

Selectmen's minutes of meeting Dec. 21, 2020

Members present: Brian O'Rourke, George Riley, Mark Newman, Joanne Grybosh by remote, Dolores Harasyko, Admin. Asst.

Called to order at 7:00 p.m.

Remote participation information provided for the public.

Minutes reviewed and signed.

Purchase orders reviewed.

Motion by Mark, second by George, passed unanimously to appoint Laura Messina to the Recreation Committee.

Motion by Mark, second by George, passed unanimously to appoint Dawn Lemon to the Recreation Committee.

Brian read into the minutes the response to the Attorney General regarding the Open Meeting Law Complaint from Alex Bowman dated Dec. 11, 2020.

The Board denies any Open Meeting Law violations. The Board posted this executive session pursuant to Purpose 1 as follows: "To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual." The general subject matter, as described in the minutes, was that many members of the Town's Fire Department were nearing and will shortly be past the Commonwealth's mandatory retirement age of 65. The Board called the executive session to discuss how firefighters exceeding the retirement age could subject both the firefighters and the Town to complaints over that fact, as well as potentially discussing the physical condition of the firefighters and whether this could lead to Town liability. While some of the discussion, as stated in the Complaint, involved the possibility of seeking a special act of the General Court to extend the mandatory retirement age, the Board did not want to conduct the general discussion in open session given the risk of improperly disclosing complaints against any firefighters and/or their physical condition, depending on the direction of the deliberations. Given these legitimate concerns, the Board scheduled the executive session and it was a valid meeting under Purpose 1. The Division of Open Government has long recognized that a board need not include names or offices in a Purpose 1 meeting notice, in light of the clear privacy concerns at stake, and the mere fact that some aspects of the deliberation could, in hindsight, have been discussed in open session does not make the executive session improper when such topics could not be separated from the Purpose 1 concerns.

Boards are required to approve their minutes in a "timely manner," being within the next three meetings or 30 days, whichever is longer. The Board in fact approved the subject minutes

at its next meeting five days later. With regard to releasing the minutes, the Board could not be certain whether the “lawful purposes” of the session had been completed unless there was a Town Meeting vote to authorize the Board to seek a special act. A November 12, 2020 Special Town Meeting did so vote to authorize the Board, and the Board released the executive session minutes at its next regular meeting on November 23.

The Board therefore complied with all requirements of the Open Meeting Law and the Attorney General’s regulations, and the Board denies the allegations of the Complaint.

Motion by Brian, second by George, passed unanimously to accept the response to the Attorney General.

Reviewed the Complete Streets Bid for the installation of bike racks and speed limit signs. There were three bids. M & M Site Services for \$28,750, Liddell Brothers for \$17,450, and Bartlett for \$32,640. Mark pointed out the big difference in pricing. Joanne responded that Liddell only does this type of installation, they have had many discussions with them and Brad. George would like to award the bid contingent upon references.

Motion by George, second by Mark, passed unanimously to award the bid to Liddell contingent on getting 3 references. Joanne assured them she could get them as they have done this type of work in other towns.

Discussed setting a date for the Selectmen to work on their budgets for the Fiscal Year 2022. We will hold a work session on Wednesday, January 6, 2021 at 2 p.m. at the Town Hall Annex.

Discussed providing a room for hotspot usage. Nina Carr requested that the town look into this. Brian stated that we are one of the last town halls to remain open during Covid. He stated that we do not have a cleaning service and would not meet the requirements to have a room available for public use. All selectmen agreed this is not an option at this time.

Dolores reviewed that the town hall staff has been cleaning up after themselves. They have been using the intercom to converse with the public and can handle most transactions through the bin and dropbox or through the mail.

Future agenda items:

Steve Kahn asked about zoning bylaws. Brian responded that we can discuss this under Topics not reasonably anticipated by the Chair.

Reviewed mail

Reviewed and signed warrants

Topics not reasonably anticipated by the Chair:

Steve Kahn asked why we followed “Roberts Rules of Order”. He would like our meetings to be held by Zoom instead of over the phone. Brian responded that we have poor internet and Zoom would not be consistent. Steve stated that the town does not have bylaws. George clarified that we do not have commercial/residential zoning. We are residential agricultural. Brian reviewed the process of obtaining a special permit. Steve is concerned about any marijuana business. Brian

stated that the Planning Board is continues to work on a Marijuana Bylaw but at this time we do not have a bylaw regarding marijuana. This type of business would require a special permit. Dolores asked Steve to call her and she will supply him a copy of the Zoning Bylaws.

Dolores presented an update from Secretary Galvin's office regarding election law changes. All of the legislation that was passed regarding Covid extensions expires on March 31, 2021.

Meeting adjourned at 7:25 p.m.

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Brian O'Rourke

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George Riley

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Mark Newman