

**Selectmen Meeting  
Minute  
June 15, 2022**

Chairman Kerrigan, Selectman Dickhaut, Selectman Devault, Selectman Kobus and Selectman Perusse were in attendance. Attendees were Town Administrator Ward and Town Solicitor Gibbons. Chairman Kerrigan opened the meeting at 7:00PM, he congratulated Selectman Devault on election and welcomed back Selectman Dickhaut to the board.

**Reorganization of the Board**

**Chairman**

Chairman Kerrigan opened nominations for Chairman. Selectman Perusse nominated Selectman Kobus as Chairman. Selectman Devault seconded the motion. There were no other nominations, nominations closed. The vote was unanimous.

**Vice Chairman**

Chairman Kobus opened nominations for Vice Chairman, Selectman Devault nominated Selectman Kerrigan as Vice Chairman. Selectman Perusse seconded the motion. There were no other nominations, nominations closed. The vote was unanimous electing Selectman Kerrigan as Vice Chairman.

**Clerk**

Chairman Kobus opened nominations for Clerk. Selectman Kerrigan nominated Selectman Devault. The vote was unanimous.

**Public Comment**

There was none.

**Review of Minutes**

The board received minutes from May 4, 2022 Selectmen's meeting for review and approval. Selectman Kerrigan made a motion to approve minutes as presented. Selectman Devault seconded the motion. The vote was 4/0/1 Abstention Selectman Dickhaut.

**Liquor License Transfer and Change of Location Hearing-77 High Street  
Wrong Way Café, Inc. at 610 Main Street to Bailey S & L LLC d/b/a Proof at 77 High  
Street with Shawn Bailey as Manager on Record**

Chairman Kobus opened the hearing asking for a motion to continue it until the next meeting when the applicant can attend. Selectman Devault made a motion to continue the hearing until the July meeting. Selectman Kerrigan seconded the motion. The vote was unanimous.

**Commercial Garage License Hearing – 640 Main Street**

Chairman Kobus opened the hearing and invited the applicant forward. Mr. Carolos Oliveria of 25 Baleon Road Marlboro, and Kassio Oliveria of 4 Emerson Road Hudson, were before the board. Chairman Kobus asked for a review of the request. Mr. Oliveria explained they have renovated the old Ringside building and have now purchased this location and are planning to operate the same as the existing business, a garage business and auto sales. Chairman Kobus opened the hearing for public comment in favor, there was none, in opposition, there was none. Chairman Kobus asked if the board had any questions. Selectman Kerrigan expressed his appreciation for the investment in Clinton. Selectman Devault made a motion to approve the Garage license to CarExpress as requested at 640 Main Street. Selectman Kerrigan seconded the motion. The vote was unanimous.

**Class II License Hearing – 640 Main Street**

Chairman Kobus opened the hearing and invited the applicant forward. Mr. Carolos Oliveria of 25 Baleon Road Marlboro, and Kassio Oliveria of 4 Emerson Road Hudson, were before the board. Chairman Kobus asked for a review of the request. Mr. Oliveria explained he will sell 8 vehicles and conduct small repairs just to maintain what is sold. Chairman Kobus opened the hearing for public comment in favor, there was none, in opposition, there was none. Administrator Ward reviewed this is two separate licenses, with a maximum of 8 vehicles. Both uses have been approved uses from the Planning and Zoning Board, this is a new licenses for new owner. Chairman Kobus asked if the board had any questions. Selectman Kerrigan expressed his appreciation for the investment in Clinton. Selectman Devault made a motion to approve the Class II license to CarExpress as requested at 640 Main Street. Selectman Kerrigan seconded the motion. The vote was unanimous.

**MVP Resiliency Grant Project Regulatory Update**

Administrator Ward explained the representatives from the Consultant group Linnean Solutions asked to be scheduled before the board to update them on the MVP Resiliency Grant to discuss some recommendations for the regulatory forestry management. He

explained he confirmed they are attending but haven't arrived yet he asked the board to table discussion until the representative arrives.

