



## Board of Selectmen

Date of Meeting: Monday, January 18<sup>th</sup>, 2022  
Time: 6:30 PM – 7:54 PM  
Members Present: Chair Matt Mecum; Selectmen Jamie Underwood and Seth Ridinger; April Steward, Town Administrator; Stephen Madaus, Town Counsel, and Alison Mack, Administrative Assistant to the Board

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

The meeting will be livestreamed from the *Zoom Application*.

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### **Approval of meeting minutes: 11/08/2021, 11/15/2021, 11/22/2021:**

- 11/08/2021 – page 6 – approval of meeting minutes 09/27/2021 – no vote was recorded. Please add all voted in favor.
- 11/22/2021 – page 1 – last line. Seth stated he was concerned that it makes it sound like he was questioning their motives. He would like to strike that line “what the real reason is” and replace it with “continued to discuss” – something to that effect.

*Seth Ridinger made a motion to approve the minutes from 11/15/2021 as is, the minutes from 11/08/2021 and 11/22/2021 with the corrections as stated, Jamie Underwood seconded. Voted all in favor. Seth: Yes, Jamie: Yes, and Matt: Yes.*

### **Discussion on non-profits and paying for details:**

Town Counsel Stephen Madaus mentioned that later in the agenda there may be discussion about a Community Preservation Act, but there was a recent case and out of Acton, MA in which concerns the decision of a CPA committee to expend funds for the preservation of Church windows as historic preservation. When we previously discussed this issue of potentially the town paying for police details for certain charitable events that might occur, Stephen raised the question of whether anti aid amendment to the Massachusetts Constitution would prohibit that. The answer from this recent case in Acton is not entirely. He thinks that he could work with the Town Administrator to come up with a policy. There is a three-prong test as to whether you would violate

the anti-aid amendment or not. The court admitted that this is one of the more difficult areas of law but essentially if it's a charitable organization that turns over funds entirely to a public entity, such as Berlin Elementary School or Tahanto, friends of Tahanto, friends of Boylston Elementary, or friends of the Boylston Fire Department, that is okay. If it's to raise funds for a church or a political party, that's different. If the Board would like to pursue this policy, we would have to have to clear this three-prong test. The third prong would be when a taxpayer wouldn't expect their tax dollars to pay for nonpublic benefits, wouldn't expect to pay for promotion of religion, wouldn't pay for advancement of political cause, for the benefit of Tahanto Regional and other Town organizations, he believes that would be okay. Jamie asked if this would open us up to having to open it up to other charitable organizations that come through town and have a police detail for Stu's 5K or something like that where all the money does go into a charitable organization fund and isn't a private entity. Stephen responded that he thinks the policy is required to protect the town from those types of challenges. The policy would fit that three-prong test: if its not benefiting a public entity entirely then we wouldn't do it. Things like scholarship funds, he is unsure, because those are awarded to individuals by a private committee. The policy would explain who is eligible and what are not and why because of the anti-aid amendment. If you didn't want to do it, we would never be challenged, but if you want to do it, the policy would be what we must rely on. Matt asked what Stephen's suggestion would be as Town Counsel. Stephen responded that he is unsure as to how many events occur and how many would be eligible or ineligible. If there is a clear division, he believes there might be a bit of controversy and we would have to explain it and he isn't sure that is a good use of our time. He is happy to start the draft of the policy and answer the question from there. Matt stated that we should go to our Police Chief and see what events have required a police detail in the past and see how much they cost and go from there. If it's only two events a year, then it's probably not worth it to cause problems. Seth stated that what he is hearing is that it is kind of shaky grounds where we would have to be very careful. He is apprehensive about it but understands the frustration when these groups must pay so much for a police detail. You open yourself up to the residents saying that their tax dollars shouldn't be going to private organizations, even if that money does come back into the community; a lot of residents could say that if they wanted to donate money to these charities, then they would do that, and the government shouldn't be making that decision for me. Matt stated that he is fine with tabling it but when the discussion comes back up is going to have to include the town stepping up to provide more services. The town relies extremely heavily on volunteers to bridge the gap between what some departments and residents need and what the town provides. COVID is a prime example that where the town didn't have the resources to do what needed to be done and it took these charities to do it. It's not fair to constantly lean on the same groups to take care of the issues. It's the same conversation as Seth mentioned where these volunteers are Boylston residents as well and saying that they are paying taxes and ask why they must step up to take care of these issues that the town should be doing. Stephen stated that he found the case out of Acton interesting and educational to read. If it is to be pursued, it will have to be well crafted as a policy and Stephen is happy to investigate it further. Matt finished the conversation by adding that this is not a negative towards the Police Department, they are doing their job and doing what they are supposed to do and need to get compensated, it's not the point of this whatsoever. Its more to keep the hard work that these volunteers and keep what money they make steered in the direction for what they intended.

