



SELECT BOARD
MEETING AGENDA
Monday, September 11, 2023
6:00 p.m.

Pursuant to Chapter 2 of the Acts of 2023, An Act Relative to the Extending Certain COVID-19 Measures, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

To view or listen

- Live Stream link YouTube:
https://www.youtube.com/channel/UCRdBrw3HeEAMB_KFKasrgXA
- Zoom webinar link: <https://town-northborough-ma-us.zoom.us/j/85932928684>
- When prompted, enter Password 048223
- CATV Government Channels: Verizon Channel 30, Charter Channel 192
- Call 1-646-876-9923
When prompted, enter Meeting ID 859 3292 8684 and Password 048223

For Public Comment

Public Comment is allowed and encouraged during any agenda item. To offer comments at any time, please use the “raise hand” button in Zoom, or raise your hand if in person. The Chair will recognize you before any vote or before the agenda item is otherwise concluded.

*** Public comment will be limited to 3 minutes per person ***

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1. 6:00pm – 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 regarding these matters in an open meeting may have a detrimental effect on the negotiating position of the Board.



SELECT BOARD
MEETING AGENDA CONTINUED
Monday, September 11, 2023
6:00 p.m.

7:00 p.m. – Open Meeting

2. Public Comment

3. [Approval of Meeting Minutes](#)

August 14, 2023

August 16, 2023

August 28, 2023

4. [Tio Juans Margaritas Mexican Restaurant](#) – To consider a Change of Manager for their All Alcoholic Beverages Restaurant License for premises located at 100006 Shops Way.

5. [Planning Director Laurie Connors](#) – American Rescue Plan Act (ARPA) Funding Request to Establish a Northborough Sign & Façade Program

6. [Consideration of Open Meeting Law Response](#) – for complaint filed against the Select Board regarding the August 14, 2023, meeting by Patrick Higgins and Associates.

7. Reports

8. [Cemetery Deed\(s\)](#) – Execution of Cemetery Deeds 1173, 1174, 1175 & 1176

9. Any other business to come before the Board

10. Public Comment

**SELECT BOARD
MEETING MINUTES – August 14, 2023**

7:00 p.m. - Chair’s Introduction to Remote Meeting

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

Robert Reed, Interim Town Administrator
Rebecca Meekins, Assistant Town Administrator

PUBLIC COMMENT

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

APPROVAL OF MINUTES – JULY 6, 2023 MEETING

SB Member Maselli moved the Board vote to approve the July 6, 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 – JULY 17, 2023 MEETING

SB Member Wixted moved the Board vote to approve the July 17, 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 – JULY 26, 2023 MEETING

SB Member Hirsh moved the Board vote to approve the July 26, 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 – JULY 31, 2023 MEETING

SB Member Ziton moved the Board vote to approve the July 31, 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”		

7:00 pm – PUBLIC HEARING

To consider an application for a new Wine & Malt Beverages Package Store License as submitted by AC Fresh Interiors, LLC d/b/a White Cottage for premises located at 290 West Main Street, #2.

Alicia Garbarino and Cheryl Meyer were present. Ms. Garbarino and Ms. Meyer are co-owners of White Cottage, a home décor and gift shop establishment that has been in business for approximately 10 years. They are seeking a Wine & Malt Package Store License as a creative way to boost business by allowing them to include beer or wine in their boxed gift sets. Ms. Garbarino will serve as the manager of record. Both owners have plans to attend an alcohol training program on August 21st and will be TIPS certified.

Chair Cohen noted for the record that this is the last available Wine & Malt Package Store License that would be granted under the Town’s quota. He added that according to Executive Assistant Diane Wackell there has not been any interest in this license for a number of years.

Following some questions and comments from members of the Board, it was confirmed that if there were to be any future changes to the business that would result in a transfer of the Wine & Malt Package Store License, it would first require approval by the Board. SB Member Maselli expressed concern with this being the fourth establishment located within this strip mall that will serve or sell alcoholic beverages.

Detective Sergeant Brian Griffin stated that he has conducted a background check and has no concerns to report as to the suitability and character of Ms. Garbarino and Ms. Meyer.

Rick Leif of 30 Wiles Farm Road spoke in support of granting the license noting that this type of business profile ties in nicely with the Downtown Revitalization Plan.

SB Member Maselli moved 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 Maselli moved the Board vote to approve the application as submitted by AC Fresh Interiors LLC d/b/a White Cottage for a new Wine & Malt Package Store License for premises located at 290 West Main Street, Unit 2 contingent on successful completion of all required course work; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

TOUGAS FAMILY FARM

To consider a One-Day Special Liquor License for weekend days during the months of September and October 2023 for premises located at 234 Ball Street.

Kerrie Ward was present to request a One-Day Special Liquor License for the following 2023 events to be held at the Farm at 234 Ball Street.

- Labor Day Weekend – September 2 3 & 4
- Celebration of Early Season Apples – September 9 & 10
- Honeycrisp Weekend – September 16 & 17
- Autumn Begins – September 23 & 24
- Fall Festival Weekend – September 30 & October 1
- Long Holiday Weekend – October 7, 8 & 9
- Celebration of Late Season Apples – October 14 & 15
- Pumpkin Fest – October 21 & 22
- Pick-Or-Treat – October 28 & 29

The serving hours for each day will be 11am-5pm. There will be no rain dates. The application packet includes the details about the safety precautions and the systems in place for each event. Similar events have been held in the past with a One-Day Special Liquor License issued by the Select Board with no issues.

Following questions and comments from members of the Board, it was noted that the Police, Fire, Building and Health Departments have reviewed the application and have no concerns to report.

SB Member Wixted moved the Board vote to approve the application for a One-Day Special License as submitted by Tougas Family Farm LLC for events to be held at 234 Ball Street per the approved floor plan as submitted with the application. The event dates are weekends as follows: September 2, 3 & 4; September 9 & 10; September 16 & 17; September 23 & 24; September 30 & October 1; October 7, 8 & 9; October 14 & 15; October 21 & 22 and October 28 & 29 from 11am – 5pm with no rain dates. The license is approved with the condition that the precautions and systems are in place for each event as stated in the July 31, 2023 letter from Tougas Family Farm; SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

SKIP DOYLE - ROTARY CLUB – REQUEST TO CLOSE BLAKE STREET

Request to close Blake Street for Applefest Street Fair on Saturday, September 9, 2023 from 7am-5pm.

