

May 7, 2018

Board of Selectmen  
c/o Daniel Kolenda, Chairman  
Town of Southborough  
Town House  
17 Common Street  
Southborough, MA 01772

**Re: Open Meeting Law Complaint – David Parry against Board of Selectmen**

Dear Mr. Chairman and Board Members,

We have reviewed the two Open Meeting Law complaints filed by Mr. Parry relative to Board of Selectmen meetings held on February 6, 2018 and February 22, 2018 as they pertain to general discussion by certain Board Members as to a possible Town Meeting Warrant Article which would revive the topic of the establishment of a Town Manager position.

Relative to agendas, the allegation was that both the Town Administrator and the Board of Selectmen did not provide sufficient information on the agendas for two Board of Selectmen meeting, duly posted and held on February 6, 2018 and February 22, 2018 at which it is alleged the Chairman presented a new warrant article for discussion and inclusion in the annual town meeting warrant on the topic of establishing a Town Manager for the Town of Southborough.

The second complaint was that the Board of Selectmen minutes did not provide a sufficient record of the discussion of the topic at the February 22, 2018 Board of Selectmen meeting.

Because the proposed article on Town Manager was not listed on the agenda, few persons, according to Mr. Parry, were aware of the proposed warrant article.

Upon review of draft minutes, Mr. Parry noticed that the topic was not included, he sought inclusion, but according to Mr. Parry, the topic was not.

Mr. Parry notes that the Chairman of the Board of Selectmen proposed the article publically for the first time on February 6, 2018.

At the February 6, 2018 meeting, Board members agreed to put a place holder for said warrant article so it could be further discussed at the February 22, 2018 meeting.

Mr. Parry, in his complaint, goes on to point out that the February 22, 2008 agenda did not identify the topic.

Discussion occurred, but it was decided that the article placeholder would be removed and otherwise not advanced for Town Meeting consideration.

We submit, however, that if, in fact, a Town Manager warrant article had been authorized, then it would have been placed in the Selectmen's Warrant which would have been publically posted and subsequently discussed before the Board signed the warrant in public session.

Mr. Parry's complaint seeks a certain remedial action which would correct perceived errors in Board minutes by including same in the agenda with clarity as to what the proposal would create. That is the change from a Town Administrator form of government to a Town Manager form.

Mr. Parry also seeks a public apology to the residents of the Town.

Upon review and investigation, this office has learned that on February 6, 2018, the subject of the Town Manager warrant article was discussed under "other matters/closing of the warrant". See Exhibit A and Exhibit B attached.

At the February 6, 2018 meeting, the subject of the Town Manager warrant article was brought up by the Board of Selectmen Chairman Daniel Kolenda as a possible Town Meeting warrant article and it was reflected in the minutes accordingly. See minutes attached as Exhibit C. It was not identified on the agendas. Cable cast of this can be found at <http://www.youtube.com/watch?v=pARVojDwdns>.

Subsequently, although the February 22, 2018 minutes do not reflect the specific discussion of the Town Manager warrant article (Charter Petition) it was contained in the draft warrant documentation that was included in the Selectmen's meeting packet and posted on the Town's website on February 20, 2018. See [http://www.southboroughtown.com/sites/southborough/files/agendas/selectmens\\_agenda\\_packet\\_2-22-18.pdf](http://www.southboroughtown.com/sites/southborough/files/agendas/selectmens_agenda_packet_2-22-18.pdf). See also minutes attached as Exhibit D.

In that regard, page 37 of the PDF file outline of warrant articles, including #37 titled Town Manager Charter and page 66 of the PDF file draft warrant showing article #37, Place holder charter to establish Town Managers.

Also, cable cast video is available at <https://www.youtube.com/watch?v=HBRLCpLQ-ag>.

In summary the topic was not on the agenda but included in the minutes at the February 6, 2018 meeting and was in the agenda packet but not included in the minutes from the February 22, 2018 meeting.

We see no intention to neither deceive nor find evidence of deception as the summary of public knowledge on the topic was available, especially if the warrant article was advanced to a subsequent posted warrant which would have elicited additional discussion in public session at a Selectmen's meeting and thereafter at a Town Meeting..

