

Sherborn Select Board  
August 10, 2023  
Virtual Meeting  
7:00 PM

Members Present: Jeff Waldron, Eric Johnson, Steven Tsai, Paul DeRensis, Marian Neutra

SB Staff: Jeremy Marsette, Diane Moores

Reading of the Agenda:

Motion:

Move to modify the agenda by moving item #5 “Special Town meeting – October 17, 2023 – Review of Draft Warrant Articles” to be reviewed and discussed after Item #2.

Moved: Eric Johnson

Second: Marian Neutra

Roll Call: Johnson, aye, Neutra, aye, Tsai, aye, DeRensis, aye, Waldron, aye

ERIC JOHNSON LEFT THE MEETING FOR ITEMS 1, 2 AND 5

Review and Act Upon Open meeting Law Complaint by Robert Murchison dated July 28, 2023 concerning North Sherborn Water District Working Group.

Motion:

Move to refer to Tom Mullen, Special Town Counsel to handle

Moved: Paul DeRensis

Second: Marian Neutra

Roll Call: DeRensis, aye, Neutra, aye, Tsai, aye, Waldron, aye

Update on legislation for North Sherborn Water Sewer District, Revised Public Information Document and Draft Special Town Meeting Warrant Article

Marian Neutra stated the North Sherborn Water District Working Group presented draft legislation to the Board and residents attending the meeting. During that meeting some concerns were raised and the Working Group heard those concerns and has tried to incorporate those concerns into the draft legislation.

Ms. Neutra stated that the Town is trying to get water and sewer from Framingham to service two developments that had already been approved by the town. One of developments will be age restricted and the other one will be a rental development, which will have 25 affordable and will bring the town to over our 10% affordable quota.

Framingham is tentatively providing both water and sewer from Kendall Street down to Coolidge Street. The big issue is and will be, is who gets to plug into this water and sewer. A lot of considerations need to be taken into account. The first thing is to get a Water and Sewer District in place for the developer who is Toll Bros but could possibly be another contract who would commit to building the projects. The developer will be responsible to install and pay for the water sewer pipes. This will not be borne by the Town.

The total water volume will be defined by the Intermunicipal Agreement (IMA) with the City of Framingham, and there will be limits to what Framingham will be willing to provide.

Once the developments are completed and a Water Sewer District is in place the developer will transfer the ownership of the infrastructure to the district to run. The Town at no point will own the infrastructure and the infrastructure will not have any impact on property taxes for abutters to the district or anyone else. The District is a separate legal entity under State law that will be created by these legislations that we are bringing forward to Special Town Meeting.

The Working Group under Jeremy Marsette has had discussions with Special Legal Counsel and with our state representatives who are very enthusiastic about the project and are willing to support the legislation.

The draft Legislation has been revised many times with Special Town Counsel and the final version is still in draft form and under revision. Once completed it will be put up on the Town's Website.

The Select Board scheduled a Special Fall Town Meeting to see if the Town will vote to allow the Select Board to submit the legislation to the State for approval and once approved, we will then need to have an IMA in place with Framingham. The IMA does not require a Town Meeting vote.

Marian went on to say that there are currently properties on Kendall Ave. (the Farm) and the Geohan property across from the farm and the Condos, Sherborn Meadows that are currently receiving Framingham water., and they will automatically be in the District. For properties already in the district service area or added in the future, there is no change of use. If there is a change of use a two-thirds vote at town meeting and approval by the District is required, because the Town would need to have a say in where development happens and what kind of development is being proposed.

The working group discussed in detail whether properties abutting the new water should be included and without a town meeting vote and the group concluded that yes, they should be able to hook into the water and sewer pipes with a simple application to the Select Board and the District Commission as long as they can fund it themselves.

Given that the working group is not an official town committee we looked for people that could contribute thoughts and input from various boards and committees in town.

Jeremy Marsette stated that as soon as the public information is finalized or a summary of the proposal is finalized it will go out for public consumption, so if there are any comments to please reach out.

Steven Tsai asked that if all of the abutters wanted to join the District that would be a lot more water that Framingham is currently supplying, and would Framingham have to be in on the decision since that would mean supplying more water than originally planned for.

Marian Neutra stated that the baseline amount of water is currently the two developments but also all of the abutters at their current water usage.

