



TOWN OF SHREWSBURY

Board of Selectmen Meeting
Board of Selectmen's Meeting Room
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Tuesday, June 23, 2020 - 7:00 PM

AMENDED AGENDA: Originally Posted on June 19, 2020 at 3:00 pm

Important Notice: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the **Shrewsbury Board of Selectmen** will be conducted via remote participation to the greatest extent possible. All meetings and hearings listed in the agenda will also be done so through remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.shrewsburyma.gov/coronavirus. For this meeting, members of the public who wish to listen or watch the meeting may do so by visiting <https://www.shrewsburymediaconnection.org/>. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. To participate in the public comment portion of this meeting, dial [1 636-495-1574] and enter the following pin: [603 591 308#]. Please mute your device until the Chair of the Board of Selectmen addresses your agenda item or opens the meeting to public comment.

Present: Ms. Beth Casavant, Chair, Mr. John Lebeaux, Vice-chairman, Mr. John Samia, Clerk, Mr. Maurice DePalo, Selectman, Mr. James Kane, Selectman

Also Present: Mr. Kevin Mizikar, Town Manager, Mr. Bernard Cahill, Town Planner, Mr. Christopher Mehne, Town Moderator

Mr. DePalo called the meeting to order at 7:00 pm and read the remote script verbatim.

Preliminaries:

1. Reorganization of the Board of Selectmen

Mr. Lebeaux congratulated Ms. Casavant and Mr. DePalo on their re-elections and made a motion that the Board vote to elect Ms. Casavant as the next chair, seconded by Mr. Kane, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes. Ms. Casavant assumed the role of chair. Mr. Samia moved that Mr. Lebeaux be designated as vice chair, seconded by DePalo, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes. Mr. Kane nominated Mr. Samia as clerk, seconded by Lebeaux, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes.

2. Approve bills, payrolls and warrants

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve warrants 2049, 20102, 2055S, and 20104 as presented.

3. Approve Minutes of May 26, 2020, June 4, 2020, June 9, 2020, June 11, 2020, and June 15, 2020

On a motion Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the minutes as presented.

4. **Announcements/Reports**

Mr. Lebeaux- recently acknowledged all the great work the clerk's office did and particularly thanked the poll workers that came forward during difficult challenges due to covid-19 for the June 16th election.

5. **Town Manager's Report**

Mr. Mizikar made an announcement in regards to drinking water wells. A week or so ago, Our Sewall #4 well seized up and went offline. The town is now in the process of getting it rebuilt and repaired. Well #4 is one of the most produced wells. This has led to several days of tight limitations on water. When a high producing well is out of commission during a high use period it strains the system and we haven't been able to replenish holding wells in the meantime. This is also contributing to some dirty water conditions. Mr. Mizikar asked residents to limit water usage until well pump is repaired.

Earlier this week Mr. Mizikar, Ms. Casavant, Mr. Lebeaux and nine other individuals participated in the second round of the police chief interview process. Chief Hester is retiring at the end of the month and Mr. Mizikar thanked Mr. Hester for his service to the Town. Mr. Mizikar gave a summary of his career: Chief Hester first started with the Town on 7/16/1987 as a Police Officer and served 9 Years as patrol officer. He was promoted to Sergeant on 3/12/1996 and served 10 years as Sargent. He became Chief April 9, 2007 and served for 14 Years for a total of 33 years of service in July. Mr. Depalo acknowledged the hard work and success of Chief Hester. The Board agreed with Mr. DePalo's sentiments and wished him the best in his retirement.

Meetings/Hearings:

6. **7:05 pm: Continued Public Hearing with Keith Lindem, Proposed Manager, 81 Clinton Pub, LLC, d/b/a Billy's Pub, 81 Clinton Street, for an All Alcoholic Beverages Pouring License and Entertainment License. Hours of Operation Sunday through Saturday 11:00am-2:00am. Hours of Entertainment Friday and Saturday 7:00pm-11:00pm**

The applicant requested a continuance. Mr. Kane asked what the reasonable amount of time to continue this hearing is. Mr. Mizikar said he would reach out to the applicant to inquire on the timeline for completion of the requirements and advise the Board of this status. Mr. Mizikar requested that the Board continue one last time to the next meeting. On a motion by Mr. Samia, seconded by Mr. DePalo, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to continue this hearing until July 14, 2020.

