

Bernardston-Leyden Public Safety Task Force
Minutes of Meeting
August 25, 2022 11 AM
Bernardston Town Hall

A duly posted meeting of the Bernardston-Leyden Public Safety Task Force was held in the Bernardston Town Hall at 11 am on August 25, 2022.

Present: Jane Dutcher, Peter Nai, Liz Kidder, Lou Bordeaux, Michele Higgins, Joyce Muka, Bill Glabach, Stan Garland, Chief James Palmeri, Ken Bordewieck, Stephen Foley, Mike Edwards,
Audience: Michele Giarusso and Erica Jensen joined remotely
Absent:

Meeting was called to order at 11:03 AM

Introductions:

Liz Kidder, Chair of the Leyden Public Safety Advisory Committee and citizen representative for Leyden
Peter Nai, Citizen Representative for Bernardston
Jane Dutcher, Bernardston Finance Committee
Lou Bordeaux, Bernardston Town Coordinator (?) and behind the camera
Joyce Muka, Leyden Finance Committee
Michele Higgins, Leyden Finance Committee representative
Bill Glabach, Chair, Leyden Selectboard
Stan Garland, Bernardston Selectboard
Chief James Palmeri, Bernardston Police Chief
Ken Bordewieck, Bernardston Selectboard
Stephen Foley, Collins Center
Mike Edwards, Collins Center

Task Force Organization

Mike Edwards reviewed that this group will be a standing committee to oversee the interim agreement between Bernardston and Leyden. This group will be working with Chief Palmeri to assess how well the relationship is working. After the Towns enter into a long-term IMA, this group will continue to meet for the tenure of that agreement.

The Collins Center assisted with the drafting of the Interim agreement and will be helping with the development of the long-term IMA. For the most part it will be the Collins Center and each town attorney's job to negotiate and develop the agreement with input from this committee and the Police Chief. The recommendation will then be submitted to each Town's Selectboard to vote to adopt the IMA. The Task Force will be meeting monthly, quarterly or as needed and will need to manage their basic administrative responsibilities under the Open Meeting Law. If issues or budgetary questions come up, this committee will work with the Police Chief to develop recommendations for each town's Selectboard. Chief Palmeri said that if he found a problem working within the set budget, he would ask for a meeting. He can also give this committee a monthly budget update.

Jane Dutcher pointed out that the interim agreement said there would be monthly meetings. Mike said that meetings can be cancelled if there is nothing to discuss that month and that the Selectboards could also amend

the agreement at any time to reflect the needs of the committee and the towns. Mike said that preparing a draft of an IMA is not a major task. Their process will center around drafting the language, looking at equipment and facilities, and meeting the requirements of the ERG grant. The transition has already happened and everything seems to be up and running. There could be some needed discussion around how the ERG capital funds are allocated that would warrant specific meetings as needed.

Mike said that he is starting to work on the IMA and it is going to be very similar to the agreement between Wendell and Leverett. He will be working on a lease agreement for the use of the substation in Leyden and outside of that, the Collins Center has already had discussions with MIIA on insurance and how to address it for the two towns. The draft for the most part is done. They had deleted certain sections that related specifically to the other towns, such as use of a town's fuel pump which would not apply to our situation, but outside of that, the committee could start working directly on the permanent IMA.

Jane Dutcher nominated Liz Kidder to be Chair the committee and it was seconded by Michele Higgins.

Vote:

Bill Glabach – yes

Michele Higgins – yes

Liz Kidder – yes

Stan Garland – yes

Jane Dutcher – yes

Peter Nai – Yes

The vote passed unanimously.

Liz said that she would also prepare the agendas with Lou Bordeaux and arrange for minutes.

Liz said the Leyden Public Safety Advisory Committee had reviewed the Wendell-Leverett agreement and agreed there were sections that would not be needed in a Bernardston-Leyden IMA. She distributed a simple outline of the topics included in that agreement noting that many of the items listed were actually boilerplate that would be determined by the lawyers. The consensus of the public safety committee was to be very conscious, as the long-term agreement is discussed and negotiated, as to how much additional administrative responsibility was being placed on the Chief and to try to keep it to only what was necessary.

Liz said that everyone she knows in Leyden is very happy with the BPD; we think Jim and his officers are wonderful and they are very much appreciated by all residents she has talked to. Curtis Weaver won the hearts of everyone with his attendance at the stuffed animal sleep over at the library. John Richardson came to Leyden's new emergency management committee where he was so helpful and provided us with so much information. Mike noted that in the original scope of services, there was going to be a PR blitz to sell this arrangement. If everything is going so well, do we want to shift those resources to other matters.

Liz said that in looking at the schedule for this next year, she was looking backwards from ATM in order to develop a timeline since Donna MacNicol had told her that we need to take the long-term IMA to ATM. Mike said that the authority to sign an agreement is held by the Selectboard but that the budget would have to be passed by ATM. The Selectboard has the authority to sign a contract for services. Mike has not seen anything that says a vote on an agreement for services has to go to Town Meeting. Mike said he can recheck this question with Donna. It was noted that due to her representing both towns, she can only answer generic questions and was not able to help the Towns negotiate a contract.