### **Economic Development Director –Phil Duffy Clinton Civic Day Update**

Community & Economic Development Director Phil Duffy was before the board to discuss the upcoming Clinton Civic Day event. He explained he has been working with a consultant and the committee regarding planning of the event. At this time they will not be prepared for the June 25<sup>th</sup> proposed date so they are planning to reschedule for July 23<sup>rd</sup>. Selectman Devault made a motion to accept the date change as presented for the upcoming Clinton Civic Days on July 23<sup>rd</sup>, 2022. Selectman Kerrigan seconded the motion. The vote was unanimous.

### **Fitzcanna Cannabis Host Community Agreement – 75 Green Street**

Chairman Kobus invited the representatives of Fitzcanna before the board. Ms. Shauna Fitzgerald, the founder of Fitzcanna was before the board. She explained she has been a Lancaster resident for 10 years. Chairman Kobus asked her to explain her request to enter into negotiations for a Host Community Agreement. Ms. Fitzgerald explained she has a strong business background, of 35 years. She has experience in the industry, she has worked first hand. With her diverse skill set and her team she is the perfect fit for two licenses, a transport and product manufacturer's license. The space she is leasing is 18000 square feet at 75 Green Street. She plans to give back to the community, she intends to hire a local diversified staff. As a Women's Business Enterprise she will open in Spring of 2023, and have a business to business transport process, the company will be made up of many faucets. She reviewed the plans and information packet presented to the board. Along with a review of the head of security his background and the security plan for the business. Selectman Devault stated there have been complaints in the past from existing business regarding a smell, does your request include adequate filtration and air control. Ms. Fitzgerald explained they will not be cultivating any products, so there wouldn't be any smell to mitigate. Selectman Devault made a motion to enter into a HCA negotiations with Fitzcanna as requested. Selectman Kerrigan seconded the motion. The vote was unanimous. Chairman Kobus thanked Ms. Fitzgerald for her presentation.

### **MVP Resiliency Grant Project Regulatory Update**

Jim Lewis, a principle from the consultant group Linnean Solutions was before the board to update them on the MVP Resiliency Grant to discuss some recommendations for the regulatory forestry management. Mr. Lewis reviewed presentation prepared for the board regarding the state funded grant MVP program. He has been working with Michael Shepard and Rebecca Longvall. The goals of the program are to help towns that are more resistant to reduce the house gas omissions and work with nature and the natural system within the forest. The second part is to establish regulations and guidelines with

the wetlands development in the middle now. He explained in town they have been working with Rauscher Farm and the DCR reservoir properties. He has been working with the regulatory work to get the wetlands registered and a surveying of the towns. All of the departments have provided feedback along with the board & commissions from town. He explained the first year of the program focus is on the forestry and this coming year the focus will be on turf management. Chairman Kobus opened discussion to questions from the board. Selectman Devault asked about the areas prone to need service. Mr. Lewis explained mapping has been designed highlighting the hotspots, there are subdivisions with the flood plan noted and the carbon/ecosystem overlay area. The carbon restoration has a high value of carbon which meets the threshold. There are a number of places identified. A lot of wetlands related to some areas in the flood plan. There were no more questions. Mr. Lewis explained he is always available for questions from the board.

### **Police Chief Brian Coyne- Police Department Issues**

Chairman Kobus invited Police Chief Coyne before the board for review and discussion. Chief Coyne explained he was before the board to review a few items for the board's consideration.

#### Civilian Traffic Unit

Police Chief Coyne explained he has spoken a little bit about this with the board. With the Police Reform standards all officers are to be certified. He would like to move forward with creating the civilian traffic unit program. At this time there are 10 retired police officers that help with traffic details and they do a tremendous job. Post Community Certification they cannot be kept on as special police. They do a great job for the department so he explained he doesn't want to lose them. He has seen the civilian units created in close communities like Leominster, Sterling and Lunenburg. Creating this unit will remove the liability from the town for the training, he explained they are planning to meet with the union on Friday and will review the final union rates. Selectman Kerrigan made a motion to endorse the plan of non-members be used if full time officers are not available for details. Selectman Devault seconded the motion the vote was unanimous.

