SELECT BOARD
Minutes
March 3, 2021 – 6:45 PM
Location Online/Zoom Meeting

Vision Statement - The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe, inclusive, and attractive environment for residents and visitors. We will embrace all differences and ensure that all persons have the opportunity to enjoy, contribute and be part of the Ashland community.

Mission Statement - The Ashland Select Board is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Select Board is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

Call Meeting to Order
Yolanda Greaves explained that the board is entering into Executive Session – Pursuant to M.G.L. c. 30A §22 §§(g)(1) to review executive session minutes of 2/1/17, 7/11/17, 1/11/17, 1/6/18, 6/14/18, 9/5/18, 10/3/18, 11/7/18 and 2/17/21 to order at 6:45. Motion made Joe and seconded by Brandi rolcall: Brandi Kinsman-aye, Joe Magnani-aye, Steve Mitchell-aye, Rob Scherer-aye, and Yolanda Greaves-aye.

Steve made a motion that the Executive Session Minutes be accepted as presented and requested that they be reviewed by Town Counsel prior to releasing them. This motion was seconded by Brandi with a rolcall: Brandi Kinsman-aye, Joe Magnani-aye, Steve Mitchell-aye, Rob Scherer-aye, and Yolanda Greaves-aye.

Chair Yolanda Greaves called the regular meeting to order at 7:00 pm and explained that the meeting is being broadcast live on WACA TV and recorded via Zoom. Board members participated using the Zoom Video Conferencing platform. All board and committee members participated remotely. Yolanda took attendance by rolcall; Brandi Kinsman-aye, Joe Magnani-aye, Steve Mitchell-aye, Rob Scherer-aye, and Yolanda Greaves-aye. In addition, Town Manager Michael Herbert, Assistant Town Manager Jenn Ball, and Executive Assistant Susan Robie were also in attendance.

Citizen’s Participation
Mark Dassoni shared a letter from MassHealth that provided information on how to get a vaccine.

Joe Magnani shared that CVS Pharmacy in Medfield is opened for vaccine and appointments are available for those that are eligible or receive the vaccine.

Catherine Jurczyk, 11 Rodman Rd. felt that town leaders are disregarding the Town Charter by ignoring the fact that a Capital Improvement Committee should exist. She mentioned problems in the past and felt that committee could have addressed those issues and to follow the Charter. Yolanda explained that the board will hold a retreat soon and boards, committees and reappointments would be discussed.

Diane Ring thanked the Select Board for their work and congratulated the members for the recent favorable ruling from the Energy Facilities Siting Board.
Scheduled Appointments

Stormwater Committee
Yolanda reported that there is an opening on the Stormwater Advisory Committee and Preethi Sreeraj is interested in filling that vacancy. Preethi explained that she has lived in Ashland for eighteen years and has two children in the Ashland School system. Preethi holds a bachelor’s in civil engineering from India. She is pursuing a master’s civil and environmental engineering from Worcester Polytechnic Institute and anticipates graduating next year. Preethi has professional engineering licenses in Mass and New Hampshire, is a LEED certified professional, and has been practicing for twenty-one years. She is currently a civil engineer and project manager at STV, Inc. in Boston.

Brandi made a motion to appoint Preethi Sreeraj to the Stormwater Advisory Committee to a term that will expire on August 31, 2022. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

Consent Agenda
A. Accept the TriBoard Meeting Minutes from March 24, 2020.
B. Accept and release the Executive Session Minutes 2/1/17, 7/11/17, 11/1/17, 1/6/18, 6/14/18, 9/5/18, 10/3/18, 11/7/18 and 2/17/21 pending Town Counsel review.
C. Accept the Gift of 390 - $25.00 Gift Certificates from Albertsons “Shaw’s” as part of the Holiday Nourishing Neighbors Program totaling $9,750.00.
D. Accept the Grant $25,000.00 Grant from the Stanton Foundation for the Dog Park Design Work.
E. Accept the Town Manager’s Appointment of Kasey Richards as a per diem Intermittent Dispatcher.
F. Accept the resignation of Everett Robert St. Germain from the Stormwater Advisory Committee.
G. Accept the resignation of Marty Ring from the Conservation Restriction Work Group.

Steve made a motion to approve the Consent Agenda as read into the record. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

Rob thanked Marty for all his efforts, and Rob St. Germain for all his hard work.

Old New Business

Eversource
Michael explained that on October 20, 2020 the hearing Officer Sharkey issued a procedural order for a limited reopening of the record, therefore the town will be allowed to submit new evidence regarding the Eversource project and the removal of the original transmission line. The board can review the environmental impacts and Lucas Environmental, retained to represent the town, will review the documents, and prepare the expert witness testimony. In March, discovery will be followed by initial briefs on May 6th and reply briefs on May 13-2021.

Diane Ring asked if the virtual hearing will be available for public viewing. Michael responded that he would confirm if the meeting will be broadcast.

Mark asked about the right-of-way, which Michael explained the hearing was regarding Eversource being allowed to leave the original pipe after installing the new pipe.

Chuck Lidz wanted to know if Eversource has an Article 97 approval for crossing Town Forest and Great Bend. Yolanda explained that given the topic is being litigated public discussion concerning the specifics is inappropriate at this as this time.

BAA Grants
Yolanda explained that a few groups have inquired about the status of BAA Grants. She explained that the Town Forest Committee would like to have their funding repurposed, and other groups are seeking funding. Steve recommended providing the funds for those that have been notified of their grants, allow the Town
Forest Committee to repurpose their grant, and defer opening an additional grant round until the overall marathon process is understood.

Joe asked Ed Burman if there would be opportunities to hold summer concerts or any other programs usually held during the summer. Ed responded that decisions are depended on the Governor’s pending guidance.

**Lions Regatta**
Yolanda announced that the Ashland Lions is hosting a Regatta on the Sudbury River as a fundraiser and anyone interested in participating or volunteering should contact Lions.

**Letter to Spilka - MBTA**
Yolanda explained that a letter is being presented to Karen Spilka and Jack Lewis that endorses the MBTA Advisory Board having a voice regarding the appointment of one member of the MBTA Board of Directors.

Brandi made a motion to approve the letter as presented. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

**Robert Hill Way II**
Michael explained that Robert Hill Way Phase II Non-Profit Housing Corporation had plans to complete another housing phase, but they have decided not to move forward with the second phase. The land and the irrigation well will revert back to the town.

Rob asked why the developer decided not to complete Phase II. Michael explained that the project had been a challenge, however he is not exactly sure why they decided not to complete the second phase.

**Town Meeting**
Michael reported that recently the board recommended moving the date of the Annual Town Meeting to June 12th. Michael explained that he had discussed moving the date with the Town Moderator.

Rob made a motion to hold the Annual Town Meeting on Saturday June 12, 2021. This motion was seconded by Brandi, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

Steve asked if rescheduling would impact the town election. Michael responded that it is possible. Yolanda explained that Tara Ward, Town Clerk did not anticipate moving the election date from May 18, 2021.

**OML**
**February 4, 2021**
Yolanda mentioned that the board was asked review and vote on the response of the Open Meeting Law Complaint against the Ashland Select Board dated February 4, 2021. This complaint was filed by Stephen Morgan.

