

**EXECUTIVE SESSION – SELECT BOARD
JANUARY 15, 2020 at 6:30PM
TOWN HALL, SELECTBOARD CONFERENCE ROOM**

Chair Sandra Wilson, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Highway Superintendent Dennis Griffin, Assistant to the Town Administrator Kristen Forsberg and Town Administrator David Genereux were in attendance. Vice Chair Harry Brooks was absent.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:33pm under Mass General Laws Chapter 30A, Section 21A, Exception 1, to discuss discipline or dismissal of an employee and Exception 6, to consider the purchase, exchange, lease or value of real property (15 Water Street). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll Call: 4:0:0.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Genereux discussed the upcoming sale of 15 Water Street and whether to set a minimum opening bid. All bidders will have to provide a \$10,000 bid deposit. Assessor John Prescott has appraised the property at \$129,000. Mr. Genereux noted that if only one bidder shows up, the auction can be cancelled. Auctioneer Paul Zekos has recommended not setting a minimum opening bid and the Board agreed.

A motion was made by Mr. Antanavica and seconded by Ms. Shocik to go out of executive session at 8:00pm and resume in open session only for the purpose of adjournment. Roll call: 4:0:0

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Shocik at 8:00pm. Roll call: 4:0:0

**EXECUTIVE SESSION – SELECT BOARD
JANUARY 27, 2020 at 6:30PM
TOWN HALL, SELECTBOARD CONFERENCE ROOM**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to enter into executive session at 7:35pm under Mass General Laws, Chapter 30A, Section 21A, Exception 3, to discuss strategy with respect to collective bargaining (Police, Highway and Fire unions) and to discuss strategy with respect to litigation (Fire & EMS Headquarters). The Chair declared that to discuss these matters in open session would compromise the position of the town. Roll Call: All Ayes

Exception #3 – Discuss strategy with respect to collective bargaining (Police, Highway and Fire Unions)

The Board discussed vacation leave at the Highway including adding partial vacation leave leading up to the first year and eliminating the six weeks of vacation after 22 years of service. Mr. Genereux noted he has discussed budgetary limitations during initial discussions with all union groups. The Board discussed clothing allowances and cost of living increases across unions.

The Board discussed the current Police contract including calling out on super holidays, sick time and the ability to work details, the health insurance payment split, personal days, vacation provided at the time of hire and life insurance provisions. The Board discussed cleaning up the language and archaic provisions across all contracts. The Board discussed the goal of keeping all increases at 2% or less, including any benefit increases.

The Board discussed the Fire contract including stipends, training, ensuring a workout space and confusion as it relates to who Fire reports to.

Exception #3 – Discuss strategy with respect to litigation (Fire & EMS Headquarters)

Mr. Genereux discussed the report from VHB regarding drainage issues at the Fire & EMS Headquarters. VHB believes that the ponds were not designed properly. The ponds are sitting below the water table so water will continue to intrude despite pumping. The Town can decide to take legal action against the architect. Town Counsel is requesting permission to notify Context Architecture, provide them with the VHB report and set up mediation to obtain monetary damages to rectify the issue. The Board agreed with this approach.

A motion was made by Mr. Antanavica and seconded by Ms. Provencher to go out of executive session at 9:38pm. The motion carried 5:0:0.

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Shocik at 9:38pm. The motion carried 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
FEBRUARY 10, 2020 at 6:30PM
TOWN HALL, SELECTBOARD CONFERENCE ROOM**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Luck Boucher (VHB consultant), Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Shocik and seconded by Ms. Provencher to enter into executive session at 9:32pm under Mass General Laws Chapter 30A, Section 21A, Exception #3, to discuss strategy with respect to litigation (Fire & EMS Headquarters) and to discuss strategy with respect to collective bargaining (Police Union). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

Exception #3 – Discuss strategy with respect to collective bargaining (Police, Highway and Fire Unions)

Mr. Genereux presented a proposal from the Police Officer Union which requested 2% COLAs each year of the three-year contract and an increase to the education incentive stipend at a cost of \$2,910 per year. The union requested an increase in longevity pay which Mr. Genereux did not agree to. The proposal also requests an increase in detail pay from \$50 to \$54, that the detail rate be paid in two hours blocks after 8 hours and a four-hour minimum for details cancelled within 8 hours of the scheduled start time. Finally, the union requested 2 hours of comp time for the office in change per 8 hour shift. The Board was in favor of the 2% COLA increase per year but was not in favor of the \$2,910 education incentive stipend increase, instead proposing a \$100 increase per type of degree.

