

Town of Dudley

Board of Selectmen
Highway Commissioners
Cemetery Commissioners

July 1, 2019 @ 6:30pm
Dudley Municipal Complex – Room 321A
71 West Main Street, Dudley, MA
Approved July 15, 2019

Some matters have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

1. Call to Order, Pledge of Allegiance:

Steven Sullivan called the meeting to order at 6:35pm. In attendance were John Marsi, Paul Joseph, Kerry Cyganiewicz and Jason Johnson. Also in attendance was Jonathan Ruda, Town Administrator, Michelle Jervis, Administrative Secretary and Michele Randazzo, Town Counsel from KP Law.

Steven Sullivan announced the passing of longtime resident and farmer, Chet Kulisa. All agreed to ask the Town Administrator to come up with an appropriate way to honor him.

2. Acceptance of Minutes:

John Marsi motioned to approve the minutes of June 17, 2019. Kerry Cyganiewicz seconded. Unanimous 5-0.

Paul Joseph motioned to approve but not release the executive session minutes of June 17, 2019. John Marsi seconded. Unanimous 5-0.

3. Appointments:

- a. Capital Improvement Planning Committee – Reappointment – Bob Edmunds – **John Marsi motioned to reappoint Bob Edmunds to the Capital Improvement Planning Committee with a term to expire 6/30/2022. Kerry Cyganiewicz seconded. Unanimous 5-0.**
- b. South Worcester County Communications Center (SWCCC) - **Kerry Cyganiewicz motioned to appoint John Marsi as the full BOS member of the Board of Directors for the SWCCC and Paul Joseph as the Alternate. Jason Johnson seconded. Unanimous 5-0.**
- c. Zoning Board of Appeals – George Slingo, Reappointment – **Paul Joseph motioned to reappoint George Slingo to the Zoning Board of Appeals with a term to expire June 30, 2023. John Marsi seconded. Unanimous 5-0.**

4. Resignations:

- a. Cable Camera Operator – Patty Battista – **Paul Joseph motioned, with regret, to accept the resignation of Patty Battista as the Cable Camera Operator. John Marsi seconded. Unanimous 5-0.** We will be posting the position on our website.

5. Public Comments/Citizens Comments:

6. Town Administrator's Report:

Mr. Ruda informed members that the streetlight project is near completion. The Chiefs were very helpful with Chief Wojnar informing him where the electricians are working, along with the Highway Superintendent on a daily basis.

Regarding the Solar PILOT Agreement with Dudley Solar, LLC, and Mr. Ruda stated that he spent time with Town Counsel reviewing the current contract as well as the proposed amendment. He received clarification specifically the information related to the manner in which the town received revenue; in the form of a PILOT from Dudley Solar, LLC. This issue will be discussed at length later in the meeting.

Regarding the Compensation Wage Study, Mr. Ruda stated Webster recently hired a firm to conduct a wage survey and that has been submitted. Regarding our Wage Compensation Study recently reviewed and written by a Nichols College student, we will be bringing this back up at a future meeting after we receive additional data and more information, within a 30 day window.

After discussion **Paul Joseph motioned to approve the Town Administrator's report. John Marsi seconded. Unanimous 5-0.**