Chair Cohen noted that Mr. Doyle was not able to attend tonight’s meeting. He indicated that the annual Applefest Street Fair sponsored by the Rotary Club will be held on Saturday, September 9th from 9am-3pm. The request to close Blake Street from 7am to 5pm will allow vendors ample time to set up and break down their booths.

SB Member Maselli asked if she could set up a Select Board volunteer table similar to what she did during a Community Affairs Concert. Chair Cohen recommended that she make a request to the Rotary Club and that he would be happy to help with that.

SB Member Hirsh moved the Board vote to close Blake Street on Saturday, September 9, 2023 between the hours of 7 a.m. to 5 p.m. for the annual Applefest Street Fair; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

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

ANNUAL APPOINTMENT OF ELECTION WORKERS

Chair Cohen noted that Mr. Dowd was not able to attend tonight’s meeting. He indicated that pursuant to Massachusetts General Laws Chapter 54, Section 12, the Select Board shall annually appoint election officers. The participation of Election Officers is based on Town needs and their availability.

SB Member Ziton moved the Board vote to appoint those individuals who appear on the 2023/2024 Election Officer List for a term beginning on September 1, 2023 and ending on August 31, 2024 as submitted by Town Clerk Andrew Dowd; 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 LISA MASELLI – DISCUSSION REGARDING LIONS CLUB SIGN

Chair Cohen noted that there has been questions and comments from the public regarding the electronic Lions Club sign that has not been working. He indicated that this sign is not owned or operated by the Town and that it is his understanding that the Rotary Club is aware of the issue and is working to obtain the proper parts to fix it.

SB Maselli indicated that the sign located at the entrance to Blake Street was first installed by the Lions Club in 1980 and in 2012 was upgraded to an electronic version. She noted that the Lions Club is interested in installing a new sign rather than repairing the existing one and is currently looking at funding opportunities. Moving forward, the Lions Club would like the Town to be responsible for the sign contents and its continued maintenance. Chair Cohen suggested that the Lions Club submit a letter to the Select Board expressing their ideas about the future of the sign and attend a future meeting of the Select Board to discuss this further. It was also noted that the placement of a new sign may be considered as part of the Downtown Revitalization Plan.

TOWN ADMINISTRATOR SCREENING UPDATE – BOARD REPRESENTATION

At the July 31st Board Meeting, Chair Cohen noted that the Board will continue working with Municipal Resources, Inc. (MRI), who will lead the search for a second recruitment process for both an interim and permanent Town Administrator. He has reached out to the members of the Town Administrator (TA) Screening Committee who have expressed interest in continuing to serve through the second recruitment process. SB Member Maselli expressed her interest in serving on the TA Screening Committee. Members of the Board responded in support of SB Member Maselli serving on the TA Screening Committee in addition to Chair Cohen.

SB Member Hirsh moved the Board vote to expand the Town Administrator Screening Committee to include a second Select Board representative and that that representative be SB Member Maselli; SB Member Wixted seconded the motion; the roll call vote was taken as follows:

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

SET MEETING SCHEDULE FOR SEPTEMBER TO DECEMBER

A brief discussion ensued about the merits of meeting twice per month.

SB Member Maselli moved the Board vote to set the meeting schedule for September through December as follows:

September 11 & 18
 October 16 & 23
 November 6 & 20
 December 4 & 18

SB Member Hirsh seconded the motion; the roll call vote was taken as follows:

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

REPORTS

Kristen Wixted

- Extended her appreciation to all the volunteers who are helping the families who are being housed in a temporary shelter located in Town.

Laura Ziton

- Extended her appreciation to Town staff and everyone else in the community for their overwhelming efforts in managing the needs of the temporarily housed families.

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.
- Attended a walkthrough meeting of the White Cliffs at which time Capital Environmental was there to test for mold, asbestos and lead.
- Began a brief discussion about Board members throwing candy out to the public while marching in the Applefest parade.

Lisa Maselli

- Congratulated Cable Access Director Kathy Dalglish on her recent retirement and thanked her for her years of service.
- Announced that she was able to garner interest from residents to serve on Boards and Committees during the last concert sponsored by the Community Affairs Committee (CAC).

She is looking forward to doing it again and thanked the CAC for sharing their Summer Concert Series events.

- Viewed the recent meeting of the Town Hall Feasibility Study Committee and is concerned with the length of time until the Committee meets again. Expressed her interest in serving on this committee to explore the potential location of Town Hall Offices at one of the following four buildings: 4 West Main Street, the existing Town Hall, White Cliffs and the existing fire station location.

Mitch Cohen

- Noted that the final concert of the Summer Concert Series will be held on August 20th.
- Provided a brief update on the families that are housed at a temporary location in Town. Extended his appreciation to Town staff and the many volunteers who have done a marvelous job working with these families.

Robert Reed

- Acknowledged the resignation of Assistant Town Administrator Becca Meekins. Thanked her for her outstanding service and wished her the best. Members of the Board extended their appreciation to Ms. Meekins as well.

EXECUTION OF CEMETERY DEEDS 1171 & 1172

SB Member Wixted moved the Board vote to execute Cemetery Deeds 1171 & 1172; SB Member Ziton seconded the motion; the roll call vote was taken as follows:

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

TRANSFER OF CEMETERY DEED A929

SB Member Ziton moved the Board vote to execute the transfer of Cemetery Deed A929; SB Member Hirsh 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

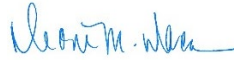
SB Chair Cohen invited comments from the public. There were none.

ADJOURNMENT

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

The meeting adjourned at 8:35 pm.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. August 14, 2023 Meeting Agenda
2. July 6, 2023 Meeting Minutes
3. July 17, 2023 Meeting Minutes
4. July 26, 2023 Meeting Minutes
5. July 31, 2023 Meeting Minutes
6. Information packet – AC Fresh Interiors Wine & Malt Package Store License
7. Information packet – Tougas Family Farm One Day Special License
8. Memorandum – Request to Close Blake Street
9. Information packet – Appointment of Election Workers
10. Memorandum – Meeting Schedule
11. Cemetery Deeds

**SELECT BOARD
MEETING MINUTES – August 16, 2023**

7:00 p.m. - Chair's Introduction to Remote Meeting

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

Any votes taken this evening will be by roll call.

