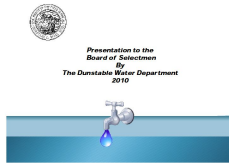


## Minutes: Selectmen's Meeting – Monday, June 28, 2010

Present: Kevin W. Welch, Chairman, Kenneth J. Leva, Clerk and Walter F. Alterisio, Procurement Officer and Member

The meeting was called to order at 7:00PM with all members present. Cheryl Mann, Water Commission Secretary presented report on background of Water Commission and various statistics.



The board then addressed \_\_\_\_\_ list of Emergency Medical Squad appointments as presented by Fire Chief, Charlie Rich. Motion was made, seconded and voted to appoint Gregory Rich, Tyler Courtney, Kevin P. Babcock, Jeffrey Desmarais, Donna Galotta, Michael Gavin, Ronald Mikol, Matthew Nowak, Benjamin Simmons, Mike Schwetz and David Spinosa to the Emergency Medical Squad.

Ambulance Service: Selectman Alterisio reported on the multiple meetings on the subject, noting the current agreement with Dracut, Dunstable, Tyngsborough and Patriot ends on July 1<sup>st</sup> and due to Dracut's RFP initiative with all carriers with Dracut looking to recoup some costs, Tyngsboro got into the act and both towns have come to agreement with service providers: Dracut with Patriot and Tyngsboro with Trinity.

Selectman Alterisio indicated the reality of Patriot covering Dunstable without Tyngsboro wasn't very promising so we'd looked into hooking up with Tyngsboro who has contracted with Trinity. Following along lines with Trinity, Pepperell has also approached the Town of Dunstable offering coverage, leaving us with two options, Trinity or Pepperell. He further advised that Tyngsborough has acknowledged service for Dunstable and the ambulance would be stationed on Progress Avenue, and presented contract and agreement for that service thru Trinity. He reported that Trinity would provide 24/7 service, the same as Patriot has provided whereas the Pepperell connection would be via an Intermunicipal agreement and while he and the Fire Chief have had discussion with primaries for Pepperell, there has been none with Pepperell's Board of Selectmen.

Selectman Alterisio addressed time frame restrictions and referred to Pepperell's proposal, providing coverage same as with commercial agreement, exposure of calls would enhance their program. He advised they have 12 on 12 off coverage (6AM-6PM on/6PM-6AM off) – up to 3 minute response during on, response during on call runs about 8 minutes. Average cost or run around \$700 at Pepperell level, \$1300 at Trinity level with majority picked up by insurance. He cautioned that an Intermunicipal agreement is different from commercial operation in that it requires buy-in from both communities. Looking at both: there's a budget in Pepperell of \$366K for ambulance group who seems to feel can be operated with no cost

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to Dunstable. His concern is what about Pepperell's residents and how they might feel on the arrangement & why shouldn't they expect the Town of Dunstable to come up with our share of the expense.

He cautioned if times got tough and budgets need to be cut, and Pepperell needs to reduce costs, where would we be? Selectman Alterisio further indicated concern with what happens and how budgetary restrictions might affect the agreement and overall conditions.

Fire Chief Charlie Rich indicated as a Pepperell resident, he suggested looking at from other approach, if you took \$700 and multiply by 85 runs which is the estimated amount of calls per year for Dunstable, it would take care of any costs to the town. He indicated that Pepperell looked on this as a way to go 24/7 coverage: 3 people on call would allow our EMTs to work with Pepperell in the ambulance where skill portion would benefit our people. He further reported that Pepperell wants our EMTs to start taking call time in Pepperell so it could be a win-win situation for both. He further reported our EMTs feel better about following patient care in ambulance right thru to the hospital. Chief further advised he has talked to a lot of people, get good and bad with Trinity noting EMT certification issue and how it might affect the Town of Dunstable. Selectman Alterisio indicated that was through no fault of Trinity. Ron Mikol reported on his knowledge relative to Attorney General's office actions re: Trinity & Armstrong and further referenced Leo Nault and scuttlebutt at Attorney Generals' level that there may be some responsibility on Trinity's part with management. He indicated he didn't want to bash Trinity but has some real concerns with these issues and how Attorney General's office action might affect Dunstable.

Selectman Alterisio indicated apparently only 3 carriers interested in servicing towns were Trinity, Patriot and Pride-Star. Chief Rich expressed his concerns that it doesn't look good the way Tyngsboro handled and Trinity's response to alleged violations. He reported that Pepperell Fire is on Pepperell Selectmen's agenda for 7:40pm to get letter of intent and suggested giving the Town of Pepperell a chance.