### **Appoint Police Officer Matthew Marderosian:**

Chief Annunziata presented Officer Matthew Marderosian and mentioned that he worked for Barre Police, and East Brookfield Police. Chief attended the Chief of Police monthly meeting and sat with the Chief of East Brookfield and Lieutenant, and they were very upset to be losing Matt, they had nothing but great things to say. Throughout the course of his background check and references we were told how great he is and thankful that we were able to scoop him up. Matt congratulated Officer Marderosian and he thanked the board for the opportunity. Jamie congratulated Matt and said he is sure he will find it is a very pleasant town to work in and joining a great group of people in the department. Seth welcomed Matt to the community and seconded what both Matt and Jamie stated.

*Jamie Underwood made a motion to appoint Matthew Marderosian as a new Police Officer for the Town of Boylston, Seth Ridinger seconded. Voted all in favor. Seth: Yes, Jamie: Yes, and Matt: Yes.*

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

#### *In-House Matters*

- Held a department-wide meeting and discussed the following:
  - Discussed new levels of expectations
    - Expectations the officers have from the Chief
    - Expectations their Chief has from the Officers
    - These expectations are clearly defined with the goal of being transparent in everything we do
  - Worked with Humans Resources to update Boylston Police Departments mission statement and created core values
    - Attached - mission statement and core values which is displayed on our website
  - Paid Time Off
    - Officers were informed that a limited number of officers can be off at once which hasn't been regulated in the past
      - This will help with the quality of life and legal liability
      - This will help cut overtime costs
  - Vacant Position
    - Posted, interviewed, and conducted a background investigation
    - Offered the position to Matthew Marderosian of Sturbridge
      - This officer was vouched for by BPD employees. Background from previous employers showed he is a dedicated and hardworking individual. If they had full-time positions available, he would have been hired.
      - Previous experiences include:
        - Oakham Police Department
        - Barre Police Department
        - East Brookfield Police Department
        - United States Army
          - Sergeant - Motor Squad
  - Officer Barbato has been formally trained/assigned the SRO position for the schools
  - Dispatcher Schiavone, Sgt. Thomasian, Officer Barbato and Det. Ryel delivered 15 boxes of toys to the Toys for Tots Program

