

## BOARD OF SELECTMEN MEETING MINUTES – February 28, 2022

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

Chairman Perreault stated that this Open Meeting of the Board of Selectmen was being conducted remotely consistent with Governor Baker's Executive Order of June 16, 2021, an 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 Perreault 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 Perreault noted that this meeting will allow for Public Comment. He indicated the various ways that the public may view or participate in this meeting as listed on the posted agenda.

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

#### Board of Selectmen

Jason Perreault, Chair  
Leslie Rutan, Vice Chair  
T. Scott Rogers, Clerk  
Julianne Hirsh  
Kristen Wixted

#### Others

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

### Meeting Business Ground Rules

Chairman Perreault covered the ground rules for effective and clear conduct of the business. He asked members of the Board to mute their phone or computer when not speaking and to speak clearly and in a way that helps generate accurate meeting minutes. He will go through the items on the agenda. Following presentations, Board members will be offered an opportunity to speak, followed by staff members answering any questions, if necessary. Those responding will be asked to wait until the floor is yielded to them. Members were asked if they wish to respond to the comments of others, to do so through the Chair.

Any votes taken this evening will be done by roll call to ensure that the records of the vote are clear and accurate to the members attending the meeting remotely.

### APPROVAL OF MINUTES – FEBRUARY 14, 2022 MEETING

Selectman Rogers moved the Board vote to approve the February 14, 2022 meeting minutes; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

Wixted	"aye"	Rutan	"aye"
Hirsh	"aye"	Perreault	"aye"
Rogers	"aye"		

**7:00 p.m. - PUBLIC HEARING**

To consider an application as submitted by Margaritas Management Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant for a Change in Stock Interest and a Change in Officer/Directors for their All Alcoholic Beverages Restaurant License for premises located at 10006 Shops Way.

Jodenne Scott was remotely present on behalf of Margaritas Management Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant. She stated that the application for a Change in Stock Interest and a Change in Officers/Directors for their All Alcoholic Beverages Restaurant License located at 10006 Shops Way is due to a redistribution of ownership with no financial transactions involved. She confirmed that the restaurant is open and there will be no changes in the management or operation of the restaurant.

Chief Lyver stated that the application has been reviewed by Lieutenant Brian Griffin who has no concerns to report.

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

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

Wixted	“aye”	Rutan	“aye”
Hirsh	“aye”	Perreault	“aye”
Rogers	“aye”		

Selectman Wixted moved the Board vote to approve the application as submitted by Margaritas Management Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant for a Change in Stock Interest and a Change in Officers/Directors for their All Alcoholic Beverages Restaurant License for premises located at 10006 Shops Way; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Wixted	“aye”	Rutan	“aye”
Hirsh	“aye”	Perreault	“aye”
Rogers	“aye”		

**7:10 p.m. - PUBLIC HEARING**

Implementation of “Jake Break” prohibition on Lyman Street, pursuant to Town Code, Chapter 2-44-130 Compression Brake Use Restriction.

Mr. Charpentier noted that voters approved a compression brake, commonly known as a jake brake, restriction bylaw at the 2021 Annual Town Meeting. Since then, the Planning Department received correspondence from several residents expressing concern over the disruptive noise attributed to the use of compression brakes in the Lyman Street area. He requested that the Board adopt a compression brake prohibition for the segment of Lyman Street from approximately Ridge Road north to Bartlett Street.

Following Mr. Charpentier’s presentation, a discussion ensued about where the signs would be installed and whether language could be added that would inform the average driver, what the term

“No Engine Brake” means and that this prohibition specifically refers to truckers. Chief Lyver indicated that the term “No Engine Brake” is widely known in the trucker industry. Mr. Charpentier added that once the signs are installed, the prohibition is considered enforceable. He added that weather permitting, the signs will be installed in mid-March.

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

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

Wixted	“aye”	Rutan	“aye”
Hirsh	“aye”	Perreault	“aye”
Rogers	“aye”		

Selectman Hirsh moved the Board vote to adopt a compression brake prohibition for the segment of Lyman Street from approximately Ridge Road north to Bartlett Street as recommended by the DPW Director; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

Wixted	“aye”	Rutan	“aye”
Hirsh	“aye”	Perreault	“aye”
Rogers	“aye”		

**7:25 p.m. - SCOTT CHARPENTIER, DPW DIRECTOR**

Acceptance of MassDOT Grant Award for Development of Complete Streets Prioritization Plan.

