

Select Board Meeting Minutes

June 27, 2022

Debra J. Fagerstrom

RECEIVED

7/6/22

Members Present: G. Adams, S. Collins, M. Kelly, P. Leaming, A. Soto

Public Present: C. Harry, Jolene Ferreira, E. Pittsinger, D. Pytel, John Freeman, J. Freeman, Chief Kuss, A. Collins, A. Boone, D. Boone, C. Platenik, P. McCarthy, M. Doyle, M. Berthiaume, J. Serrenho, G. Modugno, C. Jambora, M. DeCiero, B.J. Petrie, M. Miller, M. Egan, Lt. Beaudry, J. Collins, K. Corriveau

6:30 PM: S. Collins, Chair, opened the meeting. She asked everyone to stand for a moment of silence for the youths that lost their lives. She asked everyone stand silently for a moment of reflection and respect for the three young lives lost over the weekend. She read a thoughtful statement stating the community was stunned by this tragedy and was experiencing tremendous grief, and their deepest sympathy goes out to the victims, their families, and friends. She also commended the heroic actions of the emergency personnel on behalf of the Community and Board.

She asked to also start the meeting reciting the Pledge of Allegiance. Everyone stood and recited the Pledge.

Reorganization of the Board

S. Collins, Chair, announced they were going to reorganize the Board. She said, "As a Board we all agree that no member of this Board in their official capacity will make unilateral decisions or take unilateral actions prior to discussion and agreement of the Select Board."

MOTION: P. Leaming made a motion to nominate Martin Kelly for Chairman of the Select Board.

SECOND: Anthony Soto

VOTE: All in favor

M. Kelly accepted the Chair position.

MOTION: P. Leaming made a motion to nominate Suzanne Collins for Vice Chair of the Select Board

SECOND: George Adams

VOTE: All in favor

S. Collins accepted the Vice Chair position.

Minutes:

MOTION: S. Collins made a motion to approve the minutes, as written for the June 07, 2022, meeting.

SECOND: M. Kelly

VOTE: M. Kelly – Aye; S. Collins – Aye; G. Adams – Aye; A. Soto – Aye; P. Leaming – Abstain

Appointment(s):

MOTION: S. Collins made a motion to reappoint Eva Pittsinger for ADA Coordinator.

SECOND: George Adams

VOTE: All in favor

MOTION: S. Collins made a motion to re(appoint) James Adams, Jr., Christopher Harry, Gloria Hunt, and Jolene Ferreira for a 1-year term for the Age Friendly and Disability Commission.

SECOND: P. Leaming

VOTE: All in favor

MOTION: S. Collins made a motion to reappoint Joseph Venezia to the Conservation Commission for a three-year term.

Crystal Harry asked if the Public would have a chance to discuss any of the appointments. M. Kelly stated that the Board would finish their business first and then they could go from there. Crystal Harry said that is not how the agenda is set up. M. Kelly asked where the agenda said that. C. Harry indicated there is no place for the Public to speak. She said, "You said anyone can speak on agenda items." M. Kelly asked who said that. C. Harry replied it was the Chair. M. Kelly, asked, "Me?" C. Harry stated it was the former chair.

S. Collins stated after the appointments the Public can speak. M. Kelly asked everyone to wait to make comments until the agenda is complete since there are many people who want to speak and make comments.

MOTION: S. Collins made a motion to re (appoint Benefited Patrol Officer Justin Donahue for a 3-year term as Benefited Patrol Officer.

SECOND: P. Leaming

VOTE: All in favor

MOTION: S. Collins made a motion to re(appoint) Jeffrey Fitzgerald as an Associate Member for a 1-year term for the Zoning Board of Appeals.