Bill Glabach and Michele Higgins noted that it had been presented to the Leyden Town meeting that there would be a vote at Town Meeting as to whether to continue this arrangement. Jane said it was not her

understanding that there would need to be an ATM vote to adopt such an agreement. Jim Palmeri noted that if residents can attend the Leyden Public Safety Committee meetings, that is a forum for Leyden residents to voice their opinion or raise issues for Leyden to address. Mike said Town Meeting would only act on the budget as it did last year. Jane noted that if there are citizens who want to require a vote on this, they have the option of submitting a citizen petition.

Liz said she hopes to get an agreement finalized by the end of February, or earlier. In Wendell and Leverett, the legal review took almost two months. Mike said that there had been a lot discussion back and forth among MIIA, insurance, and the lawyers to work out the exact language. Since that has been done, he would expect the legal review for this IMA would be quicker. Mike said the primary section to be negotiated is the budget. Since the budget is a direct fee for services and therefore an hourly reimbursement type of arrangement, the towns will have to fully itemize the overhead costs to go with the hourly fee. Ken asked who pays for the legal review. Liz said that there is \$10,000 in the grant to cover the cost for legal review for both towns.

Mike said he can get us a working draft of the IMA for the next meeting. Peter said that if the draft is ready, we should meet in Sept or early October. Liz noted that there is a budget for a new cruiser and improvements to the Leyden Substation, however, those funds cannot be expended until the IMA is signed. Mike said he would defer to the Chief on all the capital improvements and how that money should be spent. Ken asked who manages the grant funds. It was explained that Leyden was the lead on the grant since Leyden is addressing all aspects of their public safety, not just police. Everyone checked their calendars and it was decided to meet on Oct. 6 at 11am. The whole agenda would be reviewing a draft agreement and then updates from the Chief.

Need for legal representation

Both towns noted that they currently use Donna MacNicol as Town Counsel and have previously used KP Law. Mike noted that all the language in the IMA will have already had full legal review and therefore; he hopes that a legal review of this IMA will take much less time. Both town's Selectboards will find legal representation to review the IMA when it is finalized.

Updates and Transition

Chief Palmeri said that they have done 87 hours of patrol, they are averaging 14.5 hours per week and that will increase with their new appointment of another officer. To date, they have come in under budget each month and will be able to provide more patrolling service with the added staff. He is trying to get up there every day for some patrolling on a random schedule so their hours are not predictable. He said he has been up there but he hasn't seen anyone speeding. Michele said that there are still speeders near her house. He noted that in West Leyden, there are areas of no radio or phone service and they have been working on addressing this concern. His patrols are 1-3 hours and randomly scheduled throughout the shifts. He felt they have had a tremendous amount of positive feedback.

Bill noted that Leyden had a no pursuit policy. Jim said they do have a pursuit policy but it's coordinated with other towns. Their policy includes a risk management assessment. He noted that there have been a lot of medical calls and the clinician services have been affective.

Liz asked if there has been any feedback about the arrangement from residents of Bernardston. Peter asked if there had been a vote by Bernardston on entering into this agreement and the answer was only a vote on the

budget. Jim noted that while he tries to get up into Leyden regularly, he and his officers are still primarily in Bernardston. He noted that Leyden is compensating Bernardston for all their services.

Jim noted that Leyden pays for wear and tear on their vehicles, Leyden has paid for new tires for one of their cruisers, and he said that Leyden is definitely paying for their fair share for the services they are receiving. Ken asked if some of the policing in Bernardston is compromised if the staff are in Bernardston. Jim said if there is a long call in Leyden, there is additional coverage in Bernardston. Jim noted that occasionally, things happen and in the worst-case scenario, Northfield covers Bernardston calls. That could happen now. There are plans in place to provide the coverage in those situations. Stan noted that if the residents feel that the coverage has dropped, then the Selectboard would have to address that concern. Mike noted that if there are concerns in Bernardston, the Collins Center would need to know for any public education information. Under Police Reform, it is to Bernardston’s advantage to work with Leyden. Stan said that at ATM they may schedule a presentation by the Police on the agreement so the residents can ask questions; the BPD is providing services to Leyden, it is not a Bernardston/Leyden Police Department.

Peter Nai said that he is very interested in what the liability section will look like. Mike said that has already been worked out for the Wendell/Leverett agreement. Mike said that this committee will want to ensure that all the administrative overhead costs are fully covered; it has to be a good deal for both towns. The towns also have to plan for wage hikes since policing in this state is going to be more expensive. Under Police Reform, officers are now going to be better trained but there are going to be fewer of them.

Bill asked what would happen if another town wants to also have an IMA with Bernardston. Jim said that if another town wants service, that Bernardston will have to hire another officer. There was a general discussion of the impact of police reform.

Liz asked the Chief if there was anything he felt needed to be addressed. Jim replied that he feels everything is going well for now.

A motion to adjourn was made by Stan and seconded by Michele.

Vote:

Bill Glabach – yes

Stan Garland – yes

Michele Higgins – yes

Jane Dutcher – yes

Liz Kidder – yes

Peter Nai – Yes

The motion passed unanimously.

The meet was adjourned at 12:09pm.

Respectfully submitted by:

Liz Kidder, Chair

Leyden Public Safety Advisory Committee and
Bernardston/Leyden Public Safety Task Force