

**BOARD OF SELECTMEN
MEETING MINUTES – April 11, 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
Laurie Connors, Town Planner

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 – MARCH 28, 2022 MEETING

Selectman Rutan moved the Board vote to approve the March 28, 2022 meeting minutes as submitted; Selectman Rogers 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. - WILLIAM LYVER – POLICE CHIEF
Appointment of Shane Gilman as Police Officer.

Chief Lyver introduced Shane Gilman to the Board. Mr. Gilman resides in Clinton, MA and will graduate next month with a Bachelor of Science in Criminal Justice. He will then immediately begin the Fitchburg State University Police Academy as a recruit officer. Chief Lyver noted that Mr. Gilman is in the 4+1 program at Fitchburg State University, which provides for a four-year Bachelor's Degree followed immediately with a fully certified, Municipal Police Training Committee (MPTC) authorized Police Academy, which is also operated by Fitchburg State University.

Mr. Gilman thanked Chief Lyver and the Board for the opportunity to serve the Northborough community.

Selectman Rutan moved the Board vote to appoint Shane Gilman as a full-time Police Officer effective July 1, 2022; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

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

Members of the Board welcomed Mr. Gilman to Northborough.

7:10 p.m. - LAURIE CONNORS – TOWN PLANNER
Presentation regarding Chapter 40A, Section 3A, which encourages MBTA Communities to adopt Zoning Districts where multi-family zoning is permitted as of right.

Town Planner Laurie Connors provided a presentation on the new draft guidelines for implementing and complying with the new regulations for Multi-family Zoning Districts issued by the MA Department of Housing and Community Development (DHCD). Massachusetts Bay Transportation Authority (MBTA) communities are now required to have at least one zoning district of reasonable size in which multi-family housing is permitted as of right. She noted that the draft guidelines do not require the building of new units, but simply require communities to change the use and dimensional charts in their zoning bylaws to allow for multi-family housing by right, subject to site plan review instead of a special permit.

Ms. Connors indicated that Northborough is categorized as an MBTA-adjacent community because the Town does not have a transit station, but abuts a transit community. She explained in detail each of the following criteria that applies to Northborough:

Minimum gross density of 15 units per acre

Ms. Connors explained the formula for determining the reasonable size and the minimum multi-family unit capacity, which for Northborough is 750 units. She added that the existing multi-family units within Avalon Bay, Whitney Place, and several others throughout town count toward both units and density.

Location of Multi-Family Districts

Multi-family districts should be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections and bicycle lanes, or near an existing downtown or an area of underutilized/abandoned structures with redevelopment potential.

No age restrictions and must be suitable for families with children

Multi-family districts cannot include age restrictions or place limits or restrictions on the size of units, number of bedrooms, size of bedrooms or number of occupants.

Ms. Connors noted that failure to comply with the multi-family zoning requirements would make a community ineligible for funds from the following:

- Housing Choice Grants
- Local Capital Projects Fund
- MassWorks Infrastructure Program
- DHCD may take non-compliance into consideration when making other discretionary grant awards

Ms. Connors noted that the MassWorks Infrastructure Program emphasizes the production of multi-family housing and job creation in appropriately located walkable, mixed-use districts like Downtown Northborough. She added that the MassWorks Grant Program could be a funding mechanism for Northborough's vision for a pedestrian-friendly, dynamic downtown.

Ms. Connors indicated that the community must take certain steps to secure interim compliance including providing notice to DHCD, creating an action plan, implementing the action plan, and adopting a zoning amendment by December 31, 2024. She added that a community may receive a determination of interim compliance from DHCD to allow time to plan for and pass a multifamily zoning district before achieving full compliance by March 31, 2025.

In response to questions from Board members, Ms. Connors confirmed that the site plan review would be conducted by the Planning Board and that technical consulting assistance will be available from the Central Massachusetts Regional Planning Commission (CMRPC). In response to a question by Mr. Coderre, Ms. Connors stated that certain communities have voiced concern that this is another unfunded mandate. Mr. Coderre agreed and noted the impact this may have on infrastructure needs, as well as capital and operating budgets. Ms. Connors stated that it is possible that the final guidelines will include lesser requirements. She indicated that the process will include public participation. She also confirmed that the Town is not obligated to provide multi-family units, as this is simply a zoning change that will provide for a developer to do so.