We would recommend, however, that agendas and minutes in the future consistently reference such topics.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Aldo A. Cipriano', written in a cursive style.

Aldo A. Cipriano, Esq.  
Town Counsel

AAC/fc

Enclosures

Cc: David Parry  
Office of the Attorney General, Division of Open Government

## **EXHIBIT A**

**Town of Southborough, MA**  
**Meeting of the Board of Selectmen**  
**Tuesday, February 6, 2018, 6:30 P.M.**  
**McAuliffe Hearing Room**  
**17 Common Street, Southborough MA**

Note: Scheduled start times are approximate, with the exception of public hearings.

**I. Call Meeting to Order**

**II. Scheduled Appointments** *(Board may vote)*

1. Update – MAPC Executive Director Marc Draisen
2. Update – Council on Aging Chairman Bill Harrington
3. Brian Ballantine, Finance Director – Fiscal Year 2019 Budget Recommendation

**III. Reports**

1. Chairman's Report
2. Town Administrator Report

**IV. Consent Agenda**

1. Approve Meeting Minutes: December 5, 2017, December 19, 2017.
2. Accept \$2,925 donation from participants in Gobble Wobble race towards Recreation Dept. expenses
3. Appoint Larry Samberg, 7 Granuaile Road, to Municipal Technology Committee, term to expire 6/30/19
4. Appoint Scott Rehlander to Municipal Technology Committee, term to expire 6/30/19
5. Appoint William Estrada to Scholarship Committee, term to expire 6/30/18
6. Appoint Dana Sgrosso to Southborough Emergency Planning Committee as Primary Dell/EMC Representative (no term expiration)
7. Nominate Jennifer A. Condon as Animal Control Officer, per M.G.L. Ch. 140 §151(a)

**V. Other Matters Properly Before the Board**

1. Closing of warrant for April 9, 2018 Annual Town Meeting
2. Continued discussion of process for renaming of St. Mark's Golf Course

**VI. Public Comment**

**VII. Adjournment**



Daniel L. Kolenda, Chairman

**UPCOMING MEETINGS**

*February 27, 2018*

*March 6, 2018*

## **EXHIBIT B**

**Town of Southborough, MA**  
**Meeting of the Board of Selectmen**  
**Tuesday, February 6, 2018, 6:30 P.M.**  
**McAuliffe Hearing Room**  
**17 Common Street, Southborough MA**  
**REVISED AGENDA**

*Note: Scheduled start times are approximate, with the exception of public hearings.*

**I. Call Meeting to Order**

**II. Scheduled Appointments** *(Board may vote)*

1. Update – MAPC Executive Director Marc Draisen
2. Update – Council on Aging Chairman Bill Harrington
3. Golf Committee – CPC application for golf course improvements
4. Brian Ballantine, Finance Director – Fiscal Year 2019 Budget Recommendation

**III. Reports**

1. Chairman's Report
2. Town Administrator Report

**IV. Consent Agenda**

1. Approve Meeting Minutes: December 5, 2017, December 19, 2017.
2. Accept \$2,925 donation from participants in Gobble Wobble race towards Recreation Dept. expenses
3. Appoint Larry Samberg, 7 Granuaile Road, to Municipal Technology Committee, term to expire 6/30/19
4. Appoint Scott Rehlander to Municipal Technology Committee, term to expire 6/30/18
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7. Nominate Jennifer A. Condon as Animal Control Officer, per M.G.L. Ch. 140 §151(a)

**V. Other Matters Properly Before the Board**

1. Closing of warrant for April 9, 2018 Annual Town Meeting
2. Continued discussion of process for renaming of St. Mark's Golf Course