INTERIM TOWN ADMINISTRATOR INTERVIEWS

Chair Cohen noted that the Board will continue working with Municipal Resources, Inc. (MRI), who will lead the search for a second recruitment process for a permanent Town Administrator. The Board will interview candidates to serve as the new Interim Town Administrator leading up to the appointment of a permanent Town Administrator.

Buzz Stapczynski and Bob Mercier of Municipal Resources, Inc. were present.

The August 16th meeting packet that includes the candidate's resumes can be found [HERE](#)

The YouTube recording of the August 16th interviews can be found [HERE](#)

Board members asked questions of the candidates relating to their experience in municipal government.

Michael Gallagher

Mr. Gallagher provided a brief review of his background and experience in municipal government, including his transitional leadership. He has served as the Acting Town Administrator in the Town of Somerset since September of 2021 and has remained as part of the staff to assist with the transition of the new Town Administrator.

In summary, Mr. Gallagher shared his interim experience while working with the Town of Somerset, including the development of an inclusive budget process with the department directors, finance committees and the Board of Selectmen. Mr. Gallagher would be available to work up to 20 hours per week in Northborough.

Julian Suso

Mr. Suso provided a brief review of his background and experience in municipal government. He has served as a Town Manager in several communities since 1990, recently having retired as Town Manager in Falmouth, MA after 11 years.

In summary, Mr. Suso shared his experience in the development of operating and capital budgets, his collaborative approach in working with department directors and members of the Select Board,

resulting in a Bond Rating upgrade to AAA in the Town of Falmouth. He also noted his experience with major construction/expansion projects. Mr. Suso would be available to work the necessary hours needed in Northborough.

DISCUSSION – TOWN ADMINISTRATOR INTERVIEWS

Prior to the Select Board discussing each of the candidates, Chair Cohen thanked Mr. Stapczynski and Mr. Mercier for their efforts in bringing forth two highly qualified candidates.

Board members shared the following thoughts on each of the candidates.

Michael Gallagher

Board members agreed that Mr. Gallagher is very knowledgeable and understands that the responsibilities of an interim would be the same as those of a permanent Town Administrator. He has experience working as an Interim TA. His continued dedication to the Town Somerset as its interim Town Administrator was noted, as well as his efforts in creating a collaborative experience in municipal budgeting.

Julian Suso

Board members agreed that Mr. Suso was well spoken and expressed their appreciation for his many accomplishments during his long career in municipal government. Although he is extremely knowledgeable, he has not served in an interim capacity.

VOTE TO APPOINT INTERIM TOWN ADMINISTRATOR

Board Members thanked Mr. Gallagher and Mr. Suso for their interest and willingness to serve the Town of Northborough and acknowledged that both are very knowledgeable and capable of performing the responsibilities needed at this time. Mr. Gallagher’s personality and eagerness for the role is a bit more compatible with what Northborough needs right now.

SB Member Wixted moved the Board vote to appoint Michael Gallagher as Interim Town Administrator, subject to reference checks and successful contract negotiation, and to allow the Chair to negotiate on behalf of the Board; SB Member Ziton seconded the motion; the roll call vote was taken as follows:

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

OTHER BUSINESS

None.

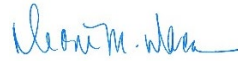
ADJOURNMENT

SB Member Hirsh moved the Board vote to adjourn; SB Member Ziton seconded the motion; the roll call vote was taken as follows:

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

The meeting adjourned at 8:30 pm.

Respectfully submitted,



Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. August 16, 2023 Meeting Agenda
2. Interim Town Administrator Resumes

**SELECT BOARD
MEETING MINUTES-AUGUST 28, 2023**

7:00 p.m. – Selectmen’s Meeting Room, Northborough Town Hall, 63 Main Street, Northborough, MA

MEMBERS PRESENT: Mitch Cohen, Chair
Kristen Wixted, Vice Chair
Laura Ziton, Clerk
Julianne Hirsh
Lisa Maselli

VOTE ON EMPLOYMENT AGREEMENT WITH MICHAEL GALLAGHER FOR INTERIM TOWN ADMINISTRATOR SERVICES

Chair Cohen explained that Bob Reed would be leaving and the Board had previously voted to appoint Michael Gallagher as the next interim town administrator. The Board has been provided with a copy of the contract and a vote needs to be taken to approve the contract. Lisa Maselli questioned the length of the contract and Chair Cohen explained that the time was dictated by the charter. Motion was made by Julianne Hirsh to approve the contract for Michael Gallagher, seconded by Kristen Wixted; all members voted in favor.

GOAL SETTING DISCUSSION

Chairman Cohen explained that tonight’s meeting was to begin a discussion of Select Board goals. The object of the meeting is to list all ideas and then at later meetings to refine the list and set a timeline. He mentioned that this is a new exercise for the Board and that after setting the goals there should be review in about a year. This process will take several meetings but tonight’s meeting is to start a discussion. Julianne Hirsh then began by stating that in writing down goals she realized that they fell into certain categories. Those categories are: Communication, Finance, Ongoing Projects, and “Things to learn more about.” Laura Ziton added Environmental Stewardship, Economic Development and Housing.

Laura Ziton offered to write the goals as the discussion proceeded.

Lisa Maselli offered a draft of Goals and Objectives that included process, values and guiding principles.

Members of the public who participated were Gib Chase, Henry Squillante, and Ron Ducette.

The list of goals that members offered are as follows in no special order or priority:

COMMUNICATION

- Enhance and improve communication between residents, boards, and staff
- Work towards transparency
- Follow up on projects that are voted on
- Meet new staff
- Streamline communication between administrative staff and the Board
- Town meeting improvements/streamline the process
- Town meeting warrant “show” with the moderator to talk about the articles
- Electronic voting at town meeting
- Monthly town administrator newsletter
- Consider appointing a communications director for important updates and help educate the public about town business

- Board flowchart: help clarify how town business proceeds through various boards and committees
- Annual meeting with representatives from all boards and committees to allow for more communication between committees
- Institute hybrid meetings
- Meetings with department heads annually or more often as necessary
- Address employee retention, use exit interviews
- Guidance for new volunteers- help them onboard to their new role
- Create a vision statement
- Staffing study- review organizational structure
- More detailed budget status prior to town meeting
- Strive to keep taxes at a reasonable growth rate
- Identify liaison positions and responsibilities
- Communication before projects are undertaken- and project completion report and feedback about company or firm that provided service
- Address cellular reception in all parts of town
- Consider using Code Red capability for important town announcements