#### Federal Law Enforcement Fund Transfer Request

Police Chief Coyne explained he is requesting to make a transfer from the Federal Law Enforcement Fund to the State Law Enforcement Fund in the amount of \$40,000.00 to be used to purchase equipment. Selectman Devault made a motion to transfer \$40,000.00 from the Federal Law Enforcement fund to the State Law Enforcement Fund as requested. Selectman Kerrigan seconded the motion. Under Discussion: Chairman Kobus asked if the funding will help support the Cops & Kids program allowing kids to train at Achieve Fitness with Jeremy Frisch. Chief Coyne reviewed this will cover the

costs overruns of the department including the cost of equipment for the cruisers and \$7500.00 to be used as part of the Clinton Middle School Mentoring program, run by Officers McNamara and Frick. Some of the funding will be used for the programming they provide. It can be used to sponsor trips and programs like the junior law enforcement experience. Chairman Kobus asked if the town can contribute to this fund. Administrator Ward explained yes, there is funding that can be used as part of the civic fund. Chief Coyne explained this funding will cover other expenses like the training for the new Police Lt.'s and updates to the station. He will also use some funding for the Bicycle Patrols, for equipment and training.

#### Reserve Fund Transfer

Police Chief Coyne reviewed he has a request for a reserve fund transfer in the amount of \$7648.00 for the wages for the Administrator Assistant for extra hours worked. The additional hours were worked beyond the 19 - 23 that are allotted. She helps above and beyond. Selectman Kerrigan made a motion to approve the transfer request as presented. Selectman Devault seconded the motion. The vote was unanimous.

#### National Night Out Event

Chairman Kobus explained the department is planning to participate in the National Night Out community building campaign to promote community partnerships with the department. Chief Coyne explained this is a nationwide event to promote community partnerships and relationships. He has received a great response from the department, there is a lot of interest from the officers to participate. It will be the first Tuesday in August, hosted in Central Park. He would like to close Union Street like they do for the Block Parties and has scheduled Mr. Joel Bates to be a DJ, he has spoken with the Fire and Facilities Departments and the DPW to incorporate a "touch the truck" portion to the event allowing attendees to check out the departments vehicles, including the new bicycles. On the entertainment end, Joyce from the office has been helpful in providing contacts for artists and entertainers that have been used for the annual holiday event. He plans to work with the Park & Recreation Department for use of the popcorn machine also. Mass State Police have agreed to participate with the mounted unit. He will also have some vendors on hand to discuss health and wellness including recovery. The intent is to host a community event bringing the community together. Selectman Kerrigan made a motion to close the road as requested for the upcoming event. Selectman Devault seconded the motion. The vote was unanimous. Police Chief Coyne thanked the board, expressing there is a lot of excitement from the department regarding the event.

#### **Select Board Fiscal Year 2023 Goals & Objectives**

Chairman Kobus explained this discussion will coincide with the Town Administrator's evaluation which is being done. We can discuss the objectives as a board and the

accomplishments. Selectman Devault agreed that is a good idea, he asked for an email from Town Administrator Ward regarding the town wide goals, as a refresher for the board and a starting point of discussion. It would be good to have a status of the activity of the specific goals from the Town Administrator as well. Selectman Perusse asked for an update to the goals she is unsure of the status and isn't able to complete the evaluation without being updated.

### **Administrative Business**

There was none.

### **Old & New Business**

#### *Juneteenth Holiday Observance for 2022*

Chairman Kobus explained the board can decide to observe this holiday and close on June 20. Administrator Ward reviewed a change in the state law is requiring that all state, county and municipal offices will be closed on June 20, 2022 in observance of the Juneteenth holiday this year. He has asked for the board's endorsement of the observance. Town Counsel informed him of the change with the state law and observance of a holiday that falls on a Sunday be implemented as Monday. This will have to be discussed with employee groups. Selectman Kerrigan made a motion to close on Monday June 20, 2022 to observe Juneteenth. Selectman Devault seconded the motion. Under Discussion: Selectman Perusse asked for this to be posted on the website as a new holiday. The vote was unanimous.

