

Leyden Select Board Minutes
Leyden Town Hall
Regular Session
January 24, 2022
6:00pm

Select Board Members Present: Jeff Neipp, Bill Glabach, Erica Jensen

Others Present: Michele Giarusso, Nik Adamski, Liz Kidder Tom Luck, Beth Kuzdeba, Carol Kuzdeba, James Brodeur, Christine Brodeur, Michael Aiken Sr. John Higgins, Michele Higgins, Mary Glabach, Lance Fritz, Daniel Galvis, Andrea Zimmerman, Barbara Wallace, Emily Yazwinski, Deidrick Neipp, Brenda Beck, Douglas Beck, Fred Feldman, Robbie Milner, Glenn Caffrey, Colleen Caffrey, Jack Golden Sara Seinberg, Ginger Robinson, Anne Garvey, Gilda Galvis, Erik Johnson, Ginny Rockwood, Robin Neipp.

Jeff called the meeting to order at 6:00 pm.

Motion: Jeff moved to allow Angelia Renaud to be allowed to hold more than one appointed position within the PVRSD according to MA G.L. Chapter 268A section 20.
Erica seconded. Unanimous.

Motion: Erica moved to sign the MOU between the FRCOG and town of Leyden for the police reform earmark for sending officers to attend the Bridge Academy training. Bill seconded.
Unanimous.

Motion: Erica moved to have Jeff sign the MOU between the MA State Police (Shelburne Control) and the town of Leyden for another 5years free of charge to continue our dispatch services.

Animal Control Officer---

There was discussion of joining the Franklin County Sheriff's office Animal Control Officer (ACO) program.

Jeff spoke to Kyle Dragon (ACO). The cost would be \$3100 per year for a 3 year commitment. Discussion of where the money could come out of and it was decided the dog revolving account or police expense. Michele would have to send a letter of intent.

Motion: Jeff moved to hire Kyle Dragon as ACO. Bill seconded. Unanimous.

Selectboard member Erica Jensen read a prepared statement attached to these minutes.

Corrective action taken in the police department- Mike stated the locks to the police department have been changed again, the CJIS computer passwords have been updated and firearms are under lock in the ammunition cabinet. Jeff stated the police department will be offering hours for updating FIDs again twice per month starting Feb. 8 and 27. Erica asked Gilda how many hours would be needed to train the officers for the FID paperwork. Gilda replied 8 hours. Erica continued to ask Gilda since she does not have access to CJIS how will it work to train. Gilda replied she would show up to take the pictures and enter the information into CJIS. Erica asked if this is confidential information how can she help. Ginger Robinson then asked about Gilda seeing protected information, this is against the law. Erica stated she spoke to MA CJIS and Gilda will have to have someone else go into CJIS to populate.

Motion: Erica moved to hire Gilda at \$100 per hour for no more than 8 hours to help train Michael Aiken with the FID cards. Jeff stated there is money in the police expense account to do this. Erica spoke to Angelica and she stated she would take out of police salary account. Sara Seinberg asked Mike Aiken if he will take the CJIS online course also. Bill seconded the motion.
Unanimous.

EMD plan and Gilda Galvis as Deputy -Erica stated she does not agree to accept this plan at this time. Bill agreed to table. All in agreement.

Highway update -Jeff stated Bill Brooks has been hired as Highway Superintendent as of January 1, 2022. @ per diem employees may not return Ed Johnson and Paul Zimmerman so there is a need to have more per diems hired. AJ Egloff has expressed an interest in joining part time. He has all the certifications. Erica asked if he is seasonal. Erica asked if Dave Brooks is going to continue plowing since she saw him during the last snowstorm.

Motion: Erica moved to hire AJ Egloff for seasonal work. Bill seconded. Unanimous.

Public Safety Advisory Committee – Liz Kidder, chair gave an update on what the committee has been working on. There are 7 members on the committee and one alternate. The committee is gathering information from various groups on regionalization of services and invited Donna MacNicol, town counsel to one of their meetings. Donna discussed her experience working with towns to regionalize services and provided an intermunicipal agreement she created for the towns of Wendell and Leverett. The committee is using this as a base model to work with.

