

Leyden Select Board Meeting Minutes
Leyden Town Office Building
Regular Session
Monday, March 18, 2024
10:00 am

Select Board Members present: Glenn Caffery, Erica Jensen, Katherine DiMatteo
Others present: Liz Kidder, Donna McNichol

Glenn called the meeting to order at 9:35am. Agenda order changed to move to Executive Session first.

Motion: Katherine moved to enter into executive session. Erica seconded. Glenn, yes; Erica, yes; Katherine, yes.

Executive Session

Open meeting was reconvened at 9:50am.

Complete Streets: Katherine asked if SB wants to move ahead with a policy at this time or not. Discussion. Concerns raised about timing of prioritization plan grant and policy approval. Questions asked about whether Complete Streets is viable at all for Leyden and will policy help in getting the grant. Katherine's hopes that agreeing on a policy now would be a statement of our official intentions about decisions now and in the future regarding our streets and public safety. Policy would be helpful in some of the planning work being done by town committees and for future work on the Open Space and Recreation Plan. SB agreed that Katherine could work on a policy for their review.

Collection and Handling of Personal Information. Glenn explained his edits to the draft policy. Town Coordinator is the compliance officer for the information. Erica spoke with MEMA and other towns that have been involved in the Yankee Power plant. MEMA was clear that when the plant was operating, personal information with greater detail than the LEMC survey was collected and kept in case of an emergency. There was no policies written. People voluntarily gave this information. Database was created, envelopes kept in a lock box, taken out if there was an emergency.

Glenn: State law is explicit about how to handle personal health and sensitive information. Description is included in draft policy. HIPPA triggered because medical information was requested. Fines are imposed if state law is not followed. Erica clarified that she had drafted a policy, LEMC discussed, and Erica rewrote a policy for the town, not a LEMC policy. Erica asked for clarification on the policy suggestions that have been brought forward by Glenn – training, what does it mean? Periodic audits and assessments – who does this? Law requires minimal annual audit. This triggers what information is kept, personal information shouldn't be kept if it is not relevant anymore. Policy now references the law; next steps would be to have Donna review. Erica has disagreements with some of the language that is redundant, and some is heavy-handed. Glenn not opposed to making changes that would address Erica's concerns.

ACTION: Glenn to make changes then send to Donna for review.

Minutes of February 5, 2024. These were overlooked in past meeting agendas.

Motion: Erica moved to approve as presented. Katherine second. Approved unanimously.

Action: Katherine will send to Michele and Town Clerk.

Select Board Updates

Janell has asked about deciding on the Dedication for the Annual Report. Katherine noted that no one from town has suggested a person(s) for the dedication yet from announcement placed in Leyden Life. Suggestions: Bill Glabach, Public Safety Advisory Committee. Decision to wait and see if other suggestions come in.

DSL recommends an assistant assessor and one appointed assessor; and special legislation for changing the assessors' office. Open discussion on April 16th with assessors needs to be done first before any decisions are made about what to recommend to the town regarding any changes to the assessors' structure. Discussion should include DSL recommendation on the two ways to implement changes. Alice, Assistant Assessor, has ideas on how to modernize the department. SB, Finance Committee and Assessors have floated different ideas, all need to come to agreement.

Liz Kidder reported that LEMC discussed at their last meeting recommendations for the EMD Co-director. Several names are being considered. LEMC will also be coming forward with recommended appointments to the fill out the committee.

Liz also reported that a May 8th public hearing meeting is planned to present changes to the Zoning Bylaws. Regular planning board meeting starts at 6:30pm, public hearing time not set yet. Katherine asked if the SB wanted to have an information meeting on important Warrant articles after the Planning Board's public hearing. SB agree, Katherine will include it in Leyden Life Report.

Agenda Planning

Glenn out next week. No meeting next week.

Meeting with Legal Counsel

Hunt Hill. Revisions to the Conservation Restriction and the Agreement with Penfield suggested by Donna are to be reviewed by SB before it is sent back to Penfield's lawyer. Some key points:

- What is the length of statutory private way – this needs to be clearly designated. Statutory private way allows for public access but is not maintained by the town.

- Conservation Restriction has language that protects the land from development. Donna asked that we look at permitted and non-permitted uses – this would serve as a base line, rather than a professional base line report. Conserved in a natural state versus no development?

Discontinuance and statutory private way are the issues to go before the town, not the agreement or the Conservation Restriction.

