

**BOARD OF SELECTMEN
MEETING MINUTES – June 27, 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 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 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
Rebecca Meekins, Assistant Town Administrator
David Parenti, Fire Chief
William Lyver, Police Chief
Scott Charpentier, DPW Director

Any votes taken this evening will be done by roll call.

APPROVAL OF MINUTES – JUNE 13, 2022 MEETING

Selectman Wixted moved the Board vote to approve the June 13, 2022 meeting minutes as amended; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

APPROVAL OF MINUTES – JUNE 16, 2022 MEETING

Selectman Wixted moved the Board vote to approve the June 16, 2022 meeting minutes as amended; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

PUBLIC COMMENT

Public Comment was postponed until after the following public hearing.

7:00 p.m. - 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 ~~reducing~~/increasing the on-site storage of flammable and combustible liquids, flammable gases and flammable solids.

Chairman Cohen noted that the revised agenda changed the word “reducing” to “increasing”.

Aspen Aerogels Chief Technology Officer David Bielunis, Director of Environmental Health & Safety George Gould, Rachael Weiskind and Fire Protection and Chemical Engineer Jon Eisenberg were remotely present to speak to the application. Mr. Eisenberg stated that he works as a consultant to Aspen Aerogels. Breanne Timura was also present as owner of the property.

Mr. Gould explained that Aspen Aerogels is expanding and developing new products, creating the need to increase the on-site storage of flammable and combustible liquids, flammable gases and flammable solids. He described their product technology as it relates to automotive battery safety needs. Ms. Weiskind explained the daily operations as they relate to the materials used and materials stored. Mr. Gould added that the waste, which is primarily solid based is removed typically once per week through a professional third party. Ms. Weiskind explained the company’s training program on environmental liabilities. She added that their hazardous waste management control plan, hazardous waste contingency plan and Emergency Preparedness and Response plan are on file with both the Fire and Police Departments. Mr. Gould confirmed that they have not had any significant hazardous spills or injuries. There is a contract in place with an emergency responder 24/7 in the case of an emergency.

Mr. Gould explained the types of materials used in the battery safety operations for electric cars. He noted that with their experiments in the research and development lab they are very disciplined and statistically oriented in their environmental safety and health operations. Chief Parenti noted that the Fire Department is well apprised of each of the specific products and exactly where they are stored.

In addition to the public hearing notice published in the Worcester Telegram & Gazette, the abutting owners and those located directly opposite the premises have been notified of tonight’s public hearing by certified mail.

Mr. Coderre noted that a special permit issued by the Groundwater Advisory Committee is already in effect at higher capacities than what is being proposed at this time.

Chairman Cohen invited questions and comments from the public.

Kerri Martinek of 16 Hemlock Drive asked the following questions:

1. Were they decommissioned and only operating as a headquarters when they reduced the quantities? If so, is this now an expansion of use?
2. If expansion of use, do they need a special permit or an amendment to their original permit?

3. What are the chemicals and were they already approved in the 2002 Groundwater special permit?
4. Do the chemicals need further review 20 years later to see if they are still acceptable? Has groundwater deemed they are not detrimental to the water supply? Do they need to come back to revise their special permit?
5. Did the Groundwater Advisory Committee review the application?
6. Has the storage been reviewed/approved as acceptable?
7. What is the contingency plan for leaks?
8. What kinds of annual inspections will occur and how will the Board of Selectmen condition them outside of the special permit process?
9. Is there a new site plan?
10. Have the abutters been notified of hazardous waste and solids? What was the radius for notification? Was the list of abutters included with the application?

Lisa Maselli of 13 Maple Street asked that the Board not make a decision until it is determined if the application requires review by the Groundwater Advisory Committee.

William Pierce of 367 Whitney Street noted that SA Farms is located in the area around this facility. As SA Farms is deemed Chapter 61A land, do any changes to the original special permit need to be considered?

Due to the typographical error on the original posted agenda, the need for additional information and to give the public opportune time to provide input, the Board agreed to continue the public hearing to the July 18, 2022 meeting.