**VI. Public Comment**

**VII. Adjournment**



Daniel L. Kolenda, Chairman

**UPCOMING MEETINGS**

*February 27, 2018*

*March 6, 2018*

# EXHIBIT C





# TOWN OF SOUTHBOROUGH

## BOARD OF SELECTMEN Meeting Minutes

**Meeting Date:** Tuesday, February 6, 2018, 6:30 P.M.

**Location:** McAuliffe Hearing Room, 17 Common Street, Southborough, MA

**Present:** Daniel Kolenda, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf, Brian Shea arrived at 7:42

**Absent:**

I. **Chairman Kolenda called the meeting to order at 6:30 pm.**

II. **Scheduled Appointments**

Updated – MAPC Executive Director Marc Draisen

Marc Draisen, the Executive Director of The Metropolitan Area Planning Council, presented to The Board the role of MAPC within the state and region and also offered their services to Southborough. Mr. Draisen stated that the agency is created under Massachusetts General Law Chapter 40B Section 24 and MAPC is governed by representatives from each city and town in our region, as well as gubernatorial appointees and designees of major public agencies. Their role is to provide services in smaller communities to enhance sound municipal management, sustainable land use, protection of natural resources, efficient and affordable transportation, a diverse housing stock, public safety, economic development, clean energy, healthy communities, an informed public, and equity and opportunity among people of all backgrounds. He explained that communities can ask for assistance for some projects and some may even be funded by The Commonwealth. Mrs. Phaneuf asked Mr. Draisen what he had already been working on with The Town and he mentioned assisting with a better system for developing economic staffing and he has been in contact with DPW Superintendent, Karen Galligan regarding transportation planning. Mr. Kolenda then mentioned that he would potentially like to work with MAPC with the Main Street Reconstruction Project, the Public Safety Building, and improving economic development in Town.

Update – Council on Aging Chairman Bill Harrington

Bill Harrington, Chair of the Council on Aging and Pam Le Francois, COA Director gave an update to the Board regarding the growth of the Senior Center, the programs provided, and needs in order to fully serve the seniors of Southborough. They reviewed that the Senior Center moved to its current location in 2008 and underwent renovations in 2011 that have been paid off for at least 3 years. Mrs. Le Francois described the wide range of people they offer programs for and the challenges that come with that. They serve people from ages 50 to 102 with varying financial backgrounds. They offer social programs including The Trailblazers, Dull Men's Club, and workshops, among many others. The Council on Aging also provides services to those dealing with dementia, Alzheimer's, and they also have nurses and outreach programs dealing with difficult situations. She also mentioned assistance navigating insurance and health care education. The COA and Senior Center service about 900 seniors currently.

Mr. Harrington described their standard setting workshops that have been recognized regionally and nationally. He described a plan that received national recognition focused on programs to help support their organizations through volunteerism, which in turn saves money and opens the leadership team to more opportunities to enhance the organization.

Lastly, Mr. Harrington and Mrs. Le Francois outlined the future plans for the Senior Center. They described the need to expand both bathroom facilities and meeting and activity space due to a rise in the senior population. Mr. Harrington explained that the need for expansion is immediate as those in wheelchairs and the sheer number of attendees makes it dangerous. He estimated the cost to complete such a project to be \$30,000. Mrs. Phaneuf agreed and added that she felt this project should not be delayed and should be put back in the budget and debt schedule. She suggested a separate article at Town Meeting in order for the money to be completely dedicated to this cause. Mr. Purple explained that the request for the \$30,000 was put into the maintenance budget but in creating a separate article, the maintenance budget would drop from \$100,000 to \$75,000. Mrs. Phaneuf stood firm in feeling that because the seniors have been told to wait for many years and this has been put off long enough, the request should be a separate article.

#### Golf Committee – CPC application for golf course improvements

Andre Fortin, Golf Course Conservation Restriction Committee member, updated the Board regarding working with CPC to secure funding for the golf course renovations. He has been working with CPC Chair, Frederica Gillespie to fund the building relocation of the club house, parking area, and the retaining wall needed. Mrs. Gillespie stated that she thought CPC could cover about \$500,000 of the \$640,000 total price for renovations. Mr. Fortin said the application process has begun and he was looking for the Board to cosponsor a warrant article for town meeting where they will be asking for \$140,000 approved to finish the renovations for the golf course. He also asked the Board support the application to CPC. Mr. Kolenda said the Board will cosponsor an article and the Board felt applying for CPC funds was beneficial to The Town and golf course. Mr. Fortin explained he was waiting on final numbers from Context and will be moving forward with the application process and working with CPC. He stated the warrant price of about \$210,000 would include those items not covered by CPC such as foundation of the clubhouse and utilities.