7. **7:10 pm: Presentation with Bernard Cahill, Town Planner, and Mark Favermann, Consultant, Favermann Design, on Town Center Wayfinding. Review and vote to approve the proposed design and locations of wayfinding elements**

Mr. Favermann stated that the idea was to come up with a series of details and decorative arm-work to be added to the signs. Mr. Favermann showed a series of examples with historical quality and stated that they can come back at the next meeting to show how the style can be applied. Mr. Cahill clarified that the Board would look at the design itself, approve or recommend that suggestion, and going forward some design elements will have to be costed out for when we have the funds, which may be few years until the Town has the money to have this fabricated. The Board discussed the image and had a consensus that the image was acceptable. On a motion by Mr. Lebeaux, seconded by Mr. DePalo, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve design and locations of wayfinding elements.

8. 7:15 pm: Meeting with Christopher Mehne, Town Moderator, to discuss postponing the June 29, 2020 Annual Town Meeting

Mr. Mehne briefed the Board on his thoughts and concerns on holding the Annual Town Meeting on the date and location as scheduled and concerns for safety due to COVID-19. Mr. Mehne discussed the quorum reduction abilities of up to 90% and opportunities to change the location of the meeting. In addition to setting a date beyond June 29th, Mr. Mehne explained that holding the meeting at a place indoor or outdoor, a reduction of quorum, and a consent agenda (grouping together non-controversial articles that tend to be voted unanimously to be dispensed at the same time to shorten the meeting), should be considered.

Mr. Mizikar has monitored other towns and consulted with Dr. Hirsh of CMRPHA and Mr. Stephen Vigeant, Board of Health Chair, and both are uncomfortable moving forward with a town meeting at this time. Mr. Mizikar recommended that no change of venue be listed. Mr. Mehne discussed the possibility of a remote meeting as well in case the health advisories do not improve significantly. The Board discussed the process for a consent agenda and the ability for a town meeting representative to still be able to speak and hold an article in a consent agenda if desired. The Board also discussed the reduction of a quorum and the challenges of holding off a town meeting and not having a foundational budget in place. Mr. Mizikar recommended that the 10th or 17th of August be held as a date for Town Meeting and to keep the venue as the field house. The Board, Moderator, and Town Manager discussed the process and logistics of the Annual Town Meeting including presentations, swearing in town meeting members. On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalò- yes, Ms. Casavant- yes, the Board unanimously voted to support the moderator's decision to delay the Town Meeting another 30 days to July 29th at Shrewsbury High school at 7 pm. The Board further discussed their thoughts on a reduction of quorum. The Board will discuss the quorum reduction at their next meeting on July 14th and will provide 7 days advance public notice on intention to reduce the quorum.

Special Reports/Actions/Updates:

9. Coronavirus/COVID-19 from Town Manager

Mr. Mizikar presented a PowerPoint presentation that reviewed an update on COVID-19 which included positive cases, deaths, town office closures, and cares act funding financial update.

Financial Business:

10. Budget Report

Mr. Mizikar presented a PowerPoint presentation that reviewed an update on FY2020 local receipts, the FY2021 Budget, and the FY2021 utility and non-utility operations. Although the Town is not in a deficit position, the funding will be very tight. Mr. Mizikar identified some multi-year challenges and a number of challenges including putting \$835k from free cash into operations that will not replenish itself. Operationally, the new Beal is set to open in FY2022. The pension system is subject to market conditions.

New Business:

11. Discuss and act on creating a task force to consider questions of diversity, discrimination, and racism in the Town of Shrewsbury and how to best address them

Mr. Lebeaux clarified that he is not suggesting that the Board lead this effort, but that the Board should organize a supporting structure, such as a task force. Mr. Lebeaux suggested a name, Shrewsbury Diversity, Discrimination and Racism Task Force, and suggested the following structure and missions:

- That the task force also address age, physical & mental challenges, ethnicity, genders and sexual orientation
- Membership consisting of a large body, possibly 30 members, with a mix of government and non-government. The majority should be non-government, 2 co-chairs, one government and one non-government. Members included would be a wide range of backgrounds/demographics (consult census data)-young/old, new and longtime residents, owners and renters, not tied to registered voters, but residents
- Term suggested is 6 months to a year with interim reports to the BOS