FINANCE AND BUDGET GOALS

THE OVERARCHING GOAL IS TO PROVIDE A RESPONSIBLE BUDGET WHILE MAINTAINING SERVICES, QUALITY EDUCATION AND AFFORDABILITY

- Public comment at finance and appropriations meetings
- Employ interns to save money
- Work with CMRPC to share equipment or services when possible
- Review tax rate and review pros and cons of a split tax rate
- Research grants, other funding services
- Quarterly finance report
- Legal fee/ administrative budget updates
- Staffing study particularly for finance department
- Auction town properties to get them off the books
- Find out more about tax title taking
- Discuss ARPA funding priorities: what is the one thing that we could spend that money on that would be beneficial to the town? Example would be putting utilities underground in the downtown.
- Look into expanding Senior Center hours
- Review auditor recommendations and institute where appropriate
- Collaboration between department heads during budget discussions
- Create an Economic Development Commission
- Evaluate need for transportation options

MISCELLANEOUS

- Establish list of ongoing projects and get regular updates; building projects including White Cliffs, Town Hall, Fire Station, Peaslee School, Police Station painting project, downtown revitalization, complete streets
- Review executive session minutes
- Address crosswalks in town
- Bike lanes, paths, find out more about multitown bike trail
- Clean up waterways specifically Bartlett Pond and Assabet River
- Include sustainability building goals in all projects whenever possible

- Evaluate hazardous waste licenses
- Teen drop-in center
- Joint meeting with planning board
- Electric car chargers
- Get more information about Green Community status
- Solar panels on municipal buildings if possible
- Tree replacement program
- Form a Northborough Sustainable committee
- Work towards reducing municipal carbon footprint
- Review board policies
- Discuss offering a code of conduct for boards and committees
- Review appointment process
- Review and potentially consolidate committees, form new committees as necessary, deactivate those that have finished their work
- Recruit new volunteers
- Townwide maintenance of roadways and sidewalks
- Sidewalk plan and improvements
- Learn more about ranked choice voting
- Learn more about cyber security
- Enhance, promote and support the town's historical buildings and heritage
- Institute high school government week- encourage student participation in municipal government
- Discuss possibility of allowing 16 year olds to vote in municipal elections
- Community outreach to students

OTHER BUSINESS

None.

ADJOURNMENT

Chairman Cohen commented that this was the first of several meetings and future meetings will refine and prioritize the list of goals that that were generated at tonight's meeting. Motion to adjourn was made by Lisa Maselli and seconded by Laura Ziton. All members voted in favor; meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Julianne Hirsh
Select Board member

Documents used during the meeting:

1. August 28, 2023 Meeting Agenda
2. Contract for interim Town Administrator
3. Draft of goals and objectives from Lisa Maselli



TOWN OF NORTHBOROUGH

Town Offices, 63 Main Street
Northborough, MA 01532-1994
508-393-5040 Phone
508-393-6996 Fax
www.town.northborough.ma.us

MEMO

TO: Members of the Board of Selectmen
Town Administrator

FROM: Diane Wackell, Executive Assistant

DATE: September 8, 2023

RE: Change of Manager – All Alcoholic Beverages Restaurant License
Tia Juan’s Margaritas Mexican Restaurant – 10006 Shops Way

An application has been submitted by Tia Juan’s Margaritas Mexican Restaurant to change the manager of record for their All Alcoholic Beverages Restaurant License at 10006 Shops Way.

The proposed manager of record is Mr. Steven Peters. Mr. Peters has been employed by Margaritas since 2015. He is experienced in the restaurant industry and is TIPS certified. His personal information has been reviewed by Lieutenant Brian Griffin, who has indicated that he has no concerns to report.



Northborough Police Department

211 Main Street
Northborough, Massachusetts 01532
508-393-1515 Fax 508-393-1519



William E. Lyver, Jr.
Chief of Police

To: Northborough Selectboard

From: Lieutenant Brian T. Griffin

Date: September 5, 2023

Re: Background check for Change of Manager
Tio Juans Margaritas Mexican Restaurant – 10006 Shops Way

Honorable Members of the Board:

I have been asked to conduct a background check for a Change of Manager for the All Alcoholic Beverages Restaurant License for Margaritas Restaurant Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant for premises located at 10006 Shops Way.

The proposed manager of record is Mr. Steven Peters. Mr. Peters has been employed by Margaritas since 2015. He indicates in his application that he anticipates working 55 hours per week on the licensed premises. Mr. Peters is TIPS certified.

Having conducted a background check, I have no concerns to report to the board.

Should you need any further questions answered please feel free to contact me.

Respectfully submitted,

Lieutenant Brian T. Griffin
Licensing Agent



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Margaritas Restaurant Group - Northborough Inc	Northborough	00059-RS-0902

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Allen Winkley	Controller	awinkley@margs.com	(603) 380-7428

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Steven Peters	Date of Birth		SSN	
Residential Address					
Email	speters@margs.com		Phone		
Please indicate how many hours per week you intend to be on the licensed premises	55	Last-Approved License Manager	Julia McCarthy		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
Aug 2015	Present	Shift leader / manager	Margaritas Mexican Restaurant	Michael Hernandez
2007	2015	Cook	Sodexo	

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date 07/27/2023



TOWN OF NORTHBOROUGH PLANNING DEPARTMENT

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5040 x7 • 508-393-6996 Fax

September 6, 2023

Mitch Cohen, Chairman
Select Board
Town Offices
63 Main Street
Northborough, MA 01532

Dear Sir,

I formerly request the sum of \$250,000 in American Rescue Plan Act (ARPA) funds to establish a Northborough Sign & Façade Program that will benefit Northborough's small-scale, independent business community and commercial property owners.

As you know, the Master Plan Implementation Committee has been engaged in a year-long effort to develop a Northborough Downtown Revitalization Strategy & Design Report. To assist us with that endeavor, the Town hired a consultant team consisting of Weston & Sampson Engineers and RKG Associates. Through this planning process, the Committee and consultant team have discussed a variety of short-term and long-term strategies that can improve the appearance and function of Northborough's downtown. One strategy that can yield dramatic improvements in the short term is implementation of a Northborough Sign & Façade Improvement Program. This popular strategy is used by our neighboring Towns of Marlborough, Shrewsbury and Westborough to beautify their downtown storefronts.

