



OFFICE OF THE
SELECT BOARD
TOWN OF MAYNARD
MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
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RECEIVED

By James Alexander at 1:09 pm, Apr 19, 2023

Meeting Minutes

Tuesday, March 21, 2023

Hybrid meeting (in-person at 195 Main Street, Maynard, and remotely via Zoom)
(This public meeting was recorded.)

Present:

Jeffrey Swanberg, Chair
Justine St. John, Clerk
David Gavin, member

Chris DiSilva, member
Gregory W. Johnson, Town Administrator
Gregory Wilson, Executive Assistant

1. Meeting Opening

Mr. Swanberg called the meeting to order at 6:31pm.

A motion was made by Mr. Swanberg and seconded by Ms. St. John to enter into Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: 61-63 Summer Street.

Voted by roll call: **Motion carried unanimously, 4-0.**

2. Executive Session

Conducted Executive Session

3. Reconvene in Open Session

Mr. Swanberg called the open session to order at 7:19pm.

Public Comments: None offered.

4. Consent Agenda

- A. Proclamation for Rocco Michael Brienza, turning age 104
- B. Use of Town Property: Coolidge Park, Maynard Stow Baseball Softball
- C. Extension of Premises: Pleasant Café, 36 Main Street
- D. Extension of Premises: Babico's, 35R Nason Street
- E. Extension of Premises: Azucar, 51 Main Street
- F. Extension of Premises: El Huipil, 51R Main Street
- G. Extension of Premises: Gigi's Restaurant, 177 Main Street

A motion was made by Ms. St. John and seconded by Mr. DiSilva to approve the Consent Agenda Items A through G, as presented pending completion of all necessary requirements. Authorizing use of digital signatures if approved.

Voted: **Motion carried unanimously.**

5. Joint Meeting: Housing Authority

It was clarified that a quorum of remaining Housing Authority members for this meeting has been met.

A motion was made by Ms. St. John and seconded by Mr. DiSilva to appoint Mark Alston-Follansbee to the Maynard Housing Authority with a term ending June 30, 2023. Authorizing use of digital signatures if approved.

Voted: **Motion carried unanimously.**

6. Alcohol Licensing

A. Shree Govind, 86 Powder Mill Road

Shree Govind was asked to appear before the Select Board due to the non-use of a full alcohol retail package store license that was transferred to them on November 9, 2022. Attorney Thomas Truax, who represented Shree Govind for the transfer of the license, provided his recommendation that the license revert back to the Town since the buyer, Shree Govind, cannot operate their business due to the terms of the business sale that did not go through.

Govindbhai Patel and Garry Patel from Shree Govind informed the Select Board that they are ready to surrender the license to the Town, and they have not heard anything further from the seller. Jonathan Coffman, owner and property manager of 86 Powder Mill Rd, reiterated that Shree Govind would like to surrender this license and re-apply for a new license.

Attorney Louis Cassis, representing the previous owner of Shree Govind, Carl Wollenberg, informed the Select Board that since the current owners of Shree Govind did not close on the business sale and the license is a condition of the sale, Shree Govind should not be able to take the proposed route of relinquishing the license back to the Town, and it should go back to the seller.

During discussion, the Select Board identified a need to determine with Town Counsel who in fact owns the license in the eyes of the ABCC. Garry Patel also clarified that Shree Govind paid the fees for renewing the license for 2023 and had previously agreed to transfer the license back to the seller in January, but has not heard from the seller since. Additionally, Mr. Coffman clarified that Shree Govind has the lease to operate at 86 Powder Mill Road, whereas the seller does not.

7. 7:15PM Public Hearing: Water and Sewer Enterprises

A. Proposed Utility Fees (Rates) for Fiscal Year 2024 (FY24)

Mr. Swanberg opened the public hearing at 7:49pm.

Department of Public Works Director, Justin DeMarco, provided a brief summary from his presentation from March 7, 2023, and no changes have been made. During discussion, it was clarified that the rates are tiered, such that the rate charged for use only increases to the next step when a customer reaches that particular tier, and the higher rate is not applied to previous usage in the lower tier.

A motion was made by Justine St. John and seconded by Mr. DiSilva to approve the water and sewer utility use rates for fiscal year 2024 (FY24) as listed in exhibit 1, (water), and exhibit 1A, (sewer) in the Public Works Director's memo to the Select Board dated February 28, 2023, effective July 1, 2023. Authorizing use of digital signatures if approved.

Voted via roll call: **Motion carried unanimously. 4-0.**

A motion was made by Mr. DiSilva and seconded by Ms. St. John to close the public hearing at 8:03pm.

