

Illegal Tobacco Task Force Minutes

Meeting Date: 9-30-20

Meeting Time: 10:30am

Meeting Location: Dial (617) 315-0704, Meeting ID# 173 456 9820, WebEx recorded

Board Members Present: Marikae Toye (Co-Chair), Maj. Steve Fennessy (Co-Chair), Patricia Henley, Amber Villa, Spencer Lord representing Susan Terrey, Jennifer Zalnasky

Call to Order:

- Meeting was called to order at 10:34am by Mrs. Toye
- Mrs. Toye informed all participants that this meeting is being recorded by WebEx to aid in the preparation of the minutes, only.

Approval of Last meeting's Minutes Discussion:

- Maj. Fennessy has an edit to #5 of the Member Updates: He states that the MSP were not reviewing the second set of bids as they did not go out until September 1, 2020; Mrs. Toye suggests the change to more appropriately state that the MSP is currently waiting for the second set of bids. Maj. Fennessy accepted that suggestion.
- Ms. Villa has an edit to Member Updates at the end of the minutes: she states that it indicates that there would be a cross posting on the AGO's website; she states they did not agree to this and that there was a discussion of a possible cross posting. Mrs. Toye agrees that the discussion of a possible cross post was her recollection and the bullet will be changed to state "suggested potential for cross posting tasks". Mrs. Toye additionally states that the second sentence of that same paragraph was not the AGO's responsibility for the mechanism and that it should state that "our Task Force" could also work on setting up a tracking mechanism for tips and complaints. Mrs. Toye indicates that she wants it to be clear it was not the AGO's responsibility. Ms. Villa accepted those suggestions.
- No further changes were mentioned. Mr. Sweeney makes a motion to accept the changes on the last meeting's minutes; Vote was taken by roll call. All approved unanimously. Spencer Lord abstained.

Updates for the Storage Facility and Memorandum of Understanding:

- Mrs. Toye began the discussion about certain edits to the Memorandum of Understanding that were discussed on July 30th, 2020. There are edits that came from DPH that she would like to discuss at this meeting even if we can't finalize the MOU today.

- Mrs. Toye indicates edits to page 2, paragraphs 1, 3, 4, 5 and 7 changing “That the” to just “The” at the beginning.
- Paragraph 3 is a substantive change; Mrs. Toye asks Sophia Apostola from DPH to speak on this because she provided the edits. There is mention about a cap on equipment and repair costs so that MSP doesn’t have to ask the Task Force for approval below the cap amount, but if it is greater than the cap to run it by the Task Force first. Mrs. Toye indicates a budget makes sense and asks would \$10,000 be a good cap amount? Maj. Fennessy indicates that a \$10k cap would be reasonable. Ms. Villa states that \$10,000 may be reasonable but does it fit the overall scope of the budget. Mrs. Toye states the chain of authorization for the budget going through ANF and then DOR, indicating that repairs that go over \$10,000 would be submitted for approval. There needs to be discussion of budget amounts and initial expenditures up to \$10,000. Suggestion to paragraph 3 for 2 components: 1) Task Force budget to provide up to \$10,000; and 2) Talk about ongoing maintenance and Task Force approval over that threshold.
- Ms. Villa noted that it’s hard to plan without having the monetary amount right now, subject to appropriation of FY2021, and following the confirmation of the Task Force budget.
- Mrs. Toye speaking of a \$10,000 or \$7,500 for a cap and much discussion about expenditures, maintenance, up-front costs, appropriations and reviews each fiscal year by the Task Force.
- Maj. Fennessy speaks about this being his first time experience with procuring an outside storage facility. He feels that both \$10,000 and \$7,500 are good amounts and he is in agreement; he appreciates that the Task Force is talking about this subject and would like for a number to be reached so the Task Force could move along.
- Mrs. Toye indicates that there are a lot of unknowns at the moment, assuming that a facility is procured by March 2021, there is enough in the current budgeted amount to support a \$7,500 cap.
- Mrs. Toye suggests in paragraph 3 to use the current language and add “to be revisited by the Task Force”. Mrs. Toye will re-work paragraph 3 to include a review every fiscal year.
- Paragraphs 4, 5, 7 and 8 are minor. The last structural change to the document is adding a primary contact and the authority of someone from each agency to sign off.
- Maj. Fennessy wants to go on the record with a comment about insurance and refers to #4 that the Task Force will provide all necessary funding for any damages to the storage facility caused by normal wear and tear. He states that he spoke with his legal department at the MSP and their idea is that for the Task Force to provide a mechanism where the state police as an agency

would not be left holding the bag so to speak, if any damage were to occur at the facility. The MSP Legal Department indicates that all agencies would be self-insured; Task Force would want an insurance policy that is factored into the budget; he states they have never dealt with an insurance policy through the state and fears that this would be a process and also fears that a delay would occur again as a result of this process. He is asking for reconsideration; states MSP is not married to this idea and if they want to get insurance policy they will, but just fears about yet another delay. Mrs. Toye indicates that this is not something that will be finalized today and that this topic will need to be revisited. Mrs. Toye indicates there is more detail that needs to be sought out for the insurance policy and coverage for repairs and hopes that this is not something that will hinder the idea of the Task Force getting a storage facility. Mrs. Toye will reach out to DOR Facilities personnel for some input.

- Mrs. Toye asks if everyone is in agreement with the changes discussed and that she will send the edits to everyone.

Update on bids:

- Mrs. Toye asks Maj. Fennessy for an update on the bid process. Mrs. Toye states that there was a second round of bids because the first round came in too high. Maj. Fennessy indicates that they received 4 locations in June 2020, and then in September 2020 the bids went out again and they received another 4 locations. One location was the same bid that was resubmitted at a lower amount. All 4 from the second round were lower than the original bids. Maj. Fennessy is scheduled to see 3 sites this Friday along with the MSP facilities director, and Sgt. Pat Johnson. He is learning that bids come in straight numbers such as 5-year lease with a small increase of approximately \$1000 per year, every year, utilities included with the base number.
- Mrs. Toye states that we are moving forward and are in a good spot at this time. At the last meeting the Task Force addressed the resumption of investigations and inspections. Ms. Henley noted that the local board of health inspectors have been back out. Mrs. Toye asks if there are any questions or comments on the member agency updates.
- Mrs. Toye says for the next meeting there is hope for additional information around the insurance situation. She states we will get the MOU finalized, and discuss the tour of the storage sites that Maj. Fennessy will have visited. She also states that we will be continuing with remote meetings over WebEx. Mrs. Toye asks if anyone has any wrap up questions. No questions noted.

A motion was made to adjourn the meeting. Mr. Sweeney made a motion, which was second by Ms. Henley. Vote was taken by roll call. All approved unanimously. Meeting was adjourned at 11:17am by Mrs. Toye.