OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD
MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
Tel: 978-897-1301 Fax: 978-897-8457

Meeting Minutes
Tuesday, August 6, 2019
Town Hall, Room 201
(This public meeting was recorded.)

Present:
Armand Diarbekirian, Selectman
Chris DiSilva, Chairman/Selectman
David Gavin, Selectman
Melissa Levine-Piro, Selectman
Justine St. John, Selectman
Gregory W. Johnson, Town Administrator
Megan Zammuto, Assistant Town Administrator
Becky Mosca, Administrative Assistant

1. Meeting Opening

A. Mr. DiSilva called the meeting to order at 6:30 pm.

B. Public Comments - none

2. Public Hearing Rockland Ave

ROCKLAND AVE TAKING HEARING OUTLINE

As read aloud publicly by Mr. DiSilva:

1. Open the Public Hearing.

2. Read Public Hearing notice:
On Tuesday, August 6, 2019 at 6:30PM, at Town Hall, room 201 the Maynard Board of Selectmen will hold a Taking Hearing with respect to Rockland Avenue, as it is shown on a plan entitled "Plan of Land in Maynard, Massachusetts, Prepared for Sweeney & Sons, Inc. 78 Rockland Ave., Maynard, MA 01754", prepared by Acton Survey and Engineering, and dated August 10, 1999, recorded in the Middlesex South Registry of Deeds as Plan 1009 of 2000. The purpose of the hearing will be to adopt an Order of Taking of an easement in Rockland Avenue for a public way.

3. Is there anyone here to speak in favor of the taking?:
No comments made.

4. Is there anyone here to speak in opposition of the taking?:
No comments made.

5. I will entertain the following motion:

   Motion: (Read the entire motion please.)
   The Board of Selectmen of the Town of Maynard, on behalf of the Town in accordance with the vote taken under Article 12 of the May 20, 2019 Annual Town Meeting, and the authority of the provisions of General Law Chapter 79 and General Law Chapter 82 as amended and any other power or authority which is hereunto in anyway enabling, does hereby take, on behalf of the Town, a perpetual easement for public way purposes, the land consisting of Rockland Avenue, as shown on the plan entitled "Plan of Land in Maynard Massachusetts" prepared by Acton Survey and Engineering, 277 Central Street, Acton, MA, and dated August 10, 1999 and recorded in the Middlesex Registry of Deeds, Plan 1009 of the year 2000.

   Excepted from the rights herein taken by the Town are all easements for wires, pipes, conduits, poles, and other appurtenances for the conveyance of water, sewage, gas, oil, electricity, cable television transmission, and telephone communications lawfully in or upon said land.

   The Board of Selectmen awards no damages as the land consisting of Rockland Avenue is of nominal value.

   Except as noted herein, this taking includes any and all interest in the lands described above, as may be currently held by the following:

- **Michael Elwell and Kimberly Elwell: 22 Rockland Ave., Book 33515, Page 602**
- **Donemay Limited Partnership: 86 Rockland Ave.; 84 Rockland Ave., 78 Rockland Ave., Book 34388, Page 508**
- **Stow Conservation Trust: Book 35452, Page 112**
- **Richard F. and Mary B. Clark: 1 Marble Farm Rd. Unit 1, Book 54914, Page 564**
- **Melinda L. McNally-Packard: 3 Marble Farm Rd. Unit 2, Book 68077, Page 137**
- **The Hogan Family Irrevocable Trust: 5 Marble Farm Rd. Unit 3, Book 63762, Page 103**
- **Zoe Sleeth: 7 Marble Farm Rd. Unit 4, Book 60012, Page 207**
- **Anna Muti: 9 Marble Farm Rd. Unit 5, Book 60017, Page 100**
- **Donald and Barbara Barton Revocable Trust: 11 Marble Farm Rd. Unit 6, Book 65513, Page 191**
- **Carol J. Riley 2013 Revocable Trust: 13 Marble Farm Rd. Unit 7, Book 62267, Page 453**
- **Patricia A. D'Errico: 15 Marble Farm Road, Unit 8, Book 63030, Page 452**
- **Jan Kapstead and Kimberly R. Kapstead: 17 Marble Farm Rd., Unit 9, Book 62947, Page 118**
- **The Donald and Doris Soule Revocable Trust: 19 Marble Farm Rd., Unit 10, Book 62904, Page 324**
- **Martin J. Burque and Debra K. Burque: 21 Marble Farm Rd., Unit 11, Book 64309, Page 496**
- **Joan T. Breggy: 23 Marble Farm Rd., Unit 12, Book 61895, Page 32**
- **Jean Kleinschmidt: 24 Marble Farm Rd. Unit 13, Book 72282, Page 383**
- **Michelle Fatsi, Amelia M. Collins & John D. Collins: 22 Marble Farm Rd., Unit 14, Book 64822, Page 538**

