

SELECT BOARD MEETING MINUTES – November 20, 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 read 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

6:01 p.m. – EXECUTIVE SESSION

SB Member Wixted moved the Board vote to enter into Executive Session pursuant to M.G.L. Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to litigation – SA Farm and pursuant to M.G.L., Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to collective bargaining and negotiations with the Firefighter Union and pursuant to M.G.L. Chapter 30A, Section 21 (a) (7) for the review and consideration of the following Executive Session Meeting Minutes: October 16, 2023 and October 19, 2023, due to the Chair's determination that a discussion regarding these matters in an open meeting may have a detrimental effect on the negotiating position of the Board and to return to Open Session to continue with the agenda; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

Hirsh	“aye”
Wixted	“aye”
Ziton	“aye”
Cohen	"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 Session at approximately 7:00 pm.

7:33 p.m. – RETURN TO OPEN SESSION

SB Chair Cohen announced the Board’s return to Open Session.

PUBLIC COMMENT

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

APPROVAL OF MINUTES FOR NOVEMBER 6, 2023

SB Member Hirsh moved the Board vote to approve the November 6, 2023, meeting minutes, as amended; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

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

TOWN ADMINISTRATOR SEARCH UPDATE

SB Chair Cohen indicated that a conditional offer of employment was made to Tim McInerney. The Town is negotiating a contract. Once all satisfactory negotiations and background checks are completed, the Chair anticipates the start date to be mid-December.

7:00 PM - PUBLIC HEARING

To consider an application for a new General, On Premises Wine and Malt Beverages License for Marble House Coiffures d/b/a Nicholas Michaels Spa for premises located at 422 West Main Street.

SB Chair Cohen opened the public hearing at 7:40 pm. Teccia Coelho was present. Ms. Coelho is requesting this license so that that she can provide her clients who are there for spa treatments or special occasions (such as bridal parties, birthday parties, etc.) with a glass of wine.

Lt. Griffin indicated that a background check was conducted and there were no concerns to report. He added that Ms. Coehlo has successfully completed alcohol server training and is TIPS certified.

SB Member Hirsh questioned if the spa was going to sell the beverages and Ms. Coelho indicated that they would since alcoholic beverages cannot be given to the clients for free.

Ms. Wackell indicated that if approved, the Town will still have three wine and malt beverage licenses available.

There were no comments from the public. SB Member Maselli moved the Board vote to close the public hearing; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

SB Member Maselli moved that the Board vote to approve the application for a new Wine and Malt General on Premises License as submitted by Marble House Coiffures d/b/a Nicolas Michaels Spa for premises located at 422 West Main Street with the condition that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

7:30 PM - PUBLIC HEARING

To consider an application to transfer the All Alcoholic Beverages Restaurant License from Anthony Tomaiolo d/b/a AJ's Restaurant to LCAT, Inc. d/b/a AJ Tomaiolo's Restaurant for Premises located at 411 West Main Street.

SB Chair Cohen opened the public hearing at 7:45 pm. Attorney Henry Rappa, Lisa Combs, and Anthony Tomaiolo, Jr. were present. Mr. Rappa presented a summary of the business and indicated that Anthony Tomaiolo, Sr. had passed away. His children, Lisa Combs and Anthony Tomaiolo, Jr. have been running the business. They are the sole shareholders of LCAT, Inc. and they are seeking to transfer the license from the Estate of Anthony Tomaiolo to LCAT, Inc.

Lt. Griffin indicated that there are no concerns or issues. The Board extended their condolences to the family.

There were no comments from the public. SB Member Hirsh moved that the Board vote to close the public hearing; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

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

SB Member Hirsh moved that the Board vote to approve the application for the transfer of the All Alcoholic Beverages Restaurant License from Anthony Tomaiolo d/b/a AJ's Restaurant to LCAT, Inc. d/b/a A.J. Tomaiolo's Restaurant for the premises located at 411 West Main Street with the condition that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; the motion was seconded by SB Member Wixted; the roll call vote was taken as follows:

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

8:00 PM - PUBLIC HEARING

With the Board of Assessors for the purpose of discussing the valuation of each class of property; vote on a residential factor and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and of personal property.

