

## Minutes: Selectmen's Meeting – Monday, November 1, 2010

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

Sue Psaledakis stopped in before the board called their meeting to order and thanked board for sponsoring her attendance at MA DOT – basically their big message had to do with same orad, same rules big push on bike lanes and pedestrian pathways. She presented cards and pens and information related to rules of the road. She indicated she found it interesting, glad she took the time to go. More to the point, was the morning spent a week ago Saturday when they visited Carlisle re their accomplishments with pathways – gave them copies of their engineering plan and shared their experiences. This past Saturday the Pathways group met at the Library – they are researching a plan for a walking path from the school to the Library. Five homeowners along the way was very receptive. She asked for Board's support for their continuance with this project – they'd like to work with the chief requesting more crosswalks – by Fire Station, etc. She advised that because they'd been looking at pathways. The group would like to go for some engineering funding, which she believes can be thru CPA funding. She'd also like to have Town Counsel to look at easement document shared by Carlisle. She advised they'd met with Highway Department relative to dimensions of roadways, etc., in preparation for laying out paths. They are also working with sort of a sub-group on trails. They're scheduled with the Planning Board a little bit later and with the PTO.

Selectman Alterisio asked how the support from NMCOG was working out – Sue advised its' working okay but it ends in January; have been working with Sarah who's been very helpful. Sue advised that the town doesn't have as much to provide for pathways. Sue confirmed there are certain things that have to do to meet ADA compliance. Chief Rich questioned whether Sue was sure they wanted to have the path on the side of the roadway opposite the Library – Sue explained the setbacks, etc. Open meeting law doesn't say you can't talk about anything if it's not on the agenda – Rich felt that if you think the convenience of the town is best served by moving forward with it. Selectman Alterisio indicated board could make reference but delay the decision. Rich advised that he would take that approach if discussion was relative to authorizing expenditure. Sue reported she has gotten a few ballpark figures relative to expected engineering costs for the pathways. Chairman Welch requested motion to support use of town counsel services as explained by Sue Psaledakis – made, 2<sup>nd</sup> and voted with all in favor.

Fire Chief Charlie Rich appeared before the board presenting communication from Fincom relative to invoice received from Essex County Fire Chief's Association for specialized rescue in the recent parachuting. Chief Rich advised he'd called District 6 (Westford Fire) relative to the incident – North Reading Fire Chief contacted Chief Rich to see if we needed their assistance. District 6 advised him that this service was being offered. Rich noted this invoice comes from a special corporation – it's not a municipality providing mutual aid. Chief Rich advised after looking at the pictures more closely there's no way that the Town of Dunstable could have accomplished that rescue without mutual aid. Chief Rich advised this is a specially trained unit – his concern was to get the guy out of the tree. Chief Mansfield from Andover fire, who's a director of this corporation, was on the scene within minutes and determined this type of equipment was needed.

Rich indicated that a corporation who has provided a service is invoicing the Town for the service provided – question is a contract question – did they have a contract with the Town of Dunstable for this service. Charlie takes it as a situation that with

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someone caught in the tree but did not have the capacity or skills to effect the rescue. Chief Rich feels that if the bill is forwarded to the gentlemen in the tree, he'll pay it. Chairman Welch felt that Pepperell Sky Dive should be taking responsibility; Ron Mikol has called them, manager of Pepperell Sky Dive was out sick but her assistance indicated they have insurance for accidents but couldn't elaborate on the coverage. Ron Mikol indicated it might be prudent to talk with Essex County Fire Chief's Association about the possibilities of forwarding bill to individual rescued for payment. At the end of the day, Ron indicated this is a service provided the same as by the ambulance and the hospital. There are municipalities that are starting to pass on the bill to individuals involved as responsibility is that of the person involved. Rich was asked to confirm that according to state law, though we can send the bill, there's no authority for the municipality to send them a bill. In this case, here you have a guy who dived out a plane over our town and, as a result of his rescue; the Town of Dunstable is now being billed for \$9,500.00. The systems that have been in place are now starting to fail. Rich advised that town has to analyze it's legal position as it relates to this bill – did Fire Chief effectively engage this service, isn't there a responsibility to advise the Chief that the service being offered has a cost of \$68.00 an hour per man. Chief Rich advised that if any of the men had been on the clock at the time, there probably wouldn't have been an additional charge. Rich indicated that the question has to be addressed as to how to handle – while we address this situation, we need to be careful about volunteering to pay this. He feels it's advisable to pass the bill along to the parachute jumper. Rich will pull together a letter. All agreed the rescue part went flawlessly – no-one will ever question the approach taken, the question is who's going to pay for it. Rich reported he'd called an attorney at DOR, if push comes to shove, as to whether we'd have to pay, noting some towns have bylaws that specify in certain instances, who will pay.

Town has already signed an agreement with District 6 and Charlie has brought in another agreement for state mutual aid. With respect to current bill, he doesn't think that they are expecting the Town to pay; he's spoken with a Chief he knows who advised he'd understood the bill was sent to Dunstable with expectation that bill would be passed on to the individual.