Mr. Kolenda moved up the process for renaming St. Mark's Golf Course to include Mr. Fortin and the GCCRC. Mr. Fortin told The Board that the GCCRC had unanimously voted for "Southborough Golf Club." He explained this was the original name when owned by the Gardner family and renaming it brings the land back to its roots. Mr. Kolenda, Mrs. Braccio, and Mrs. Phaneuf were supportive of the name. Mrs. Phaneuf suggested opening the process up to residents for their opinion but also wanted to vote on this item at next meeting. Mr. Shifrin suggested that the golf course management company also have a say as they will be marketing the golf course and directly linked to its success. It was agreed to then ask the public and the management company for their input before a vote.

#### Brian Ballantine, Finance Director – Fiscal Year 2019 Budget Recommendations

Mr. Ballantine outlined the FY 2019 budget at a 3.5% and 3.9% increase tax rate for the Town. He noted that a new police officer was included in the budget with no new hours from the maintenance budget and keeping roads and OPEB funding a high priority. He outlined the initial budget challenges and explained that the tax rate was initially 8.2% in

December but he had worked with town departments regarding their budget needs and found ways to generate revenue in order to decrease the rate. Mr. Ballantine mentioned Other Revenue had \$95,133 in unused balance which comes out of the ambulance fund and septic fund which could be voted on to be used elsewhere. He also mentioned making the Transfer Station funding self supporting through permits and fees to residents which would save \$110,000-\$140,000 from the budget. He had not thought of every scenario to support this, but felt that either raising the price of a regular sticker, charging for a second sticker, or charging senior citizens were options that could work. Mr. Kolenda did not like the idea of charging seniors and asked to see what options for price increases would look like for stickers and compare that to hiring private pickup.

Mrs. Phaneuf suggested creating an enterprise fund strictly for the ambulance. She explained that funds for a specific purpose should be allocated to only that purpose and not allocated elsewhere. She requested a separate warrant article and suggest Advisory look at the fund as well.

Mr. Ballantine then went on to describe areas of the budget that was reduced which included eliminating \$42,000 for Norfolk tuition. He noted that the Town has carried the budget for the potential funding of a student and haven't had anyone in eight years. He suggested to no longer support this fund and if a student applies, to look to the reserve fund. He said that the budget is not finalized as the regional school budget is not finalized but that the numbers will not be changing significantly. He recommended a 3.9% tax rate. The Board did not vote but gave the indication that 3.9% was agreeable.

Mr. Purple then addressed the concerns regarding a self supportive Transfer Station. He stated that the budget hinges on the \$110,000-\$140,000 that supports the Transfer Station. He informed the Board that if it is not self supported, then the next step would be looking at cutting positions. Mrs. Phaneuf suggested putting the Transfer Station into the budget to see what it would look like as a department that needed funding as an exercise to show what repercussions could be. Mr. Ballantine said it would be a significant increase in taxes.

Mr. Shifrin stated he was in support of a self supportive Transfer Station and felt that it could be done without effecting seniors. Mr. Purple then explained that if the budget is passed at Town Meeting, then the tax rate will be 3.9%. He told the Board that if residents vote to fund the golf course improvements not supported by CPC and the \$30,000 for the Senior Center, the money would come from the reserve fund and be on top of the tax rate.

### **III. Reports**

#### **Chairman's Report**

Mr. Kolenda read an update from Public Safety Building Committee Chair, Jason Malinowski. Mr. Malinowski stated the PSBC were working with the Planning Board and Town Counsel to bid in early March and the new cost estimate is due this week with a discussion by the committee on Monday February 12. He said the committee is working through submissions for trade and was thrilled with the overall response. Mr. Malinowski said the scoring submissions will be finished this week as to who will be invited to bid. He will alert the Board regarding the final process to receive the bid and will continue to work with the Golf Course Committee.

#### Town Administrator Report

Mr. Purple updated the Board about a proposal brought forward from Bill Dipetri to the permitting staff to develop a 100,000-160,000 foot space at the Park Central site. A current tenant is looking to expand. Mr. Purple mentioned there could be \$200,000 in commercial tax based on the size of the building. He then stated the issue from the Permitting, Conservation, and Zoning Boards would be increased traffic to the onramp to 495. Mr. Dipetri and the owner have reached out to the Governor's Office to see if they can assist in mitigating transportation issues. Concerns were brought up from Mr. Shea and Mrs. Phaneuf regarding relation to Park Central currently moving through court of appeals. Mr. Purple stated this proposal was entirely separate and explained who the permitting boards were and how the process works for approval of Mr. Dipetri's current request for expansion.