SECOND: P. Leaming

VOTE: All in favor

New Business

FY2023 Heating Oil, Diesel, Gasoline and Boiler Maintenance – Bid Award(s)

MOTION: G. Adams made a motion to award the Fiscal Year 2023 Heating Oil, Diesel, Gasoline and Boiler Maintenance to the following:

- Sherman Oil for the number two heating oil per gallon over the rack price for nineteen cents
- Radio Oil for Pre.Ult.L. Sulfur Diesel over rack price for \$.13
- Dennis Burke for Ethanol Unleaded 87 Oct.Gas (over rack) \$.2272

SECOND: S. Collins

VOTE: All in favor

MOTION: G. Adams made a motion for the Fiscal Year 2023 for Various Road Materials, Equipment Rentals, Crack Sealing-Polymer & Crumb Rubber Modified (PCRM) Asphalt Compound with Reinforcing Fibers and Bituminous Concrete-Type I awarded to the following:

- Palmer Paving Corporation, Bituminous Concrete – type 1, pick-up per ton at eighty-five dollars, in place per ton for \$94.00 dollars

Various Road Materials awarded to:

- Palmer Paving Corporation, Hard pack-Gravel per ton pick-up at \$11.00
- Palmer Paving Corporation, Rip-Rap – 2–4-inch, pick-up per ton at \$23.80
- Palmer Paving Corporation, Rip-Rap – 4–6-inch, pick-up per ton at \$26.05
- Palmer Paving Corporation, Rip-Rap – 6-inch, pick-up per ton at \$26.05
- Indus, for Crack Seal at \$12.87

Pioppi Construction Inc. for the Fiscal Year 2023 for Equipment Rental with operator:

- Backhoe 1.5 – 2 cy – Hourly for \$165.00
- Backhoe 1.5 - 2 cy – Daily for \$1,320.00
- Excavator 5 to 10 ton -Hourly for \$180.00

thoughts on the time the meetings are held. G. Adams questioned the date since Monday is a holiday. S. Collins said whenever the holiday falls on a Monday the meeting will be held on the next day (Tuesday). M. Kelly stated he would like to see the meetings go earlier based on if they have a heavy agenda and would like to see it start at 5:30 instead of 6:30. G. Adams said he would not mind a 5:30 time but said for the Public to get here for that time might be difficult especially for those who work. He stated he would be okay with a 6:00 pm start. S. Collins said they could try 6:00 pm.

MOTION: S. Collins made a motion to change the meeting start time to 6:00 pm and the next meeting will be July 5, 2022, to stay in sequence with their previous meeting.

SECOND: G. Adams

VOTE: All in favor

Chapter 90 Project Request – Reconstruction and Repaving Lyman Barns Rd. (from town line to area of house #56)

The Board reviewed the project request. S. Collins stated Z. Lemieux (Highway Department) made the recommendations for this project.

MOTION: S. Collins made a motion to accept the Chapter 90 Project request.

SECOND: P. Leaming stated he would second but would like to add the estimated cost to the motion of \$268,090.

VOTE: All in favor

FY2022 Vacation Time Roll-Over to FY2023 Requests:

MOTION: S. Collins made a motion to accept the unused vacation time rollovers to extend it to December 31 instead of September.

Discussion: E. Pittsinger asked if this would be for all employees. S. Collins asked if they were required to submit a request to have unused vacation time rollover. M. Kelly said he would be happy to do this for all employees. He asked that anyone who has unused time send a note to the Board, so they know the amount of unused time.

SECOND: P. Leaming

VOTE: All in favor

M. Kelly announced at this time the Board would take comments from the floor. He indicated many people wanted to speak about the Police Chief's appointment. He stated he would be happy to let people do that, but they need to keep it short, and he will allow a total of 15 minutes for the Public to speak to this item. He went on to say the Select Board cannot discuss it with them, cannot comment on what you say, and then move on to the next person. S. Collins asked that they come up to one of the microphones on the Select Board's table since there was not one on the table where they can usually speak. M. Kelly asked that each person identify themselves. He said in the past these have been some difficult things and people have been yelling and pointing fingers and the Board expects everyone to be respectful, not to point or deviate from the subject. M. Kelly made a note of the time at 6:56 and would conclude public comments at 8:15 pm.

Crystal Harry stated the Select Board's next meeting is on July 5th and the executive session would be at that meeting. She asked if the town would not have a Police Chief as of June 30th or will the Chief remain in place until you have an executive session. M. Kelly stated again that the Board cannot discuss this with the Public at this time. S. Collins stated that if someone is not appointed, it does not mean they are "unappointed." They stay on at their post. C. Harry said she knows that Mass General Law states if Police Officers are not appointed their term ends on June 30th and said she did not know if that is the same for Police Chief's.