Mr. Charpentier provided the following update on the Town’s participation in the Massachusetts Department of Transportation (MassDOT) “Complete Streets Funding Program.” The goal of this program is to support safe and accessible options for all modes of travel – walking, biking, and vehicular. The Board of Selectmen adopted the Town of Northborough Complete Streets Policy at their January 10, 2022 meeting. The Policy was approved by MassDOT on January 18, 2022 with a score of 91.

Mr. Charpentier announced that the Public Works Department submitted a grant application to MassDOT and on February 17, 2022 was awarded the full amount of \$35,200 to aid in the development of a Complete Streets Prioritization Plan. He added that communities with a locally adopted Policy and a MassDOT approved Prioritization Plan are then eligible to seek construction funding grants for up to \$400,000 to aid in plan implementation. Projects often include sidewalk widening, accessible ramps, new sidewalk construction, implementation and/expansion of bicycle lanes and shared lanes, and connections to multimodal destinations. Construction grants cannot be used for survey, land acquisition, or design services. These tasks must be funded through other means such as a local appropriation or through Chapter 90 Roadway Funding.

Mr. Charpentier informed the Board that the next program step is for the Town, with its consultant, to prepare through a public input process a Complete Streets Prioritization Plan for MassDOT acceptance. This plan will identify needs, gaps, possible funding sources, and implementation schedules for sidewalk, bicycle, and accessible transportation connectivity improvements. The

plan is to implement the public input process in May and June and to complete the Prioritization Plan and submit to MassDOT for approval in September.

Mr. Coderre stated that the Complete Streets Program is an outgrowth of the Master Plan, adding that the Master Plan Implementation Committee's (MPIC) focus is on walkability and multimodal avenues of transportation. He stated that moving forward, this process must look at the needs of the community in a wholistic manner and not just focus on one particular neighborhood, project or issue. He added that in addition to the \$400,000 that will be available in grant funding, a funding plan will need to be developed through the Capital Improvement Plan for a recurring revenue source for the continued implementation of the Prioritization Plan.

Selectman Rogers moved the Board vote, pursuant to Massachusetts General Law, Chapter 44, Section 53A, to accept funds from the MassDOT Complete Streets Funding Program, and to authorize the Town Administrator to expend such funds; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

Wixted	"aye"	Rutan	"aye"
Hirsh	"aye"	Perreault	"aye"
Rogers	"aye"		

## **REPORTS**

### Kristen Wixted

- Thanked those residents who took the time to email their concerns to the Board regarding the Proctor School roof.
- Reported on the recent meeting of the Community Affairs Committee (CAC).
- Asked residents to let the CAC know if they need help with cleaning up trash in their neighborhoods as they prepare for the annual Louise Houle Clean Up Day.

### Julianne Hirsh

- Reported on the recent meeting of the Cultural Council.
- Reported on the recent meeting of the Master Plan Implementation Committee.
- Noted that the Westborough Sustainability Committee is sponsoring an Energy Fair on April 30.
- Requested an update on the take back of 4 West Main Street. Mr. Coderre responded that the building can be returned to the Town in May of 2022. He stated that public access to assess the building needs cannot be done at this time as the property is under a private owner. The lack of parking will also require further discussion and possible negotiations.
- Requested that the Facilities Manager be invited to a future Board meeting to provide an update on public building assessments. Mr. Coderre responded that Facilities Manager Shawn Thompson has just completed training and is now a certified public procurement officer. Now that he is beginning to get settled in, he would be happy to invite him to a future Board meeting.

### T. Scott Rogers

- Thanked Principal Assessor Julie Brownlee for taking the time to educate him on the assessment process of residential, commercial and industrial properties.

Leslie Rutan

- Thanked the DPW Department for their clean-up efforts following the recent winter storm.
- Reported on the recent special joint meeting of the Northborough School Committee and the Southborough School Committee and provided an update on the masking policies at each of the Northborough Schools.
- Provided an update on the Assabet Park Playground project, which is scheduled to be completed by Memorial Day.
- Requested that the newly hired Town Planner be invited to attend a future meeting.

Jason Perreault

- No report.

John Coderre

- No report.

**PUBLIC COMMENTS**

Chairman Perreault stated that the Public Comment portion of the agenda allows for the public to provide input, comments, questions, or concerns. The Board will not engage or deliberate in any detailed discussion, nor will it take action or make any commitments in real time in response to any public comment. If they are able, present Town staff may respond to any questions that can easily be answered. Those who wish to speak under Public Comment will be admitted to the meeting as an attendee and will be asked to provide their full name and address for the record. Public comment will be limited to 3 minutes per person.