- Thank you to all of them and the community for making this possible
  - Sergeant Thomas redesigned our patch
  - For the month of December
    - Dispatch Processed 58 Emergency 911 calls
    - Officers were involved in 1,449 total calls
      - 995 patrol-initiated actions
      - 84 motor vehicle stops
      - 3 Arrests
      - 8 Criminal Complaints
      - 13 Motor Vehicle Accidents
- **Balances as of January 1, 2022**
  - **Dispatch Payroll**
    - Budgeted - \$272,009.00 (\$12,448.00 – OT)
    - Paid to Date - \$133,450.67 (\$24,830.10 – OT)
    - Balance - \$138,558.33
  - **Dispatch Expenses**
    - Budgeted - \$14,974.00
    - Paid to Date - \$6,371.63
    - Balance - \$8,602.37
  - **Police Payroll**
    - Budgeted - \$1,215,723 (\$60,000 – OT)
    - Paid to Date - \$643,224.45 (\$88,974.61 – OT)
    - Balance - \$572,498.55
      - Contributing Factors
        - An officer being on IOD
        - Vacancy
  - **Police Expenses**
    - Budgeted - \$178,453.00
    - Paid to Date - \$111,586.92
    - Balance - \$66,866.08
      - Contributing factors
        - Taser contract
- *Taser*
  - The contract expired in July 2021
    - Sgt. Thomasian negotiated a new taser contract
      - \$56,060.01 – 60-month contract
      - Through bundling and other tactics, Sgt. Thomasian was able to save \$30,785.58
        - Year 1 - \$5,606.01
        - Year 2 - \$12,613.50
        - Year 3 - \$12,613.50
        - Year 4 - \$12,613.50
        - Year 5 - \$12,613.50
    - Highlights of this contract include automatic uploading of data from the taser, which has previously been done manually. This will aid in ensuring we remain compliant.

- This also includes training software. Officers will utilize virtual reality technology for training simulations.
    - Each simulation is based on officers' response to the specific scenario
    - New scenarios are uploaded monthly
    - Officers will be required to log a specific number of hours set forth by this department
      - This will help keep officers current on standards, trends, tactics and sharpen skills
  - New Cruiser has been ordered. The anticipated arrival date is mid-February.
    - Officer Barbato did some negotiating with the trade-in value and outfitting
    - Global will do the outfitting
      - There will be cost savings due to Officer Barbato “shopping around”, rather than using a one-stop-shop
- Sgt. Thomas is researching grant opportunities and other avenues to make improvements to our training room
  - The goal is to have an updated training room that allows us to host training
    - By hosting training, we get free seats
    - Work with officers to attend training as a “shift in lieu”
    - This will allow us to stay up to date on training at minimal cost to the budget
- Dispatcher Rudge applied for a State 911 grant
  - Awarded \$5,000 to cover training costs
- Chris and I finalized the budget which has been submitted
  - Chris was able to make some changes to the budget which make it more transparent
    - Changing outdated line items and adjusting their costs
  - Increases to the training budget
    - Once our training room is updated this number will reduce
  - Technology Licensing Fees
    - Standard inflation costs over the years that needed to be reflected
  - Overtime
    - Requested an additional \$15,000 pending the two new positions
  - Requesting two additional full-time patrol officers
    - Attached is the previously sent reasoning for this request

### **Fire Chiefs Report to the BoS:**

#### *2021 Snapshot:*

- As of today, they have staffed 62 vaccine clinics and helped administer 25,000 doses of the vaccine.
- At the station, they have done just about 1,000 drive in COVID rapid tests
- They are happy to do it and provide the service; it's been a lot of work
- At times the FD are not able to fulfill the residents needs right away because they get called out for emergency services, asking for patience from residents
- Have passed out about 2,000 masks from the FD and 4,000 town wide

#### *Call Volume 2021:*

- 867 emergency calls for service; majority were EMS calls
- 92 mutual EMS aid calls, a lot being done out of Worcester

Seth stated that we appreciate everything the fire department has been doing and from his perspective he would like to thank them for doing all this extra stuff for the community. Matt thanked the Chief and pointed out that the town has purchased some at home COVID tests and are still waiting to get them. Hopeful that as we can get tests that will transition of having tests administered at the fire department. The Chief dared to say that he believes we may be at the peak right now; last week we had 196 active cases in Boylston and are down to 145 this week.

Looking to put a rescue pumper truck on the warrant– Going to cost around \$700,000. Looking into a ten-year lease instead of purchasing the vehicle since lease rates are great right now. Stephen asked if the Chief is going to need funds in the next fiscal year. The Chief responded that right now he is not sure as it looks like it will be about 400 days once they start to build out the truck: a year and a half out. The Chief is going to double check with the manufacturer but doesn't believe they want any money up front. Stephen stated that if we don't have to fund it, he doesn't believe its worth putting an article on, but we can discuss it more as we get closer.

