with the attached sketch. Please note, the attached sketch is the same as the sketch provided with the original pole petition with a revised date of 9/20/2022 and a note indicating the anchor and guy are to be located approximately 18 feet from the pole and this sketch is to be referenced in the easement.

It is now my understanding Ms. Mendelson is in agreement with the location of the guy anchor and is working with National Grid regarding the language in the easement.

Work Request # 30579396 is for the relocation of pole # 10 approximately 9 feet to the north along Pinehaven Drive. The relocation of this pole and the installation of a new guy anchor will provide improved support for pole #10.

Public Works has no issues with this work, and I again recommend this petition be approved provided public safety is made aware of when the work is going to occur.



[RETURN TO AGENDA](#)

LEGEND

- EXISTING OH CONDUCTORS
- EXISTING JO POLE
- JO POLE RELOCATE
- Y ANCHOR/GUY

PINEHAVEN DR
EASEMENT

48 PINEHAVEN DR

NORTHBORO, MA

Date: 9/20/2022
Designer: J. SILVA
WR: 30579396

EXHIBIT 'A' NOT TO SCALE
DISTANCES ARE APPROXIMATE

nationalgrid



TOWN OF NORTHBOROUGH

Town Offices, 63 Main Street
Northborough, MA 01532-1994
508-393-5040 Phone
508-393-6996 Fax
www.town.northborough.ma.us

MEMO

TO: Members of the Board of Selectmen
Town Administrator

FROM: Diane Wackell, Executive Assistant *Diane*

DATE: September 23, 2022

RE: Change of Manager – All Alcoholic Beverages Restaurant License
BJ's Wholesale Club – 6102 Shops Way

An application has been submitted by Mormax Corporation d/b/a BJ's Wholesale Club to change the manager of record for their All Alcoholic Beverages Restaurant License at 6102 Shops Way.

Ms. Harris is experienced in the retail sale of alcohol and is TIPS certified. Her personal information has been reviewed by Lieutenant Brian Griffin, who has indicated that he has no concerns to report.



Mark K. Leahy
Chief of Police
508-393-1520

**NORTHBOROUGH POLICE DEPARTMENT
INVESTIGATIVE SERVICES**

211 Main Street
Northborough, MA. 01532
Voice: 508.393.1515 Fax: 508.393.1521



Brian T. Griffin
Detective Sergeant
508-393-1522

To: Members of the Board of Selectmen

From: Lt. Brian T. Griffin

Date: September 21, 2022

Re: Change of Manager BJ's Wholesale Club

Honorable Members of the Board:

An application to change the manager of record has been filed by Mormax Corporation, DBA BJ's Wholesale Club. The name of the proposed manger as listed in the application is Malika Harris.

I have no concerns to report after having completed the background check on Ms. Harris. Ms. Harris has been employed by BJ's Wholesale Club for over two years. Ms. Harris has received her TIPS certification.

Should you have any question please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to be "B. T. Griffin", written over a horizontal line.

Lt. Brian T. Griffin



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Mormax Corporation	Northborough	00051-PK-0902

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Tiffany Arsenault	Legal Associate	tarsenault@bjs.com	7745126586

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Malika Harris	Date of Birth	SSN
Residential Address	35 HARRINGTON AVE APT 1324		
Email	MHARRIS3@BJS.COM	Phone	508-351-6901
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	David Farina

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? ☒ Yes ☐ No *Manager must be U.S. citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2/2020	PRESENT	CLUB MANAGER	BJ'S WHOLESALE WAREHOUSE	PHILGAZZILLO

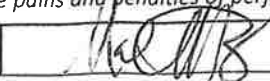
3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

[RETURN TO AGENDA](#)

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date 8/31/2022



TOWN OF NORTHBOROUGH

Town Offices
63 Main Street
Northborough, MA 01532-1994
(508) 393-5040 Phone
(508) 393-6996 Fax

MEMORANDUM

TO: Board of Selectmen

FROM: Town Administrator

SUBJECT: Open Meeting Complaint

DATE: September 23, 2022

The Town has received an Open Meeting Law complaint regarding the Board's meeting of September 12, 2022. The complaint is dated September 15, 2022. It was filed by Patrick Higgins, who resides in Alabama according to the complaint form, but may have previously resided in Massachusetts. The complaint alleges a violation with regard to information not included in the agenda for the September 12 meeting, specifically: not listing names of persons to be considered for appointments to the Board of Library Trustees, Scholarship Committee and Board of Registrars; and not listing the union whose contract was scheduled for discussion in the executive session on collective bargaining.