Exception #3 – Discuss strategy with respect to litigation (Fire & EMS Headquarters)

Luke Boucher with VHB discussed the results of their site review. Mr. Boucher pointed out there were issues with the modeling and assumptions used which resulted in an underestimation of the amount of water leaving the site under proposed verses existing conditions. Mr. Boucher noted that groundwater estimations were even more problematic. The ponds were designed to be infiltration basins but the VHB test pits showed groundwater higher than the bottom of the basins which keeps them from properly draining. Mr. Boucher noted that infiltration basins should not have been used as a solution given the type of soil on site, so the ponds would not have drained even if they were above groundwater level. Ultimately, modeling assumptions combined with ponds that are unable to drain given groundwater conditions resulted in the current site issues.

A motion was made by Ms. Provencher and seconded by Mr. Shocik to continue the meeting past 10pm. The motion carried 5:0:0.

Mr. Boucher noted that without the Town having pumped the ponds, the large pond would have remained full and groundwater would have continued to overflow from the pond and saturate the neighborhood. Mr. Boucher noted the topography of the site is difficult for drainage and the large pond should have had a pipe to drain into which would have required an easement from the neighbors. The first pond was lined with an impervious liner which means it would never drain. The bottom of the ponds should be at least two feet above seasonal high groundwater and the highest pond is a foot below groundwater. Mr. Boucher noted the swales are not ideal and the parking lot abuts a slope with no curb

which creates a dangerous situation. Potential solutions include rerouting water to Paxton Street using a catch basin and tying-in to the existing system and redirecting water out of the back of the property using a pipe. The ponds generally appear to have been built to spec by BSI. Context only partially responded to BSI's RFI regarding wet site conditions by stating that BSI should not have allowed the site to get wet, which is valid, but still doesn't address the issues with the ponds not draining in 72 hours, which is required. Mr. Boucher further stated that ponds need drainpipes and he will add the option for a cistern. Mr. Genereux stated the goal is to get Context to pay for the entire remediation.

A motion to adjourn was made by Ms. Provencher and seconded by Mr. Brooks at 11:19pm. The motion carried 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
FEBRUARY 24, 2020 at 6:30PM
TOWN HALL, SELECTBOARD CONFERENCE ROOM**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to enter into executive session at 7:42pm under Mass General Laws Chapter 30A, Section 21A, Exception 3, to discuss strategy with respect to collective bargaining (Fire, Police and Highway Unions). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

Exception 3 – Discuss strategy with respect to collective bargaining (Fire, Police and Highway Unions)

Mr. Genereux presented a request from the union to allow firefighters to work until 70 by creating a new classification of auxiliary firefighters with specific, limited duties. The proposed MOA states that firefighters who wish to stay on after age 65 must take a physical first. Auxiliary firefighters would only be allowed to perform support duties that are less strenuous in nature, including driving, public education, medical care, fireground rehabilitation, logistical support and accountability. Auxiliary firefighters are not authorized to perform duties considered to be strenuous such as interior firefighting, ascending ladders or moving large pieces of equipment. Any auxiliary firefighter who performs such duties at an incident, unless directly ordered to do so by a superior, shall be subject to disciplinary action up to and including termination.

Mr. Genereux noted that firefighters over 65 will be covered by insurance and that the age cut off is a grey area for call firefighters as they don't pay into Worcester Regional, which has a cutoff retirement date of 65 for firefighters.

The Board discussed requiring annual physicals by the firefighter's doctors and Mr. Genereux stated he would check with Town Counsel as to whether or not this can be required.

Mr. Genereux discussed the revised Police Officer Union proposal which previously included a \$2910 educational stipend increase. Mr. Genereux noted the \$2910 amount included senior officers, so the amount is less. The union also agreed to a small increase of \$1645 in year one, \$225 in year two and \$225 in year three. The Board was in support of this proposal and Mr. Genereux stated he would notify the union so they can bring the proposal back to their rank and file for ratification.