- Charge should not be overly prescriptive-study issues and provide a series of recommendations of actions (both to government and to community) and may consist of a smaller standing committee
- Shuld be specific to Shrewsbury and ma consist of smaller working groups
- Public participation and comments should be an essential component
- Potential Members:
 - Government: Board of Selectmen, School Committee, Housing Authority, Town Manager, Rank & File Employee, Commission on Disabilities, Council on Aging, Board of Health
 - Non-Government: Churches, Shrewsbury Ecumenical Council, Shrewsbury Youth & Family Services, reps of organizations representing minority cultures, AVISE, students, public at large

The Board discussed their opinions on the task force. Mr. Samia stated that Lexington also established a task force in 2017 and would like to research their findings. Mr. Kane stated that if the Board overprescribes, it will inadvertently steer it in one direction or another. The quicker the Board acts, the better the overall effort will be served. Mr. DePalo would like to see an interim report. Ms. Casavant would like student representation. The Board discussed putting an item on next agenda to establish a formal charge for the meeting.

12. Review and act on Temporary Outdoor Dining License approvals in accordance with COVID-19 order No. 35

a. Robin Paradise, Manager, Doright Steakhouse, Inc. d/b/a Amici Trattoria and Willy's Steakhouse, 582 Main Street and 2 Grafton Street

On a motion by Mr. Kane, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the application.

b. Malkait Gill, Owner, Ramandeep, Inc. d/b/a Bollywood Grill, 97 Boston Turnpike

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the application.

c. Colin Parker, Manager, Shrewsbury Wings, LLC, d/b/a Hooters, 378 Maple Avenue

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the application.

13. Review and act on the draft Board of Selectmen meeting calendar for July through December 2020

Mr. Samia stated that he would like to schedule more dates for workshops. On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the meeting calendar.

14. Review and Act on the Town Manager's reappointment of Deborah Deldotto, 318 Spring Street, to the Commission on Disabilities for a three year term to expire on June 30, 2023 pursuant to M.G.L. Ch. 40 Sec. 8j

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the reappointment.

15. Review and act on the Constable reappointment of Jonjy Ananth, 14 Lamplighter Drive, Rajoo Ananth, 14 Lamplighter Drive, Robert Esposito, 237 Maple Avenue, and John Manzi, 20 Hillside Drive, for a one year term to expire on June 30, 2021

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the reappointments.

16. Review and act on a 3 month extension request from Pharmacann relative to section 9C of the executed Host Community Agreement

Mr. Mizikar stated that Pharmacann is awaiting final approval from the CCC prior to the end of July. This should be the last extension needed. Mr. Lebeaux recused himself from this item. On a motion by Mr. Samia, seconded by Mr. DePalo, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board voted 4-0 on a 3 month extension for Pharmacann relative to section 9C of the executed Host Community Agreement.

17. Review and act on the Town Manager Evaluation form

Mr. DePalo briefed the Board on the work on the new report format based on the discussion at last meeting. Mr. Samia would like to also bring a similar assessment of the Board in the future. On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to adopt the presented evaluation form.

18. Review and act to authorize payment for the Town Manager Local Official Bond

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to authorize payment for the Town Manager Local Official Bond.

19. Review and act to approve the Warrant to Police Officer and/or Dog Officer pursuant to M.G.L. Chapter 140 Section 153

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to approve the Warrant to Police Officer and/or Dog Officer pursuant to M.G.L. Chapter 140 Section 153

20. Review and act to authorize the chair to sign the first amendment to the memorandum of agreement with MassDevelopment to complete the Beal Request for Proposal

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux-yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to sign the first amendment to the memorandum of agreement with MassDevelopment to complete the Beal Request for Proposal

Correspondence: The Board of Selectmen will review and possibly act on the following:

