

**Selectmen Meeting  
Minute  
May 19, 2021**

Chairman Kerrigan, Selectman Boisonneau, Selectman Devault, Selectman Connolly, and Selectman Kobus were in attendance. Attendees were Town Administrator Ward and Town Solicitor Gibbons. Chairman Kerrigan opened the meeting at 7:02PM.

**Public Comment**

There was none.

**Review of Minutes**

The board received minutes from May 5, 2021 Selectmen's meeting and Executive Sessions for review and approval. Selectman Connolly made a motion to approve minutes as presented. Selectman Boisonneau seconded the motion. The vote was unanimous.

**New Liquor License- 363 Main Street**

**Deborah Sargent d/b/a Burditt Hill General Store**

Chairman Kerrigan opened the hearing inviting the applicant forward. Ms. Deborah Sargent of 82 Pearl Street was before the board. He asked Ms. Sargent to review the plan for the business. Ms. Sargent explained she opened the Burditt Hill General Store, offering grocery items and a deli with fresh selections. She would like the license to enhance the business with sales of beer & wine. Selectman Kerrigan opened the hearing for Public Comment, in favor of the request. There was none. In opposition of the request, there was none. He opened up for questions or comments from the board members, there were none. Selectman Connolly made a motion to grant the Beer & Wine package store license to Deborah Sargent d/b/a Burditt Hill General Store as presented. Selectman Boisonneau seconded the motion. The vote was unanimous.

**Draft Town Meeting Warrant Review**

Chairman Kerrigan asked for a review by Administrator Ward of the Draft warrant prepared. Administrator Ward reviewed.

Articles 1 through 8 are standard articles

Article 9 is the approval of unpaid bills.

Article 10 is approval to close out any unexpected warrant articles with balances remaining. Administrator Ward explained he has been working with the Town Accountant on this, the list is still being finalized, the funds will be closed out and go to the General Fund. Some if the articles identified were prior year bills payments. He intends to wrap this up with the Accountant and work with the Solicitor to finalize.

Article 11 is the approval of rescinding the 2016 Article that approved funding to purchase open space, the Cislauk land. Administrator Ward reviewed town meeting authorized the funding now the town has received the full grant to cover the borrowing that was authorized.

Article 12 is the approval of funding to the Health Insurance Trust Fund, Selectman Connolly explained in the past most years \$100,000 has been funded in this article some years it has been \$150,000. Administrator Ward agreed explaining the average has been \$100,000. Selectman Connolly made a motion to amend the amounts added this year to \$150,000 for Articles 12 & 13. Selectman Boisoneau seconded the motion. Under Discussion: Selectman Kobus asked what the ideal number is for these items. Selectman Connolly explained ideally much higher, including the stabilization fund. Over the last few years we have concentrated on putting \$100,000 annually, this is considered the rainy day fund. The Health Insurance Trust fund can be a liability and that is typically \$100,000 annually. Selectman Kobus asked if this should be a precedent to increase to \$150,000. Selectman Connolly agreed explaining a good balance that is realistic would be about \$2 million that would be a good balance. Administrator Ward reviewed there was a call on Monday regarding the bond rating interview, the interviewer appreciated the established trust and dedicated annual consideration. There may come a point in time in about 20 years that the annual cost may be more then what is budgeted. This is not a concern at this time. We do have the trust established and should add each year to sustain the fund and prepare for the future. Chairman Kerrigan agreed explaining this is not a problem, he understands there is a good balance in the stabilization fund, and hopes to continue to keep this up. Administrator Ward agreed the auditor likes to see 3% or 5% in the stabilization fund, the balance is doing better and this is a positive benefit. We are planning to have the bond paperwork ready for approval at the next meeting. Chairman Kerrigan asked for a vote on upping the amounts added to the funds as presented. The vote was unanimous.

Article 14 approval of transfer of \$3.2 million in retained earnings from the landfill enterprise fund to the capital improvements and infrastructure fund.

Article 15 approval of the appropriation of \$150,000.00 from the PEG Access and Cable Related Fund for support of cable access related services, programming and equipment.

Article 16 approval to pay out contractual retro wages to the Fire Union.

