

**BOARD OF SELECTMEN
MEETING MINUTES – September 26, 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
Kristen Wixted
Jason Perreault
T. Scott Rogers

Others

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

Any votes taken this evening will be by roll call.

PUBLIC COMMENT

Suzanne Cieslica of 8 Emerson Road expressed her support for the creation of a Temporary Traffic & Safety Committee, which will be considered later in the meeting.

APPROVAL OF MINUTES – SEPTEMBER 12, 2022 MEETING

Selectman Rogers moved the Board vote to approve the September 12, 2022 meeting minutes; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Perreault	"aye"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"
Wixted	"abstain"		

7:00 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 9' +/- to the north along Pinehaven Drive and a new anchor to be installed 18' +/- directly behind the new pole. The relocation of this pole and the installation of a new guy anchor will provide improved support for pole #10.

As a result of the discussion from the Board's September 12th meeting, Town Engineer Fred Litchfield was present and indicated that he met at the site with Jeffrey Silva from National Grid 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 eighteen feet) is just east of the existing edge of pavement of the parking spot closest to Pinehaven Drive. Mr. Silva provided a schematic sketch verifying the angle of the anchor wire from the pole to the anchor, which was reviewed by himself and Ms. Mendelson. It was concluded that the sketch verifies adequate clearance above a car parked at the spot in question. The sketch that was reviewed 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 eighteen feet from the pole.

Ms. Mendelson was present and indicated that she is in agreement with the location of the guy anchor and is working with National Grid regarding the language in the necessary easement on her property.

There were no further comments from the public.

Selectman Hirsh moved the Board vote to close the public hearing on Pole Petition 30579396; Selectman Perreault seconded the motion; the roll call vote was taken as follows:

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

Selectman Hirsh moved the Board vote to approve Pole Petition 30579396 as submitted by Massachusetts Electric Company d/b/a National Grid and Verizon New England allowing utility pole #10 to be relocated approximately 9' +/- to the north along Pinehaven Drive and a new anchor to be installed 18' +/- directly behind the new pole subject to approval of an easement from the current landowner at 48 Pinehaven Drive; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

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.

Malika Harris introduced herself as the manager at BJ's Wholesale Club at 6102 Shops Way. She 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.

Selectman Wixted moved the Board vote to approve the application to change the manager as submitted by Mormax Corporation d/b/a BJ's Wholesale Club for their All Alcoholic Package Store License for premises located at 6102 Shops Way; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

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 from Northport Alabama.

Mr. Coderre indicated that this agenda item concerns an Open Meeting Law complaint dated September 15, 2022 regarding the Board's meeting of September 12, 2022. The complaint claims that there was a violation because certain information was not included on the agenda for the meeting. Two agenda items are listed as the basis for the violation: recommendation for appointments to the Board of Library Trustees, Scholarship Committee and Board of Registrars; and an executive session for collective bargaining strategy. The information in question is the names of persons to be considered for appointment, and the name of the union whose contract was scheduled for discussion.

Mr. Coderre explained the rules for this process as regulated by the Attorney General. When a complaint is received, the public body in question has fourteen business days to review the complaint; to take what the regulations call "remedial action" if the body finds such action to be appropriate; and to send a response to the person who submitted the complaint, with a description of any remedial action. A copy of the complaint must also be sent to the Attorney General, along with a description of any remedial action that is taken. He noted that tonight's meeting is within fourteen business days of receipt of the complaint.

After consultation with Town Counsel on the allegations in the complaint, Mr. Coderre recommended that the Board determine that there was a technical violation regarding the executive session agenda item, that there was no violation regarding the appointments agenda item, and that no remedial action is required.

Mr. Coderre stated that the law describes the requirements for the contents of an agenda posting as "the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting." He added that the Attorney General's Open Meeting Law Guide does advise that for a collective bargaining executive session the particular union should be identified unless doing so would compromise the position of the public body. In the future, the union information will be included for this type of agenda item.