A motion to go out of executive session was made by Mr. Brooks and seconded by Mr. Antanavica at 8:28pm. Roll call: All Ayes

**EXECUTIVE SESSION – SELECT BOARD
MARCH 9, 2020 at 6:30PM
TOWN HALL, SELECTBOARD CONFERENCE ROOM**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to enter into executive session at 8:35pm under MGL, Chapter 30A, Section 21A, Exception 3, to discuss strategy with respect to collective bargaining (Fire, Police and Highway Unions); and Exceptions 3 & 7, discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, section 21(a)(3) and (7) and Suffolk Construction V. DCAMM, 449 Mass. 44 (2007) (Fire & EMS Headquarters). The Chair declared that to discuss this matter in open session would compromise the position of the Town. Roll call: 5:0:0.

Exception 3 – Discuss strategy with respect to collective bargaining (Fire, Police and Highway Unions)

Mr. Genereux gave an update on the ongoing negotiations with the Highway Union. The discussion centered on increasing the probationary period for new employees from 6 months to 1 year to allow non-CDL candidates to be hired and have one year to obtain the required licensure, banking one personal day to the following fiscal year, increasing the clothing allowance from \$650 to \$700 per year, 2% COLA each year, doing away with the winter on call stipend (savings of \$1600/year) and changing contract language to award promotional steps on July 1 of every year with a minimum of 24 months required since last promotion. Mr. Genereux noted that no changes regarding facilities management will be made at this time; however, a second mechanic and light equipment operator are needed to take on the additional work from the schools so there will be two promotions.

Exceptions 3 & 7 - Discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire & EMS Headquarters

Mr. Genereux noted that the Town along with Town Counsel met with Luke Boucher from VHB and attorneys from Context Architecture to discuss the water issues at the new Fire and EMS Headquarters. Mr. Genereux noted that while Context did not argue with the fact that the retention ponds are not working as designed, they placed blame on the geotechnical consultant hired by the Town to look at the site (Yankee Engineering) as Context's contract did not include a site survey. Another executive session will be held once VHB has recommended a solution to the site issues.

A motion was made by Mr. Brooks and seconded by Ms. Provencher to go out of executive session at 9:19pm. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
APRIL 13, 2020 AT 5:30PM
VIRTUAL MEETING**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectman John Shocik, Town Counsel Chris Petrini, Luke Boucher (VHB Consultant), Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance. Selectwoman Dianna Provencher joined the meeting at 5:51pm.

A motion was made by Mr. Shocik and seconded by Mr. Brooks to enter into executive session at 5:46pm under Exceptions 3 and 7, to discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) – Fire Station Retention Ponds, and not to reconvene in open session. The Chair declared that to discuss this matter in open session would compromise the position of the Town. Roll call: 4:0:0.

Exceptions 3 & 7 – To discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) – Fire Station Retention Ponds

David Genereux provided a brief overview of the preferred option for resolving the water issues at the Fire Station site which is impacting the adjacent neighborhood. Mr. Genereux noted that Option 1 is the only viable option and includes expanding the largest pond and draining site water into the Warren Ave drainage system at an estimated cost of \$580,000. Mr. Genereux noted this option includes rebuilding the Warren Ave drainage system to be able to handle the capacity of water coming off the site. Of the \$580,000, \$200,000 would come from Chapter 90 funds and be specifically used to repair the Warren Ave drainage system. Utilizing this option would not require additional authorizations to be sought at Town Meeting, beyond the necessary easement.

Luke Boucher with VHB discussed the three site remediation options. Mr. Boucher echoed Mr. Genereux in stating that Option 1 was the only real option despite having hoped to have multiple viable options for the Board to consider. Option 1 requires just one easement and could be placed on any one of three abutters' properties. The Board discussed the possibility of obtaining easements at no cost.

Option 2 would remediate the site by discharging water into the existing stream (not just a swale as previously thought). This would require construction in the wetlands, requiring several local, state and federal permits as it would disturb more than 5,000 square feet of wetlands as well as multiple easements from abutters. Construction in a wetland area is only allowed if there is no other reasonable alternative, which there is in this case (Option 1). Mr. Boucher noted that this type of permitting would take at least a year, requiring an estimated \$100,000 in engineering and permitting costs. Total project cost is estimated at \$800,000.

