

Select Board Meeting Minutes

Town Hall - Select Board's Conference Room

Monday November 15, 2021 @ 6:00 p.m.

All meetings of the Select Board are recorded

ATTENDANCE: Chairman, Joseph J. Deedy – Absent
Vice-Chairman, Russell S. Fox - Present
Clerk, Doug Moglin - Present
Chief Administrative Officer, Karl J. Stinehart – Absent
Administrative Assistant, Robin A. Solek – Present
Attorney Ben Coyle – Town Counsel

Location: Town Hall Auditorium

All meetings of the Select Board are recorded except Executive Session

Date of this meeting: November 15, 2021

Meeting Notice: This meeting held Pursuant to Chapter 20, Acts of 2021

Notice: Hybrid meeting with limited technology until new equipment comes in the future. In the event of any technical difficulties, we will ensure a recorded tape of the proceedings is placed upon the Town Web page 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 Vice-Chairman Russ Fox at 6:00 p.m.

Chairman roll call attendance of Board Members present for meeting. All present

Public Comments: To hear a verbatim of Public Comments please listen to the Select Board audio at www.Southwickma.org meeting dated 11.15.21.

The following citizens made public comments a summary of their comment (s):

Mike McMahon: Encouraging Southwick Residents to shop local on Small Business Saturday, November 20, 2021 and support local businesses.

Michelle Pratt: Takes issue with the North Pond violation and how it is being presented. Alleges that newly appointed Conservation Commissioner leaked name of the individual who was in violation of bulldozing the excavating work at North Pond to the press.

Diane Gale: Read Select Board Schedule for remainder of 2021.

Cindy Lamoureux: Do things the right way.

- **Acknowledge Payables Warrant #2211B dated 11/2/21 in the amount of \$257,060.09.**
- **Acknowledge Payroll Warrant #2212, dated 11/8/2021, in the amount of \$230,420.11.**

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. Moglin seconded by Mr. Fox (Vote-Unanimous) to table the Open Session Minutes dated 11/1/21.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes.

6:02 p.m. Town Counsel Ben Coyle re: Open Meeting Law Complaints from Gale, Cook-Obregon and Clark. Recommend and take remedial actions for Appointments to Conservation and Agricultural Commission:

Town Counsel, Attorney Ben Coyle met with the Select Board to review and take remedial actions from the Select Board Meeting held on September 27, 2021 where appointments, re-appointments and non-appointments took place. The Open Meeting Law Complaints filed with the Attorney General's Office were reviewed with Attorney Ben Coyle, and R. Fox, Vice-Chairman. Attorney Coyle opined that some actions taken at the September 27, 2021 could be potential Open Meeting Law Violations. In discussion with R. Fox, it was suggested that remedial action take place as expeditiously as possible. Attorney Coyle provided an overview of the potential violations and suggested remedial action which was also included in the responses to the Complainants. The responses also denied any deliberations by the Select Board members outside of an open meeting and thus no violation occurred. The Select Board concurred that remedial actions should be taken and the following remedial actions were taken:

1. All future agenda pertaining to appointments of individuals to boards or commissions and should include the name of the individual to be discussed and the position to which the individual is seeking appointment. This information gives the public necessary information about the positions and/or the applicants the Board intends to consider. If such appointments cannot fit on a meeting notice, a public body may reference additional information to be found at the municipal clerk office or some other readily accessible location.

2. Appointments and Re-appointments:

Maryssa Cook-Obregon was appointed to the Agricultural Commission in 2019 for a three year term. Maryssa Cook- Obregon's term expires on June 30, 2022. Still a member. Dennis Clark was appointed for a three year term in 2019 to the Agricultural Commission and Dennis Clark's term expires on June 30, 2022. Still a member

Maryssa Cook-Obregon was appointed to the Conservation Commission in 2019 for a three year term. Maryssa Cook-Obregon's term expires June 30, 2022. Still a member.

The Select Board received resignation letters from Bob Mucha, Agricultural Commission and Rose Hanna, Conservation Commission. These will be filed with the Town Clerk's Office, M. Hill T/C/C.

A MOTION was made by Mr. Fox seconded by Mr.Moglin (Vote-Unanimous) to ratify and confirm the expiration dates of Maryssa Cook-Obregon and Dennis Clark.

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

6:05 p.m. Appointment: Board of Assessors re: Public Hearing on Tax Classification FY 22:

Mr. Fox read the FY 22 Tax Classification Hearing Notice in its entirety.

A MOTION was made by Mr. Moglin seconded by Mr. Fox (Vote-Unanimous) to open the Tax Classification Hearing.

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

A. Hoyt, Assessor explained the Hearing is to decide whether or not all classes of property should be taxed at the same rate for FY 22.

Public Comment: Cindy Marshall asked questions relating to raising tax rate for businesses and how much revenue it would generate. Mr. Moglin offered to email her the supporting documentation.