Laura Ziton of 17 Franklin Circle requested that the Board's meeting packets be added to the website on Friday rather than on Monday morning.

**VOTE ON MSBA STATEMENT OF INTEREST FOR PROCTOR SCHOOL ROOF**

School Superintendent Greg Martineau and Assistant School Superintendent Keith Lavoie were remotely present. Superintendent Martineau stated that the School Department is requesting that the Board of Selectmen authorize him to file a Statement of Interest (SOI) with the Massachusetts School Building Authority (MSBA) under the accelerated program for replacement of the flat sections of the Proctor Elementary School roof. The Town replaced the peaked metal roof sections several years ago and replacement of the flat roof sections is in the Capital Improvement Plan for FY2024. The Town is seeking MSBA's assistance in paying for a portion of the total project cost, which is estimated to be between \$1.5 and \$1.6 million with a MSBA reimbursement of between 42 – 47%. Superintendent Martineau responded that through MSBA's accelerated program, the project is expected to take between 10 – 15 months to complete.

Questions and comments were heard from members of the Board regarding the drainage and ponding water issues on the roof. Mr. Martineau informed the Board that he will be sharing a report with the Northborough School Committee at their March meeting, at which point the School Department may also seek funding to make immediate repairs to the downspouts and drains in order to resolve some of the ponding water issues on the roof.

Mr. Martineau stated that the Proctor School roof was not eligible as an MSBA project until this year due to its age. He confirmed that since 1997, the roof has received routine maintenance with no major roof construction or repairs. He also confirmed that the school custodians are doing a

great job of ensuring that the drains are clear. He added that they also have a roof contractor who is able to make minor short-term repairs until the roof can be fully replaced.

Selectman Rutan moved the Board vote to authorize the School Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 2022, for the Fannie E. Proctor Elementary School located at 26 Jefferson Road which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for replacement of the EPDM roofing system under Priority #5. The replacement of the 40,000 square foot roof system is necessary due to its age, ruptured seams, punctured membrane, and water damage. I acknowledge that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Northborough to filing an application for funding with the Massachusetts School Building Authority; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Wixted	“aye”	Rutan	“aye”
Hirsh	“aye”	Perreault	“aye”
Rogers	“aye”		

## **DISCUSSION OF LEGISLATIVE PRIORITIES**

Mr. Coderre indicated that the Town will formally update the legislative priorities letter for the Board’s review at their March 14<sup>th</sup> meeting in preparation of the Delegation’s attendance at the Board’s March 28<sup>th</sup> meeting. The top priorities remain basically the same. He reviewed the top legislative priorities relating to Chapter 90 Roadway Repair Funding and Chapter 70 State Aid (the Student Opportunity Act, Special Education Circuit Breaker Program, Regional Transportation Reimbursements and Unrestricted General Government Aid).

### Chapter 90 Roadway Repair Funding

The Chapter 90 Roadway Repair Funding is especially critical considering the discussions regarding complete streets, sidewalks, walkability and pedestrian safety. Mr. Coderre noted that Chapter 90 Roadway Repair Funding is the top legislative priority. It has remained at \$200 million statewide over the last five years (FY2018-FY2022). The Town and the MMA continue to lobby for \$300 million statewide. The Town’s legislative priority for Chapter 90 Roadway Repair Funding is to continue to lobby for \$300 million annually statewide and to support the Governor’s supplemental budget for FY2022 including \$100 million in supplemental funding for Chapter 90 distribution, which could potentially provide significant additional revenues for roadway repairs. Under the \$200 million appropriation level Northborough receives approximately \$500,000.

### State Aid

The circuit breaker fund reimburses local school districts for a portion of their costs above a certain threshold for educating students with severe disabilities. The Special Education Circuit Breaker has been historically underfunded.

The Regional Transportation Reimbursement program provides funding for transportation reimbursements to regional school districts and is another historically underfunded account, which

creates a hardship for any community in a regional school district. He added that in the Governor's Budget that was submitted this past January again reduced this funding.

The Town is lobbying that the Governor's FY2023 proposed budget reflect an increase in Unrestricted General Government State Aid consistent with the forecasted state "consensus" revenue estimate of 2.7%.

Lastly, the Student Opportunity Act is designed to fix long-known gaps in the Chapter 70 school aid formula by ensuring adequate weight for special education expenses and the cost of health benefits for school personnel, and the additional resources needed to educate English learners and economically challenged students. The \$30 per-student minimum aid commitment for Northborough is far too low and will impede education achievement. The Town joins MMA's call for a minimum aid increase of at least \$100 per student, so that no school system or student is left behind.