Jack Golden explained an Efficiency and Regionalization grant that they learned from Municipal Assistant Michele Giarusso for regionalizing services. Jack explained that the committee could get up to \$100,000 for one town to hire a consultant to look at all our public safety departments police, fire, EMS and EMD. His committee has spoken with the Collins Center from UMass and they would like to hire if the grant is awarded. The Collins Center is made up of former police chiefs, fire chiefs etc. who now work as consultants to help towns with feasibility studies to regionalize services. Steve Foley and Mike Edwards are two people who attended one of their meetings, who listened and asked questions and would like to evaluate our resources. The grant will pay for their expertise and time. If we receive this grant, there is no cost to the town. Jack also mentioned they would do outreach to the town. Erica asked about the feasibility study and the intermunicipal agreement overlapping if they see any issues with that. Liz replied we could have a month-to-month agreement. Doug Beck asked if the town is spending money now and Liz replied only for Donna MacNicol's time and the selectboard has agreed for Liz to speak with her. Jeff stated he spoke to both Wendell and Leverett select board members and they said the process is going well. Emily Yazwinski who is a member of the committee stated the committee would like to hear the public's input also. Andrea Zimmerman asked who is writing the grant and Liz replied she essentially is with some help from Michele.

Motion: Bill moved to authorize the Public Safety Advisory Committee to apply for an Efficiency and Regionalization grant and to hire the Collins Institute as the consultants. Erica seconded. Unanimous.

Special Town Meeting Articles – Jeff gave the Finance Committee a copy of the possible articles for a town meeting the end of February.

Recommendation from Donald Jacobs – this was tabled for now

Hiring a consultant to manage ARPA funds – **Motion:** Jeff moved to hire a consultant to manage this money. Erica seconded. Unanimous.

Jeff adjourned the meeting at 8:35pm.

Respectfully Submitted,
Michele Giarusso

Hi all,

There has been a lot of heated discussions and drama recently and I don't want to add to it -- but I do need to address some inaccuracies that Mike Aiken brought up in the last Select board meeting. Let's take the opportunity we have right now to work together to do more for this town -- instead of focusing on gossip and innuendo.

I was truly surprised and taken aback by so many of the comments and the bullying atmosphere of that last meeting -- I'm tired of speaking softly -- so I'll speak loudly and clearly from here on.

OIC Aiken and I communicated by phone and text multiple times over the past few months -- his statement was the first I had heard of these concerns. While I wish we could have just talked about this in person -- I'll respond to his statement point by point.

The most important thing to understand is that the Select board are the bosses of the police department. State statutes, backed by the Massachusetts Selectmen's Handbook state the Select board acts as the "ultimate authority" over the police department. To be clear -- the Select board's job is to oversee all aspects of the police department. That includes hiring, firing, management of property and finances.

OIC Aiken said, "he is only doing what he is told to do" -- by whom I don't know. But he is getting inaccurate information -- he can find the facts in the online Selectmen's handbook -- pages 149 and 150. He can also access online state general law chapter 41 section 97. I think it's best for everyone to be informed about the chain of command moving forward.

OIC Aiken's Point #1:

Mike was concerned that I'd asked for a copy of the key to the police office. One copy of the key was cut and then held in a locked file cabinet in the town office. This key is for use by the Fire Chief and State Fire Marshall to rightly and lawfully inspect the police office for fire safety. Every other municipal office has a spare key for just this purpose. The police officers NOW understand that they must allow access within 24 hrs of the request for the fire inspection, by State general law. The lock has been re-keyed since the last select board meeting so if the officers adhere to the request for inspection - there will be no issues. Anyone can access that state general law 148 online.

Which leads to point #2:

The former Police Chief's computer has been unusable for months because he has not given the password to any of the officers. OIC Aiken said I asked for the passwords to the computers. This is not accurate. I asked the OIC to get the password for the former police chief's computer so he could change the password and make it accessible to the officers. That there is some more un-founded gossip floating around accusing me of wanting to access ANYONE'S personal information is beyond ridiculous. One of the jobs of the duly appointed Police Liaison, me, is to

ensure that all police property is usable and functional. The OIC hasn't confirmed to me that that computer password has been changed and is now useable by the officers. There have been NO returned calls, emails or texts answered recently by the OIC despite the fact that I am the duly appointed police liaison. The officers are the only who can access computers – they are password protected at the desktop level – no one can see personal information, nor do I want to.

