TOWN OF SHREWSBURY
Board of Selectmen Meeting
Board of Selectmen's Meeting Room
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Tuesday, June 9, 2020 - 7:00 PM
MINUTES

Important Notice: Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Shrewsbury Board of Selectmen will be conducted via remote participation to the greatest extent possible. All meetings and hearings listed in the agenda will also be done so through remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town’s website, at www.shrewsburyma.gov/coronavirus. For this meeting, members of the public who wish to listen or watch the meeting may do so by visiting https://www.shrewsburymediaconnection.org/. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. To participate in the public comment portion of this meeting, dial [1 747-248-7354] and enter the following pin: [153 991 490#]. Please mute your device until the Chair of the Board of Selectmen addresses your agenda item or opens the meeting to public comment.

Present: Mr. Maurice DePalo, Chairman, Ms. Beth Casavant, Vice Chairman, Mr. John Lebeaux, Clerk, Mr. James Kane, Selectman, Mr. John Samia, Selectman
Also Present: Mr. Kevin Mizikar, Town Manager, Ms. Priya Rathnam, Library Director, Angela Snell, Superintendent of Public Facilities, Jeffrey Howland, DPW Director

Mr. DePalo called the meeting to order at 7:00pm and read the remote script verbatim.

Preliminaries:
1. Approve bills, payrolls and warrants
On a motion by Ms. Casavant, seconded by Mr. Lebeaux, the Board unanimously voted, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve warrants 2096, 2047, 2096ME, 2098, 20100 as presented.

2. Approve Minutes of May 12, 2020
On a motion by Ms. Casavant, seconded by Mr. Lebeaux, the Board unanimously voted, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve minutes of May 12, 2020.

3. Announcements/Reports
Mr. Lebeaux stated the following:
“As I imagine the rest of you have been doing since we issued our statement last Thursday regarding the homicide of George Floyd, I’ve been thinking about our next steps. My impression, which I think all of you share, is that the Board’s statement was intended as a beginning step, not a final action. I spent a lot of time thinking Thursday night and Friday, and realize that though I have many, many more questions than answers, the Town of Shrewsbury needs to much more actively consider questions of diversity, discrimination, and racism. I made Mr. Mizikar aware of my
thinking Friday, and he informed me that he had heard somewhat similarly from residents that further action is necessary, which I believe led to tonight’s Correspondence Item 29 in which we are requested to form an Anti-Racism Committee. Board members, though I agree with the sentiment expressed in the request, I do not think it is as bold and broad as it should be. I would like to request, Mr. Chairman, that you place on an upcoming agenda, preferably our next regularly scheduled meeting, an agenda item to discuss any and all steps necessary to consider questions of diversity, discrimination, and racism in the Town of Shrewsbury and how to best address them. As it is not on tonight’s agenda, I don’t think it’s appropriate to discuss too deeply, but I will propose the formation of a much larger body than a standing committee, a task force that will meet intensely over a period of say 90 days to study the issues and provide a series of recommendations to the Board. Membership would be composed of a mix of residents and government leaders that reflect the makeup of the community. The Task Force would offer opportunities for public comment through written and, if technologically feasible, oral comments. I would expect that among the recommendations from the Task Force would be the formation of a smaller permanent public body, as the writers of item #29 request. My thinking is that the permanent committee’s charge would be framed around the recommendations of the task force.”

Ms. Casavant agreed with Mr. Lebeaux and wants to make sure that the issues within our community are addressed appropriately and the task force should be formed right away. Mr. Kane echoed with sentiments of the Board. Mr. Samia thinks it’s important to move forward and believes the Board should act quickly and would like to know what we actively do today as a community in terms of policies and procedures and would encouraged all viewers to provide feedback on what they think the committee would look like and what the goals would be. Mr. DePalo commented that it would be helpful if members of the Board and the Town Manager could reach out to the writer of the letters in items 27 & 29 to see what the task force may entail. Mr. DePalo reviewed items 28&29 in the agenda and reviewed the background of Juneteenth. The Board cannot act on that request this evening however a series of meetings have been scheduled over the next week to review outdoor seating licenses and action could be taken on Mondays meeting on June 15th. In regards to item 29, Mr. Lebeaux proposal encompasses that request.

