

**Selectmen Meeting  
Minute  
July 20, 2022**

Chairman Kobus, Selectman Dickhaut, Selectman Devault, Selectman Perusse, and Selectman Kerrigan were in attendance. Attendees were Town Administrator Ward and Town Solicitor Robert Gibbons. Chairman Kobus opened the meeting at 7:00PM.

**Public Comment**

There was none.

**Motion continue out of Agenda Order**

Selectman Kerrigan made a motion to continue meeting with the recognition of the Clinton Little League 10-Year Old All Stars. Selectman Devault seconded the motion. The vote was unanimous.

**Clinton Little League 10-Year Old All Stars**

Chairman Kobus explained it is an honor to recognize District 4 All-Star players and coaches, they have done an outstanding job. He is aware of the efforts and the handwork needed to achieve the championship status, every player represents the community with great sportsmanship. This has not gone unnoticed, the board wanted to recognize their achievement. Vice Chair Kerrigan will distributed a certificate of recognition to each player. He invited each player to please come up to receive your certificate. Group photo take with the team. Congratulations Little League 10-Year Old All Stars Players and Coaches.

**Review of Minutes**

Chairman Kobus reviewed the board has received minutes from the June 1, 2022 and June 15, 2022 Selectmen meeting minutes. Selectman Kerrigan suggested separating approval making a motion to accept the minutes for the June 1, 2002 meeting including the Executive Session as presented. Selectman Devault seconded the motion. The vote was 4/0/1 Abstention Selectman Dickhaut. Selectman Kerrigan made a motion to accept the minutes from the June 15, 2022 minutes including Executive Session on Collective Bargaining Prep, Article 3. Selectman Devault seconded the motion. Under Discussion: Selectman Devault stated the June 15<sup>th</sup> minutes were the meeting minutes for meeting that Mr. Hogan attended. Chairman Kobus stated no that was the June 1 meeting. Selectman Devault explained he was sorry, so can we have a motion to reconsider June 1<sup>st</sup> minutes. Selectman Kerrigan made a motion to reconsider June 1 meeting minutes. Selectman Devault seconded the motion. The vote was unanimous. Chairman Kobus stated just going back to June 1<sup>st</sup>, we had Mr. Hogan join in on the meeting from the audience and had not been publicly recognized during that meeting and although the dialogue that he was involved with it has been recorded it's something I think we should consider retracting from the open meeting being that the individual was never recognized, it wasn't on the agenda and was not publicly recognized. We're still not sure what capacity this individual was participating in I don't believe that the Cunningham's had sent any communication that Mr. Hogan would be representing their interests at this meeting so my request for consideration will be to retract Mr. Hogan's dialogue from that meeting.