Mrs. Braccio asked where the access point would be for the expansion and Mr. Purple responded that it would be Route 9 Westbound and possibilities of making a new access road with the potential aid from a Mass Works grant has been discussed. Mrs. Braccio asked to be updated on this topic as it unfolds.

Mr. Purple then told the Board he received a request from Open Space Chair, Frederica Gillespie to hold their annual Winter Wonderland on the golf course Sunday, February 25. The event usually draws 50-80 people and the concern was damage to the course if there were no snow that day. It was discussed and Mr. Shifrin moved to vote, seconded by Mrs. Phaneuf, to approve the request conditional to the golf course management company requests and opinions. All approve (5-0)

#### **IV. Consent Agenda**

1. Mr. Kolenda moved to approve meeting minutes for December 5, 2017 and December 19, 2017. Mrs. Phaneuf seconded. All approve (5-0)
2. Mr. Kolenda moved to accept \$2,925 donation from participants in Gobble Wobble race towards Recreation Dept. expense. Mrs. Phaneuf seconded. All approve (5-0)
3. Mr. Shifrin thanked Mr. Larry Samberg for agreeing to serve on the Municipal Technology Committee and recognized that he was part of challenging conversations that will improve the MTC. Mr. Kolenda moved to appoint Larry Samberg, 7 Granuaile Road, to Municipal Technology Committee, term to expire 6/30/19. Mrs. Phaneuf seconded. All in favor (5-0)
4. Mr. Kolenda moved to appoint Scott Rehlander to Municipal Technology Committee, term to expire 6/30/19. Mrs. Phaneuf seconded. All approve (5-0)
5. Mr. Kolenda moved to appoint William Estrada to Scholarship Committee, term to expire 6/30/18. Mrs. Phaneuf seconded. All approve (5-0)
6. Mr. Kolenda moved to appoint Dana Sgrosso to Southborough Emergency Planning Committee as Primary Dell/EMC Representative (no term expiration) Mrs. Phaneuf seconded. All in favor (5-0)
7. Mr. Kolenda moved to nominate Jennifer A. Condon as Animal Control Officer, per M.G.L. Ch. 140 § 151 (a) Mrs. Phaneuf seconded. All in favor (5-0)

#### **V. Other Matters Properly Before The Board**

Closing of warrant for April 9, 2018 Annual Town Meeting

Mr. Purple went through differences in warrants and then was looking for the Board to close the warrant based on the articles submitted. Mr. Purple pointed out that the bond agency suggested the School Committee establish a regional school stabilization fund but will not be investing money in it this year. Mr. Shea stated he has worked on a provision for communities to put an item on the ballot this November to ban recreational marijuana. Mr. Kolenda proposed the Board sponsor an article to change the Town Administrator Position to Town Manager. He felt that with the incredible work done between the budget and its process, a AAA rating for the Town, and the Public Safety and Main Street Projects, a Town Manager position is more than warranted. Mrs. Phaneuf asked for a placeholder and the bylaws as written four years ago. Mr. Shifrin and Mrs. Braccio would like to see the presentations, pros and cons, and differences between the positions as they felt they didn't know enough about it. Mr. Shea said he said he would talk with the chair of the committee from the last time and distribute. Mr. Shea suggested they get input from department heads before next meet. Mr. Kolenda moved to close the warrant. Mrs. Phaneuf seconded. All in favor (5-0)

**VI. Public Comment**

Tim Litt (148 Woodland Rd) asked the Board to vote on an ex-officio member of the MTC and presumed it would be the IT manager. Mr. Kolenda told him because it was not on the agenda, they could not vote but the Board would take it under advisement.

Ben Kise (43 Lovers Lane) discussed his concerns with the conversation regarding an access road from the Park Central site. He stated that the land in discussion was not for sale and there is no issue to sell. Mrs. Phaneuf suggested he have a conversation with the Town Planner to see if this is on its agenda.

