



## SELECT BOARD MEETING

Meeting Minutes

October 11, 2023

7:00 P.M.

APPROVED: 10/23/23

**PRESENT:** Kristin Hilberg, Chair; Wesley Fowlks, Member; Priya Sundaram, Clerk; David McKiernan, 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.*

### **Call the Meeting to Order & Roll Call**

At 7:02 PM, Chair Hilberg called Select Board meeting to order, via a hybrid meeting pursuant to the procedures noted.

### **ANNOUNCEMENTS**

Chair Hilberg read the announcements. The Board held a moment of silence for John Lyons.

### **BOARD & ADMINISTRATOR COMMENTS AND REPORTS**

Chair Hilberg explained that she recently attended a Mass Municipal Association program with Clerk Sundaram regarding communicating with the public. She noted that Cindy Markowitz previously requested that the EDC appointments be placed back on the agenda for reconsideration. This will be placed on a future agenda.

Town Administrator Johns stated that Officer Zachary Stillman will not be able to attend the meeting this evening but will come in person to a future meeting. Officer Stillman recently graduated from the Academy and has been appointed and sworn in. Regarding body cameras, Town Administrator Johns explained that these are online as of yesterday. He noted that the United Church of Christ will be holding its annual silent auction, and the Town will be auctioning off rides in its emergency vehicles. This money is raised for the food pantry and other items. Town Administrator Johns explained that the Select Board packet is an administrative tool to ready the Board for its meeting and is not meant to be a public forum or a place for posting opinions. This should be kept as a place for administrative business only. He spoke with legal counsel and there is no requirement for public input to be included in the packet, or for the packet to be published at all, though there is no intention to remove this tool from the public view at this time.

### **PUBLIC INPUT BOARD DISCUSSION**

Chair Hilberg explained that she reviewed policies and Roberts Rules to determine how public input sessions are best managed. In Boxborough, the basic function of the Select Board consists of calling Town Meetings, proposing budgets to the Town Meeting, setting public policy, calling elections, licensing setting certain fees, overseeing certain volunteer and appointed bodies, and creating basic regulations. Boxborough has a strong Town Administrator who works with Department Heads to gather information as necessary to make decisions on behalf of the Town. As a strong Town Administrator, he is allowed to make decisions and coordinate with the community. The Board was previously asked to review its Operations Policy, and this should be done, as it was last approved in September 2019, when the Town had a different form of administration. Per the Operations Policy, the Board's meeting packet includes all backup data, pertinent information, and/or an outline for discussion that accompanies subject matters or items that appear on the agenda. Technically the items placed on the agenda can be determined by the Chair, but she does not feel comfortable making those decisions in a vacuum and would like the Board members to discuss it. Also, per the policy, Board meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure, such as Roberts Rules of Order. One reason for having parliamentary procedure is to make everyone comfortable participating in the meeting. It is the policy of the Board to set aside 15 minutes at the beginning of each meeting for public participation time. Public wishing to speak must follow the rules and directions of the Chair so as not to interrupt business in the scheduled agenda. The purpose of public participation shall be to afford the general public an opportunity to ask questions on an ongoing basis. All Board meetings are open to the public. If time permits, the Chair may recognize residents to comment or question on matters under consideration by the Board. In the event the Board has sufficient time to accommodate resident comments, residents will be limited to no more than two minutes per person. Chair Hilberg stated that she would like the Board's

input on this item. She stated that she believes the agenda package should contain only pertinent information relevant to the business of the Town. What is or is not included in the packet will be determined by the Chair and the Town Administrator during preparation of the agenda. This is usually done on the Wednesday before a Board meeting. She suggested that public input should be taken at the beginning of each meeting, with 30 minutes allocated on the agenda. This time limit is up for discussion by the Board. People who wish to speak will raise their hands and all attempts will be made to alternate between people physically in the audience and those attending via Zoom. Each person will be left three uninterrupted minutes to speak to the Board. This limit is also up for discussion. For any questions asked, the Board will do its best to answer in real time if appropriate or allowable, or the topic can be referred to a future meeting. The time limit will be managed using a timer on the zoom screen. If additional people wish to speak, the Board can agree to continue discussion at the end of the meeting, to allow for the Board to adhere to its agenda timeline.