Voted via roll call: **Motion carried unanimously. 4-0.**

8. Concord Street and Hayes Street

A. Intersection Improvement Project Concept and Scope Updates

Mr. DeMarco and Wayne Amico, Maynard Town Engineer, presented the current project scope to the Select Board with the intent on receiving feedback as project plans further develop. The project covers the intersection of Concord Street and Hayes Street, touching Brown Street and Acton Street, with a goal to add more traffic controls to improve the safety and flow of motor and foot traffic.

During discussion, the Select Board suggested providing future updates that are less technical to promote understanding among the Board and the public.

9. Annual Town Meeting May 15, 2023

A. Draft Articles

The Select Board reviewed the presented draft articles to be considered for Town Meeting. During discussion, it was clarified that any future verbiage changes would be minor, not impacting approval from this evening. While reviewing the draft articles, the following clarifications were offered:

- For (AA)- this is meant to support cemetery work, however, further revisions need to be made, and this will not be voted on this evening;
- For (AC)- soft cost clarification is needed;
- For (AP)- the comments verbiage must be reviewed with Town Counsel;
- For (AE)- this is a recommendation, and not a binding item if passed at Town Meeting;
- For (AF)- this would be binding if passed at Town Meeting; and
- For (AG), (AH), and (AI)- these are amendments from previously approved draft articles, which will be replaced by these articles if approved.

A motion was made by Ms. St. John and seconded by Mr. DiSilva to accept and approve the following Draft Controls:

- (R) Maynard Country Club Capital Improvement
- (S) Sewer Enterprise Budget
- (T) Water Enterprise Budget
- (U) Sewer Enterprise Retained Earnings Transfer Reserve Fund
- (V) Water Enterprise Retained Earnings Transfer Reserve Fund
- (W) Sewer Enterprise Retained Earnings Transfer Capital Equipment
- (X) Water Enterprise Retained Earnings Transfer Capital Equipment
- (Z) Wastewater Operations and Management Contract Authorization

- (AB) Community Preservation Fund Budget
- (AC) Community Preservation Reserve Fund Appropriations
- (AD) Prior Year Bills
- (AE) Green Meadow Elementary School Fossil Fuel- Citizen Petition
- (AF) By-Law Amendment DOER Stretch Code- Citizen Petition
- (AG) Amend Zoning By-Law Section 3.1.2, 7.2, and 11.0 Body Art Establishments
- (AH) Amend Zoning By-Law Section 3.1.2 and 11 Business Uses for Trade Shop and Definitions
- (AI) Amend Zoning By-Law Section 3.1.2, 3.2, 6.1.5, and 8.3 Use Regulations, Parking Space Requirements, Accessory Home-Based Activities
- (AJ) Maynard Public Education Budget Fiscal Year 2024
- (AM) Authorize Revolving Funds Chapter 44. Section 53E1/2
- (AN) Transfer Ambulance Receipts Reserved for Lease Appropriation
- (AO) Fiscal Year 2024 Salary Administration Plan
- (AP) Sewer Enterprise Retained Earnings Transfer Reserve Fund Summer Hill Road as shown, and forward to the Finance Committee for review and comments.

Voted: **Motion carried unanimously.**

10. FY24 General Fund Budget

With around \$35,000 remaining for further appropriation, Mr. Johnson presented the Select Board with a several allocation options, including the Senior Population Community Assessment, personnel contracting, Capital Pay-As-You-Go account, health insurance, tree and vegetation control, road/sidewalk maintenance, Stormwater control, and the School Department. Additionally, Mr. Johnson presented several Free Cash appropriation scenarios.

During discussion, it was clarified that the Special Education Stabilization Fund through the Circuit Breaker program is meant to help fund special education efforts. Concerns were raised regarding pushing back Town Hall HVAC upgrades as well as taking money from the stabilization fund, and it was clarified that the HVAC upgrades could be pushed out one more year if needed. Discussion also occurred regarding a possible debt exclusion override, raising concern about future affordability of living in Town.

While discussing impacts on the School budget, concern was raised at using Free Cash to fund an operating budget at such magnitude, and the Select Board explored the possibility of allocating more funding into the stabilization fund and allocating it for school use. Additionally, Natasha Rivera, Chair of the School Committee, informed the Select Board that if the Schools were able to receive Free Cash in the amount of \$257,599 for their budget next fiscal year, they may rescind the recently submitted Town Meeting article requesting further funding. Mr. Rivera also clarified that other communities experienced Circuit Breaker funds returning to the Town rather than staying within the school budgets.

