



## Board of Selectmen

Date of Meeting: Tuesday, October 12<sup>th</sup>, 2021  
Time: 6:30 PM – 9:26 PM  
Members Present: Chair Matt Mecum; Selectmen Jamie Underwood and Seth Ridinger;  
April Steward, Town Administrator; Town Counsel, Stephen Madaus, and  
Alison Mack, Administrative Assistant to the Board

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

### **Town Administrators Report to the BOS:**

1. *Special Town Meeting:* I have four Articles for the fall STM. If the board elects to open and close the warrant this evening, this is what the Articles would be, subject to edits from Town Counsel.

*ARTICLE 1:* To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$160,000 for the purpose of purchasing from Greater Worcester Land Trust “Remaining Land of Pine Street Boylston Realty, LLC” and as shown on a plan entitled “Plan of Land Pine Street, Boylston, Massachusetts, Prepared for, Pine Street Boylston Realty, LLC, Scale 1” = 60’ May 2, 2019, Prepared by Tauper Land Survey, Inc. 710 Main Street, Oxford, MA 01537, Tel 508-9879-2266, Fax 508-234-7723 which plan is recorded at the Worcester Registry of Deeds in Book 942, Plan 34; or act in any other way thereon.

*ARTICLE 2:* To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$1,716.30 for the purpose of paying the following prior fiscal year bills; or act in any other way thereon.

- Boylston Light Department, Account 03-076581 May 28, 2021, Town of Boylston, \$30.30
- C&C Temp Control, Inc. Inv. 11896 March 9, 2020, Town of Boylston, \$270.00
- Tire Hub, LLC, Inv. 17754213 December 15, 2020, Police Department, \$1,416.00

*ARTICLE 3:* To see if the Town will vote to transfer from available funds in the Board of Assessor’s Salary Line #141-5113 the amount of \$47,204 to the Assessor’s Expense Line #141-5780 for the purpose of funding a contract for Assessor’s services with Regional Resource Group; or act in any other way thereon.

*ARTICLE 4:* To see if the Town will vote to accept the provisions of MGL Chapter 41, section 111F to allow the Town to establish a special injury leave indemnity fund for

payment of injury leave compensation or medical bills incurred by a police officer or firefighter of the Town, as provided by said section 111F, and to allow for the deposit into such fund any amounts received from insurance proceeds or restitution for injuries to police officers or firefighters, and provided further that monies may be expended out of said special fund with the approval of the Board of Selectmen without further appropriation for paying expenses incurred under Section 100 or Section 111F of MGL Chapter 41, including, but not limited to, expenses associated with paying compensation other than salary to injured firefighters or police officers and providing replacement services for the injured firefighters or police officers, in lieu of or in addition to any amounts appropriated for the compensation of such replacements; or act in any other way thereon. The board will need to decide if they would like to hold the ATM on November 8th, November 22nd, or December 6th. The gymnasium at Tahanto is available on the 8th of November and the Auditorium is available on November 22nd and December 6th.

1. Open and close the warrant October 12<sup>th</sup>, Approve and finalize on October 18<sup>th</sup>, Hold the meeting on November 8th
2. Open the warrant on October 12<sup>th</sup>, Close the warrant on October 25<sup>th</sup>, Approve and finalize on November 8<sup>th</sup>, Hold the meeting on November 22nd
3. Open the warrant on October 12<sup>th</sup>, Close the warrant on October 25<sup>th</sup>, Approve and finalize on November 8<sup>th</sup>, Hold the meeting on December 6<sup>th</sup>

Matt stated that we need to be on the same page with the BOH regarding holding a meeting inside since we will not be able to hold it outside in the winter months. April mentioned that we have done everything on our end regarding the free cash, we are just waiting on the state. The board discussed which dates would work best for the Special Town Meeting. The Board asked for Ali to figure out the availability on both the Auditorium and Gymnasium at Tahanto and report back to them next meeting. Monday's meeting will be remote at 6:30PM.