Option 3 would require the installation of a pump station in the lower parking area to pump stormwater up the hill to the Paxton Street drainage system. There would be no easements required under this option, but there are several other challenges. This is the most expensive option, with an estimated cost of \$900,000. The trunk line on Paxton Street is 12", which in Mr. Boucher's opinion, would be insufficient for handling the flow of water off the site. This would require replacing the stormwater system on Paxton Street, which may not be approved under the Chapter 90 program, as the roadway in that area was just reclaimed and redone by MassDOT.

The Board discussed the options at length, but no decision was made, nor vote taken. The Board will reconvene in Executive Session on April 27th to discuss the matter further. Mr. Boucher agreed to mail copies of his maps and other materials to the Board in advance of the meeting.



A motion to go out of executive session was made by Ms. Provencher and seconded by Mr. Shocik at 7:14pm. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
APRIL 27, 2020 AT 6:30 PM
VIRTUAL MEETING**

Chair Sandra Wilson, Vice Chair Harry Brooks, 2nd Vice Chair Rick Antanavica, Selectwoman Dianna Provencher, Selectman John Shocik, Town Counsel Chris Petrini, Luke Boucher (VHB Consultant), Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Shocik and seconded by Mr. Brooks to enter into executive session at 9:00pm under MGL Chapter 30A, Section 21A, Exceptions 3 & 7, to discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) – Fire Station Retention Ponds. Roll call: 5:0:0.

Exceptions 3 & 7 – To discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) – Fire Station Retention Ponds

Luke Boucher with VHB presented a revised Option 1 for addressing water issues on the Fire & EMS Headquarters site which includes replacing the current drainage system with new trunkline to save money. This allows for only one trench which will save \$50,000. The cross culvert on Warren Ave at Gleason Way will also be replaced and the 8” storm drain will be moved off the roof of the fire station, if possible.

A motion was made by Mr. Shocik and seconded by Ms. Provencher to move forward with Option 1 as presented. Roll call: 5:0:0.

Town Counsel stated that the Select Board can release information regarding the chosen option. Mr. Boucher will make a recommendation on what to release. An easement must be obtained from 20, 22 or 24 Warren Ave and could be taken up at Fall Town Meeting.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to go out of executive session at 10:12pm. Roll Call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
JUNE 29, 2020 AT 6:30 PM
VIRTUAL MEETING**

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 9:04pm for a discussion with Town Counsel regarding nonunion personnel contract issues pursuant to G.L. c. 30A, s.21(a)(2), (7) and Suffolk Construction v. DCAM 449 Mass. 444 (2007). The Chair declared that to discuss these matters in open session would compromise the position of the town. Roll call: 5:0:0

Discussion with Town Counsel regarding Nonunion Personnel Contract Issues Pursuant to G.L. c. 30A, s. 21(a)(2), (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

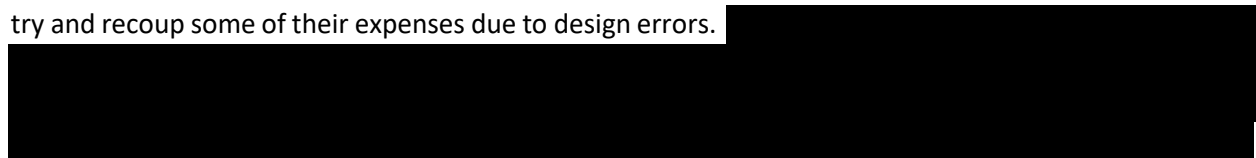
A motion was made by Mr. Shocik and seconded by Mr. Antanavica to go out of executive session at 9:41pm. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
JULY 7, 2020 AT 6:00PM
VIRTUAL MEETING**

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:14pm to discuss strategy with respect to pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985 pursuant to G.L. c. 30A, s.21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire Station Retention Ponds. The Chair declared that to discuss these matters in open session would compromise the position of the town. Roll call: 5:0:0.

