



Board of Selectmen

Date of Meeting: Monday, January 17th, 2023
Time: 6:30 PM – 9:14 PM
Members Present: Chair Seth Ridinger and Selectmen Matt Mecum and Jamie Underwood (remote); April Steward, Town Administrator, Bryan Falk, Special Town Council; 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.

Chair Seth Ridinger mentioned that Selectmen Underwood is participating in the meeting, he is just attending remotely via phone. They will be voting by roll call vote.

6:30 PM Public Hearing: Alcoholic Beverages License Violation, Dragon 88 Restaurant, 260 Shrewsbury Street, Boylston, MA (Licensee: New Dragon 88 Inc.):

The Hearing opened at 6:30PM. Chairman Ridinger read the information regarding the hearing. He then swore in anyone who will be giving testimony during this hearing.

The hearing will be conducted in five phases:

1. Hear from Police Department
2. Hear from the representatives from the Licensee – Dragon 88, Inc
 - a. A licensee may respond to reports.
3. Testimony from any other witness with respect to the alleged violations
4. Board of Selectmen members have opportunity to ask questions with respect to the alleged violations.
5. The Board of Selectmen will vote to continue this hearing or render a decision.

Police Chief Annunziata read the Boylston Police Department statement.

- Police Chief Annunziata suggested a three-day suspension of their license.
- Officer Ken Johnson, Patrolman – Gave statement.

Fire Chief Joe Flanagan gave his official statement.

- Overcrowding. Our witnesses had estimated that there were over 200 people, which is not acceptable especially in a building with a capacity limit of 99 people. The building is not sprinkled.
- They are very concerned with fire safety.
- Two EMTS who responded to incident gave their statement:
 - Nicole Chiasson - The crowd was so dense that they had to force themselves through. Had a Shrewsbury officer behind push their way through. Lots of people were trying to

push their way out the front door and out the back. They were extremely outnumbered. Nowhere for them to safely park the ambulance to provide emergency care.

- Tim Ciampaglia. – Space wise it was an issue.

- Overpopulation was a hazard.

Matt Mecum asked Police Chief Annunziata if he felt that if a detail officer were there, would this have been avoided? Chief Annunziata responded that he believes it would have deterred crowds and certainly the underage drinking that was occurring.

Matt asked Chief Flanagan if there is a fire lane or anything in front blocked off for the ambulance to go, and the Chief responded that there is not.

Seth thanked everyone for their service and hard work. He then asked any of the representatives from Dragoon 88, Inc. if they would like to come up to the table to respond. Mr. John

No other questions from the Police or Fire.

Representatives from Dragon 88, Inc included Manager Mile Chung, Mr. Cheng, and Attorney Jonathan Finkelstein. Attorney Finkelstein stated that they have nothing to challenge the police or fire department on, they accept their testimony, and they realize there was an excess of people in the establishment and take their word and testimony that there was underage drinking. Mile Chung and Mr. Cheng stated they did not witness what was going on, so they cannot offer testimony, but they are sincerely remorseful if they put any of the municipal workers at risk at all. The night in question was the night before Thanksgiving. Attorney Finkelstein mentioned what they intend to do in the future and asked for any recommendations that anyone may have.

- Trained personnel at the doors – TIPS certified

- Looking into more sophisticated technology for scanning IDs; handheld scanners

- Digital Counting: Coordinate between front and back doors

- On the evenings of Christmas Eve, New Years Eve and Thanksgiving Eve, they will submit to a condition that they will have a police detail on.

- Condition of the deck: There may be a problem with it. They welcome the building inspector to come out there and check out the deck or get their own contractor to give their own report.

- Seth suggested limiting the number of people allowed on the deck.

Attorney Finkelstein stated that he does not argue with the Police Chiefs recommendation of a three-day suspension, however he asked the Board to consider giving them a warning as this was their first violation in the seven years it has been in business.

Options as aboard:

- Continue the Hearing

- Moving into taking a vote

- Find that there was a violation

- Find a violation and impose some type of modification to the license

- Find a violation and implement some sort of disciplinary action, such as a warning, suspension, or imposing a fine.

Number one, determine if there was a violation and if there was, determine the subsequent steps afterwards. There was no opposition against the two violations: exceeding the permitted occupancy and serving alcohol beverages to underage individuals.

Matt Mecum made a motion that the Board of Selectmen find the Dragon 88, Inc in violation of their liquor license for underage drinking and overcapacity and we will file a written decision with the Town Clerk, Jamie Underwood seconded. Voted all in favor. Matt: Yes, Jamie: Yes, and Seth: Yes.

Special Town Council Brian Falk spoke through the chair and mentioned that the Board has other options besides the Police Chiefs recommendation of closing the establishment for a Friday, Saturday, and Sunday. They could impose different conditions of the license; reduce hours, staffing requirements, or set a time standard for the actions to be addressed.

