

## SELECT BOARD MEETING MINUTES – September 11, 2023

### 6:00 p.m. - Chair's Introduction to Remote Meeting

SB Chair Cohen read the current remote meeting notice and confirmed the following Select Board members and others could hear and be heard.

#### Select Board (SB)

Mitch Cohen, Chair

Kristen Wixted, Vice Chair

Laura Ziton, Clerk

Julianne Hirsh

Lisa Maselli

#### Others

Michael Gallagher, Interim Town Administrator

Diane Wackell, Interim Assistant Town Administrator

### 6:04 p.m. – EXECUTIVE SESSION

SB Member Hirsh moved that the Board go into Executive Session pursuant to M.G.L. Chapter 30A, Section 21, Subsection 3 (Litigation Update – SA Farm and Marlborough Wastewater Treatment Plant) due to the Chair's determination that a discussion in open session regarding these matters may have a detrimental effect on the negotiating position of the Board; SB Member Maselli seconded the motion and a roll call vote was taken as follows:

Hirsh	"aye"	Maselli	"aye"
Wixted	"aye"	Cohen	"aye"
Ziton	"aye"		

SB Chair Cohen then announced that the Select Board was now entering into Executive Session for the purpose previously voted and that the Board will return to Open Meeting.

### 7:40 p.m. – RETURN TO OPEN MEETING

SB Chair Cohen announced the Board's return to Open Meeting. He took this opportunity to introduce the new Interim Town Administrator, Michael Gallagher, and the new Interim Assistant Town Administrator Diane Wackell. The Chairman noted that he would like to allow the Margarita's Mexican Restaurant request to be taken up first since these individuals have been waiting.

### TIO JUAN'S MARGARITAS MEXICAN RESTAURANT

To consider an application for a Change of Manager for their All Alcoholic Beverages Restaurant License for premises located at 100006 Shops Way.

Steven Peters, the proposed manager, was present. Mr. Peters has been employed by Margaritas since 2015. He is experienced in the restaurant industry and is TIPS certified.

Lieutenant Brian Griffin stated that he has conducted a background check and he has no concerns to report as to the suitability and character of Mr. Peters.

SB Member Ziton moved the Board vote to approve the application to change the manager as submitted by Margaritas Restaurant Group-Northborough, Inc. d/b/a Tio Juan's Margaritas Mexican Restaurant for their All Alcoholic Beverages Restaurant License for premises located at

10006 Shops Way; SB Member Maselli seconded the motion; the roll call vote was taken as follows:

Hirsh	“aye”	Maselli	“aye”
Wixted	“aye”	Cohen	“aye”
Ziton	“aye”		

### **PUBLIC COMMENT**

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

### **APPROVAL OF MINUTES – AUGUST 14, 2023 MEETING**

SB Member Maselli moved the Board vote to approve the August 14, 2023 meeting minutes as presented; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

Hirsh	“aye”	Maselli	“aye”
Wixted	“aye”	Cohen	“aye”
Ziton	“aye”		

### **APPROVAL OF MINUTES – AUGUST 16, 2023 MEETING**

SB Member Maselli moved the Board vote to approve the August 16, 2023 meeting minutes as presented; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

Hirsh	“aye”	Maselli	“aye”
Wixted	“aye”	Cohen	“aye”
Ziton	“aye”		

### **APPROVAL OF MINUTES – AUGUST 28, 2023 MEETING**

SB Member Maselli moved the Board vote to approve the August 28, 2023 meeting minutes as presented; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

Hirsh	“aye”	Maselli	“aye”
Wixted	“aye”	Cohen	“aye”
Ziton	“aye”		

### **PLANNING DIRECTOR LAURIE CONNORS**

To consider a request for American Rescue Plan Act (ARPA) funding to establish a Northborough Sign & Façade Program. Others present for this discussion were Rick Leif, MPIC Co-Chair, Robert Frederico, Building Inspector and Dario DiMare, MPIC member.

Laurie Connors presented a request for \$250,000 in ARPA funds to establish a Northborough Sign & Façade Program that will benefit Northborough’s small-scale, independent business community and commercial property owners.

Benefits and highlights of the program:

- Provides financial resources to small business and commercial property owners to improve the safety, accessibility, energy efficiency, and look of storefronts and commercial buildings;
- Powerful tool that will help create a more vibrant, engaging downtown;

- Short-term, relatively low strategy to jump start downtown revitalization efforts;
- Implements goal in the Downtown Revitalization Plan to “Create a downtown building façade and signage improvement program for local business and property owners.”
- Provides matching grants of up to \$2,000 (50% of total project costs) for production & installation of attractive commercial signage;
- Provides matching grants of up to \$20,000 (5-% of total project costs) for façade improvements and other exterior features;
- Short-term program – all funds must be awarded by December 1, 2024 and expended by December 1, 2026;
- Reimbursement program – funds paid to awardees upon acceptable completion of the work, verification of payment & inspection by Program staff.

After discussion, it was decided that this item would be continued to the next meeting after further information is received regarding the building assessment report and receipt of information from the Finance Director regarding definitive deadline requirements for ARPA spending.

### **CONSIDERATION OF OPEN MEETING LAW RESPONSE**

SB Chair Cohen stated that an open meeting law complaint, dated August 21, 2023 was filed against the Select Board by Patrick Higgins.