Paul DeRensis asked that if you are already in the District and now sell your property and now that property is going to be developed what happens.

Tom Mullen, Special Town Counsel stated that the Town is going to ask the legislature to provide that the existing use be defined as of the date of submission of the legislations and should any abutter thereafter who wishes to increase the intensity of its water use by subdividing or doing a 40B project or even using an ANR Plan they would need to go to Town Meeting for a two-thirds vote.

For the complete discussion please view the meeting on [www.youtube.com](http://www.youtube.com) or [www.dsctv.com](http://www.dsctv.com)

### Special Town Meeting – October 17, 2023

- Review of Draft Warrant Articles

Jeff Waldron stated that the main reason for the special town meeting is the legislation for the formation of the Water District Commission, but there are a few other Articles that would be brought forward in the spring but because we are having the STM in October they are coming forward for the Select Board to discuss tonight.

Jeremy stated that the Select Board opened the Warrant on July 27, 2023 and voted to close the Warrant on August 17<sup>th</sup> at 5PM.

There are a few potential Warrant Articles some only housekeeping items others are not housekeeping items.

One of the Items is a Revised Preliminary Development Plan for Meadow Brook Commons. Toll Bros is proposing a slightly different square footage than what was presented at Town Meeting in 2017 when they were approved. It is the same number of units, and same number of bedrooms.

Other Articles to consider is sunsetting the Traffic Safety Committee, the Committee was established by a Bylaw. The Select Board also formed a Public Safety Committee which has a boarder representation with employees and ex officio members as well.

Steven Tsai asked if any of these Draft Warrant Articles have a timing issue and can they be deferred to Spring Town Meeting. Generally, the goal of a Special Town Meeting is to keep it short and to limit it to only necessary Articles that can't wait until Spring Town Meeting.

Jeremy Marsette stated that in his opinion there is only one other Article that the SB should consider and that would be reappropriate capital funds that are in surplus from the Pine Hill Access Road, the Transfer Station Paving Project, \$200 for DS Roof Restoration (accounting issue) to rescind the unissued Dept from Elder Housing and to reappropriate those funds to be used for the roundabout or for roadway projects in general.

The Dog Fund Bylaw which has funds from dog licenses going into the Dog Fund but under Mass General Finance Laws doesn't allow us to do that and that revising the current 3 Member Capital Budget Committee Bylaw could certainly wait until Spring Town Meeting. Jeremy stated that as the SB know it can be difficult with open meeting laws and having enough members present to hold a meeting can be difficult at times, but with changing the Charter to make it a 5 Member Board would make it easier to hold meetings with a 5-member board.

Paul DeRensis asked if the Meadowbrook Development was still going to be an over 55 Development.

Jeremy Marsette responded that it would not change, they are only requesting a change in the square footage if approved.

Regarding the Capital Budget Committee, Paul stated that he does not want to go forward with any changes to the Capital Budget Committee without the full Committee present to have a discussion on the change in membership. Paul went on to say that having a SB on the Capital Budget Committee is contrary to the culture of the where you don't put a Select Board Member on Capital Budget or the Advisory Board. Paul stated that he would oppose changing the Charter of the Capital Budget Committee to go from 3 to 5 members.

Paul stated that rescinding the Dog Fund is something that the Town absolutely needs to do, and should have been done years ago and he would suggest that it go forward to be voted on at the Special Town Meeting in October.

Traffic Safety Committee – Paul DeRensis that they are not the same as the Public Safety Committee. The makeup of the Traffic Safety Committee consists basically of town residents, and their input from being a resident of the Town is very important, whereas the Public Safety Committee is employees and Town Brass.

Capital Appropriations, Paul DeRensis stated that his advice on capital appropriations is the best way to do this is with a new appropriation and that rescinding an appropriation does basically nothing. Paul said that this is the first he has heard about using Capital Funds going towards the Roundabout, and generally the way that one goes about this is to present to the voters that we are doing a roundabout and how it is going to be funded, so this should be a Warrant Article to build a Roundabout and funded in part by using the Capital Fund money that was just discussed. Paul stated that he has no problem presenting a roundabout article to the voters but he would like to see that all of the funding is in place first, so that the voters can see what the cost is and what the funding sources are.

Mr. DeRensis asked if we have heard anything from the legislature for an important piece of funding, and if we have heard he does not have a problem with this going forward in October.