Discussion continued on how the coverage was interpreted and the costs with Town Counsel advising the board that Lawrence Gallant is executive director of the organization. Charlie would feel a lot more comfortable if the bill was addressed to Mr. Stack. Rich advised there is a basis to establish a relationship with the municipality that called you in. Rich felt it would be appropriate to contact Mr. Gallant and inquire as to their expectations. This non-profit corporation though it's been around quite a few years, this team is a new venture. Chief Rich advised that he'd spoken with Chief Downes who indicated that when Dunstable provides mutual aid to other towns, Dunstable picks up the cost.

Charlie can give Lawrence Gallant a call or get hold of Pete Mansfield in Andover. Chairman Welch felt the appropriate contact would be Pepperell Sky Divers for payment. Rich advised that arrangements need to be researched – Selectman Alterisio noted the whole crux of the thing is there'd have been no need had there not been things go wrong with the dive – backup chute and other chute were both opened and the jumper lost control. 2<sup>nd</sup> shoot is automatic shoot based on the altitude and he pulled the primary which resulted in the situation. The jumper had 28 jumps – takes 25 to be on your own. Selectman Leva asked whether there is something that we can put in place with Pepperell Sky Dive to address this issue in the future. Rich indicated that he felt the town would need to fortify the decision

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with some form of bylaw adopted by the Town of Dunstable. Follow up on all avenues to at least determine what options might be available going forward. Fire Department will continue to pursue Pepperell Sky Dive to see what their position is. Rich indicated he felt that the gentleman to approach is Gallant, identified as the President in the most recent filing with Dept of Corporations. Rich suggested that someone from the town who speaks for the town's financial position to speak with Mr. Gallant or whoever the appropriate individual is, advising while we totally appreciate the service provided, thinking the BOS might be a little too authoritative but Fincom might be more appropriate, just looking for information, trying to work with you, how can we proceed. Chief Rich felt it was a good idea, in terms of getting good solid information, Ron Mikol is a good choice; wants them to know we're here, but having a problem with how to handle payment. Rich is in favor of passing the bill along to the individual; Rich will draft up a little letter to accompany the bill when forwarded to Mr. Stack. Chief Rich suggested the individual be asked to make the check out to Essex County Fire Chief's Association. Chief Rich advised he is going to get hold of Chief Tyler from Pepperell as well as Nashua to let them know what's happened.

Chief Rich advised the team got trained on a grant – sending individuals to Texas for training – technical rescue, trenches, tree rescue, etc., further indicating that he was always under the impression that hazmat truck would come out without cost but asked for one up at brush fire by Kemp Street was advised it would cost \$7000. He also reported that when town calls for helicopter, if it's determined that it wasn't really necessary, the town would be billed for \$10K. He advised on the efforts made with the skydiver rescue, reporting they had a tree climber who climbed the tree and put paraphernalia in place which would permit lowering the individual to the ground. This guy was 150 yards off the street so they couldn't get Nashua's ladder truck in there as they'd normally do.

Rich will write up a letter and forward it to Board of Selectmen who will forward it on. Ron Mikol will talk with the individual from Essex County Fire Chief's Association. Board hasn't acted on the other mutual aid agreement but will take care of it shortly.

The board reviewed the unfortunate circumstances of last week with the passing of Billie Bacon and Rena Simmons, and Chief Rich advised that four towns provided mutual aid coverage for Dunstable for the wakes and funerals.

The board addressed the outstanding unregistered vehicles question with Town Counsel, who advised it is not a zoning bylaw so enforcement procedures are different: #1 has nothing to do with Building Inspector; Hearing must be scheduled and board must notify individual, notify abutters – are certain remedies that can be undertaken. If individual doesn't conform, citations @\$20.00 per day can be issued. Rich will work with secretary in preparation for legal process.

Chairman Welch advised that Andy Sheehan Town Manager from Townsend wants to see if Bonnie can be bonded as Treasurer.

Many moons ago, the Chairman spoke with Terri Atwood to see if she might be interested in serving the Police Department for 10 hours a week. He was going to suggest to the board that Plumbing, Gas & Electrical Inspector be forwarded over to Danice who serves as Building Inspector's secretary – shuffling marbles so as to save another salary, health insurance benefit by incorporating roles to existing personnel.

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He's spoken with Police Chief who would be happy with 10 hours a week, although he'd prefer 40 – any assistance is better than nothing.

Chairman Welch advised he'd attended recent National Grid seminar noting its purpose was to tell town officials and safety personnel of things in place prior to storm season. He noted that Dunstable is not a high output for them to maintain, without the heavy return, just not high priority. He would like to see better attention noting they have to get 113 up 1<sup>st</sup> for Fire, Police & school which is used for shelter.

The board reviewed and signed the four (4) Treasurer's warrants and Selectman Leva signed the 2010 common victualler's license for Convenient Mann – effective until December 31, 2010.

Chairman Welch advised that he somewhat disagreed with Chief Rich's interpretation indicating that if the training was provided via state or federal grants, they couldn't charge towns for the coverage provided, any more than NEMLEC would send the town a bill for that service.

Secretary will dig up paperwork Chief Rich referenced for mutual aid and include in next week's packets.

Minutes of 10/18 were approved as written. The Board indicated they'd also work on delegates for appointment to the Cultural Council. Meeting adjourned at 8:27PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,  
Board Secretary