Selectman Devault stated, um I'll make a motion to amend the minutes as presented, so that we retract uh Mr. Hogan's dialogue from the meeting and just to expand on it like you said this is not about him this is about if you're not on the agenda and if you're not recognized and you just start talking in the crowd I don't think that whatever spoken should be held into the public record. Chairman Kobus asked for any other discussion, do we have a second. Selectman Kerrigan stated, oh yeah I'm sorry yeah I'll second for the purpose of discussion, it's my belief that minutes should state the way the meeting went and not how the meeting wanted to go believe me I wanted this meeting to go a lot differently. I think Joyce has always did a good job of capturing the chaos of that night explaining how it went. So I think there should be an accurate record of how that evening went and I think this represents that so I will be voting against this understanding the other part of this is no one at home can hear what anybody says in the audience, not speaking into the microphones. If there were questions that arose as to what was said and you know I know that people can watch the meetings but if they're unable to hear the dialogue that's taking place I think that it leaves gaps in the information. Mr. Chair then I would argue that this is even more important document in that it's the historical record if they couldn't hear what was going on then you know and technology fades, I would argue that this becomes more important that people understand what someone in the room did. Selectman Dickhaut stated she was not part of the meeting but agrees with Selectman Kerrigan, I think it's important to not eliminate just because he didn't come to the microphone he was here he was acknowledged, and it did transpire so I think it's appropriate to keep it in the minutes. Selectman Perusse stated yeah I would agree as well just for the accuracy of the record, it did occur so and I feel like it was reflected in the minutes. Chairman Kobus explained, no fault of who's taking the minutes I'm not casting any fault it's a matter of is there a precedent set where people can walk through that door and voice their concern and voice their opinion when there were people who have requested to be on the agenda that we're not going to be allowed to participate. So does it set a precedent, here anybody can come in and voice their opinion, out of order? Even if the individual is not publicly recognized at all. Selectman Devault reviewed Selectman Kerrigan does have a point though it wasn't scheduled it occurred and now the minutes are like the only way for any record to be made. So if somebody did something that you know was part of the meeting, and we don't approve of, if someone was trying to go back and look it up and if there's no video of it. He explained I know I'm speaking against my own motion but it is a good point. It's a good point but I do agree that it's something we do have to be careful about because he did just show up to the meeting and started talking and then all of a sudden he had the floor and he had the attention right and the people that were on the agenda were kind of sidelined. He reviewed so in the vein I know I don't think this motion is going to pass but I do think that the motivation behind it is sound and that people shouldn't just be allowed to show up to meetings and start like yelling and being able to be heard there's agendas, there's being recognized and invited to set up at the table, there's a whole process that has to go through to be able to be heard. Selectman Kerrigan stated I don't disagree I think we're talking about two different things and I think we've uncovered my mismanagement of that meeting which I fully admitted to and I just think that there should be a record of that mismanagement here the minutes aren't really the way we wanted the meeting to go they're the way the meeting went and this is accurate and that's on the agenda. The minutes will encompass this as well. Solicitor Gibbon explained the board can approve the minutes and acknowledge the individual was not recognized to participate in the meeting. Chairman Kobus agreed explaining there is an agenda item to address this later on the agenda. He explained a motion was made to amend and seconded. The board voted 2/2 1 abstention Selectmen 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**

Administrator Ward reviewed no one is in attendance he asked for the board to continue the hearing.

### **Lauren Crossman Nanoff-Clinton Chamber of Commerce Summer Sidewalk Fest**

Chairman Kobus invited Ms. Crossman Nanoff before the board. Ms. Crossman Nanoff was before the board with a request for a street closure of High Street on August 20, 2022 from 10:30 AM to 4:00PM to accommodate the set up and hosting of the Clinton Chamber of Commerce Summer Sidewalk Fest. Selectman Kerrigan asked if they have spoken to the business on High Street. Ms. Crossman Nanoff indicated yes, and flyers will be distributed regarding the street closure and parking on High Street. She also asked about added signage to the street light poles to advertise the upcoming event. Selectman Devault asked if the Police and Fire Departments have been notified. Ms. Crossman Nanoff stated yes. Selectman Devault made a motion to grant approval of the request for the road closure of High Street to Clinton Chamber of Commerce to host Summer Sidewalk Fest. Selectman Kerrigan seconded the motion. Under Discussion: The board asked if there was a good response from the businesses to participate. Ms. Crossman Nanoff explained they are receiving a good response and intend to expand the invitation to all business in Clinton and surrounding areas to showcase their offerings. The vote was unanimous.

### **Shauna Fitzgerald-FitzCanna Host Community Agreement for 75 Green Street**

Chairman Kobus invited the representative of FitzCanna before the board. Ms. Shauna Fitzgerald was before the board with a request to enter into a HCA with the town. Ms. Fitzgerald explained she asked if the town would consider a reduction to the impact fee from 3% to 1.5% for 2 reasons she is a woman owned business and a certified economic empowerment applicant, which will assist to reduce barriers into the Massachusetts cannabis industry, minority owned businesses have 10% of the licenses. She explained the community impact fee is used to cover the costs associated with the cost imposed by the marijuana establishment. She is honored to have her business in Clinton, she will contribute with an impact fee of 1.5% and also in other ways like prioritizing jobs to Clinton residents and vendors. She intends to donate \$5000.00 programs regarding substance abuse, and have a volunteer partnership with the community. She thanked the board for consideration. Solicitor Gibbons explained the precedence has been set with Delivery Inc., the town reduced the impact to the 1.5%. Chairman Kobus explained small business is the backbone of the community, she has presented an outstanding offer to the board for the HCA. Selectman Kerrigan made a motion to accept the HCA as presented making the impact fee the 1.5%. Selectman Devault seconded the motion. The vote was unanimous.