Steve Phillips (26 Main Street) addressed the Board regarding his concerns with the work on the Main Street project and the residents directly impacted. Karen Shimkus (8 Lynbrook Rd) voiced her displeasure in the vote of the Board to co-hold the CR on the golf course with ConCom and SVT.

- VII.** On a motion made by Daniel Kolenda, seconded by Lisa Braccio and voted all in favor, the meeting was adjourned at 9:00pm.

<p style="text-align: center;"><b>UPCOMING MEETINGS</b> <i>February 27, 2018</i> <i>March 6, 2018</i></p>
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Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 21, 2017 BOS Meeting:

- Letter from Mark J. Purple, Town Administrator and Brian Ballantine, Finance Director to BOS, dated January 31, 2018

- Fiscal Year 2019 Town Administrator Recommended Operating and Capital Budget Packet
- Board of Selectmen Meeting Minutes Meeting Date: Tuesday, December 5, 2017
- Board of Selectmen Meeting Minutes Meeting Date: Tuesday, December 19, 2017
- Letter from Doreen Ferguson, Recreation Director to BOS dated January 17, 2018
- Citizen Activity form from Larry Samberg, 7 Granuaile Road dated November 22, 2017
- Citizen Activity form from Scott Rehlander, 6 Moulton Road dated May 17, 2017
- Resume Scott Rehlander, 6 Moulton Road
- Citizen Activity form from William Estrada, 114 Marlborough Road dated March 9, 2017
- Letter from Neal Aspesi, Director of Operations, Southborough Emergency Management to BOS dated December 11, 2017
- Animal Control Officer Designation 2018
- April 9, 2018 Annual Town Meeting draft warrant
- Board of Selectmen Policy on Naming Town Facilities and Dedications

## **EXHIBIT D**



# TOWN OF SOUTHBOROUGH

## BOARD OF SELECTMEN Meeting Minutes

**Meeting Date:** Thursday, February 22, 2018, 6:30 P.M.

**Location:** McAuliffe Hearing Room, 17 Common Street, Southborough, MA

**Present:** Daniel Kolenda, Brian Shea, Lisa Braccio, Brian Shifrin, Bonnie Phaneuf,

**I. Chairman Kolenda called the meeting to order at 6:30 pm.**

**II. Scheduled Appointments**

**6:30PM HEARING – Washington Street/Coslin Way Street Public Layout**

Jesse Stein, a member of the Planning Board, summarized their vote to support acceptance of the Washington Street/Coslin Drive layout. Mr. Stein explained that Town Planner, Karina Quinn, conducted onsite visits as did the consultant, Fuss & O'Neil. They deemed the road was in good condition and the conditions the consultant had to install light bases, a pedestrian sign, and catch basins were all met by the proponent, Dell EMC. There was also an agreement with the proponent and DPW that snow plowing and new light poles and their maintenance would all be covered by Dell EMC. There were no questions for Mr. Stein from The Board. Mr. Kolenda closed the hearing and made a motion to accept the layout of Washington Street and Coslin way as presented. Mr. Shea seconded. All approved.

**Jesse Stein, SHOPC, RE: SHOPC membership and recruiting**

Jesse Stein appealed to the public for volunteers to fill three at large openings for SHOPC, The Southborough Housing Opportunity Partnership Committee. Mr. Stein is the Vice Chair and mentioned that Mr. Shifrin was Chair and Mrs. Phaneuf is a current member. He explained that right now, the committee does not have a quorum. Mr. Stein outlined important items for the committee such as the over 55 by-law and the affordable housing threshold The Town has yet to hit. Committee members could be very helpful in creating a plan to hit the threshold before developers come to the Town with plans. Anyone interested was urged to reach out to Mr. Stein through the Town Planner.

Mr. Shifrin asked if a committee could be created with only three members. Mr. Purple said he was not sure and would look into it. Mr. Purple then noted that the Cable Committee also needs at least three volunteers. He told The Board that there are three major cable contracts coming up for renegotiation for '19, '20, and '21 and not having enough members to serve will be a problem. He explained that they hire a specialized lawyer who works with the committee to bring recommendations back to the Board. He asked the Board and the public to bring forward anyone who might be interested in volunteering as it is also an important committee.

