

Minutes: Selectmen's Meeting – Monday, September 27, 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. Chairman Welch reported on the letter requested by Chief Downes & Lieutenant Dow to confirm their tenure. He advised it was prepared by Labor counsel after discussion with both the Police Chief & Lieutenant.

The board then met with Marc Terry, labor counsel, for final revision of the personnel policy, as far as he's concerned stick a fork in it – it's done. He noted that he's incorporated all the changes requested. Selectman Alterisio noted some of the comments he'd made in his memo of September 2009 recommended the creation of a personnel board. He indicated research indicated that we've never created a personnel board, but suggests taking to town meeting to accept personnel board statute but 1st step is to accept the personnel policy. Selectman Alterisio related on the background noting the personnel policy went way back – what sparked the policy was had no provisions in place relative to equal employment and need to put something into place. He noted one of the components of the original policy established the Board of Selectmen as the personnel board but no attempt has been made to bring the policy to town meeting to establish a bylaw. Selectman Alterisio noted that one of the items that came up relative to employee at will and items that came up during union negotiations. Marc went through what we had and ripped it apart, and rightly so, as there were a number of inconsistencies included in the personnel bylaw. Need to move forward with accepting a personnel bylaw and a personnel board. He noted comments that came up – one from the Board of Road Commissioners who took exception at authority appearing to be relinquished to Board of Selectmen. Marc advised on the amendments he's made to the personnel policy to address those points. He noted the language is constructed to maintain the authority in existence. Selectman Alterisio noted that BOS has recognized that the setup is somewhat cumbersome in this time – worked very well in the old days but not now. He indicated that one of the things that has caused some discrepancies with personnel working for multiple departments, and conflicts that come up from time to time. Other issue was regarding tenure and a letter has been prepared to document the tenure status of the Police Chief Downes and Lieutenant Dow.

Selectman Alterisio noted was really looking to bring Selectman Leva up to speed without addressing every item. Marc noted the policy the town had maintained before had some items that could put the town

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at risk. Terminology issues have been corrected – no benefit changes, just clarification. Similarly there were questions related to benefits that need to be clarified. Some of the policies which were included within the personnel policy by law, need to be separate. In addition, he eliminated items that don't necessarily belong within an employee policy, more within an employment application process. Original didn't effectively place distinction on different time of employment. More than anything else it was a clarification practice to provide a clear and concise document that could be easily understood. Selectman Alterisio asked if it would be pertinent to identify holiday observance. Marc noted that holidays are governed by statute. Marc noted these are policies and allow for exceptions or modification as needed – one of the benefits of a policy. Marc suggested including the day after Thanksgiving as a holiday – there's no reason why something like that couldn't be amended from time to time – just need to have something in place. Marc is recommending adopting this policy – if should decide to move forward to vote in a personnel bylaw would require town meeting approval, as well as the establishment of the personnel board.

Marc advised that different towns chose to address in different approaches, some with personnel bylaws – there's nothing here that jumps out that Dunstable does differently – there are some points that people prefer not to deal with – clauses regarding nepotism, etc. which this town preferred to not include in larger towns would include. Selectman Alterisio asked board to look at page 7, #4 which tends to indicate Board of Selectmen as authority – Marc noted that it further indicates not the usurp other boards authorities – this is the Selectmen's motion to accept by Selectman Alterisio, 2nd and voted with all in favor.

Chairman Welch asked whether Marc could speak within the limits of not requiring executive session – relative to options available for retirement – Dave Crandall noted that are trying to look into options that might be available. Marc felt that it would be best for Marc to meet with the Road Commissioner separately. Selectman Alterisio noted that we have an unfunded liability of accumulated sick days – he noted that in the past few years, he's pushed for the creation of a fund. One of the things that can be done is to create salary line item to cover. Marc will meet privately with one of the road commissioners to discuss options.

Bill Ahern presented two administrative issues – Police Chief has been speaking with Emergency Management Director in Groton and Pepperell, mailing to identify vulnerable population. He'd like to

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include the document in with the tax bills. 2nd item is simply to identify himself as the Emergency Director and 2 alternates. He advised he went to local emergency management meeting of all directors and got some good news, state is coming thru with \$2500 grant and possibly more grant funds will be available – state has \$53M available. Selectman Alterisio inquired whether we've explored the possibility of getting neighborhood captains to conduct the survey. Bill advised that this isn't something they wanted to have the neighborhood captains do – this is the best approach.

Chairman Welch inquired on attendees and the gentleman advised he was a district parent whose daughter has a school project which requires her to attend public meeting. Chairman Welch reported on the lengthy process followed for getting the personnel policy approved. The board also reported on the issues that came up with the ice storm last year and the attempt to determine people who might need special help. The gentleman indicated he had a lot of respect for the board volunteering all their time and efforts noting it was kind of a thankless job.

Chairman Welch reported the next scheduled agenda item isn't scheduled until 8:30 but have treasurer's warrants to review and approve – while would like to move the last appointment forward, we can't as a specific time has been established and must be maintained as people have scheduled their time to be here.