2. *Global Supply Demands Driving Overall Gas Price Increase:* I have included in your packet an email I received from Eversource. They are projecting a 20% increase in the cost of natural gas for Eversource customers, due to high global demand and supply shortages due to weather events. Eversource is encouraging customers to take advantage of energy saving tips that can be found on their website and to enroll in their Budget Billing Program to avoid seasonal spikes.
3. *Employee Evaluations:* Jeff has sent out to Department Heads the process for yearly evaluations of their direct reports. Employees are to submit their self-evaluations directly to HR by Thursday, November 14th. Jeff will review the self-evaluations with the Department Head, and then final employee reviews will take place between the Department Head and the employee. This process will be completed before planning for the new fiscal begins.
4. *Hillside Restoration Project:* I have included in your packet a letter received from the Hillside Restoration Project Board of Directors. I have requested that they come in to speak to the board directly. They have indicated that they may have some availability in November.

5. *National Opioid Settlement:* I have included in your packet a letter that was received from the National Opioids Settlement. Although the town of Boylston has not been impacted as severely as other communities, I would like to “opt in” and register us on the national settlement website so that we may receive additional information. The Fire Chief and I are hopeful that any settlement money may be used for additional resources for the community, such as for mental health. It would be nice to be proactive and assist people before they end up in crisis and resort to drugs.

Seth asked what happened with the bills and April explained the reasoning behind why these were not paid on time. April mentioned that we have a great Town Accountant, and she holds tight to her policy on not paying a bill if its past the fiscal year. Seth asked about the Special Act regarding the insurance payments for injured Police and Fire Officers and if that has passed. April responded that it is still pending approval by the legislature and is in the third reading of the house.

Matt asked if the Board has the authority to lower the quorum for Special Town Meeting and Stephen responded that you must publish a notice 10 days prior to the vote. Matt asked for this to be put on an upcoming Agenda prior to the Special Town Meeting.

#### **Approval of meeting minutes: 09/13/2021 and 09/17/2021**

Seth Ridinger made a motion to approve the meeting minutes from 09/13/2021 and 09/17/2021, Jamie Underwood seconded. Voted all in favor.

#### **6:30 PM Tax Classification Hearing: Joint Hearing with Board of Assessors:**

The Chair of the Board of Assessors Van Baker presented the information to the Board. With a single rate assuming no significant last-minute changes, they will be in the neighborhood of \$15.84/per thousand. The current rate right now is \$16.98 so it will be down a lit, however one thing to note is that property values with it being a revaluation year, are going up a bit. One additional note is that if we did go with a split rate, what this is showing is one unit reduction in residential rate, to maintain the same budget amount, the commercial and industrial rate would have to raise at a rate of six times that. If they went to the maximum amount, the single residential rate would go from \$15.84 only to \$14.41 and would cause the commercial rate to go from \$18.84 to \$24.34, a significant increase if they did go with a split rate. With residential being about 85% of Boylston’s tax base, and 15% being commercial and industrial, the Board of Assessors are recommending the single rate. Jamie stated that he agrees with the single rate as we have quite a few small businesses in town that he does not want to se a hardship on. Seth agreed and stated that it was the same conclusion as last year that at this point it wouldn’t make sense to do a split rate.

*Jamie Underwood made a motion to stick with the single tax classification for \$15.84 for the upcoming year, Seth Ridinger seconded. Voted all in favor.*

The Board thanked Paul O’Connor for all his years of service in the Assessor’s office.

### **Chief of Police Report to BoS:**

First report for Interim Police Chief Robert Barbato.

Since the last meeting, dispatch has handled 68 emergency calls.

September 23<sup>rd</sup> – Boylston Police Union had another successful golf tournament

Parking Situation at Greenwood: Put up no parking signs. Received real positive feedback from everyone in the neighborhood. Plan to do it again when they have an event down there.

