

# Town of Dudley

## Board of Selectmen

Highway Commissioners

Cemetery Commissioners

September 14, 2020 @ 6:30pm

Dudley Municipal Complex

71 West Main Street, Dudley, MA

Room 321A

Approved 10/19/2020

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

### **Chairman's Disclosure for Public Meetings:**

#### Public Meetings:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's Executive Orders imposing strict limitations on the number of people that may gather in one place, although a quorum of the members of the Dudley Board of Selectmen will be physically present for this meeting, no in-person attendance of members of the public will be permitted. The meeting will be live broadcast on Dudley Cable Access Television, Channel 192, and members of the public can also access the rebroadcast of the meeting online via YouTube. In the event of an unanticipated interruption in this broadcast, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

*Members of the public who wish to appear before the Board of Selectmen must make an appointment to appear on an upcoming agenda, by contacting Michelle Jervis at [selectmen@dudleyma.gov](mailto:selectmen@dudleyma.gov) or by calling Michelle at (508) 949-8001. Placement on the agenda is not guaranteed however, and persons requesting to appear before the Board of Selectmen should not attend a meeting in person unless and until the appointment has been confirmed by the Board of Selectmen. Persons with matters appearing on a meeting agenda may request that they attend via virtual means, such as via conference call rather than in person attendance. Such request should be directed to Michelle Jervis at [selectmen@dudleyma.gov](mailto:selectmen@dudleyma.gov) or by calling Michelle at (508) 949-8001 no more than three business days hours in advance, so that appropriate arrangements can be made.*

*However, persons or representatives with matters appearing on the meeting notice/agenda who wish to be physically present at the meeting must observe the following requirements:*

- 1. In accordance with existing requirements imposed by the Governor, meeting rooms will be limited in terms of the total number of persons that may be physically present at the same time, including Board/Committee members and staff. Satellite rooms will be available for overflow, and the meeting will be broadcast in real time in those satellite rooms.*
- 2. Persons who wish to participate in any particular matter on the meeting agenda will be asked to wait in a satellite room until that agenda item is reached, at which point attendees will be rotated between the main meeting room and the satellite room(s), as appropriate.*
- 3. Social distancing must be maintained in both the main meeting room and in satellite rooms. Face masks or coverings will be required in accordance with Governor Baker's May 1, 2020 COVID-19 Order No. 31, "Order Requiring Face Coverings in Public Places Where Social Distancing is Not Possible." A copy of that order can be found at <https://www.mass.gov/doc/may-1-2020-masks-and-face-coverings/download>*
- 4. Failure to comply with these requirements may lead to an attendee's removal from the meeting.*

#### **1. Call to Order, Pledge of Allegiance:**

Kerry Cyganiewicz called the meeting to order at 6:35pm. In attendance were Jason Johnson, John Marsi and Steven Sullivan. Also in attendance were Jonathan Ruda, Town Administrator and Michelle Jervis, Administrative Secretary. Paul Joseph was absent.

#### **2. Consent Agenda:**

**John Marsi motioned to approve the minutes of August 24, 2020 and August 31, 2020 under the Consent Agenda. Steven Sullivan seconded. Unanimous 4-0.**

**3. Appointments:**

**a. Personnel Board** – Conrad Allen – Steven Sullivan stated that we should not appointing any applicants at this time but advertise to see if we get a few others to participate. No action at this time.

**b. Dudley Housing Authority** – Donald Cristina – Mr. Cristina came before the Board and requested to fill a vacancy on the Committee. He would like to insure stability, health and welfare for the residents he represents. **Steven Sullivan motioned that the former Board of Selectmen Chairman, Donald Cristina, be appointed to the Dudley Housing Authority with a term to expire June 12, 2021. Jason Johnson seconded. Unanimous 4-0.** All agreed to advertise for the other vacancy on that Committee.