Selectman Hirsh moved the Board vote to continue the public hearing for the application by 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 July 18, 2022 meeting of the Board of Selectmen at 7:00pm so that the Board may receive and review additional information regarding the particular use of the property in connection with the materials that will be stored at the property; Selectman Perreault seconded the motion; the roll call vote was taken as follows:

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

PUBLIC COMMENT

Chairman Cohen introduced the new context-specific Public Comment where the initial Public Comment agenda item is for topics not listed on the agenda, such as suggestions for future discussions. During any agenda item, members of the public are able to offer comments following any presentations and discussions and before a Board vote is concluded. Chairman Cohen invited comments from the public.

Lisa Maselli of 13 Maple Street stated that she did not receive a response to the following questions that were asked during the June 13th Selectmen’s Meeting. She asked if Requests for Proposals are reviewed by the Board of Selectmen before they are posted? She asked if the Board of Selectmen sees monthly reports from Department Heads? She requested a revisit and

rescindment of a department head reporting policy established on July 18, 2016 relative to the Town Administrator's evaluation of the Police Chief and Fire Chief.

Chairman Cohen apologized and noted that answers will be provided to the above questions soon.

REPORTS

Julianne Hirsh

- Noted that the Culture Fest was a big success with a great turnout.
- Congratulated everyone involved in the Be Well Kick-off event.
- Reported on a recent meeting of the White Cliffs Committee. The next meeting is scheduled for July 20th.
- Requested that "public parking" signs be installed anywhere in Town that offers public parking. DPW Director Scott Charpentier responded that he will bring signage recommendations back to the Board for their consideration.

Kristen Wixted

- DPW Director Scott Charpentier confirmed that the safety zone flashing lights at the high school are still in place during school vacations and non-school seasons such as summer in accordance with actions taken by the Board of Selectmen.
- Thanked everyone who attended the ARPA Input Session.
- Wished everyone a Happy Pride Month.
- Cited a quote from Elton John.

Jason Perreault

- Noted that the Culture Fest was a big success despite some windy conditions. Thanked the Cultural Council, everyone who attended and the vendors who participated.

T. Scott Rogers

- Requested that the Board liaison list be formally updated and distributed.
- Thanked the Police Chief for his monthly report.
- Reported on a recent meeting of the Board of Health.
- Noted that free antigen tests are available at the Health Department, Library and Senior Center.
- Welcomed the new staff in the Health Department, including an Epidemiologist, a Health Inspector and two new interns.
- Reported on a recent meeting of the Conservation Commission.
- Thanked everyone who enjoyed the Be Well Kick-off event on June 22nd.

Mitch Cohen

- Thanked those who take the time to email the Board. Emails received included requests and suggestions for ARPA funding, request to create a Traffic & Safety Committee, residential land use issues and a few other topics.
- Congratulated former Board member Dawn Rand for her success on her 50th Dance Recital.
- Noted that the Cultural Fest was a fantastic event and reported that he was the winning bidder on the Northborough Door that was featured in the art exhibit "Go Out Doors".

- Noted that the School Committee voted to schedule professional Development days for all anticipated Town Election dates. He is hoping to speak with them sometime in the coming months to discuss this being done on a long-term basis.
- Noted that the State law that allows Boards and Committees to meet entirely remotely is due to expire on July 15th. There is a chance that the Board will have to meet in person for its July 18th meeting if the Senate's proposal to extend the expiration date to the end of the 2023 calendar year is not approved.
- Noted that the Be Well Kick-off event was a great success. Has heard that there is hope that this will mark the 1st Annual end of school celebration.
- Announced that the Northborough Rotary Club has begun to advertise for participation in the Street Fair that is scheduled to be held on Saturday, September 17th as part of the annual Applefest event. Anyone who would like to participate can email: rotaryclubofnorthborough@gmail.com.

John Coderre

- Noted that it looks like upwards of 1000 people enjoyed the Be Well Kick-off event. Recognized Town staff and the tremendous amount of work that went into making this such a successful event in an effort to build a sense of community.
- Noted that the Audit Report can be found on the Town website. The Town's Auditor will provide a brief presentation at the Board's July 18th meeting.