Matt Mecum mentioned that in these situations (hearings), we can be proactive instead of reactive. One thing that concerns him is that no one from the business called for help; it could easily have spiraled into something worse. He would like to see an emergency preparedness plan of who is going to do what in these situations in 30/60 days. Parking isn't necessarily an issue, but maybe taking those two spots in front of the restaurant and making it a fire lane so that there is room for emergency vehicles. Hopefully this doesn't happen again, but by taking these steps, if it does, we have the answers quickly. Jamie agreed on the fire lane and emergency preparedness plan and suggested reducing the three day suspension to a two day suspension. If they do not do everything, they stated they would, then put it back to a three-day suspension.

The Police Chief stated that if they are requesting the restaurant to have crowd management, that the bouncer must have crowd control certifications. Chief Flanagan added that even though they will be getting a bouncer and have counting devices, the building still has a max occupancy level of 99. If they exceed it, they are in violation of the state building code and they will be required to sprinkle the building as per MA Code. As per the building code, you are allowed one overcapacity a year. If this occurs again, the building will have to have a sprinkler system installed.

Modifications to get implemented and how long they have to complete them:

- Thanksgiving Eve, Christmas Eve and New Year's Eve
 - Require two bouncers (one at the front and back door): Crowd management certified (employee or requesting through a company), and Tips certified (60 days)
 - Implement new technology to properly check identification
 - ID Scanner (45 days)
 - Headcount devices (45 days)
 - Have a Police detail: 7PM – 11 PM or whenever last patron leaves (Thanksgiving Eve, Christmas Eve, and New Year's Eve)
 - Emergency Preparedness Plan with approval from Police Chief and Fire Chief (submit in 45, with approval in 60)
 - Designated Emergency Fire Lane – 2 spots (Temporary sign for now, completion by April 30th)

- Inspection of back deck – by structural engineer. Posting 10-person occupancy for deck. (Limit it to 10 people, pending determination by the Building Inspector).

Suspension – Alcoholic License: Consecutive Thursday and Friday suspension to be served prior to end of February with the Saturday being implemented if we get to that 45-day mark and we do not feel that these stipulations have been met.

Matt Mecum made a motion that the following steps be taken to mitigate any potential health or safety risks at the Dragon 88, Inc moving forward, 1. To hire/train a bouncer/employee and have them certified in crowd management/TIPS certification within 60 days, to implement new technology that would scan IDs as well as new technology that would be used for counting heads at front and back door, implemented within 45 days, on the nights of Thanksgiving Eve, Christmas Eve, and New Years Eve, a Police Officer will be hired as a detail officer to serve until the last patron leaves the establishment, an emergency plan be implemented within 45 days, two parking spots used for take-out be temporarily redesignated as emergency vehicle parking and by April 30th, 2023, they be converted to permanent emergency vehicle parking, the back deck be determined to only have a max occupancy of 10 people and have the towns building inspector inspect the deck and to see if it's safe and if safe, continue with 10 person occupancy. The alcohol pouring license will be suspended for two consecutive days both a Thursday and a Friday, and this to take effect before eh end of February 2023. In addition to this, if the measures listed above are not being met within that 45-day period, then a third day of the liquor license will be suspended; to be imposed on a Saturday. Jamie Underwood seconded. Voted all in favor. Matt: Yes, Jamie: Yes, Seth: Yes.

The public hearing regarding Dragon 88, Inc concluded at 8:00 PM.

Police Chiefs Report to the BoS:

December Breakdown:

- 12 Accidents
 - 15 Criminal Summons/Arrests
 - Conducted 21 Investigations
 - Conducted 254 Motor Vehicle Stops
 - Dispatch Processed 57 Emergency 911 Calls
 - Total Activity was 2,685 calls.
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- Conducted an evacuation drill at BES
 - Conducted a weather emergency at Tahanto
 - Sergeants and I completed our in-service training.
 - Retirement hearing for Detective Parker
 - Had another successful Toys-For-Tots Drive
 - Hosted “Effective Policing Skills and Tactics” class
 - US Attorney’s Office is hosting a webinar for parents on 1/18/23 @ 1830
 - Keep kids safe and secure online
 - Information is inappropriate for young children
 - Flyer with registration details is on the PD FB and in the Town Hall Lobby

- 12/30/22 – 2340HRS
 - Overnight officers attempted to stop a vehicle
 - Vehicle failed to stop and a chase ensued
 - Main - Dewey – Oregon – Cook
 - Finally stopping in the grass behind 75 Cook Street
 - Arrests made with numerous charges including OUI and unlicensed operation.
- We have received our Controlled Substances Registration
 - Once the policy is completed:
 - This will allow the police department to dispense Naloxone (Narcan), to anyone who requests it
 - Officers will begin carrying it
- I will be using vacation time 2/27 – 3/3

Fridays Incident:

Police Chief sends condolences to the family.