Jeremy Marsette stated that the Town submitted an application for a \$500,000 grant and we are anticipating hearing on the Grant sometime in October. Having the approval at the Special Town Meeting in October, so having those funds available to the town, construction would begin sometime in the Spring of 2024. The current cost estimate to build the roundabout is \$1.2 million.

Paul DeRensis stated that if that is the case and the Town has the Grant, he is all for going forward since the big picture will be presented to the voters.

Jeremy Marsette stated that if for some reason we don't secure the grant, the Town can use Chapter 90 Funds and with the reuse of the town capital items discussed earlier would certainly help, and the town also has a prior grant for complete street for about \$300,000 that could be utilized. We will lay out and give the Board more detail as far as the anticipated cost at a future SB meeting giving the Board a chart of what the anticipated expenses are and the anticipated revenue source would be.

Jeff Waldron stated that the discussion should be at the next SB meeting on August 24<sup>th</sup> since the Warrant closes on August 17<sup>th</sup>.

Jeremy Marsette stated that he would like guidance on what Warrant Articles to bring forward so that he can have Town Counsel start working on the Warrant Language.

Jeff Waldron stated that Traffic Safety needs more of a discussion so bringing that forward for Special Town Meeting can wait until Spring Town meeting, the Dog Fund Article we should move forward and bring to Special Town Meeting, the capital item for the Round-a-bout should also move forward to the Fall Special Town Meeting providing that a complete package of information can be presented to the voters.

### **Eric Johnson Returned to the Meeting.**

#### Bond Anticipation Note

Heidi Doyle explained that is to rolling over last year's items that the Town had we had done a one-year borrowing anticipate note and adding in the roadwork that was approved at Spring Town Meeting. Went out to bid and today we had the sale, the town received 5 bids and the winner of the bid is TD Securities that came in at 3.673, for reference last year we got 3.4.2 % so it only went a little bit.

Library project:	\$1,900,000
ATM 22 Stormwater Compliance	\$200,000
ATM 22 Roadway Management	\$500,000
ATM 22 Pine Hill School Floors	\$68,000
ATM 22 Woodhaven Windows	\$130,000
ATM 21 DPW Pick-up-Truck	\$109,719 (was on a separate Ban)
ATM 23 Roadway Management	\$250,000

Total: \$3,157,719.00

#### Motion:

Move to award the Bond Anticipation Note for \$3,157,719.00 for Library Building Project, ATM 2021, 2022 and 23 Capital items to TD Securities at 3.673.

Moved: Paul DeRensis

Second: Jeff Waldron

Roll Call: Johnson, aye, Tsai, aye, DeRensis, aye, Neutra, aye, Waldron, aye

#### OPEB Funding Policy, Heidi Doyle, Treasurer

Heid stated that the Select Board previously approved the OPEB Investment Policy. This is a funding policy, following the Town's annual practice of contributing \$200,000 each fiscal year toward the OPEB Liability with the intent that once our Middlesex County Retirement obligation is funded around 2037, the Town will increase funding to OPEB liability. Advisory had a lengthy discussion on what amount to commit to and decided on 50% of the MCRA amount. This was approved by Advisory on October 5, 2022.

This policy can be changed at any time so the Town can pay more annually or decide to change the percentage in later years. The advantage to having this in writing is it helps our discount rate for the OPEB advisory reports as well as assist with demonstrating good financial planning for S & P ratings.

Motion: Move to approve the OPEB (Other Post Employment Benefits) Funding Policy as approved by the Advisory Board.

Moved: Paul DeRensis

Second: Marian Neutra

Roll Call: Johnson, aye, Tsai, aye, DeRensis, aye, Neutra, aye, Waldron, aye

### Considerations of appointment to the Agricultural Commission

Richard Robinson is seeking approval from the Select Board to be reappointed to the Agricultural Commission. The Commission is in support of this appointment.

Motion: Move approval for a term to expire June 15, 2026

Moved: Paul DeRensis

Second: Marian Neutra

Roll Call: Johnson, aye, Tsai, aye, DeRensis, aye, Neutra, aye, Waldron, aye

### Consent Agenda

Eric Johnson stated that on the minutes of July 27, 2023 under the vote to Open and Close the Warrant it is listed as Mr. Johnson abstaining on the vote when it should be a 4-0-0 as he was not in the meeting at the time of the vote.