### **Downtown Sidewalk Spalling Report**

Superintendent of Public Works and Community & Economic Development Director Phil Duffy were before the board. Mr. McGown explained there was a curing issue, the material worked fine, the finishing of it is the problem. He explained the agent used to cure the material did not work properly. After testing by the company it has been determined the materials were not properly cured. He reviewed the areas affected are in front of the Mexican Restaurant down that side of the road to the bank up Church Street. He has met with the contractor who acknowledges the issues. The plan is to remove the sections and replace at no cost to the town. The plan is to meet with Contractor next week to walk the area and the work will begin after Labor Day. Selectman Perusse asked how long this process will take. Mr. McGown explained it will take 2-3 weeks once they start to pour concrete. Selectman Devault asked about the

percentage of spalling on the area, can it be patched. Mr. McGown explained in the short term there will be a difference of colors and then it will fade out and blend. There may be some lighting issues so he plans to work with the manufacture for the housing to the light fixtures. Selectman Devault thanked Mr. McGown & Duffy for the quick turnaround. Chairman Kobus asked if the contractor and Mr. McGown walked all of High Street even down by the Item office area. Mr. McGown explained yes, all of High Street, including the North end.

### **Town Administrator Evaluation & Fiscal Year 2023 Goal Setting**

Selectmen Kerrigan made a motion to table this discussion. Selectman Devault seconded the motion. The vote was unanimous.

### **Administrative Business**

#### *Clinton Greenway Conservation Raffle Permit*

Chairman Kobus explained the board has received an application from the CGCT has requested a raffle permit to be used in conjunction with raising funds to support the organization. Selectman Kerrigan made a motion to approve the raffle permit as requested by the CGCT. Selectman Devault seconded the motion. The vote was unanimous.

#### *WRTA Annual Agreement for Senior Van Service*

Chairman Kobus explained the WRTA has sent over the contract for the annual agreement for the town to provide the senior van service through the Council on Aging. The WRTA will provide the buses and the town provides the drivers and insurance. Selectman Kerrigan made a motion to approve the annual WRTA contract as presented. Selectman Devault seconded the motion. The vote was unanimous.

#### *Town Mileage Reimbursement Rate*

Chairman Kobus reviewed the federal rate for mileage reimbursement is 58 cents. Selectman Kerrigan asked what the approved rate is now. Administrator Ward stated 48 cents per mile. Selectman Kerrigan asked if departments take advantage of this now. Administrator Ward reviewed all town departments would fall under this rate. Selectman Kerrigan asked for a ballpark amount on use, would you say there would be a 20 % increase to current expense. Administrator Ward reviewed this is mainly used as reimbursement for conferences when employees use their own vehicles, it isn't a large amount. Chairman Kobus asked the last time the rate was changed. Administrator Ward explained about 5 years ago. Selectman Kerrigan made a motion to approve the mileage reimbursement rate to 58 cents. Selectman Devault seconded the motion. Under Discussion: Selectman Devault stated the town should follow the state rate. Administrator Ward reviewed generally we follow the federal rates. The vote was unanimous.

#### *Police Detail for Town Election Polling Places*

Chairman Kobus reviewed the Town Clerk has notified the board of the requirement for all polling places to have a detail Police at all elections. Selectman Kerrigan made a motion to authorize the Town Clerk hire a Police detail for any and all elections she deems necessary. Selectman Devault seconded the motion. Under Discussion: Town Administrator Ward explained this is part of the election reform, it is new legislation. Chairman Kobus stated he would agree to hire

a Police detail and if thought to be a contentious election hire more than one, he would like to leave this up to the discretion of the Town Clerk. The vote was unanimous.