Donna would like Bill Brooks, Highway Supervisor to review the description in the agreement of what the Highway Department is going to do on the road to ensure it is clear.

ACTION: SB to review by end of week, sending individual comments to Donna. Unless there are serious concerns or changes, Donna will revise and send it to Penfield's lawyer.

Policy for handling personal information: Donna noted that HIPPA rules govern all medical records of employees or family members. Having a contract is suggested under the laws that include a confidentiality clause with anyone that provides information. Ambulance, police, and fire records are not destroyed but employee medical records can be destroyed when not relevant to the town and employee according to Public Records Retention Law. As long as town employees understand that they don't share health information without permission, town and individual is protected and following the law. Emergency responders have HIPPA training, and it is important that they have access to personal health information. Firefighters may not be trained – should check on this. In the LEMC plan of neighborhood groups and captains, the captains should have HIPPA training.

ACTION: Donna will review the draft that Glenn sends to her.

Restructuring of Assessors' Office: Donna stated that DSL sometimes does not understand the limitations of small towns and availability of volunteers. Would one appointed assessor and assistant assessor be sufficient and able to do the work required? What function can that one assessor perform? What happens if they resign, move, etc.? Will there be trained persons to be appointed? Erica noted that the Assistant Assessor is almost completely responsible for work currently – managing the assessors' office. Donna cautioned that we don't make decisions based on an individual. She stressed that an appointed assessor should be willing to do the job, not be a figurehead. One assessor and one assistant is not the only option, could have two or three appointed assessors. Accountability is not available for elected officials but would be for appointed positions, but it is still difficult to supervise since SB might not have the expertise or knowledge of the assessor's role. State law allows elected officials to complete their terms of office. Any process to make changes to structure will take three years until all persons in their positions complete their terms of office. One assessor may not be sufficient to provide checks and balances for the assistant assessor.

Tax Collector and Treasurer combined position: Donna reported that If the positions are already appointed, special legislation is needed to combine the position after approval by town meeting or a Municipal Finance department is created, or it is in the Town charter (which we don't have.) Keeping separate appointments with same person may be possible. When asked, DLS said to check with town counsel about what constitutes an emergency period probably based on a MA statute that exists about same person handling money coming into town.

ACTION: Donna will check on this.

Beaver control: Donna stated that If risk to town is major, the town could sue the homeowner for not taking care of property or the town could pay for it. Make the decision on a case by case basis – how imminent the risk is, how dangerous it is, document completely with clear analysis of the facts. Declare an emergency, state it is a one-time deal, not for maintenance or ongoing but due to endangerment of public health and safety. The town can declare how long the emergency is once the emergency is declared. Should be initiated by the highway supervisor who does the analysis and writes the report to bring to SB for the decision.

ACTION: Glenn will speak with Bill about writing up an analysis and request.

Solicitation policy:

ACTION: Donna will look for a recent version of a workable solicitation policy.

Executive meeting minutes: Donna recommended that every six months minutes from executive sessions be reviewed to determine which minutes can be opened to the public. Personnel, confidential business information, police investigation, and security issues would never become public. Strategy issues that get resolved can be released. Minutes should be general and guide the board and keep a record. Executive session minutes can be approved in executive session and reviewed in executive session.

Driveway curb cut bylaw: Donna stated that if someone has a driveway that somehow endangers the roadway, then it needs to be fixed. Highway Supervisor can decide and ask the homeowner to fix it but to do so the town needs a bylaw. Curb cut bylaw is to get a permit for new driveways. A different bylaw for existing driveways that makes it a violation to block the road with debris or other elements from your property that causes a hazard. General bylaws are not effective until approved by the AG's office. Zoning bylaws are effective when approved by the town but have to be approved by the AG.

License and permit denial: Donna drafted a bylaw and provided the statute to the SB for review and discussion at a future meeting.

ACTION: SB to put on agenda discussion of bylaw

Domestic Violence policy: Donna reported that such a policy is not required by law. Donna has a version that she will share. Recommends that it be approved as a separate policy from the personnel policy.

ACTION: Donna to send Domestic Violence policy.

Thank you to Donna for attending the meeting and providing good counsel.

Motion: Erica moved to adjourn the meeting at 12:50pm. Katherine second. Approved unanimously.

Respectfully submitted,
Katherine DiMatteo
Select Board Member