Mr. Coderre reviewed the additional secondary legislative issues and initiatives, including funding for environmental and climate-related infrastructure needs, ongoing flexibility in addressing Covid-19, OPEB reform at the State level, promotion of Equity and Diversion in Cities and Towns, opposition to new unfunded mandates, and modernization of procurement and public construction laws. He added that although support for legislation to exempt agricultural composting operations was a priority in recent years, it will not be included in future years. Although previous agricultural composting legislation was not successful, it was valuable to Northborough in that it brought a great amount of attention to the issue and helped to address the two longstanding composting operations in Northborough.

In addition, he recommended adding a priority to support Representative Gregoire's proposed Bills that would create a Municipal Public Safety Building Code similar to the Massachusetts Building Code. He will provide additional information on this effort at the Board's next meeting.

Questions and comments were heard from members of the Board expressing support for Chapter 90 Roadway Repair Funding and Chapter 70 State Aid (the Student Opportunity Act, Special Education Circuit Breaker Program, Regional Transportation Reimbursements and Unrestricted General Government Aid), the promotion of Equity and Diversion in Cities and Towns, ongoing flexibility in addressing Covid-19, specifically the suspension of Open Meeting Law requirements that allows for better access and transparency for residents and businesses to stay involved in local government.

In response to an inquiry regarding a proposed Legislative Bill relative to automated traffic enforcement that would allow municipalities to install cameras at troublesome intersections, additional information will be provided.

#### **UPDATE ON PRELIMINARY FY2023 BUDGET**

Mr. Coderre referenced the following overall budget goals and objectives as discussed at the December 20, 2021 Financial Trend Monitoring Presentation:

1. To protect and improve the Town's overall Financial Condition
2. To develop a budget that is in conformance with the Town's comprehensive financial policies

3. To maintain Northborough as an affordable place to live and operate a business

4. To protect the Town's long-run solvency

Mr. Coderre briefly reviewed the FY2023 revenue assumptions as follows:

#### State Aid

Current budget models assume Northborough's State Aid will increase 1% over the \$5.6 million received in FY2022. The Governor is filing a \$2.4 billion spending bill that includes funding for critical municipal programs, including a \$100 million supplemental distribution for the Chapter 90 local road and bridge program, \$100 million to help municipalities repair winter road damage, and \$150 million for climate change grants, including the Municipal Vulnerability Preparedness program. If passed by the Legislature, these additions will have a significant impact on Northborough's capital improvement plans.

#### New Growth

New Growth is estimated at \$40 million based upon an analysis of building permits and ongoing construction projects, which will result in approximately \$659,600 in new FY2023 tax revenues. New growth is forecasted to drop back down to approximately \$30 million for the foreseeable future, barring any significant new development coming to Town. As the Town approaches buildout, new growth will become a smaller source of future tax revenues.

#### Local Receipts

Local Receipts are level funded at \$4.17 million in FY2023, as motor vehicle excise, hotel and meal taxes slowly recover from the impacts of the pandemic. The Local Receipts total also includes approximately \$212,000 in annual revenues resulting from the Regional High School settlement.

Mr. Coderre reviewed the following issues that will impact the key budgets:

The first issue is the status of the outstanding union contract negotiations as well as the ongoing Classification/Compensation Study. All five collective bargaining contracts expire June 30, 2022, and are currently under negotiation for FY2023. The Town is also in the process of completing a comprehensive Classification/Compensation Study designed to update all position job descriptions and conduct a market survey to ensure the Town's compensation and benefits remain competitive. Estimated budget impacts for both contract settlements and the Classification/Compensation Study will need to be budgeted centrally pending completion.

The second issue relates to the Town's health insurance budget. The Town's health insurance carrier, Fallon, made the decision to exit the public market, effective June 30, 2022. As a result, the Town conducted a formal bid process to find a new provider. As part of the bid process, a Joint Procurement Association (JPA) was created with ARHS and the Town of Southborough in order to enhance the market leverage. Following review of the bid results, the Town met with the Insurance Advisory Committee (IAC), which consists of members from all the bargaining units, including the K-8 School department. The IAC voted unanimously to recommend the administration's proposal to select Harvard Pilgrim as the Town's new carrier. While the health insurance budget figures are still being finalized, it is anticipated that the increase should be within the sustainable 3% target increase.