NEW BUSINESS

APPROVAL OF YEAR-END TRANSFERS

Mr. Coderre provided a quick summary of the approval process for Year-End Transfers. He noted that although it is best practice to cover shortages due to unforeseen circumstances within the same fiscal year, multiple challenges were encountered this year. "Year-End" budget and "Appropriations Committee Reserve Fund" transfers are being requested to cover deficits in the Town Counsel, Public Buildings, and DPW Snow & Ice budgets. The total amount needed is \$305,000, which exceeds the FY2022 Appropriations Reserve Fund budgeted at \$175,000. He proposed that the \$130,000 balance come from an inter-departmental transfer from surplus in the FY2022 Health Insurance budget.

Mr. Coderre noted that the original Snow & Ice Budget for FY2022 was \$437,000. The final expenditure was \$549,058.35, an exceedance of \$112,058.35 or approximately 25.6%. He added that it has been many years since the Town has not covered the Snow & Ice deficit within the same fiscal year.

Mr. Coderre explained the need for Year-End transfers for the following and provided brief update on each. The proposed transfers would keep these FY2022 expenses within the same fiscal year and not roll any costs over to FY2023.

- Legal expenses related to ongoing Planning Board Litigation - \$77,000
- DPW Snow & Ice Deficit - \$113,000
- Remediation of 101 Colburn Street - \$72,000
- Town Hall Custodial Coverage - \$28,000

The request for transfers from the Appropriations Committee Reserve Fund only require approval by the Appropriations Committee and are as follows:

Department to Transfer From:

Appropriations Committee Reserve Fund \$ 175,000

Department to Transfer To:

DPW Snow & Ice \$ 113,000

Remediation of 101 Colburn Street \$ 62,000

Interdepartmental transfers are also being proposed for the additional deficits and require approval by both the Appropriations Committee and the Board of Selectmen. The request for interdepartmental transfers are as follows:

Department to Transfer From:

Health Insurance \$ 115,000

Department to Transfer To:

Remediation of 101 Colburn Street \$ 10,000

Town Hall Custodial Coverage \$ 28,000

Town Counsel Appropriation \$ 77,000

In response to questions from members of the Board as to whether the Legal Budget of \$90,000 should be increased in future years, Mr. Coderre reviewed the different land-use litigation scenarios that drive this particular budget. He also responded that the legal expenses relative to the litigation with the City of Marlborough are paid through the Sewer Enterprise Fund.

Mr. Coderre responded to questions from Lisa Maselli of 13 Maple Street regarding the remediation of 101 Colburn Street; why it is appropriate to discuss the budget that is necessary to support the legal expenses relating to the Planning Board litigation; and why the legal expenses for the Assabet Park Handicap Accessibility project were minimal.

Kerri Martinek of 16 Hemlock Drive suggested that the Board look at all legal expenses, including those for the Zoning Board of Appeals, SA Farms and the Assabet Park ADA compliance issue rather than just those for the Planning Board. She also suggested that the Town consider hiring an attorney that specializes in land-use litigation. Mr. Coderre responded that the Board has already discussed the issues of hiring a land-use attorney. Chairman Cohen suggested that the Board take another look at the process to see if there is anything that Boards and Town staff can do differently. Selectman Wixted acknowledged that the Planning Board works hard to make sure that they are representing the residents and it is not their intention to get sued. Mr. Coderre responded that the intent this evening is to seek approval for the legal expenses relating to the Planning Board litigation, and not to comment on the merits of the Planning Board cases, which are discussed in Executive Session.

Selectman Rogers moved the Board vote to approve the FY2022 year-end transfers as presented in the June 24, 2022 memo from the Town Administrator; Selectman Hirsh seconded the motion; the roll call vote was taken as follows:

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

TOWN ADMINISTRATOR REVIEW

Chairman Cohen indicated that he collected and consolidated the reviews from the four other members of the Board, adding that he did not participate in the review as he was not a member of the Board during the review period. He congratulated Mr. Coderre on receiving a rating of 4.0, which is excellent given that some members have a lot of experience working with him while others have less. All comments relating to Mr. Coderre’s review were included in the meeting packet.

