



Board of Selectmen

Date of Meeting: Tuesday, April 21st, 2020
Time: 6:30 PM – 8:13 PM
Members Present: Chair Jim Woods; Selectmen Matt Mecum and Jamie Underwood; April Steward, Town Administrator; Town Counsel, Stephen Madaus, and Alison Mack, Administrative Assistant to the Board
Members Not Present:

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Boylston Board of Selectmen will be conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

The meeting will be livestreamed from the Zoom Application:

<https://zoom.us/j/94884381709>

Confirming Member Access:

April Steward, Town Administrator recited the following:

Members, when I call your name, please respond in the affirmative.

- Jim Wood: Yes
- Jamie Underwood: Yes
- Matthew Mecum: Yes

Staff, when I call your name, please respond in the affirmative.

- Town Counsel, Stephen Madaus: Yes
- Alison Mack: Yes

Speakers on Agenda:

- Tower Hill CEO, Grace Elton: Yes

Introduction:

Town Administrator, April Steward started off the meeting by stating the following: Good evening, This Open Meeting of the Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends

the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Board of Selectmen is convening by video conference via Zoom App as posted on the Town's Website identifying how the public may join. Please note that this meeting is being recorded, and that some attendees are participating by video conference. Accordingly, please be aware that other folks may be able to see you, and that take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.

Meeting Materials

All supporting materials that have been provided members of this body are available on the Town's website unless otherwise noted. The public is encouraged to follow along using the posted agenda unless The Chair notes otherwise.

Meeting Business Ground Rules (Jim Wood)

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- I will introduce each speaker on the agenda. After they conclude their remarks, the Chair will go down the line of Members, inviting each by name to provide any comment, questions, or motions. Please hold until your name is called. Further,
 - Please remember to mute your phone or computer when you are not speaking;
 - Please remember to speak clearly and in a way that helps generate accurate minutes
- For any response, please wait until the Chair yields the floor to you and state your name before speaking.
- If members wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.

For Items with Public Comment:

After members have spoken, the Chair will afford public comment as follows:

- The Chair will first ask members of the public who wish to speak to identify their names and addresses only;
- Once the Chair has a list of all public commentators, I will call on each by name and afford 3 minutes for any comments.
- Finally, each vote taken in this meeting will be conducted by roll call vote.

Selectmen's Meeting Minutes: The minutes of 03/16/2020 and 04/06/2020 were presented.

Matt Mecum made a motion to approve the meeting minutes for 3/16/2020 and 04/06/2020. Jamie Underwood seconded. Voted all in favor. Roll call vote: Jamie: Yes, Jim: Yes, Matt: Yes.

Town Administrators Report:

1. *Annual Town Meeting and Town Elections Revised Dates:* April recommended that the Board reschedule the dates of the ATM and Elections for Monday June 15th, and Monday, June 22nd.

Matt Mecum made a motion to schedule the Annual Town Meeting for Monday, June 15th, and the Annual Town Election for Monday, June 22nd. Jamie Underwood seconded. Voted all in favor. Roll call vote: Matt: Yes, Jamie: Yes, and Jim: Yes.

2. *COVID-19 Impact:* Employees have the ability to work from home if necessary. April recommended that the board take a look at the Telecommuting Policy she drafted to have in place in case a decision needs to be made about closing the Town Hall for a period of time. MIIA offers an online training platform in which if employees complete, MIIA rewards credits would then be offered to the town.

April mentioned that although employees can use the application LogMeIn to work remotely from home, she does not see that we need to close down 100% at this time; there may be a time in the future that it may need to happen; she would like to have the Telecommuting Policy in place in case that situation arises. Matt and Jamie asked a few questions on how the Town Hall employees would be able to handle the system and if there are any concerns on their end. April let the Board know if they would like to designate either herself or the Chair to make the decision regarding the closure of the Town Hall, they can vote on that. Jamie asked what would happen with independent departments, Jim mentioned that Town Counsel may have a good answer. Stephen Madaus stated that Selectmen Underwood is correct in that some departments would have control over their own employee. He thinks that the BOS should adopt the policy so that the departments could act within it if they so choose; if it suits them and would allow their employee to work remotely.

Jamie Underwood made a motion to approve the Telecommuting Policy as written. Matt Mecum seconded, Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, and Jim: Yes.

Matt Mecum made a motion to appoint the Chair and Town Administrator the right to allow Town employees to work remotely, Jamie Underwood seconded. Voted all in favor. Roll call vote: Jamie: Yes, Jim: Yes, and Matt: Yes.

