

Select Board Meeting Minutes

Town Hall - Select Board's Conference Room

Monday January 25, 2021 @ 5:30 p.m.

All meetings of the Select Board are recorded

ATTENDANCE: Chairman, Doug Moglin - Remote
Vice-Chairman, Joseph J. Deedy - Remote
Clerk, Russell S. Fox - Remote
Chief Administrative Officer, Karl J. Stinehart – Town Hall
Select Board Secretary, Robin A. Solek –Town Hall

Meeting Notices: Pursuant to the 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 limitations on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the office of the AG Web page at <https://www.mass.gov/guides/resources-during-covid-19#-open-meeting-law->.

No in-person attendance of members of the public will be permitted. We will post on the town's website an audio recording as soon as possible after the meeting.

The Public Body convened in Open Session according to M.G.L. c.30A, S21 (b) (1). The scheduled meeting of the Select Board was called to order by Chairman Doug Moglin at 5:30 p.m. Mr. Moglin read above State Laws and Governor Order into record.

Chairman roll call attendance of Board Members present for meeting.

***A MOMENT OF SILENCE FOR GINNY TYPROWCICZ FORMER ECONOMIC
DEVELOPMENT COMMITTEE MEMBER***

Conducted Pledge of Allegiance.

Public Comments: Mr. Fox, Select Board informed the public that the flag at the Rec Center, which is a separate non-profit from town government, is in poor condition. If there are any townspeople that are interested in donating funds to purchase a new flag it would be appreciated.

Payables, Payroll and Minutes:

- Acknowledge Payables Warrant #2118B, dated 01/11/2021 in the amount of \$3,230,633.22.
- Acknowledge Payroll Warrant #2116, dated 01/19/2021, in the amount of \$224,223.18.
- Acknowledge Payroll Special Warrant #2117, dated 1/21/2021, in the amount of \$182.61.
- **A MOTION** was made by Mr. Deedy, seconded by Mr. Fox (Vote-Unanimous) to approve Open Session Minutes of January 11, 2021.
Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes.

- **A MOTION** was made by Mr. Deedy, seconded by Mr. Fox (Vote-Unanimous) to approve Executive Session Minutes of January 11, 2021.

5:40 p.m. Appointments re: Animal Control Officer and Jennifer and Sean Langan Dangerous Dog Hearing:

A MOTION was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to open the hearing at 5:40 p.m.

Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes

Mr. Moglin read the notification letter in its entirety.

All parties were sworn in.

Lizanne Bennett, ACO read her statement regarding the violations of MGL Chapter 140, Section 157 and Town of Southwick Chapter 69, Subsections 3,5,11,12and 16.

Two witnesses that were not present, the dog trainer LeMay and the dog walker Mihlek. Ms. Emmelman stated that this was the fourth incident with “Theo”, the Langan’s dog that attacked Trixie. The previous incidents were not reported because of their friendship and it was thought a solution could be worked out amongst each other. Ms. Emmelman said she didn’t have the trainer and the walker present to the hearing because she thought it was only going to be between the Langan’s and herself.

Sean Langan said that it isn’t both of his dogs only Theo. He expressed he felt the reports and narratives were inaccurate and making them appear to be negligent animal owners. He did admit Theo bit Trixie. He is open to fencing the yard. Jennifer Langan said there were many discrepancies in the ACO report.

Mr. Moglin gave the witnesses an opportunity to speak their testimony which did not include witnessing the incident. It was testimony to the disposition and temperament of Theo. M. Langan, daughter, did witness the incident and said Theo snuck out of the house and approached the dog walker. Theo came back quickly but she did not see Theo bite Trixie. Please see attached list of witnesses.

The Select Board strongly emphasized their dislike for any dog hearings. It is the homeowner’s responsibility to have their dog under control. It is almost always the dog owner’s fault when there is an incident. Ms. Emmelman should be free to walk her dog, Trixie who was on a leash with a dog walker.