Under the Attorney General's regulations for the Open Meeting Law, there is a procedure and timetable for response when a Town board receives a complaint claiming a violation of the law. Within 14 business days after receiving the complaint, unless an extension is granted by the Attorney General, the public body must review the allegations in the complaint; take remedial action, if such action is determined to be appropriate; and send a response to the person submitting the complaint, with a description of any remedial action. The public body must also send a copy of the complaint to the Attorney General with a description of any remedial action taken. (940 CMR 29.05(5))

I am conferring with Town Counsel on the substance of the complaint and will give an introductory statement and a recommendation at the meeting on September 26. That meeting date is within the 14 business day response period. The formal action for the Board will be to review the complaint and make a determination, as a Board, on whether there was a violation that would require any remedial action by the Board, or whether there was no violation. In that regard, I would note that the only action requested in the complaint is that the Board "learn and comply with the open meeting law." I do not anticipate recommending any action that would require the Board to reconsider any action taken at the September 12 meeting.



TOWN OF NORTHBOROUGH

Town Offices
63 Main Street
Northborough, MA 01532-1994
(508) 393-5040 Phone
(508) 393-6996 Fax

Finally, please note that the Attorney General's regulations include the following statement:

“Any remedial action taken by the public body in response to a complaint under 940 CMR 29.05(5) shall not be admissible as evidence that a violation occurred in any later administrative or judicial proceeding against the public body relating to the alleged violation.” (940 CMR 29.05(5)(a))

John W. Coderre



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086743140 Ext.

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐

Individual

☒

Organization

☐

Media

Public Body that is the subject of this complaint:

☒

City/Town

☐

County

☐

Regional/District

☐

State

Name of Public Body (including city/town, county or region, if applicable): Northborough Board of Selectmen

Specific person(s), if any, you allege committed the violation: MITCH COHEN, Chair

Date of alleged violation: 09/12/2022

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Northborough Board of Selectmen violated the open meeting law by not listing the candidates to be interviewed for Board of Library Trustees, Scholarship Committee and the Board of Registrars on the agenda for item number 13, as required by the open meeting law.

The Board additionally violated the open meeting law by not listed the name of the bargaining unit and union to be discussed in executive session as required by Section 21(a)(3).

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Learn and comply with the open meeting law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

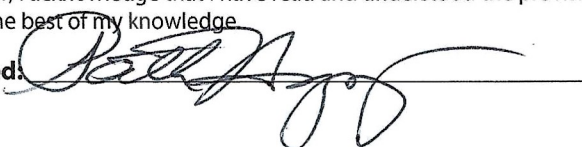
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____



Date: 09/15/2022

For Use By Public Body

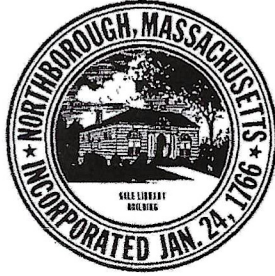
Date Received by Public Body:

For Use By AGO

Date Received by AGO:

RECEIVED

By Andrew T. Dowd, Town Clerk at 3:46 pm, Sep 08, 2022



BOARD OF SELECTMEN

MEETING AGENDA

Monday, September 12, 2022
7:00 p.m.

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to the Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on July 16, 2022, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

To view or listen

- Live Stream link YouTube:
https://www.youtube.com/channel/UCRdBrw3HeEAMB_KFKasrgXA
- Zoom webinar link: <https://town-northborough-ma-us.zoom.us/j/86838745847>
When prompted, enter Password 204518
- CATV Government Channels: Verizon Channel 30, Charter Channel 192
- Call 1-646-876-9923
When prompted, enter Meeting ID 868 3874 5847 and Password 204518

For Public Comment

Public Comment is allowed and encouraged during any agenda item. To offer comments at any time, please use the "raise hand" button in Zoom, or raise your hand if in person. The Chair will recognize you before any vote or before the agenda item is otherwise concluded.

*** Public comment will be limited to 3 minutes per person ***



BOARD OF SELECTMEN
MEETING AGENDA CONTINUED
Monday, September 12, 2022
7:00 p.m.