Discuss strategy with respect to pending litigation in the case of BSI v. Town of Leicester, Civil Action No. 1885CV00985 pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire Station retention ponds

Town Counsel Chris Petrini provided an overview of the BSI lawsuit. The Town was sued by BSI over the Fire & EMS Headquarters construction project approximately 2 years ago due to cost overruns related to site issues. Town Meeting approved a \$700,000 settlement agreement with BSI last fall. Now the Town is working to address the three failing retention ponds on site. Luke Boucher with VHB was hired to provide a third-party engineering analysis of the site. VHB determined that there were errors in the design of the water mitigations measures for the site and presented three options for site remediation to the Board. The selected remediation method involves reconstruction of the Warren Ave drainage system to pull water off the site and down to Sargents Pond and is estimated to cost between \$500,000 and \$600,000. The Town has commenced mediation proceedings with Context Architecture who designed the station. Builder Systems Inc, the construction contractor, is asking to be involved in the mediation to try and recoup some of their expenses due to design errors.



A motion was made by Mr. Antanavica and seconded by Mr. Shocik to initially negotiate solely with Context Architecture but to bring Builder Systems Inc into the negotiation later if so recommended by Counsel. Roll call: 5:0:0.

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to go out of executive session at 6:48pm. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
AUGUST 17, 2020 AT 6:00PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 6:00pm. Chair Dianna Provencher, Vice-Chair Harry Brooks, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:00pm under MGL Chapter 30A, Section 21A, Exception 2, to conduct strategy sessions in preparations for negotiations with nonunion personnel (Department Head Contracts) and Exception 3, to discuss strategy with respect to collective bargaining (Police Officer Union). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

Exception 2 – To conduct strategy sessions in preparations for negotiations with nonunion personnel (Department Head Contracts)

Mr. Genereux discussed the following draft department head contracts:

- 1) Library Director – 3-year contract renewal with no salary increase and no other changes. If the FY21 budget remains level funded, a one time 2% bonus will be given to all nonunion employees including department heads. Salary is set at \$72,337.
- 2) Town Accountant – 3-year contract retroactive to July 1, 2019. Contract recognizes stipend paid for working as the Spencer Town Accountant which would be removed if the agreement with Spencer were to be terminated. Leicester salary is set at \$68,423 plus Spencer stipend.
- 3) Highway Superintendent – 1-year contract at the request of the Superintendent which includes a \$7,000 stipend for facilities maintenance, bringing the contract total to \$90,000. The Board discussed whether the Superintendent would need to obtain a contractor supervisors' license in order to pull permits for work done on town facilities as well as giving a partial stipend of \$3,500 at this time. The Town Administrator was asked to amend the highway superintendent position description to include the roles and responsibilities for facilities management.
- 4) Assistant Town Administrator – Mr. Genereux discussed a memorandum that discussed the need for an Assistant Town Administrator and his concerns that Ms. Forsberg may obtain a similar position in Northborough. He explained to the Board that he was not making a recommendation, but he was offering a scenario in which the position could be offered without costing the Town additional budgeted funds. Members discussed his experience, education, and the wealth of institutional knowledge that would be lost if Ms. Forsberg left the Town. Mr. Genereux explained that he discussed the matter with Ms. Forsberg, and that she would be willing to stay if she was given the Title of Assistant Town Administrator, If she was to give up her administrative duties by July 1, 2020, and if she was given Level 5, Step 2, at \$60,886 for the remainder of FY 2020, and moved to Level 5, Step 3, at \$67,640 effective July 1, 2021. Mr. Genereux stated that if this worked

for the Board, he would write a contract for approval at the August 24th Select Board meeting. There were no objections.

Exception 3 – Discuss strategy with respect to collective bargaining (Police Officer Union)

This item was passed over and will be discussed at a future meeting.

A motion was made by Mr. Antanavica at 6:39 pm to adjourn the executive session. Seconded by Mr. Shocik, the vote carried 5-0-0. The Board reconvened in open session at 6:46pm.