The Chief added that they would like to do a transfer of funds out of the ambulance receipts fund to do a transfer of tires. Further along down the line, he would like to look at staffing increases; they are having a hard time staffing the on-call department side of night and weekend shifts. Looking to expand the full-time staff. Matt added that Boylston has been growing like crazy for many years now and our town services have not been growing at the same rate. WE are quickly getting to a point where they are very uneven and do not want to get caught where we are even further behind. The Chief added that he will put together a more robust staffing study for the board to review.

#### **Discussion with Insurance Advisory Board and employee benefit cost share:**

Cheri Cox thanked the board for putting this on the agenda. She stated that a few weeks ago they met with MIIA and a topic had come up with regarding to offering another “limited plan” to employees. Through that process a conversation came up regarding the percentage that the town pays towards health insurance. Right now, we pay 63% and the employee pays 37%. The conversation came up asking if there would be consideration to change that and have the town pay a bigger portion of that shared cost. Through that process Cheri reached out to several towns who are in the proximity (paperwork attached); we are not at the same level as other communities. Some were 70/30 split, some had deductibles and some towns didn't, some were at 75/25 split, and our school system is at 75/25 split with a deductible of \$250 for individual plan and 750 for family plan. The highest she saw was an 80/20 split in Sterling. She put together some comparisons to show if the town did decide to change and how much that would cost. There was a significant amount remaining in the insurance fund over the past two years and during the last Insurance Advisory Committee meeting Howard Drobner from the Finance Committee joined us and we found out that they had been discussing making these changes a few years back and he was not sure why it did not happen. We have some new growth coming in and some employee retention and moral have been a problem and believes that this may be a good opportunity to make a change in a positive way. Jamie stated that he understands where Cheri is coming from but thinks that this conversation needs to go more in depth; other towns and communities do not use MIIA and thinks we should see what else is out there. Cheri stated that most of the towns surveyed do use MIIA. He suggested doing a full evaluation of it to see what other options are out there and look deeper into it. Seth agreed with Jamie in shopping around to see if there were cost savings to be found,

