

# Town of Dudley

## Board of Selectmen

Highway Commissioners

Cemetery Commissioners

October 2, 2020 @ 6:00pm

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 6:12pm. In attendance were Jason Johnson, John Marsi (participated remotely at 6:20pm), Paul Joseph and Steven Sullivan. Also in attendance were Jonathan Ruda, Town Administrator and Michelle Jervis, Administrative Secretary.

#### **2. New Business:**

**Jeff Faulkner, Tighe & Bond – PFAS Water SRF Project** – Jeff Faulkner came before the Board. He is requesting the Board to authorize Jon Ruda, Town Administrator, to be able to sign the

Drinking Water SRF Paperwork as well as the Clean Water SFR paperwork for the Jericho/Brandon Rd. Infrastructure Project. Engineers have been assessing the area and they are now working on the design. **Steven Sullivan motioned to authorize on behalf of the applicant (Board of Selectmen) to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant and or loans as may be required regarding the Drinking Water System Improvement Project and the Clean Water Improvement Project. Jason Johnson seconded.**

**Roll Call Vote:**

**Steven Sullivan, Aye**

**Kerry Cyganiewicz, Aye**

**Paul Joseph, Aye**

**Jason Johnson, Aye**

b. John Marsi called in requesting to participate remotely under MGL Chapter 39§23D adopted 2/4/2013 and in accordance with 940 CMR 29.10(5). It was determined by the Chairman that the following factors made Vice-Chair Marsi's physical attendance unreasonable

e - Geographical distance. **Steven Sullivan motioned to allow John Marsi to participate remotely. Paul Joseph seconded.**

**Roll Call Vote**

**Steven Sullivan, Aye**

**Kerry Cyganiewicz, Aye**

**Paul Joseph, Aye**

**Jason Johnson, Aye**

**John Marsi, Aye**

- c. **Special Town Meeting Warrant** – The Selectmen reviewed the Warrant for the town meeting scheduled 10/19/20 and will call out any article requesting clarification. Jason Johnson requested a review on Article 8 sponsored by the Town Administrator. Mr. Ruda explained that this article gives authority under the fourth paragraph of MGL Chapter 40§B, to dedicate 50% of revenue derived from any Cannabis Host Community Agreement, 100% of revenue derived from any Ground Lease Agreement, 100% revenue derived from the TNC Municipalities Rides and Revenues Disbursement (Uber and Lift) to be applied to the Capital Improvement Planning Fund along with 100% of funds collected through the sale of town owned surplus and worthless vehicles. He would like to bring this CIP fund up to a level where items such as cruisers would not need to be debt excluded. All agreed it was a good plan.

Article 15 – Special Legislation Petition – Authorizing the Board of Selectmen to petition the General Court for Special Legislation making the elected position of Town Clerk and Treasurer/Collector appointed positions. Richard Carmignani, Jr., Treasurer/Collector participated remotely and requested to speak on behalf of the article. He stated that the prior warrant had two individual articles for the Town Clerk as well and the Treasurer/Collector. They are now combined. He appreciates the Board reviewing the framework on how the government is operating and all the past big picture changes were very public; a goal such as the combining the water/sewer/highway into a DPW and planning was orchestrated very well. He does not see the same planning and homework going into this article and there has been no research or data collected. He appreciates the Board meeting on a Friday night but requests the Board of Selectmen rethink this position on a broader sense to effectuate this level. Paul Joseph stated that he opposed certain position elected when our prior Town Clerk tried to change from elected to appointed but now the current Town Clerk supports the change but there is no need to worry. A good employee gets reappointed and he is willing to look at the term period and not have it reappointed every year. There should be an evaluation process that does not occur with an elected official. He explained that the Treasurer/Collector and the Town Clerk are not employees of the town and they would be able to develop their own job descriptions. John Marsi stated that the people of Dudley like to have their hands on the wheel. These are key positions in the town and they are the best of what they do and we recognize that moving forward. **Paul Joseph motioned to post the warrant as presented tonight**

**and the Board of Selectmen approves the 16 article warrant for the October 19, 2020 town meeting as presented. Jason Johnson seconded.**

**Roll Call Vote:**

**Steven Sullivan, Aye**

**Kerry Cyganiewicz, Aye**

**Paul Joseph, Aye**

**Jason Johnson, Aye**

**John Marsi, Aye**

Chairman Cyganiewicz – Town of Dudley Social Media Permissions – Mr. Cyganiewicz stated that our Facebook account has no information limits on who has access to posting. Mr. Ruda stated that the Town Accountant, members of the Board of Selectmen, Assistant Secretary to the Board of Selectmen and himself have the authority. Recently one of our employees' Facebook page was hacked and it should up selling something on our Facebook page. That was a mistake and that person was not aware of it. We had our cybersecurity professional look into it. This issue will be tabled for our next meeting.

**5. Adjournment/Executive Session:**

**Paul Joseph motioned to adjourn at 6:50pm 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. Steven Sullivan seconded.**

**Roll Call Vote:**

**Kerry Cyganiewicz, Aye**

**Jason Johnson, Aye**

**John Marsi, Aye**

**Steven Sullivan, Aye**

**Paul Joseph, Aye**

Respectfully Submitted:

Michelle Jervis

Administrative Secretary