Attached, please find a draft program description for your consideration as well as a Powerpoint presentation that summarizes the Program highlights and includes renderings prepared by our consultant team which show how two of Northborough's commercial properties can be transformed by strategic investments in façade and landscaping improvements. As currently proposed, the program would provide grant awards that would be capped at \$2,000 for signage projects and \$20,000 for façade projects and associated improvements. To ensure that the business community is vested in these improvements, the Town would pay 50% matching grants upon the successful completion of the project. This means that both the business owner/commercial property owner and the Town would each pay 50% of the total project cost. Eligible activities include replacement of wall and/or freestanding signage, minor façade renovations including restoration of architectural details, installation of exterior lighting or awnings, exterior painting, new energy-efficient windows and/or doors, accessibility improvements, exterior landscaping, and other general improvements. Applicants would agree in writing to maintain funded improvements for a period of five years, minimum.

Because ARPA funds must be fully committed by December 31, 2024 and fully expended by December 31, 2026, time is of the essence. For this reason, applications would be accepted, reviewed and awards granted on a rolling basis within 30 days of receipt of a complete application. Sign projects must be completed within a 6-month period and façade projects must be completed within an 18-month period to receive reimbursement. All projects, regardless of date of award, must be completed by December 31, 2026 in order to receive reimbursement.

Thank you for your consideration of my funding request. I plan to attend the September 11th meeting of the Select Board to discuss this proposal fully, answer any questions and collect your feedback on the program description.

Sincerely,



Laurie Connors
Director

Cc: Jason Little, Finance Director
Bob Frederico, Building Inspector
Rick Leif, Chairman of the Master Plan Implementation Committee

Enclosures

Northborough Sign & Façade Improvement Program

September 7, 2023 Draft

Introduction

The Northborough Sign & Façade Program is administered by the Town of Northborough Planning Department and is funded through the American Rescue Plan Act. The purpose of the Sign and Façade Program (the “Program”) is to provide funding and better access to capital that business owners and commercial property owners can use to renovate their commercial building facades and enhance other exterior features, including signage. In doing so, the Town seeks to promote local businesses and enhance the physical appearance of Northborough.

The Signage Improvement Program provides 50% matching grants of up to \$2,000 for eligible signage projects and the Façade Improvement Program provides 50% matching grants of up to \$20,000 for well-designed improvements to Northborough’s commercial properties. Façade improvements may include restoration or the addition of architectural details, exterior painting and new siding, replacement of windows and doors, installation of awnings and canopies, permanent landscaping features and access improvements, and/or attractive, quality commercial signage.

For both Programs, funds are payable when the project is satisfactorily completed in accordance with the approved design and all relevant receipts have been submitted and approved by the Northborough Planning Department.

This program is subject to funding availability. Applications are reviewed by the Sign & Façade Program Committee on a rolling basis and awarded at their discretion. The Committee may choose to give a partial award based on the scope of work and available funds.

The Applicant shall commit, in writing, to maintaining improvements funded by this program for a minimum period of five (5) years.

Eligibility

Location.

This program is open to all commercial businesses in Northborough, but priority will be given to commercial properties located within the Downtown Business District (see attached Town of Northborough Zoning Map). Applicants must be either a business owner or commercial property owner.

Eligible Costs.

Eligible costs for a signage grant are limited to signage and labor and materials related to removal of an existing sign and the installation of new signage on the street-facing façade of an eligible building or a free-standing sign on an eligible property.

Eligible costs for a façade improvement grant include:

- Accessibility improvements (i.e. handicapped accessible ramps)
- Exterior signage that is attractively integrated into the architecture of the building and/or windows
- Replacement or restoration of original architectural details
- Removal of elements which cover architectural features
- Façade enhancements which improve, restore, or repair the façade resulting in and overall more aesthetically pleasing façade, a more functional façade, and/or a more accessible façade
- Awnings and canopies that can be both functional and visually appealing
- Exterior lighting that is visually appealing and appropriately illuminates signage, window displays, and recessed areas of a building facade
- Exterior painting
- New siding & siding repairs (i.e. repointing) – brick, masonry, or wood siding only
- Permanent landscaping features, including window boxes
- Walkway and/or streetscape improvements
- Window replacement and window framing
- Exterior doors
- Energy efficiency upgrades for street-facing windows & doors
- Correction of code violations – exterior only
- Architectural design fees may be included in the total cost of eligible improvements but cannot exceed \$5,000.

Ineligible work includes:

- New construction
- Non-street-facing building facades (unless **HIGHLY** visible and/or integral to the front façade)
- Internally lit box signs
- Parking lots or pavement work
- Interior work
- Staff wages
- Non-visible roofing improvements
- Temporary, portable or non-permanent improvements
- Property acquisition
- Working capital
- Refinance of existing debt
- Work completed prior to notice of award
- Work completed prior to obtaining appropriate permits
- Fees associated with all necessary government approvals, building permits, and taxes
- Architectural design fees only (without construction/design implementation)

Eligibility Criteria.

The following criteria must be met for participation in both the Sign & Façade Programs:

1. For businesses required by contractual arrangement to maintain standardized décor, architecture, signs or similar features, applications may be submitted for façade improvements outside these contractual obligations (e.g. permanent landscaping features);

2. No chain franchises or chain businesses are eligible to participate in either Program;
3. Tenants must have written approval from property owners to participate in either Program;
4. Property owners must be up to date on all municipal taxes prior to participation in either Program;
5. Applicants must comply with all State and local laws and regulations pertaining to licensing, permits, building code, and zoning requirements.
6. Applicants are responsible for hiring architects, contractors and/or sign fabricators who are insured and licensed to do business in Massachusetts.
7. The Town shall not be held liable in labor or other disputes arising from work funded by either Program.
8. If awarded funds, the applicant shall enter into a grant agreement with the Town of Northborough.

Application Procedures & Design Guidelines

Applications shall be submitted on a rolling basis to the Northborough Planning Department using the Sign & Façade Program Application form **by November 1, 2024**. Applications will be reviewed by the Sign & Façade Program Committee, consisting of the Planning Director, Building Inspector and a member of the Design Review Committee, on a rolling basis subject to funding availability. The Committee has the sole discretion to approve applications and reserves the right to reject any application.

