

**Selectmen Meeting
Minute
June 1, 2022**

Chairman Kerrigan, Selectman Boisoneau, Selectman Devault, Selectman Perusse, and Selectman Kobus were in attendance. Attendee was Town Solicitor Gibbons. Chairman Kerrigan opened the meeting at 7:00PM.

Public Comment

There was none.

Review of Minutes

No minutes to review.

Treasurer Collector John Kittredge-General Bond Obligation

Town Treasurer Collector John Kittredge was before the board. He has the prepared packet of information needed for the board's signatures, they are time sensitive and he will leave for signatures this evening. He reviewed the packet briefly with the board explaining he is recommending they award the sale of the \$2,250,000.00 BAN to Newbury Five Cent Savings Bank at an interest rate of 2.16%. He asked if the board had any questions. This is borrowing to cover town meeting approved expenditures for the DPW articles, it is a short term at 1 year approval. Selectman Boisoneau made a motion to approve the borrowing as presented. Selectman Devault seconded the motion. The vote was unanimous.

Utility Hearing Public Hearing- Main Street

Chairman Kerrigan opened the hearing inviting the representative from National Grid forward for review and discussion of the request. Mr. Javier Morales of National Grid from 939 Southbridge Street Worcester, was before the board. He explained this is a new pole location near 767 & 773 Main Street to correct a clearance issue. This pole provides service for two houses. Currently the lines are too low over the driveway and is creating an issue. With the installation of a new pole it will raise the height of the service line. Chairman Kerrigan asked for Public Comment in favor of the new pole installation. Mr. Patrick McGrail of 773 Main Street explained the new pole will allow the additional service to the two family home, this pole will make it right. Chairman Kerrigan asked for Public Comment in opposition, there was none. The public hearing closed. Selectman Boisoneau made a motion to approve the new pole request as presented to safely change the existing pole out. Selectman Devault seconded the motion. The vote was unanimous.

Utility Hearing Public Hearing (con't) – Catherine Street

Chairman Kerrigan re-opened the Catherine Street Utility Pole Hearing. Mr. Javier Morales was the Engineer from National Grid working this request. He explained he has been working with the Superintendent of Public Works to find a location to accommodate concerns on the placement. The new proposed location has been selected to avoid any issues with the existing driveways and use of the road. It will be located far from the driveway and there should be plenty of clearance on the road. He reviewed he sent photos out to the board for review. The Superintendent and he visited the sight three times and he agrees with the selected location. Selectman Boisoneau made a motion to approve the utility pole relocation and installation for Catherine Street as presented. Selectman Devault seconded the motion. Under Discussion: Chairman Kerrigan reviewed the Building Inspector Mr. Salmon is in attendance he asked him for his review or comments. Chairman Kerrigan explained the applicant had applied for a building permit, which has been granted but the Building Inspector is waiting on the pole decision. He has explained the applicant has the right to build a single family home, it is within his rights. Selectman Kobus stated as long as permit is issued, it is contingent on the permit being issued. Mr. Salmon explained there has been a building permit approved and issued, the payment has not been cashed for permit until the decision was made. The vote was unanimous.

Earth Removal Permit Public Hearing (con't) – 14 Shore Lane

Chairman Kerrigan reviewed this hearing was continued from prior meeting and he opened the hearing inviting the applicant forward. Chairman Kerrigan explained the board has heard prior testimony and the board has received correspondence from the Conservation Commission, agreeing to the work as proposed. He explained the board will set conditions to the permit regarding the permitted hours of operation and the scope of the work including the amount to be removed and the grade of the slope of work. The standard hours are 7AM to 5PM Monday through Friday with Saturday allowing work from 7AM to Noon, the grade should be a 2/1 slope. He asked how long the trucks will be working at the project site. Mr. Shivo explained the project will begin now and run through the fall, over the next few months. The hours will be full time as time allows. He reviewed he plans to landscape the area in the fall using some loom from the project. Selectman Boisoneau asked Mr. Shivo to confirm he has received the o.k. from the Conservation Commission to move forward. Mr. Shivo explained yes. Selectman Boisoneau made a motion to approve the Earth Removal Permit as request for 14 Shore Lane for the removal of 600 to 800 cubic yards of material. Selectman Devault seconded the motion. The vote was unanimous. Mr. Shivo thanked the board.