Mr. Mizikar stated that 16 months ago, Town staff began holding meetings and discussed long term planning and deeper engagement within the community. Town staff developed the following purpose and vision for the Town:

- **PURPOSE:** The Town of Shrewsbury is dedicated to fostering a vibrant and safe community for all to thrive.
- **VISION FOR THE TOWN GOVERNMENT:** The Town of Shrewsbury will be the best local government in the world.

Mr. Mizikar stated: “In my opinion local government was created for the benefit of and to serve its residents. There is no government entity that is to be closer or more responsive to its residents. Local government employees whether by actual physical address or professional commitment are members of this community. We are here to serve, protect, foster and enable. Never to harm. I know the individual employees of this Town and I see their passion to serve protect foster and enable and reject all things that may cause harm. I see and hear the residents of this Town and others asking for us never to cause harm, physical, physiological; intentional or unintentional. I have compassion for the groups and individuals that local governments have harmed. I am disgusted by and reject any actions that would cause harm. I grieve for the family of George Floyd. I embrace my role as the Town Manager to better connect the employees of the Town and the residents of the Town. We are not separate groups; We are Shrewsbury.”

4. **Town Manager’s Report**

Mr. Mizikar stated that the farmer’s market will begin on June 17th. Mr. Mizikar reviewed the status of ongoing construction project as detailed in a memo dated June 4, 2020 from DPW Director Jeff Howland. Mr. Mizikar discussed the status of the bond rating agencies during the Covid-19 pandemic.

Ms. Rathnam reviewed library updates as detailed in the referenced document. The Board commended Ms. Rathnam for her work during the Covid-19 pandemic. Ms. Snell reviewed an overview of the cleaning for the library.
Ms. Snell also provided an overview of the status on Parks and Recreations for phase 2 operations as detailed in a press release issued on June 9, 2020. Parks & Rec not fully staffed right now and they appreciate cooperation while they are trying to get everything in order.

Special Reports/Actions/Updates:
5. Coronavirus/COVID-19 from Town Manager
Mr. Mizikar reviewed a PowerPoint presentation detailing an update on COVID-19 including positive cases, deaths, status of town buildings & staff.

Financial Business:
6. Budget Report
Mr. Mizikar reviewed a PowerPoint presentation that reviewed the FY2021 budget and a revenue model that is being used as the background for the 1/12th budget for July 2020 and the July 2020 Expenditures summary. Mr. Mizikar presented the detail for the July 2020 1/12th budget and the Board discussed various line items.

7. Review and act on the Monthly expenditure plan for July 2020 for the General Fund, Water Services Fund, Sewer Fund, PAYT Fund, Stormwater Fund and PEG Access Fund and authorize the electronic submission of the plan in accordance with the Division of Local Services Bulletin-2020-6
Mr. Lebeaux moved the Board vote to approve the Monthly expenditure plan for July 2020 for the General Fund, Water Services Fund, Sewer Fund, PAYT Fund, Stormwater Fund and PEG Access Fund in the Amount of $18,184,470 and authorize the electronic submission of the plan in accordance with the Division of Local Services Bulletin-2020-6, seconded by Ms. Casavant, unanimously voted on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes.

Meetings/Hearings:
8. 7:20 pm: Continued Public Hearing with Keith Lindem, Proposed Manager, 81 Clinton Pub, LLC, d/b/a Billy’s Pub, 81 Clinton Street, for an All Alcoholic Beverages Pouring License and Entertainment License. Hours of Operation Sunday through Saturday 11:00am-2:00am. Hours of Entertainment Friday and Saturday 7:00pm-11:00pm
On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to continue the hearing to the next meeting.