Selectman Perreault extended his appreciation to Mr. Coderre for his excellent and dedicated effort to keep the Town on track and well positioned financially, especially during the continued Covid environment. Chairman Cohen stated that he does not envy anyone that has to work for five bosses that potentially change each year. He encouraged Board members to reach out to Mr. Coderre to offer constructive suggestions on how the comments or rating might improve in future years so that Mr. Coderre is able to adapt to the changing membership.

Mr. Coderre thanked the Board for their feedback, adding that the Town has much to be proud of. He thanked the Department Directors and their staff for their continued dedication, especially during these last two years. He is grateful and proud to have professional and experienced staff that have strong relationships, adding that they all work well together. He also thanked the Boards and Committees for being able to work together in dealing with an emergency situation such as Covid.

Selectman Hirsh stated that she would like to see the evaluation tool reviewed and updated. Her lack of ability to get information from a personnel standpoint was a challenge for her. She congratulated Mr. Coderre for a doing a great job. Chairman Cohen suggested that the Board have a discussion with Mr. Coderre about the review process so that if any changes are made they are in place before his next review is due.

Tim Kaelin of 42 Davis Street thanked the Board for renewing Mr. Coderre’s contract. He thinks Mr. Coderre has done a fantastic job and extended to him high praise for his leadership and his ability to retain the Town’s talented staff.

Ruediger Volk of 137 East Main Street noted that reviews of the Town Administrator have not been conducted every year and asked that the Board do so. Chairman Cohen responded that the Board expects to review the Town Administrator’s performance every year.

Selectman Perreault moved the Board vote to approve the Town Administrator’s review for FY2022 as presented; Selectman Rogers seconded the motion; the roll call vote was taken as follows:

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

ARPA – DISCUSSION ON PUBLIC INPUT SESSION AND NEXT STEPS

Chairman Cohen noted that as a result of the June 16th ARPA Input Session, the Board heard some fantastic suggestions and ideas for the use of ARPA funding. Many emails have also been received. Selectman Wixted shared her thoughts about creating an Ad Hoc Committee that would review the recommendations and requests and organize and prioritize them for the Board. Selectman Perreault stated that the authority for making decisions about ARPA funding ultimately rests with the Board of Selectmen and that many of the suggestions are familiar and understood by the Board. He stated that the Board should start making decisions soon, adding that the Board of Selectmen, with the assistance from Town staff is capable of consolidating the suggestions into a summarized form of the various categories. Selectman Hirsh asked if someone could reach out to Boards and Committees to hear if they have any funding needs. She added that she would like to see the ARPA email remain available for residents input. Selectman Rogers agreed with the comments by Selectmen Hirsh and Perreault, adding that it is important that the suggestions and projects be aligned and prioritized with the appropriate Departments, Boards or Committees to see if there is grant funding or some other mechanism for funding other than ARPA. Chairman Cohen indicated that given the timeline, his preference is to not delay the process. He would like to see that the Board start prioritizing and making decisions on funding soon. He agreed that the ARPA email should remain available for residents input until there is no longer any ARPA funding available.

Mr. Coderre indicated that ARPA is a one-time funding source and his preference would be to choose a few significant projects or initiatives that matter to the community and move forward with making decisions. He noted that the Federal Government gave this ARPA funding in part to deal with direct expenses and issues that arise from Covid. He cautioned that the Town needs to maintain a certain ARPA fund reserve for Covid related issues that may arise in the future, while at the same time making sure the funds are spent before the deadline.

Selectman Hirsh requested additional information on any items that were not covered by the CARES Act or FEMA. Finance Director Jason Little explained the cumbersome and ever changing process as it relate to these funds. He added that the Town has used up most of its CARES Act and FEMA funding and that there are no uncovered costs remaining.