Karen Newsham Country Dog Day Care & Retail Shoppe

Chairman Kerrigan explained he received an e-mail with the request to come before the board from Ms. Newsham. As a courtesy to Selectman Devault he has scheduled this discussion but the facts seem a little off kilter. The Select Board has no leverage or authority here. Selectman Devault explained 500 Main Street is under new ownership and the business owners have been in contact with him to inform him of an important deadline. He worked with the new property owners and assisted with the Conservation Commission not too long ago, to receive approval for their request. At this time the Cunningham's are the new owners and are not honoring the lease agreements made, they are willing to go to court with the tenants. The tenants made lease agreements with the new owners to facilitate financing for the purchase of the building, some tenants received a 1 year lease others a 2 year lease. After the sale, the tenants were informed the leases were no longer valid and they had to move businesses out. At that time services were removed that had been supplied and the square footage was minimized for tenants. He has met with the tenants and the Cunningham's a few times to try to work this out, and the take away is the new owners are aware of the leases. Mr. John Hogan entered the meeting and stated this is a private business matter that shouldn't be discussed. Chairman Kerrigan asked Mr. Hogan not to speak out, he has given Selectman Devault 2 minutes to speak. Selectman Devault asked not to be interrupted, "let me finish". He knows there is no legal authority here but the town can show cooperation and help with the business practices. Mr. Hogan explained that is way out of line. Chairman Kerrigan stated Mr. Hogan was way out of line. Mr. Hogan called for a point of order. Selectman Devault explained the town can't prevent the project, but they will not bend over backwards, they will help tenants. If the board feels it is appropriate they will ask the property owner to honor the leases. Chairman Kerrigan explained he will hear the complaints but there is no one here to defend themselves of the complaints. Ms. Karen Newsham of Country Dog Day Care, Ms. Ashley Driscoll of Nashoba Movement Dance Studio and Mark Chiasson of Triple Play Batting Cages were before the board, all tenants at 500 Main Street. Ms. Newsham explained after the leases were signed services were taken away. Chairman Kerrigan explained he has no response. He is very uncomfortable without someone from the other side in attendance. Selectman Devault explained this is the last meeting before the election and he may not still be a Selectman. He only cares for the businesses. Chairman Kerrigan explained the town has nothing to do with a dispute over a lease. Selectman Devault stated this is to support small business, it is an obligation to be fair to businesses and open minded. Mr. Hogan stated he was the Moderator in town for 33 years and ran a lot of town meetings. He would defer an issue to the correct board for review and discussion, this is one of those times. Three businesses objectively have a lease and it shouldn't be discussed at the Select Board level. One Selectman says things are not right. This is out of hand, factually incorrect discussion. The Chair has no jurisdiction, ranking and rating. Selectman Kobus

stated these individuals e-mailed Mr. Ward and know they have not been allowed to speak but anyone can speak out of place. Mr. Hogan stated he is the Real Estate Broker of 500 Main Street. Selectman Kobus stated he isn't sure the capacity to which he would speak. Ms. Newsham stated she has e-mails to share with the board. Selectman Devault asked for the Chairman to be open and listen to the small businesses represented, they serve so many people in town and employ many as well, small business is what the town is built on. Chairman Kerrigan explained the town doesn't have anything to do with private leases. Ms. Newsham explained her concern is they are ending soon. Chairman Kerrigan stated they need to speak with an attorney and the property owner to discuss. Ms. Newsham asked if he supported small business. Chair Kerrigan explained if you have a lease you are in good shape. Selectman Devault asked if all three businesses can get a chance to personally explain their experience. Chair Kerrigan explained if it is regarding a lease they need to work with their lawyer the board cannot help. Mr. Chiasson stated he has e-mails to show the board regarding the landlord honoring the lease. Ms. Driscoll asked if this is how the board behaves with small business owners in Clinton, she would like the board to review the e-mails exchanged she would greatly appreciate that. Chairman Kerrigan explained he does support small business and has been in favor of eliminating the tax split, which is fairer to businesses. Discussion Closed. The attendees thanked the board.