Applicants to the Façade Improvement Program are strongly encouraged to meet with Program staff prior to submitting their final application. The purposes of this pre-application discussion(s) are to assist applicants with preparation of a successful application and to streamline the application review process. Program staff will provide guidance, constructive feedback and answer applicant questions. Program staff will also advise on aspects of the façade improvement that will require a building permit and minor site plan approval. Program staff are happy to have multiple pre-application meetings, at the request of an Applicant, to discuss the proposed project and design alternatives.

Applications shall include the following:

- Completed Sign & Façade Program Application form
- Plans/Architectural drawings
- Quotes on vendor letterhead
 - At least three quotes for façade projects over \$10,000
 - At least two quotes for signage projects and all other façade projects
- W-9 form
- Certificate of Insurance
- For Landlord applicants:
 - A copy of the deed
 - Municipal Lien Certificate
 - Certificate of Good Standing
- For Business Owner applicants:
 - A copy of the lease
 - Written permission from the property owner

The Sign & Façade Program Committee will provide a decision about the award to the Applicant on a rolling basis, no later than thirty (30) days after the application's submission to the Planning Department.

All decisions will be made **by December 1, 2024** (at the latest). The maximum funding amount indicated on the approval announcement will be based upon funding availability and the extent to which the proposal meets the purposes and adheres to the Design Review Criteria identified below. Any funds dedicated to architectural design fees will be remitted to the Applicant upon award.

Design Review Criteria.

Applicants are encouraged to refer to the *Town of Northborough Design Guidelines* (link: https://www.town.northborough.ma.us/sites/g/files/vyhlf3571/f/uploads/northborough_design_guidelines_final_0.pdf) for project ideas and guidance. Applications will be reviewed using the following criteria:

- Will the proposed project improve the aesthetic of the building and enhance the appearance of the neighborhood and town?
- Does the project provide a high impact and cost benefit for limited program funds?
- Are the improvements increasing compliance with AAB standards?
- Do the improvements correct or improve upon existing code violations?
- Does the project improve energy efficiency?
- Does the project restore details of a historically-contributing or significant building, and/or remove elements that cover architectural features?*
- Is the project compatible with the character, architecture and materials of the building as well as with other buildings on the street or nearby that have a visual relationship to the subject property?*
- Does the project include replacement of signage that is currently non-conforming to the Northborough Zoning Bylaw?
- Is the proposed lighting visually appealing and does it appropriately illuminate signage, storefront window displays, and recessed areas of a building façade?
- Is the project located within proximity of other Sign & Façade Program awardees?

*Buildings with significant architectural details and features are strongly encouraged to restore and maintain these features as part of the proposed work.

Completion timelines.

Signage projects must be completed within 6 months of notification of award and façade projects must be completed within 18 months of notification to be eligible for reimbursement.

Project extensions.

Applicants must submit written requests for extensions beyond the allowed completion timelines with an explanation for the extension request. Unless the Committee grants written approval to extend the completion timeline, the signage project and/or façade project will become ineligible for reimbursement. **NOTE THAT ALL PROJECTS, REGARDLESS OF AWARD DATE, MUST BE COMPLETED BY DECEMBER 1, 2026 TO RECEIVE REIMBURSEMENT.**

Reimbursement and Payment Terms

Signage Projects.

The Signage Improvement Program provides a 50% matching grant of up to \$2,000 for an eligible signage project. Grant funds are disbursed on a reimbursement basis. The Applicant must pay all costs up front and submit copies of all receipts/invoices and canceled checks or credit card statements to the Planning

Department to receive the grant award. Upon completion, the Planning Director and Building Inspector shall inspect the work and provide written confirmation that the work was completed in an acceptable manner in accordance with the final plan and specifications.

Example: An applicant applies for and is awarded a \$2,000 signage grant for a \$4,000 sign project. The applicant completes the project, pays the vendor, and submits the payment information to the Planning Department. The Planning Department reviews the completed work and issues payment for \$2,000- half the cost of the project.

Façade Improvement Projects.

The Façade Improvement Program provides grants of up to \$20,000 for eligible renovations and improvements to building facades and associated features. Prior to the Applicant paying the contractor, the Planning Director and Building Inspector shall inspect the work and attest in writing that the work is completed in an acceptable manner as specified in the final design and specifications. Any changes to the final design must have prior written approval from the Committee in order to receive reimbursement. After the Applicant pays the contractor, the Applicant may submit copies of all paid invoices and copies of canceled checks or credit card statements to the Planning Department to be reimbursed for the Town's portion of the façade improvements.

Example: An applicant applies for and is awarded an \$18,000 façade improvement grant for a project costing \$36,000. The applicant completes the project, pays the vendor, and submits the payment information to the Planning Department within 18 months. The Planning Director and Building Inspector verifies that the work is complete, and the Planning Department reviews the submitted invoices and payment information. The Planning Department issues payment of \$18,000- which is half the cost of the project.

Please contact Laurie Connors of the Town of Northborough Planning Department with any questions or for more information:

508-393-5019

lconnors@town.northborough.town.ma.us

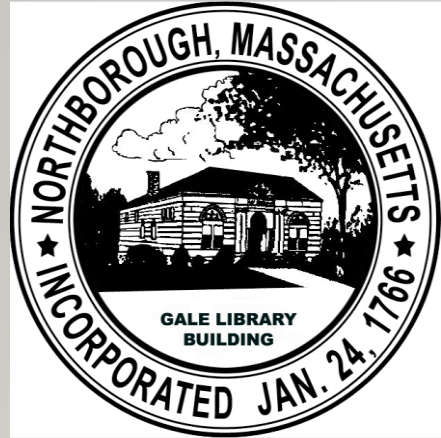
Hours of Operation:

Mon, Wed & Thurs:

8:00am - 4:00pm

Tues: 8:00am - 7:00pm

Fri: 8:00am - 12:00pm



TOWN OF NORTHBOROUGH SIGN & FAÇADE IMPROVEMENT PROGRAM

PRESENTED BY: LAURIE CONNORS, PLANNING DIRECTOR

SEPTEMBER 11, 2023



PROGRAM HIGHLIGHTS

- Proposed funding derived from \$250,000 allocation of American Rescue Plan Act (ARPA) Funds;
- Provides matching grants of up to \$2,000 (50% of total project costs) for production & installation of attractive, quality commercial signage;
- Provides matching grants of up to \$20,000 (50% 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.