Article 17 approval to pay out contractual retro wages to the Police Union.

Article 18 approval of \$1,000,000.00 in funding to be appropriated by the Permanent Building Committee to conduct the needs assessment feasibility study of the Middle School making the town eligible for the Massachusetts School Building Authority grant funding.

Article 19 the approval of the transfer of \$3.1 million from the landfill enterprise fund to be used for the landfill closure. Administrator Ward explained this is required for the DEP project.

Article 20 approval of \$3 million to be used to dredge the South Meadow Pond as part of the landfill project, this is required under the DEP Order.

Article 21 approval of \$2 million to be used from Capital Projects & Infrastructure Enterprise fund to be used for road improvements as determined by the Board of Selectmen.

Article 22 approval of \$2 million to be used from the water enterprise fund to be used for repairs to the sewer inflow and infiltration program.

Article 23 approval of the balance from the drainage improvements project to be used towards storm water system permit requirements. Solicitor Gibbons explained this article may not be needed, he reviewed this article was approved at the 2019 ATM with the funding source of free cash, therefor there was no bond used. The balance can be returned to the general fund.

Article 24 & 25 is approval of \$65,000 for the purchase of a truck to be used by the DPW and \$65,000 for the purchase of a truck to be used by the Facility Department.

Article 26 approval of \$60,000 to be used for the purchase of a Fire Chief vehicle.

Article 27 approval of \$100,000 to be used for the beautification of the downtown area to be expended by the Facilities Department. The subcommittee discussion changed this amount. Selectman Connolly reviewed this article will be supported by free cash, there is funding available in free cash. In last year's budget extra free cash was planned for the unexpected of COVID.

Article 28 is the approval of \$144,000 to be used to improve accessibility to Rauscher Farm. Administrator Ward explained there was a balance of funding from the purchase of Rauscher Farm. This article can be funded with the remaining balance plus provide funding for additional projects at the farm. In the process of bond refinance there can be no remaining balance from borrowing, so using this balance will help when refinancing bonds.

Article 29 Accept the streets that had been approved at prior town meeting. Administrator Ward explained this was a Home Rule Petition in process. He was speaking with Representative Kilcoyne who explained this never made it through process and needs to be refiled from a few years ago. So the town needs to reauthorize.

Article 30 is the approval of MGL Chapter 148§ 26F and 26F1/2 smoke detectors installed in sleeping areas required if sale or transfer of home.

Article 31 approval of amendment to Personnel by- Laws 3.2-3 changing from Personnel Board to Town Administrator.

Article 32 is to approve an amendment By-Laws and have the Board of Selectman be the appointing authority of the Personnel Board.

Article 33 approval of an amendment to the Administrative By-Laws Article X section 1 to approve an additional Police Lieutenants to the Police Department staff. Discussion of the board to remove the Police Department from the Administrative By-Laws and allow it to be under the discretion of the Chief.

Article 34 approval to eliminate the Town Caucus.

Article 35 approval to eliminate quorum for any legal Town Meetings.

Article 36 are submitted by the Animal Control Officer for the approval of leash laws and fine structure implementation, fine structure for dog owners to clean up waste from their dogs, fine structure for barking dogs.

Article 37 illegal discharge in storm water.

Article 38 approval of Storm Water Regulations

Article 39 approval of ZBA change to the steel storage containers

Article 40 approval of amendment of ZBA for parking requirements.

Article 41 approval of amendment of ZBA for deleting existing lot, Mr. Duffy explained he is working with the Planning Board. This is a legacy section from 1972, out of conformation with state laws, legal under 5000 square feet. Selectman Connolly explained this shouldn't limit individual property owner's rights to use property as they chose.

Article 42 a Citizen Petition to support the amendment to an existing Beer & Wine License making it an All Alcohol License for Ranna Inc. on High Street.