New Business:
9. Review Open Meeting Law complaint from Patrick Higgins submitted on May 27, 2020 concerning the Board’s May 26, 2020 meeting and executive sessions on March 7, 2020 and March 10, 2020
Mr. Mizikar reviewed the items of Mr. Higgins complaints, the responsibility of the Board and future actions of staff. Mr. Mizikar reviewed the contents of a letter prepared in order to address Mr. Higgins complaint. On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to sign the letter as prepared by the manager’s office.

10. Review and act to sign a letter of support for the 2020 Municipal Vulnerability Grant application and to authorize the chairman to sign the 2020 Municipal Vulnerability Grant
On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to sign a letter of support for the 2020 Municipal Vulnerability Grant application and to authorize the chairman to sign the 2020 Municipal Vulnerability Grant
11. Review and act on the Town Manager Evaluation form
Mr. Samia suggested that the prior year Town Manager goals be included in the evaluation form for review. The Board suggested edits on the form. Mr. DePalo stated that he would work on edits with Kristin Anderson and bring it back to the Board for final approval.

12. Review and act on process for approval of outdoor dining premises pursuant to COVID-19 Order No. 35
The Board discussed the application form and process for approval. Mr. Samia made minor suggestions to the application form. On a motion by Ms. Casavant, seconded by Mr. Samia, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve the application and process for approval of outdoor dining premises pursuant to COVID-19 Order No. 35.

13. Review and act on the reappointment of James Brown, 92 High Street, Jeffrey Howland, 100 Maple Avenue, Nick Repekta, 100 Maple Avenue, Joseph Thomas, 86 Grove Street, Patricia Sheehan, 100 Maple Avenue, Kristen Las, 100 Maple Avenue, and Andrew Truman, 100 Maple Avenue, to the Complete Streets Committee for a three year term to expire on June 30, 2023
Mr. Kane and Mr. Mizikar discussed the charge and practicality of the complete streets committee. On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve the appointments.

14. Review and act on the reappointment of John Campbell, 176 North Street, and Kristine Gustafson, 216 Prospect Street, to the Historic District Commission for a three year term to expire on June 30, 2023
Mr. Campbell requested to wait on his reappointment. On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to reappoint Kristine Gustafson to the Historic District Commission for a three year term to expire on June 30, 2023.

Mr. Kane and Mr. Mizikar discussed the charge and practicality of the complete streets committee. On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve the reappointment.

16. Review and act on the reappointment of Stephen Madaus, 100 Front Street, Worcester, as Town Counsel for a one year term to expire on June 30, 2021
On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr. Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to approve the reappointment.

Correspondence: The Board of Selectmen will review and possibly act on the following:
17. Email, dated May 22, 2020, from Melinda Springer, 47 Memorial Drive, re: Selectmen’s Meeting – so noted
18. Email, dated May 24, 2020, from Stefanie Gauguet, 23 Appaloosa Drive, re: Street Sign and Little Library- The Board discussed that the little library can be placed on private property. The sign will be sent to the DPW for review as well as an analysis on what has been done in the past with these types of requests.
19. Email, dated May 25, 2020, from Christopher G. Mehne, Town Moderator, re: Town Meeting Planning Guide- so noted
20. Email, dated May 26, 2020, from Melinda Springer, 47 Memorial Drive, re: Dog Bark Log for May 25, 2020- so noted
21. Email, dated May 26, 2020, from Kevin Krasnecky, CMRPC, 1 Mercantile Street, Suite 520, Worcester, re: Public Meeting Notice- so noted
22. Email, dated May 26, 2020, from Chris Lund, 235 Cherry Street, re: Appeal of Approval decision for a Class I License for NITCO, 230 Cherry Street- so noted
23. Letter, dated May 28, 2020, from Adams Farm Condominium Trustees, re: Nuisance Dogs at 47 Memorial Drive-
    Mr. DePalo will work on crafting a response
24. Email, dated May 28, 2020, from Massachusetts Department of Revenue, Division of Local Services, re: Proposed
    2020 Equalized Valuations- so noted
25. Email, dated June 3, 2020, from Chelsea Pajzer, 11 Westview Ave, re: Supporting Minorities in our Community-
    so noted
26. Letter, dated June 4, 2020, from Jeffrey Howland, DPW Director, to Debra Beavin, Economic Development
    Administration, 900 Market Street, Room 602, Philadelphia, PA, re: Letter of Support for FY 2020 EDA Public
    Works and Economic Adjustment Assistance Program- so noted
27. Email, dated June 5, 2020, from State Representative Hannah Kane, re: COVID-19 Elections Legislation -
    H47680- so noted
28. Email, dated June 8, 2020, from Elizabeth Hylton, 123 Bumble Bee Circle, and Philip Blumberg, 4 Brook Street,
    re: Juneteenth Recognition- so noted
29. Email, dated June 8, 2020, from Sanam Zaer, 8 Jamie Lane, and Bridgette Hylton, 1 Jacobson Drive, re: Proposal
    for Creation of Anti-Racism Committee- so noted