Chairman Cohen suggested that he and Selectman Hirsh work together to collect and consolidate all the information received to date. He asked Mr. Coderre if his office is able to help with collecting the information with the hopes of providing summary information before revisiting the next steps at the July 18th Selectmen’s Meeting. He added that Mr. Coderre might want to include funding requests for any items that are pressing.

Tim Kaelin of 42 Davis Street reminded the Board that one of the recommendations of the former Diversity & Inclusion Committee was an ask for approximately \$150,000 in ARPA funding to hire a consulting firm to help the new Diversity, Equity, Inclusion & Belonging Committee to determine and implement strategies for diversity.

GOALS – DISCUSSION

Chairman Cohen indicated that at the Board's last meeting he asked Board members to bring an idea or two for goals to tonight's meeting with the hopes of approving a set of goals at either the July or August meeting. The suggested goals are summarized as follows:

Selectman Hirsh

- Continue to address the traffic safety issues by creating a Traffic Safety Committee
- Economic Development efforts
- Work on action items relating to Green Communities that would make Northborough sustainable

Selectman Perreault

- Close the loop and move forward with the Fire Station project
- Move forward with a staffing study that would provide a comprehensive look across all Town departments taking into account the initiatives that the Town will be moving forward with
- Move forward with the Sidewalk Master Plan and the Complete Street program

Selectman Rogers

- Move forward as quickly as possible with the Fire Station project
- Move forward with the Downtown Revitalization project and infrastructure improvements in terms of streets and sidewalks
- Move forward with a staffing study
- Keep focusing on the Town's financial policies and procedures and continue to strive to be recognized with the GFOA Award

Selectman Wixted

- Update the Board's title to Select Board
- Organize and synthesize the ARPA suggestions
- Supports the need for a staffing study
- Work on sustainability, walkability and complete streets
- Consider recruiting people who are not straight white people to serve on Boards and Committees and when hiring new staff
- Move forward with the White Cliffs project

Chairman Cohen

- Economic Development in term of walkability – move forward with the Downtown Revitalization project
- Move forward with the White Cliffs project
- Strategic Planning – staffing study

Mr. Coderre referred to his June 9, 2022 Memo that was provided to the Board in preparation of his review and that detailed the Town's more significant accomplishments. He added that whether or not these are considered goals, the Town needs to begin working on the Town Offices Feasibility study and taking back 4 West Main Street, both of which will take up a significant amount of Staff's time. He reminded the Board that he is also in negotiations with five collective bargaining units. He asked the Board to be cognizant of adding additional significant projects to the ongoing work that needs to get done. He agrees that a staffing study is long overdue and needs to be a priority. He noted that a staffing study will not only look at the staffing needs, but can provide an opportunity to look at the way departments are organized. In terms of Boards and Committees, the Board should at some point look to eliminate some of the defunct Boards and Committees before adding new ones. He would also like to see the Board engage in a formal strategic planning process and to go into the goal setting process as an organization with all participants involved. Following a review of what the strategic planning process would look like, Mr. Coderre extended his appreciation to the Board members for their input and thanked them for asking for his input.

Chairman Cohen suggested that he meet with Mr. Coderre and start to review some of these goals to see which make the most sense in hopes of narrowing them down at the Board's July 18th meeting.

OTHER BUSINESS

None.

PUBLIC COMMENT

Lisa Maselli of 13 Maple Street congratulated the Board on having great conversations and discussions. She recommended that the Town move on from the MMA's Annual Town Report Contest and start fresh with something more important. Mr. Coderre responded that the Town is legally required to produce an annual report every year and does not do so for the purpose of participation in the contest.

ADJOURNMENT

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

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

The meeting adjourned at 9:52 p.m.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. June 27, 2022 Meeting Agenda
2. June 13, 2022 Meeting Minutes
3. June 16, 2022 Meeting Minutes
4. Information Packet- Aboveground Storage Public Hearing
5. Information Packet – Year-End Transfers
6. Information Packet – Town Administrator’s Review
7. Memorandum – Discussion regarding ARPA and Goals.