In regard to the appointments item, Mr. Coderre indicated that the names of the persons being considered for appointment were included in the minutes of the Board's Interview Subcommittee Meeting on August 30, 2022. As those minutes were included in the agenda packet posted to the Town's website, the names were made available in advance of the meeting as part of the regular public notice process.

The only action requested in the complaint is that the Board “learn and comply with the open meeting law.” For the reasons described above, Mr. Coderre did not recommend any reconsideration of the actions taken at the September 12 meeting. The only future action would be including the applicable union name in notices for an executive session on collective bargaining.

Board members agreed that there was a technical violation regarding the contents of the executive session agenda item and that there was no violation in regard to the appointments item.

Selectman Perreault moved the Board vote to find that, after review of the Open Meeting Law complaint regarding the agenda for the Board’s meeting of September 12, 2022, there was a technical violation regarding the contents of the executive session agenda item, that there was no other violation, and that no remedial measures with respect to the actions taken at the meeting are required; and further, that the Town Administrator report this vote to the person who filed the complaint – Patrick Higgins; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

SCOTT CHARPENTIER – DPW DIRECTOR

Consideration of fee schedule for snow removal and treatment on private ways.

Mr. Charpentier proposed to the Board that the base charge for plowing and treatment services of private ways and unaccepted streets which are 100% complete be increased from last year’s charge of \$215.00 to \$220.00 to cover the increased costs of labor, fuel and materials.

Residents of the private ways that received plowing and treatment services during the last Winter Season were notified of tonight’s consideration to increase the fees. No concerns were heard from any of the residents.

Selectman Rogers moved the Board vote to set the fees for plowing and treatment of private ways less than 3,000 feet for the 2022/2023 winter season as follows: \$220.00 per storm per private way for plowing; \$220.00 per storm per private way for treatment; Selectman Wixted seconded the motion; the roll call vote was taken as follows:

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

CONSIDER CREATION OF A TEMPORARY TRAFFIC SAFETY COMMITTEE

Chairman Cohen noted that he scheduled this agenda item in response to community members asking that a Traffic Safety Committee be created. He indicated that there does not seem to be any consistency amongst those communities that have a Committee for this purpose. He asked the Board to consider forming a Temporary Traffic Safety Committee to research the Committees that do exist and report back to the Board with a recommendation on whether a permanent committee is needed, and if so, recommend a model and charge for the Board’s

consideration. He suggested that this temporary committee's charge be limited to this purpose, adding that it would be dissolved upon delivering their recommendations to the Board. If the Board is in favor of this temporary committee, he asked that the Interview Committee focus on diversity in terms of the geography and interests around the whole town and not any single region of town.

Selectman Wixted noted that per her Selectman Facebook page there have been approximately thirty-one (31) separate posts from residents all over town in regard to traffic and pedestrian safety. Chairman Cohen suggested that in the event that a temporary committee is created that this information be used as a starting point.

Selectman Hirsh noted her support of such a committee and asked about its composition if created? Chairman Cohen responded that because it will be a temporary committee with a narrow scope, he envisions five citizens and a member of the Board of Selectman, along with some involvement from Town staff. Selectman Hirsh suggested a member of the Planning Board be included as well.

Selectman Rogers shared his concern with being asked to make a decision on something this evening without having the opportunity to review its actual charge and responsibilities beforehand. He added that the established mechanism in place right now is effective for reporting traffic and safety concerns and violations and suggested that the Town do more to educate the public about this resource. Currently, residents are able to report concerns and ask questions regarding traffic safety issues, signaling, signage, crosswalks, enforcement, and any other traffic related matters through a dedicated email located on the Town website – "Report a Transportation Safety Issue." Town staff reviews the information and responds back with any relevant information to address the concern. Traffic concerns and violations that require immediate attention should be called directly to the Police Department in real-time. Selectman Wixted stated that the reporting mechanism that is currently in place is not working and that to create a Temporary Traffic Safety Committee is one step in the right direction to help the residents with their traffic and safety concerns.