The Select Board agreed to allocate \$35,051 in the General Fund to support forthcoming personnel contract settlements. From Free Cash, the Select Board directed to allocate: \$50,000 for the Special Education Stabilization Fund; \$87,599 for the Maynard School Department's general operating budget; \$100,000 for the general stabilization account; \$100,000 for Town Hall HVAC upgrades; and \$327,000 for snow/ice treatment.

11. Green Meadow School Building Project

A. Status

Ms. St. John provided an update to the Select Board. Updates include meeting yesterday and hearing further public feedback and concerns. Ms. St. John mentioned a concern raised by Chris Arsenault on possible soil issues onsite. This concern was generated from a 1998 survey of a nearby school property, and the Green Meadow School Building Committee is organizing to have 75 more boardings done on the Green Meadow plot to test the soil. Ms. St. John and Mr. DiSilva expressed confidence that this route, explored alongside the project subject matter experts, will properly address the raised concern. Additionally, Ms. St. John reported that the total construction cost is at \$63.12 million with the gas fired boiler. An alternate ground source heat pump would increase costs by \$4.359 million; air source heat pump would be an extra \$1.769 million; pickleball courts would be an extra \$159,000. The MSBA reimbursement policy indicates that the Town should receive a total reimbursement of about 37%. With gas fired boiler, total project costs are \$78.4 million, MSBA share would be \$29.38 million, and the local share would be \$48.98 million. With the alternate heating source, the local share would be \$54.16 million. The Committee decided to move forward to the MSBA with a total cost of \$83.6 million, which could possibly encompass a geothermal system. The Committee will decide on the heating source within the next month or so.

During discussion, it was clarified that the Select Board will not vote on the schematic design, but will review it for possible endorsement. Additionally, Ms. St. John announced her resignation from the Green Meador School Building Committee. Mr. Johnson will research the best way to fill the vacancy.

12. Correspondences

- A. 2023 Verizon Annual Agreement and Guides
- B. Maynard Historical Commission Legal Notice
- C. Maynard Historical Commission 61-63 Summer Street Historical Significance List
- D. Conservation Commission Notification to Abutters: 2-4 Waltham Street; 2 & 6 Powder Mill Road
- E. GZA Notification of Immediate Response Action Status Report: White Pond PFAS
- F. Maynard Retirement Board- Board Member Elected: Patrick Hakey
- G. Town Counsel Mead, Talerman & Costa Public Comments and the SJC
- H. Comcast HBO and HBO Max Increase

Mr. Johnson commented that on Correspondence item G, this is draft language, and updated verbiage will be presented at a future meeting.

A motion was made by Mr. DiSilva and seconded by Ms. St. John to accept the correspondences A through H as shown.

Voted: **Motion carried unanimously.**

13. Acceptance of Minutes

- A. Feb. 21, 2023; March 7, 2023; and March 8, 2023

A motion was made by Ms. St. John and seconded by Mr. DiSilva to accept and approve the meeting minutes of Feb. 21, 2023; and March 8, 2023 as shown.

Voted: **Motion carried unanimously.**

14. Town Administrator Report

A. Town Administrator Report

Mr. Johnson announced that the second round of interviews for the Assistant Town Administrator will take place on Friday, Andrew Gould was hired as the Interim Finance Director, and the permanent Finance Director position may be readvertised. Mr. Johnson also informed the Select board that he is hoping to take time off April 18-23, 2023.

15. Chair Report

Mr. Swanberg attended the community info fair at Library, which was well attended. Mr. Swanberg is organizing a Tri-Board meeting after Town Meeting.

16. Board Member Reports

Mr. DiSilva asked for clarification on the impact of the Historical Commission naming 61-63 Summer Street a historical site. Mr. Johnson clarified that there will be a delay on demolition but will look into any additional specifications. Mr. DiSilva also inquired about the Economic Development Committee minutes, and Mr. Johnson will look into this.

Ms. St. John asked for clarification on when the next Budget Subcommittee meeting, and Mr. Johnson clarified that it is on April 12, 2023.

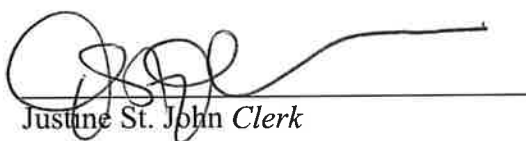
Mr. Gavin echoed the comments previously provided on Saturday's Library information fair.

17. Adjournment

A motion was made by Mr. DiSilva and seconded by Ms. St. John to adjourn the meeting at 11:04p.m.

Voted: Motion carried unanimously.

Approved Date:



Justine St. John Clerk

Initials: gw