Training: These incidents do not happen often in Boylston, but we need to be prepared for them. Allowing officers onto different task forces in different communities allows them to stay proficient so we can stay up to date on them.

CodeRed: Unfamiliar with the Code Red System – spoke with Fire Chief to give him access to it
- 52% of numbers on Code Red System are inactive.

Matt and Seth thanked the Police, Fire and Highway Department for their proficiency during this incident.

Vote to modify the Waste & Recycling charge to expand the committee to five members:

Matt Mecum made a motion to modify the Waste and Recycling committee charge to five members, Seth Ridinger seconded. Voted all in favor.

Appoint new members to Waste & Recycling Committee: Larry Iannetti

Matt Mecum made a motion to appoint Larry Iannetti to the Waste and Recycling Committee, Seth Ridinger seconded. Voted all in favor.

Vote to approve 2023 IRS standard mileage rates for 2023 to \$0.655/mile:

Matt Mecum made a motion to approve the 2023 IRS standard mileage rate of \$0.655/mile, Seth Ridinger seconded. Voted all in favor.

Vote to accept the gift of \$35,000 from Northbridge for a facility assessment at Boylston Elementary School to be expended under the direction of the School's Superintendent:

Matt Mecum made a motion to accept the gift of \$35,000 from Northbridge for a facility assessment at Boylston Elementary School to be expended under the direction of the School's Superintendent, Seth Ridinger seconded. Voted all in favor.

Vote to accept the 5% local COLA option proposed by the Worcester Regional Retirement System: Moved to next meeting.

Discussion on Communications/Subscription Newsletter:

Matt stated that over the past (x) number of months, our communication from this office has not what people want or need. People get a ton of their information from social media and take it for being true instead of getting the facts.

From this office, a newsletter via email (once a month) – campaign to get people signed up: town meeting, town elections, town clerk office. Social media blasts of what we did today.

Newsletter side: Matt spoke with the new Superintendent and she mentioned they were looking for the town on internships – journalism student to help out. Matt was looking for it to be a type of subscription for people to register for, and not be a part of social media.

Sewell Street Discussion:

Police Chief Annunziata, Highway Superintendent Mero and Fire Chief Flanagan attended the meeting. Seth mentioned that previously residents had reached out regarding speeding on North and South Sewell, specifically on South Sewell near the school. There were a couple options that were thrown out at a previous meeting. Seth brought up placing a sign that states “speed limit aggressively enforced” or something along those lines and then stationing officers at various points around the area and aggressively enforcing it. Chief Annunziata stated that the problem they run into specifically with South Sewell Street is that with the current speed, there are no violations. The police can sit out there all day but if people are not violating the speed limit, they can’t do anything. He believes the problem is that the residents in the area believe the speed limit should be lowered, in which he believes it would create aggressive driving on the road. The Chief offered to continue doing radar there, but none of the data has supported that there are significant speeders there, besides the few outliers. Speedbumps were brought up and Highway Superintendent Mero stated that he absolutely does not support speed bumps, he would be supportive of more radar patrolling but does not believe we are at the point for a speed bump. Discussion changed to the H-Intersection (North Sewell area). Steve Mero stated that he can reopen it as a right in only and right out only onto 140 but they are seeing a lot more impact from the Shrewsbury residents using the new intersection and felt complaints of East Temple extension being so narrow. Steve would be supportive if the other Department Heads were on the same page. The Board requested for the H-Intersection to be added on an upcoming agenda to discuss.

Fire Chief Report to the BoS:

2,429 calls in 2022.

Having two additional staff members has been great; especially for weekend coverage. The extra 200 EMS calls are all revenue generating.

Grants:

- Two department of Fire Service Grants - \$25,000 – DFS
- Senior Safe Grants \$4658: Received – Will use for smoke detectors for seniors
- 2 MEMA: used for supplies and equipment; laptop or the new engine when it comes in.

Highway Superintendents Report to the BoS:

- Wrapped up Mowing late November
- Hot patch pot holes early December (closest place for patch now is Dracut, MA)
- Completed loam on Adams and Columbus
- Completed backfilling Central Street
- Started raising drop in-let basins on Central Street few more to complete
- Rented stump grinder took care of 22 stumps on Mile Hill and 4 on Center
- Installed dry well at Library Parking lot
- Repairs to garage door opener at Highway Building
- Picked up and delivered concrete blocks to PD
- Equipment main and repairs to Plows and Sanders... had one truck with major electrical issues, fuel problems, and needed brakes. Repair totaled 29K which was submitted to be paid out of snow repair budget.
- Attended the STM in December
- Highway Department employee get together was 12/29 at the Town House
- Water issue on Diamond Hill not sure if water main leaking or ground water
- Water issue on Edgebrook Drive not sure if water service to 700 building or ground water.
 - Maintenance company looking into it.
- Cut and Chip brush on Central Street and Reservoir Street