On a motion by Ms. Casavant, seconded by Mr. Lebeaux, on a roll call vote, Ms. Casavant-yes, Mr. Lebeaux-yes-Mr.
Kane-yes, Mr. Samia-yes, and Mr. DePalo-yes, to adjourn at 9:00 pm.

Respectfully Submitted,

Valerie B. Clemmey
Administrative Assistant to the Board of Selectmen

Referenced Materials
6/9/20 Remote Script
6/9/20 Library Info
6/9/20 Phase 2 release from Parks & Rec
6/9/20 Town Manager PowerPoint Slides
Confirming Member Access:
As a preliminary matter, this is Maurice DePalo, Chairman of the Board of Selectmen. Please permit me to confirm that all members and persons anticipated on the agenda are present and can hear me.

- Members, when I call your name, please respond in the affirmative.
  - Beth Casavant
  - John Lebeaux
  - John Samia
  - James Kane
- Staff, when I call your name, please respond in the affirmative.
  - Kristen Las
  - Alexandria Martinez

Introduction to Remote Meeting:
Good evening. This Open Meeting of the Board of Selectmen is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus.”

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.
The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will not feature public comment.

For this meeting, the Board of Selectmen is convening by Google Hangout as posted on the Town’s Website identifying how the public may join.

For “Zoom” or “Google Hangout” Meetings
Please note that this meeting is being recorded, and that some attendees are participating by video conference.

Accordingly, please be aware that other folks may be able to see you, and that take care not to “screen share” your computer unless asked by the chairperson or the staff person. Anything that you broadcast may be captured by the recording.

Meeting Business Ground Rules
We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

● I, Maurice DePalo, will introduce each Board Member or Staff Member who has the lead role for this particulate item or guest/speaker associated with this item on the agenda. After they conclude their remarks, the Chair will go down the line of Members first and then to staff members, inviting each by name to provide any comment or questions. I will then call upon the members to offer a motion and then for a second. Please hold until your name is called. Further,

   o Please remember to mute your phone or computer when you are not speaking; remember that unless a document is being shared, your camera feed is triggered by your speaking or background noise; To mute & unmute your telephone dial *6
   o Please remember to speak clearly and in a way that helps generate accurate minutes

For others in attendance that are expected to present:
   o Please hold until your name is called to present
   o Please remember to mute your phone or computer when you are not speaking; remember that unless a document is being shared, your
camera feed is triggered by your speaking or background noise; To mute & unmute your telephone dial *6
  o Please remember to speak clearly and in a way that helps generate accurate minutes
  o After your presentation, members of the Board/Committee will be given the opportunity to ask questions
  ● For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

  ● If members wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.

  ● Finally, *each vote taken in this meeting will be conducted by roll call vote.*
State library agencies, like the Massachusetts Library System (MLS) and the Massachusetts Board of Library Commissioners (MBLC) have facilitated discussions with all the MA libraries and taken our input and offered guidelines to libraries. These guidelines are in tandem with Governor Baker’s phased reopening plan for various organizations.