**Jason Malinowski – Update on Public Safety Building Committee**

Chair of the Public Safety Building Committee, Jason Malinowski presented the last update from the committee before they go out to bid on February 28<sup>th</sup>. He told the Board they received the final cost estimates last week based on complete construction documents and



if all the bids come in exactly the same, they will be using about \$325K out of the contingency budget which leaves over \$1.7million for unforeseen issues without going over the budget.

Mr. Malinowski updated the Board that the PSBC instructed the consultants to have three bid alternatives. The first being articles that CPC has approved to bring forward to Town Meeting regarding the retaining wall and parking lot, the second bid alternative being the warrant regarding the reconstruction of the clubhouse after the move, and the third being the warrant regarding the police cruiser and fire canopies which were pulled out of the scope of the project due to the price tag of upwards of \$300K. Mr. Malinowski presented an option to include the canopies for the police cruisers and fire trailers without tax payer money. He explained that installing solar panels to the roofs of the canopies would be advantageous as the installation company would pay 100% of construction and it could be additional revenue for the Town. He asked that a motion be made to authorize the Town Administrator to pursue a RFP and have bid responses by April 4<sup>th</sup>. He then noted that town meeting will either fund alternative one and two and the Board can pursue whichever passes at town meeting. Mr. Shea asked if the alternative for the canopies completion is dependent on the completion of the public safety building and Mr. Malinowski said it would be. Mr. Kolenda recommended that coordinating with the schools would be an attraction for bidders. Mrs. Phaneuf made a motion to allow Mr. Purple to move forward with a RFP and coordinate with Mrs. Johnson. Mrs. Braccio seconded. All in favor.

#### Brian Ballantine – Continued Discussion of FY19 Operational & Capital Budget

Brian Ballantine, Finance Director, updated the Board on the budget. He stated that the Town saved about \$90K because of the health insurance bid from Tufts. Because of this unexpected savings, the transfer sticker fee could stay the same if the early discount were eliminated, without any additional cost to users. There would be no fee for seniors or increase in regular sticker fee as previously discussed. Mr. Kolenda was concerned that eliminating the early discount would create an influx of purchases at the end of the purchasing period and would be a burden for the Town Clerk. He suggested bringing the transfer station to a fully funded operation through sticker fees and keep the early discount. Mr. Shea countered that the transfer station would be the only town service that is self-funded. He felt a “pay as you throw” option was advantageous to the citizens as everyone would get a sticker and it would be open for personal use at the discretion of each tax payer. Mrs. Braccio agreed with Mr. Shea that the transfer station should not be self-funded. She felt that more time would be needed for discussion, collaboration with town officials, and public input and suggested the topic be a high priority after town meeting. The feeling of the Board was to table this discussion until after town meeting.

Mrs. Phaneuf asked Mr. Ballantine if the other elected boards agreed with the numbers in the budget and he replied that they did. She then asked if the budget includes money for the CR or operational management. Mr. Purple said it did not because negotiations for the CR are ongoing and seeing as they won't be done until after town meeting, it would be an issue to take up with Advisory. Mrs. Phaneuf suggested sending a letter to Advisory to let them know of this and Mr. Purple agreed to do so. Mr. Kolenda then made a motion to approve the recommended FY19 budget. Mr. Shifrin seconded. All in favor.

Mr. Purple went through the 36 articles listed in the packet and asked for approval, removal, or to hold for further information of each by the Board.

- Articles 1-4 were approved by the Board.
- Article 5 was held by the Board as the draft was still being worked on by Mrs. Hale and Mrs. Rosenbloom.
- Article 6 was held by the Board as the finance team was still working on the draft.
- Articles 7-13 were approved by the Board.
- The summary of Article 14 regarding the Senior Center renovation was questioned by Mrs. Phaneuf. She asked that it was clear that the renovation is limited in scope and not huge. Mrs. Braccio agreed. Mr. Purple said he would work with Mr. Parent to update the summary.
- Article 15 was approved by the Board.
- Article 16 was held for approval pending a presentation from the Recreation Department at next meeting.
- Articles 17 and 18 were approved by the Board.
- Article 19 was removed
- Article 20 was held by the Board while Mr. Ballantine gets clarity on where the parcel of land at 0 Kimberly Lane is located and further looked at.
- Articles 21-29 were approved by the Board.
- Articles 31 and 32 were held pending input from Town Counsel.
- Article 33 was approved by the Board.
- Mr. Ballantine suggested putting off Articles 34 and 35 for next year. He felt more time was needed to prepare for town meeting. Mrs. Phaneuf felt that the ambulance fund should be addressed this year but agreed to take it off the table. Both Article 33 and 34 were removed.
- Article 36 was held by the Board pending more information from Chairman Kolenda.