The Town recently received notice from Norfolk County Agricultural High School (NCAHS) that another student applied for admission for the 2022-2023 school year. As in prior years, Northborough has borne the expense of tuition and transportation to the NCAHS in the General Government (non-school) portion of the budget. Since the Town of Northborough does not offer the particular vocational technical education program in which the student is interested, either at the high school or the regional vocational technical high school to which the town belongs (Assabet Valley), the student then has the option to apply to any school that offers such a program.

According to the February 22<sup>nd</sup> NCAHS letter, the out-of-county tuition rate is \$24,572 per student, exclusive of any transportation costs, which have yet to be determined. Given the late notice of this development, it is not fair to ask departments to cut an additional \$25,000 to \$38,000 from their budgets to accommodate this educational expense, which is why the final General Government budget is likely to increase slightly more than the proposed 3.5%.

Mr. Coderre reported that based upon revised assumptions, the budgets for the key departments are estimated to increase as follows:

- Northborough K-8 Schools increase \$893,275 or 3.46% to \$26,692,953
- General Government (Town) increases \$827,387, or 3.5% to \$24,466,996, pending addition of final NCAHS tuition and transportation expenses.
- The overall Assabet Valley Vocational HS operating budget is increasing \$1,004,684, or 4.3% to \$24,108,684. However, Northborough's Operating Assessment increases by \$189,278, or 20.25% to \$1,123,936 as enrollment increases from 59 to 68 students. Debt service associated with the completed renovation project decreases from \$133,832 to \$130,004, a 2.86% reduction.
  - Net effect of the combined Operating Assessment and new debt service is \$1,253,940, an overall increase of \$185,450, or 17.36%
- The overall Algonquin Regional High School (ARHS) budget is increasing by \$750,378, or 3% to \$25,727,081. However, Northborough's ARHS Operating Assessment is increasing just \$21,469 or 0.17% to \$12,914,966 due primarily to shifting enrollments. The debt for ARHS increases by \$5,223, or 0.81% to \$653,069.
  - Net effect of the combined Operating Assessment and new debt service is an overall increase of \$26,692

Mr. Coderre noted that the Board will be holding its annual joint budget hearing with the Appropriations Committee on March 28<sup>th</sup> to discuss the FY2023 proposed budget.

In response to questions from members of the Board, Mr. Coderre indicated that the projects included in the Capital Improvement Plan will likely be funded through Free Cash while others such as the Downtown Master Plan and the BeWellNorthborough initiative may be funded through ARPA funds. The detailed separation of funding sources will come from the work of the Financial Planning Committee in their upcoming meetings. He confirmed that those projects funded through ARPA will not require Town Meeting approval and that the intent of the BeWellNorthborough initiative is to be able to work through the existing Boards and Committees to quickly and efficiently identify programs and services that can be funded through ARPA immediately. He

added that the public will have the opportunity to provide input as to what programs and services they would like to see the Town offer.

### **REVIEW OF PRELIMINARY TOWN MEETING WARRANT SUMMARY**

Mr. Coderre presented to the Board a draft summary of the warrant articles for the Annual Town Meeting. He noted that at this stage the initial draft of the Warrant often contains incomplete information and placeholders. Following his review of the draft warrant articles, he indicated that the Board will vote to close the warrant at its March 14<sup>th</sup> meeting. It will then be reviewed and finalized by Town Counsel and posted prior to Town Meeting.

Mr. Coderre informed the Board that the Town Moderator will be invited to the Board's next meeting to discuss whether to hold Town Meeting in the High School Auditorium on the evening of Monday, April 25<sup>th</sup> or to again hold it outside on the High School football field on Saturday, April 30<sup>th</sup>.

### **EXECUTION OF CEMETERY DEED**

Selectman Wixted moved the Board vote to execute Cemetery Deed 1141; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

Wixted	"aye"	Rutan	"aye"
Hirsh	"aye"	Perreault	"aye"
Rogers	"aye"		

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

Selectman Rogers moved the Board vote to adjourn, Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Wixted	"aye"	Rutan	"aye"
Hirsh	"aye"	Perreault	"aye"
Rogers	"aye"		

The open meeting ended at 9:30 p.m.

Respectfully submitted,



Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen

Documents used during meeting:

1. February 28, 2022 Meeting Agenda
2. February 14, 2022 Meeting Minutes
3. Information packet – Margaritas Management Group – Northborough, Inc.
4. Memorandum – Jake Brake Prohibition on Lyman Street
5. Memorandum – MassDOT Grant Award
6. Information packet – MSBA Statement of Interest for Proctor School Roof
7. Information packet – Legislative Priorities
8. Memorandum – Preliminary FY2023 Budget
9. Preliminary Town Meeting Warrant Summary
10. Cemetery Deed