Police Lieutenant Dow indicated he disagreed with agreement with Pepperell, just doesn't know Intermunicipal agreement is best option – worried about powers struggles that have come up before. He noted that Patriot worked very well with the Town of Dunstable; Chairman Welch indicated when there's backup from Pepperell or Dunstable, the town it's in is in charge. He indicated he understood Lieutenant Dow's concerns came from past experience and doesn't see it's going to be any better today. Lieutenant Dow noted if Pepperell decided to work here probably would be the best. Kevin suggested the Chiefs, etc. work together to reach decision and bring it back to the Selectmen, and Board of Selectmen would go with their recommendation. Selectman Alterisio's concern was that looking at a 3 year agreement wasn't a good approach, suggesting a one year agreement with Trinity in interim to allow Town of Dunstable and Town of Pepperell to pull

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something together. He indicated that would give Pepperell the opportunity to put together program and get buy in for residents.

Resident Dave Tarr indicated he'd just completed EMS course and hears nothing but negatives even from people that work with Trinity, felt Town of Dunstable would be taking a dangerous position jumping on Titanic if they connected up with Trinity. He indicated he'd rather see the Town working with Pepperell who's had assistance from Dunstable and has every reason to support one another. He reflected on the problems with Trinity and noted that Trinity was soliciting all those taking the EMT course.

Selectman Alterisio indicated any decision we make would be the same as the other towns that work with Trinity, expressing concern with commitment capabilities. Dave Tarr indicated he'd personally rather see Pepperell ambulance showing up to a heart attack than a company who's more interested in their legal situation than the patient.

Ron Mikol noted there's some truth in what's reported in the paper and his heart and mind tells him to stay away from it. He suggested working with Town of Pepperell for one year to see how it goes.

Selectman Alterisio noted unlike Dunstable, Pepperell won't come to a halt because of Open Meeting Law, whereas it's a huge concern for the Town of Dunstable. Chief Rich advised he's spoken with Pepperell's Fire Chief who's advised that thru mutual aid he would provide coverage until we'd signed a contract. Chairman Welch suggested, as long as we know we have coverage, ??? can talk with mutual aid representative. Chairman Welch and Selectman Leva both indicated their comfort with Chiefs working together and providing recommendation. Selectman Alterisio also indicated he'd feel comfortable if the experts were making the agreement. Chief Rich advised Board of Selectmen in Pepperell have had the material for about a month – EMTs are making presentation and BOS will check back before making any decision. For July 1<sup>st</sup>, need to determine that Patriot will cover with Pepperell as background.

Chairman Welch presented the contract prepared by Trinity to Town Counsel and Fire Chief for their review. Chief Rich advised the 1<sup>st</sup> thing was to get past tonight, if Pepperell doesn't agree to letter of intent, then we'll need to move in another direction but thinks to make rash decision without having all the answers is wrong, further indicated he'd prefer a 6 month agreement with extension possibilities if works out. Selectman Alterisio cautioned one thing he's concerned about is that the Town of Dunstable isn't left without everything in place for coverage; he'll let Trinity know that no decision has been made, we're looking at all options and some reservations were presented with the contract. Chief Rich then excused himself to head to Pepperell to see if the Board of Selectmen has made any decision.

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Town Counsel addressed the contract guaranteeing level of service available through them but indicated Town of Dunstable may find another provided more guarantee. Selectman Alterisio indicated he'd like to be back to Chief Rich and Town Counsel before proceeding further.

Ron Mikol asked for update on McGovern's wall and the board was advised that Town Engineer had delivered the plans on Friday afternoon for BORO to review before his follow-up with District Engineer. Ron advised that Fincom was concerned that we'd spent \$53K for plans but it may or may not be built. He noted that Dunstable doesn't have the funds to built wall but engineer has indicated pending design review, funding is still available. Discussion continued on the Historical considerations included in the design and how it might affect the funding. Ron was uncertain whether we've put funding into this – are we covered. Selectman Alterisio will check with Bev Woods of NMCOG to confirm the specifics relative to funding requirements being met.

Lieutenant Dow advised that Chief Downes had asked him to stop in to express concern that we retain one of the cruisers for training. Selectman Alterisio advised he has a personal bias where it sounds like the mandatory training assumes that you're going to be in a high speed chase. It's really more skid control, how to get in and out of skid, etc. He indicated the limits he believes are like 40mph – not based on high speed stuff – more on defensive driving. Chairman Welch asked why they didn't provide the vehicle – whenever you work with a car. Chairman Welch noted we have vehicles for police now, essentially seven (7) patrolmen. He indicated the problem is repair possibilities. Maybe we should address with the newer vehicle, since the new vehicle has warranty, use for the training – different response than the older one, as long as it doesn't void the warranty. Chairman Welch noted getting rid of them at 90K miles, although that's not running miles, only driven miles. Board indicated need more research into the program, how many officers would participate, etc. and benefits for selling the car after the training is complete.