3. *Fire Chief's Contract:* Received the contract back from the Fire Chief, his marked-up copy. Executive Session scheduled for 05/04/2020 after the regular Board of Selectmen meeting.

4. *Families First Coronavirus Response Act:* The Board needs to deliberate to determine whether or not to exclude emergency responders from the Families First Coronavirus Response Act. The board agree unanimously that they would not want to exclude emergency responders. Fire Chief Joe Flanagan stated that the full-time staff is covered under the 111F benefits, so they would be excluded; it's the on-call staff that are not covered under the 111F benefits so they would not have the protection of that statute. The board decided that no action will be taken.

5. *Radio Communications*: Final talks with Motorola, SBA Communications, and Entravision Communications on securing space on their towers to have optimal transmitter sites for the best coverage across town. We are looking to have the final numbers to present to the town at June's ATM for approval. On the first contract we had with the tower we have landlord rights which may allow us to put a transmitter on it at no cost.

6. *Employee Handbook*: Jeff Vander Baan has been working diligently on the updated Employee Handbook and he has completed the rough draft. He has presented it to me for review. After it is reviewed, we will send it over to town Counsel for legal review. We are aiming to present a completed handbook to the board by the beginning of the fiscal year.

Matt Mecum sent the Small Business Relief Partnership grant application to April; it would give municipalities up to \$50,000 that they would then use towards small businesses in the town. April will be submitting it and the board is hopeful to see what comes from it.

Tower Hill: French Drive Traffic Issues: Changed scope of project:

CEO of Tower Hill, Grace Elton came in to speak with the board. They have not changed the scope of work, they are looking to change the sequencing. They have been closed since March 16th due to the safety concerns with COVID19 and the Governor's orders; construction has stopped due to it not being essential. In January, they renovated the lobby. There are now 5 terminals set up instead of one location; all admissions will be done through these terminals. This will be a much smoother process for customers; no more gate house to stop at. They are waiting to hear more from the Governor before they can determine when construction can start again and at that point, they will then determine what they can do. First goal is to move all operations up to the visitor center; finishing the lobby and re-grading the paths from the parking lot to make it ADA accessible. With permitting, they are moving along with the Conservation Commission and Planning Board. The conservation commission gave them conditional approval in their meeting on March 16th to move forward with the storm water control permit; they are waiting on Graves Engineering to a final clean letter to sign off. They also have a notice of intent for the storm water permits for the entrance due to the wetland buffers which require state approval as well as local approval. The exterior vestibule application has been submitted and they are waiting on the Planning Board letting them know when the next time they want them to come to a meeting.

Chief Sahagian wanted to verify with grace that the gate house is going to go. Grace responded that as soon as the state and local permits are in place, it will go. They are going to stop working out of it before it will physically go, which would be as soon as they are able to sell tickets out of the lobby. The Chief wanted to be clear that the gate house is still going to cause people to stop so he wants to make sure that it stays as a priority. Grace assured the Chief that they are concerned about the visitors experience as much as they are concerned about the traffic, she is with him on that one. Bill Manter joined the call the state the Planning Board's responsibilities. They have only been waiting until they get exactly what we need so there are not two site plan approvals and then they have to move something because of the Conservation Commission. If they are not going to be doing anything down by French Drive Bill wanted everyone to realize that the Planning Board site plan approval at the top is not doing anything regarding the French Drive traffic concerns. French Drive is a town street and traffic changes are solely up to the

Board of Selectmen and consultation with the police and DPW. He believes that the reconfigured Planning Board in June would probably entertain the site plan approval and under Section 10.0309 Page 73, The Planning Board would probably be conditioning the site plan approval for Tower Hill to adhere to traffic directives set by the Board of Selectmen; they do not have the jurisdiction and the site plan approval would require Tower Hill to make changes that the Board of Selectmen want on the town street.

Memorial Day Parade Discussion:

Jim Wood mentioned that the Memorial Day Committee would like to cancel the Memorial Day Parade rather than rescheduling. The Memorial Day Committee wrote a letter to the Board stating many reasons including the difficulty of rescheduling different groups for the Parade; they have no idea what the near future holds at the moment. Jamie stated that he sees where they are coming from and Matt agreed that he doesn't see that there is much that can be done at this time. Jim stated he doesn't think it is something that needs to be voted on; Jamie stated that they could show their support in their decision. April

Jamie Underwood made a motion to cancel the Memorial Day Parade after hearing from the Memorial Day Committee and the reason to honor the veterans. Matt Mecum seconded. Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, and Jim: Yes.