**EXECUTIVE SESSION – SELECT BOARD
AUGUST 24, 2020 AT 6:00PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 6:05pm. Chair Dianna Provencher, Vice-Chair Harry Brooks, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:05pm under MGL Chapter 30A, Section 21A, Exception 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel (Department Head Contracts) and Exception 3, to discuss strategy with respect to collective bargaining (Police Union). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel (Department Head Contracts)

Mr. Genereux discussed the proposed three-year contract with Highway Superintendent Dennis Griffin. This contract would increase Mr. Griffin's salary to \$90,000 in exchange for overseeing municipal facilities. This represents a \$8,827.58 stipend to provide these additional services. The stipend is listed separately in the contract to allow either the Town, Mr. Griffin or both parties to back out of facilities services with a 30-day notice. The contract also requires Mr. Griffin to obtain his construction supervisor's license by July 1, 2021.

Exception 3 - To discuss strategy with respect to collective bargaining (Police Union)

Mr. Genereux noted that all union contracts were put on hold back in March due to COVID. The Police Officers' Union has requested the Town negotiate some non-monetary items and clean up language in the contract in the interim as follows:

- A one-year agreement through June 30, 2021 that allows for negotiations to open again once the State FY21 budget numbers have been finalized in the fall
- Language change to allow the Chief to request personal leave buyback information from officers by February 1
- Remove language surrounding penalties for being sick on super holidays as the Chief has no issues
- 55 days of sick leave buyback upon retirement
- Add requirements for fitness training to the contract so officers know what to expect to obtain their stipend
- Expand the degrees which qualify for educational incentives
- Language stating there shall be no officer "in charge" benefit if the Chief is on duty
- Will come back to discuss cost of living and detail pay increases

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to go out of executive session at 7:00pm and to resume in open session. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
SEPTEMBER 21, 2020 AT 5:45PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 5:45pm. Chair Dianna Provencher, Vice-Chair Harry Brooks, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux and Assistant Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Antanavica and seconded by Mr. Duggan to enter into executive session at 5:45pm under MGL Chapter 30A, Section 31A, Exception 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel (Principal Assessor) and Exceptions 3&7, to discuss strategy with respect to pending litigation pursuant to G.L. c.30A, Section 21(a)(3) and (7) and Suffolk Construction v. DCAMM, 449 Mass. 444 (2007) (Fire Station retention ponds). The Chair declared that to discuss these matters in open session would compromise the position of Town. Roll call: 5:0:0.

Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel (Principal Assessor)

Mr. Genereux discussed a proposed contract with Sandy Genna who would take over as Principal Assessor for the Town upon John Prescott's retirement. There would be a few weeks of overlap for training purposes. Mr. Genereux noted that Mr. Genna has over 15 year of assessing experience and is currently the Assessor for the Town of Boxborough. Mr. Genereux recommended setting Mr. Genna's salary at level 4 based on his experience which is \$71,638.

Exceptions #3 & #7 – Discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire Station retention ponds

Mr. Genereux stated that virtual mediation with Context and the State appointed mediator begins tomorrow. Based on the proposed options for mitigating the water issues at the fire station, initial estimates for the repair range from \$525K-\$900K. These design options have been shared with Context.

[REDACTED]

Context disputes their responsibility for repairing the Warren Ave drainage system to resolve this issue and are still blaming BSI for failing to properly manage the soils. The Board discussed the resident at 14 Harberton who does not want the project option which goes down Harberton to his property. The Board settled on a starting negotiation range of \$620,000 to \$770,000.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to go out of executive session at 6:10pm and to resume in open session. Roll call: 5:0:0.

**EXECUTIVE SESSION – SELECT BOARD
SEPTEMBER 28, 2020 AT 6:00PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 6:00pm. Chair Dianna Provencher, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux and Assistant Town Administrator Kristen Forsberg were in attendance. Selectman Brooks was absent.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 8:18pm under MGL Chapter 30A, Section 21A, Exceptions 3&7, for a meeting with Town Counsel to discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire Station retention ponds. The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 4:0:0.

Exceptions 3 & 7 – Meeting with Town Counsel to discuss strategy with respect to pending litigation (Fire Station Retention Ponds)



The settlement is subject to three conditions:

- 1) The settlement must be kept confidential to the extent permitted by law. Mr. Petrini made it clear that the settlement would have to be disclosed under Mass General Laws pursuant to a public records request.
- 2) The Town must agree to dismiss their counterclaim against BSI
- 3) The Town must grant a release to Context which is a standard part of a settlement

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to accept the \$560,000 settlement. Under discussion, the more expensive pump station option was discussed due to a property owners' concerns about the potential for increased water on his land. The motion carried 4:0:0.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to go out of executive session and resume in open session at 6:23pm. Roll call: 4:0:0.