#### Annual Fireworks Event Donation Request

Chairman Kobus reviewed the board has received a request from the Crystal Club Charity for a donation to support their upcoming Annual Fireworks Display event scheduled for July 9, 2022. Selectman Devault asked about the prior donation. Administrator Ward reviewed the prior donation was \$6000.00. Selectman Kerrigan asked about the donations made from last year's Civic Fund, for Olde Home Day and Fireworks event. Administrator Ward reviewed the payments could not be made the Town Accountant determined the funding had to be used for an event hosted in that fiscal year. Both the events were being hosted in FY22, making them ineligible to be funded by prior year funding. Selectman Kerrigan made a motion to approve a \$6000.00 donation for the Fire Union to be used for the past event. Selectman Devault seconded the motion. The vote was unanimous.

#### Crystal Club Charity Donation Request

Chairman Kobus reviewed the board has received a request from the Crystal Club Charity for a donation to support their upcoming annual golf tournament and fundraising event.

Selectman Kerrigan made a motion to approve a donation. Selectman Devault seconded the motion making the amount of \$300.00. The vote was unanimous.

#### Select Board Summer Meeting Schedule

Chairman Kobus explained he proposes to continue to meet on the normal schedule twice a month, there are two open positions the Human Resource Manager and the Assistant Town Administrator that need to be filled. He asked for the board to agree to forgo the summer schedule and meet to continue with the interview process. Selectman Devault stated he is in favor of keeping the regular schedule. The last few years we have skipped meetings and met once a month instead, he'd like to stick with the normal schedule, even if board members are not available. He agrees there are a lot of irons in the fire, 2 critical positions and he doesn't want to interfere with the progress of the job searches. Selectman Perusse agreed stating she is available the first and third Wednesdays for meetings. The board agreed to meet on Wednesday, June 29th and July 20th. Administrator Ward explained the approval of the end of year transfers needs to be completed by July 15<sup>th</sup>, in order to close out the fiscal year. Chairman Kobus explained that can be done on June 29<sup>th</sup>. The board agreed to revisit discussion for the August schedule.

#### Board of Selectmen Email Account

Chairman Kobus expressed he would like to see the email coincide with the name change of the board. He would like it changed to [selectboard@clintonma.gov](mailto:selectboard@clintonma.gov), and secondly he would like the emails to be passed on to board members directly, everyone on the board should receive the emails. The Chair can determine who responds. Selectman Perusse agreed explaining the 5 people on the board should receive emails. Chairman Kobus explained part of it is depending on what the subject is, it doesn't have to be the Chairman, it can fluctuate with the Chair. Selectman Devault made a motion to have all emails sent to the Select Board, all members. Selectman Perusse seconded the motion. Under Discussion: Selectman Kerrigan explained once opened you cannot reply to all the board, this will become an issue. Administrator Ward agreed, you can reply to the Chair or individually but not to the board. Chairman Kobus explained the email account should be set up to reflect the new address, and everyone should receive all messages at the same time. Selectman Perusse explained constituents do not feel comfortable to send email if only Administrator Ward and the Chair receive. Chairman Kobus explained no one can respond to full board only to individuals. The vote unanimous.

#### Appointed Board Expectations

Chairman Kobus explained he has been in contact with surrounding communities reviewing the appointed board expectations. He has discovered other communities have

prepared descriptions of the roles & responsibilities for the appointed positions. Recent discussion have been had regarding if a time sensitive matter is under review the board should meet to resolve. The appointments are approaching and require some updating. He asked for notice to be sent out to members whose term is expiring to see if they are interested in being reappointed. He explained within reason, not dictating where or how often the boards meet. Selectman Devault agreed and explained to be fair to the committee if requested to meet in addition to once a month they should try to accommodate. Selectman Kerrigan stated there should be a mechanism to meet more often, the Chair contacts the board and is it up to the discretion of the board to meet. Selectman Devault stated if the board votes to tell a board to meet, then they should meet. Selectman Kerrigan explained there is an established schedule. Selectman Devault explained the mechanism is the majority vote of our board and the request is made to the Chair of the committee/board. Chairman Kobus explained he will review examples of what exists in other communities and draft something, we won't have to reinvent the wheel. Selectman Devault asked for a letter be sent to the different boards expressing that customer service and speed for response are necessary, if a board is given an initiative. Chairman Kobus he will prepare something for the next meeting.