Declaration of Emergency Discussion with the BOH:

BOH Agent, Dennis Costello stated that his take on the Declaration of Emergency is the same as last meeting; does not believe that it is necessary for the BOH to do so. If it is necessary to do so for the town as a source of funding mechanism, then there is no sense of not doing it. The BOH is not in favor of enacting it. Jim Wood stated that at this point we do not have to take any action on it. Dennis spoke to someone in the state and they stated that if the Town does not declare a Declaration of Emergency there is another declaration that covers us; we are good the way things are. Matt Mecum brought up that the Fire Chief spoke with some at FEMA; they stated it isn't something that they need to do but it does allow a few things; move money around town accounts as needed and allows towns to apply for DOR long term emergency loans. Dennis stated that the biggest enticement for our town for the declaration would be financial.

Town Counsel, Stephen Madaus stated that any provisions in the general law that are available by emergency declaration, are available pursuant to the Governors Declaration already; deficit spending to address the emergencies available to the town because of the Governors' declaration. Towns were adopting these emergency declarations in an expectation that it is required to get federal reimbursement; Since then, The President has declared all 50 states to be disastrous and believes that opens the federal FEMA without the declaration. It does give some political cover, like the Police Chief, or why Town Hall is closed to the public. The Board of Health has inherent powers under Chapter 111 to enforce against infectious diseases, so they do not need a declaration to have any more powers.

Discussion on Littering Enforcement MGL Chapter 270, Section 16:

Incident at Rocky Pond last weekend with someone throwing a couple of trash bags on the side of the road. Jim stated that if we catch someone littering in this town, they should be made an example

of. Jamie stated that he has no problem making the enforcement stricter and the fines larger, he does not believe it is people in town, but people passing through. Matt stated that the bags were landscaped bags and not household garbage bags; that being said the town is getting bigger and being used a lot more so there has been a lot more trash. The Police Chief mentioned that they have enforced dumping garbage and littering in the town for over the 20 years that he has been here; it has been reduced tremendously over the years. He asked to be notified if this happens again so that the police can go through the bag and try to figure it out.; They can add trail cameras on roads to try and catch people.

Steve Mero stated that the DPW has been picking up small bags of yard waste; especially now since so many people are home. Steve asked the Board if he could have approval to open up the DPW yard waste location for a few hours a day to allow people to drop off bags; Monday, Wednesday, Friday 8AM – 12PM. Matt stated that he is all for it as long as the DPW feels safe as well as the residents. Steve asked any residents that want to drop anything off, to please protect themselves. The Chief of Police asked residents that if they see anyone dumping garbage bags to please do anything they can to help; take license plate number down and call police immediately and report them. The first fine is up to \$5,500 dollars for dumping and or a summons and arrest without a warrant if they refuse to identify themselves, and the second offense is almost triple that. Stephen Madaus stated that dumping on public land, public highway or within 20 yards of a public highway can have a fine up to \$5,500, and the second offense can be up to \$15,000. This statute has to be accepted by Town Meeting and covers a lot more than the fines on littering that a Town can enforce. Matt Mecum wanted to add on that down at Rocky Pond where people park, it is not public property, it is privately owned, and they allow people to park there; if trash continues, that may not continue. Stephen Madaus stated that the non-criminal disposition statute that allows you to impose fines, the maximum is \$200. If the Board could impose an amendment to the bylaw to increase that fine for tossing rubbish from \$50 to \$100.

To consider/vote to extend the due date, as available under Section 10 of Chapter 53 of the Acts of 2020, and/or to waive interest for late payments, as available under Section 11 of the Act:

April stated that it is an act by the Legislature that gives the Town the ability to waive the interest for late payments, as available under section 11 of the Act. Jamie stated that he is fine with that and Matt stated that he feels we should push the date so that we can help people as much we can with everything that is going on. Property taxes are due on May 1st, Matt suggested moving it back a month to June 1st; we do need to look at that we have sufficient cash flow and also check with Cheri to see if she has talked to the schools to see if they can split the assessment. Jamie asked what other options were available and discussion continued regarding which dates would work best. April's concern with pushing it out to the end is that the August date has not been given any leverage to be moved by the legislature and if we have people that are going to be paying June 29th, they could possibly be put in a more difficult position than previously. Matt suggested extending until June 1st tonight and then in May, the board can vote again if they need to change it. April stated that July 1st is a huge due date and one thing to consider is that 96% of our revenue stream is property tax so when dates get modified and pushed out, it does have a financial impact on the town; we may be putting ourselves in the position that we will have to do short term borrowing. Jim and Jamie both stated they are okay with Matts suggestion to extend until June 1st. Matt stated that it is such a crazy and unprecedented time that if we need to borrow for 30 days,

then we need to borrow for 30 days and would hate to put someone in a position when things are completely out of their control.