#### *One Day Beer & Wine Request- Clinton Park & Recreation Summer Concert Series*

Selectman Kerrigan explained the representative of the Park & Recreation reached out to inquire about the Summer Concert Series adding food and Beer & Wine to the event. Administrator Ward explained the programs run on Tuesday evenings in Central Park throughout the summer into August. Selectman Kerrigan made a motion to approve the request for One Day Beer & Wine permits to be used by the Clinton Park & Recreation with vendor the Sterling Street Brewery in conjunction with the Summer Concert Series held in Central Park on Tuesday evenings in the months of July & August. Selectman Devault seconded the motion. Under Discussion: Selectman Kerrigan stated the staff are enhancing these to very robust events, he is excited for the events and wanted to note the great work by the Park & Recreation department. The vote was unanimous.

#### *August Select Board Meeting Schedule*

The board agreed on meeting on August 10 & 24, 2022 to accommodate vacation schedules.

### **Old & New Business**

#### Clinton Little League 10 –Year Old Star Recognition

Chairman Kobus stated this had been completed early on agenda.

#### Adoption of the Veterans Tax Rebate Program

Chairman Kobus explained Veterans Agent Brendan Bailey was before the board at the prior meeting to receive approval to raise the amount per participant to \$1500.00. The board approved that request. This request is for the board adoption of the Veterans Tax Rebate program based on the state guidelines. Administrator Ward agreed explaining he has met with Mr. Bailey and confirmed the program guidelines, at the last meeting the board approved the rate but not the establishment of the program. Selectman Devault made a motion to adopt the state guidelines for the Veterans Tax Rebate program as recommended by the Veterans Agent. Selectman Devault seconded the motion. The vote was unanimous.

#### Permitting Business Guides

Selectman Kerrigan in light of recent applicants that have come before the board for permit approvals it prompted him to have an informal conversation with the Planning Board & Board of Health regarding the new Business Guide. This should be translated into Spanish & Portuguese. There seems to be an influx of Brazilian developers in town, in an effort for them not to miss anything I would like to have the documents available in multiple languages. Selectman Kerrigan made a motion to have Community & Economic Development Director Mr. Duffy get a cost to translate the guide and make available in hard copies and on the website. Selectman Devault seconded the motion. Under Discussion: Chairman Kobus recommended Mr. Duffy reach out to Dr. Meyer for assistance. The vote was unanimous.

#### Select Board Communication and Inquiries

Chairman Kobus over the past several years all the information has funneled through the Chairperson not to inundate Mr. Ward with 5 member's questions. The questions should be directed to the Chair and then redirected by the Chair. The information will be brought back to the board. This is a more efficient way to operate. Selectman Dickhaut explained she received an e-mail from Chairman Kobus, with instructions to speak to Administrator Ward or a Department Head the communications are to go through the Chair. She stated she is absolutely opposed to this, she represents the people of Clinton and has always communicated directly with the Administrator. There is no need for someone to determine who can speak with him. Any Board member can speak to a Department Head that is within the duties of a Selectman. She intends to do what she has always done before, she will speak with the Administrator and Department Heads when necessary. Selectman Devault reviewed this isn't to prevent a Board member not to speak with the Administrator. It is only appropriate to let the rest of the board know when you are speaking with the Administrator about an issue so the Chair and board are aware, common courtesy. Each board member should inform the Chair when speaking with Administrator or Department Head so it isn't confusing. One of use can determine and be aware of the Administrators workload. The intent is to prevent speaking directly to the Town Administrator and funnel through the Chair so one person is aware. If you reach out to the Administrator you are adding to his work load. Discussion continued with Chairman Kobus explaining if Mr. Devault has a concern regarding cracks in the sidewalks in Central Park then this can be addressed through the Chair. Mr. Kerrigan may have the same concern, when brought to Chair he can report on issue rather than Administrator Ward having to review with each individual member. This is more efficient and organized. He understands she feel she content of the e-mail, he will subject the e-mail to the record. Selectman Dickhaut explained she doesn't intend to adhere to this, she will speak to whoever, whenever. Selectman Devault explained the ask is to just c.c. the Chair on e-mails why are you opposed to this. He shared from his experience on the School Committee. Previous Chairman speak to this, he administered this. Selectman Kerrigan stated this is something that worked with prior boards but may not work with all boards. Chairman Kobus explained to answer Selectman Dickhaut question he has c.c. Mr. Kerrigan on all e-mails sent and made him aware of discussion with Department Heads and public records will how that. Selectman Dickhaut reviewed in her tenure on the board she has served with many Selectmen, and always has had the right to speak to everyone. If something came up it would come back to the board under old and new business. Administrator Ward isn't a 2 year old child that needs to be managed on who he speaks with or meets with. He is a professional, should be treated like one and doesn't need monitoring form the board every day of the week. Chairman Kobus stated this is the model the school uses. Ms. Goodsell spoke from the audience as a prior School Committee member and explained this wasn't how she practiced, all members were able to speak to staff when warranted. Selectman Devault stated that is how the School Committee operates. Solicitor Gibbons stated the board can ask questions of Administrator or Solicitor, it seems this may be getting caught up, any board member can have a conversation there is no authority from the board needed. If it were regarding discipline of an employee or a course of action regarding an employee's performance that is something required to have action by the board. Any board member can speak with any employee regarding information that can be done there are no restrictions, no one board member or Chair has the authority to speak for the board. Selectman Devault stated in some instances there are simple

