

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners
September 28, 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 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 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 6:40pm. In attendance were Jason Johnson and Steven Sullivan. Also in attendance were Jonathan Ruda, Town Administrator and Michelle Jervis, Administrative Secretary. Paul Joseph and John Marsi requested 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 - Geographical distance and Mr. Joseph's attendance unreasonable a- personal illness. Jason Johnson motioned to allow John Marsi and Paul Joseph to attend the September 28, 2020 Board of Selectmen meeting remotely. Steven Sullivan seconded.

Roll Call Vote:
Steven Sullivan, Aye
Kerry Cyganiewicz, Aye
Jason Johnson, Aye

a. Consent Agenda:

Jason Johnson motioned accept the Consent Agenda as presented.

Appointment of Election Workers with a term to expire 10/7/2021:

Carol Antos, Maryann Armstrong Ann Atkins, Debbie Bazydlo, Sheryl Bernardo, Liz Beals, Josephine Bottieri, Bailey Bowes Heather Bowes, Janice Brady, Linda Brink, JoAnn Brinker Brian Canty, Theresa Canty, Marlene Ceppetelli, Carol Cooke, Emma Cote, Jenifer Cournoyer, Zachary Cournoyer, Catherine Desrosiers, Mary Devlin, Jim Dunne, Betty Dupre, Cynthia Iwanski, Kathryn Joseph, Lauri Joseph, Judy Joy, Jean Kondek, Alice Kujawski, Evelyn Kullas, Diana Kuzawa, Alice Langlois, Lauren Milosh, Margaret Macuga, Leslie Manthos, Andrew McCoy, Norma Mroczek, Diane Mrozinski, Leonard Nicoletti, Maureen O'Connor, Joan Putney Nancy Roy, Ann Stochaj, Marcia Wagner, Norma Waterhouse, Louise Williams and Donald Wilson Jr.

Approved minutes of September 10, 2020

Approve but not Release Executive Session minutes of August 31, 2020.

John Marsi seconded:

Roll Call Vote:
John Marsi, Aye
Steven Sullivan, Aye
Jason Johnson, Aye
Kerry Cyganiewicz, Aye
Paul Joseph, Abstained from Election Workers Vote
4-0-1 vote

2. Town Administrator's Report

Mr. Ruda stated that we will be holding a joint meeting with the FAA on October 6, 2020 to review the supplemental budget and warrant for the 10/19/20 town meeting. In the supplemental budget he has prioritize that public safety and health, including highway. His strategy has not changed from the one that the Board accepted and had been authorizing since March. That is to fund operations and priority obligations and hold funds in reserve through the end of the fiscal year. All department heads have been very cooperative. Also the majority of his time has been preparing for the hybrid Public Hearing on the zoning bylaw amendments that are on the warrant. This meeting will take place on September 30, 2020 @ 7:00PM. The option to attend virtually, via ZOOM meeting also exists and anyone interested should contact the Administrative Secretary. Finally, he anticipates that free cash number will be coming in soon and it will be deposited into our stabilization fund in October and be available for town meeting.

3. New Business:

- a. Steven Lamarche – DCRSD Superintendent – Back to School Update – Mr. Lamarche came before the Board. He stated that his team has done everything that they can to reopen the schools and planned for everything. They are level funded and have received some COVID-19 relief. The level service budget did not work since they have had problems with HVAC assessment in some of the schools. All of the building has received new air filters and the Dudley schools have good levels of ventilations. He stated that throughout his career the custodians at our schools are the best he has

ever had. They are not just custodians and have gone above and beyond, excellent work. PreK – 4th grades are ½ days now and will be in school starting Thursday. Transportation is an issue since they can only have 22 children on a bus. Communication is very important and he is answering parents/guardian’s emails throughout the day. It has not been an easy task. Steven Sullivan asked if they have had any savings in utilities since they closed in March. Mr. Lamarche stated that the schools have reduced the assessment and they are trying to capture savings in their budget, projection is difficult. All thanked him for coming.

- b. Halloween/Trick or Treat – Chief Wojnar stated that he has been in touch with Chief Shaw in Webster and Webster is going ahead with Trick or Treat. He feels Dudley should also go ahead with the event but have guidelines in place with individual options. We should give everyone information and make their own decision whether they want to participate. He is recommending hours from 5:00pm to 7:00pm and follow DPH and CDC guidelines. Jonathan Ruda stated that he will prepare a press release tomorrow. **John Marsi motioned to take the Police Chief and Fire Chief’s recommendation and have the Town Administrator prepare a press release to hold Trick or Treat on October 31, 2020 from 5:00pm to 7:00pm. Jason Johnson seconded.**