21. Letter, dated May 29, 2020, from Shrewsbury Housing Authority, re: PILOT Payment- so noted
22. Email, dated June 5, 2020, from Linda P. Bradley, Bureau of Local Assessment, re: Equalized Valuations and State Owned Land Valuation Determinations - Hearings and Informational Sessions- so noted
23. Letter, dated June 5, 2020, from Steven C. Boulay, Planning Board, re: Article 28, Town Meeting acceptance of Point Road Right-of-Way Layout- so noted
24. Letter, dated June 5, 2020, from Steven C. Boulay, Planning Board, re: Article 28, Town Meeting acceptance of a portion of Nelson Point Road Right-of-Way Layout- so noted
25. Email, dated June 6, 2020, from State Representative Hannah Kane, re: S2680- Municipal Governance Assistance Bill- so noted
26. Email, dated June 6, 2020, from State Representative Hannah Kane, re: Reopening Massachusetts: Baker-Polito Administration Initiates Transition to Second Phase of Four-Phase Approach- so noted
27. Email, dated June 8, 2020, from Chris Lund, 235 Cherry Street, re: Public Records Request - NITCO, 230 Cherry Street- so noted
28. Letter, dated June 9, 2020, from Patrick Pitney, 137 Floral Street, re: Letter of Resignation from the Finance Committee- so noted
29. Letter, dated June 9, 2020, from Rob and Deb Luke, 28 Patriot Lane, re: Nuisance Dogs at 47 Memorial Drive- so noted
30. Email, dated June 9, 2020, from Sandra Wright, Town Clerk, re: Town Meeting- so noted

Minutes

Shrewsbury Board of Selectmen

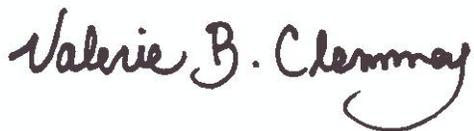
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31. Letter, dated June 10, 2020, from Jeremy Cohen, Esquire, Boston Dog Lawyers, LLC, 450 B Paradise Road, #289, Swampscott, MA, re: Request for Dog Hearing and Alleged Violations of Nuisance Dog Order 47 Memorial Drive- Mr. Mizikar will work with the chair to schedule the hearing as appropriate.
32. Email, dated June 12, 2020, from State Representative Hannah Kane, re: COVID-19 Town Meeting Guidance- so noted
33. Email, dated June 15, 2020, from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, re: Deficit Spending Authority - Shrewsbury – July- so noted
34. Email, dated June 15, 2020, from Elizabeth Carnes Flynn, Assistant Attorney General, to Patrick Higgins re: Open Meeting Law Complaint- so noted
35. Email, dated June 15, 2020, from Bridgette L. Hylton, 1 Jacobson Drive, and Sanam H. Zaer, 8 Jamie Lane, re: Proposal for Anti-Racism Committee- so noted
36. Email, dated June 16, 2020, from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, re: Free Cash Available Approval- Mr. Mizikar stated that the State has approved the deficit spending request although no need to spend deficit spending in any account.
37. Email, dated June 16, 2020, from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, re: Retained Earnings Available Approval- so noted
38. Email, dated June 16, 2020, from Danielle Frizzi, Director of Marketing, Communications, and Events, Operational Services Division, re: Attend Municipal Bid Management Guidance and Solutions Webinar- so noted
39. Email, dated June 17, 2020, from Andrew Truman, Town Engineer, to Kara Runsten, MVP Program Manager, and Hillary King, Central Regional Coordinator, re: FY21 MVP Action Grant Application- so noted
40. Email, dated June 17, 2020, from John Campbell, 176 North Street, re: Request for non-reappointment to the Historic District Commission- so noted
41. Email, dated June 18, 2020, from Robert Raymond, Principal Transportation Planner, CMRPC, re: CMRPC 2020 Traffic Counting Update- so noted
42. Letter, dated June 9, 2020, from Maurice DePalo, Chairman, to Robert Terkanian, 306 Cherry Street, re: Thank You for Donation - so noted

On a motion by Mr. Lebeaux, seconded by Mr. Samia, on a roll call vote, Mr. Samia- yes, Mr. Kane-yes, Mr. Lebeaux- yes, Mr. DePalo- yes, Ms. Casavant- yes, the Board unanimously voted to adjourn at 9:20 pm.

Respectfully Submitted,



Valerie B. Clemmey

Administrative Assistant to the Board of Selectmen

Referenced Materials

6/23/2020 Remote Script

6/23/2020 Wayfinding Presentation

6/23/2020 Town Manager Presentation

2020 Town Manager Evaluation Form