- **Herbert Greene & Ilze Greene: 20 Marble Farm Rd. Unit 15, Book 60382, Page 441**
- **Gower Realty Trust: 18 Marble Farm Rd., Unit 16, Book 60170, Page 158**
- **Michael G. Moreau & Rose Anne Moreau: 16 Marble Farm Rd., Unit 17, Book 63323, Page 555**
- **John Geroux & Carolyn Geroux: 14 Marble Farm Rd., Unit 18, Book 64979, Page 520**
- **Gregory M. Sullivan & Deborah G. Sullivan: 12 Marble Farm Rd., Unit 19, Book 64054, Page 9**
- **Wendy A. Slavin: 10 Marble Farm Rd. Unit 20, Book 64465, Page 271**
- **Brown 2017 Realty Trust:8 Marble Farm Rd. Unit 21, Book 70328, Page 85**
- **The Fenton Realty Trust: 6 Marble Farm Rd. Unit 22, Book 69636, Page 316**
- **Barbara A. Mullally:4 Marble Farm Rd. Unit 23, Book 66516, Page 322**
- **Mary J. Moreau & Margaret M. Moreau: 2 Marble Farm Rd. Unit 24, Book 66295, Page 468**

Second: Ms. Levine-Piro

Vote: Roll Call

Member	In Favor	Opposed	Abstained	Not Present
DiSilva	x			
Levine-Piro	x			
Gavin	x			
St. John	x			
Diarbekirian				x

Voted: ***Motion carried unanimously. 4-0-1 (Mr. Diarbekirian absent)***

Closed the Public Hearing at 6:39 pm.

Mr. Diarbekirian arrived at 6:40 pm.

3. <u>Police Department Promotions</u>

A. Two Maynard Police Officers to be promoted to Sergeant:

A motion was made by Mr. DiSilva and seconded by Ms. St. John to approve Officer Michael Sutherland to Sergeant with an effective date of August 6, 2019.

Voted: ***Motion carried unanimously.***

A motion was made by Mr. DiSilva and seconded by Mr. Diarbekirian to approve Officer Daniel Bodwell to Sergeant with an effective date of August 7, 2019.

Mr. Gavin asked about the two different start dates for the promotions. Police Chief DuBois said that covers the ranking of the promotions regarding seniority.

Voted: ***Motion carried unanimously.***

B. Special Officer Appointments:

A motion was made by Mr. DiSilva and seconded by Ms. Levine-Piro to approve the following as Special Officers: Joseph Morahan; Andrew Corrigan; Shawn Corrigan; and Gregory Balzotti, with effective dates of August 7, 2019 thru June 30, 2020.

Voted: ***Motion carried unanimously.***

4. Acceptance of Minutes

A motion was made by Mr. DiSilva and seconded by St. John to accept and approve the July 16, 2019 Meeting Minutes, as shown.

Voted: ***Motion carried unanimously.***

5. Correspondence

A motion was made by Mr. DiSilva and seconded by Ms. Levine-Piro to accept the list of eleven correspondence items (A thru K), as presented.

A. Legal Notice – Public Hearing August 13, 2019 proposed amendment to the Protective Zoning By-Laws
B. DEP report has reviewed the Maynard application for Well Field 4A
C. MAGIC Fiscal Year 2020 Work Plan
D. Middlesex Sheriff's Office congratulations on the Election Day victory for Maynard and Selectmen Chris DiSilva
E. Notice of Reorganization of Assabet Valley Regional High School
F. Training notice in Littleton – A Guide for members of Public Boards and Commissions
G. Boys and Girls Club looking for donations for a new gym floor
H. ABCC Outreach Training with 8 locations
I. TIPS Training Class Monday, September 30, 2019 at the Maynard Lodge of Elks
J. 19th Annual Harvest Golf Classic event coordinator, Assabet Valley Chamber of Commerce September 16, 2019 Venue The Haven Country Club, 369 Cross Street, Boylston, MA. 01505
K. OARS The Health of the SuAsCo Rivers

Ms. St. John asked about the Well 4A report and when will the new well be able to be used, and if it was years or longer or less. Mr. Johnson was not sure about the timeline, but answered that this report reflected a positive direction for the water supply of the Town. (Item B)
Mr. DiSilva commented that the TIPS training class is open to all. (Item I)
Ms. St. John congratulated Pam Reiniger in her new role as the Maynard Representative on the Assabet Valley Regional Vocational School District Committee. (Item E).

