



SELECT BOARD MEETING

Meeting Minutes

March 27, 2023

6:00 P.M.

APPROVED: 4/10/23

**PRESENT:** Diana Lipari, Chair; Wesley Fowlks, Member; Les Fox, Clerk; and John Markiewicz, Member

**ALSO PRESENT:** Town Administrator Mike Johns; Rajon Hudson, Assistant Town Administrator; Kelley Price, Administrative Assistant; and Kirby Dolak, BXBTV

*The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.*

**1. Call the Meeting to Order Noting the Time & Presence of the Quorum**

At 6:00 PM, Chair Lipari called Select Board meeting to order, via ZOOM pursuant to the procedures noted.

**ANNOUNCEMENTS**

Chair Lipari read through the announcements.

**PUBLIC HEARING**

- a. J & M Houghton, Inc to Boxboro Liquor Corp. at 1233 Massachusetts Avenue, Boxborough MA

Chair Lipari moved to open the Public Hearing regarding the transfer of the liquor license from J & M Houghton, Inc to Boxboro Liquor Corp. at 1233 Massachusetts Avenue, Boxborough MA. Seconded by Member Fox.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to approve the transfer of the liquor license from J & M Houghton, Inc to Boxboro Liquor Corp. at 1233 Massachusetts Avenue, Boxborough MA. Seconded by Member Fox.

Discussion:

Attorney Matthew Porter explained that the ownership group this is being transferred to is very experienced in this type of business and understands the associated responsibilities of the license. All employees will be TIPS certified. This should be a seamless transfer. There is also a request for approval of a pledge of liquor license. This is a collateral that acts as a mortgage.

There was no public comment at this time.

Chair Lipari amended her motion to approve the transfer of the liquor license, and the pledge of license and inventory from J & M Houghton, Inc to Boxboro Liquor Corp. at 1233 Massachusetts Avenue, Boxborough MA. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to close the Public Hearing. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

**APPROVAL OF MINUTES**

- a. Regular Session Minutes: 3/01/23 & 3/13/23

Chair Lipari moved to approve the meeting minutes of March 1, 2023, and March 13, 2023, as presented. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

**APPOINTMENTS**

- a. Personnel Board (A. MacLean)

Chair Lipari moved to appoint Allan McLean to the Personnel Board for term ending June 30, 2025. Seconded by Member Fowlks.  
**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

- b. Public Celebrations & Ceremonies Committee (J. Kollmann, M. Norris, Asya Childers, B. Gudipaty)

Chair Lipari moved to appoint Jeanette Kollmann to the Public Celebrations & Ceremonies Committee for a term ending June 30, 2026. Seconded by Member Markiewicz.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Chair Lipari moved to appoint Michelle Norris to the Public Celebrations & Ceremonies Committee for a term ending June 30, 2025. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Chair Lipari moved to appoint Asya Childers to the Public Celebrations & Ceremonies Committee for a term ending June 30, 2026. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Chair Lipari moved to appoint Bharti Gudipaty to the Public Celebrations & Ceremonies Committee for a term ending June 30, 2024. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

#### **RETIREMENT ANNOUNCEMENT & APPRECIATION OF SERVICE**

- a. Fire Chief (P. Fillebrown)

*This item was addressed later in the meeting.*

#### **NEW BUSINESS**

- A. Action: Common Victualler’s License Approval for Run BXB 5K

Chair Lipari moved to approve the Run BXB 5K special one day Common Victualler’s License. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

- b. Action: Special One Day Liquor License Approval for Run BXB 5K

Chair Lipari moved to approve the Run BXB 5K one day Liquor License. Seconded by Member Markiewicz.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

- c. Discussion: Update Boxborough Meadows

Alec Wade, Town Planner, explained that legal counsel has recommended the use of eminent domain in this case. He attempted to reach out to the property owner but has not yet been able to connect with him. He and legal counsel both agree that when the Town goes out for its appraisal, using eminent domain allows the damages to be evaluated for \$0.00. It is very uncommon in situations like this for property owners or any of the easement holders to seek any damage or return. He stated that he is fairly confident that the Town will not see any damages being returned. He stated that he will continue working to make contact with the developer, who still owns the roadway. Mailings will be sent to all residents within the neighborhood, making them aware of the process for the next month and important deadlines.

Chair Lipari asked what the cost to the Town will be through doing this through eminent domain. Mr. Wade stated that the only way to truly ensure that the developer is not going to seek compensation for the roadway is to have them refuse the appraisal. However, he has yet to see a road acceptance where there has been payment out of damages. He has conferred this with legal counsel. A public hearing will be needed for this item. He noted that more detailed explanations for this process will be given at the next Planning Board meeting.