**5. Town Administrator's Report:**

Mr. Ruda stated that DMA Holdings, Inc., the company that would like to have a grow and retail cannabis facility on Chase Ave. is in the process of getting their provisional license. They will be coming in front of the Board at the end of the month of October. The filming inside Stevens Mill has been completed with the Fire Chief and Police Chief. Also the Planning Board will be holding its Public Hearing on two zoning amendments on September 30, 2020 @ 7:00pm. One of these articles is the Mill Overlay District bylaw and the other is 115 Schofield Ave., changing the zone from IND43 to IND 130. The meeting has been posted for any Selectmen who would like to attend. Several other topics were part of his report: (1) Highway Superintendent interviews were held and the Board agreed to repost the position and the consideration to widen the pool with an October 5, 2020 deadline. He stated that the Personnel Board will be meeting the following day and interviews could take place the following week; (2) Zoning, Licensing and Code Enforcement Clerk, pending a successful CORI and background check, will begin on 9/21/20. This brings a much needed relief to staff that have been covering those offices since spring. (3) Complete Streets Policy – Mr. Ruda would like the Board to review the policy that the Planning Board will be voting on next meeting (4) – October Town Meeting – Mr. Ruda stated that he is waiting for the free cash number from the State and that the supplemental budget process will begin soon. He is waiting for a date from the state to submit for additional CARE ACT reimbursement and the projected CARE ACT related expenses through December 31<sup>st</sup>. Our first round reimbursement requests was approximately \$154,000 for CARE ACT reimbursement and an additional \$71,000 for FEMA reimbursement. The town received the initial CARE ACT money but FEMA is a fairly involved and longer process.

**6. New Business:**

**a. Dariusz Ochocki – 115 Schofield Ave., Dudley, MA. Refer to Planning Board to hold a Public Hearing on a Petition requesting to amend zoning from IND43 to IND130.** Mr. Ochocki came before the Board. He filed a petition to change the zoning at 115 Schofield Ave. from IND43 to IND130 so that he can rent out the building for a potential retail cannabis store. The difference in the two zones is size of the lot. He stated that Mikaela Mann, who would like to rent the space, feels the property is a perfect size for her store and she would need parking. This facility is retail only. Spot zoning was brought up so Board members requested the Town Planner to attend their next meeting for clarification.

**b. Board member vote to accept amendment to IMA with SWCDC as recommended by operations and executive boards – Section 2 of the IMA added the word “operator”. John Marsi motioned to accept the amendment of the IMA proposed by the SWCDC. Steven Sullivan seconded. Unanimous 4-0.**

**c. Vote to set alternate or continuance date for October town meeting to October 20 and 21<sup>st</sup> if required. Jason Johnson motioned to set an alternate date for the October town meeting to the following dates of October 20<sup>th</sup> and October 21<sup>st</sup>. Steven Sullivan seconded. Unanimous 4-0.**

**d. Proposed Tree Removal on Corbin Road and other high hazard tree removals** – Vinny Polletta, Highway Superintendent, requested for public comment on the trees in front of Corbin cemetery. These trees are outside the wall and one is clearly dead and the other has broken in half. All agreed to ask the Historical Commission. **Steven Sullivan motioned to grant the Tree Warden the request to cut down the high hazard trees listed along with the caveat to work with the Town Administrator to communicate with other board on our actions. John Marsi seconded.** Vinny Polletta stated he has only \$14,000 in his budget for tree removal and these trees will exhaust it. The trees in front of the cemetery will not affect the wires but homes and lives might be in danger if they fall. **Unanimous 4-0.**

## **7. Old Business:**

a. After department heads gave their reports a 5 minute recess was called at 7:33pm. The meeting resumed at 7:48pm.

b. **Town Administrator's Evaluation Stage C – FY20 Final Evaluation** – John Marsi stated he created a chart similar to the last review with five criterions. Rating are as follows:

Exceeds Expectations - 4 points;  
Meets Expectations - 3 points;  
Satisfactory - 2 points; and  
Unsatisfactory - 1 point.

Since Mr. Joseph is absent his comments will be included at a later time but since this issue has been tabled a few times the Board would like to go forward. All comments go into the record and go to the Chair.

### **Annual Review Summary Ratings:**

#### **1. Relationship with the Board and Town Meeting –**

Steven Sullivan – Exceeds Expectations

Comments: Mr. Ruda is excellent getting the word out. He can't recall anytime that we needed something and was not in our packet.

Jason Johnson – Meets Expectations

Comments: The Town Administrator does a good job of what is expected, day to day, along with COVID related issues. Everyone can do better with communications and a phone call is always better than an email or text but he keeps members in the loop.

John Marsi – Meets Expectations

Comments: Jon Ruda has gone above and beyond on all forms of communications. He is excellent moving forward such as a video on how the town works and already gone beyond with projects for FY21. His relationship with Board is top notch.

Kerry Cyganiewicz – Exceeds Expectations;

Comments: Mr. Ruda is an excellent communicator and has a good relationship with the Board.

