

**Board of Selectmen Agenda
Municipal Center Resource Room
Tuesday, July 18, 2023**

- Call to Order
- Pledge of Allegiance
- Chairman Announcements
- Citizen's Forum

7:00 PM Public Hearing

1. Pole Petition 470 NE Main Street – Possible Votes

7:15 PM Public Hearing

2. One Day Entertainment License / Picnic in the Park at Martin Road Park – Possible Votes
3. Follow-up Discussion on Door to Door Solicitation – Possible Votes
4. Follow-up Discussion on Route 16 Speed Limit Review – Possible Votes
5. Vote on Chapter 61B / Walnut Street Lot 2
6. Zoning Board of Appeals Reappointment Amendment for Michael Fitzpatrick from Alternate Member to Full Member – Possible Votes
7. Grant Acceptance / Fire Department MEMA Hazard Mitigation Plan Update Program – Possible Votes
8. Review MOU for Firefighters Union / Pay Rate Amendment – Possible Votes
9. Approval for Temporary Rate of Compensation for Certain Call Firefighters and EMS Personnel – Possible Votes
10. Meeting Minutes – Possible Votes
11. Discussion on Flag Policies for Town Buildings – Possible Votes
12. Town Administrator's Report
13. Open Session for Topics Not Reasonably Anticipated 48 Hours in Advance of the Meeting
14. Executive Session
 - a. *Pursuant to M.G.L. Chapter 30A, Section 21(a)(6), To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Interest in Real Property – Highway Facility Options*
 - b. *Pursuant to M.G.L. Chapter 30A, Section 21(a)(6), To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Interest in Real Property – Chapter 61 Parcels Orange St. & Southeast Main St.*
 - c. *Pursuant to M.G.L. Chapter 30A, Section 21(a)(2), To conduct strategy sessions in preparations for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Contract Negotiations – Public Safety Dispatchers*
 - d. *Pursuant to M.G.L. Chapter 30A, Section 21(a)(2), To conduct strategy sessions in preparations for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Contract Negotiations – Town Administrator*
15. Adjournment

Note: Times are estimates unless denoted as a Hearing.

The Town of Douglas is an equal opportunity employer and service provider.

BOARD OF SELECTMEN
TUESDAY, JULY 18, 2023
MEETING MINUTES

Attendance: Chair Kevin Morse, Vice chair Mike Fitzpatrick, Tim Bonin, Ross Smith, Maxwell Postma, Matt Wojcik Town Administrator, Lisa Freeman Executive Assistant

Chairman Kevin Morse called the meeting to order at 7pm.

(0:05 TS) Pledge of Allegiance

(0:25 TS) Chairman Announcements: NONE

(0:27 TS) Citizen's Forum: NONE

7:00 PM Public Hearing

1. (0:35 TS) Pole Petition (#30759091) 470 NE Main Street – Possible Votes

(0:40 TS) Motion to open the public hearing made by Mike Fitzpatrick, seconded by Ross Smith. The vote passed unanimously.

Michael Parent with National Grid stated that this pole is to provide service to multiple buildings with a large amount of underground from the proposed pole back into the property and he has plan to provide to the Board. Lisa Freeman stated that certified mailings went out to all the abutters, and she has not heard a response back from anyone. Mr. Furno asked that the pole be a minimum of 3 feet away from the edge of the roadway.

(3:05 TS) Motion to close the public hearing made by Mike Fitzpatrick, seconded by Max Postma. The vote passed unanimously.

(3:30 TS) Motion to approve the pole petition as requested Mike Fitzpatrick, seconded by Ross Smith. The vote passed unanimously.

2. (4:20 TS) Meeting Minutes: June 20, 2023

(6:35 TS) Motion to approve the open session meeting minutes of June 20, 2023, as written made by Mike Fitzpatrick, seconded by Max Postma. Tim Bonin abstained, all other members in favor.