questions and answers. It is appropriate to give the Administrator the courtesy to make them aware, not a big deal. The more push back the more concerns he has, I don't know why anyone would fight this policy. Selectman Perusse explains she tends to agree this is a courtesy and helps with efficiency. If sent to Chair it can be communicated to the members, if someone else on the board has the same issue or concern. I see it as more communication and efficiency that is my approach. If I needed to speak with Michael I would, again I do not need to get permission it is again a professional courtesy. Selectman Kerrigan explained the duties of this board is it changes every year and I have been on five very different boards. This was put in place to make sure, again never a yes or a no, more of a c.c. as a courtesy. If he was hearing from all the members on a certain issue then it may rise for discussion on agenda. We all have different passions it was more of a tracker, not a gate keeper just to determine what should be scheduled on the agenda. Certainly cannot make anyone do anything. That is the background again this worked for prior boards not all boards changes all the time, may not work for another. Chairman Kobus stated the board can move on, any norms considering or agree upon for the next year as far as a protocol or general approach please bring to the next meeting and we can discuss and adopt. Selectman Devault stated he has never received push back or been refused to speak with someone. Administrator Ward explained he takes direction from the Chair, he has never had a problem working with individual members, and he is accessible. Chairman Kobus agreed you are always accessible.

#### Select Board Meeting Guest Protocol

Chairman Kobus explained this was part of previous discussion in the meeting minute review. Anybody on the agenda can speak and approach the board, but if not an agenda they should not have the opportunity to speak. They should be invited up in front of board to speak or their discussion should be disregarded. Selectman Devault agreed.

#### Annual Appointments of Board & Commissions

Chairman Kobus reviewed the Personnel Board has three members expiring on the same year, shouldn't it be 2/2/1 for terms. Administrator Ward explained the board and commissions were last appointed in 2020, at that time members were appointed for three year terms. Mr. Connolly wanted to make sure the boards were current. This was the first appointment of an employee member to a three year term. However, it was always a 1/2/2 terms for members. The cycle got changed due to the board's vote. Chairman Kobus asked if all three members are coming up to term end, can we stagger appointments. Solicitor Gibbons explained the appointments should be done on the same cycle. He explained there should be a unified dates used for all appointments like June 1, or March or November, they all should be done on the same date. Administrator Ward explained typically they are done annually together but if there is a vacancy the appointment date may vary but the term would be the remainder to the vacancy. Chairman Kobus asked Administrator Ward to reach out to the members to confirm they have interest in renewal. Administrator Ward indicated he has been away on vacation but will work on confirming who would like to continue to volunteer, generally 99% stay on. He is aware of the Personnel Board member expiring Ms. Jolisa Chiounard has interest in continuing to serve. There are a lot of boards with vacancies. Chairman Kobus explained at the next meeting the board will review vacancies and vote. Chairman Kobus asked about the Personnel Board only having one

expiring term at this time, Administrator Ward answered yes. Chairman Kobus asked about the by-law approving one town employee or elected official. Administrator Ward explained yes, it is either elected or appointed employee, previously there was a prohibition but the by law was accepted at town meeting. Chairman Kobus explained he will follow the agenda and move forward with advertising the vacancies over the next two weeks. He asked if the bylaws state a time period for volunteer boards to be advertised, like the two weeks for employment positions. His recommendation was to use the two weeks as a guideline and advertise for the same time.