The Treasurer's warrants were reviewed and Chairman Welch signed 3 copies of the tenure agreement document for Chief Downes and Lieutenant Dow; one for each of their files and another for the Town Treasurer's files.

Chairman Welch noted he'll be attending a meeting on Tuesday October 26th with National Grid in Leominster. One of his questions he'd like to address is the anticipated coverage in case of emergency. He noted that Groton was back up in 1½ days, why couldn't National Grid have called Groton in, as others did. Selectman Alterisio advised that there's one area that was of concern to him and that's to maintain communication – if it hadn't been for Sheriff's Department we would have been without emergency communications.

Chairman Welch noted a memo from Building Inspector and Zoning Officer relative to Town Departments doing business with unauthorized businesses in town. He noted he felt it probably wouldn't be prudent for the Town to be doing business with illegal operations. Selectman

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Alterisio noted the thing he's most concerned about is the environmental issues related to that type of operation on High Street. Chairman Welch advised he'd just gone down and spoke with Building Inspector who had a couple of customers and was unable to come up.

Discussion continued on how the service is interpreted – Selectman Alterisio noting on the last one since there's no funds exchanged, can't necessarily interpret as a business. Dana visited the board relative to his memo. Selectman Alterisio working from the back the gentleman cutting grass at the watering trough is donating his time. Dana advised that he has discussed the issues with the gentleman on numerous occasions and he's well aware that he's operating illegally. Dana confirmed that Bob Fenn isn't operating legally – exterior display of products, etc. has sharpened blades, etc. for the Cemetery and Highway. Issue is whether they have opportunity to operate without a permit. These are just the ones he knows about – just wanted it brought to the board's attention before we end up in court and someone comes forward with a bill that was paid by the Town of Dunstable. Dana asked what's happening with all the unregistered vehicles at Brows on Pleasant Street. Now up to the Board of Selectmen to schedule a hearing on the subject – Brow will have the opportunity to state his case, as will all his neighbors. Chairman Welch suggested working a map on the days and scheduling it ASAP – Selectman Alterisio asked that we table action on that until next meeting. Selectman Alterisio noted like conditions on Lowell Street, and at Riopelles on Pleasant Street. Board discussed the provisions of the junk and unregistered bylaw. Chairman Welch noted despite money transpiring there is still the issue with violations of the zoning requirements.

The board approved the chief's recommendations for a new firefighter. Harold Simmons provided a little background. Chairman Welch noted that it appears there's no push for the 3rd guy for highway for special town meeting – only other issue is the computer problem with the heating system at the Library – Selectman Alterisio suggesting deferring to Fincom to see if they could fund it temporarily. He indicated he felt they'd dropped their funds to \$25K as they'd jumped the Town hall expense account up. Selectman Alterisio would like to wait and find out if there's a way that Fincom could address from their reserve account – there's been only one quote received – obviously need more estimates and Harold inquired whether we're even certain this will solve the problem. Secretary was asked to contact Fincom Chair and ask that Marybeth be put on the agenda for Monday's advisory board meeting to present her case. Harold advised, as one

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member of the board, he wouldn't vote any money on Monday night based on an e-mail – need to establish the particulars and include in their packets. Danice to forward on to Dan to get on Fincom's agenda – Chairman Welch noted that's \$10K beyond the energy bill of \$30K for 20 hours a week.

Chairman Welch presented proposal to purchase a network extender for Town Hall which would act as an antenna for Verizon cell phones. Basically for \$100 can get this put in. He'd like to see the board would consider authorizing secretary to pursue the option. It actually doesn't only work for Verizon. Chairman Welch noted we are a customer service oriented business here – not likely a new cell tower will be installed in town. Chief Downes was asked whether he felt it was a public safety issue with the town having no cell tower in town – Chief reported on the number of emergency calls that were dropped. It was noted that everyone has a cell phone now – Selectman Alterisio noted that might be one thing that we'd want to put on the list for consideration at our next town meeting. Is one tower going to make a difference – depends on location and Chairman Welch noted there's also a technology for placing antennas on phone poles. Board approved network extender and noted we've passed the date for scheduling the October town meeting. Selectman Leva & Selectman Alterisio will research quotes further??

At 8:30pm, the board met with chapter of C.O.P.S. Matt, Chief Downes, Lieutenant Dow, Wes Goss, Harold Simmons, Chairman Welch reported main concern was with the alcohol – the board has no authority to issue license. Other concern was for major public safety issues such as traffic, etc. – If he has any issues, he'll address with them. Just to make sure everyone is on the same page – they need to work with the police department. Chief Downes would like to hear their intentions, what they're planning to do – setup would probably begin either Friday or Saturday – to make sure stage is set; parking area will be laid out two days out before event. They'll make sure any provisions from the police & fire department are met – they'd spoken about putting out cones on lanes to slow traffic down a bit. They're planning to keep the flow of traffic moving easily and working on plan to bring into the farm without impeding other traffic flow. Around 10AM plan to meet with technicians and begin accepting people into the area around 11 – introductions of bands, around noon and goal is to end night before sundown. Lunch will be provided between 12 & 6 – if for some unknown reasons have any delays, will begin going back to their cars around 5:30 – doesn't want a mass exodus after sundown when it's pitch dark. If start backing up, will make an announcement