Chairman Cohen invited comments from the public. Comments in support of creating a Temporary Traffic Safety Committee were heard from the following residents:

Janeen Callaghan – 6 Stirrup Brook Lane
Christopher Deacetis – 15 Allen Street
Jack Wixted – 2 Stirrup Brook Lane
Jennifer Scalise – 206 South Street
Rachel Armstrong – 10 Hemlock Drive

Selectman Hirsh stated that the current mechanism for residents to provide input about traffic and safety might be working for Town staff but it is not satisfying the needs of the residents. She added that the benefit of creating a Temporary Traffic Safety Committee would be to help in prioritizing traffic safety issues.

Selectman Perreault shared his concern with taking action this evening without first having a clear description of the composition and charge of this committee.

Chairman Cohen noted that he wants to give the public a greater tool than what is already in place to report an issue and to have that issue resolved to their satisfaction. He suggested that the data from the existing reporting emails be collected and compiled for further review.

Selectman Rogers stressed the importance of using the resources that are already in place that will actually accomplish something now rather than stretch resources that are already overwhelmed by forming a temporary committee to determine if a permanent committee is needed. Selectman Hirsh agreed that the timing to address traffic safety issues is important and suggested that the committee's duration be reduced to three or six months instead of twelve.

Prior to Mr. Coderre sharing his thoughts, Chairman Cohen indicated that he would look to Mr. Coderre to make the determination as to who from Town staff would attend committee meetings and to what extent they would be expected to participate.

Mr. Coderre shared his concern with the limited resources available to this committee from his office and the Police, Planning, Engineering and Public Works Departments. He noted that Town staff is already stretched thin given the workload associated with the extraordinary number of significant initiatives including the Master Plan Implementation Committee, the White Cliffs Committee, the upcoming Fire Station Building Committee, Town Office Feasibility Study Committee as well as the prioritized initiatives such as Green Communities and the Complete Street Master Plan. Given the workload with these initiatives, he asked that the Board consider where a Traffic Safety Committee would fit in given all the other priorities. He noted that the Board began a goal setting process to look at all these projects and initiatives in a priority setting, but that the process was not completed.

There was no further discussion.

Selectman Hirsh moved the Board vote to create a Temporary Traffic Safety Committee. The Committee's charge will be to return with recommendations to form a permanent Traffic Safety Committee including membership and proposed charge in no more than six months' time. The temporary Traffic Safety Committee shall be disbanded upon conclusion or six months' time unless extended by the Board. Composition of the Committee will be five (5) residents, one member of the Board of Selectmen and one member of the Planning Board and staff as the Town Administrator deems important.

Selectman Hirsh moved the Board vote to amend the above motion to eliminate "and staff as the Town Administrator deems important as suggested by Chairman Cohen; Selectman Wixted seconded the amended motion.

Selectman Perreault expressed his concern with the language in the motion, specifically "with recommendations to form a permanent Traffic Safety Committee", when part of the charge of the temporary committee is to determine if a permanent committee is needed.

Selectman Hirsh moved the Board vote to create a Temporary Traffic Safety Committee. The Committee's charge will be to return with recommendations as to whether or not to form a permanent Traffic Safety Committee including membership and proposed charge in no more than six months' time. The Temporary Traffic Safety Committee shall be disbanded upon conclusion or six months' time unless extended by the Board. Composition of the Committee will be five (5) residents, one member of the Board of Selectmen and one member of the Planning Board; Selectman Wixted seconded the motion.

Selectman Perreault shared the concerns expressed by Mr. Coderre that the additional workload that is being placed on Town staff fails to take into account the priority of this effort compared to all of the other initiatives. Chairman Cohen agreed and hopes that the temporary committee will determine how to address traffic safety issues in the best and most efficient manner.