BENEFITS OF THE PROGRAM

- Provides financial resources to small businesses 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-cost strategy to jump start downtown revitalization efforts;
- Implements goal in the new Downtown Revitalization Plan to “Create a downtown building façade and signage improvement program for local businesses and property owners.”



Restore brick to original color

Awning at building entrance

Planters at building entrance

Window detailing

Add cornice back



Existing Building Potential Improvements
10 Main Street



Church Street View - Before



Church Street View - After



PROGRAM ELIGIBILITY

- Open to local businesses and commercial property owners; chain stores and restaurants cannot participate;
- Town-wide program but downtown applications will receive top priority;
- Tenants must have written approval from property owners to participate;
- Property owners must be up to date on municipal taxes;
- Requires compliance with all State/local laws and regulations pertaining to licensing, permits, building code, and zoning requirements;
- Applicants must hire licensed architects, contractors & sign fabricators with insurance;
- Town cannot be held liable in labor or other disputes.



ELIGIBLE ACTIVITIES



- Architectural design fees (capped at \$5000)
- Correction of code violations – exterior only;
- Wall & freestanding sign replacement;
- Installation of awnings & canopies;
- Accessibility improvements, including ramps & walkways;
- Installation of permanent landscaping features including trees, bushes & window boxes;
- Replacement or restoration of original architectural details;
- Energy-efficiency upgrades to or replacement of exterior lighting and street-facing windows and doors;
- Window framing;
- Exterior painting;
- New siding or siding repairs- brick, masonry or wood siding only;

DESIGN REVIEW CRITERIA

- Improve aesthetic of the building and enhance appearance of the neighborhood & town;
- Provide highest impact and cost benefit for limited program funds;
- Increase compliance with AAB standards;
- Correct code violations;
- Improve energy efficiency;
- Compatible with character, architecture and materials of the subject building and abutting buildings;
- Restore details of a historically-contributing or significant building, and/or remove elements that cover architectural details;
- Replace non-conforming signage;
- Add visually-appealing lighting that illuminates signage, storefront window displays and recessed areas of a building facade;
- Within proximity of other Sign & Façade Program awardees.

PROGRAM LOGISTICS

- Application submission on rolling basis with final deadline of **November 1, 2024**;
- Grant awards made on rolling basis within 30 days of application submission with final deadline of **December 1, 2024**;
- Program will be administered by the Planning Department;
- Grant awards made by Committee consisting of Planning Director, Building Inspector & member of Design Review Committee (Architect);
- Signage projects must be completed within 6 months of award; façade projects must be completed within 18 months of award; all projects must be completed by **December 1, 2026**.



WHAT ARE YOUR
QUESTIONS???

THANK YOU FOR
LISTENING



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 8662838301 Ext. _____

Email: patrick@openmeetinglawenforcer.com

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Northborough Select Board

Specific person(s), if any, you allege committed the violation: MITCH COHEN, Chairman

Date of alleged violation: 8/14/23

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Northborough Select Board violated the open meeting law as follows:

1. The Board posted a meeting agenda on their official website, <http://www.town.northborough.ma.us>, on August 10, 2023 (the town adopted the municipal website as their official posting location and notified the Division of open government on October 5, 2010). The agenda lists an item "6. Town Clerk Andrew Dowd - Annual Appointment of Election Workers" but did not list the candidates to be considered for these appointments as required by the open meeting law. See OML 2020-80; OML 2016-167; OML 2011-23; 2020-21; 2022-217.

This public body has been found in violation for this issue in Determination 2022-217; and were warned that "We order the Board's immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law." This violation is an intentional violation of the open meeting law!

2. The Board did not accept the meeting minutes from their July 6, 2023 meeting in a timely manner. These were required to be accepted or adopted by the 3rd meeting or 30 days, whichever is longer.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

All members of this public body MUST attend a formal open meeting law webinar as soon as possible. The Schedule can be viewed at <https://www.mass.gov/info-details/open-meeting-law-trainings>.

Where the failure to list the candidates for appointment is appears to be an intentional violation, (as they were warned in 2022-217), the Division of Open Government must impose the \$1000 civil penalty as provided for by the open meeting law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

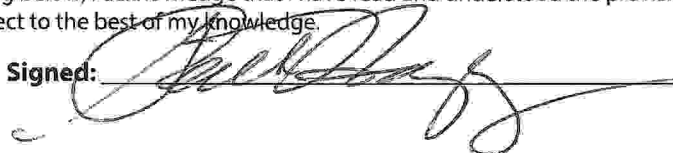
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

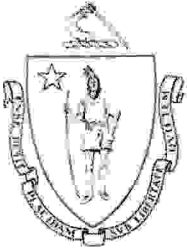
Signed: _____



Date: 8/21/23

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

November 30, 2022

OML 2022 – 217

VIA EMAIL

John W. Coderre
Town Administrator
Town of Northborough
c/o Diane Wackell, Executive Assistant
via e-mail: dwackell@town.northborough.ma.us

RE: Open Meeting Law Complaint

Dear Mr. Coderre:

This office received a complaint from Patrick Higgins on September 29, 2022, alleging that the Northborough Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on September 15, and you responded on behalf of the Board by letter dated September 29.¹ The complaint alleges that the notice for the Board’s September 12 meeting failed to list the names of candidates being considered for appointment to the Board of Library Trustees, Scholarship Committee, and Board of Registrars, and failed to identify the union to be discussed in executive session.

Following our review, we find that the Board violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complainant’s request for further review. We also reviewed the notice and minutes for the Board’s September 12 meeting.²

FACTS

We find the facts as follows. The Board posted notice for a meeting to be held on September 12 at 7:00 PM. Included on the meeting notice were Item 13, “Recommendation for Appointments to the Board of Library Trustees, Scholarship Committee and the Board of Registrars,” and Item 17, “Executive Session - pursuant to M.G.L., Chapter 30A, Section 21, Subsection 3 (Collective Bargaining Strategy Planning) due to the Chair’s determination that a

¹ Unless otherwise specified, all dates refer to 2022.

² We note that the minutes of the Board’s September 12 meeting are quite detailed, and we commend the Board and specifically Executive Assistant Diane M. Wackell for the thoroughness and clarity of the Board’s meeting minutes.

discussion regarding these matters in an open meeting may have a detrimental effect on the position of the Board.”

