



Town of Hudson - Board of Selectmen

Minutes—August 17, 2020

Remote via Zoom 7:00 PM

1. Call to Order:

Present were Mr. Durant, Mr. Duplisea, Mr. Lucy, Mr. Quinn, Mr. Parent and Mr. Moses. Also present were Atty. Cipriano and Ms. Vickery.

2. Minutes to be Approved:

a) Public session minutes – August 10, 2020

On a motion by Mr. Parent, seconded by Mr. Duplisea, the Board voted 5-0 by roll call to approve the public session minutes of August 10, 2020.

b) Executive session minutes – August 10, 2020

On a motion by Mr. Duplisea, seconded by Mr. Parent, the Board voted 5-0 by roll call to approve the executive session minutes of August 10, 2020.

3. Meetings and Public Hearings - 7:00 PM:

4. Licenses:

a) Selectmen to consider approving an outdoor / sidewalk dining application from Victor Tzakis of Victor's 50's Diner located at 19 Washington Street between the hours of 7:00 AM - 11:00 PM Sunday through Saturday.

Mr. Parent noted that the dining area seems to exceed the frontage of the business. He asked if the property owner for the adjacent businesses were notified that they would be using their frontage and whether the business owners were notified. Will Rodrigues of Vic's stated that the property owner is aware as are the business owners. Beyond the Bard (next door) relayed that she wants to put out a sale table in front of her business. Mr. Rodrigues stated that they would probably relocate some tables to the front of the church. Ms. Nicole Heideman of Beyond the Barn stated that the majority of the tables will be in front of her business. She would like to be able to set up tables outside. She believes this will impact not only the ability to set up tables it also affects her brand.

Mr. Quinn stated that he has spoken with the property owner and he said that he would agree with whatever his tenants decide. He noted that none of the outside dining being proposed is in front of the diner itself. Mr. Quinn noted that he cannot vote in favor of this application the way it has been proposed.

Mr. Duplisea also stated he cannot approve this as proposed.

Mr. Parent said he needed some clarification regarding the DPW Director's comments on the application. Mr. Quinn stated that as the BID's liaison to the DPW Director he can speak to this issue and clarify it. He explained that the DPW Director is talking about a "tilt down" in a way in case the church has a funeral and there is need for vehicles to up to the church on the sidewalk bumpers will be created to bridge the area between the road surface and side surface. By asking for a permit to adjoin this public space it could be accessed.

On a motion by Mr. Parent, seconded by Mr. Duplisea, the Board voted 5-0 by roll call to continue this to its meeting of August 24, 2020.

5. Personnel:

- a) Selectmen to consider approval of the appointment of Jack Roy as W-2 Wastewater Laborer, Step 1, effective August 18, 2020.

On a motion by Mr. Lucy, seconded by Mr. Duplisea, the Board voted 5-0 by roll call to approve the appointment of Jack Roy as W-2 Wastewater Laborer, Step 1, effective August 18, 2020.

- b) Selectmen to consider approval of the appointment of Zachary Burgess as W-2 Wastewater Laborer, Step 1, effective August 18, 2020.

On a motion by Mr. Lucy, seconded by Mr. Parent, the Board voted 5-0 to approve the appointment of Zachary Burgess as W-2 Wastewater Laborer, Step 1, effective August 18, 2020.

6. Contracts:

- a) Selectmen to consider approval of and authorization to sign contract with The Addiction Referral Center in the amount of \$20,000 (exempt) for addiction referral services for Hudson Residents.

On a motion by Mr. Parent, seconded by Mr. Durant, the Board voted 5-0 by roll call to approve and authorize the signing of a contract with The Addiction Referral Center in the amount of \$20,000 (exempt) for addiction referral services for Hudson Residents.

7. General:

- a) Selectmen to consider approval of a temporary employee travel policy.

On a motion by Mr. Durant, seconded by Mr. Parent, the Board voted 5-0 to approve a temporary employee travel policy.

Mr. Lucy evoked his member privilege to make a statement before the next agenda item. He stated that he is against seeking a special act agenda item for two fundamental reasons. He went on to say that if the item is removed and/or passed over at this time he would not enter his reasons into the record. He asked the Chair to take a poll of the Board. The remaining members did not want to remove the agenda item.

- b) Selectmen to consider voting to seek a special act to allow an employment contract for the Director of Public Works in Hudson.

Mr. Lucy stated that this agenda item evolved from possibly continuous and growing disregard for the Selectmen's duties described in the Town Charter. He read a passage from the Charter, "Section 3-4 (h) Employee Relations: Except for the purpose of investigation authorized by this charter, the board of selectmen shall deal solely through the executive assistant with town officers and employees subject to his direction and supervision." Mr. Lucy then gave two hypothetical situations that highlight this issue. Another fundamental problem he has with this is that to "disregard this section of the Charter and to communicate with Town employees is to become a micromanager" in the place of the Executive Assistant. Section 3-4 (h) serves to abolish this. He asked that the Board either abstain or vote against this.

Atty. Cipriano asked if Labor Counsel told the Board whether this request has to go to Town Meeting. Mr. Moses said no. Mr. Durant thinks that this should be passed over until the next meeting in order to get this clarified.

The majority of the Board agreed.

8. Town Issues:

Mr. Quinn asked if there is a set date for Town Hall to fully open back up. Mr. Moses stated that he does not see this happen until the Governor's mandates are relaxed. However, Town Hall is operating by appointment. .

9. Executive Session:

- a) Selectmen to consider entering into Executive Session pursuant to Mass. General Laws c. 30A, Section 21(3) to discuss potential and imminent litigation in that an Open Meeting may have a detrimental effect on the litigating position of the Board of Selectmen and Town and the Chairman so declares; and to seek advice of legal counsel present.
- b) Selectmen to consider entering into Executive Session pursuant to Mass. General Laws c. 30A, Section 21(3) to discuss potential and imminent litigation in that an Open Meeting may have a detrimental effect on the litigating position of the Board of Selectmen and Town and the Chairman so declares: *Town of Hudson v. Thomas Zina*, Marlborough District Court Docket No. 1221CV000212; and to seek advice of legal counsel present.

10. Adjourn:

On a motion by Mr. Durant, seconded by Mr. Parent, the Board voted 5-0 by roll call to adjourn its public session meeting of August 17, 2020 at 7:50 PM and enter into executive session, not to return to public session.