The board discussed the addition of a Home Rule Petition, special act of legislation to change the number of Library Trustees from up to nine. Chairman Kerrigan asked if the board voted on the number. Administrator Ward explained he will reach out for feedback, this was a petition not sure if signed by trustees. Selectman Devault stated he has some concerns about eliminating the quorum. He would like to see some limit set to it, not just totally eliminate. Selectman Connolly explained that is the reason behind it, to stimulate debate, it can be amended on the town floor. Selectman Devault explained he isn't totally comfortable with it. Chairman Kerrigan explained you can eliminate now or on the town meeting floor. Selectman Connolly stated this will get good conversation, and a good result. Without COVID rules last year the town would have been unable to hold town meeting. Selectman Devault explained he is on favor but would like to see a reduction not an elimination, he would propose 50. Selectman Connolly explained he can amend motion on town meeting floor. Selectman Kobus explained the details on town meeting have been published on the website, he would like the notification to go out to people registered on the site and also an all call to be used as a reminder. The board agreed. Selectman Connolly made a motion to approve the warrant as presented and incorporate any changes needed as approved by the Town Solicitor and Town Administrator. Selectman Devault seconded the motion. Under Discussion: Selectman Kobus asked if the board discusses the department budget after a Finance Committee review or can an article be added to the warrant. Selectman Connolly explained no an article cannot be added to the warrant it has to be advertised and the Finance Committee has the final say on the budget, they can amend. Solicitor Gibbons reviewed at town meeting anyone is free to amend the budget, but to add a new article would be problematic. Chairman Kerrigan agreed explaining if an amendment is proposed a funding source should support

it. Selectman Devault asked about amending the budget. Solicitor Gibbons reviewed amendments to the budget may result in it being unbalanced, so the amendment may include a funding source or leave budget unbalanced. The vote was unanimous.

### **Administrator Business**

#### *One Day All Alcohol License VFW Post #523*

Chairman Kerrigan reviewed the board has received a request from the VFW Post #523 for approval of a One Day All Alcohol Licenses to be used at an outdoor Memorial Day event to be held on May 31, 2021. Selectman Connolly made a motion to approve the request for a One Day License from the VFW Post 523 to be used at the outdoor event to be held on Monday, May 31, 2021 as requested. Selectman Boisoneau seconded the motion. The vote was unanimous.

### **Old & New Business**

#### Engineering Contract Award for Storm Water Infrastructure Improvement Project

Community & Economic Director Phil Duffy was before the board to explain his recommendation of a contract bid award to Haley & Ward Engineers out of Maynard, MA in the amount of \$133,240. Mr. Duffy reviewed this award is for the design work for storm water infrastructure improvements funded through a FEMA grant. He explained this will assist in the issues that caused the flooding in 2010. Areas have been identified for improvements. The grant is for \$100,000 with a 25% match from the town. Selectman Connolly made a motion to approve the contract award to Haley & Ward Engineers out of Maynard, MA in the amount of \$133,240, for the needed improvements to the downtown storm water area. Selectman Boisoneau seconded the motion. The vote was unanimous.

#### Zoning Board of Appeals Alternate Appointments

Chairman Kerrigan explained there are currently 2 alternate member positions open on the Zoning Board. Interest for these positions has been received from three candidates. Selectman Boisoneau explained he would be in favor of approving the first two candidates and keeping the third candidate on file for the future. Administrator Ward reviewed he submitted the letters of interest in the board's packet as they were received. He reviewed letters of interest were presented as received, Mr. Alan Roseberry of 67 Pleasant Street, Mr. Jeff Maxwell of 83 Pleasant and Mr. Mautizio Varano of 80-82 Chestnut Street. He explained it is always good to keep names in reserve. Selectman Boisoneau made a motion to approve the first two candidates Mr. Alan Roseberry of 83 Pleasant and Mr. Jeff Maxwell of 83 Pleasant Street as alternate members to the ZBA. Selectman Connolly seconded the motion. The vote was 4/1 in favor and Selectman Kobus in opposition.