Phil Duffy- Community & Development Director

Chairman Kerrigan invited Community & Economic Development Director Phil Duffy before the board for update from the office:

Contract Award for Downtown Coordinator Consultant

Mr. Duffy was before the board to explain he had sent out an RFP for the Downtown Coordinator position and has received three responses. He had an opportunity to review the responses and has a recommendation for the board to award the contract to Lee Abdella the plan is for a temporary position, tentatively a 9-month, \$55,000 job that would help downtown efforts. Selectman Perusse asked about the terms of the RFP had an end date of January 15th. Mr. Duffy explained the contract will have a 9 month term. Selectman Boissoneau made a motion to approve the contract award for the Downtown Coordinator to Lee Abdella as recommended by Community & Economic Development Director Phil Duffy. Selectman Kobus seconded the motion. The vote was 3/0/2 abstentions Selectmen Perusse and Kerrigan abstained acknowledging personal relationship with candidate.

One Stop Program Grant Application for 172 Sterling Street

Mr. Duffy reviewed with the board his plans to apply for the One Stop Grant program for the contamination mediation for 172 Sterling Street. He reviewed there is a portion of the site where materials will be removed and the area closed off, near the train tracks. Selectman Boisoneau asked if the grant money will make the town more marketable. Mr. Duffy explained it will help with the site to prepare for next steps to follow. Selectman Boisoneau made a motion to approve the application for the One Stop Grant Program for the 172 Sterling Street property. Selectman Perusse seconded the motion. Under Discussion: Mr. Duffy reviewed there may be some matching funds used from the town. The vote was unanimous.

Administrative Business

Clinton High School Request Auditorium Use

Chairman Kerrigan explained CHS Principal Scott Czermack has sent a request for use of the town hall auditorium to be used to hold the upcoming June 4, 2022 graduation in the event of inclement weather. Selectman Boisoneau made a motion to approve the request as presented. Selectman Devault seconded the motion. Under Discussion: Selectman Perusse asked about the number of people attending the event. Chairman Kerrigan reviewed the town events will be monitored by the Board of Health regarding the attendance number. The vote was 4/0/1 abstention Selectman Kobus

Old & New Business

Nathan Heights Streetlight Request

Chairman Kerrigan reviewed the board has received request from the residents of Nathan Heights neighborhood to install a streetlight at the community mailbox on Gorham Avenue at the entrance to the development. Selectman Kobus asked how this keeps happening, the developer is responsible to install the street lights. Chairman Kerrigan reviewed the Planning Board takes money into escrow when the project is approved. Solicitor Gibbons reviewed this is a Planning Board decision, they work with the developer to finish the project, he is aware the bases for the pole were installed. Selectman Boisoneau explained this must have slipped through the cracks. Selectman Kobus stated the town can refuse to accept the road until we are satisfied with the developer and the project completion. Solicitor Gibbons reviewed there is funding in escrow. Chairman Kerrigan reviewed this predates the board. Selectman Devault made a motion to approve the installation of a street light at the Gorham Avenue location as requested. Selectman Boisoneau seconded the motion. The vote was 4/0/1 Abstention Selectman Kobus.

Delivered, Inc. Draft Host Community Agreement

Solicitor Gibbons explained he has prepared a draft agreement similar to the past agreements with a 1.5% impact fee. The product is not manufactured it is a transport business only. Similar to the one for Diligeniaa which is also delivery. Selectman Kobus made a motion to approve the agreement as presented the impact fee of 1.5%. Selectman Devault seconded the motion. Under Discussion: Chairman Kerrigan asked if there is something on the state level for a community impact fee guide. The vote was unanimous.