#### Official Town Organizational

Administrator Ward reviewed he has been working on a draft and tried to print it out for the meeting but it did not work out. The chart prints as very small, he will continue working on it and making it a larger image to print. Chairman Kobus asked once completed please e-mail out. Administrator Ward stated he will continue to work on it.

#### ARPA (American Rescue Plan Act Funds) Task Force

Administrator Ward updated the board the total amount in funding will be approximately \$4.1 million with the state and county allocation. We have received the county allocation yet and the state has distributed half and we expect another half next month. He has been working with the Task Force to identify projects. There are some smaller expenditures requested and some departments are still trying to get estimates for costs. Selectman Devault stated that is a great idea to entertain proposals for expenditures. Selectman Perusse asked if there is an underlying theme to the projects, what the strategy for spending is. What would make one more important than the other? Administrator Ward stated the department is presenting the need, we would then relate the need to the federal guidelines to confirm eligibility. The Fire Department received separate Federal Funding for a priority set list of needs. He explained the task force will identify the projects and confirm use is acceptable.

#### Human Resource Search Committee

Administrator Ward stated the committee met and decided to engage the consultant who is conducting the ATA search to assist. The consultant can take a review of the applicants, he explained he felt he wouldn't do much better. It is a targeted area and the pool of municipal candidates is small. His feeling was he would meet with the committee and go over the resumes. He explained go with candidates rather than start all over. Selectman Devault stated he does not want to move to the 3<sup>rd</sup> tier of applicants, if that is what the consultant suggests he doesn't agree, he would prefer the search start over. Administrator Ward reviewed he has received more resumes and will look through all candidates to identify different criteria needed to categorize applicants. Selectman Devault stated he will not want to see the committee move to the third tier of candidates. This is an important, integral position and he would prefer to start over. If necessary the board should return to the Personnel Board to increase the salary. He would like to ask the consultant for guidance on that. This is an important position, there seems to be a tendency to just fill the position, it is important to make this right. If there was no luck with the first tier, and second tier then start the search over. If it is the salary go to the Personnel Board, but trying to match position to applicants isn't right. It is important to have evidence to back up the search. Selectman Perusse agreed with working with the consultant, the recruitment

pool is small, she is aware from other communities. This is an important position, a candidate with municipal HR experience is a challenge, and we may end up advertising.

#### Assistant Town Administrator Search Committee

Chairman Kobus stated he met with part of the committee and the consultant to review the resumes received, next steps identify candidates and move forward with the process. Selectman Devault asked for a time table to be put together for both hiring processes.

#### **Committee Reports**

##### *Side Walk Committee*

Selectman Kerrigan reviewed the committee met to review the parking on sidewalks and in bike lanes. They are reviewing ways of enforcement.

Chairman Kobus explained the board will meet again on August 10, 2022. Executive Session Roll Call Vote: Selectman Dickhaut “aye”, Selectman Devault “aye”, Selectman Perusse “aye”, Selectman Kobus” aye”, Chairman Kerrigan “aye”.

**Executive Session Article 3 Union Collective Bargaining 8:52 PM - 10:26 PM**

**Executive Session Article 6 Oxford Court Parking 10:26 PM -10:40 PM**

**Executive Session Article 3 Litigation Case Briefing 10:40 PM -10:45 PM**

Selectman Kerrigan made a motion to adjourn the meeting at 10:45PM. Selectman Devault seconded the motion. The vote was unanimous.

Meeting Adjourned,

Joyce A. Corbosiero

Executive Assistant to the Clinton Board of Selectmen/Town Administrator