While I miss our library visitors, I am committed to meeting the State and Town of Shrewsbury guidelines while planning a phased reopening of the library. The priority of the Board of Library trustees and myself is to ensure the safety and wellbeing of staff and patrons. Since March 15th when the library was closed to the public, library staff have been working remotely on promoting our digital resources and offering virtual programs. They have been extremely flexible and adaptable, demonstrating creativity while planning virtual story times for children, book discussions, yoga and mindfulness classes on Zoom etc. They have also been compiling and highlighting digital resources that residents can access remotely. I would like to highlight 2 services that we’ve offered. Our technology specialist took the 3D printers home and has printed visors for shields for an organization called MassFaceShields.com in Natick and they have donated shields to health care workers in MA. The other is a virtual memory café that gathered on Zoom last Friday. It was a joy to see 4 families of caregivers and their loved ones living with Alzheimer’s enjoy a musical performance that we coordinated. Lots of groups meet on Zoom for education and recreation but this was like an icing on a cake and made me so happy!

As far as the library is concerned, we are still on Phase 1. Part A of Phase 1 started on June 1st when staff started going back to the library in two teams on alternate weeks. For Part B of Phase 1, we are planning to resume partial services for the public starting on Friday, June 12th.

Returning Materials:

- On Friday, June 12th, library patrons can return checked out items that belong to the Shrewsbury Public Library from 10 AM – 3 PM. Materials may be returned in the book drop. Materials being returned will be quarantined and will not be checked in for 72 hours.

Curbside Pickup:

- Through this service, residents may request Shrewsbury library materials ahead of time to borrow and pick up outside the library.
- Starting on Monday, June 8th, patrons can start placing holds on books, audiobooks or DVDs through the CWMARS system. Up to 10 holds can be placed on one library card. Please make sure you select items available in the Shrewsbury Public Library.
- When you receive an email confirming that your hold is ready to pick up, you can schedule a time for pickup.
- Appointments for pickups can be made by clicking on the link “Scheduling Appointments for Curbside Pickup” on the library website. Patrons will have to enter their names, library card numbers and make, model and color of their cars for staff to be able to identify them.
• This will be a no-contact transaction and bags will be ready for pickup on tables outside the library. Curbside pickup will be available on Tuesday, June 16th, Wednesday, June 17th and Thursday, June 18th from 10 AM – 3 PM.
• We plan to continue with this schedule in the following weeks. Please stay tuned for any changes or updates.

Please call 508-841-8533 or email splreference@cwmars.org or splcirc@cwmars.org with any questions. Staff will respond to your queries on weekdays between 9 AM and 5 PM.
TOWN OF SHREWSBURY
Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5398

Issued June 9, 202

In an effort to stop the spread of the COVID-19 virus please follow these guidelines & reminders when using public facilities. Please wash your hands before and after visiting the park or bring hand sanitizer. Stay home if you are sick or not feeling well. Wear a face covering when you can’t maintain 6 ft social distancing from others (State Order).

What’s reopening for Phase II
Basketball Courts at Parks (By June 9th)
Playgrounds at Parks and Schools (Reopening by June 10th)
Restrooms at Dean Park (June 10th)
Permits begin to be issued to local Shrewsbury sports organizations who follow the state guidelines for Youth sports practices in groups of ten. (Varies by Sports Organization- start dates vary by league)
Elementary and Middle School grounds open except during school hours/programs.

What’s already open:
Town Parks and Trails
Donahue Rowing Center for single boats only.
State Boat Ramps, see guidelines issued by the State Fishing & Boating Access
Tennis courts at Dean Park, Coolidge School/Jordan Pond and Oak Middle
(No tennis lessons, tournaments or groups in tennis courts allowed)

What’s closed to all types of activities?
Shrewsbury High School Athletic Complex (Until further notice)
Group picnic permits
Special Events, groups of more than ten people.