Budget submitted on 12/29:

- Two capital requests were submitted
 1. 150K for FordF550 with sander and plow – 1 year build
 2. Any extra funds for road paving
- We have scraped roads 4 times, treated 14 days, loaded trucks a total of 64 times in the past 14 days. We are a little over 100K into the snow budget as of now and we have salt on ordered.
- Catch basin repair on Central and Cross Street
- Tree work tomorrow on Reservoir Street we will be closing for a few hours to remove a very large dead oak tree.
- Get RFP out for Road paving
 - Would the Board like Central Street project completed or more neighborhood stuff
 - Other streets we need to focus on are: Cross Street, School Street, Edgewood, etc.

Complaint: Complaint received from Mr. Berry on Cross Street. Mr. Berry mentioned his concern for walkers on Cross Street because there were no sidewalks. Would like to see more signage. Steve mentioned to him that they are looking into solar powered stop signs. Mr. Berry offered to fund the project so Steve will reach out.

Mass DEP Sustainability Material Recovery program: April spoke with Irene Conden who is a part of the Wachusett Regional Recycling Community; she stated we are losing out on grant opportunities as we do not have a buy-recycle policy. April put the policy in the BoS dropbox and will add it to the next agenda to get approved. Push this off until the next BoS meeting.

Joslin's Lot RFP responses: Push off until the next meeting. RFPs are due this Thursday. April will have this ready for next meeting.

Town Administrators Report to the BOS:

1. *Energy Costs:* Energy costs have been increasing dramatically across the board. The gas and electricity bills at Hillside and other town buildings have in some cases doubled from December to January. I want to make you aware as there may be budget transfers requested later in this fiscal year due to the rising costs of utilities.
2. *MMA Conference:* The Mass Municipal Association Annual Conference is scheduled for this weekend. Ali and I will be in attendance Friday, and I will stay overnight for additional trainings/meetings to be held on Saturday.
3. *WRRS Additional 2% Cost-of-Living Adjustment:* The Worcester Regional Retirement System has approved the additional 2% COLA as authorized by Chapter 269 of the Acts of 2002 for FY23. They are now requesting local boards to consider voting to approve the increase for retirees as well. Cheri will be attending a meeting this Wednesday for additional information. If the board would like to hold off voting until their next meeting, I can move this item onto your next agenda.
4. *Neighborhood Renewal Division:* We have a few properties in town that we could utilize this program to assist with. The Attorney General's Neighborhood Renewal Division, formerly the Abandoned Housing Initiative, uses the enforcement authority of the State Sanitary Code to turn abandoned residential properties around. What is our first step as a community? After scheduling an introductory meeting with AHI, communities can refer up to 10 initial properties for inspection with their assigned Assistant Attorney General. If a community has more than 10 properties, they should refer to their highest priority properties first. Properties can be dispersed throughout the community, or they can be concentrated in specific blocks or neighborhoods. In communities that experience higher levels of property blight, we have found that concentrating efforts in a specific block or neighborhood can have the greatest impact. If the board is interested in more information, I can schedule a meeting with the AHI to discuss it further. I have also included the link to the state webpage for your information.
<https://www.mass.gov/service-details/learn-more-about-the-neighborhood-renewal-division>
5. *Central Street Complaint:* The Highway Superintendent was able to speak with the resident on Central Street about the road complaint and was able to resolve the issue. No further follow-up is necessary currently.

Town Planner position discussion:

April stated that no one had applied to the new job posting and asked the Board if they were interested in going back to the original Town Planner job description; simplify it back to just a Town Planner and get rid of the Land use aspect of it. Matt suggested reaching out to CMRPC to see if they can help out on these projects we have going on right now to get them wrapped up. The Board agreed to repost for the Town Planner position.

Approval of meeting minutes: 09/26/2022, 10/11/2022

Matt made a motion to approve the meeting minutes from 09/26/2022 and 10/11/2022, Seth Ridinger seconded. Voted all in favor.

At 9:14 PM, Matt Mecum 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
Sign-In Sheet	On File in The Board of Selectmen's Office
Dept Head Reports	On File in The Board of Selectmen's Office
Dragon 88, Inc Hearing Documents	On File in The Board of Selectmen's Office
Waste and Recycling Committee Charge	On File in The Board of Selectmen's Office
IRS Standard Mileage Rate	On File in The Board of Selectmen's Office
WRRS Memo	On File in The Board of Selectmen's Office
Northbridge Donation Letter	On File in The Board of Selectmen's Office
09/26/22 Meeting Minutes	On File in The Board of Selectmen's Office
10/11/22 Meeting Minutes	On File in The Board of Selectmen's Office