When asked by the Board, Lieutenant Dow noted he has a lot of experience with Pepperell, has nothing but good things to say about their ability, but worries about an Intermunicipal agreement like that and some of the things that went on before and concerns that they would return. He noted how pleased he was with Patriot and how things worked but realizes we're looking at going with Trinity and no familiarity with their operations – needs to be researched further. Selectman Alterisio noted he was impressed with the Pepperell's EMS leadership; the authoritative board isn't on line right now.

Rich Larkin approached the board relative to open meeting law indicating he was here to find out what the Board's attitude is about it. Chairman Welch advised that he believes it's a pain for town boards. Rich advised not a whole lot has changed, more the setting and the conspicuousness of the postings, etc. Selectman Alterisio was concerned about the hysteria and how it affects the volunteerism in communities. Rich agreed, they were

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right, but there's not a lot that can be done about it. He noted in 35 years in the business, he's seldom had any of these issues come his way. Selectman Alterisio noted the concern that comes up because someone who's aggrieved that things didn't go their way, brings this forward. From what Rich can tell, Attorney General's office is now charged with enforcing this though they didn't used to be. \$1000 fine has been there, was one of the remedies available via Superior Court action. Rich reflected on recent mishap with ZBA posting and reviewed items that may come up relative to agendas, etc. Discussion continued on how to approach, either via postponing action until can be listed on agenda. Reason he's here tonight, is he'd like the BOS involved in this activity and see a method developed to handle the requirements. Rich reflected on the requirements thru the statute and best approach at keeping Dunstable less conspicuous under it. Another biggie is accessibility to notices 24 hours per day – requires outside access. Who posts the notice, what the routine is, etc. should be worked out so everyone is familiar with how it will be handled and move forward from there; that all takes cooperation. Selectman Alterisio advised the problem BOS has is while Town Clerk does her best to address the issues as they come up, we're not Boston. Rich advised that Town Clerk is not responsible for compliance; the individual boards are responsible, with each Chairman bearing ultimate responsibility. He referenced recent incident with ZBA posting and responsibility for accepting or not and how it must be addressed. Rich indicated if someone gives a notice to post, must post, if it turns out to be non-compliant, individual can make the case. Rich would like this board to inculcate in other boards the idea that they need to find out what it's about, Rich is going to try to make it as painless as possible and try to push people to move in that direction. He noted that while there is a lot of activity toward addressing the issues, it's a work in progress. Rich advised the big thing is now there's a new agency that's been set up to address these issues, it's not going to go away, but the town needs to do everything they can to be compliant. On the same issue, Chairman Welch presented the letter to Senator Panagiotakos, prepared for signature which basically mirrored the Town of Wrentham's letter to their senator on the impact of the open meeting law unfunded mandate.

Chairman Welch asked Town Counsel about the Munroe Tree Farm and the storage building located on property. He advised it's basically in the hands of Conservation who is basically in the opinion they'd like to have it fall down – he'd like to see it available for use by the Highway and Water Commission. Alan Chaney stepped in and advised they'd love to see it used, but they'd need to take on the maintenance. He further advised we used self help money – Rich asked as a practical matter, how much of the land is affected by the building. Alan advised you'd have trouble if you were considering splitting it off – access is right to the left of it – building is right at the end of the road. Commission isn't interested in alienating any property, but the building is there and there's no reason why it couldn't be used by one of the boards for storage, etc. Alan indicated that Conservation knew Water board was using it, just would like it to be properly maintained.

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Chairman Welch asked Alan whether CPA funds might be used to fix some of the uprights, retaining wall, slanted gravestones, etc., at Cemetery. Alan appreciated the option, certainly something that's been mentioned occasionally and would definitely qualify – will mention to the Commissioners. He advised some are easy to repair while others have more limitations for addressing. Discussion continued on process for addressing and Alan Chaney providing background, etc.

Transfer requests for end of year transfers from Town Hall clerical for \$1500.00 to cover Town Hall Expenses through the end of the year and for Veteran's Expenses from Veteran's Benefits account were approved by the Board after appropriate motions and vote. Request will now be forwarded on to Fincom for their signatures.

Chairman Welch drew attention to Northeast Homeland Security Advisory Council offer to provide emergency supplies. Selectman Alterisio presented letter from BOS to Medicaid Director Terry Dougherty relative to improper treatment of dialysis patients.