7. Licenses/Permits:

- a. One Day Wine and Malt License – Council on Aging –Margaret Bussiere, Council on Aging Director - **John Marsi motioned to grant a One Day Wine and Malt License on July 26, 2019, August 30, 2019, September 27, 2019, October 25, 2019, November 22, 2019 and December 20, 2019 from 12:00pm to 2:30pm for the Italian Luncheons. Kerry Cyganiewicz seconded. Unanimous 5-0.**
- b. One Day All Alcohol Liquor License – Doldre, Inc. d/b/a Drafter's Sports Café – 35 Chase Ave, Dudley, MA – Owner, Crystal Kistner. Ted Kistner and Crystal Kistner came before the Board. They will be holding a fundraiser to benefit veterans throughout the country and would like to get the word out. Chief Wojnar stated that they might need a few details depending on the attendance. Paul Joseph requested that there should be at least two detail officers but left it to the discretion of the Police Chief. **John Marsi motioned to grant a One Day All Alcohol Liquor License for Saturday, August 17, 2019 from 12:00pm to 9:00pm in outside area and a One Day Entertainment License for Ride for Dime Memorial Show and Veteran Fundraiser. Kerry Cyganiewicz seconded. Unanimous 5-0.**
- c. One Day All Alcohol Liquor License – J&S Blue, Inc. d/b a Sinni's Pub – 6 Chase Ave., Dudley, MA – Owner, Jeff and Sherri Sinni – Sherri Sinni came before the Board. Sinni's will be requesting a detail officer at this event. **Paul Joseph motioned to grant a One Day All Alcohol Liquor License for Saturday, July 13, 2019 from 1:00pm to 6:00pm in the parking lot at 6 Chase Ave., Dudley, MA for a Cornhole Tournament with the caveat that there will be a minimum of one Dudley Police Officer present. John Marsi seconded for discussion. He would like to have the Police Chief's discretion on the number of officers needed at this event. All were in favor. Unanimous 5-0.**

8. Public Hearings:

Class II License – Second Hand Motor Vehicles – Ammar Abdulky d/b/a Tony's Auto Sales, 121 West Main Street, Property Owner Marty Nieski – continued from 6/17/19 at 7:11pm. Steven Sullivan read the letter submitted by Nelson Burlingame, Building Commissioners. In the letter it states that the plan that was submitted will need a major site plan review by the Planning Board. Also due to the location of the property, it is in the Aquifer protection area and will require permission from the Water/Sewer Commissioners. Our office has been trying to contact the applicant to discuss these issues. All agreed that it is important for the applicant to be responsive to the town's inquires to proceed with the license. All agreed to postpone the Hearing until all the issues are rectified.

9. Old Business:

- a. Amendment to Payment in Lieu of Taxes Agreement (PILOT) with Nexamp – Dudley Solar, LLC – Vote to approve “First Amendment to PILOT Agreement” due to decrease in power being generated than in Original Agreement – tabled from 6/17/19. Mr. Ruda stated that he has been working with Michele Randazzo and her team and received clarification. He stated it’s not the generation of energy but it’s the amount of power the equipment can produce so Nexamp is looking to adjust to the proper amount. Attorney Randazzo state the PILOT gives the town structure but since the solar panels are built they stay that way. After discussion **Paul Joseph motioned to authorize the approval and to sign the First Amendment to Payment in Lieu of Taxes Agreement with Nexamp/Dudley Solar, LLC with the Town Administrator and Town Counsel’s recommendation and have them send the contract back to Dudley Solar, LLC. Kerry Cyganiewicz seconded. Unanimous 5-0.**

- b. Town Administrator Performance Evaluation – tabled from 6/17/19 – Stage “A” Revisions – Performance Evaluation – All discussed the performance evaluation that Mr. Ruda is required under Mr. Ruda’s contract. Jason Johnson stated that he would like to see a set of obtainable, project based and measurable goals. Everything needs to be measurable and not quantified. Some are not measurable and need to include some steps he can achieve this year. John Marsi stated that Mr. Ruda should propose something to the Board of Selectmen to react to and will need to discuss this at our next meeting. Attorney Randazzo suggested a goal setting meeting to collaborate and establish the goals. Jason Johnson agreed and that the Board should all work together; we need to set standards and goals for the Town Administrator. After discussion **Kerry Cyganiewicz motioned for the Board of Selectmen to forward concerns and requests to the Chairman and for him to meet with Jonathan Ruda as John Marsi did with the former Town Administrator. John Marsi seconded. Vote 4-1-0 with Jason Johnson voting nay.** All requests and information should be forwarded to Mr. Sullivan must come back to the full Board for discussion. Jason Johnson would appreciate a collaborative group meeting to review goals.