but in general would support this by looking at these numbers and suggested making sure we do all of our research first and find the most appropriate provider. Matt asked Cheri what the initial reaction of the finance committee was and if Howard was supportive. Cheri responded absolutely, she can't speak for Howard, but her impression is that he was supportive. She added that she understands what they are saying about MIIA but their rates have been pretty steady. She believes that our town was at a 70/30 split previously and is unsure as to why that was changed. She didn't see any communities out there that were in the 60s regarding the split. Jamie stated that it doesn't necessarily mean switching carries since MIIA is a conduit to provider, like any other insurance company. Alison stated that overall, the conversation is about the split and Jamie stated that he understands but overall, both conversations need to be had. Seth mentioned that maybe we are getting ahead of ourselves and if we are just exclusively looking at the numbers as is, with the current providers through MIIA, maybe that's the first step we need to take and would certainly like to hear the opinion of the finance committee. Cheri asked if the board would like her to go back to MIIA and see if the towns chosen in this review are apart of MIIA, to see who is already apart of MIIA but she doesn't have that as part of her data. Jamie stated he doesn't believe that is as much of an issue, but we need to evaluate the split on its own merit as do we want to give our own employees a better spilt, it's a different conversation than who the broker is of our insurance. Jamie stated that he is in favor of doing something for our employees on the split whether we are staying with MIIA or go with someone else, he just believes it needs to be brought up. Matt suggested discussing this with the finance committee. If everyone is on board there, we can move forward with that and in the meantime if we shop around and there is a better option, we can explore that. Matt stated that he is concerned with employees having to switch doctors. Aprils stated that she does know we pay a lot for our insurance, but she also knows that employees are extremely happy with our insurance especially if you are put into a position where you must use it; we have a high-quality plan. MIIA is more than a broker, they are a trust and they have given us breaks in costs over the past few years and those savings go directly to the employees; they have been a good company to partner with. She had previously put out numbers a couple years ago and the person never got back to her, and she believes it was because he could not compete with what MIIA had already been offering. She suggested that whatever we are looking at, that the employees do not lose out on the quality of coverage that we are receiving. Mark Barakian suggested that the board look at the municipal jobs, it's always been more about the benefits; you had health insurance, vacation, holidays and so on. He feels that you shouldn't just look at the insurance, you are going to have to look at the hourly pay as well. Some of these towns, the hourly rate is higher, so you need to look at both the rate of pay and the split of the insurance. Jamie stated that with a town that is growing rapidly, we are still trying to figure it out and play a little catch up. We do have great employees in all our divisions and with the growth that this town is experiencing and will continue to experience, we need to sit down and reevaluate which direction we need to go. Matt suggested that the next steps would be to have a discussion with the Finance Committee and confirm that they are on board with this as part of the final budget. Cheri stated that it is a step in the right direction for sure. Chief Annunziata agreed with Mark Barakian, he has worked for a few organizations and the numbers that we pay are abnormal to all the other contract negotiations that we have done. Matt stated that as a town we have a lot to address, we have a long way to go. Seth asked Cheri if this is something that they wanted implemented the next fiscal and Cheri responded yes, absolutely. We do not have the rates yet for the health insurance in FY23, but we do know that we have currently 50 benefit eligible employees and will most likely have some growth to that. There was that buffer in the insurance line. Cheri stated that she appreciates

the board for listening to her and the committee members for hearing her out. Matt thanked everyone for their time and stated we will circle back soon to get this wrapped up.

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

1. *Rapid Test Kits:* I was able to purchase 696 kits from Intrivo and 450 kits from iHealth for a total of 1,146 two pack kits off the state's website. Once the kits are received, we will begin the process of distributing the tests to residents upon request with the attached informational flyer. These kits are hard to come by and the distributors themselves are waiting to receive shipments from the manufacturers before we will see any arrive. I would suggest that we limit the kits to two packs per household until the supply chain begins to free up.
  - a. Matt added that the federal website has opening up a day early so people can go on the website and order kits there as well.
2. *Community Preservation Act:* The Boylston CPA Committee has reached out to see if the BOS would support and approve a town meeting article to accept the provisions of CPA and place the adoption on the November ballot. I am requesting a board member volunteer to attend their next meeting to gather information and report back to the board.
  - a. Seth stated that he went to the first meeting that they had so he would continue to go, unless anyone else from the board is interested.
3. *Budget Books:* I have the budget binders ready for your review and the Finance Committee. There are several requests for increases from departments this year. All in-person meetings with FinCom have been suspended and will be made upon request if the Finance Committee has questions or if the department would like to speak to a FinCom member directly. This will be taking place over the next several weeks. The library has requested to come before the BOS and discuss their FY23 budget needs. I have them on the agenda for January 31st.
4. *Cyber Security Grant:* We have been given a grant for one year of cybersecurity training for municipal employees. I applied to have all employees that have access to town servers participate in the training. The program includes video trainings and Phishing simulations. This will be the second time that we have gone through this training, every bit of it helps to make sure that we are taking a proactive approach to protecting the town's information.
5. *Hillside Snack Shack:* There was a water main break inside the snack shack located at Hillside. Fortunately, the inside of the shack looks dried out and in not that bad of shape. The Highway Superintendent and the Water District Superintendent were able to shut off the water and get things back under control in a timely fashion. I have reached out to the Facilities Director to take a closer look.