Mr. Gallagher reviewed the complaint submitted by Mr. Higgins. He provided a brief outline of the process for acting on Open Meeting Law complaints, adding that the Board will need to review the complaint and decide what action to take.

Mr. Galagher read into the record a statement prepared by Town Counsel for consideration of the Open Meeting Violation Complaint.

After review and discussion, SB Member Ziton moved the Board vote to find that, after review of the Open Meeting Law complaint regarding the Board’s meeting of August 14, 2023, there was an inadvertent violation of the Open Meeting Law with respect to Agenda Item 6 – Annual Appointment of Election Workers, that there was no violation with respect to approval of the minutes of the Board’s meeting of July 6, 2023, that the only remedial measure needed with respect to the Board’s meeting of August 14, 2023 is that for all future agendas that include appointments to a Town office or position the Chair and Town Administrator’s Office ensure that the names of the potential appointees, if known, be included; and that the Town Administrator report this vote to Mr. Higgins; SB Member Hirsh seconded the motion. The roll call vote was taken as follows:

Hirsh	“aye”	Maselli	“aye”
Wixted	“aye”	Cohen	“aye”
Ziton	“aye”		

Mr. Gallagher will draft a letter and email it to Mr. Higgins tonight so as to meet the required deadline for a response.

## **REPORTS**

### **Laura Ziton**

- Attended the Boy scout Pancake Breakfast.
- Announced the Northborough School Reunion is September 30<sup>th</sup> at the Haven Country Club and for more information contact Caroline Squillante.

### **Julianne Hirsh**

- Noted that the Select Board has scheduled an in-person Goalsetting Meeting on August 28 at Town Hall that will be open to the public. The logistics of the meeting were briefly discussed.
- Would like a copy of the most recent mold report for the White Cliffs as prepared by Capital Environmental from their recent walkthrough in August.
- Inquired about the goal setting meeting with Mr. Nutting, to which SB Cohen replied that the thought was to wait for a permanent Town Administrator, but since that hasn't happened yet, this should be scheduled sooner rather than later. After discussion, it was decided that a second goalsetting meeting of the Board would be scheduled first, to allow them to finalize and prioritize their goals, followed by a meeting with Mr. Nutting and Mr. Gallagher will assist.

### **Lisa Maselli**

- Acknowledged the date, September 11<sup>th</sup>, and thanked those who gave their lives and those who helped with the recovery efforts.
- Attended the Housing Authority meeting and met the new Director, Ron Bonney. Appreciated the way he ran the meeting and his budget presentation. Noted that he has plans for upgrades and the residents should be pleased.
- Inquired as to the delay in the Police Station painting and repairs. Noted that the work should be done soon because the prices will continue to escalate.
- Received emails regarding sidewalk issues and would like these issues addressed to make sidewalks safe for those who use them, especially those who use walkers, wheelchairs and canes.

### **Kristen Wixted**

- Announced that the Library was nominated by Congressman Jim McGovern for the 2024 National Medal for Museum and Library Service.
- Attended Applefest over the weekend and noted that although the fireworks she was able to watch, with her daughter, as they set them off.
- Extended her appreciation to volunteers for helping with the third clothing drive for the residents housed at the temporary shelter in Town.

### **Mitch Cohen**

- Announced 2 retirements: June David-Fors, FYS Director at the end of this month and Police Chief Lyver at the end of December.
- Received emails from residents concerned with truck traffic on Bartlett Street, primarily, where trucks were backed up from the driveway going into the warehouse and blocking traffic. Mentioned that if anyone sees this, they should call the Police Department and let them handle it.

- Attended Applefest over the weekend. Thanked and congratulated the Applefest organizations and volunteers, and noted the following events: Street Fair, Farmers' Market, Library Book Sale, Historical Society Root Beer Float Event and Art Show on Saturday and the Boy Scout Pancake Breakfast on Sunday. Unfortunately, due to the rain, the following events were cancelled: Fireworks, Parade and Taste of Northborough.

### **EXECUTION OF CEMETERY DEEDS 1173, 1174, 1175 & 1176**

SB Member Hirsh moved the Board vote to execute Cemetery Deeds 1173, 1174, 1175 & 1176; SB Member Maselli seconded the motion; the roll call vote was taken as follows:

Hirsh	"aye"	Maselli	"aye"
Wixted	"aye"	Cohen	"aye"
Ziton	"aye"		

### **OTHER BUSINESS**

None.

### **PUBLIC COMMENT**

SB Chair Cohen invited comments from the public. There were none.

### **ADJOURNMENT**

SB Member Hirsh moved the Board vote to adjourn; SB Member Wixted seconded the motion; all members voted in favor.

The meeting adjourned at 10:07 pm.

Respectfully submitted,

Lynda LePoer  
Executive Assistant to the  
Board of Selectmen

### **Documents used during meeting:**

1. September 11, 2023 Meeting Agenda
2. August 14, 2023 Meeting Minutes
3. August 16, 2023 Meeting Minutes
4. August 28, 2023 Meeting Minutes
5. Information packet – Tio Juans Margaritas Mexican Restaurant Change of Manager
6. Information packet – ARPA Funding Request to Establish a Northborough Sign & Façade Program
7. Memorandum – Consideration of Open Meeting Law Response
8. Cemetery Deeds