Following the above discussion, the roll call vote on the first amended motion was taken as follows:

Perreault	"abstain"	Hirsh	"aye"
Rogers	"aye"	Cohen	"aye"
Wixted	"aye"		

The roll call vote on the second amended motion was taken as follows:

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

REPORTS

Kristen Wixted

- Thanked the volunteers and everyone who participated in the Applefest events.
- Thanked the Northborough Historical Society for their bake sale during Applefest and for letting the public use their bathrooms.
- Enjoyed the Solar Jazz Fest.

Jason Perreault

- Thanked all of the organizations involved with Applefest, especially the Applefest Committee, Boroughs Cares 4 Troops and the Rotary Club.
- Thanked former Selectman Leslie Rutan for providing the Board with the banner for the parade march.
- Extended condolences to the Niemi family on the sudden passing of their son.
- Noted that September 4th marked the 8th anniversary of the loss of Army Specialist Brian Arsenault. Extended his regards to the Arsenault family.

T. Scott Rogers

- Extended condolences to the Niemi family on the sudden passing of their son.
- Thanked the organizers, businesses and residents that planned and attended the Applefest events.

- Reported on the efforts of the Conservation Commission and thanked Conservation Agent Vinny Vignaly for his professionalism in conducting the public hearings.
- Noted that the Health Department is hosting booster and flu clinics.
- Encouraged residents to check out the Community Calendar for upcoming Wellness events.
- Reported on the efforts of the Groundwater Advisory Committee.
- Attended a recent webinar regarding planned improvements to Route 20 just past Northborough Crossing.

Julianne Hirsh

- Reported on the efforts of the Master Plan Implementation Committee. Encouraged residents to complete the survey regarding the Downtown Revitalization project.
- Reported on the efforts of the White Cliffs Committee.
- Thanked the donor who provided funding for the mural facing the Town Common. Thanked the Cultural Council, especially Craig and Suzanne Cox for their efforts in preparing the side of the building for this project.
- Thanked Representative Meghan Kilcoyne for securing \$50,000 to go towards a culvert repair in Northborough.
- Asked that those residents who interviewed for the Zoning Board of Appeals be contacted to see if they are still interested in being considered without having to participate in another interview.
- Thanked everyone who planned and participated in Applefest.

Mitch Cohen

- Enjoyed many of the Applefest events. Thanked Mr. Coderre, the Fire Chief and Police Chief for participating in the dunk tank.
- Thanked the donor who funded the mural project and the Cultural Council for their efforts in regard to this project. Noted how happy he was to be able to meet the artist as she was painting the mural.
- Noted that Amazon has hired a flagger to work 24/7 at their exit.
- Extended condolences to the Niemi family.
- Acknowledged the recent complaints regarding SA Farms. The Town continues to work with DEP on addressing this issue.
- Wished all Jewish residents a happy Rosh Hashanah.

John Coderre

- No report.

EXECUTION OF CEMETERY DEED 1156

Selectman Wixted moved the Board vote to execute Cemetery Deed 1156; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

OTHER BUSINESS

Mr. Coderre provided an update on the RFP process for the old fire station property, stating that an issue regarding the boundary line was raised during the survey process that must be resolved. He is very anxious to move this project forward.

PUBLIC COMMENT

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

8:50 p.m. - EXECUTIVE SESSION

Selectman Perreault moved the Board vote to enter into 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 this matter 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”
Wixted	“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 8:50 p.m.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. September 26, 2022 Meeting Agenda
2. September 12, 2022 Meeting Minutes
3. Information Packet – Pole Petition 30579396
4. Information Packet – BJ's Wholesale Club Change of Manager
5. Information Packet – Open Meeting Law Complaint
6. Information packet – Snow Removal and Treatment Fee Schedule
7. Memorandum – Temporary Traffic and Safety Committee
8. Cemetery Deed