Voted: ***Motion carried unanimously.***

6. Consent Agenda

A motion was made by Mr. DiSilva and seconded by Ms. St. John to accept and approve the list of the three Consent Agenda items (A thru C), as shown.

A. Cemetery Deed 2056 and 2057
B. Special Permit for Soccer on Friday's from 5 to 7 pm at Crowe Park from September 6, thru November 8, 2019
C. Special Permit for Soccer Tots on Saturday's, from 10:00 am to 11:00 am at Crowe Park in September 7, 14, 21, and 28 with the Boys and Girls Club.

Mr. Gavin asked that someone verify that the fields wouldn't be over-booked. Mr. Johnson replied that the Board of Selectmen Office maintains the schedules to prevent over-booking.

Voted: ***Motion carried unanimously.***

7. Application for Common Victualler and Entertainment License by Azucar Tapas Bar Corp

A motion was made by Mr. DiSilva and seconded by Ms. St, John to accept and approve the application for a New Retail Restaurant by Azucar Tapas Bar Corp., at 51 Main Street, with a common victualler license and an entertainment license.

Voted: ***Motion carried unanimously.***

8. Block Party – Charles Street

A motion was made by Mr. DiSilva and seconded by Mr. Diarbekirian to approve the One-Day Block Party Permit for Charles Street, with road blocks to isolate Randell Road and Lincoln Street from 3:00 pm to 7:00 pm on Sunday, August 11, 2019.

No one present from Charles Street at meeting.

Ms. St. John asked if the roads are to be blocked at Randell and Lincoln Street. Mr. Johnson replied yes, as it was presented.

Voted: ***Motion carried unanimously.***

9. One-Day Liquor Licenses for William Doyle

A motion was made by Mr. DiSilva and seconded by Ms. Levine-Piro to approve the One-Day License to Sell All Kinds of Alcoholic Beverages at the Sanctuary, 82 Main Street, for the event "Celebrate Woodstock 50th Anniversary Tribute Concert" on Sunday, August 18, 2019 from 6:00 pm until 11:30 pm.

The Board asked about the parking for the crowd. Mr. Doyle said they would use the parking on the backside of the building along with downtown parking and has a request in with Mill & Main for use of its parking lot on Walnut Street for guests on the nights of events.

Voted: ***Motion carried 4-0-1 (Mr. DiSilva recused).***

A motion was made by Mr. DiSilva and seconded by Ms. Levine-Piro to approve the One-Day License to Sell All Kinds of Alcoholic Beverages at the Sanctuary, 82 Main Street, for event "The Love Dogs Concert", on Saturday, September 21, 2019 from 6:00 pm to 11:30 pm.

Voted: ***Motion carried 4-0-1 (Mr. DiSilva recused).***

10. Capital Planning Committee

A motion was made by Mr. DiSilva and seconded by Ms. St. John to approve the charge of the Capital Planning Committee and appoint applicants with recommended term lengths, as presented:

Douglas Adler with term to expire June 30 2021
Jon Larkin with term to expire June 30, 2021
Myles Clancy with term to expire June 30, 2020

Mr. DiSilva commented that traditionally items for this committee to present to town have a value over $50,000.00.

Mr. Gavin said he sat on the Capital Plan Committee in the past and it was a concern the getting information from the town was hard to gather.

Voted: ***Motion carried unanimously.***

11. Interview for open slot on Cultural Council

A motion was made by Mr. DiSilva and seconded by Mr. Gavin to appoint Morgan Kropa to the Cultural Council with a term to expire June 30, 2021.

Ms. St. John commented that Ms. Kropa had come up with the new brand for the Cultural Council and thanked her for her idea. Ms. Kropa said she has been involved with the Cultural Council well before the last awards dinner.

Voted: ***Motion carried unanimously.***

12. DPW Contract

A motion was made by Mr. DiSilva and seconded by Mr. Gavin to approve the contract with McIver Bros to execute the year's Complete Streets plans in the amount of $162,541.00.

Town Engineer Wayne Amico reported that the Massachusetts Department of Transportation (MassDOT) Grant for Complete Street $150,492 was awarded to the Town and that McIver Bros is recommended to be awarded the bid for this project.

Based on the available award from MassDOT, Maynard Department of Public Works (DPW) has chosen to construct 2 of the 4 locations that were designed and submitted to MassDOT as part of the Complete Streets Tier 3 grant award application. This project is a reimbursable project, meaning the Town spends the money then is reimbursed for the money spent up to the grant award amount. Any contract overages for this work will be taken out of the DPW paving budget as needed.