There was some discussion on whether the executive meeting minutes would be retaining them all or being released to the public, TA Wojcik stated that Rich Bowen still has some work to do and there may still be some partial redactions because of personnel matters. Once the period has run and the transaction is completed the minutes will be disclosed if it is a pending matter where there is strategy involved it will be withheld. Maxwell Postma and Ross Smith would have to abstain from voting on the executive session minutes of January 17, 2023, February 7, 2023, and March 7, 2023. Mike Fitzpatrick stated that he would prefer to get Rich Bowens advice before releasing the minutes and TA Wojcik stated that the Board could vote to expedite the review of the minutes.

(11:15 TS) Motion to approve the executive session minutes of January 17, 2023, February 7, 2023, and March 7, 2023, retaining all with the ask of Town Council to retain what is necessary and release what is not made by Tim Bonin, seconded by Mike Fitzpatrick. Mike Fitzpatrick, Kevin Morse, and Tim Bonin all in favor.

3. (12:30 TS) Vote on Chapter 61B / Walnut Street Lot 2

Mike Fitzpatrick recused himself because he is currently working with the property owner. Mr. Bonin asked TA Wojcik if there is a need to explain the reason for recusing oneself. TA Wojcik stated that there is a process to recuse yourself and you have to file a form with the town clerk

and with Lisa Freeman that explains that there is at least the appearance of a conflict of interest and the reason. The complete NOI for the conversion of 2.07 acre of land located at 52 Walnut Street Lot 2 which was reviewed and discussed in executive session on July 5, 2023. The following Boards and Committees have reviewed and discussed, and their recommendations are included in the packet. The Planning Board met May 25, 2023, and they voted for the town to not exercise their right of first refusal. Conservation Commission met on May 5, 2023, and also voted for the town to not exercise their right of first refusal. Open Space Committee met on May 9, 2023, and voted the same as the previous two votes, Recreation met on June 26, 2023, and also had the same vote. The Assessors met on May 17, 2023, and they had no issues or concerns.

(15:45 TS) Motion that the Board of Selectmen vote not to exercise the towns right of first refusal for 2.07 acres of land located at 52 Walnut Street Lot 2, joining the votes from the variance Boards and Committees made by Tim Bonin, seconded by Maxwell Postma. All in favor.

4. (16:40 TS) 7:15 PM Public Hearing: One Day Entertainment License / Picnic in the Park at Martin Road Park – Possible Votes

(16:50 TS) Motion to open the public hearing made by Mike Fitzpatrick, seconded by Tim Bonin. All in favor.

Rhoda Hendrickson who is heading up the event stated that it is a sensory friendly event for mainly autistic children with different yard games and music. TA Wojcik stated that his understanding is that the ladder truck or ambulance will be there for a “touch a truck”.

(20:55 TS) Motion to close the public hearing made by Mike Fitzpatrick, seconded by Ross Smith. All in favor.

(21:20 TS) Motion to approve the 1-day entertainment license made by Maxwell Postma, seconded by Tim Bonin. All in favor.

5. (21:50 TS) Follow-up Discussion on Door-to-Door Solicitation – Possible Votes

Chief Miglionico stated that this is the bylaw that was presented at town meeting in 2018 and did not pass. This is something the Police Department supported then and would support again if the Board chose to put it before the voters again. This gives the Police Department more rights to get information on who is coming into town to solicit and gives the residents an opportunity to sign up with the clerk’s office if they don’t want solicitors to come to their house. It would be a permitting process and a list of where the solicitors can go and set parameters on hours (9 AM – 7 PM). Right now, the town doesn’t have an official process for solicitors to follow, so there is no enforcement the Police Department can take when residents have a complaint. Mr. Fitzpatrick asked the chief if he knows what the issue was in 2018 and why this didn’t pass, and the chief stated that the concept of the bylaw seemed to get off topic and there was discussion on religious groups, boy scouts and girl scouts. This bylaw is specific to sales people only. The Board had brought up a concern about Octoberfest with this bylaw and TA Wojcik stated that if the bylaw doesn’t include them in the exemption, then there is enough time to have Rich Bowen draft another subsection to accommodate that.

(30:20 TS) Motion to have the Town Administrator explore the proposed bylaw and discuss with Town Council to make sure it doesn’t affect local organizations made by Mike Fitzpatrick, seconded by Maxwell Postma. All in favor.

