

Town of Dudley

Board of Selectmen

Highway Commissioners

Cemetery Commissioners

August 9, 2021 @ 6:30pm

Dudley Municipal Complex – Room 321A

71 West Main St., Dudley, MA 01571

Approved 8/23/21

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

1. Call to Order, Pledge of Allegiance:

Jason Johnson opened the meeting at 6:33pm. In attendance were Kerry Cyganiewicz and Steven Sullivan. Also, present were Jonathan Ruda, Town Administrator and Michelle Jervis, Administrative Secretary. John Marsi requested to participate remotely under CMR 29.10(e) and that the reason is Geographical Distance. Paul Joseph was absent.

2. Consent Agenda –

Steven Sullivan motioned to approve the Consent Agenda which includes approving the minutes of July 26, 2021. Kerry Cyganiewicz seconded.

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

Steven Sullivan motioned to approve but not release the Executive Session minutes of July 26, 2021. Kerry Cyganiewicz seconded.

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

Steven Sullivan motioned to appoint Mark Landry as Constable for the Town of Dudley with a term to expire June 30, 2024. John Marsi seconded.

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

Steven Sullivan motioned to appoint George Patrinos as a member of the Capital Improvement Planning Committee with a term to expire June 30, 2024. John Marsi seconded.

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

3. **Town Administrator's Report** – Mr. Ruda stated that the majority of his report will be discussed in Executive Session. No other report at this time.

4. **Licenses/Permits:**

Nichols College – Common Victualler License for 2021 – PJ Boccio, representing Nichols College, came before the Board. **Steven Sullivan motioned to approve the application for a Common Victualler license for Nichols College for 2021. John Marsi seconded.**

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

Outdoor Entertainment License – Ms. Boccio stated that the music that will be playing for these events will end at 10:00pm except for the Saturday night event music will end at 11:00pm. Both the Fire Chief and Police Chief approved these events. **Steven Sullivan motioned to approve the application for an Outdoor Orchestra/Entertainment License for Fall Opening 2021 Events beginning Friday, August 26, 2021 at 8:00am to Sunday, August 29, 2021, at 5:00pm. Kerry Cyganiewicz seconded.**

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

5. **New Business:**

- a. **KP Law – Determination and Consent Pursuant to Mass Rules of Professional Conduct – Rule 1.7 – Vote to Approve Town Counsel to represent Dudley regarding Review and Negotiation of Health Agent and Title V Inspector IMA – Steven Sullivan motioned to approve KP Law's request to represent Dudley regarding review and negotiation of the Health Agent and Title V Inspector for the Town of Dudley so that there is no conflict of interest. Kerry Cyganiewicz seconded.**

Roll Call Vote:

Jason Johnson, Aye

Steven Sullivan, Aye

Kerry Cyganiewicz, Aye

John Marsi, Aye

- b. **BOS vote to approve the IMA for Health Agent and Title V Services - Mr. Ruda stated that he would like to have the Board authorize the IMA in its current form. In June we budgeted \$22,500 in Health Agent services but the position is vacant. Dudley will pay Webster the funds**

for the Health Agent. The position is full time and will provide services with a five (5) year contract. Title V inspector will have more applications in Dudley since we have more septic than Webster and Webster will pay our Title V Inspector. There is plenty of work within both towns. **Steven Sullivan motioned to approve the IMA with the Town of Webster for Health Agent and Title V Inspector and authorize the Town Administrator to sign. Kerry Cyganiewicz seconded.**

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

- c. Water/Sewer Department – Vote and Sign Retainer Agreement for PFAS Litigation – Mr. Ruda stated that the Water/Sewer Department had several solicitations from legal firms to handle PFAS litigation. Our town counsel reviewed the Agreement as well. Scott Zajkowski, Chairman of the Water/Sewer Commissioners came before the Board. He stated that there have been a number of these cases going after the companies that made the chemicals that produced PFAS. This firm if a large firm in New York and there is no cost to the town. Steven Sullivan motioned based on Mr. Zajkowski, Town Counsel and Jonathan Ruda recommendation to approve the Retainer Agreement with Napoli Shkolnik PLLC located at 360 Lexington Ave, 11th Fl., New York, NY. Kerry Cyganiewicz seconded.**

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

- d. Police Chief – No-Jake Brakes on Oxford Ave. – Chief Wojnar stated that there was an email from a concerned resident on Oxford Ave. regarding large trucks using its jake brakes. They are very load. He spoke with Mr. Androlewicz about the problem, and he stated that using those brakes is not necessary because there are no large hills on Oxford Ave. He will speak to the drivers. The Highway Superintendent will be posting No-Jake Brake signs and the police will do some enforcement. Steven Sullivan motioned that the Board of Selectmen have the Police Chief and Jeff Murray to get together and put the signs up on Oxford Ave and report to the Town Administrator when they are erected. John Marsi seconded.**

Roll Call Vote:

Kerry Cyganiewicz, Aye

John Marsi, Aye

Jason Johnson, Aye

Steven Sullivan, Aye

e. Departmental Communication:

Chief Kochanowski stated that he has set up a Household Hazardous Products Collection Event from September 1, 2021, through December 31, 2021, at NEDT in Sutton. Dudley residents can deliver their household hazardous products and waste to the Center during its normal operating hours. The town will pay up to \$100 of the disposal costs per household. A list of products is located in the flyer. NEDT will bill us each month until the grant monies are exhausted.

Richard Carmignani stated the real estate bills were due last week so anyone who has not paid is officially late. Water/Sewer bills will go out next week.

f. Adjournment/Executive Session:

Kerry Cyganiewicz motioned to convene into Executive Session at 7:09pm pursuant to MGL Chapter 30A§21(a)(3)-To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declare – Police Grievance and MGL Chapter 30A§21(a)(6) –To consider the 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 - Stevens Mills Redevelopment Project-Carolyn Murray and pursuant to MGL Chapter 30A§21(a)(2) – To conduct strategy session in preparations for negotiations with non-union personnel or to conduct collective bargaining sessions (Police Lieutenant) and to conduct contract negotiations with non-union personnel (Town Administrator).

Steven Sullivan seconded.

Roll Call Vote:

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

John Marsi, Aye

Kerry Cyganiewicz motioned to reconvene into Public Session at 9:25pm to discuss and declare an opening for the Police Lieutenant position. Steven Sullivan seconded.

Roll Call Vote:

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

John Marsi, Aye

Steven Sullivan, Aye

The Board discussed the job description for the police lieutenant position which was written in 2001. They would like to change the minimum qualification for candidates to have a bachelor's degree but would accept an associate degree as long as the qualified candidate receives a four-year degree in two years. An assessment center for each candidate who score 70 or above would be able to take a written exam. The Board would receive the top three qualifying candidates for appointment. The Chief of Police is not involved in the hiring of the candidate. **John Marsi motioned to declare a vacancy for the police lieutenant position. Steven Sullivan seconded.**

Roll Call Vote:

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

John Marsi, Aye

Steven Sullivan, Aye

Steven Sullivan motioned to adjourn from public session at 9:32pm and to reconvene into Executive Session under **MGL Chapter 30A§21(a)(2) – To conduct contract negotiations with non-union personnel (Town Administrator). John Marsi seconded.**

Roll Call Vote:

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

John Marsi, Aye

Respectfully Submitted:

Michelle Jervis

Administrative Secretary

Town of Dudley

Board of Selectmen

Highway Commissioners

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Jason Johnson, Aye

Kerry Cyganiewicz, Aye

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Respectfully Submitted:

Michelle Jervis

Administrative Secretary