Steve made a motion to approve the response for the February 4, 2021 the Open Meeting Law Complaint. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

**February 8, 2021**
Michael explained that the board is being asked to review and vote on the response of the Open Meeting Law Complaint against the Ashland Select Board dated February 8, 2021. This complained was filed by Stephen Morgan.
Steve made a motion to approve the response for the February 8, 202 the Open Meeting Law Complaint. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

February 11, 2021
Michael explained that the board is being asked to review and vote on the response of the Open Meeting Law Complaint against the Ashland Select Board dated February 11, 2021. This complained was filed by Stephen Morgan.

Steve made a motion to approve the response for the February 11, 2021 the Open Meeting Law Complaint. This motion was seconded by Joe, with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.

Priority Project Update
Rail Transit District
Michael reported that the United Group of Companies and Evan White, the town’s Engineer, have been working with the project engineers on the Rail Transit District.

The town received the $25,000.00 Stanton Grant for the Dog Park design and Jenn will be working on the RFP based on the Stanton Grant requirements.

Lastly, the Upper Charles Group went before Conservation Commission, and they are going back on Monday concerning the mitigation proposal.

Downtown
Michael explained that he contacted the state and requested an extension on the $3 million Downtown grant. Also, to close the funding gap, Michael requested that the board repurpose $849,505.00 from the infiltration/inflow (INI) account from Campanelli-Thorndike.

Michael mentioned a memo he distributed to the board concerning the Ashland Mills Working Group. The members agreed with the proposed working group structure. The members discussed the potential 40R and or mixed-use zoning change.

Public Safety/Mindess Update
Michael reported that he signed the Mindess Project Funding Agreement, and the LEED agreement to participate in that program.

Michael noted that Jenn, Steve, and Joe have been working on the Public Safety project. Joe explained that the goal is to create an oversight committee, to be vigilant with the spending, and to ensure information is shared with the public concerning the project progress and how every dollar is being spent is very important.

Warren District/Valentine Property
Michael explained that the 433 Chestnut St. deed were finalized and recorded with the registry of deeds.

Michael reported that the cost to create a replica of the Warren Barn was presented to Community Preservation Committee (CPC). He hoped to gain support for the project and agreement on how the barn may be used in the future.

Valentine Estate Committee held a meeting and provided a presentation last Thursday. Next step is to determine potential used for the property. Because answers to open questions are needed before proceeding, Michael recommended pausing the effort for the moment.
Yolanda mentioned that they are vacancies on the Valentine Estate Committee and asked if he thought they should be filled or if committee has fulfilled its role. Michael felt that this is a decision that board needs to make. Michael recommended allowing the members of the committee weigh-in on their involvement going forward.

Brandi asked about the timeline when Attorney Mead’s opinion would be expected, and whether the information would be provided to the board or to the Valentine Committee. Michael stated that he hoped to have a response soon but preferred to receive information that is accurate rather than rushed.

Additionally, Michael mentioned that the RFP was carefully and thoughtfully put together.

Rob asked about the process to establish the Conservation Restriction and the Historical Restriction on the property and how to determine the holders.

Steve thought that there needed to be a restriction but wanted to ensure the board understood the purpose of the restriction.

Michael explained that the original intent was to put a restriction on two of the two outer parcels and not on the entire site.

Michael mentioned that bids that are estimated to be $25,000 for the foundation work needed to secure the structure. Rob recommended that the committee make a formal recommendation on how to proceed.

Rob thanked Carl Hakansson for bringing the legal issues to the town’s attention.

Steve asked to have David Foster invited to the next board meeting to discuss his efforts to date and his retirement.

Yolanda suggested having the Valentine Committee come to the next board meeting to discuss the RFP process, their final recommendation and whether they would like to stay involved in the process, in a potentially new role once the legal issues are addressed.

**Update Rt. 126**
Michael reported that tree clearing began on the Holliston line the town is running into challenges with town personnel and filling the details for the Rt. 126 project. He expected that the project would require ten police details per day, and a dedicated member of the Water & Sewer Dept. onsite as well. Yolanda asked for an updated timeline that includes an overview.

**Town Manager Report**

**Ashland is United**
Michael mentioned that on Sunday March 7, 2021 at 7:00 pm “Ashland is United” would be hosting an event.

**Health Director**
Michael reported that the candidate that an offer was extended to has decided not to accept the position, so the process is starting over.

**Library Director**
Michael explained that he met with the two finalists for the Library Director position. He mentioned that both candidates are strong contenders, and the town would be fortunate to have either of them.

**COVID Update**
The board congratulated Ed Burman for receiving the Mary Mortensen Award.
Regarding a COVID vaccination update, Ed explained the partnership for Public Safety personnel vaccinations was successfully run in Hopkinton. After running the clinic for a week Ashland was notified by the Dept. of Public Health that additional vaccine would not be provided moving forward. Town staff continued to push forward on and today submitted additional information to hopefully secure more vaccine. To date 350 residents over 75 yrs. have been vaccinated.

**FY22 Budget**
Michael reported that he had a discussion with Supt. Jim Adams concerning the FY22 budget. He explained that $900,000 would be utilized from the stabilization fund, as opposed to $1.4 million. He hoped that by moving out the Town Meeting date it would allow time to get more reliable state budget figures and the Keefe Tech budget assessment.

Regarding Enterprise Funds, focus will be on the fields, and the pending Cable contract renewal. Michael will be meeting with Bill August about the cable contract process next week and will update the board after that meeting.

Yolanda asked when pulling together a TriBoard Meeting would be helpful. Michael recommended holding a meeting in April.

Rob mentioned that a publication by Katherine Clark’s Office stating the house passed the “American Rescue Plan” for $8.2 billion to help keep first responders on the job. Michael explained that federal aid funds could help close existing gaps.

Michael said that Chapter 70 and Local Aid numbers were given to the town last July.

**Board Reports**

**Brandi Kinsman**
Brandi reported that the Corner Spot is planning to open the shed for the upcoming season and are planning activities. Anyone interested should reach out to Beth Reynolds.

Additionally, Brandi attended the MMA Housing Choice which will provide local control on housing. They discussed zoning changes and how to make it easier for communities to change zoning related to housing choices. MassWorks grants are being awarded to assist with housing projects.

**Joe Magnani**
Joe thanked everyone for the well wishes, kind words and support during his recent health struggles.

Joe mentioned that recently he attended a webinar pertaining to the Housing Production Plan.

Joe said that he was disappointed that town purchased properties are not consistently maintained or secured, specifically the Simpson Barn. He wanted the board to review the properties and develop a maintenance plan.

Joe thanked Marty Ring and Rob St. Germain for all their dedication and hard work. Additionally, he thanked his fellow board members for all their efforts.

**Steve Mitchell**
Steve thanked Marty and Rob for their passion and serving the community.

Steve announced that next Wednesday March 10th the MetroWest YMCA will be holding their Annual Community Breakfast (Dinner) at 6:45 pm.

Best wishes to First Responders, Town Staff, Teachers, and those is the health profession for all they do.
Rob Scherer
Concerning “Forging Ahead”, Rob stated that the reduction in transit service may not affect Ashland but will impact others. Rob explained that they are looking at changes services not only those geared to the commuter. Rob felt that as public official the board should understand the residents commuting needs. Brandi said she was concerned that in April the Commuter Rail is presenting a new schedule that will last for 6-months. She felt that as people shift back into the office, she is hoping the Commuter Rail will change the schedule accordingly.

Lastly, Rob asked if the board would like to have Cece Doucette provide a presentation on the dangers of Wi-Fi and 5G. Board members mentioned that she presented at the last Planning Board Meeting and that may be a way for him to view the presentation. Board members felt an additional presentation may not be a good use of their time.