Member Sundaram noted that everyone should be given three minutes to speak, even if speakers need to be moved to the end of the meeting. Chair Hilberg agreed.

Member McKiernan asked if anyone is allowed to speak twice. Chair Hilberg stated that her suggestion is for each person to be allowed to speak once during a meeting. Member McKiernan stated that he believes the suggestion seems to be reasonable and fair.

Member McKiernan noted that meetings become extended when opinions are requested for certain agenda items. Chair Hilberg stated that she does not want to cut people off from speaking to agenda items, as there could be valuable input. She is trying to find a balance.

Member Fowlks stated that this suggestion appears to address both general public input and input per agenda topic. He has seen other groups assess how many people wish to speak during a meeting to determine how long public input will be. Some flexibility may give people more chances to speak. He cautioned about overregulating for something that happens infrequently, such as too many people commenting during a meeting.

Chair Hilberg noted that these procedures will be outlined prior to each public input period.

## **PUBLIC INPUT**

Chair Hilberg noted that there will be a half hour allowed for public input. She asked those interested to raise their hands.

Francie Nolde asked what happens if a member of the public brings up a concern to the Board. Chair Hilberg stated that the Board will acknowledge the item. If this is something the person wants the Board to consider for action, this will need to be placed on a future agenda. The member of the public should follow up on this with Staff.

A member of the public noted that there seems to be a lack of clarity regarding who is part of the meeting. Roberts Rules apply to the four Board members, but Open Meeting Law allows members of the public to observe, and the Board seems to welcome some comments. He recommended that the Board make it clear that public comments are welcome, but the public is not part of the actual deliberations. Chair Hilberg stated that her suggested practices were for public input. Town Administrator Johns agreed that this is the Board's meeting. The Chair can allow someone to give input during agenda topics, but this is not a back-and-forth, and the person does not become a part of the Board's deliberations.

Cindy Markowitz asked for clarity regarding the parameters for public input. She requested a document showing these rules moving forward. She thanked the Board for addressing the reconsideration of the EDC appointments at its next meeting. She asked about the handling for correspondence the Board receives. She asked how grievances will be addressed, as there does not seem to be a policy in place and it is not clear to the public if an answer will be received or not. Chair Hilberg suggested that how the Board addresses items received, and grievances be placed on a future agenda. Town Administrator Johns suggested that the EDC reconsideration be moved to the November meeting.

Becky Neville thanked the Board for all it has done for the Town. She noted that, since the election in May, Board members have been insulted and bullied by 4-5 of the same people over and over. These same people let the Board know they think the Board is doing a terrible job. These people think if they keep saying the same thing over and over and more forcefully, they will beat the Board down. These people have weaponized the records request law and the open meeting law. These 4-5 people are bullies. The silent majority of people in Town think the Board is doing a terrific job.

Mark Barbadoro addressed the accusation that there are 4-5 bullies in Town. He agreed that there are bullies in Town, and these people bullied Jennifer Campbell off the Select Board due to health implications from the bullying. Chair Hilberg paused Mark Barbadoro's commenting due to technical issues. Mark Barbadoro stated that, if people believe the Town is better off now, they are listening to the chair of a political action committee. 75% of this Board has decided to request the support of that political action committee. This is divisive, dangerous and has divided this Town. He explained that he offered to volunteer on a board and was bullied, badgered, insulted, and had his character assassinated for 25 minutes. He stated that Member McKiernan told him his fate had already been decided before

those 25 minutes took place. He believes Member Sundaram and Chair Hilberg already had their minds made up as well. He requested that Ms. Hilberg resign as the Chair of this Board. The Board has had a history of using a clock to limit discussion to limit dissent. The Board continues to try to find new and creative ways to make sure that people do not come forward with complaints against the Board. He asked that the Board stops what it is doing and listen to people who disagree with it.

Robin Lazarow formally requested that the Board consider the issue of traffic and speeding on Hill Road for a future agenda item to the extent that these issues are within the Board's purview. For example, Hill Road is used as a cut through whenever there is an accident on Route 495. This is a safety concern. She has brought this forward to the Police Chief but requested it be discussed by the Board as well. Town Administrator Johns stated that he will reach out to the Police Chief and DPW Director regarding this item. Member McKiernan stated that he is also waiting to see the report regarding traffic in Town.