1. Public Comment.
2. Approval of August 15, 2022 Meeting Minutes.
3. 7:00PM – Continued Public Hearing to consider an application from G&I IX FORBES WHITNEY LLC to amend the existing aboveground storage license for premises located at 30 Forbes Road by increasing the on-site storage of flammable and combustible liquids, flammable gases and flammable solids.
4. 7:05PM – Continued Public Hearing to consider Pole Petition 30579396 from Massachusetts Electric Company d/b/a National Grid and Verizon New England for a new pole location on Pinehaven Drive.
5. 7:10PM – Public Hearing to consider a petition as submitted by New Cingular Wireless PCS, LLC d/b/a AT&T for a Grant of Location for one Small Wireless Facility on a Replacement Utility Pole near 267 – 269 Main Street.
6. Consideration of an application for a Common Victualler License as submitted by Jolly Rogers Diner, LLC for premises located at 249 West Main Street.
7. Michelle Gillespie and Skip Doyle: (1) Update on 2022 Applefest Events; (2) Request to Close Blake Street for Applefest Street Fair on September 17, 2022 from 7AM to 5PM.
8. Brett Pelletier of Kirk & Company – White Cliffs Update.
9. Extension of White Cliffs Committee Charge.
10. DPW Director Scott Charpentier: Acceptance of Gift Funds for a Town Common Mural Project and a Bench to be located at Ellsworth-McAfee Park pursuant to MGL, Chapter 44, Section 53A.
11. Reports.
12. Acceptance and Execution of Property Deed for 61 & 65 West Main Street and approval of Fire Station Building Committee.

13. Recommendation for Appointments to the Board of Library Trustees, Scholarship Committee and the Board of Registrars.
14. Execution of Cemetery Deeds 1154 & 1155.
15. Any other business to come before the Board.
16. Public Comment.
17. Executive Session - pursuant to M.G.L., Chapter 30A, Section 21, Subsection 3 (Collective Bargaining Strategy Planning) due to the Chair's determination that a discussion regarding these matters in an open meeting may have a detrimental effect on the position of the Board.



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.

[RETURN TO AGENDA](#)

PUBLIC WORKS DEPARTMENT

Water, Wastewater, Highway, Cemetery, Parks, & Facilities
Scott D. Charpentier, P.E., Director



TOWN OF NORTHBOROUGH

63 MAIN STREET
NORTHBOROUGH, MA 01532
T: (508) 393-5040x6
F: (508) 393-6996

MEMORANDUM

Date: September 7, 2022
To: Board of Selectmen
From: Scott D. Charpentier, Public Works Director
Copy: John Coderre, Town Administrator
Subject: Fees for Snow Removal on Private Ways

Below is my recommended fee schedule for snow removal services on private ways for the upcoming 2022 - 2023 winter season.

Private ways scheduled for plowing and treatment during the 2022-2023 winter season include:

<u>Name</u>	<u>Length</u>
Harris Avenue	765 feet
Maple Lane	2,500 feet

Last season's fee was \$215.00 per storm per service for each private way. We propose to increase that fee \$5.00 to \$220.00 per storm per treatment for the 2022-2023 winter season. This increase is necessary to cover increased costs of labor, fuel, and materials.

Therefore, the following schedule is proposed for the Board's consideration:

Streets less than 3,000 feet:	\$220.00 per storm per private way for plowing
	\$220.00 per storm per private way for treatment

The Public Works Department requires all private ways seeking snow removal services to also receive treatment services to ensure public safety of all motorists including Fire, Police and Public Works Department personnel.



MEMORANDUM

Date: September 7, 2022

To: Neighborhoods Utilizing Town Services for Snow Removal on Private Ways

From: Scott D. Charpentier, Public Works Director

Copy: John Coderre, Town Administrator
Board of Selectmen

Subject: Fee Increase for Snow Removal on Private Ways

Be advised that on Monday, September 26, 2022, the Board of Selectmen will consider a proposal by the Public Works Department to increase the fees for snow removal on private ways for the 2022-2023 Winter Season. The attached memorandum details the proposed changes in these fees. Please note that snow removal on private ways includes snow plowing and treatment services to ensure public safety. Please be aware that if you received prior notice of roadway deficiencies, said deficiencies must be addressed prior to the projected November 21, 2022, execution of agreement by the Board of Selectmen.

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on July 16, 2022, this meeting will be conducted via remote participation. No in-person attendance by members of the public will be permitted, please refer to the posted meeting agenda for instructions on how to view and/or participate.