Yolanda Greaves
Yolanda reported that she attended the MetroWest Regional Collaborative, and they are looking at developing a Clean Energy Regional Plan.

Those working on the MVP Plan are looking at capital projects and she will look into the town’s plan.

The MAPC Winter Council Meeting had 170 participants on their Zoom meeting.

At the MMA Policy Meeting the House and Senate discussed holding remote Town Meetings for representative meetings. Also, they are looking into government meeting remote participation and impacts to quorums, procurement laws and implementing changes in the laws.

Adjournment
Rob made a motion to adjourn at 9:36 pm. This motion was seconded by Brandi with a vote of Kinsman-aye, Magnani-aye, Mitchell-aye, Scherer-aye, and Greaves-aye; 5-0-0.
Good Morning, Susan,

As we discussed, please note that Preethi Sreeraj has been attending the Stormwater Advisory Committee meetings since January 2021. She has expressed interest in joining the Committee, and I strongly believe that her professional background, and her interest will be a great asset to the Committee.

I recommend that the Select Board should appoint her to the Stormwater Advisory Committee.

Kindest Regards,
Maeghan

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Maeghan Dos Anjos
Conservation Agent/Director
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7924
Appointed by Select Board
Term Expires 8/31/23

Leah Lester, Vice Chair

Appointed by Select Board
Term Expires 8/31/22

Edward "Red" Bred

Appointed by Select Board
Term Expires 8/31/22

Vacant

Appointed by Select Board
Term Expires 8/31/21

Jeanne M. Walker, Chair

Appointed by Select Board
Term Expires 8/31/23

Brian McCrattan, Clerk

Appointed by Select Board
Ex-Officio Indefinite Term

Meaghan Dos Anjos

Appointed by Select Board
Ex-Officio Indefinite Term

Evan White

Committee Members

Stormwater
Talent Bank Form

Page 1

TALENT BANK FORM

From time to time, positions become available on committees appointed by the Board of Selectmen. Positions are not always readily available. Each committee or position has a different commitment level that is needed in order to be an effective member. Committees meet on a regular schedule, typically once or twice a month in the evening. Some committees require members to gather and review information outside of the meetings that are held. Committee chairs or staff is able to provide a better understanding as to the commitment that is needed for each position.

Upon receipt, your Talent Bank Form will be reviewed by the Town to determine if a current match exists between your desire to serve and openings that currently exist. Your application will be added to the list of volunteers who have expressed an interest in serving. We thank you for your interest in serving the Town of Ashland and returning this application.

Name Preethi Sreeraj
Email Address
Address
City Ashland
State MA
Zip Code 01721
Home Phone
Cell Phone

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I am interested in serving the Town in the following positions: Field not completed.

Finance Committee is appointed by the Town Moderator Field not completed.

Other: Stormwater Committee
<table>
<thead>
<tr>
<th><strong>Employer</strong></th>
<th>STV Inc.</th>
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<tbody>
<tr>
<td><strong>Position</strong></td>
<td>Senior Civil Engineer / Project Manager</td>
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<tr>
<td><strong>Education</strong></td>
<td>B.S. Civil Engineering</td>
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**Please describe any training/experience you possess**

My work experience as a civil engineer includes storm water management for various projects, storm water modelling, preparation of storm water reports and permitting efforts for projects with ConCom, Planning Board etc. My recent projects include storm water modelling for Green line extension project in Boston, and hydraulics for Charles River for a Bridge Replacement.

**Please describe other skills and interests**

My skills are primarily water resources engineering with cad and minimal GIS skills.

**Please describe your government or community volunteer experience (Ashland or elsewhere)**

None so far as my free time was spent raising my two kids and studying for my masters at WPI which is still an ongoing effort.

Email not displaying correctly? View it in your browser.
TRIBOARD AGENDA
Finance Committee, School Committee & Select Board
March 24, 2020 – 6:00 PM
Location Online/Zoom Meeting
https://zoom.us/j/888631072

Per Governor Baker’s order suspending certain provisions of the Open Meeting Law, G.L. C. 30A sec. 20

Minutes:

1. Call to Order – Open Session

The board/committee chairs called their respective meetings to order starting at 7:02PM and took roll call attendance.

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<th>Ms. Tosti took SC attendance.</th>
<th>Mr. Mitchell took SB attendance.</th>
<th>Mr. Moore took FC attendance.</th>
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<tr>
<td>Mr. Kendall - Here</td>
<td>Mr. Magnani - Here</td>
<td>Mr. Warnetski - Here</td>
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<td>Mr. Terry - Here</td>
<td>Ms. Kinsman – Here</td>
<td>Mr. Moore - Here</td>
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<td>Ms. Bates - Here</td>
<td>Mr. Scherer - Here</td>
<td>Ms. Cooney – Here</td>
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<td>Ms. Tosti - Here</td>
<td>Ms. Greaves - Here</td>
<td>Mr. Turncliff - Here</td>
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<td>Ms. Williams - Here</td>
<td>Mr. Mitchell - Here</td>
<td>Mr. Hart – Here</td>
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<td>Mr. Walsh - Here</td>
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Ms. Chitnavis joined after attendance was taken

- The Chair of the Select Board opened the meeting by announcing that the meeting was being broadcast live and recorded by WACA TV, and also livestreamed on Facebook. Mr. Mitchell stated that the TriBoard is using the Zoom conferencing platform, and expressed the goals of trying to maintain the spirit of the open meeting laws, maintain transparency of the process, and ensure that the board and committees are acting in the public’s best interest.

2. Update on Covid-19

- Michael Herbert, Town Manager, discussed the new coronavirus website, which will provide information about confirmed COVID-19 cases in Ashland and communicate updates. He also stated that the town was looking at ways to help people with food insecurity, noting that the Ashland Emergency Fund had taken the lead and was preparing for increased requests for assistance.
• Next, Mr. Herbert addressed the economic impact of the virus and related effect on the municipal budget, stating that he expected a drop in FY20 and any impact on FY21 is difficult to assess at this point.

• Superintendent Jim Adams explained that the schools are focused on meeting the spirit of the Massachusetts Commissioner of Education’s guidance by providing enrichment opportunities while students were out of school. Mr. Adams expects the school closure period to continue, likely through April break. He stated that the Commissioner is having conversations with teacher unions to discuss how to provide remote learning opportunities, keeping in mind economic disparity and technology availability.

• Mr. Adams also discussed the process for waiving MCAS requirements (including a bill put forth by the Governor), the schools’ efforts in providing meals to families, and deployment of chromebooks. He said that the schools are focused on trying to keep students engaged.

• The TriBoard asked a question about the closure of parks and playgrounds, and it was noted that locally controlled parks, playgrounds and fields were closed as a result of the state of emergency declared by the Select Board and Board of Health, but those that were state owned were still open.

• The TriBoard also inquired about timing for student scholarship applications, and Mr. Adams stated that seniors were encouraged to continue to complete applications online, although some deadlines had been extended.

• A question was also asked about town meeting and budget mechanics, and Mr. Mitchell and Mr. Herbert discussed the status of two bills in the legislature. It was indicated that there is a possibility that the annual town meeting will be postponed, but it still has to be held during this fiscal year (by June 30).

3. Discussion of Public Safety Building Project

• Mr. Magnani, Select Board Member and representative of the Public Safety Building (PSB) Committee, provided an update on PSB Committee activity. He stated that the PSB Committee had received numerous design presentations and, with a close vote, the PSB Committee selected Option D (which would be part of the presentation) at its last meeting. He thanked the diligent work of the PSB Committee, as well as Amy Dunlap and Janet Slemenda from HKT Architects and Jon Lemieux from The Vertex Companies.

• Mr. Lemieux began the Ashland Public Safety Building presentation (attached) with introductions. Ms. Dunlap then provided an overview of the programming and space needs developed in collaboration with the police and fire chiefs. She stated that they have worked through several design options and presented the floor plans. Throughout, based on programming needs, they have targeted 44,211 square feet, including police, fire and shared space (e.g., training, operations, dispatch, electrical/mechanical).

• Ms. Dunlap then discussed the various site considerations. She explained that, as part of the process for identifying the best placement for the building and apparatus, they considered zoning, setbacks, wetlands location, topography challenges (steep grade change) and results of a geotechnical investigations (bedrock elevations). She also
addressed the status of the traffic analysis, with the goal to mitigate traffic disruption on Union Street, allow free access of emergency response vehicles on and off the site, and leave open possible future geometric realignment of the intersection.

- Ms. Dunlap discussed fire apparatus placement, and explained that site grade constraints and need for extensive retaining walls ruled out drive-thru apparatus bays.

- Next, Ms. Dunlap walked through the background and development of the conceptual site plan. She noted it was quickly decided that three stories would be the best option to minimize the building footprint, deal with grades, and manage the necessary parking requirements for equipment. She also presented the schematic floor plans and schematic elevations, emphasizing the provisions for natural light where possible. The placement of a clock at the front of the building in recognition of Ashland’s history was also highlighted.

- The budget for the project was then presented by Mr. Lemieux, and he explained that the estimated costs of approximately $34.1 million were at the “concept-level” at this point. He walked the TriBoard through the calculation, including estimated cost per square foot, rock removal, traffic signal work, and soft costs. He indicated that they were still evaluating LEED and net zero related costs. He explained how the budget would be finalized, culminating in bid numbers for town meeting.

- Mr. Lemieux then provided an overview of the ongoing project schedule, noting a projected 16-month build period and an estimated completion date of June 2022 (based on a notice to proceed in January 2021).

- Mr. Herbert clarified that the $34.1 million includes the $3 million already appropriated for design and engineering. He also highlighted the continued efforts to balance being frugal and building a PSB that is good not only for Ashland now, but also the future.

- Mr. Mitchell stated that public forums were being planned, as well as coordination with WACA for informational.

- The TriBoard inquired about signaling at the Fountain Street bridge, which will be brought to the traffic engineers’ attention. It was also noted that new digital technology is under consideration as part of the ongoing traffic studies. The TriBoard further discussed traffic concerns, particularly at specific times of day, with preemption of light for police and fire to get through. Ms. Dunlap explained that the design provided for the apparatus to enter at the center of the intersection for this reason. Some suggestions for Fountain Street were also discussed, including removal of the islands.

- It was suggested that the offsite replications for wetlands could tie into the Route 126 project behind the Cedar Street fire station.

- The TriBoard asked questions about site challenges and opportunities for solar and other sustainability features, and it was indicated solar and geothermal remain a possibility and will be part of the next phase. Energy goals will also be assessed. It was noted that cost benefits of sustainability features going forward should also be considered.
• There were further questions and discussion clarifying whether the building accommodated growth, complications around the drive-thru bays option (including risk of compromising of wetlands), and incorporating a sally port.

• The TriBoard also asked about the predictability of costs and total expenses, and it was stated that the total project cost budget will be created over the next couple of weeks. Cost estimates will help make decisions on sustainability features and other options. Further, it was noted that the marketplace was an additional unknown during these unprecedented times.

4. Discussion of Mindess School Building Project

• The Chair of the School Committee introduced Mr. Kendall, School Committee member and representative of the Mindess School Building Committee (SBC), who began the Mindess School Building Project, Feasibility Phase: Preferred Schematic Report (link below).

• Jeff D’Amico from Compass Project Management provided an overview of the timeline, explaining that we are currently at the middle stage of the MSBA process where options were being narrowed down. He noted that the next major step is the submitting the Preferred Schematic Report (PSR), where we tell the MSBA which is our preferred option for moving forward. The submission deadline is May 6th, with approval by MSBA at end of June, and then move forward to schematic design. This timeline lines up with an anticipated Fall town meeting followed by a ballot vote, and then kicking off design development process in January 2021.

• Next, Kent Kovacs from Flansburgh Architects discussed the feasibility study process. He explained that project considerations included grade configurations, site evaluation, including many design options at either site, and sustainability. He emphasized that the goal is to understand the educational vision and how that can be accommodated on either site.

• Chris Schaffner from The Green Engineer discussed the project aspirations, recognizing Ashland’s resolution to be net zero in the next 20 years and also meeting the LEED for Schools goals (LEED certified and 20% better than base energy codes) to get 2% additional funding from the MSBA. He explained the difference between a net zero building and a net zero ready building.

• Mr. Schaffner then explained the architectural elements to help reduce energy and discussed the various mechanical system options, each of which have different levels of fossil fuel use, and associated costs. Mr. Schaffner also pointed out that, although the presentation is primarily about energy use, they are also looking at other elements of sustainability such as air, light and materials, all of which are important to a school and creating a good learning environment.

• With respect to the educational plan, Michael Caira, Principal of the David Mindess School, provided background about the decision to move forward with the grade 3-5 configuration instead of grades 2-5. Dr. Caira discussed current enrollment and classroom use, and explained the need to accommodate growth, provide for smaller class sizes, and consider restructuring of Mindess’s educational programming.

• Bill Beatrice of Flansburgh Architects then discussed the site evaluation with the TriBoard. He presented the plan for construction at both the existing Mindess site
and the Middle School site, explaining that the building area would be fenced off and construction traffic and school traffic would be separated. He also shared the impact analysis for both sites.

- Mr. Kovacs then provided a high-level overview of the design alternatives. At this point, given the grade configuration decision, he explained that there are 4 options at the current Mindess site (3 new construction and one addition/renovation option required to submit to the MSBA) and 2 options at the Middle School site. He explained the new building vision with 10 classrooms for each grade, with five classroom pods, and stated that all configurations include community function areas can be locked off. He walked through the options and discussed flexibility of floor plans for the new construction options, and also provided an overview of the option utilizing the existing Mindess building.

- Mr. D’Amico then presented the cost ranges for the conceptual options, explaining that the costs were based on historical data (cost per square foot) with additional costs estimated for elements such as trying to be a net zero ready project. He explained that the MBSA required one option to include a “code base repair” and options for addition/renovation of the existing building, with one such option to be included in the PSR submission. Mr. D’Amico stated the final budget would come in the summer when there is a decision on the schematic design, further noting that the MSBA requires submission of a “not to exceed” budget, which the MSBA approves and is also used for the town vote. I

- Mr. D’Amico then provide an overview on timing, noting pros and cons of two construction delivery methods, using a construction manager at risk or a general contractor. He also discussed next steps, including the recommendation on the preferred option by the SBC followed by community forums. The Select Board and School Committee would then vote, followed by a vote of the SBC, and then submission of the PSR to the MSBA on May 6th.

- Following the presentations, Mr. Kendall reiterated key parts of the process, noting that the SBC was focused on two pieces: the educational plan and MSBA space template. He emphasized that the SBC wanted to make clear that this is a community building and resource.

- Next, Mr. Kendall explained the MSBA base reimbursement rate of 52.6%, with sustainability features raising the rate by 2%, but stressed that the effective rate will be lower due to caps (such as square footage) and exclusions. He highlighted that the MSBA will not reimburse square footage for an elementary school auditorium, but instead the proposed Mindess option will have a stage in the cafeteria. Further, he explained that costs beyond the MSBA limit on square footage for gym space will not be reimbursed.

- Mr. Kendall also noted that there is ongoing discussion on the sustainability features, in particular the need for back-up power, which may depend on anticipated use, such as whether the building might be used as an emergency shelter.

- The TriBoard asked questions about the scope of building productivity, and it was explained that, based on enrollment estimates, the new school met the needs for a 20-50-year time frame. It was noted that the MSBA requires consideration of how enrollment increases will be treated and expansion opportunities.
The TriBoard discussed, with respect to the Middle School site, impact on field availability in the town, benefits of proximity to the new YMCA and the traffic engineering review. There was also discussion of repurposing the current Mindess site, as well as any consideration of value of the Mindess land. It was noted that the SBC had robust conversations about what to do with the Mindess site, and they would like to have a plan or recommendation if the Middle School site is selected.

There was further discussion about whether the new building would be used as an emergency shelter and how that would impact the choice of mechanical system. Further, in terms of sustainability features, it was confirmed that operating costs were part of the costs presented. Mr. Kendall noted that there was additional sustainability information in the materials for the SBC’s March 10th meeting (available online).

5. Adjourn

The Chairs of the Select Board and School Committee expressed gratitude for all the work that has been done by the PSB Committee and Mindess SBC members, architects, and other presenters, as well as WACA.

<table>
<thead>
<tr>
<th>Motion to adjourn the Select Board at 8:44 p.m. made by Ms. Greaves, seconded Mr. Magnani</th>
<th>Motion to adjourn the School Committee at 8:45 p.m. made by Ms. Bates, seconded by Ms. Williams.</th>
<th>Motion to adjourn the Finance Committee at 8:45 p.m. made by Mr. Moore, seconded by Mr. Warnetski.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Magnani - Aye</td>
<td>Ms. Bates - Aye</td>
<td>Mr. Warnetski - Aye</td>
</tr>
<tr>
<td>Ms. Greaves - Aye</td>
<td>Ms. Williams - Aye</td>
<td>Mr. Turncliff - Aye</td>
</tr>
<tr>
<td>Ms. Kinsman - Aye</td>
<td>Ms. Tosti - Aye</td>
<td>Mr. Hart - Aye</td>
</tr>
<tr>
<td>Mr. Scherer - Aye</td>
<td>Mr. Kendall - Aye</td>
<td>Ms. Cooney - Aye</td>
</tr>
<tr>
<td>Mr. Mitchell - Aye</td>
<td>Mr. Terry - Aye</td>
<td>Mr. Walsh - Aye</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr. Moore - Aye</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ms. Chitnavis - Aye</td>
</tr>
</tbody>
</table>

List of Documents Presented at Meeting:

Ashland Public Safety Building

Mindess School Building Project, Feasibility Phase: Preferred Schematic Report

https://drive.google.com/file/d/10Mhw-hMKpzl6xOCvO_T5Plas4HYyinXc/view

This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
<table>
<thead>
<tr>
<th>Gift / Grant</th>
<th>Source</th>
<th>Item</th>
<th>AMOUNT</th>
<th>PURPOSE OF GRANT</th>
<th>DEPT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday Nourishing Neighbors Program</td>
<td>Albertsons dba Shaw’s and Star Market</td>
<td>one time</td>
<td>$9,750.00</td>
<td>Human Services has been provided 390 Gift Cards. Each gift card is valued at $25.00.</td>
<td>Human Services</td>
</tr>
</tbody>
</table>
Congratulations! Your gift cards are activated!

Order Number: 640161

GIFT CARD PRODUCT

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>VALUE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gift Card - Heart RESTRICTED - Variable</td>
<td>390</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Total: $9,750.00
Shipping Cost: $0.00
Discount: 5%
Discount Total: $487.50
Overall Total: $9,262.50

We're happy to help answer any questions or concerns you may have. If you need assistance, please contact Gift Card Support at 1-877-723-3929 Prompt 4.

Thanks!

Albertsons Companies Gift Card Team

Please do not reply to this message. This e-mail is an automated notification, which is unable to receive replies.
Warning: All e-mail sent to this address will be received by the corporate e-mail system, and is subject to archival and review by someone other than the recipient. This e-mail may contain proprietary information and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately.

---

Jennifer Wuelfing, MSW LICSW
Director of Human Services
Social Worker for the
Town of Ashland
Community Center
a: 162 West Union St
p: 508 532 7942
t: 508 532 4019
e: jwuellefling@ashlandmass.com

"Leave Your Path Here. Go Out And Do Your Magnificent Things" (Rosemarie Aquilino)
<table>
<thead>
<tr>
<th>Grant Name</th>
<th>Funding (Federal vs. State)</th>
<th>Duration</th>
<th>Amount</th>
<th>Purpose of Grant</th>
<th>Dept.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Park Grant</td>
<td>The Stanton Foundation</td>
<td>one time</td>
<td>$25,000.00</td>
<td>Funding is for the design of the Dog Park</td>
<td>Bark Park Committee</td>
</tr>
</tbody>
</table>
February 17, 2021

Ms. Kasey Richards

Dear Ms. Richards:

We are impressed with your skills and accomplishments and feel your background and experience is a good match for our present needs. It is with great pleasure that the Town of Ashland offers you the position of Intermittent Dispatcher with the following compensation package. This offer is contingent upon an employment eligibility verification.

- The position is **per diem, non-benefitted** and is offered at an hourly rate of $23.2837/hr.
- You will have a six-month probationary period.
- **Schedule** will be as assigned.

We will plan for your employment to start Monday, March 1 or as agreed upon with the Department. On your first assignment, Sgt. Vinciulla will meet you at the Ashland Police Department. *Prior to your start date, please be in touch with Kathy Arsenault, Payroll Coordinator (x7107), to complete employment forms.* Kathy will let you know the appropriate documentation you need to bring for the completion of your new hire forms, including proof that you are presently eligible to work in the United States for I-9 purposes. Failure to provide appropriate documentation will result in immediate termination of employment in accordance with the terms of the Immigration Reform and Control Act.

If you are in acceptance of this employment offer, please sign below and return to Human Resources at your earliest convenience. Once we’ve received your acceptance, I will request for consent of your appointment at the next available Select Board meeting. If you have any questions, please feel free to contact me.

Congratulations and we look forward to having you join the Town of Ashland team!

Sincerely,

Michael Herbert

Michael Herbert

Cc: Lisa Ugliarlo
Chief Vin Alfano
Date: February 17, 2021

To Whom It May Concern:

This letter is to inform you that the Ashland Town Clerk has received written notice of the resignation of the following person:

Name: E. Robert St. Germaine

a member of Stormwater Advisory Committee

Board, Commission or Committee Name

Effective Date of Resignation: October 28, 2020

As per the Town Code Section 8-36, Notification of Appointed Vacancy to Appointing Authority, (Added 10-18-00 ATM, Art. 27, approved Acts of 2002, Ch. 53 and Annual Town Election 5-7-02):

"In the event of a vacancy on a board, commission or committee, the Town Clerk, upon notification of such vacancy, shall, within ten (10) days of notification of such vacancy, notify in writing the designated appointing authority of the vacancy."

As per the Town Code Section 8-4a, "Should the appointing authority fail to fill a vacancy on a board, commission or committee within forty-five days of having been notified in writing by the Town Clerk of said vacancy, the Board of Selectmen shall then become the appointing authority and shall make such appointment(s) within forty-five (45) days thereafter."

Please note that a copy of the letter from 
E. Robert St. Germaine has been included for your records.

Name

cc: Town Manager/Board of Selectmen
Chairperson of the Board, Committee or Commission
October 28, 2020

Tara Ward, Town Clerk, Town of Ashland
101 Main Street
Ashland, MA 01721

Dear Tara,

For personal reasons I am reducing the level of my involvement in town committees. With this letter I am resigning from the Stormwater Advisory Committee.

It has been my pleasure to work with you and Cindy. Thank you for all the help over the last few years and for all that you do to help the town function.

I am sure I will still see you around if Covid ever ends and doesn’t get me first.

Best regards,

Everett Robert St. Germain
I am resigning from the Conservation Restriction Working Group

1 message

Thu, Feb 25, 2021 at 10:19 AM

Marty <gnir.nitram@verizon.net>

To: townderkoffice@ashlandmass.com, tward@ashlandmass.com, Susan Robie <srobie@ashlandmass.com>, Bill Moulton <w1tb1m@aol.com>, Cathy Rooney <designerofgreens@gmail.com>
Cc: info@ashlandopenspace.org, Soolman Roberta <robertasoolman@msn.com>, Cathy Van Lancker <cmjgvl@comcast.net>

Howdy.

The town has a lot of pressing business to attend to and I am happy to volunteer for many activities and obligations, but unfortunately I am over-extended and must step back from some of my responsibilities. My mother, who lives in the Commons in Lincoln and will turn 93 in 3 weeks, is in increasing need of my presence and service. Additionally, there are an increasing number of properties in the Town that need protection and I’m afraid that I can’t give it sufficient effort right now. I am therefore resigning from my chair and membership on the Conservation Restriction Working Group (CRWG) and I hope an active person can be appointed in my place. I would like to remain on the Open Space and Recreation Committee (OSRC) as well as the ASHLAND Upper Charles Trail Committee (AUCT) for the time being.

It is my understanding that my membership on the CRWG is through my membership on the OSRC, in the way of a liaison between the committees. I would like to ask that my spot on the CRWG continue to be reserved for an OSRC member who will be appointed by the OSRC when next it meets.

Unfortunately, my leaving leaves only 2 people on the CRWG. There are supposed to be 7 members. One is supposed to be a staff person appointed by the Select Board. Also, I am fairly certain that Cathy Van Lancker wants to be on the CRWG.

Is there anything I must do to make this official?

Thank you,
-marty ring
Hi,

Some time ago we asked if we could repurpose the 2012 $800 BAA grant that was given to the Ashland Town Forest Committee for the purchase of trash receptacles. Getting the answer to that question has taken on a new sense of urgency as we need to pay for materials to install electrical service in the ATF shed. Keefe Tech has agreed to do the work and we only need to pay for material.

Brittany is this a decision you or Michael H. can make or, if not, I would be happy to write a letter to the Select Board asking for such a vote.

Please advise.

Thanks,

Rob
ASHLAND LIONS REGATTA
at the Sudbury River

Imagine your very own boat racing to win the Ashland Lions “Regatta”!!

Saturday, March 27, 2021

First prize- $100
Second Prize- $50
Third prize- $25

What: Toy Boat “Regatta” to support the Ashland Lions club. Purchase your boat(s) for $5.00 each.
When: Saturday, March 27, 2021 (Rain date March 28)
Time: A member of the Lions will Launch boats at 10:00 a.m.
Where: Sudbury River canoe launch at Gryncel Park, Ashland

*Boats will all be numbered and the first to reach the finish line at Marathon Park will be the grand prize winner!
(you do not need to be present to win)
*The finish line will be drawn across the river behind the V.F.W. on Pleasant Street. (the boats will go over the falls at Marathon Park)

To purchase boats please contact a member of the Lions or go to Honey Dew Donuts @ 14 Union Street between 9:30 a.m. and 10:30 a.m. Monday-Friday March 8th - 26th

All Proceed go directly to the Ashland Lions Club to support local charities as well as eye research funds.
February 18, 2021

Senator Karen Spilka
Representative Jack Lewis

Dear Senator/Representative,

On behalf of the Ashland Selectboard, I am writing to you to express our strong support for the language in the Governor’s Fiscal Year 2022 Budget (amendment to Chap. 161A, Section 7.a) proposing that the MBTA Advisory Board appoint one of the seven members of the newly constituted MBTA Board of Directors.

We feel that it is very important that Ashland have a voice in the leadership of the MBTA through Ashland’s membership and participation in the MBTA Advisory Board.

Thank you for your consideration. Please contact Selectboard member Robert Scherer if you have any questions or need further information.

Sincerely,

Yolanda Greaves
Chair
March 4, 2021

Via Electronic Mail

Director of Division of Open Government
Office of the Attorney General
One Ashburton
Boston, MA 02108
openmeeting@state.ma.us

RE: Open Meeting Law Complaints
Public Body: Town of Ashland Select Board
Complainant: Stephen Morgan
Alleged Violation Dates: “ongoing”
Date of Complaint: February 4, 2021
Date Received: February 4, 2021

Dear Director:

Reference is made to the above-captioned matter. In that connection, the Town is in receipt of and has reviewed the Open Meeting Law complaint submitted by Stephen Morgan on February 4, 2021, attached hereto as Exhibit A. In his complaint, Mr. Morgan takes issue with the Agenda posted for the Select Board’s January 6, 2021 meeting, attached hereto as Exhibit B. Each of the allegations contained therein is addressed, in turn, below.

1. The Select Board failed to name the candidates being considered for the Town’s Affordable Housing Trust. In addition, the use of the parenthetical plural “(a)” at the end of the word “Appointment” was “confusing.” Further, the Board “took up” and “improper bylaw change” to add an associate member to the Trust which it “lacked the authority to accomplish without town meeting vote.” Lastly, the use of the word “membership” made it “unreadable to the reader what was intended.

The Open Meeting Law requires that public bodies post notice 48 hours in advance of a meeting and include a “listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). Public bodies are required to list topics in a meeting notice with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(3)(b). A notice need not include every detail about an anticipated discussion; the Division of Open

Government generally considers a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2018-7; OML 2015-35.

Agenda Item 3.b, under “Scheduled Hearings/Appearances,” reads as follows: “7:45 pm - Affordable Housing Trust - Appointment(s) and Membership.” At the meeting, the Trust Chair explained that the Trust had already voted unanimously to recommend appointing Alan Galiwango to fill a vacancy. The Select Board
Chair then expressed her support for adding two associate members - Bernadette Lunkuse and Barbara Sekegundu. The Select Board Vice Chair explained that he had met all the candidates and supported their appointments. Alan Galiwango and Barbara Sekegundu were both present. The Trust voted to appoint Mr. Galiwango, Ms. Lunkuse, and Ms. Sekegundu to the Trust.

The Town concedes that the Agenda Item failed to include the names of the foregoing individuals; and also failed to state that the Trust was going to vote on whether to appoint said individuals to the Trust. Hence, the Item failed to provide the public with a sufficient understanding of the anticipated discussion. See OML 2017-177 (where a public body anticipates discussing particular individuals, the names of those individuals must be included on the meeting notice).

In a good-faith effort to comply with the Open Meeting Law the Board agrees to repost the Agenda at its next meeting to include a revised Item 3.b naming the individuals to be discussed and stating that the Trust would be considering them for appointment.

As to Mr. Morgan’s claim that the Board took up an improper bylaw change and that it lacked the authority to do so. This is wholly outside the scope of the Open Meeting Law.

2. The Agenda was revised on January 5, 2021 at 1:27 p.m. to “add at least the appointment of [sic] Douglas Scott as Building Commissioner.” Mr. Morgan submits that this was “not an emergency but was done last minute for hiring convenience...as others were covering for the vacant position it was not an emergency.”

The Open Meeting Law requires that “[e]xcept in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting.” G.L. c. 30A, § 20(b). The Open Meeting Law defines an emergency as “a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.” G.L. c. 30A, § 18; 940 CMR 29.02. The burden of justifying the need for an emergency meeting falls on the public body. See OML 2012-7.

On January 5, 2021 at approximately 1:32 p.m., Item 4.c of the Consent Agenda was changed from “Notification of the Town Manager’s Appointment of Aidan Shepard as a Light Equipment Operator for Cemetery, Parks and Trees Department,” to “Notification of the Town Manager’s Appointment of Aidan Shepard as a Light Equipment Operator for Cemetery, Parks and Trees Department and Douglas Scott as Building Commissioner.” Exhibit B. (emphasis added).

Under Part 5, Subsection 5-5(b) of the Town Charter, appointments proposed by the town manager, except as noted in Subsection 5-5(c), shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed at a Select Board meeting, unless the Select Board shall within such period, by a majority vote, vote to reject such proposed appointment or vote to waive the 15-day period.

Former Building Commissioner Mike Crisafulli left the position just over one month before the January 6, 2021 meeting, leaving the Town’s Inspections Services Department wholly incapable of serving the public in a timely manner while also meeting the manifold challenges arising from the COVID-19 pandemic, such as processing COVID-19 compliance certificates for every building permit applicant and performing many of its functions remotely that it used to do in person. It was imperative that the new Building Commissioner be able to start work as soon as possible. Regrettably, there was little choice but to add the notification of the Town Manager’s appointment of the new Building Commissioner to the Agenda on January 5, 2021 so that the Board could waive the 15-day waiting period; the circumstances demanded immediate action.
3. The Board "took up a major bonding vote that was never on the Agenda."

As noted above, the Open Meeting Law requires that “[i]n an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting.” G.L. c. 30A, § 20(b). The Open Meeting Law defines an emergency as “a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.” G.L. c. 30A, § 18; 940 CMR 29.02. The burden of justifying the need for an emergency meeting falls on the public body. See OML 2012-7.

In this instance, the Town’s Treasurer/Collector received the vote from Bond Counsel on January 6, 2021 - the day of the meeting. The bids were done the same day. The Bond vote was taken without being included in the Agenda so that the Town would not miss out on locking in a crucially low interest rate. Again, these were unforeseeable circumstances that demanded immediate action.

Even so, in a good-faith effort to comply with the Open Meeting Law, the Board posted the vote on the Agenda for the January 20, 2021 meeting, attached hereto as Exhibit C, as follows: “5. Old New Business … b. Ratify the vote taken on January 6, 2021 with regards to the Town’s Bonds and Notes.” Below is an excerpt from the minutes of said meeting, attached hereto as Exhibit D:

```
Michael explained that because this item was not on the agenda, the board needs to ratify the vote taken on January 6, 2021 with regards to the Town’s Bonds and Notes.

Steve read into the record that the attached votes taken on January 6, 2021 approving the sale of (i) the $11,130,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated January 21, 2021 (the "Bonds") and (ii) the $3,999,000 1.00 percent General Obligation Bond Anticipation Note of the Town dates January 21, 2021, and payable January 21 2022 (the "Notes"), and approving the terms and details of the Bonds and Notes, are hereby ratified, approved and confirmed. This motion was seconded by Brandi, with a vote of Kinsman-aye, Magnani-aye, Scherer-aye, and Graves-aye; 5-0-0.
```

No action was taken under the January 2, 2021 vote.

Based on the foregoing, the Select Board respectfully requests that this matter be dismissed without further action. Please do not hesitate to contact me with any questions or concerns. Thank you for your kind consideration.

Very truly yours,

Alexander M. Castro
Town Counsel

cc: Ashland Select Board
   Tara Ward
March 4, 2021

Via Electronic Mail

Director of Division of Open Government
Office of the Attorney General
One Ashburton
Boston, MA 02108
openmeeting@state.ma.us

RE: Open Meeting Law Complaints
Public Body: Town of Ashland Select Board
Complainant: Stephen Morgan
Alleged Violation Dates: “ongoing”
Date of Complaint: February 8, 2021
Date Received: February 8, 2021

Dear Director:

Reference is made to the above-captioned matter. In that connection, the Town is in receipt of and has reviewed the Open Meeting Law complaint submitted by Stephen Morgan on February 8, 2021, attached hereto as Exhibit A. In his complaint, Mr. Morgan takes issue with the recently posted minutes from the March 9, 2017 meeting of the Downtown Banner Subcommittee of the Board of Selectmen, attached hereto as Exhibit B. Each of the allegations contained therein is addressed, in turn, below.

1. The minutes “do not list the documents used in the meeting.”

Under G.L. c. 30A, § 22(a), a public body’s meeting minutes must contain, inter alia, “a list of documents and other exhibits used at the meeting.” The Attorney General interprets the statute as requiring that the minutes “identify” all documents and exhibits used at a meeting. This is precisely what the Sub-committee did: “The subcommittee reviewed the attached draft Banner Policy and Program Guidelines and made the following changes…” Puzzlingly, Mr. Morgan seems to agree, stating that, “[a]t least two documents are mentioned. (1) draft street banner Policy and (2) Program guidelines.” This statement makes sense only if Mr. Morgan believes that the documents must be enumerated in a particular style or format. Simply put, here is no such requirement. As stated by the Attorney General, they need only be “identified” - which they were.

2. The minutes “lack sufficient detail to allow a reader not present to understand who made the comments which are recorded.” Specifically, Mr. Morgan claims that the statement “remove ‘special community events’” fails to identify who, in particular, “requested the change;” and that the minutes fail to detail the discussion preceding the decision.
The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a).

In determining whether meeting minutes comply with the Open Meeting Law, the Division of Open Government ("Division") looks for substantial compliance with the accuracy requirement. See OML 2017-104; OML 2013-64. The Division interprets “substantial compliance” to mean that the minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2019-145; OML 2012-106. Although a transcript of the discussions is not required, and the minutes do not need to include every remark or opinion presented, minutes must include a substantive summary of the discussion on each topic. See OML 2018-8; OML 2012-29; OML 2011-55. Such summary must include more than a statement that a public body held a discussion about a specified topic; the Law requires that the minutes summarize the discussion that was held. See OML 2019-167.

In his complaint, Mr. Morgan conveniently fails to consider the entirety of the summary of the Subcommittee’s review and discussion of the draft Banner Policy and Program Guidelines. The full summary reads as follows:

**Review & Discuss Policy**

The subcommittee reviewed the attached draft Street banner Policy and Program guidelines and made the following changes:

Page 2 remove “special community events as a possible use for the banners because it would be too difficult to manage the need to change and reprint banners more frequently than seasonally. It was agreed that if [sic] this could be revised in the future.

Change 3 seasons to 4 seasons. Initially the group though the banners would no stand up to the winter weather but after doing additional research it was found that they are made from durable material.

Change the cost of sponsorship to $400 per pole annually to ensure the Town recoups the cost to create and hang the banners.

Steve Mitchell made a motion to incorporate these changes as present the policy to the Board of Selectmen. This motion was seconded by Joe Magnani. This passed 2-0.

Exhibit B. It is clear from the foregoing that the minutes provide a detailed summary of the Subcommittee’s review and discussion. They do not merely state that a public body held a discussion about a certain topic; they rather enumerate specific changes to the language of the Policy and Guidelines and the Subcommittee’s reasoning for making such changes. There is therefore more than enough detail and accuracy for a member of the public who did not attend the meeting to read the minutes and have a clear understanding of what occurred.

As to Mr. Morgan’s allegation that the minutes fail to identify the individual who requested a certain change; the Division is clear that a transcript of the discussions is not required; and that the minutes do not need to include every remark or opinion presented.

3. "It is unclear from the minutes who drafted the minutes and if they were actually created during the meeting and voted upon...[they] appear to be possibly pre-drafted, transcribed post meeting or not the actual minutes at the time of the vote."
The Open Meeting Law requires a public body to post notice of a meeting at least 48 hours in advance, including a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b).

It was only during the meeting that the Chair realized that said meeting would likely be the last time the Subcommittee would meet - its purpose having been fulfilled. Because the Assistant Town Manager was recording the meeting, in writing, contemporaneously, the Subcommittee voted to accept the minutes as presented even though doing so was not listed on the Agenda, attached hereto as Exhibit C.

Even so, in a good-faith effort to comply with the Open Meeting Law and because the Subcommittee has long since been disbanded, the Select Board agrees to repost the Agenda at its next meeting to include the approval of the minutes.

Based on the foregoing, the Select Board respectfully requests that this matter be dismissed without further action. Please do not hesitate to contact me with any questions or concerns. Thank you for your kind consideration.

Very truly yours,

Alexander M. Castro
Town Counsel

cc: Ashland Select Board
    Tara Ward
March 4, 2021

_Via Electronic Mail_

Director of Division of Open Government
Office of the Attorney General
One Ashburton
Boston, MA 02108
openmeeting@state.ma.us

RE: **Open Meeting Law Complaints**
Public Body: Town of Ashland Select Board
Complainant: Stephen Morgan
Alleged Violation Dates: “ongoing”
Date of Complaint: February 11, 2021
Date Received: February 11, 2021

Dear Director:

Reference is made to the above-captioned matter. In that connection, the Town is in receipt of and has reviewed the Open Meeting Law complaint submitted by Stephen Morgan on February 11, 2021, attached hereto as Exhibit A. In his complaint, Mr. Morgan takes issue with the minutes from the December 2, 2020 Select Board meeting, attached hereto as Exhibit B, as well as the corresponding Agenda, attached hereto as Exhibit C. Each of the allegations contained therein is addressed, in turn, below.

1. _The minutes were requested on December 7, 2020. “The time to provide the minutes has long since passed.”_

Open Meeting Law complaints must be filed with the chair of the public body within 30 days of the date of the alleged violation, or if the alleged violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. G.L. c. 30A, § 23(b); 940 CMR 29.05(3, 4). Mr. Morgan requested the December 2, 2020 meeting minutes on December 7, 2020. The minutes of an open session, if they exist and whether approved or in draft form, must be made available upon request by any person within 10 days. G.L. c. 30A, § 22(c). As such, Mr. Morgan should have reasonably discovered that said minutes were not posted on December 17, 2021, at the latest. Still, he waited almost two months to file the instant complaint - well beyond the 30-day time-limit.

Even so, in a good faith effort to comply with the Open Meeting Law, the minutes have been approved and posted and are attached hereto as Exhibit B.
2. **The address of the property discussed in executive session under G.L. c. 30A, § 21(a)(6) should have been included in the Agenda. In addition, Mr. Morgan believes “that an in camera [sic] review of this session [would] likely show that this matter relates to an active town topic for which action has already happened or the reason for the exception has past.”**

Mr. Morgan first took issue with the Agenda Item in an email to the Select Board and Town Clerk on November 25, 2020, noting that it was “not clear which project/location [was] being discussed…” Exhibit D, which is attached hereto. The Town Clerk responded to Mr. Morgan, informing him that the Town had confirmed with Town Counsel that address did not need to be included. It is thus abundantly clear that Mr. Morgan knew of the alleged violation approximately two and a half months before filing the instant complaint, again, well exceeding the 30-day time limit.

Even if Mr. Morgan’s complaint were timely, which it is not, one of the purposes for which a public body may vote to enter into executive session is 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.” G.L. c. 30A, § 21(a)(6) (“Purpose 6”). Purpose 6 is intended to preserve confidentiality in negotiating the value of the property to be purchased, exchanged, or leased to avoid putting the public body at a disadvantage in its negotiations for the property. See District Att. for the Plymouth Dist. v. Selectmen of Middleborough, 395 Mass. 629, 631 (1985); OML 2016-50; OML 2019-10. When noticing an executive session under Purpose 6, a public body must identify the property to be discussed unless doing so would compromise the purpose for which the executive session was called. See OML 2016-5; OML 2014-136; OML 2013-97. As noted above, the Town confirmed with Town Counsel that identifying the property would compromise the purpose for which the executive session was called. Further, Mr. Morgan provides no basis for his claim that an in-camera review of the session would reveal that the subject thereof had already been resolved.

Based on the foregoing, the Select Board respectfully requests that this matter be dismissed without further action. Please do not hesitate to contact me with any questions or concerns. Thank you for your kind consideration.

Very truly yours,

Alexander M. Castro  
Town Counsel

cc: Ashland Select Board  
Tara Ward
TO: Ashland Select Board
FROM: Michael Herbert
DATE: February 25, 2021
RE: Proposed Working Group for Ashland Mills

The owner of Ashland Mills (10-50 Main Street) has proposed a mixed-use development on that site that contains 200 units of housing (25% affordable) and 34,000sf of commercial space. The project will also extend the Town of Ashland’s Riverwalk to the eastern side of Main Street along the Sudbury River.

Consistent with what I stated in a previous meeting, I propose a working group that would help refine the project before bringing it forward to Town Meeting. The working group would consist of two Select Board members, two Planning Board members, and a member of the Design Review Committee. At this time, the Select Board has designated Yolanda Greaves and Rob Scherer. The Planning Board has designated Trisha Kendall and Deepa Venkat for the group. It would also include either the Town Manager, Assistant Town Manager, Town Planner, or Assistant Town Planner (perhaps on a rotating basis). Each group member would have specific roles and responsibilities they would be responsible for.

A 40R bylaw calls for a designated Design Review Board (not to be confused with the Design Review Committee), to review submitted project applications. Although this group would not serve that specific function at this time, it could be a natural extension of the group’s work. While I understand there may be some that would want more people to serve on such a group for public input, part of the group’s charge is to get ample input from the public through various methods.

Goals and objectives of the working group would include, but not be limited to:

1. Designate milestone dates in order to establish a fair process that provides for public input while continuing to move the process forward.
2. Engage in a public feedback process through methods such as public forums, etc.
3. Incorporate public feedback into the zoning and project
4. Make sure the 40R zoning bylaw for the project reflects the terms outlined in the development agreement
5. Work with the developer to establish a design that is consistent with the upcoming downtown zoning changes
6. Hear reports from Town-contracted consultants on the feasibility of such a project as well as limitations.

Meetings will be held at a time that works best for the group members as a whole. This may mean some meetings during the late afternoon/early evening.