Motion: Move to approve with the amendment to the July 27, 2023 Minutes as requested by Board Member Eric Johnson

Moved: Paul DeRensis

Second: Marian Neutra

Roll Call: Johnson, aye, Tsai, aye, DeRensis, aye, Neutra, aye, Waldron, aye

### SB Report

Marian informed the Board that the ZBA had their first hearing to consider the comprehensive 40B Development, called Farm Road Homes.

There was a discussion about having SB members present at those Hearings and how that could be done without breaking the open meeting law if more than 2 SB Members wanted to attend the hearings. The next ZBA meeting is scheduled for September 6, 2023.

Marian stated that the Board should look at the Website under Land Development because you will find the letter that the SB wrote to MassHousing with the various concerns and opinion of the other boards and committees' pros and cons. MassHousing came back with a letter to the Town as well as the Developer advising the Developer what should be covered in the Comprehensive Permit process and items that MassHousing felt were outstanding issues that the Developer should address. There is the Developer's response to MassHousing's letter. The Board should take a look at the revised site plan as it is not the original plan that was submitted with important changes made.

Marian feels that as a SB we should take another look at the Development and discuss it at a posted meeting because the Board can weigh in again if there are important issues, we feel need to be addressed by the Zoning Board.

Eric Johnson stated that a quorum of the Select Board can attend a meeting as long as there is no discussion or deliberation among the Board Members. Would it be a good idea just to be safe to post for a meeting and basically just open and close the meeting.

Paul DeRensis stated that you would need to have minutes of the meeting if there was a quorum of the Board, you would be ok to attend as long as you don't cross and deliberate amongst ourselves.

Marian Neutra asked that this discussion be placed on the agenda for the next SB Meeting.

Eric Johnson asked which group has purview over stormwater for review of the stormwater plan as he would like to be a part of whatever group is doing the review.

Marian Neutra stated that it could be the Planning Board.

Paul DeRensis stated that most of his towns assign stormwater review to the Conservation Commission, but there is also a significant number of towns that assign it to the Planning Board and he is not aware of any other Board to whom the duties have been assigned. Paul stated that every town has a stormwater bylaw and, in the bylaw, it assigns it to someone.

Steven Tsai stated that it is definitely not Con Comm.

Sean Killeen stated that the Bylaw review has historically been under the Planning Board, if it's a 40B it is under the ZBA. The regulatory is DPW and the Planning Board. During construction it's going to fall under the spill protection control plan. Those control measures fall under the building Department and Con Comm and anything related to the MS4 is Planning Board, Building Department and DPW and may be regulated by Phosphorous Reduction. Coolidge Street project won't be, but the Farm Road project will be. If it is under the DPW it is also under the Town Administrator and the Select Board.

### TA Report

Jeremy Marsette stated for anyone that drove by North Main Street and Coolidge Street intersection this afternoon, a long-standing Ash Tree had to be removed. The Tree was deemed to be a hazardous tree and needed to be taken down. The good news is that Eversource paid to have the tree taken down.

Received notice from Algonquin Gas that they intend to do some work at a valve that they own at the corner of Nason Hill Road and Bogastow Brook Road. The abutters were all notified of the work and a contact name and number was given to the abutters if they had any questions.

The Boston Outdoor Preschool Network has reached out to the Conservation Commission with a proposal to hold some preschool classes starting in September at the Barber Reservation. The classes would be outdoor preschool classes for up to 12 students with a minimum of 2 teachers. It would run the length of the school year in the mornings from 9AM to Noon. More to come on this subject

Jeremy informed the SB that the Friends of the Sherborn Library sent a nice note thanking the Board for supporting the Arts and Crafts Fair.

Motion to Adjourn

Moved: Eric Johnson

Second: Marian Neutra

Roll Call: Johnson, aye, Tsai, aye, DeRensis, aye, Neutra, aye, Waldron, aye

Meeting Adjourned at 8:47PM

Documents from the meeting may be viewed by contacting Diane Moores at [diane.moores@sherbornma.org](mailto:diane.moores@sherbornma.org).

To view the meeting in its entirety, go to [www.youtube.com](http://www.youtube.com) or [www.dsctv.com](http://www.dsctv.com)

Submitted by: Diane Moores

Approved: September 7, 2023