Social Distancing Expectations: Please maintain social distancing of at least 6 feet apart between individuals. If a park or open space area is too crowded, come back later or visit another park. Wash your hands frequently and stay home if you are sick.

Face Mask & Coverings Guidance: Order No. 31
Regulation on Gathering of ten: Order No. 38

For more information: https://shrewsburyma.gov/coronavirus
Town Manager & COVID-19 Report

Positive Case Update

- **March 19 – June 9, 2020**
  - 310 Positive Cases, an increase in 40 from last BOS Meeting (270)
  - 81 Days
  - 3.82 Cases Per Day a reduction of 0.1 from last BOS Meeting (3.92)

- **May 20 – May 26, 2020**
  - 17 Positive Cases
  - 2.43 Cases Per Day

- **May 27 – June 2, 2020**
  - 0 Positive Cases

- **June 3 – June 9, 2020**
  - 40 Positive Cases (32 from reporting backlog)
  - 5.71 Cases per Day (1.142 cases per day without backlog)

- Population Context ~37,000
  - 0.84%
Deaths

- March 19 – June 8, 2020
  - 33 COVID-19 Identified, an increase of 1 from last BOS Meeting
  - 27 Clustered, an increase of 1 from last BOS Meeting
  - 84 Total (COVID-19 Identified and Other) an increase of 9
- Positive Case Context = 310
  - 10.64%, a reduction of 1.21%
- Population Context ~ 37,000
  - 0.089%
Town Manager & COVID-19 Report

Status of Town Buildings/Staffing & Reopening

- **Town Buildings**
  - Closed to the public until June 15
  - Open to the public (voters) for Election on June 16
  - Closed to the public until at least June 22
    - Likely initial open phase will be by appointment only

- **Library**
  - Director Priya Rathnam

- **Parks and Recreation Facilities & Programs**
  - Superintendent Angela Snell

- **CARES Act Funding Application**
  - March 1 – June 30, 2020
  - $918,844

- **Annual Town Meeting**
  - June 29, 2020
Fiscal Year 2021 Budget

July 2020

- Revenue Model (Full FY): -$3,654,371, -2.53%
  - New Growth: -$38,000, -4.70%
  - State Aid: -$1,517,353, -6.38%
  - Local Receipts: -$1,316,993, -11.09%
  - Free Cash Total: -$776,025, -25.07%
    - to Operating Budget: +$835,000, +267.30%
Fiscal Year 2021 Budget – July 2020

July 2020 – Expenditures Summary

- Total Recommendation: $18,184,470
  - Includes the General Fund and All Enterprise Funds
  - General Fund: $16,931,678
    - Town & Operating Support: $5,342,818
    - School: $5,500,000
    - Debt Service: $6,088,860
  - Enterprise Funds:
    - Solid Waste: $356,211
    - Sewer: $526,235
    - Water: $312,431
    - Stormwater: $121,395
    - PEG Access: $35,520
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</table>
June 10, 2020

Patrick Higgins
PO Box 24
Swansea, MA 02777
patrick@patrickhiggins.co

Re: Response to Open Meeting Law Complaint Filed on May 27, 2020

Mr. Higgins:

This letter shall serve as the written response of the Shrewsbury Board of Selectmen (the “Board”) to your Open Meeting Law complaint dated May 26, 2020, filed with the Board on May 27, 2020 (copy enclosed). The Board reviewed your complaint at its meeting on June 9, 2020, and authorized me to provide a written response on behalf of the Board.

I. Summary of Complaint and Requested Response:

In your complaint, you allege that the Board violated the Open Meeting Law at its meeting on May 26, 2020, as follows:

1. Did not list the candidates to be considered for appointment by the board to the "Police and Municipal Campus Building Committee”.

2. Did not accept or adopt the minutes of their March 7, 2020 and March 10, 2020 executive sessions within 3 meetings or 30 days whichever is longer.