A MOTION was made by Mr. Moglin seconded by Mr. Fox (Vote-Unanimous) to close the Tax Classification Hearing.

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

A MOTION was made by Mr. Moglin seconded by Mr. Fox (Vote-Unanimous) to adopt tax rate at the minimum Residential Factor of 1.

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

6:20 p.m. Chief Landis & Lt. Bannish re: Five Police Department Policies updates and creation of "Traffic Control Officer Classification":

Lt. Bannish discussed the following Police Department Policies and Procedures for review and acceptance.

Motor Vehicle Inventory, Arrests, Eyewitness Identification, Interrogating Suspects & Arrests and Testifying in Court. The Select Board had reviewed them.

A MOTION was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to accept the Police Policies Updates as presented.

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

A MOTION was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve a Traffic Control Officer Classification for outside details. This position would be a non-sworn civilian position which falls outside of POST certification.

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

6:30 p.m. Tom Fitzgerald Acting Health Director, Sue Brzoska and Terry Mish re: Director of Health:

Board of Health Acting Director and BOH Member discussed vacant positions, Director of Health and Health Nurse. A suggestion was to increase the salary to be more competitive. T. Mish, Finance Committee Liaison suggested meeting with the Finance Committee on November 30, 2021 to have some informal discussion. Mr. Fox will attend the next BOH meeting on November 18, 2021 @ 7:00 p.m.

The BOH has not received any grant money to date.

- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) for Mr. Fox to represent the Select Board as a Liaison and aid with recruiting the vacant positions

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

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. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve the Vice-Chairman to sign a CDBG Grant Discharge of Lien on Real Estate for 197 North Lane, Granville.

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

- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve an amendment to the Wick 338 race schedule for "Cycle Cross" bicycle event for December 2021. There will be no alcohol or entertainment.

- **Roll Call Vote: R. Fox: Yes, D. Moglin: Yes**

A MOTION was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve a waiver for Solar Pilots Agreement for Dorado & Draco projects related to merger per Town Counsel.

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

- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to adopt amended Town Reprecincting vote to reflect the official legal written description of new precinct boundaries.

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

- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to ratify the Vice-Chairman to sign off to amend CDBG FY 19 Grant Budget to transfer housing funds to engineering funds for the Bungalow Street Project.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes
- The Select Board received correspondence from the Chairman of the Agricultural Commission about length of term for appointments.
- A notification from the Administrative Assistant's inquiry to the Attorney of the Day State Ethics Commission and response regarding recent appointment of Kevin Solek as Conservation Commissioner. Determination of no conflict. Filed with the Treasurer/Collector/Clerk's Office.
- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve Prifti Park Pump Station design contract w/Tighe & Bond in the amount of \$58,000.00.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes
- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve M. Hill, T/C/C to represent Southwick as a member unit on HCRRB retirement board as elected Treasurer. The Select Board is very much approving of this role.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes
- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to approve SFD EMT pay rate change (third rider) in training.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes
- **A MOTION** was made by Mr. Moglin, seconded by Mr. Fox (Vote-Unanimous) to accept a \$500.00 Donation from the Ransford W. Kellogg Post 872 for the SPD k9 Unit.
Roll Call Vote: R. Fox: Yes, D. Moglin: Yes

New Business:

- Police Association Pasta Dinner @ American Legion on 11/17/21 from 5-7 p.m.

Old Business:

- Decision on any information for inserts Town Wide mailing for census. Carry Forward.
- North Pond violations site visit with SPD and input Fish & Game Agreement. Ongoing.
- Town Hall Roof / HVAC Design & Project Status – the Select Board will be meeting with the designer and Finance Committee at some future time to review the project highlights and finances for each option.
- STGRSD FY 23 Budget Round Table will be held on 12/2/2021 @ 5:30 p.m.
- Appointments for Town Boards/Committees Ad-Hoc Cable TV and High Speed Internet, and Agricultural Commission – Carry forward.
- Sewer Rates & IMA update future meeting with the City of Westfield.
- Renewal LLP w/Suffield, CT. A new First Selectman has taken office. Select Board Office to send a congratulatory letter.
- Conservation Coordinator position option for shared role w/Blandford. Ongoing.

A MOTION to go into Executive Session Pursuant to M.G.L. Chap. c. 30A, S21 (3) Ch. 214, Section 1B and; CMR 20.03 (1) B. at 7:10 p.m.

RE: Pending Litigation

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

RE: Pending Litigation

Exception #3: Move to go into Executive Session to discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to

X **not to reconvene in Open Session**

(Chair Must Declare).

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

X **not to reconvene in Open Session**

(Chair Must Declare).

RE: Ch. 214, Section 1B

A person shall have a right against unreasonable, substantial or serious interference with their privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

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

Respectfully submitted,

Robin A. Solek
Administrative Assistant