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

- c. **Special Town Meeting Warrant** – Mr. Ruda prepared the draft of the warrant which will close on Friday. We need to schedule a meeting to sign 14 days prior to town meeting since Attorney General Healy stated that towns can only have one annual town meeting a year with the fall town meeting being a Special Town Meeting. Special Town Meeting must be posted 14 days prior rather than 7 days prior for an annual meeting. He would like to go over each article and answer any questions. The article discussed in length was the Special Legislation article sponsored by the Board of Selectmen making the elected position of Treasurer/Collector and the Town Clerk to an appointed position. Lori Smith, Town Clerk, would like it appointed and would like the Board to join her in this endeavor. Steven Sullivan would like to get a review of all elected positions and is opposed to someone being elected by write ins or a few votes. Jason Johnson stated that there is a huge difference between a full time salaried position and a stipend member of a Board that was elected. The town hires highly qualified people and we are very lucky but in the future we might not be so lucky. Chief Kochanowski, Dudley Fire, stated that 90% of the towns in Massachusetts have appointed Town Clerks as well as Treasurer/Collectors. It requires a professional individual to do the job and there is no accountability in the elected position. It clearly protects the town. Paul Joseph stated that he will support the Treasurer/Collector and Town Clerk changing to appointed positions. The Board is the executives of our town and right now there are people who are elected that have said they do not report to us. We should have everyone and if there’s a problem we can be accountable, we are very vulnerable now. They should have job descriptions and have job evaluations. John Marsi agrees and that communication is the key. Richard Carmignani, who attended remotely, feels thinks are being done one at a time and they were included in the salary survey. He does not believe his position is different from the Town Clerk. They both have MBA’s from Nichols College but he is not prepared to go into much depth about this article since he has had a few minutes notice.

- d. **Acting Town Planner, Bill Scanlan**, came before the Board to discuss the Planning Board’s two articles on the warrant. One was regarding 115 Schofield Ave requesting to change zoning from IND43 to IND130. Steven Sullivan questioned spot zoning. Mr. Scanlan stated that spot zoning’s definition is to change a zone for special treatment for one owner. IND130 allows a retain cannabis establishment and does not see it a problem. It is only the size of the lot between IND43 and INS130 and is consistent with 2016 marijuana bylaw. Also this property would revitalize that part of town and benefit the community and town with additional funds. His opinion that it is not spot zoning but should go to town meeting. Steven Sullivan stated that he will take the Planner’s advice and support the

request; he just wants to make sure. **Steven Sullivan** motioned pending the Planning Board's approval the Board of Selectmen vote favorably to this request. **Jason Johnson** seconded.

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Nay

Paul Joseph, Aye

Vote 4-0-1

5. Old Business:

Complete Streets Policy – Steven Sullivan motioned to approve the Complete Streets Policy as presented. **John Marsi** seconded.

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Nay

Paul Joseph, Aye

Vote 4-0-1

6. Appointments/Resignations:

Constable Appointment – Steven Sullivan motioned to appoint **Jonathan Ruda** as a Constable for the Town of Dudley consistent with the June 2020 Town Meeting bylaw amendment, with a term to expire June 30, 2023. **John Marsi** seconded.

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

Board of Health Agent – Resignation – Tom Purcell – Steven Sullivan motioned to approve, with regret, the resignation of **Tom Purcell** as the Board of Health Agent effective October 1, 2020. **Jason Johnson** seconded.

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

7. Licenses:

Nichols College – One Day Outdoor Entertainment License - Justin Dolan, representing Nichols College, came before the Board requesting an outdoor entertainment license. **Steven Sullivan** motioned to approve the **One Day Outdoor Entertainment License for Nichols for DJ Music and dancing**. **John Marsi** seconded.

Roll Call Vote:

John Marsi, Aye

Steven Sullivan, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

8. Public Hearing:

National Grid Pole Petition – The Public Hearing opened at 8:45pm. Representative from National Grid explained the new pole and anchors on Lakeview Ave. The original anchor guide was attached to a tree that needs to be removed. No abutters were present. The Public Hearing closed at 8:51pm. **Steven Sullivan motioned to approve the Pole Petition from National Grid to install 1 SO pole on Lakeview Ave; install new stub 10-84 with anchor for pole to pole guy.**

Jason Johnson seconded.

Roll Call Vote:

John Marsi, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

Steven Sullivan, Aye

9. Adjournment/Executive Session:

Steven Sullivan motioned to adjourn at 8:57pm and to convene into Executive Session under MGL Chapter 30§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 litigation position of the public body as declared by the Chair. Paul Joseph seconded.

Roll Call Vote:

John Marsi, Aye

Jason Johnson, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

Steven Sullivan, Aye

Respectfully Submitted:

Michelle Jervis

Administrative Secretary