Matt Mecum made a motion that pursuant to the provisions, Section 11 of Chapter 53 of the Acts of 2020, we vote to waive interest and penalties for any late payment of any excise tax betterment assessment or proportion thereof or any other charge added to a tax for any payments with a due date on or before March 10th, 2020 where payment is made after its respective due date but before June 30th, 2020. Jamie Underwood seconded. Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, Jim: Yes.

April Steward mentioned that the motion that must be made is:

The Board of Selectmen moves to pursuant to the provisions, Section 10 of Chapter 53 of the Acts of 2020, vote to extend the due date of the Fiscal Year 2020 fourth quarter property tax from May 1, 2020 to June 1, 2020, and further request that the Towns' Treasurer/Collector informs The Town Administrator, provide notice of this extension to taxpayers by posting it in a prominent location on the towns website and posting on official Town social media accounts and by any other means the Town Administrator deems appropriate. Matt Mecum made a motion as spoken by the Town Administrator. Jamie Underwood seconded. Voted all in favor. Roll call vote: Jim: Yes, Jamie: Yes, Matt: Yes.

Jamie Underwood made a motion to change the official deadline for filing the applications for property tax exemptions (such as elderly, blind, veteran) from April 1st, 2020 to May 1st, 2020 as available under Section 10 of the Act. Matt Mecum seconded. Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, Jim: Yes.

Vote to Approve and Sign the Dispatch Union CBA:

Received the CBA back from the Dispatch Union.

Jamie Underwood made a motion to approve the new contract for the dispatcher's union. Matt Mecum seconded. Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, Jim: Yes.

Jamie Underwood made a motion to authorize the Chair to sign on behalf of the board. Matt Mecum seconded, Voted all in favor. Roll call vote: Jamie: Yes, Matt: Yes, Jim: Yes.

H-Intersection:

Highway Superintendent, Steve Mero suggested passing over the demolition on the H-Intersection; he does not feel as though the Cross Street is feeling the full effect of the bridge construction and he still sees residents going up to Colonial Drive and still using it. He feels as though it would be in the best interest to leave it as is for now to see what the future holds regarding the construction happening in the area. He also suggested that there is always a possibility to have it open as a one way in or out. Jim, Jamie and Matt are all in favor of Steve's recommendations.

Budget:

Matt Mecum stated that he spoke with Dave Butler, Chair of the Finance Committee and he feels as though that before the whole pandemic happening we were looking at a pretty ugly budget and forecasting a pretty hefty tax increase, and Dave feels that we really need to look at what cuts we can make to the budget. People are going to be hurting and wacking them with a giant tax increase isn't the direction we should go. Matt wanted to throw that out there as something to start thinking about for the next meeting. April made the point that we also do not know what cut the state is going to make with their funding and may see an affect in our revenue stream. Matt suggested getting ahold of our State Representatives and doing whatever we can to get ahead of it.

Jamie Underwood ended the meeting with stating that he has spoken to some residents and everyone is trying to do the best they can. People are taking care of their elderly neighbors; Lions Club has been a huge help with reaching out to residents and its something we all must continue to do.

At 8:13 PM Jamie Underwood made a motion to adjourn, Matt Mecum seconded. Voted all in favor. Roll call Vote: Jamie: Yes, Matt: Yes, Jim: Yes.

The meeting was adjourned at 8:13 PM.

Meeting Materials

Agenda	On File in The Board Of Selectmen's Office
Town Administrator's Report	On File in The Board Of Selectmen's Office
Meeting Minutes 03/16/2020	On File in The Board Of Selectmen's Office
Meeting Minutes 04/06/2020	On File in The Board Of Selectmen's Office
Department Heads March 2020 Reports	On File in The Board Of Selectmen's Office
MIIA Online Training Packet	On File in The Board Of Selectmen's Office
Town of Boylston: Executive Order	On File in The Board Of Selectmen's Office
Memorial Day Committee Letter	On File in The Board Of Selectmen's Office