SB Chair Cohen opened the public hearing at 8:00 pm. Principal Assessor, Lee Keomanivong, gave a presentation to the Board regarding the assessment process. The Select Board must vote to determine a residential factor. He explained the Residential Options available to the Board: Adopting a Residential Factor of 1 (Single Tax Rate) or Adopting a Residential Factor of Less Than 1 (Split Tax Rate). There was some discussion about the increase in the commercial tax rate. SB Chair Cohen questioned whether the Town had any new large commercial buildings added to tax roll. Mr. Keomanivong responded that there were some small warehouses and some retail properties. He highlighted the pros and cons of the Residential Factor of Less Than 1 method. He also explained other tax options such as Open Space Discount, Residential Exemption and Small

Commercial Exemption. He stated that the Board of Assessor recommends the Residential Factor of 1 and to continue the use of the Single Tax Rate. SB Hirsh had a question regarding Personal Property Tax. Mr. Keomanivong indicated that the tenant (business) is responsible for the payment of this tax.

SB Chair Cohen indicated that the primary decision to be made at this meeting is whether to continue assessing taxes with the Single Tax Rate as in the past or if another alternative should be used. SB Member Wixted indicated that the Board should not change the tax rate at the current time to remain business friendly and assist with the downtown revitalization. SB Member Ziton stated that this is not the right time to place an additional tax burden on businesses. SB Member Maselli believed that taxes should stay the same this year as well. SB Chair Cohen opened the meeting to the public.

Fran Bakstron at 76 Cedar Hill Road believes the single tax rate should remain. With respect to a letter read into the meeting by SB Member Maselli, she commented that all letters submitted are on record and any letters should have the writer identified.

Karen Chapman of President of Corridor 9/495 Regional Chamber of Commerce supports the single tax rate. She submitted copies of a letters sent to various town businesses. She believes this is the correct way to revitalize downtown.

Jason Perreault of 27 Treetop Circle wanted to acknowledge the Board's position to maintain the single tax rate. He suggested the town should review whether neighboring towns that have a dual tax rate regret its implementation.

SB Member Maselli indicated that concerning the letters from residents and business owners, over 50% of residents were in favor of not raising the taxes. She read a letter from Gib Chase.

Scott Rogers of 26 Tomahawk Drive commented on the dual tax rate and that it would increase residential tax rates in the long run.

There was discussion regarding the dual tax rate.

SB Member Wixted moved the Board vote to close the public hearing with the Board of Assessors; SB Member Ziton seconded the motion; the roll call vote was taken as follows:

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

SB Member Wixted moved the Board vote to maintain a uniform tax rate for all classes of property at a factor of one; to oppose the implementation of a residential exemption; and to oppose the implementation of a small commercial exemption; SB Member Ziton seconded the motion; the roll call vote was taken as follows:

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

COMMUNITY AFFAIRS COMMITTEE – REQUEST TO CLOSE BLAKE STREET FOR THE 2023 ANNUAL TREE LIGHTING AND MENORAH LIGHTING EVENTS

Jen Martin, representing Community Affairs, requested the Board approve the closing of Blake Street for the 2023 Annual Tree Lighting on December 2, 2023, from 3:30 pm – 6:30 pm. SB Chair Cohen requested the closing of Blake Street for the Menorah Lighting on December 13, 2023, from 3:30 pm to 6:30 p.m.

There were no comments from the public. SB Member Ziton moved the Board vote to close Blake Street on Saturday, December 2, 2023, from 3:30 pm to 6:30 pm for the tree lighting event providing that all accessible routes and amenities are maintained; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

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

SB Member Ziton moved the Board vote to close Blake Street on Wednesday, December 13, 2023, from 3:30 pm to 6:30 pm for the Menorah Lighting event providing that all accessible routes and amenities are maintained; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

CONSIDER UPCOMING HOLIDAY SCHEDULE FOR TOWN OFFICES, DPW AND SENIOR CENTER

Michael Gallagher recommended the Town Offices including Town Hall, DPW, and Senior Center close at noon on Wednesday, November 22, 2023, for half a day. Since Christmas and New Year's Day are on a Monday, he recommended the Board close the Town Hall, DPW, and Senior Center on December 22, 2023, and on December 29, 2023. SB Chair Cohen noted that the Library should not be included since the Library Trustees have already voted the Library's holiday schedule.

