

Selectmen's minutes of meeting May 4, 2020

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

Called to order at 7:00 p.m.

Participation by remote information provided for the public.

Discussed minutes of meetings. Mark tabled the minutes of April 27, 2020 until Brian is back and can discuss. All agreed to table the minutes.

Brian reviewed the minutes from March 16, 2020 in which the board agreed that no boards or committees would meet and that we are following the Governor's recommendations. Mark stated that we would readdress this following the next Governor's announcement on May 18.

Purchase orders reviewed and signed.

Discussed the Ambulance Enterprise Account. Brian does not feel we have the information required to set up the account at this time. George responded that Ralph Morrison is worried that he may miss estimate. Mark agrees with Brian. They would like to give Ralph and John time to start pulling the accounts apart and creating their spreadsheets. George asked if all funds would be transferred throughout the year or in increments. No one had an answer.

Mark responded that all agree that there needs to be an Enterprise Account but that at this time we don't have enough information, the numbers would be too vague. George asked for a timeline and pointed out that this account can only be created at an Annual Town Meeting. Mark responded that we will have this account set up for the FY2022 budget which would give them roughly 8 months to work on the account before the next budget cycle starts. Dolores suggested a work session to start with the Town Accountant, Town Treasurer, Town Manager, Fire Dept., and Selectmen.

Motion by Mark, second by Brian, with George opposed to table the creation of the Ambulance Enterprise Account until FY2022.

Town Clerk Dolores Harasyko presented the final draft of the Fiscal Year 2021 Annual Town Meeting Warrant. The Selectmen support all the budgets except for the school budget. George asked about the article for the finance committee bylaw. Mark explained that this was tabled last week and not on the agenda. George and Brian understood that it would be discussed at this meeting. Since it is not specified on the agenda we will not discuss further. We will have a Special Town Meeting later in the year and address it then. Mark wants to have a work session with the finance committee to review the bylaw.

Motion by Mark, second by Brian, passed unanimously to accept and sign the FY2021 Annual Town Meeting Warrant.

Brian read into the minutes the Open Meeting Law Complaint filed by Alex Bowman. The full document will be attached to the minutes of this meeting. "This complaint alleges insufficient

specificity for meeting notices. As town counsel has recently concluded that “meeting notice and minutes should include additional detail”, this violation appears to be intentional.

The agenda for the open session on 2020-3-25 included the item: “Review and vote on proposed budget reductions for FY2021”.

There was no additional information about what budget items the “proposed budget reductions” included. It is frustrating to continuously request transparency via the formal Open Meeting Law Complaint process. I would rather not have to use this channel, but the Board has twice chosen to expend taxpayer money with a response from town counsel, which they are not required to do, rather than simply add sufficient detail to its notices to allow the public to be informed about their potential interests.”

“As another example of recent notices lacking specificity, the notice for 2020-04-21 included item 4. Review and sign Chapter 90 Project Request forms. There was no description of what these projects were, or in what areas of town they were taking place.”

Brian then read into the minutes the response to the Open Meeting Law Complaint by Alex Bowman. The full document will be attached to the minutes of this meeting.

“In response to the Complaint concerning the March 25 agenda, the Board denies that the meeting notice lacked sufficient detail. The Board notes initially that Mr. Bowman filed a very similar complaint on April 14, 2020, and the Board submitted its written response dated April 27; the Board incorporates that response by reference. The Board intended to discuss the FY21 budget and proposed department reductions for virtually every department, and it was not known ahead of time if deliberations might end up focusing on particular departments. The Board also notes that when specific department budgets were intended to be discussed at prior meetings, the notice so stated. Copies of Board notices for December 16, 2019 and January 9, 2020 are enclosed as examples. Therefore, just as listing “Review, discuss and vote on the FY2021 budget” was not a violation (see April 27 response), neither was the Board’s March 25 notice regarding “proposed reductions for FY21.”

“With regard to the April 21 notice, it was not known prior to the meeting whether all Chapter 90 matters would be ready for discussion; in fact, one notice from the MassDOT’s Highway Division was not received until April 21 just before the meeting. The Board acknowledges, however, that more detail as to the road project locations for previously received Chapter 90 matters could have been included in the meeting notice, and that Board will continue to endeavor to comply with all aspects of the Open Meeting Law.”

Brian responded that the Chapter 90 matter was handled with as much detail as possible. He reiterated that we did not violate the Open Meeting Law regarding “Review, discuss and vote on the FY2021 budget”.

Motion by Mark, second by George, passed unanimously to accept Town Counsels response and to forward to Alex Bowman.

Discussed the bulky waste collection. We will hold bulky waste collection on May 9, 10, 13, 16, & 17.

Town Manager updates:

Joanne explained that we are getting an additional hotspot installed at the Town Hall Annex.

This is a free hotspot provided by MBI.

She has received approval of all the Chapter 90 project requests.

The school is meeting on this evening to discuss the transportation contract.

She will be assisting Jackie in the Assessors office to integrate the Tax Collector and the Assessors Point program for motor vehicle abatements.

Yanner Park parking lot bid, she will rebid, the job must be based on prevailing wage. She will re advertise on Combuys and in a local newspaper.

Update on Covid 19, Smitty Pignatelli said that even though we are striving to open May 18, Smitty and the Governor will be providing guidelines for reopening. It does not mean the State is opening on that date.

George asked about the amount for the Yanner Park bid, Joanne responded that we budgeted \$20,000.

Future agenda items:

Town Clerk to provide Election updates

Review minutes of meeting that were tabled

Follow up and set up a work session with the Finance Committee to discuss bylaw changes in a couple weeks.

Mail reviewed

Warrants reviewed and signed.

Topics not reasonably anticipated by the Chair:

Dominic Konstam is complaining that there are convoys of Jeeps on dirt roads. They are destroying the roads. They are trespassing, noisy and drinking. Dominic has contacted the Police Dept. He would like to close the roads.

Mark asked if they have contacted our Police Chief. Dominic responded that he has and that the police chief has been looking into it.

Mark stated that since this issue is not on our agenda for tonight to discuss it will be on next weeks agenda which will give the Selectmen time to reach out to the DPW and Police Chief.

Meeting adjourned 8:10 p.m.

Mark Newman

Brian O'Rourke

George Riley