October 7<sup>th</sup>: Authorized Officers who would like to participate in the fundraising effort of No Shave November – Cops for kids with cancer. The cops are excited to raise awareness and money for a great cause.

### **Discussion on Halloween:**

Interim Police Chief Barbato stated that he did a bit of research with the communities surrounding Boylston and it seems that they are doing Halloween on the hours of: 5pm-8pm. Last year it was earlier due to different circumstances. Matt stated that there is one thing to note, the Board of Health suggested not letting children reach into bins to grab candy, stick to small groups, and try to keep everyone/candy outside.

*Seth Ridinger made a motion to set the Boylston trick or treating hours from 5:00PM-8:00PM, Jamie Underwood seconded. Voted all in favor.*

### **Discussion on letter received from Leslie Duthie regarding Tower Hill interest in lot located on Assessors Map #48, lot #3:**

Leslie Duthie is a retired Horticulturist who helps to preserve public open space and is a volunteer at Tower Hill. She came across this parcel and it seemed to be a no brainer for Tower Hill; The piece of property is approximately 14-15 acres. Leslie spoke with Town Counsel, Stephen Madaus and she was able to do a title search. Leslie mentioned that she knows as a small town you don't normally have the funds; thought this was a way to help Boylston and Worcester Horticultural Society to come to some type of agreement. She believes the title search showed that this property was taken due to nonpayment of taxes in the 30's. Hoping to work with the Town to get it to a comfortable place in putting this land up for sale. There are only two organizations that would be interested in this since the parcel has no road frontage. Matt mentioned the different options the town would have; public auction or going to Town Meeting. Leslie mentioned that she didn't know if the town would be interested in an appraisal and funding could be provided for the town if interested. Stephen stated that 30B 16 requires the town to determine the value of the property before putting it out and would want a current appraisal report. Matt stated that the springtime Town Meeting would be a better. Jamie stated that it would give us more time to get an appraisal and gather all information needed. Stephen asked Leslie if she would want the proponent to obtain the appraisal or would you want to accept a gift. Leslie would prefer to defer to the Town as she would not want any question to the methods that were used to acquire the appraisal. April stated that the Town didn't feel it was wise to spend funds and Mrs. Duthie was gracious enough to pertain the title herself. April mentioned that Towns are supposed to turn around and get rid of these tax title takings; not supposed to be landowners. Seth stated that we should be the ones to

have the appraisal done and then we can work out the funding mechanism. Seth asked Stephen if there was any real advantage to doing one over the other, auction or town meeting. Stephen referred to what April mentioned on how Towns are not supposed to hold onto these parcels; with an RFP process, you can set restrictions. Leslie assured the Board that Tower Hill has no intention of ever building on this property. It has wetlands on it so it would be under the jurisdiction of Conservation Commission, Wetlands Protection Act. Leslie pointed out respectively that Worcester County Horticultural Society does pay taxes in this community, and this would allow you to put this property back on the tax roll.

Matt mentioned that the next steps would be as the town moves through the process, they will keep Leslie informed on what steps are being taken. Town meeting is normally the first Monday of May so hopefully we will be able to have this on the Warrant. April discussed the process on how Leslie could go about gifting the cost of an appraisal to the Town. Seth asked Counsel if there was any risk of an appearance of impropriety if the person who is looking to buy the land is also essentially gifting the town \$3,000-\$5,000 for the appraisal. Stephen stated that he does not believe it would be improper as everything they do would be transparent. Leslie asked Stephen if the town would be looking to have a conservation restriction on the land or would they give several expectations of no building and other things – would this be open to discussion. Matt stated that we would discuss that as they get closer. Leslie stated that Tower Hill would be looking to use the land to expand their trails into a less developed parts of the garden; more naturalistic. The Board thanked Leslie for coming in and stated they will keep her informed. Leslie thanked the board for their time and is looking forward to the next steps.