There were no comments from the public. SB Member Maselli moved the Board accept the upcoming holiday schedule for the Town Hall offices, DPW and Senior Center as follows: Wednesday, November 22, 2023, close at noon; Friday, December 22, 2023, close for the day; and Friday, December 29, 2023, also close for the day; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

SB Chair Cohen would like to see the holiday schedule on an agenda a year in advance rather than weeks in advance, which has been the current process. This will allow staff to make arrangements well in advance. He requested that the 2024 Holiday Schedule should be an agenda item within the next month or 2 so that we can get on this schedule.

EXTENSION OF APPOINTMENT OF INTERIM TOWN ADMINISTRATOR MICHAEL GALLAGHER

SB Chair Cohen indicated that the Town charter states that an Interim Town Administrator can be appointed for a period of up to 3 months and extended for a second 3 months. The beginning of the second 3-month period for Interim Town Administrator, Mr. Gallagher, begins on November 29, 2023, and will end when a new Town Administrator is appointed. Mr. Gallagher spoke to Town Counsel who stated that Mr. Gallagher's position ends when Mr. McInerney begins his employment but there could be some overlap. SB Member Maselli commented that the Town needs to be mindful of the town's budget when determining the overlap of time. Mr. Gallagher indicated that his employment should be complete by December 31, 2023.

SB Member Hirsh moved the Board vote to extend the Interim Town Administrator services of Michael Gallagher for a second 3-month period as per Article IV, Section 4-1 Appointment Qualification Terms of Interim Town Administrator; SB Member Zitton seconded the motion; the roll call vote was taken as follows:

Hirsh	"aye"	Maselli	"aye"
Wixted	"aye"	Cohen	"aye"
Zitton	"aye"		

PUBLIC COMMENT

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

REPORTS

Laura Zitton

Scouting for Food – noted the Boy Scouts and Girl Scouts collected 11,710 food items.
Attended the Senior Center Country Fair and the Veteran's Day Rally.

Lisa Maselli

Attended the dinner put on by the Senior Center to honor the veteran, and added that it was wonderful to participate in this event.

Kristen Wixted

Boy Scout Troop 101 is having their big wreath sale. The bows are made by Troop 823. This is their big fund raiser for the year.

Julianne Hirsh

The Master Plan Implementation Committee met. They are continuing to refine the plan for downtown revitalization.

Would like to see timelines set in 2024 for items that require in-depth discussions such as goals, electronic voting, and ARPA.

Mitch Cohen

Electronic voting will be on the December 18, 2023, agenda.

Toys for Tots is continuing through December 5, 2023. Toys can be dropped off at the fire station.

Thank you to the Senior Center for the Veteran's Day luncheon.

November 17, 2023, was Mastodon Day

Thank you to the organizers of Trinity Coffee House open mic night which takes place the third Friday of the month. Their next event is December 15, 2023, at 7:00 pm at Trinity Parish.

TOWN ADMINISTRATOR REPORT

Mr. Gallagher thanked Lee Keomanivong for his presentation.

Diane Wackell thanked the Board for setting the holiday schedule. It is very much appreciated by the staff.

PUBLIC COMMENT

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

EXECUTIVE SESSION

SB Member Hirsh moved the Board vote to enter into Executive Session pursuant to M.G.L.

Chapter 30A, Section 21 (a)(2), to conduct strategy sessions and/or contract negotiations for the Town Administrator, Tim McNerney, due to the Chair's determination that a discussion regarding this matter in an open session may have a detrimental effect on the negotiating position of the Board. The Board will not return to open session and will adjourn directly from Executive Session; SB Member Wixted seconded the motion; the roll call vote was as follows:

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

SB Chair Cohen stated that Board it now entering into Executive Session for the purpose previously voted and will not return to open session and will adjourn directly from Executive Session.

Respectfully submitted,

Brenda DiCelle
Board Secretary

Documents used during meeting:

1. November 20, 2023 Meeting Agenda
2. November 6, 2023 Meeting Minutes
3. Public Hearing Packet – Nicholas Michaels Request
4. Public Hearing Packet – AJ Tomaiolo's Request
5. Public Hearing Packet – Board of Assessors
6. Community Affairs Tree Lighting Event flier
7. Holiday Schedule Memo
8. Interim Town Administrator Extension Memo