REPORTS

Kristen Wixted

- Encouraged residents to visit the Cultural Council's art exhibit "Go Out Doors" at the Ellsworth McAfee Park.
- Congratulated the Algonquin High School students for publishing the first paper copy of the Algonquin Harbinger in two years.

- Attended the recent Youth Commission meeting.
- Noted that Northborough Helping Hands is looking for medical equipment donations, such as crutches, wheelchairs, etc. as they loan these items to those in need at no charge.

Julianne Hirsh

- Congratulated the Cultural Council on the success of their art exhibit “Go Out Doors”.
- Reported on the recent meeting of the Personnel Board where they reviewed the classification and compensation plan.
- Noted that the Westborough Sustainable Committee is sponsoring an Energy Fair on April 30th. More information can be found on their Facebook page.
- Asked how and when Town Meeting will be advertised? Mr. Coderre reviewed the plans for advertising Town Meeting.

T. Scott Rogers

- Thanked the Financial Planning Committee and Appropriations Committee for their work and for meeting every week during a very condensed Budget process.
- Interacted with recent meetings of the Planning Board, Earthwork Board and Personnel Board.
- Thanked the Town staff for their work leading up to the April 25th Town Meeting.

Leslie Rutan

- Thanked the Police Chief and Fire Chief for their monthly reports.
- Welcomed new Police Dispatcher Allie Gardell.
- Noted that residents seem pleased to see that the Assabet Park project is on schedule to be completed by Memorial Day.
- Encouraged residents to visit the Be Well page on the Town website to see upcoming events.

Jason Perreault

- Attended the Cultural Council’s presentation on the opening of their art exhibit at the Ellsworth MacAfee Park. Thanked the Cultural Council and encouraged residents to visit this event.

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.

Ruediger Volk of 137 East Main Street stated that due to these economic times, he is not in support of the funding requests under the Town Meeting Warrant Article for the construction of eight affordable low-income, senior one-bedroom rental units. He also asked the Board to consider using ARPA funds to create long-term energy savings by installing solar cells over parking lots.

Lisa Maselli of 13 Maple Street requested a status update on the repairs to the White Cliffs chimney. Mr. Coderre responded that the chimney repairs are in the process of being addressed.

EXECUTION OF MASSACHUSETTS STATE-SUBDIVISION AGREEMENT FOR STATE-WIDE OPIOID SETTLEMENTS

Mr. Coderre reported that Massachusetts cities and towns worked together with Town Counsel and the Massachusetts Municipal Association (MMA) to take action against the opioid distributors and manufacturers that resulted in a settlement agreement through the Attorney General's Office. Under the default terms of the settlement agreement, local communities would receive 15% of the abatement funds coming into the state. Attorney General Healey has proposed to increase that allocation to 40% by a Massachusetts State-Subdivision Agreement, which would result in Massachusetts municipalities receiving \$210 million of the total \$525 million settlement. An Opioid Recovery and Remediation Fund will include \$60 million that will be managed by a 20-person State Task Force Committee, of which 10 members will be municipal officials.

Mr. Coderre indicated that in order to ensure that the increased allocation applies to the first payments, local communities are asked to execute the State-Subdivision Agreement as presented this evening. He added that over half of the communities have agreed to sign on to this agreement, and the MMA is in full support as well. It is not yet known how the funds will be distributed, allocated and used. What is known is that the funds must be used for opioid prevention, harm reduction treatment and recovery programs.

In response to questions and comments from members of the Board, Mr. Coderre noted that it is not known who will decide on how the funds can be used until further guidance is received from the State. He added that the funds will likely be appropriated through Town Meeting.