#### **Trailside Apartments discussion to add additional 8 bedrooms to the project and amend the LAU Application:**

Seth recused himself from the discussion at 7:02 PM.

Patrick Healy came before the Board to discuss advancing the designs of the plans and calculations for Trailside Apartments LAU Application. He mentioned that he learned new information about Title 5 that he has not come across in the past 30 years; Calculations that title 5 or DEP enforces looking at the density for septic systems, is not based on as we perceived as an area, its based on 40,000 sq/ft. In light of that new information of the septic system on this particular property, they do have the opportunity to add some additional bedrooms on site. The original application was for 81-82 bedrooms and the new calculations show that there can be 90 bedrooms. Patrick is asking the Board tonight if they would consider amending that to reflect the number on the plans they submit to the Zoning Board of Appeals. Matt asked if this would be adding units or number of bedrooms to the existing number, and Patrick stated that it would add a few units. Previously it was 60 units, and this would make it 64. April mentioned that Attorney Costa stated that 10% is basically the number that you are looking for the substantial increase, and anything over that you would need to do another letter of recommendation but since this brings us under that threshold, it is purely a Board of Selectmen decision. Jamie stated that his main concern would be the septic issue and since it meets the requirements for septic, he doesn't see a problem. Stephen stated that he agrees with Attorney Costas remarks. Matt asked if this would affect the traffic patterns and Patrick responded that they would not affect them. Matt stated that if this is not a substantial change defined by Attorney Costa then he is fine with it. Jamie agreed.

*Jamie Underwood made a motion to change the LAU Application Letter of Approval and all documents for the Trailside Apartments to add an additional 8 bedrooms to the project and authorize the Town Administrator to sign, Matt Mecum seconded.*

Seth Ridinger rejoined the meeting at 7:14 PM.

**Vote on Winter Parking Ban: 12/1/21 – 4/1/22:**

*Seth Ridinger made a motion to adopt the Winter Parking Ban 12/01/21 – 04/01/22 as proposed in our Selectmen's packet between the hours of 1:00am-6:00am, Jamie Underwood seconded. Voted all in favor.*

**Vote to designate boundary walk designee; Mark Barakian:**

*Jamie Underwood made a motion to designate Mark Barakian as a boundary walk designee, Seth Ridinger seconded. Voted all in favor.*

**Discuss employee review process:**

Matt mentioned that he was not at the last meeting due to feeling under the weather but spoke with a few people regarding the employee review process, and they mentioned it was an uncomfortable process. The Board wants to keep everything transparent to public and the goal of review is to work with the employee, set goals and review them in a positive way. He suggested to start the process the same way by submitting evaluations forms on employee and give to Ali, Ali will compile them, and Ali would deliver those to us in open session. Then the board would designate a member of the board to sit down with the employee for a one-on-one review. Finally, the Board member would come back in open session and discuss that review; the public still gets all that information but that one on one conversation with the employee may be more productive. Jamie stated that it was a bit choppy at times and at times seemed a bit contentious and that is not what we want; he would be in favor of Matts suggestion. He also added that some people do not like to be put on the spot and you may receive different answers if it was more of a relaxed feel. Seth stated there's got to be a better way to do it. The board continued to discuss how the process could work and Stephen addressed different issues regarding the Open Meeting Law, and which way would be the best option. Matt added that if we do make a change to this, we need to offer it to Cheri and Steve to be fair. A review is supposed to be productive and give the employee information to move forward and grow and if we are not getting that, then there is really no point going through the whole process as it will only create animosity and that is not what we want. Seth asked how the School Department handles evaluating the Superintendent and the rest of the Board was unsure. Seth then stated the other tricky part would be that the person being reviewed is entitled to be at that meeting and Matt clarified that we are going to get the complied document from Ali in open session. Seth then asked if we would be discussing it at that point or if the plan was just to accept it. Jamie stated that we would accept it after the Board member met with the employee and came back to the Board with the review. Seth asked if there is no deliberation of the document, then how is it a product of the Board. Matt mentioned that the complied document would be brought to the Board, the Board member would sit down with the employee, discuss that