### Pop – Up Market Initiative

Chairman Kerrigan explained Selectman Devault wants to start a Pop-Up Market initiative in the downtown area. Selectman Devault explained he was approached by Clinton resident Jessica Spano to develop a Pop-Up Market initiative in the downtown. He explored the concept with Community & Economic Director Phil Duffy who explained if this should be part of an objective or goal of the office, it should be approved by the board. He would like to see this made a priority and have funds made available along with Mr. Duffy's energies to take on this initiative. He referenced the successful market that was hosted by the Matchstick Market Place, it provided small business entrepreneurs the venue to showcase their products. He is aware that Ms. Spano has been working on this initiative and has three dates in mind for the end of summer and early fall. There are locations on High Street that are available for rent and would like to see the marketplace continue throughout the winter season, renting a property for the market to move indoors. The objective is to nurture the business to get it ready to eventually rent a store front on its own. Selectman Devault made a motion to approve the Town Administrator assign the priority of the Pop-Up Market initiative to Community & Development Director Duffy to be completed as a goal for the department. Selectman Connolly seconded the motion. Under Discussion: Selectman Kobus explained this is a great idea. Selectman Connolly agreed explaining it ties in with the whole theme to updating High Street and the downtown. Chairman Kerrigan agreed also it will be great to see business returning to High Street after the construction is completed. The vote was unanimous.

### Proposal to Move Selectmen Meetings to Tuesday Night

Chairman Kerrigan explained this is something Selectman Devault has brought forward to the board for discussion. Selectman Devault explained he serves on the Marketing/Communications subcommittee and noticed the reporting from the meetings is always a week out. It isn't in the local Item until the following Friday issue. He understands they had moved their publication deadline and he would like to try to be more accommodating to the change by moving the meeting and providing time for the reporting to be published closer to the meeting date. He received an e-mail from Ken Cleveland of the Item who explained there would be no guarantee the coverage of the meetings would be in the same week. The deadline to publish is on Tuesday. Chairman Kerrigan explained this discussion should be tabled for now. Selectmen Kobus explained the board shouldn't rely on the Item to get the information out to the community. Information should be available on the website or the local cable channel and youtube. Selectman Connolly agreed explaining any effort to get information to out is important, the board shouldn't set a public meeting night that would be disruptive to the community.

### Assistant Town Administrator Search Committee

Chairman Kerrigan explained this is something Selectman Devault has brought forward to the board for discussion. Selectman Devault reviewed 3 or 4 months ago the board approved the creation of this position, now the focus should be on the job description and the timelines. He feels it is time to set up the search committee, he is available to serve on committee. Selectman Connolly explained not to sound like an “idea crusher”, first of all the position has to be budgeted. There was a good argument made for the endorsement of funding for the position. The Finance Committee has the final approval. At this time, it is premature to discuss the search process development, which is nonexistent. The position is the appointment of the Town Administrator, not the board of Selectmen. The essence of the strong Town Administrator is to select the search committee, which will be advisory to him only. This is not the Board of Selectmen appointment. Out of all the positions in the town this is the most important to the Administrator and one he needs to have confidence in. The position will report to the Town Administrator, not the board. There should be no confusion to the roles of the board members. He stated he is supportive to the creation of the position and agrees the process should be aggressive to attract a good candidate but he objects to the board having any part of the appointing, it is not their authority. Selectman Devault explained this is similar to other search committees created that have hired recently. Selectman Connolly disagreed this is the Town Administrator’s appointment and he creates the search committee. Selectman Devault understands it is the Town Administrator’s appointment, he takes objection to the assumption he is trying to “shoe horn” the committee or the position, he isn’t doing that. He assumed this would work the same way as other search committees have worked. It is time to start working towards the position. He understands this is the Town Administrator’s appointment. He wasn’t aware there was an issue with the position being included in the budget, he pleaded ignorance. If the board voted unanimously to create the position how does it become the Finance Committee’s decision? Selectman Connolly explained the subcommittee met with the Finance subcommittee and did a great job to endorse the view of the board to fund the position. What the Finance Committee does after that is they prepare the final budget and present it at town meeting for acceptance by the residents. Chairman Kerrigan agreed they advocated for the position and will plan to continue to, the Finance Committee are still working on finalizing the budget. Selectman Devault explained the board supported the creation of the position unanimously and now the Finance Committee can determine if a teacher is more benefit to the community. Chairman Kerrigan explained the subcommittee has done their best in presenting to the subcommittee. Administrator Ward explained Finance Committee is meeting tomorrow evening to review the budget and warrant articles. Selectman Connolly reviewed the budget process explaining the independent boards have different views on what is important to fund. The Finance Committee reviews requests and weighs out the priorities of all entities including the town,