#### **RETIREMENT ANNOUNCEMENT & APPRECIATION OF SERVICE**

- a. Fire Chief (P. Fillebrown)

*The Board took up this item at this time.*

Town Administrator Johns noted that Fire Chief Fillebrown has filed a resignation letter, after 38 years of fire service. He thanked Chief Fillebrown for his work regarding the safety of the Town. A process to hire the new Chief has begun.

The Board expressed its thanks to Chief Fillebrown for his years of service.

Member Markiewicz moved to accept Chief Fillebrown's resignation, with regret. Seconded by Member Fowlks.  
**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

d. Action: Open ATM Warrant

Chair Lipari moved to inform all department, boards, committees, commissions, and the public at large that the Warrant of the 2023 Annual Town Meeting shall open for such submissions at this time of March 27, 2023. Seconded by Member Markiewicz.  
**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Town Administrator Johns stated that the opening of the Warrant deals with the Fire Chief's resignation. In order to search for and find the right candidate for this role, the proposal is to insert Article 5 into the Special Town Meeting Warrant to raise and appropriate funds for consulting services for the Fire Chief assessment center. The Board will hire this position after recruitment occurs. The Finance Committee voted unanimously to support this Article.

In response to a question from Member Fowlks, Town Administrator Johns stated that he believes the amount requested should be adequate for this process.

Chair Lipari moved to accept the Fire Chief Assessment Warrant Article, as presented. Seconded by Member Fowlks.  
**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

e. Action: Close ATM Warrant

Chair Lipari moved to inform all department, boards, committees, commissions, and the public at large that the Warrant of the 2023 Annual Town Meeting shall close for such submissions at this time of March 27, 2023. Seconded by Member Markiewicz.  
**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

#### COMMUNITY CONCERNS

None at this time.

f. Action: Final ATM Draft Warrant

Member Fowlks stated that he would like to see the Boxborough Meadows item move forward at this time. Chair Lipari stated that she would like to see more information before adding this item to the Warrant. Member Markiewicz stated that the issue is how the Town dealt with the developer in this case. The Town owes it to the residents of this area to move this forward at this time. The residents should not continue to be left with the responsibility to maintain these roads and infrastructure. Member Fox agreed that he does not see a substantial risk to the Town in accepting these roads, though additional work and information may be needed. The residents will have a heavy burden if the Town does not help maintain these roads.

Member Fowlks moved that the Select Board recommend the taking of the public roads for Boxborough Meadows. Seconded by Member Fox.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Town Administrator Johns noted that the final budget has been inserted into the Warrant and he would recommend the Board take a motion to recommend the Warrant now that this information has been included.

Chair Lipari moved that the Select Board recommend Article 5, Town Operating Budget. Seconded by Member Markiewicz.  
**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Member Fowlks moved that the Select Board recommend Article 6, Assessment Center for the Fire Chief. Seconded by Member Markiewicz.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

The Board discussed the various consent agendas and numbering of the Warrant.

Chair Lipari moved to approve the 2023 Annual Town Meeting Warrant, with the changes as previously discussed. Seconded by Member Fowlks.

**Approved: 4-0-0** by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

#### BOARD & ADMINISTRATOR COMMENTS & REPORTS

20230327

Town Administrator Johns stated that the Town continues to process its ARPA funds. An update on this item should be added to the website shortly. He noted that the intermunicipal water agreement does not need to go to Town Meeting. This will be a Select Board decision to be voted on at a future meeting. This needs to be completed before Littleton goes to its Town Meeting. On April 12<sup>th</sup>, there will be a recognition luncheon for all Boxborough Town employees and board/committee/commission members.

#### **EXECUTIVE SESSION / ADJOURN**

Member Fowlks moved, at 8:43pm., to adjourn for five minutes then reconvene in non-public session, and not to return to public session. Seconded by Member Fox.

**Approved: 4-0-0** by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

- a. To review for the release of executive session minutes of 1/3/22; 3/1/23; 3/13/23; 3/15/23; 3/17/23; 3/20/23, pursuant to G.L.c. 30A, Section 21(a)(7).
- b. To conduct strategy session or contract negotiations with nonunion personnel per MGL Ch. 30A §21 (a) (2) (DPW Director) (Chief of Police).

Item#

**Exhibits**

Agenda

Draft Meeting Minutes March 1, 2023; and March 13, 2023

Interest forms (A. MacLean, J. Kollman, M. Norris, Asya Childers, B. Gudipaty)

Letter of resignation, Chief P. Fillebrown

True West Brewing Company, Application for License

Draft Article 5: Fire Chief Assessment Center

Boxborough, MA Draft Warrant