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that time has been reduced. Already looking at traffic cones, vests, guides – have personal marker lights being put on lanes to help people getting out. They will provide copy of plan to police department. Chief Downes advised his biggest concern is at the corner – needs 2 detail officers there at the start – looking at \$1000 cost for that service. Obviously they hoped they wouldn't need to have it; it's unforeseen expense. They're counting approximately 3-500 right now for participants. Chief inquired whether they anticipated alcohol being brought to the event – the spokesman indicated he can communicate no alcohol allowed – Chief doesn't want to have any issues coming up because of alcohol – the group anticipates participation related to the bands which will be performing. Defenders have been involved with events with 1000 participants for Ronald MacDonald house. Chief asked that all participants understand the rules – that they be announced ahead of time and enforced by the organizers and the owner of the property. Chief uncertain that two officers would be enough with that volume of participation – he'd been looking at 100-150. Expectations are that people will begin to arrive between 11am and 12noon. Chief advised that they'll be obligated for 8 hours – if it extends beyond 8 hours it's time and ½ which will jump up the costs. As far as cones, he'd leave to discretion of lieutenant for placement of the cones – as they have more experience. They're planning signs to let people know entrance is so many feet ahead. Chief Downes inquired since there's been numerous complaints about noise and noted it's the owners responsibility and would be a good measure to let the neighbors know ahead of time – would help the Police in not having to. What about evacuation plans – any plans for bonfires or like? None He's spoken with Fire Chief and plans to have a follow-up meeting as plans progress. Chief Downes indicated both he and Chief rich need to be kept aware of parking plans. He also indicated he felt that things would go more smoothly if they were to take control of the event – everyone in their chapter is familiar – Chief Downes suggested finding a way to put the rules out there where everyone can see – a little prevention will avoid a lot of problems. Chief Downes asked how many folks they had for parking & managing the event – responded 12-15 right now but have other volunteers they can pull in. Doesn't anticipate a lot of motorcycles – maybe 100 – being billed as a concert not a motorcycle event – they're just supporting the event for the cause. Chief Downes asked when they could get back to him on whether they're able to assume the cost for the police details, etc. – responded before the end of the week should have the answer.

Chief Downes asked where they'd advertised outside of law enforcement and they indicated yard bar at Manchester, public service

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announcements out to 2 of the local country radio stations – was hoping that local papers will support. Chief Downes advised it's none of our business as long as conducted properly but will be our business if trash isn't addressed appropriately. Whenever they do a venue they try to make sure they leave with a much higher regard from the local police and public officials. They'll definitely leave on a higher regard than anticipated.

Alan Chaney noted backland down there is town forest – need to be sure there's no spillage over into that area – motorcycles, etc. will be parked toward the front and Wes noted there's sufficient buffer that shouldn't been any problem. Selectman Leva asked with an event this large, whether the police has thought about volunteerism for the detail operations. Chief Downes indicated he wants to make sure he at least has local officers who are familiar with the community. Chief Downes noted that even with the local road race, have considered but have to work within the purview of the police union contract. Not looking for excess coverage but needs to be confident has sufficient coverage – can waive the administration fee, has been done before for charity purpose.

Wes presented letter of determination from MA dept of agriculture noting that he'd advised secretary he's already given building inspector and zoning officer copies of same.

Chairman Welch advised town counsel that we still haven't knuckled anything down for a fall town meeting, had a couple of items come up, most pressing being the repairs for the heat and ac system at the Library. Secretary putting it on Fincom's agenda for next week, Highway wants to hire a 3rd person but can wait on that as well.

Rich noted Chief has presented requirements and board agreed its best heard directly from the source. In the law world, Rich is watching the Pond Street drainage thing like a hawk. Rich explained some of the options for settlement and related expenses, as well as cost for defending positions. If goes to jury, it's highly risky. Rich has discussed with Jeff a number of times and is researching plans from the original construction for confirmation of dates, etc. Chairman Welch asked whether there was any practical rule of thumb or summary of judgment on the case and Rich indicated that honestly in this case he would have moved toward sum of judgment but Joe Lombardi is reluctant. Rich calls him regularly and anytime he waffles a little, he sends him a memo to reinforce the town's position but passage of time as long as we keep our representation fresh &

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interested, it doesn't hurt it. Chairman Welch inquired whether the Planning Board has adopted a procedure that will safeguard against this type of thing happening again. Rich advised that changes in ownership, etc; complicated things and Planning Board minutes repeatedly reflect the inquiry into the easement's recording. Rich thinks ironically Steve Mackenzie was successful in getting the easement but never recorded it and it should have been uncovered during the process of establishing as a public way.

Minutes of 9/20 were approved with amendment to paragraph on page 5 at bottom where it went a little off track.

The Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:20PM after appropriate motions and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary