

## 1. Meeting Materials

### Documents:

[2022.03.24 ARPA AGENDA \(PDF\).PDF](#)

[2022.03.24 ARPA- MAR 24 2022 SLIDESHOW \(PDF\).PDF](#)

[2022.03.24 ARPA COMMITTEE-REQUEST FOR MINUTES \(PDF\).PDF](#)

**Town of Southborough, MA  
Meeting of the ARPA Committee  
Thursday, March 24, 2022, 7:30 P.M.  
VIRTUAL ZOOM MEETING**

May be watched or may participate in the meeting remotely with the meeting link at  
<https://www.southboroughtown.com/remotemeetings>

*Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.*

**I. Short overview of ARPA committee, charge and allowable uses of funds**

**II. Open public forum**

Andrea Hamilton  
Chair

# Southborough ARPA Committee: Composition and Organization

- **Membership: The Committee shall consist of 7 members, comprised as follows:**
  - One (1) member of the Advisory Committee;
  - One (1) member of the Planning Board;
  - Two (2) members of the Capital Planning Committee;
  - One (1) member of the Economic Development Committee;
  - Two (2) Southborough residents who are not currently members of an appointed or elected Town board or committee.
  - Members will be appointed by the Select Board at a duly posted public meeting following the advertisement for interest in serving on the committee.
- **Term and Organization**
  - The term of office shall be for one (1) year;
  - The Committee shall report to the Select Board as required;
  - The Committee shall elect its own Chair, Vice-Chair, and Secretary, and shall establish a regular meeting schedule. All records of the Committee shall be filed with the Town Clerk and open to public inspection in accordance with applicable Open Meeting Law and Public Record statutes;
  - The Committee shall operate in accordance with the State Conflict of Interest Laws;
  - Members shall serve without financial compensation

# Southborough ARPA Committee: Charter

- **Duties:**
  - The Committee shall provide recommendations to the Select Board on the expenditure of approximately **\$3,051,241 in ARPA (American Rescue Plan Act of 2021) funding;**
  - The Committee shall solicit input from Town departments, boards, committees, and commissions;
  - The Committee shall solicit input from the Southborough community, through means including but not limited to surveys and public forums;
  - The Committee shall develop an evaluation tool to rank proposals for funding, taking into account the benefit of the requested improvement to Town operations and/or the community as a whole;
  - The Committee shall develop a report to present to the Select Board that will include a list of all proposals submitted for consideration, in addition to those recommended for funding;
  - The Committee recommendation will be presented to the Select Board at a regularly scheduled meeting not later than **May 16, 2022** and be prepared to discuss their process and findings at that time.
  - **Recommendations that impact FY23 funding for Annual Town Meeting articles should be made no later than March 1, 2022.**

## ARPA Provides Funds That May Be Used

- To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
- To make necessary investments in water, sewer, or broadband infrastructure.
- SLFRF funds may only be used for costs incurred within a specific time period, beginning March 3, 2021, with all funds obligated by December 31, 2024 and all funds spent by December 31, 2026.

OFFSET A REDUCTION IN NET TAX REVENUE	DEPOSITS INTO PENSION FUNDS	ADDITIONAL RESTRICTIONS AND REQUIREMENTS
<p><b>States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent.</b> If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.</p>	<p><b>No recipients except Tribal governments may use this funding to make a deposit to a pension fund.</b>  <b>Example:</b>          Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment</p>	<p><b>No debt service or replenishing financial reserves.</b> Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).  <b>No satisfaction of settlements and judgments.</b> Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.  <b>Additional general restrictions.</b> SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).</p>

Southborough Town Code § 9-25 requires that minutes of each public meeting and the documents used at the meeting be submitted to the Town Clerk within 45 days of the meeting and that the Town Clerk notify the board or committee chair when that reporting requirement is not met.

I'm writing to advise you that as of today, the Town Clerk's Office has not received the minutes and documents used at the **3/24/22** meeting of the **ARPA Committee**.

The Attorney General has determined that a document is considered to be "**used at a meeting**" when the document is:

- Physically present, and
- Identified by name, and
- Its contents are discussed at the meeting.

As a reminder, please submit the documents as individual files and ensure the name of **each separate file** matches how it is identified in the **Documents Used at This Meeting** section of the minutes.

**Please reply to this email with your response which will be posted on the town website until the minutes and documents are received.**

Please advise if you are unable to provide minutes for one of the following reasons:

1. The meeting was cancelled.
2. No meeting was held due to the lack of a quorum.

The meeting involved executive session(s) and the minutes for the executive session portion(s) cannot be released at this time. Note that minutes for the open session portion of a meeting must be released. Also, the board or committee must review any withheld executive session minutes regularly to ensure there is still a valid reason to withhold minutes from the public. We suggest you consult with Town Counsel on any matters concerning the release of executive session minutes.

Thank you,

Kate Battles  
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