The Board convened on September 12 as scheduled. During the meeting the Board voted to appoint Brittany Burns and Patricia Fontes to the Board of Library Trustees, Cynthia Moore to the Scholarship Committee, and James Harrington to the Board of Registrars. The Board also convened in executive session to discuss strategy with respect to collective bargaining but did not identify the specific union to be discussed.

DISCUSSION

I. The September 12 Meeting Notice Failed to Identify Candidates for Appointment.

The Open Meeting Law requires that public bodies post notice 48 hours in advance of a meeting, not including weekends and holidays, and include a “listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). Public bodies are required to list topics in a meeting notice with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2018-7; OML 2015-35.³ In general, a public body must include on its meeting notices the names of the specific individuals who are being considered for employment or appointment, if known 48 hours in advance of the meeting. See OML 2020-80; OML 2016-167; OML 2011-23.

Even for public bodies that use a website as their official notice posting location and therefore may post supporting documentation alongside the meeting notice, a meeting notice must include on the notice itself the level of specificity that the Open Meeting Law requires; we do not review the contents of an accompanying meeting packet. See OML 2020-31 (finding that a public body violated the Open Meeting Law where required level of specificity was contained within a meeting packet but was not included on the notice itself); OML 2020-21.

The complaint alleges that the Board failed to identify on the notice for the board's September 12 meeting the names of candidates being considered for appointment to the Board of Library Trustees, Scholarship Committee, and Board of Registrars. The Board explains that the names of the individuals were included in the agenda packet for the September 12 meeting that was posted to the Town's website. Therefore, the Board asserts that it complied with the Open Meeting Law when the names were made available in advance of the meeting as part of the regular public notice process. Although we acknowledge that the names were included in the meeting packet and we find no indication of any intent to conceal this information from the public, nonetheless we find that the Board violated the Open Meeting Law by failing to include on the meeting notice itself the level of detail that the Open Meeting Law requires.

³ All previous determinations issued by the Division can be found on the Attorney General's website: <https://www.mass.gov/the-open-meeting-law>.

I. The September 12 Meeting Notice Failed to Identify the Union the Board Planned to Discuss in Executive Session.

The Open Meeting Law requires that all meetings of a public body be conducted in an open session, with some exceptions. G.L. c. 30A, §§ 20(a), 21(a). Public bodies may enter a closed, executive session for any of the ten purposes enumerated in the Open Meeting Law. G.L. c. 30A, § 21(a). Executive session topics must be described, both in the meeting notice and in an announcement during open session, in as much detail as possible without compromising the purpose for which the executive session was called. See G.L. c. 30A, § 21(b)(3); see also District Attorney for the N. Dist. v. Sch. Comm. of Wayland, 455 Mass. 561, 567 (2009) (“[a] precise statement of the reason for convening in executive session is necessary ... because that is the only notification given the public that a [public body] would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper”).

Executive session Purpose 3 allows a public body to enter executive session to “discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G.L. c. 30A, § 21(a)(3). When convening in executive session pursuant to Purpose 3, a public body must identify the collective bargaining unit with whom it will be negotiating, if doing so will not compromise the lawful purpose for secrecy. See OML 2022-182; OML 2020-130; OML 2018-139; OML 2016-43; OML 2015-87.

The Board acknowledges that the union whose contract was the subject of the executive session should have been identified on the notice for the September 2 meeting where doing so would not have compromised the Board’s bargaining position, and has committed to include such information in the future. We remind the Board that the union also should be identified in the Chair’s announcement in open session prior to convening in executive session.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by posting an insufficiently specific meeting notice that failed to identify the specific candidates being considered for appointment and failed to identify the union being discussed in executive session. We order the Board’s immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins (via e-mail: [REDACTED])
Northborough Board of Selectmen (via e-mail to Mitch Cohen, Chair:
mcohen@town.northborough.ma.us)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

RECEIVED

By KWilber/Assistant Town Clerk at 3:29 pm, Aug 10, 2023



SELECT BOARD
MEETING AGENDA
Monday, August 14, 2023
7:00 p.m.

Pursuant to Chapter 2 of the Acts of 2023, An Act Relative to the Extending Certain COVID-19 Measures, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

To view or listen

- Live Stream link YouTube:
https://www.youtube.com/channel/UCRdBrw3HeEAMB_KFKasrgXA
- Zoom webinar link: <https://town-northborough-ma-us.zoom.us/j/82790196970>
When prompted, enter Password 146495
- CATV Government Channels: Verizon Channel 30, Charter Channel 192
- Call 1-646-876-9923
When prompted, enter Meeting ID 827 9019 6970 and Password 146495

For Public Comment

Public Comment is allowed and encouraged during any agenda item. To offer comments at any time, please use the “raise hand” button in Zoom, or raise your hand if in person. The Chair will recognize you before any vote or before the agenda item is otherwise concluded.

*** Public comment will be limited to 3 minutes per person ***

RECEIVED

By KWilber/Assistant Town Clerk at 3:29 pm, Aug 10, 2023



SELECT BOARD
MEETING AGENDA CONTINUED
Monday, August 14, 2023
7:00 p.m.

1. Public Comment
2. Approval of Meeting Minutes
July 6, 2023
July 17, 2023
July 26, 2023
July 31, 2023
3. 7:00 pm: PUBLIC HEARING – To consider an application for a new Wine & Malt Beverages Package Store License as submitted by AC Fresh Interiors, LLC d/b/a White Cottage for premises located at 290 West Main Street, #2.
4. Tougas Family Farm – To consider a One-Day Special Liquor License for Weekend Days during the months of September and October, 2023 for premises located at 234 Ball Street
5. Skip Doyle – Rotary Club – Request to Close Blake Street for Applefest Street Fair on Saturday, September 9, 2023 from 7AM to 5PM.
6. Town Clerk Andrew Dowd – Annual Appointment of Election Workers
7. SB Member Lisa Maselli – Discussion regarding Lions Club Sign
8. Town Administrator Screening Update – Board Representation
9. Set Meeting Schedule – September through December 2023
10. Reports
11. Cemetery Deeds – Execution of Cemetery Deeds 1171 & 1172 and Transfer of Cemetery Deed A929
12. Any other business to come before the Board
13. Public Comment



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.