P. McCarthy asked if it is for sure they will have a Police Chief as of July 01. He asked if it is certain. M. Kelly stated that again, the Board cannot discuss before the Executive Meeting and cannot make a decision before that time. P. McCarthy stated as a follow up, it is not asking for a decision it is for a clarification, if not appointed, whether or not that person stays in that position as it was alluded to a minute ago. He said he is not asking for an opinion; it should be fact and very black and white. He said, if you do not know that is all right, just find out and issue a statement to the Public to that effect. It should not be a nebulous concept. M. Kelly indicated they would expect there would be appropriate leadership

was because of the Mandatory Requirement by state law needs to be addressed. M. Kelly said he believes the Board sufficiently answered this question.

A. Collins stated being in the Military, and having seen other Military members, it is not uncommon in the Military or other law enforcement, that someone does not get reappointed. If someone is not reappointed, there should be someone in the department that could take on the leadership responsibilities. She asked if this was correct. M. Kelly stated that is correct.

M. Miller asked if this was the first meeting since those two gentlemen (G. Adams & A. Soto) were elected. M. Kelly said that is correct. He said that the Board would not have met them privately without the Public knowing before this meeting. M. Kelly indicated that was correct. M. Miller then asked why two of the Selectman met with Chief Kuss and told him he was not going to be reappointed. He stated this was posted on Facebook and wanted to know if what he is reading there is correct. He went on to ask if it did indeed happen, would it have been legal. P. Leaming asked the Chair if he could answer that question. He stated they did not say he was not going to be reappointed and you (M. Miller) were not there. M. Miller said that was why he was asking. He asked for an answer to whether the information on Facebook was fact. P. Leaming said he was not saying whether they had a meeting or not and that he could not reappoint or not reappoint someone. M. Miller thanked him for the clarification.

B.J. Petrie asked why the Board did not plan ahead since they knew the Chief's retirement was coming so this situation could have been avoided.

G. Modugno stated that M. Kelly said the Board was going to set a date for the next Executive Session tonight to have a discussion with the Chief. She said given the time frame referenced, could the Board give an exact date when the Executive Session would be held. She would like to know the exact date and time the session would be held. M. Kelly told her not to go anywhere and asked the Board to make a motion on the date. He then asked if Chief Kuss was in attendance, and he was. M. Kelly asked if there was a date for the session. S. Collins replied the date was June 30, 2022, at 5:00 pm and a meeting for the Board at 4:30 pm and then the Executive Session at 5:00 pm with Chief Kuss at the Town Hall.

MOTION: S. Collins made a motion to set the date for an Executive Session on June 30, 2022, at 4:30 pm for the Select Board Executive Session and 5:00 pm with the Board and Chief Kuss.

SECOND:

VOTE: All in favor

G. Adams stated he would like to recognize everyone in attendance, and those using the microphone and making comments went fairly well on the public's part. He said he felt there was work to be done within the Select Board and they were going to work on a Code of Conduct. He stated he already started something. He indicated he would like the Public to be present because when they draft a Code of Conduct, he wants input from Public and the Board. He went on to say he feels the way the public feels. He said it feels like we (the Select Board) are hiding stuff, and it is all new to him. He indicated that the Board is not hiding anything as he is learning. When the Board talks about employees it is confidential, and they cannot discuss it. He said he would like to answer many of the questions they asked, but he cannot be due to the privacy and confidentiality of all employees. He wished there were a way to relay the information to the Public. He indicated he made notes of all the comments made tonight so in the Executive Session they will be with him. He said that the Executive Sessions are closed to the Public but with the comments made here, he will bring them into the meeting. M. Kelly added to this and stated Executive Minutes are not confidential forever. Once the issue is resolved, those minutes are made public as they are all required to be.

C. Harry asked if once the Executive Session takes place, will there be an Open Meeting to share the results before the June 30th date. M. Kelly said it is hard to say since they do not know what the outcome of that session will be.

Someone wanted to speak, and M. Kelly said the Public Forum is closed and they did it until 7:15. The attendee suggested the Board make the appointment (for Chief Kuss) now since the Board will not have another meeting to make that appointment before June 30th.