Point #3:

Police phone lines. The police office had 11 phone lines - being paid for month in, month out, by the town. Six of those lines had no voicemail set up – so they were useless. I, as the duly appointed police liaison, have the right and responsibility to ensure there is no financial waste. ALL department liaisons in the past have made independent decisions regarding each department – so I took the step to cut waste. This was all done in good faith – so when Verizon cut some of the lines they **should not** have – it was a mistake on their part. That was rectified quickly and the 5 lines were restored. OIC Aiken said he didn't have access to a fax for two weeks – this is inaccurate. At any point he could have used the secure town office fax – so that was never an issue. Charles has recently called Verizon and set up ONE additional non-emergency line. That phone number should be added to the town website if it has not already been.

Point # 4:

The select board has the right and responsibility to ensure that all bills are paid promptly - that is our job. In OIC Aiken's statement, he accused "possibly a select board member" of illegally opening mail and said it is a federal crime – which in this case it is not.

I don't know which of the select board members he is referring to – but this is what I did. I opened the Verizon bill and CJS annual town fee bill. Those 2 bills had sat un-opened for nearly two weeks. Mike also said that bills are "privileged or confidential information" – FAR from it.

Here's a little info from the Secretary of State's website:

Laws mandating the disclosure of public records have existed in the Commonwealth of Massachusetts since 1851. The federal Freedom of Information Act was signed into law in 1966 by President Lyndon B. Johnson. In 1974, Congress amended the federal Freedom of information Act in order to make government records MORE accessible to the public...

Every government record in Massachusetts is presumed to be public unless it may be withheld under a specifically stated exemption." What this means is that bills and invoices and procurement are all public information.

It is the Select board's responsibility to pay bills nor does any member of the Select board need ask for permission to open bills. This is town mail. OIC Aiken's statement about mail was not only a wrong-headed, volatile, in-accurate statement – It points again to the fact that

whomever is giving Mike these directions, is giving false, mis-leading and just plain bad information. I would urge him to look up the appropriate laws – get a better understanding of how Leyden government works and then work out the accurate way forward.

To be clear, any Select board member opening bills is not illegal and it certainly is not a federal crime. If there had been actual mail tampering, the FBI should have received a police complaint. The Recorder had a direct quote from the Chair saying “It looks like there’s going to be a further investigation from ... the Police Department” - as the police can’t investigate a federal complaint, I look forward to talking to the FBI about the complaint.

There’s gossip saying there is a video of me in the office. What is implied by this gossip is that I was looking for confidential information – I’m not sure what information is lying around – because there should be absolutely NONE. I was doing a walk-through based on a conversation with Mike Aiken. I wanted to confirm that the former police chief no longer has access to the town computer in the town office via the ethernet cable.

The police office is a public town office and should follow all policies and regulations that cover personal and confidential information storage. I’m happy with the decision made at the last select board meeting, that moving forward, an officer will accompany any non-police personnel into the office. I am acting in good faith and my goal has never been, nor will it ever be, to access personal information.

It’s become clear to me that, right now, we are stuck in the “favors given, favors taken” style of leadership – instead of having a working functional select board acting in everyone’s best interest.

I’ve recently been accused of many things that were un-informed, inaccurate and downright dirty play – an apology, while appropriate, is not something that I am asking for.

I AM asking for the Select board to come together with me so we can get some positive work done and not waste town time on drama.

There needs to be in-depth discussions about stuff that really matters to all of us. I am excited about working with the town to move forward on things like - the town budget, upcoming grants that will help the towns aging infrastructure, the school district, green agriculture, and public safety that takes into consideration our aging population and ever-changing state laws.

I hope that you all will join me in helping our town move forward together in a positive way, solve problems, be transparent and serve the entire town rather than just a few.