document, come back, and give their review to the Board; that employee would have every right to be here. Seth stated that when we get that finished document, there could be deliberation if the other board members do not agree with it. Seth stated that his concern is if we get these documents and there is stuff in there that a board member does not agree is an accurate representation, then it's not really a product of the board. Matt stated that he feels like we are not really doing a review then, during a review we should not be voting on someone else's comment. Matt stated that the way it's structured, he doesn't see any value in doing these reviews. Jamie agreed that having the employees here, gained anything. Seth suggested getting the goals and forgetting the evaluation so that next year we have solid criteria to review with the employee. He then added that he doesn't have a problem doing it the way that Matt and Jamie want to do it, he just wants to make sure that when that final document comes, each board member reserves the right to say that they do not believe it's an accurate representation – there needs to be a consensus of the board. Stephen stated that he does agree with Mr. Underwood that starting out with goal setting, speaking about the office, and telling the board what is working and not working and doing more of a review next year might be the way to go. Matt suggested that having our HR Administrator provide some pointers regarding this process might be beneficial. Matt stated that setting the goals and doing more of a review next year is a good idea, and that we need to ask the two previous employees who were reviewed if they would like to redo it or keep the review.

#### **Finalize the interview/ranking process and procedure for hiring new Police Chief:**

Jamie mentioned that questions 6 and 10 are very similar and asked if we can combine them in some format. Matt and Seth agreed. Seth stated that we asked the search committee what some important characteristics they believed the next Chief would need and they listed off: integrity, image, respect, cooperativeness, and coachable. He asked the board if we would like those traits listed on the document to rank each candidate. Matt stated that he thinks it's a good idea and wouldn't mind grading each trait at the end of the paperwork. Jamie stated that based on the answers to all their questions, we could rate them based off that. The board continued to discuss how the document would be set up and what traits they would use. Matt mentioned that he would like empathy listed as one of the traits but is unsure if there is a question listed that would show how empathetic an officer could be and doesn't want to change the questions. Seth spoke with some of the references for the candidates and stated that all four candidates are outstanding, and the Town would be lucky to have one and his only concern would be that if they do this numerically, it's fine but to some degree they are doing a disservice of not having a discussion. He stated he would like to hear Matt and Jamie's thought process as to why candidate A is better than B and hopefully through that process, we could all unanimously get behind it and feel good about the decision. Jamie stated that he likes having a calculation because if you are going to sit there and just ask all the questions and not have a reference on how they did answer that question, why bother going through that and why not just have a discussion after they talk. Seth stated that he spoke with our HR Administrator about this and there are pros and cons of both; you may not be engaging with the person enough if you are sitting there thinking about a number to rank them. Jamie mentioned that we must remember if we get into a discussion and you are comparing the candidates, they are going to hear what you are saying. Matt agreed and stated that we want to make sure the person who is selected for the role knows and feels that the Board of Selectmen is behind them. Jamie mentioned that he does not want to go back and forth with any board member for what he feels makes a good candidate for Chief since they may never see eye to eye. Matt