Those 2 locations and amounts of this contract award are:
Location #2: Summer Street at Glendale Street= $49,441
Location #4: Summer/Acton/Waltham/Main Streets= $98,100

Mobilization = $5,000
Temporary Traffic Control =$5,000
Police Services (allowance) = $5,000
Total Contract = $162,541.00

Mr. Gavin commented that on Waltham Street, two ramps appeared to be missing handicap ramps. Mr. Amico said he would look into this.

Voted: ***Motion carried unanimously.***

13. Town Boundaries

The Board discussed plans to set a date to meet with a group to walk the Town Boundaries, in accordance with Massachusetts General Laws. Selectmen DiSilva and St. John volunteered for this assignment. Mr. Amico and Conservation Agent/Assistant Town Planner Kaitlyn Young will help line this date up along with equipment that will be needed. Ms. Young will reach out to Historical Commission representatives Jack MacKeen and Paul Boothroyd to see if they would like to join the group.

14. Cannabis Application Review and Approval

The Board of Selectmen were requested to provide guidance on the ongoing negotiations for a Host Community Agreement (HCA) with New Cann Group, LLC (New Cann) in support of a proposed recreational marijuana establishment.

New Cann representatives David Rabinovitz and Jack Madigan, along with their attorney Blake M. Mensing, addressed the Board, as well as Town Counsel Kate Feodoroff.

Ms. Zammuto posed three questions for the Board's consideration:

1) New Cann would like to hold off on a business location listed on the HCA.
2) New Cann would like a self-serving display within the business.
3) New Cann Group would like a vending machine within the business.

The Board discussed the issues at hand. Attorneys made comments to support either way. It was noted that the final decision is the Board's. The Board had concerns with zoning requirements along with a few other conditions, process, and growth in community. Ms. Levine-Piro supported NewCann to move forward without a listed location in the HCA.

Ms. Zammuto and Ms. Feodoroff reviewed suggested updates to Maynard's Marijuana Retailers Rules and Regulations and Marijuana Establishments Rules and Regulations, as well as the draft Cannabis Control License Application for the Town of Maynard.

Ms. Feodoroff reviewed the changes that are now in line with the state's Cannabis Control Commission and changes other communities have made as this all roles out.

The Board requested to have all three items back on at the August 27, 2019 meeting to potentially make final decisions and move forward.

15. Right of Entry – Thomas Street Park

A motion was made by Mr. DiSilva and seconded by Ms. St. John to approve the Right of Entry Agreement for the Thomas Street Park as reflected in the 42 Summer Street Development Agreement.

Ms. St. John asked about insurance and whom would the coverage be under. It is understood the developer's insurance would apply.

Voted: ***Motion carried unanimously.***

16. Establishment of Fire Station Building Committee

A motion was made by Mr. DiSilva and seconded by Ms. Levine-Piro to approve the charge for a Fire Station Building Committee as provided.

Mr. Gavin commented that with previously proposed new-growth no longer available the Town needs to make new plans to finance the construction of the Fire Station.

Ms. St. John commented that the Town Budget Sub-Committee has concerns with the dedication of expected new-growth in the budget, as the state budget recently underfunded Maynard compared to expectations, devotion of new-growth to maintain regular operating expenditures was necessary.

The Board had many comments and concerns with the Town's budget. The Board voiced the budget's and Town's changing conditions and the complexity of planning the financial needs for construction of the Fire Station.

17. Town Administrator Report

Mr. Johnson stated that he would be on vacation August 12 thru 16, returning to work on August 19. Mr. Johnson reported that the recently finalized state budget provides $172,000 less than expected in local aid as appropriated by the Town for the Fiscal Year 2020 budget. This shortfall may need to be addressed through an amended budget to be appropriated at the scheduled Special Town Meeting in October.

18. Chairman's Report

Mr. DiSilva remaindered the Board about the scheduled Board of Selectmen FY20 goals setting meeting.

19. Board Member Report

Ms. Levine-Piro, none.

Mr. Diarbekirian, none.

Mr. Gavin emphasized his interest to have the sidewalks on Waltham Street checked for the ramps. In addition, he observed that trash bins on the sidewalks may be obstructing pedestrians, particularly concerning for accessibility and for baby strollers.

20. Adjournment

A motion was made by Mr. DiSilva and seconded by St. John to adjourn the meeting at 10:00 p.m.

Voted: ***Motion carried unanimously.***

Approved: 7:11 pm
Date: 8/27/19

Melissa Levine-Piro, Clerk/Selectman

Initials: bjm