Selectman Hirsh moved the Board vote to approve the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements as presented and to authorize the Town Administrator to execute same; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

DISCUSSION REGARDING APRIL 14TH ARPA PUBLIC INPUT SESSION

Chairman Perreault noted that at their March 14, 2022 meeting, the Board agreed to schedule a dedicated ARPA joint public input session on Thursday, April 14, 2022. Due to the demands of Town Meeting, as well as conflicts with school vacation and religious holidays, he proposed that this meeting be rescheduled to a future date when Town staff can focus more directly on the ARPA agenda.

Board members agreed that the meeting should be rescheduled and shared their thoughts on when the Board should decide on the rescheduled date. Chairman Perreault acknowledged that it will take some discussion in planning the logistics of the meeting in an attempt to satisfy everyone. Following a brief discussion, residents were encouraged to forward ideas or suggestions about the logistical planning of this meeting, as well as the use of ARPA funds by emailing the Board of Selectmen or through the Be Well Northborough public input form on the Town website.

REINSTATEMENT OF COMMON VICTUALLER LICENSE FOR MILLER FARMS

Mr. Coderre indicated that Miller Farms at 277 Main Street is a seasonal restaurant that offers outside seating with picnic tables. During the December 2021 License Renewal process, Mr. Miller asked that his Common Victualler license not be renewed for the 2022 Calendar Year. He has since decided to reopen.

Chairman Perreault noted that Mr. Miller has received satisfactory inspections by the Building, Fire and Health Departments.

Selectman Wixted moved the Board vote to reinstate the Common Victualler License for Miller Farms at 277 Main Street for the 2022 Calendar Year; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

REAPPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Chairman Perreault indicated that the Board will consider the appointment and/or reappointment to the ZBA separately as there is a new applicant and an incumbent to be considered. He added that the ZBA incumbent who has asked to be considered for reappointment is not included on the 2022 Reappointment List.

Reappointments to Boards, Committees and Commissions

Chairman Perreault thanked and acknowledged those Board and Committee members who are appointed by the Board of Selectmen and have asked to be reappointed.

Selectman Rogers moved the Board vote to reappoint those individuals who appear on the “2022 Reappointment List” to the corresponding Boards, Committees and Commissions; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

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

Appointment or Reappointment to the Zoning Board of Appeals (ZBA)

Chairman Perreault noted that during the time period when interested residents were invited to apply for Boards and Committees as part of the reappointment process, one application was received for the Zoning Board of Appeals. Interviews were conducted with the new applicant Kevin Wyrsh and the incumbent Richard Rand on March 29th by Chairman Perreault and Selectman Rogers – meeting minutes from those interviews, as well as copies of the applications were included in the Board's meeting packets prior to tonight's meeting.

Motion

For the purpose of discussion, Selectman Rogers moved the Board vote to reappoint Richard Rand to the Zoning Board of Appeals as recommended by the Interview Subcommittee; Selectman Rutan seconded the motion.

Discussion

Selectman Hirsh acknowledged Mr. Rand's decades of experience, but added that Mr. Wyrsh can offer professional education and architectural experience, which would be a unique and valuable addition to the ZBA. She added that it is important to encourage residents to volunteer where they can make their best contributions as in this case.

Selectman Wixted acknowledged Mr. Rand's 23 years of experience while serving on the Northborough ZBA, but added that she likes the perspective that Mr. Wyrsh can offer considering his years of architectural experience and his appearing before a number of other local ZBA's on behalf of his clients.

Selectman Rutan recused herself during the discussion and vote regarding the appointments/reappointments to the ZBA as she has a personal relationship with one of the ZBA members.

Selectman Rogers stated that one of the things he considers when applicants apply for a certain Board or Committee is the amount of preparation they have undergone to familiarize themselves with that particular Board or Committee, especially in the case of the ZBA. He acknowledged that Mr. Wyrsh would be a great candidate for an alternate opening on the ZBA and hopes that he would apply again sometime in the future.