Mark White thanked the Select Board for the work that it is doing and the job it has done to date. This Board has tried mightily to air out the issues before, in contrast to prior boards. *Mark White lost his connection.*

Hilary Greven thanked the Board for being open to hearing Rec Com's concerns. She echoed the concerns regarding Hill Road.

Kirby Dolak stated that, during the night of September 8<sup>th</sup>, Boxborough experienced storms and the overvoltage went to the room he broadcasts from. A group assessed the damage and noted that \$10,000 worth of equipment needed to be replaced. The damage report was submitted this morning. He presented the Board a check for approximately \$12,000 to cover the equipment through an insurance claim.

Mark White continued his comments. He stated that he feels for the Board, and he appreciates the Board's efforts in moving the Town forward. The majority of the Town supports the Board in its efforts.

#### **APPROVAL OF MINUTES**

- Regular Session minutes – 9/26/2023

Member Sundaram moved to approve the regular session minutes of September 26, 2023, as presented. Seconded by Member McKiernan.

**Approved: 4-0-0** by Roll Call: Fowlks "aye," Sundaram "aye," McKiernan "aye," Hilberg, "aye."

#### **NEW BUSINESS**

##### a. Resignation

- Steele Farm Advisory Committee – Arden Veley

Chair Hilberg moved to accept the resignation of Arden Veley from the Steele Farm Advisory Committee with a letter of thanks and appreciation for his services. Seconded by Member McKiernan.

**Approved: 4-0-0** by Roll Call: Fowlks "aye," Sundaram "aye," McKiernan "aye," Hilberg, "aye."

##### b. Action: Special One-Day Common Vic License (Fall Festival @ Blanchard School)

Chair Hilberg moved to issue a Special One-Day Common Victualler's License for the 2023 Fall Festival at Blanchard School on October 21, 2023, 4pm-7pm, with a rate date of October 22<sup>nd</sup> at the same time. Seconded by Member McKiernan.

**Approved: 4-0-0** by Roll Call: Fowlks "aye," Sundaram "aye," McKiernan "aye," Hilberg, "aye."

##### c. Action: Special One-Day Common Vic License Fee Waiver (Fall Festival @ Blanchard School)

Chair Hilberg moved to approve waiver the Special One-Day Common Victualler's License fee for the Fall Festival at Blanchard School event. Seconded by Member McKiernan.

**Approved: 4-0-0** by Roll Call: Fowlks "aye," Sundaram "aye," McKiernan "aye," Hilberg, "aye."

##### d. Action: Fall Town Meeting Notice for Public & Media Release

Dennis Reip, Town Moderator, explained that this notice is sent to the public to inform them regarding Town Meeting and the warrant. This is generally signed by the Town Moderator, Town Administrator, and Select Board.

The Board discussed sponsoring a food drive for the Food Pantry during Town Meeting. Member Sundaram suggested including childcare at a future Town Meeting, if possible.

Chair Hilberg moved to authorize the 2023 Fall Town Meeting notice for public media release as drafted, with additional language inserted for donations to the Food Pantry. Seconded by Member Sundaram.

**Approved: 4-0-0** by Roll Call: Fowlks “aye,” Sundaram “aye,” McKiernan “aye,” Hilberg, “aye.”

e. Action: Fall Town Meeting Warrant – Board Assignments to Articles

The Board discussed the Board assignments to the warrant articles.

Chair Hilberg moved to accept the Select Board member’s assignments to Fall Town Meeting articles as discussed. Seconded by Member Sundaram.

**Approved: 4-0-0** by Roll Call: Fowlks “aye,” Sundaram “aye,” McKiernan “aye,” Hilberg, “aye.”

**ADJOURN**

Member Fowlks moved to adjourn at 8:30pm. Seconded by Member Sundaram.

**Approved: 4-0-0** by Roll Call: Fowlks “aye,” Sundaram “aye,” McKiernan “aye,” Hilberg, “aye.”

Item#

**Exhibits**

Agenda October 11, 2023

Draft Meeting Minutes 9/26/23

Resignation Letter, A. Veley

Email from Blanchard PTF to Select Board, RE: School Fall Festival Permits, 10/21/23

2023 Fall Town Meeting Preview

Email from Keith Lyons to Select Board, 10/5/23