Minimum Qualifications for Municipal Job Openings

Selectman Devault explained this is a trend he noticed, when people are hired the minimum qualifications are not followed. He explained if there are too low of applicants to consider and a department cannot find the candidates to fit the qualifications the department should go back to the Personnel Board and adjust the minimum qualifications for the position. Determine what exactly is needed for position that would be fine. Selectman Devault agreed having reviewed the several advertisements, the Park & Recreation Board set qualifications for positions that may be too general. He hoped this was reviewed as part of the study, when the consultant reviewed. Should the creation of the position be narrowed in on more desirable qualifications for jobs? Chairman Kerrigan agreed but stated you cannot dumb down jobs to fit candidates. The Park & Recreation Director, Human Resource or the ATA positions are examples. He refuses to dumb down jobs especially the ATA, this has been budgeted with the market now. The HR position has been agreed as what we want it to be. Selectman Kobus explained the compensation and qualifications for the job don't match. Mr. Ward is receiving feedback from candidates. Selectman Perusse suggested the board go back to the Personnel Board. Selectman Devault stated this is the problem, there is an article on the upcoming town meeting warrant that will allow the Town Administrator to place applicant on the salary scale like what is done at the school. If the initial salary is so low, there can be an adjustment to the salary to make sense. Selectman Kobus stated the classification of positions that have been newly created like the ATA role is several steps down then other classifications. Selectman Perusse explained they made the position on the recommendation of what the salary study said it should be. Discussion continued regarding the recruitment of the HR position and the feedback received regarding the compensation for the position from candidate. Selectman Kobus explained he will go back to Mr. Ward to review the classification and provide the range and Mr. Ward can approach the Personnel Board to review.

Assistant Town Administrator Search

Chairman Kerrigan stated the consultant has advertised the position.

Town Administrators Evaluations

The board chose to table this discussion at this time, Chairman Kerrigan explained he has only received one completed form back.

Boards & Committees Roles & Responsibilities

Selectman Kobus explained he has mentioned this in the past but wanted to discuss again, the role and responsibilities of the Personnel Board. He would like to review how the Personnel Board is tasked with creation of the job descriptions when the jobs falls under the Selectmen. New positions have to wait 4 weeks there is no sense of urgency for the review. The best way they can move a request along more quickly is meet more often. He would like to review the appointments of this board and who is coming up for appointment. Chairman Kerrigan reviewed the annual appointments are coming up.

Annual Town Reports

Selectman Perusse asked for an update on the status of the reports. Chairman Kerrigan explained they are being printed and will be delivered on Monday. Selectman Kobus explained he would like to add the Annual Report for FY22 should be released by January 1, 2023, for the last fiscal year. Solicitor Gibbons explained that is not the normal schedule. Selectman Perusse explained the fiscal year ends on June 30th, and the new one starts on July 1. Chairman Kerrigan explained we can set this as a goal. Selectman Kobus recommended making a by-law change to have the deadline due by the certain date when the accounts are closed and the books are closed.

Committee Reports

There were none.

Chairman Kerrigan reviewed the next meeting is scheduled for June 15, Town Meeting is Monday, June 6, 2022 and Town Election is June 13, 2022. He explained the board will enter into Executive Sessions and not return to an open meeting. Executive Session under Article 3 Collective Bargaining Prep. At 7:58PM Roll Call Vote: Selectman Perusse "aye", Selectman Kobus" aye", Selectman Devault "aye" and Chairman Kerrigan "aye".

Executive Session Article 3 Collective Bargaining Prep 7:58PM-8:23PM

Selectman Boisoneau made a motion to adjourn the meeting at 8:24PM. Selectman Kobus seconded the motion. The vote was unanimous.

Meeting Adjourned,

Joyce A. Corbosiero

Executive Assistant to the Clinton Board of Selectmen/Town Administrator

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