A motion to adjourn was made by Mr. Shocik and seconded by Mr. Antanavica at 6:24pm. Roll call: 4:0:0.

**EXECUTIVE SESSION – SELECT BOARD
OCTOBER 5, 2020 AT 5:45PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 5:50pm. Chair Dianna Provencher, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux, Assistant Town Administrator Kristen Forsberg, Town Counsel Christopher Petrini and Assistant to the Town Administrator Bryan Milward were in attendance.

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 5:51pm under MGL Chapter 30A, Section 21(a), Exception 3 and 7 to discuss strategy with respect to pending litigation and under MGL Chapter 30A, Section 21(a), Exception 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel (Health Agent). Roll Call: 5:0:0

Exceptions #3 & #7 – Discuss strategy with respect to pending litigation pursuant to G.L. c. 30A, §21(a)(3) and (7) and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) – Fire Station retention ponds

Town Counsel Christopher Petrini provided a summary of the terms of the proposed agreement. A motion was made by Mr. Antanavica and seconded by Mr. Duggan to accept the settlement and authorize the Town Administrator to execute all documents pertaining to the agreement. Roll Call: 5:0:0

Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel (Health Agent)

Town Administrator David Genereux explained the terms of the health agents proposed contract. Select Board members expressed concerns about the supervision of the health agent in the Department of Inspectional Services. No action was taken

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to go out of executive session and into open session at 6:10pm. Roll Call: 5:0:0

**EXECUTIVE SESSION – SELECT BOARD
OCTOBER 19, 2020 AT 5:45PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 5:45pm. Chair Dianna Provencher, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux, Assistant Town Administrator Kristen Forsberg, and Assistant to the Town Administrator Bryan Milward were in attendance. Selectman Brooks was absent.

A motion was made by Mrs. Provencher and seconded by Mr. Antanavica to enter into executive session at 5:48pm under MGL Chapter 30A, Section 21(a), Exception 2 to conduct strategy sessions in preparations for negotiations with nonunion personnel (Conditional Local Inspector/Zoning Enforcement Officer). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 4:0:0.

Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel (Conditional Local Inspector/Zoning Enforcement Officer)

Town Administrator David Genereux provided an explanation of the relevant state law regarding Mr. Silva's classification in this position and the tests he'll be required to pass in order to be fully licensed. Mr. Genereux stated that the probationary period for Mr. Silva would be 180 days and that Mr. Silva would begin on step 2 of the salary schedule and move up to step 3 once he completed his licensure. Mr. Antanavica requested that the Select Board be notified of any complaints that arise during the building inspector's tenure given the problems with previous building officials.

A motion to adjourn was made by Mr. Antanavica and seconded by Mr. Duggan at 5:55pm. Roll Call 4:0:0

**EXECUTIVE SESSION – SELECT BOARD
DECEMBER 7, 2020 AT 5:45PM
VIRTUAL MEETING**

Chairwoman Provencher called the meeting to order at 5:46pm. Chair Dianna Provencher, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux, Assistant Town Administrator Kristen Forsberg, and Assistant to the Town Administrator Bryan Milward were in attendance. Vice-Chair Harry Brooks was absent.

A motion was made by Mr. Antanavica and seconded by Mr. Shocik to enter into executive session at 5:48pm under MGL Chapter 30A, Section 21(a), Exception 2 to conduct strategy sessions in preparations for negotiations with nonunion personnel (Director of Elder Services). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 4:0:0.

Exception 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel (Conditional Local Inspector/Zoning Enforcement Officer)

Vice-Chair Harry Brooks joined the meeting at 5:50pm. Town Administrator David Genereux provided an explanation of the contract's provisions including the retroactive date and that it mirrored the contracts typically used by the Town's department heads.

A motion to adjourn was made by Mr. Antanavica and seconded by Mr. Shocik at 5:54pm. Roll Call 5:0:0