Chairman Perreault acknowledged the unique perspective that Mr. Wyrsh could bring to the ZBA considering his experience presenting before other ZBA's on healthcare or educational facilities. He does not see Mr. Wyrsh as a compelling candidate based solely on his professional experience. He expressed his concern with his lack of prior engagement with the ZBA or with Town government as a whole. He spoke to Mr. Rand's years of direct experience, exemplary record of leadership, meeting attendance and participation in the ZBA meetings, as well as his knowledge of Northborough's bylaws. He added that he would prefer that a new applicant for the ZBA be appointed first as an alternate member in order to gain the needed knowledge and experience.

Chairman Perreault noted that during his interview, Mr. Wyrsh indicated that he had not attended or watched a ZBA meeting, nor has he attended a Town Meeting in the 14 years he has lived in Northborough. A discussion ensued about the expectation that applicants should have prior engagement in Town government before applying for a particular Board or Committee,

especially in the case of the ZBA. Selectmen Hirsh and Wixted noted that there are many reasons that someone may not have the opportunity to get involved in Town government by serving on a Board or Committee, but that they may be engaged in the community in other ways. They don't believe that this should be a reason to exclude someone and they encouraged residents to not be afraid to step up and start somewhere. Selectmen Wixted and Hirsh remained convinced that with his architectural background, education and experience with other ZBA's, Mr. Wrysch is the right candidate for appointment to the ZBA.

Selectman Rogers noted that there are over a dozen vacancies across the various Boards and Committees who are in need of residents to serve. He recommended that interested residents attend or watch a meeting of the Board or Committee that they are interested in serving on in order to educate themselves on the expected duties and time commitment.

Motion

Chairman Perreault recommended that the Board make a new motion considering that the original motion was seconded by Selectman Rutan who recused herself from the discussion.

Selectman Rogers moved the Board vote to reappoint Richard Rand to the Zoning Board of Appeals as recommended by the Interview Subcommittee; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

Wixted	"nay"	Rogers	"aye"
Hirsh	"nay"	Perreault	"aye"

Due to a split vote, the Board will revisit the appointment to the ZBA at a future meeting. Selectman Rutan returned to the meeting.

ASSIGNMENT OF TOWN MEETING WARRANT ARTICLES

Members of the Board agreed on which Warrant Articles each of them would read motions for at Town Meeting.

VOTES ON TOWN MEETING WARRANT ARTICLE RECOMMENDATIONS

Mr. Coderre noted that the Financial Planning Committee and the Appropriations Committee have unanimously recommended approval of all capital and operating budget articles.

Selectman Rutan moved the Board vote to recommend approval of the following Warrant Articles at Town Meeting:

Article 4 (Town Budget)

Article 5 (Water, Sewer and Solid Waste Enterprise Funds)

Article 6 (Northborough K-8 Schools Budget)

Article 7 (Northborough Southborough School District Budget)

Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

SET MEETING SCHEDULE FOR MAY – AUGUST

After reviewing the suggested meeting schedule, Selectmen Hirsh requested that the Board meet earlier than May 23rd to discuss the ARPA public input session. A brief discussion ensued about the difficulty of scheduling an earlier May meeting due to conflicting schedules. The Board will discuss the ARPA meeting on May 23rd with the intent to schedule the ARPA meeting for some time in early June.

Selectman Hirsh moved the Board vote to set the meeting schedule for May through August as follows:

May 23
June 13 & 27
July 18
August 15

Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

EXECUTION OF CEMETERY DEEDS 1142 & 1143

Selectman Wixted moved the Board vote to execute Cemetery Deeds 1142 & 1143; Selectman Hirsh 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 Hirsh moved the Board vote to adjourn, Selectman Wixted seconded the motion; the roll call vote was taken as follows:

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the

Board of Selectmen

Documents used during meeting:

1. April 11, 2022 Meeting Agenda
2. March 28, 2022 Meeting Minutes
3. Memorandum – Appointment of Police Officer
4. Information Packet – MBTA Communities
5. Information Packet – State-Wide Opioid Settlements
6. Memorandum – Reinstatement of Common Victualler License
7. Information Packet – Reappointments
8. Memorandum – Assignment of Town Meeting Warrant Articles
9. Warrant Article Summary Sheet
10. Memorandum – Meeting Schedule
11. Cemetery Deeds