#### **2. Communication with the Board of Selectmen -**

Steven Sullivan – Exceeds Expectations:

Comments: I was chair until July, can't remember a time when he never called back or responded to a message. He'll answer the phone on Saturdays and Sundays and will answer all my questions. With COVID-19, he kept them in the loop with the numbers.

Jay Johnson –Exceeds Expectations:  
Comments: Mr. Ruda does a great job with communication, plans ahead, etc.

John Marsi –Exceeds Expectations:  
Comments: Jon Ruda provides more details to us than any other Administrator. He gets the answers so that he can help and communicate with his constituents.

Kerry Cyganiewicz – Exceeds Expectations:  
Comments – Mr. Ruda is an excellent communicator with all members of the Board.

### **3.Fiscal Management –**

Steven Sullivan – Exceeds Expectations:  
Comments: With COVID and the furloughs, many people were upset but Mr. Ruda made sure everyone was at ease. He developed and prepared budget recommendations in conformance with public policy.

Jason Johnson – Meets Expectations:  
Comments: Mr. Ruda did a good job with COVID-19 related changes. Unprecedented headwinds and very good at pivoting to do what needs to be done.

John Marsi – Exceeds Expectation:  
Comments: Mr. Ruda is a fantastic fiscal manager. He had to make several difficult decisions since it has only been his first year. He went above and beyond.

Kerry Cyganiewicz – Exceeds Expectations:  
Comments: He is an excellent fiscal manager and has done a remarkable job with the budget.

### **4. FY20 Projects:**

Steven Sullivan – Exceeds Expectations:  
Comments – Mr. Ruda has done very well with the projects in Fy20. Many projects were not on our radar such as cybersecurity and security in the town hall. He follows through with the projects.

Jason Johnson – Exceeds Expectations:  
Comments: Mr. Ruda followed through with all of the projects on his radar, and completed them, even with COVID-19. He also completed extra projects; worked through the process with great benefits to the town.

John Marsi – Exceeds Expectations:  
Comments: Mr. Ruda tackled many projects at the same time such as VPNs, Cybersecurity and some we did not know about. He made many of these projects a priority and got it done.

Kerry Cyganiewicz – Exceeds Expectations:  
Comments: He agreed with other members about how Mr. Ruda handled many projects that were thrown on his lap. Projects such as the election as well as DMA Holdings, Inc. and Stevens Mill.

### **5. Employee, Community and Intergovernmental Relations:**

Steven Sullivan – Meets Expectations:  
Comments: Mr. Ruda combined two positions and he would like to see the process continued and look forward to see thing coming down the pike.

Jason Johnson – Meets Expectations:

Comments: Mr. Ruda does a good job with the employees. There is a huge difference between management and leadership and feels Mr. Ruda is a good leader.

John Marsi – Exceeds Expectations:

Comments: Mr. Ruda wrote Town Administrator policies and procedures that have never done before regarding the town hall, in the midst of a pandemic. He gets everyone to be comfortable with him and his style of management. He does a good job with labor contracts and as the Chief Public Relations Officer too. He is an excellent writer.

Kerry Cyganiewicz – Exceeds Expectations:

Comments: Mr. Ruda is an excellent communicator with the written word. He represents the town to media as the Chief Public Relations spokesperson on town government issues.

Conclusion: Steven Sullivan stated that Mr. Ruda is an excellent communicator and does a great job. Jason Johnson stated that COVID was a challenge and many Town Administrators probably couldn't do what he did so well. John Marsi stated overall Jon Ruda has done an excellent job and is 100% confident in his ability as Town Administrator. Kerry Cyganiewicz stated he is a big fan of the Town Administrator. He works on the weekends and puts his heart and soul in the job.

Jon Ruda stated he appreciated all the comments. It's been a challenge what he had to do this year but feels the budget is in good shape and that one thing made it easier for him is that the town hall has done their share. He is happy that the Board works so well with him. **John Marsi tabulated the points with a total of 3.8 – Exceeds Expectations.**

#### 8. Adjournment/Executive Session:

Steven Sullivan motioned to adjourn at 8:18pm from public session and to convene into Executive Session under 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 as declared by the Chair and not to reconvene into Public Session. John Marsi seconded.

Roll Call Vote:

Kerry Cyganiewicz, Aye

Jason Johnson, Aye

John Marsi, Aye

Steven Sullivan, Aye

Respectfully Submitted:

Michelle Jervis

Administrative Secretary