### III. **Reports**

#### Report of the Chairman

Mr. Kolenda gave his time to Mrs. Braccio to applaud the Fire Department for sending a patch, t-shirt, and remarkable letter to a twelve year old girl battling leukemia. The family put out a call for patches from fire departments to make a quilt to remind her that she is a survivor. Mrs. Braccio thanked the Fire Chief and the whole department for their efforts to show compassion to this young woman.

#### Report of the Town Administrator

Mr. Purple told the Board about the upcoming Mass Municipal Association 2018 spring breakfast meetings. He urged Board members to attend to hear from MMA staff and local legislatures. The closest breakfast meeting will be at the Hudson Town Hall on March 9<sup>th</sup>. He told The Board to reach out to Mrs. Hale if they wanted to go.

### IV. **Consent Agenda**

1. Mr. Kolenda moved to approve Meeting Minutes: February 6, 2018. Mr. Shea seconded. All approved.
2. Mr. Kolenda moved to approve 1-year contract extension for Fire Chief. Mr. Shea seconded. All approved.
3. Mr. Kolenda moved to appoint Tom Laflamme as Ex-Officio member to Municipal Technology Committee. Mr. Shea seconded. All approved.

4. Mr. Kolenda moved to accept \$500 donation from Harvard Pilgrim Health to 9/11 Field turf replacement project. Mr. Shea seconded. All approved.

**V. Other Matters Properly Before the Board**

**Re-naming of the St. Mark's Golf Club**

Mr. Purple read some names suggested by the public for the golf course. He also noted the history of the course given to the Board from Mr. Palecki when it was named "Southborough Golf Club." Mr. Kolenda stated he felt the historical significance was important and supported the name. It was also mentioned the golf committee and golf course management company is also in support. Mr. Kolenda moved to entitle the course "The Southborough Golf Club." Mr. Shea seconded. All in favor.

**VI. Public Comment**

Tim Litt (148 Woodland Road) asked The Board to change the flashing banner on the website to reflect the need for volunteers to the committees referenced tonight. Mr. Shifrin suggested that the request for volunteers be mentioned at town meeting. Mrs. Braccio agreed and asked that a handout be made for town meeting. Mrs. Phaneuf added that there should be a flyer at all town buildings. Mr. Purple said he would update the banner on the website and work with the town planning office on the other suggestions.

- VII.** On a motion made by Daniel Kolenda, seconded by Lisa Braccio and voted all in favor, the meeting was adjourned at 8:14pm.

Respectfully submitted,

Kathleen Barry, Recording Secretary

**List of Documents referred to at the February 22, 2018 BOS Meeting:**

- Letter from Planning Board to BOS dated February 6, 2018
- Letter from Town Counsel, Aldo Cipriano, to Planning Board dated February 5, 2018
- Letter from Beals and Thomas to Planning Board Chair, Donald Morris dated February 5, 2018
- Letter from Dell EMC to Dept. of Public Works dated February 2, 2018
- Letter from Dept. of Public Works to BOS dated January 26, 2018
- BOS Minutes dated February 6, 2018
- Contract Extension for Fire Chief Joseph Mauro
- Letter from Doreen Ferguson, Recreation Director, to BOS dated February 13, 2008
- Memorandum re: Responses to Renaming of the Golf Course
- Letter from Lou Palecki, Chariman of Golf Committee, and attached history of St. Mark's Golf Course to BOS dated February 7, 2008
- Draft of April 9, 2018 Warrant and Meeting Record
- Updated Draft FY19 Budget
- Letter from Brian Ballantine, Finance Director and Heidi Kriger, Town Accountant to BOS dated February 15, 2018