Chairman Welch addressed the request from Mrs. Barnes to release the balance in the Lloyd Barnes Memorial Fund to the Goss Family fund. Library Directors are good with it, but in order for it to happen, BOS must sign off. Chairman Welch worried as to the precedent that could be started here that the Town will release municipal funds. Selectman Alterisio indicated where he's coming from, is that money was donated with a specific idea and use for another purpose may have influenced the donor, noting however that there are some funds that were donated way back though the use stipulated no longer exists, but this is totally different. Concern was for protection of the reallocation of funds and how it might set precedence. Selectman Alterisio noted Trustees have oversight of those funds, BOS could signal back to them that there is some concern with setting a precedent relative to this type of use. Chairman Welch noted that while there's no one that wouldn't want to help a family out, what happens when and if another tragedy comes up, what funds will be hit then. Selectman Alterisio suggested the BOS ask for clarification from the Library as to what the justification is for straying away from the purpose. Chairman Welch indicated there seems to be some misunderstanding of the status of the funds once donated, feeling that they're not municipal funds because they were donated. Counsel has said that legally Selectman can do, but also cautioned on precedent setting. Board will pursue further with Library Director – Selectman Leva felt if counsel said it was okay to do, Selectman Alterisio indicated he'll go along with it with proviso that they be alerted, that could be setting precedence relative to re-direction of donated funds. Selectman Alterisio suggested they be asked to rethink this one through because it may come up again. Chairman Welch advised that was already addressed with Library Director but she didn't think it qualified as municipal funds. Selectman Alterisio preferred writing to the Library Trustees to take into consideration the status

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of the funds once donated. Chairman Welch suggested it might be more appropriate to have the Trustees in for further clarification – secretary will request their attendance.

Chairman Welch reported only 2 bids on the Union windows – one for \$79K and the other for \$89K and the person who came in with the lower number was the same firm that did the Prescott windows. Cost to Dunstable taxpayers – 40K for grant and 40K from CPA funds.

Selectmen Welch good to go with bids for cruisers, dump truck, etc. He noted that the old Willys jeep was state owned. Chairman Welch reported that former Chief Bacon has the title for the former fire truck which is being used for a highway sander.

Board discussed the water protection act provisions which need to be addressed, referencing excellent presentation by Water Commission secretary but noting disappointment that secretary be sent to provide yearly update – although there was no question about it, she probably knows more about what's going on than any one of them, but the board should have made the presentation.

Minutes: Selectman Alterisio provided motion to accept minutes of 6/7 and 6/14 with amendment on page 3 (word bull taken out); motion was 2<sup>nd</sup> by Chairman Welch and voted with all in favor.

One last scan of appointments due: Selectman Alterisio provided to appoint Rich Larkin as Town Counsel, vote was taken with Selectman Alterisio & Selectman Leva in favor; Chairman Welch abstained. The motion appointing Jeff Rider as Town Engineer prompted question from Selectman Leva on the same item that Ron Mikol had brought up relative to McGovern wall project. Selectman Alterisio noted he thought we have to have him come in and review things but cautioned if he had anything he needed to do between now and the board's next meeting, he'd like to see that he's authorized to do that. Chairman Welch noted the problem is that no-one oversees him, he's our responsibility but he's looking for billable hours and other boards are asking him to do projects without authorization, the same as with Town Counsel. Selectman Alterisio noted he had no problem with under their control, if what they are doing is not at the pleasure of the board, than it can be ended. Chairman Welch if you want to watch them and justify their service, then do so, but he's not in favor of it. Selectman Alterisio indicated he understood, he doesn't have a problem with waiting and bringing Jeff in here as to what we have to do. At the end of the day the BOS takes responsibility but doesn't take control. Chairman Welch noted we don't have a town administrator; all the other towns do and have brought in all sorts of grants, etc., and for the most part it's BOS secretary and board members trying to cover it all.

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Board made the following appointments: Peter J. Georges – Veteran's Agent, James L. Dow – Plumbing & Gas Inspector, David G. Sweet – Electrical Inspector, David G. Sweet Jr. – Electrical Inspector Alternate, Harry Cullinan – Building Inspector Alternate, Sean G. Ready – Dog Officer, Charles H. Rich, Jr. – Fire Chief, Michael V. Wurm, Timothy P. Joyce and Anne L. Davis to Historical Commission, Walter F. Alterisio as Selectmen's representative on NMCOC, William J. Ahern as Emergency Management Director, John M. Callahan, Diana L. Dalida, Lisa A. Gervais, Catherine O. Irzyk, Robert J. Irzyk, Julianna Perrissinotto, Susan K. Psaledakis and Bruce S. Tannenbaum to Safe Pathways Committee and Gail S. Brown, Joseph P. Dean, Ted O. Gaudette, David A. Johnson, Joan M. Simmons and Kevin W. Welch to the Zoning Review Committee. Selectman Leva also expressed interest in serving on zoning review committee – will ask Larkin about the complications with two members working on that committee. Chairman Welch preferred.

Chairman Welch advised that the Town of Tyngsborough has asked our Dog Officer to help out in Tyngsborough and for his use of the facilities at River Street for impounding, etc. Board approved working through possibilities.

Meeting adjourned at 9:40PM after appropriate motions and vote.

Respectfully submitted,

Danice N. Palumbo,  
Board Secretary