#### Assistant Town Administrator

Selectman Devault asked if the consultant has a concern regarding the salary being set so low. Administrator Ward reviewed the consultant has indicated he has good quality applicants to interview, the candidates applying know the salary range. The next step is to evaluate the applicants. Selectman Perusse asked about the advertisement deadline, some had June 10 and another June 24. Administrator Ward indicated there was a draft with the deadline of June 10, the intention was to change. It was only a draft and should have been changed to what was posted and advertised locally. Chairman Kobus asked if the consultant and the board can have a dialogue about the salary concerns, perhaps a joint meeting with the Personnel Board. The range is \$61,000 to \$81,000, which is concerning based on other jobs that were used in the market analysis. He sees communities with salary \$30,000 to \$40,000 higher. Administrator Ward explained the salary range is set, it was set by the consultant who conducted the recent salary study. After review of the job description and duties, where position falls in current hierarchy. Selectman Devault asked if the consultant has indicated there are quality applicants, then we should review the response. If we can make it within the range if not we can go to the Personnel Board. We have hired the consultant we should take his feedback. Chairman Kobus stated he has questions and concerns regarding the job description. Administrator Ward reviewed the salary study consultant made the evaluation as she did with all the positions. Chairman Kobus stated the job description was created, it didn't categorize any other position with it. Administrator Ward reviewed it is part of a different structure from the Director of Economic Development or the Human Resource Manager or the

Finance positions, these positions are at a higher level with specific duties beyond that of the ATA, the position does not manage a department. In other communities the ATA positions are different. Selectman Dickhaut agreed, she explained the ATA position has no direct supervision over department or employees. Selectman Perusse asked about the next steps after the June 24<sup>th</sup> deadline. Administrator Ward reviewed the consultant will evaluate the applicants as they come in, not making a choice but bringing them to the search committee and they will decide. The process should be completed quickly. Chairman Kobus stated there is mention of responsibilities of supervising in other towns, making it a greater role. Administrator Ward explained the biggest difference is the ATA in Shrewsbury is also the HR Director with 6/7 staff reporting to the position, in Southborough the position is also the HR Director with a department to manage and staff members reporting to the ATA. The search consultant breaks down the duties and responsibilities, there are no delegation duties for this position, and they are not the head of Finance or HR.

#### Human Resource Manager

Administrator Ward explained the suggestion of the committee was to reach out to three applicants within the first tier, only one responded. He is planning to review if he should move to the next tier of candidates and see what the response is. He plans to meet with the committee over the next week and see where to go from here. Chairman Kobus asked if the first tier applicant's response was to move forward. Administrator Ward explained no not at this time based on the salary. Selectman Devault explained he isn't willing to circumvent the minimum qualifications just to have candidates. He thinks the committee needs to regroup, possible meet with the Personnel Board to review the qualifications and adjust the salary to meet them. Selectman Perusse explained the three top candidates have been identified but only one has responded. Selectman Dickhaut stated the job advertisement had salary information so the person knows. Selectman Devault explained he does not disagree, the facilities search had candidates interview with an anticipated salary of \$150,000, which had been advertised at the range, not including that rate, but there was applicant then as well requesting larger salary. Chairman Kobus explained typically there is flexibility within the advertised range.

#### Selectman Devault Statement

Selectman Devault stated he wanted to make a public apology, it was a spirited election and he had a slight overreaction to activities that occurred on Election Day. He acted heavy handed in response to them and regrets his actions and statements. He wanted to publicly acknowledge he was regretful.

#### **Committee Reports**

There were none.

Chairman Kobus explained the board will enter into Executive Sessions and not return to an open meeting, the next meeting scheduled for July, he asked for the date that works best for the board members the 7th or 14th. The board agreed the next meeting will be held on June 29, 2022. Roll Call Vote: Selectman Dickhaut “aye”, Selectman Devault “aye”, Selectman Perusse “aye”, Selectman Kerrigan” aye”, Chairman Kobus “aye”.

**Executive Session Article 3 Town Accountant Contract 9:17 PM - 9:25 PM**

Selectman Devault made a motion to adjourn the meeting at 9:25PM. Selectman Kerrigan seconded the motion. The vote was unanimous.

Meeting Adjourned,

Joyce A. Corbosiero  
Executive Assistant to the Clinton Board of Selectmen/Town Administrator