6. (31:15 TS) Follow-up Discussion on Route 16 Speed Limit Review – Possible Votes

Chief Miglionico and John Forno are present to discuss a letter from a resident with his concerns about a year ago. Chief Miglionico sent this into DOT, and he did not receive a response back. He stated that he will follow up with DOT, but he wanted to reiterate what TA Wojcik stated at the last meeting, that there is a chance because of the 85% formula that the speed limit may be raised when DOT comes out to do their study. The resident is questioning whether that area should be flagged as thickly settled which would be determined by DOT. Chief Miglionico has to reach out to them again, and in the meantime, he would like to get some more data for that area

(#28 – 56 Main Street) if the Board agrees because the data they have is a year old. The Board agrees to chief's request, and this will be put on the 2nd meeting in August to give chief time to gather new data.

7. (38:45 TS) Zoning Board of Appeals Reappointment Amendment for Michael Fitzpatrick from Alternate Member to Full Member – Possible Votes
Mike Fitzpatrick stated that there was some confusion, and he was under the impression that he could go to an alternate member and once they got more members he could depart. Lisa Freeman found documentation that he was to serve on the Board till 2026, so he may as well just be a regular member if he is going to serve for 3 more years.
(39:40 TS) Motion to change Mike Fitzpatrick's status from alternate to regular member of the Zoning Board.
(40:25 TS) Motion to appoint Mike Fitzpatrick to a full member of the ZBA made by Tim Bonin, seconded by Ross Smith. All in favor.
8. (41:25 TS) Grant Acceptance / Fire Department MEMA Hazard Mitigation Plan Update Program – Possible Votes
TA Wojcik stated that the town has a grant from MEMA in the amount of \$27k to revisit its hazard mitigation plan within roughly a year of its renewal date. There will be committee meetings and go and members will go through the process of identifying hazards and categorizing them based on their severity and likelihood, then mitigation measures are put into place to reduce the town's risk of exposure to those threats. By keeping this plan current it makes the town eligible for additional grant activity to pay for the mitigation measures.
(43:53 TS) Motion to accept the grant from MEMA for \$27k made by Maxwell Postma, seconded by Mike Fitzpatrick. All in favor.
9. (44:18 TS) Review MOU for Firefighters Union / Pay Rate Amendment – Possible Votes
As a result of compensation reform that was approved by town meeting we created a new chart for call firefighters and their rates of pay driven by skill levels and qualifications. The algorithm worked out that the call firefighters would be getting paid substantially more than the full-time so the firefighters who are not medics who have an EMT basic certification would need to be given a raise. This has been discussed with the union over the last year and is an amendment to the contract that will take place effective July 1. The rate will go up from \$18.02 at step 1 to a step 1 rate of \$21.32, this was an issue that was flagged from the beginning.
(47:40 TS) Motion for the pay rate amendment to the MOU for the firefighter's union made by Mike Fitzpatrick, seconded by Ross Smith. All in favor.
10. (48:05 TS) Approval for Temporary Rate of Compensation for Certain Call Firefighters and EMS Personnel – Possible Votes
The table for the comp reform was changed from the initial draft of having only step 1 to adding up to step 5 and the note that was on the original draft of "all pay rates will be step one for fiscal 24" was never removed and that got published into the warrant. The town accountant pointed out that the words that are published in the warrant are binding and need to be corrected because they can't and don't want to cut the pay of call firefighters at this point. So under the Town Administrator Act and the Personnel Policies and Procedures of the town of Douglas the relevant language is the Town Administrator with the approval of the Board of Selectmen may establish temporary classifications and compensation for positions when needed. TA Wojcik asks if the Board approves this that it takes effect July 1 until town meeting has the opportunity to consider the issue at Fall town meeting.
(53:15 TS) Motion to approve the temporary rate for compensation as presented tonight for the certain call firefighters and EMS personnel effective for July 1, 2023, made by Tim Bonin, seconded by Ross Smith. All in favor.