3. Held an illegal executive session on March 10, 2020 for the purpose of "Confidential Attorney-Client Communication" There is no possible exemption for a meeting to communicate with an Attorney in the open meeting law.

4. Did not list the donor for the agenda item of "Review and act to accept an offer of a gift to the Town of Shrewsbury." There was no information on who the donor was or what the gifts were.

Your complaint requests the following response from the Board:

Learn and comply with the open meeting law complaint.
Accept or adopt all minutes of any executive sessions that have been held by the Board of Selectmen which have not been accepted within 30 days or 3 meetings, whichever is longer.
List all candidates to be considered for any and all future appointments to any boards, commissions, committees or employment.

II. Response of the Board:

The Board responds to your complaint as follows:
Complaint #1: Did not list the candidates to be considered for appointment by the board to the "Police and Municipal Campus Building Committee".

The Board concedes that that May 26, 2020 meeting notice should have included the names of candidates to be considered for appointment to the Police and Municipal Campus Building Committee, as the Board’s staff, acting for the Chair, knew the identities of some of the individuals who had requested appointment to the committee at the time the notice was posted.

The Board has advised its professional staff of this requirement with respect to future meeting notices.

Complaint #2: Did not accept or adopt the minutes of their March 7, 2020 and March 10, 2020 executive sessions within 3 meetings or 30 days whichever is longer.

The Board concedes that it did not approve the minutes of its executive session meetings on March 7, 2020 and March 10 within the timelines required by 940 CMR 29.11(2). These meetings took place during a time when the Town was adjusting to the COVID-19 state of emergency, but nonetheless the minutes of these meetings should have been approved sooner than May 26, 2020.

The Board has reminded its professional staff of the requirement that meeting minutes must be provided to the Board for approval within the next three meetings or within 30 days, whichever is later.

Complaint #3: Held an illegal executive session on March 10, 2020 for the purpose of "Confidential Attorney-Client Communication" There is no possible exemption for a meeting to communicate with an Attorney in the open meeting law.

This portion of your complaint is untimely, as it was not filed within 30 days of the alleged violation or within 30 days of the date it should reasonably have been discovered. Complaints about any deficiencies in the notice for the March 10, 2020 meeting, or in the Chair’s open session statement of the purpose for executive session, could have been discovered right away, but your complaint was not filed within 30 days of the March 10, 2020 meeting. See OML 2019-92.

In addition, while the minutes of the March 10, 2020 executive session are not yet available for public release, the Board did not actually deliberate at that meeting using the executive session purpose you mention in your complaint.

Complaint #4: Did not list the donor for the agenda item of "Review and act to accept an offer of a gift to the Town of Shrewsbury. " There was no information on who the donor was or what the gifts were.

At the time the Board’s staff, acting for the Chair, posted the notice for the May 26, 2020 meeting, the Board’s staff was aware that an offer of a gift to the Town might be arriving in time for review and acceptance by the Board at the meeting, but understood that the donor intended to remain anonymous. By the time of the meeting, the donor’s name became public. In addition, the Board’s staff declined to include the amount of the gift on the meeting notice to avoid a situation where the actual amount presented to the Board at the meeting differed from the amount known to staff a few days earlier. The Board’s staff, acting for the Chair, included in the meeting notice the information about the gift it was able to make public at the time the notice was posted, and therefore the notice had “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting", as required by 940 CMR 29.03(1)(b) and M.G.L. c. 30A, § 20(b).

III. Conclusion:

With this written response, the Board believes it has addressed the issues raised in your complaint and taken appropriate remedial action. In compliance with the Open Meeting Law and the Attorney General’s regulations, the Board submitted a copy of your complaint to the Attorney General’s Division of Open Government. By also forwarding a copy of this written response, the Board has notified the Attorney General’s Division of Open Government of the action taken by the Board in response to your complaint.
Sincerely,

Kevin Mizikar,
Town Manager

cc: Division of Open Government, Attorney General’s Office
    Brian R. Falk, Esq., Town Counsel

Encl.