Mr. Fox asked Ms. Emmelman what she would like to see to prevent this from happening again. She replied a fence around the yard.

A MOTION was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to close the hearing at 6:45 p.m.

Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes

7:05 p.m. DPW Director, Randy Brown, FY 22 Budget Highlights:

DPW Director, Randy Brown met with the Select Board to discuss FY 22 Budget Highlights. Please see the attached summarized list of his requests.

Meeting Discussion Items, Action Items, Bills, Mail, Correspondence, Vendor and/or Personnel Contracts, Personnel Decisions, Policy Adoptions, Payroll Actions, Old Business, New Business, Etc.-Possible Motions/Votes:

- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to approve a Reserve Fund Transfer in the amount of \$25,000.00 for Refuse Fees at the Transfer Station.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**

- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to allow the DPW Director begin the MS4 Stormwater by law revision process to update. Mr. Deedy, Vice-Chairman will be the designee.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to authorize the Chairman to sign Federal FY 20 MA DHCD CDBG Contract.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to sign a Right of First Refusal 61 A Mort Vining Road for Oak Ridge Custom Home Builders.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to authorize the Chairman to sign letter of support for Pioneer Valley Planning Commission Trails Grant.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to authorize the Chairman to sign PVPC Contract Amendment #2 for CV-19 Nurse Services Grant.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to approve the Calendar Year 21 LMC Boat Ramp Attendant pay rates approval.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**

New Business:

- Possible Legislative Bills for Senator and Representative to file for Southwick
 1. Town Hall Roof
 2. Roads
 3. Bridges
 4. Culverts

To pay back from other issues the town addressed for the State such as the Great Pond lake treatment

Old Business:

- Town Crier Policy.
- FinCom Liaisons to meet with Police and Fire Chiefs Tuesday 1/26/2021.
- Road Name Change Southwick Hill Road to Iron Horse Hill.
- Westcomm Regional Dispatch Discussion
- Green Energy Program with MA DOER
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to authorize the Chairman to enter a M.O.A. DLTA with PVPC for support assistance services for the MA DOER Green Energy Program.
- **Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes**
- **A MOTION** was made by Mr. Fox, seconded by Mr. Deedy (Vote: Unanimous) to have Town Counsel assist and prepare necessary Town Meeting Articles for Zoning and General Bylaws for Annual Town Meeting Action.

- Propose a policy going forward for water use and sewer abatement for certain uses ie: swimming pools. Mr. Fox will work the DPW Director.
- Road Name Change Southwick Hill Road to Iron Horse Lane

A MOTION to go into Executive Session Pursuant to M.G.L. Chap. c. 30A, S21 (2) & (3) Ch. 214, Section 1B and; CMR 20.03 (1) B at 8:05 p.m.

RE: Labor Counsel RE; Collective Bargaining Police, DPW, Dispatch, Clerk and Library Units

Executive Session RE: M.G.L. Chap. c. 30A, S21 (2) & (3) Ch. 214, Section 1B and; CMR 29.03 (1)(b).

RE: Police, DPW, Clerks, Dispatch Unions, Dept. Heads and Non-Union Staff

Exception #2:

Move to go into Executive Session to conduct collective bargaining sessions, with nonunion personnel and to:

not to reconvene in Open Session

(Chair Must Declare).

Move to go into Executive Session to conduct contract negotiations with nonunion personnel, and to:

not to reconvene in Open Session

(Chair Must Declare).

declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to

not to reconvene in Open Session

(Chair Must Declare).

Exception #3: Move to go into Executive Session to discuss strategy with respect to collective bargaining and that the Chair Move to go into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel, and to

Not to reconvene Open Session

(Chair Must Declare).

Move to go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body, and to:

not to reconvene in Open Session

(Chair Must Declare).

RE: Ch. 214, Section 1B

Roll Call Vote: D. Moglin: Yes, J. Deedy: Yes, R. Fox: Yes.

Respectfully submitted,

Robin A. Solek
Administrative Assistant