11. (54:20 TS) Discussion on Flag Policies for Town Buildings – Possible Votes
Forwarded from Attorney Rich Bowen, the Board is provided with Dedham's policy as a template that they may choose to follow. TA Wojcik stated that you cannot discriminate on the basis of content or message, and the display of a political item or a flag on a public building in the absence of a policy, regulates the need to be content neutral. Municipalities have been directed by the court that if you want to maintain your content neutrality and not get into disputes with civic associations and other groups, the policy that has to be in place has to be that you fly official flags of the United States, of the Commonwealth and the town where you are at as a force for unified conversation around what the country stands for and not get into the controversy of other flags. TA Wojcik is of the mindset that this policy should apply to all town buildings and property. This is a policy so it will require 3 readings by the Board of Selectmen.
(59:40 TS) Motion to instruct the Town Administrator to create a Douglas specific flag policy for town buildings and town property, including any and all town flag poles, and begin the 3-reading process made by Tim Bonin, seconded by Maxwell Postma. All in favor.
12. (1:00:10 TS) Town Administrator's Report
 - TA Wojcik spoke about the stormwater management issues that have been arising due to the frequency and volume of rain in short periods of time, and what the town's responsibility, as well as the Boards part in this is. If there are water management issues on private roads that is the resident's responsibility to maintain them, the town does not have jurisdiction over private roads. The only time the town must get involved is if the runoff is polluting wetlands or a protected body of water.
 - There is progress on procurements, so first thing to do is issue all the purchasing from the funds that were approved by town meeting.
 - There is a meeting tomorrow with Weston and Sampson on the building projects to review the bid specs for the roof for the municipal center as well as some preliminary work around the highway barn. Just a reminder for the Board that the intention for the Fall town meeting is to have a conceptual design and a financial package for voters to consider. TA Wojcik spoke about the town's bond rating.
 - The next phase of activity around town hall is that a committee will be coming to Board of Selectmen with an employee recognition policy and program to acknowledge exceptional service of employees. This is an appropriate way to build morale, to get into a cycle of goal setting and evaluation and performance rating for salary purposes in advance of the budget season.
13. (1:15:15 TS) Open Session for Topics Not Reasonably Anticipated 48 Hours in Advance of the Meeting
Mr. Bonin brought up that this Board has not evaluated the Town Administrator in some time and feels that it is a tremendous breach in the Boards responsibility and does not feel comfortable discussing contract negotiations until one has been done. TA Wojcik stated that is a topic that should really be put on the agenda for a real discussion and not bring it up under this agenda item as it is reserved for emergencies. TA Wojcik stated that he has no issue with the Board doing an evaluation on him because it is their duty, but it should be put on the agenda as its own topic of discussion.
14. (1:18:00 TS) Executive Session
Ta Wojcik stated that he does not have anything for discussion on item a. in executive session so they will skip over that.
 - a. Pursuant to M.G.L. Chapter 30A, Section 21(a)(6), To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. **Interest in Real Property – Highway Facility Options**

- b. Pursuant to M.G.L. Chapter 30A, Section 21(a)(6), To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. **Interest in Real Property – Chapter 61 Parcels Orange St. & Southeast Main St.**
- c. Pursuant to M.G.L. Chapter 30A, Section 21(a)(2), To conduct strategy sessions in preparations for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. **Contract Negotiations – Public Safety Dispatchers.**
- d. Pursuant to M.G.L. Chapter 30A, Section 21(a)(2), To conduct strategy sessions in preparations for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. **Contract Negotiations – Town Administrator.**

(1:18:50 TS) Motion to enter executive session for the purpose of interest in real property for Chapter 61 parcels Orange St. and SE Main St. and for contract negotiations for dispatchers and a discussion on contract negotiations regarding the Town Administrator and leave executive session for the sole purpose of adjournment made by Tim Bonin, seconded by Mike Fitzpatrick. Roll call vote – Postma, Fitzpatrick, Morse, Bonin and Smith all in favor.

15. Adjournment

Mr. Fitzpatrick made a motion at 9:54 pm to leave executive session and return to regular session for the sole purpose of adjournment, Mr. Smith seconded the motion. All in favor. Roll call vote: Fitzpatrick – aye, Postma – aye, Smith – aye, Bonin – aye, Morse – aye.

Respectfully submitted,



Stephenie Gosselin
Recording Secretary