Seth stated that he looked over the budgets that April sent out earlier today and there were a lot in the proposed budgets column that was highlighted yellow and much of it was zeroed out – is that because numbers are not clear yet and they will be added to the worksheet? April stated that she will have to look at it again because the yellow columns are all in information that she needed back from the different departments, and she doesn't recall there being a lot of zeros. If it's a COLA request or a salary, it's a zero because finance committee as to put in what the recommend for a COLA.

**Approve and Sign Wachusett Earth day FY23 – FY25 Agreement:**

It's a three-year agreement. We signed one last year, but it was late, so it was retroactive and there was an increase for this year. This is for FY23-FY25.

*Seth Ridinger made a motion to approve and sign the Wachusett Earth Day FY23-FY25 agreement, Jamie Underwood seconded. Voted all in favor. Seth: Yes, Jamie: Yes, and Matt: Yes.*

**ReApprove The Other Place Pub Alcohol License (addition of patio area):**

*Jamie Underwood made a motion to reapprove The Other Place Pub Alcohol License with the addition of the patio area, Seth Ridinger seconded. Jamie: Yes, Seth: Yes and Matt: Yes.*

*Seth Ridinger recused himself at 7:43PM from the following two discussions.*

**Approve and have Chair Sign Contract with MHP (Trailside Apartments):** 83 to 90 bedrooms. With keeping in alignment with the original we would actually need to authorize Jamie to sign as Jamie was the chair when this was originally voted upon.

*Jamie Underwood made a motion to approve and have Jamie Underwood sign contract with MHP Trailside Apartments, Matt Mecum seconded. Jamie: Yes and Matt: Yes.*

**Appoint Adam Costa as Special Town Council – 2 projects (100 Shrewsbury Street and 160 Shrewsbury Street):**

*Jamie underwood made a motion to approve and appoint Adam Costa as Special Town Council for 2 projects; 100 Shrewsbury Street and 160 Shrewsbury Street, Matt Mecum seconded. Jamie: Yes, and Matt: Yes.*

*At 7:45PM Seth Ridinger rejoined the meeting.*

**Selectmen's Miscellaneous:**

**Annual Report Review:** Seth stated that he finalized the Annual Town Report for 2021 and asked the Board members if they had a chance to review. Both Matt and Jamie stated that it looked good.

**Emails concerning CPA:** Seth suggested having Nel or other members come in and discuss with the Board of Selectmen since it looks like they would like to put something on the town warrant. Put it on the next agenda. Seth asked April or Ali to reach out to Nel to confirm they would like to come into the next meeting.

**KN95 Masks Distribution:** Distributed about 4,000 KN95 masks in town.

**COVID:** Fire Departments full time staff is spending a significant amount of time doing COVID tests and Matt is suggesting that at our next meeting we discuss giving the four staff members a stipend for taking this on. Jamie stated that it's a great idea and one of the uses for the COVID funds can be used for that. Please put that on the January 31<sup>st</sup> agenda. Seth stated he believes it's a good idea and has heard that they have been averaging about 90 tests a day.

*At 7:54 PM, on a motion made by Seth Ridinger, the following roll call vote was recorded to go into Executive Session under: Purpose 2: Per M.G.L. c. 30A, Section 21(a), Purpose 3, to discuss strategy with respect to litigation, Boylston CP, LLC v. Town of Boylston, U.S. District Court, Central District of Massachusetts, Docket No. 21-40132, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, Jamie Underwood seconded. Voted all in favor. Roll call vote recorded as follows: Jamie Underwood: Yes, Matt Mecum: Yes and Seth Ridinger: Yes The Board will not reconvene to open session.*

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

### **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
Police Chiefs Report	On File in The Board of Selectmen's Office
Fire Chiefs Report	On File in The Board of Selectmen's Office
11/08/21 Meeting Minutes	On File in The Board of Selectmen's Office
11/15/2021 Meeting Minutes	On File in The Board of Selectmen's Office
11/22/2021 Meeting Minutes	On File in The Board of Selectmen's Office
Trailside Apartments Packet	On File in The Board of Selectmen's Office