TOWN OF NORTHBOROUGH Department of Public Works
Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5040x6 • 508-393-6996 Fax

9-64-010 **BOARD OF SELECTMEN** 9-64-010

Town of Northborough Municipal Code

Chapter 9-64

STREETS

Sections:

9-64-060 Plowing of private ways

[Amended SM 9/26/2022]

- A. A written application must be made to the Board of Selectmen requesting that the way be plowed.
- B. A release or waiver of any claim for damages signed by all property owners shall be given prior to any town vehicle entering upon said road.
- C. The road must be paved with final course of Type I.
- D. It must be of sufficient width [minimum eighteen (18) feet].
- E. It shall provide an area enough to allow the necessary snow plowing equipment to turn around adequately. This is to be determined by the Department of Public Works Director.
- F. If, as determined by the Department of Public Works Director, the way has deteriorated or if hazardous conditions exist the town may refuse service although all other prerequisites are met.
- G. The available equipment of the Highway Department must be adequate to plow.
- H. All private roads will be plowed at the convenience of the town. Public roads will be maintained as a priority and all private ways will be maintained as time, equipment and materials allow.
- I. Nothing shall be construed from the foregoing provisions to make it mandatory for the Selectmen to plow these roads.
- J. Variances may be granted by the Board from the requirements as contained in the original vote, but these variances must not seriously deviate from the list of conditions.
- K. The winter maintenance agreement must be on file at the Town Hall before plowing and sanding will commence.
- L. Fees for this service are as follows:
 - Private ways shall be billed at two hundred twenty dollars (\$220.00) per storm for plowing.
 - Private ways shall be billed at two hundred twenty dollars (\$220.00) per storm for salting and sanding.

Email: dpw@town.northborough.ma.us • Website: www.town.northborough.ma.us (Prior code § 183-66)

* **Editor's Note:** The application agreement for sanding/salting private streets is on file in the office of the Town Clerk.

[RETURN TO AGENDA](#)

Memo

Date: September 22, 2022
To: Board of Selectmen
From: Mitch Cohen, Chair
Subject: September 26 meeting preparation

Over the past few months (and I'm sure well before that) the Board has received substantial public input on issues regarding traffic and safety in or near our public ways. Many towns have a Traffic & Safety Committee, with varying makeup and responsibilities. On Monday, we'll consider forming a *temporary* committee to review similar committees in other towns, and to return to us with recommendations on forming a permanent Traffic & Safety Committee.

We have a Board meeting one week after this one. on October 3rd. That will be a good opportunity to return to discussions of ARPA funding and Administrator Goals.

See you Monday!

Know All Men By These Presents
That the
Town of Northborough

A body corporate and politic situated in the County of Worcester and Commonwealth of Massachusetts, for and in consideration of Seven Hundred & Fifty Dollars for burial plot and One Thousand & Fifty Dollars for perpetual care, a total of Eighteen Hundred Dollars to be paid by Derek Niemi & Katherine Landry of 261 Church Street, the receipt whereof is hereby acknowledged, does hereby sell and convey unto the said Derek Niemi & Katherine Landry and/or his/her heirs, executors, administrators and assigns (subject to all limitations upon succession and transfer prescribed by the laws of the Commonwealth and regulations of the Board of Cemetery Commissioners of the Town of Northborough as now or hereafter in force), the sole and exclusive right of burial in the lots in the **Northborough Cemetery**, in said Town of Northborough, shown and numbered as Grave(s) 1009, 1010 & 1011, Section 5N upon a plan on file in the office of the Board of Cemetery Commissioners, together with the right of erecting a tomb, cenotaph, monument or other structure upon such lot, subject to the following restrictions:

Upright Marker

However the aforementioned right shall be held and exercised in all instances in accordance with the subject to the regulations of said Cemetery Commissioners as now or hereafter in force, to which said regulations the attention of the grantee is hereby specifically directed.

To Have and to Hold, the above granted premises unto the said Grantee and/or his/her heirs, executors, administrators and assigns forever; subject, however, to the limitations and conditions hereinbefore stated.

In Witness Whereof the said Town of Northborough has caused these presents to be signed in the corporate name of said Town by the Board of Selectmen, and the corporate seal of the Town to be affixed thereto, this 26th day of September, 2022.



INHABITANTS OF THE TOWN OF NORTHBOROUGH

Northborough Board of Selectmen

Mitch Cohen

Julianne Hirsh

Kristen Wixted

Jason Perreault

T. Scott Rogers

Recorded: _____

Town Clerk

[RETURN TO AGENDA](#)