stated that three out of the four candidates are going to go back to their other jobs or go apply for another job and everything we put out there is on public record, and we still have a responsibility of allowing them to come out of this process in a good position to further their career. We have two internal candidates, and we would not want either of those candidates to leave if they do not get the job and having discussions about that opens the door to animosity, its human nature. Jamie stated that whatever he scores, he will stand behind his score. Seth stated that he feels like we are not necessarily doing our jobs if we are not having a discussion about perhaps one of the most important decisions we are going to be making as a board. These candidates are so highly qualified it's hard to just do it qualitatively and just say that's that, no deliberation. Stephen mentioned that it's likely that at least two or more of the candidates will be close together in ranking, and you will not need to have a deliberation on what matters more to the town. April added that the search committee mentioned that all four candidates have a different personality and are different individuals - each board member may gravitate towards somebody because they would be a good fit for the community and when you look at the characteristics and traits, you will be narrowing down who will rise to the top. Matt added that it's important to remember we are three individual people and that score matters – what's important to Jamie may not be as important to me. We need to be able to make our own decision on who that is without ruining anyone's career elsewhere. The Board continued to have a discussion on the process to make sure that when everyone leaves here, they are comfortable and with their careers intact. It's important that we hold ourselves to a high standard of how we do this. Jamie suggested that if we do have a tie, then whoever scores the highest in the traits category would be the winner. There's going to be a learning curve with whoever is hired, but the traits are what is going to help us decide who would be the best fit for the town. Seth stated that he understands both sides and is a firm believer in the democratic deliberative process and he knows that's a double edge sword because of the nature of what we are trying to accomplish here. Matt stated that we need to have a unanimous consensus on how we are going to do this because it needs to be explained to the candidates and audience how it is going to work so we are reassuring a fair process across the board for all four candidates. Seth stated that he will do that, but he does have reservations. Jamie explained that we are going to add up all questions plus the traits and if there is a tie, the highest score of the traits would be the tiebreaker. The board agreed to take the scoring off the first question and the last question. Matt will read the rules to everyone at the meeting and let the audience know that their will not be outside questions allowed during this meeting. Seth asked if they are going to be allowed to do follow up questions, and if so, what should the time limit be and how many does each member get to ask? Jamie stated they should not be allowed. Stephen stated that its about treating the candidates equally, and if you are asking for some clarification, that should be fine. The board continued to discuss the topic of follow up questions and agreed that each question should have a time limit of four minutes. The board agreed to be able to ask a follow up question to clarify information and not ask to pull information out of them. The board discussed when the decision would be made and agreed that they would take the night and come back on Friday at 3:30PM to make the announcement on who the winner is. The board agreed that April will make the calls to the candidates who did not get the position.

April clarified that the next meetings are going to be:

- Friday Meeting: 3:30 PM



- Monday Meeting: 6:30 PM
- Thursday Meeting: 6:30 PM – Executive Session

Matt asked about the replacement for the COA Coordinator and April responded that two resumes have come in regarding the position and interviews will be scheduled next week.

The past two years have been kind of weird and Matt has been reading of different towns pulling up old time capsules and thought it would be a good idea to look into. We could get the schools involved, community involvement; Leos Club at Tahanto, Historical Society, boy and girl scouts.

The Select Board is always good at bringing people into our meetings and trying to promote people to have an open dialogue with us. There are other policies out there that are the opposite of that, and Matt finds it disheartening that those policies are there. We welcome people to come to our meetings and would like a policy to state that we will allow open dialogue.

*At 9:26PM, Jamie Underwood made a motion to adjourn, Seth Ridinger seconded. Voted all in favor.*

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

### **Meeting Materials**

Agenda	On File in The Board of Selectmen's Office
FY22 Tax Rate Sheet	On File in The Board of Selectmen's Office
Flu Shot Poster	On File in The Board of Selectmen's Office
100 Shrewsbury Street Email – Att. Adam Costa	On File in The Board of Selectmen's Office
Town Administrator's Report	On File in The Board of Selectmen's Office
Police Chief Draft Evaluation Sheet	On File in The Board of Selectmen's Office
Letter from Leslie Duthie	On File in The Board of Selectmen's Office
Meeting Minutes: Sept 13 <sup>th</sup> , 2021	On File in The Board of Selectmen's Office
Meeting Minutes: Sept 17 <sup>th</sup> , 2021	On File in The Board of Selectmen's Office
Winter Parking Ban Notice	On File in The Board of Selectmen's Office
PD Activity Report – September	On File in The Board of Selectmen's Office