10. New Business:

- c. Dudley Woman’s Club – Permission for a Parking Waiver on Saturday, July 20, 2019 from 9:00am to 12:00pm for Inspiration Garden Tour – Maryellen Huck and Andrea Kane, members of the Dudley Woman’s Club, came before the Board. They explained the event and that registration is at the Grange Hall with limited parking. After registration vehicles will leave to take the garden tours. **John Marsi motioned to approve the request for a parking waiver on Saturday, June 20, 2019 from 9:00am to 12:00pm for the Dudley Woman’s Club Inspirational Garden Tour. Kerry Cyganiewicz seconded. Unanimous 5-0.**

- d. Board of Health – Tom Purcell, Health Inspector, came before the Board clarifying the increase in the public nursing fees. After discussion **Kerry Cyganiewicz motioned to grant permission to the Board of Health to use the Clarinda Wood Fund in the amount of \$3,680.00 to pay Cheryl Rawinski for Public Nursing Services provided from January 1, 2019 to June 13, 2019. Jason Johnson seconded. Unanimous 5-0.**

- e. End of Year Transfers – Mr. Ruda stated that the FAA met and approved their transfers. These transfers must also be approved by the Board of Selectmen and the FAA. Highway Contracted Wages, ER Outside Districts, and ED Outside District-Transportation of \$70,401.29 to be transferred to Snow and Ice Account; Education Outside District and ED Outside District-Transportation in the amount of \$40,000 transferred to Fire Department for budget deficits; and Education Outside District – Transportation and Bay Path Balance in the amount of \$15,000 to the Police Overtime Account. **John Marsi motioned to transfer \$125,401.29 as a Year End Transfer for Fiscal Year 2019. Kerry Cyganiewicz seconded. Unanimous 5-0.**

- f. Vote to Request Legislation validating June 10, 2019 Election Results – Due to an oversight the Board never signed the Election Warrant for the Annual Town Election in June. After discussion **Paul Joseph motioned to vote to request legislation from Governor Charlie Baker validating the June 10, 2019 election. Jason Johnson seconded. Unanimous 5-0.**
- g. Town Beach – Mr. Ruda stated that there are three lifeguards this year and they are under the supervision of Chief Kochanowski. The hours for the lifeguards are 10:00am to 6:00pm. Many residents would like to go early in the morning or after work, for a swim. After discussion **Paul Joseph motioned to establish the hours of the beach to be from 7:00am to dusk. John Marsi seconded. Unanimous 5-0.**
- h. Dog License Fees for FY20 – **Paul Joseph motioned to keep the fees for the dog licenses at \$20.00 per dog and \$50.00 per kennel per Animal Control Bylaw, Article 27§F (1). Kerry Cyganiewicz seconded. Unanimous 5-0.**

11. Board Member Comments:

12. Departmental Communication:

13. Adjournment:

Paul Joseph motioned to adjourn from open meeting at 9:02pm and to (1) convene into Executive Session under MGL Chapter 30A, Section 21(a)(6) – To consider the purchase, exchange, lease or value of real property, if the chair declare that an open meeting may have a detrimental effect on the negotiating position of the public body specific to property located on Ardlock Place referenced in Map 117 Lot 76 (7.41 acres) and (2) Convene into Executive Session under MGL Chapter 30A, Section 21(a)(3) – To discuss strategy with respect to litigation, if the chair declares that having an open meeting may have detrimental effect on the litigation position of the Town . Town Counsel update on all pending litigation involving the Town. Kerry Cyganiewicz seconded.

Roll Call Vote

Steven Sullivan, Aye

John Marsi, Aye

Kerry Cyganiewicz, Aye

Paul Joseph, Aye

Jason Johnson, Aye

Respectfully submitted

Michelle Jervis

Administrative Secretary

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John Marsi, Aye

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Jason Johnson, Aye

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Michelle Jervis

Administrative Secretary