school committee and other board's budgets. Selectman Devault asked why boards present the budgets. Selectman Connolly explained the Board of Selectmen submit a budget to the Finance Committee, they review and then it goes on to the town for approval. Discussion continued with budget process review. Selectman Connolly explained the position of Assistant Town Administrator is not a new idea, it is good for the town, he believes the argument was made in the subcommittee to warrant the position. Selectman Devault stated if not part of the budget it is an issue. Chairman Kerrigan explained the budget has not been finalized. Selectman Connolly explained the board may direct the Town Administrator to begin the search process and develop the job description once funded position. The Town Administrator will build the position as he sees fit, he will appoint the subcommittee and may seek advice from the Selectmen on the prescreening. It would be a violation of his contract for the board to appoint the subcommittee. Selectman Devault asked how this has been done in the past. He understands the Town Administrator uses his discretion on the process. He explained he just wants to see things move on this. He is aware the Town Administrator will make the appointment and takes offense to claim of him trying to take control of the search. Selectman Kobus explained the discussion should be tabled until after town meeting. Selectman Devault agreed explaining there is no point to it if the position is not in the budget. Selectman Kobus agreed there is no need to discuss if the funding is not in the budget. Solicitor Gibbons reviewed if the position is funded you cannot side step the Personnel Board, the position will have to be classified. He doesn't want to lose site of the process. Chairman Kerrigan stated there is no illusion this will be a quick process. S

#### Appointing Selectmen to Board & Committee Vacancies

Chairman Kerrigan reviewed there are a number of vacancies on boards and committees that are advertised on the town's website. He explained Selectman Devault shared the board should explore filling the vacancies for the board to make quorum and have the ability to meet. Selectman Devault thought it would be good to fill the vacancies but would like to table the discussion until after town meeting. Selectman Connolly reviewed this is a good idea and has been done in the past. He and former Selectman Dziokonski served on the Conservation Commission a few years ago to fill in vacancies and allow business to move forward. Selectman Devault explained would he like to review creating a timeline for the coverage, perhaps 2 months or within so many meetings. Making the Selectman appointment temporary. Chairman Kerrigan reviewed the vacancies review discussion will continue at a later meeting.

#### Police Chief Search

Selectman Kobus asked if there is an update on the search for the Police Chief position. Administrator Ward explained the candidates did receive the scores and have a time period for review and appeal. After that time period the list is submitted to Civil Service



and the candidates are ranked and a list sent to the town. The next step is to conduct interviews, possibly in mid to late June.

#### Subcommittee to work with Fire Union

Selectman Devault asked about the subcommittee to brainstorm with Fire Union to discuss the overtime and implementation of Paramedics in the department. Chairman Kerrigan reviewed he will step in for Selectman Connolly and work with Selectman Kobus. Informally he has had discussion with the Deputy Chief who will chose representatives at the Fire Department and have schedule a meeting for Friday. He asked for town Counsel to inform them of parameters before Friday.

### **Committee Reports**

#### Cable Committee

Chairman Kerrigan explained he and Selectman Devault explained the committee should meet next week, Wednesday with representatives from the school to review the department needs.

#### By Law Committee

Selectman Kobus explained the by law review committee is scheduled to meet on Thursday.

Chairman Kerrigan explained the board will enter into Executive Sessions and not return to an open meeting, next meeting scheduled for June 2, 2021. There are two scheduled one for discussion of the Town Accountant Contract & Facility Union Contract. Executive Session under Article 3 Town Accountant Contract. Roll Call Vote: Selectman Boisoneau “aye”, Selectman Devault “aye”, Selectman Connolly “aye”, Selectman Kobus” aye”, Chairman Kerrigan “aye”.

#### **Executive Session Article3 Town Accountant Contract 8:42 PM -8:51 PM**

#### **Executive Session Article3 Facility Union Contract 8:51PM -9:29 PM**

Selectman Boisoneau made a motion to adjourn the meeting at 9:29PM. Selectman Devault seconded the motion. The vote was unanimous.

Meeting Adjourned,

Joyce A. Corbosiero

Executive Assistant to the Clinton Board of Selectmen/Town Administrator