

Minutes: Selectmen's Meeting – Monday, April 4, 2011

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

Meeting was called to order at 7:00PM with all members present. First item was rationale for request for special act which would allow Fire Chief to serve past his 65th birthday on 3-27-2012 to 6-30-2012.

Fire Chief and Deputy Chief approached the board regarding thermal imagery camera; the Chief noted he'd spoken with Dan St. Jean who suggested he appear before the board of selectmen and then bring it into Fincom. He indicated that they've replaced like 3 sets per year – if replace 3 sets per year, don't reach the point where find sets that aren't any good. He advised they've been replacing 2,3 or 4 sets per year: 3 sets of gear comes in 2014 have 19 bottles that expire - \$5k plus 5 bottles @\$1000 per bottle – looking at about \$12k of the \$25k. Selectman Alterisio asked if they could do this and incorporate within \$25k. Next year, Selectman Alterisio's logic says looking at \$12k; Chief – no there's so much that have to replace each year; Brian advised on the number of items that need to be replaced or purchased – each year try to leave \$3-4k to very end in case something breaks down. Selectman Alterisio indicated he would like to reconcile what the \$25k per year is spent on. Chief & Deputy reported on the cameras they've tested and indicated they're going to call the guy who was in the other day and ask him to come back – Brian explained the differences between the cameras and their displays, functions, etc. and advised they come with a one year warranty and can be extended to 3 year warranty.

Chief Rich and Deputy Rich further advised that when they get to May they're thinking about getting rid of the portables and upgrading to higher frequency radios for the trucks – a lot of the radios they have after July 1st 2013 will not be able to operate legally. Have 2 mobiles that need to be replaced and 7 portables; frequencies are being tightened; gave specific date to replace all existing radios. They explained the change in the frequency – even like home scanners have to be adjusted. Issue is whether they get the grant in time – chief rich advised it doesn't look like they're going to. Groton just gone one for \$176K to replace all their Scotpaks; if you can do it's fine, but down the road will be expensive to replace all at once.

They're thinking if they do this – go with 3 years, could pull the article and just use the line item for \$25K, just next year when we revisit the budget will see the 25k component in there again, a portion of it will be for the payment on the camera. Board was in favor – if can do this way Chief felt that Fire Tech would really step up to the plate and get us one right away. Chairman Welch cautioned that if the grant comes through, would have to purchase another one. Charlie advised you can amend the purpose of the grant, just have to call and get authorization to do it. Charlie indicated they've put in numerous grant applications, doesn't know whether they're not doing something correctly, or just what the problem is. They advised that most times they've had someone read the applications, they question if the budget number is real. Board didn't have a problem with that approach.

Board discussed his request for Special Legislation which would extend his term of duty for 3 months – Selectman Alterisio provided motion to approve language for the special act. Chief Rich and Deputy Rich continued to explain the rationale behind gear purchases and replacements. Chief Rich advised the bill for the skydiver has been turned over to a collection agency.

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Building Inspector and Zoning Officer Dana Barnes appeared before the board, relative to draft letter to the Goss farm stand concerning over extending activity there. He reported they've taken out numerous loads of loam, has MA Six Shooters Association, Wife Carrying Competition and miscellaneous other activities which do not fall under agricultural exemption. Selectman Alterisio advised he understood the agricultural connection with the removal of earth reflecting on a determination in the town of Natick. Question remaining is whether this is entertainment or is there income being generated from those activities, by way of say an entrance fee – if there's an income being generated with those activities, it's unlawful. Dana advised that he has spoken with an attorney who's corresponded with the Dept. of Agriculture – the only activity that might be exempt is the corn maze – even questionable about the sale of ice cream. Chairman Welch noted that regulation's been changed recently – basically towns were giving farmers hard time about dragging a stand on the back of tractor to sell strawberries. Discussion continued and Rich advised when you get down to the real brass tacks of it, it's difficult to know how you determine it. Dana felt he's exceeding his exemption – almost appears this is the draw to get into selling ice cream cones; now gets into Barn Jams which has resulted in police being called. Rich advised it must be purely agriculture, not just agricultural theme. Selectman Alterisio noted basically he's trying to mirror Kimball's operation but would need to go to Zoning Board of Appeals who would need a legal basis to generate a decision in their favor. Issue is people go to the ZBA – if ZBA can find legal basis to do so, they'd grant a variance, it's filed with Town Clerk – if no one appeals it within 20 days, it can't be changed. Rich advised that most variances fail as they lack the necessary requirements to grant. Chairman Welch indicated that ZBA wouldn't have anything to fall back on – would require a zoning change by the Town. Chairman Welch advised that if Dana believes that there is a violation, need to follow through. Selectman Alterisio advised that should bring to Rich, if Rich agrees that there's a violation – must put together approach. These are the things that don't fall within an agricultural exemption, either stop it or be in violation. Rich advised that if someone continues, and Dana issues a cease and desist order, and the burden is on the individual to prove that it's exempt. Selectman Alterisio indicated should make sure that Rich is in the loop because if the individual appeals it.

Mr. Daniel Devlin, candidate for the open seat on Board of Selectmen, visited the board for quick study on processes followed. Board advised that tonight board's going through 1st pass on the warrants for STM & ATM. 1st article is for Minuteman tuition for student's tuition. Selectman Alterisio advised it's a requirement thru school choice for FY11. 2nd is unpaid bills from 2010; 3rd roof for River Street – Selectmen will present (Selectman Alterisio).

Discussion continued on the best approach for posting the Special and Annual Town Meeting warrants with Town Clerk advising voter's list is run by the annual. If done the way we're doing now, could be some problems. Could it be done with dual registration? How about NA on the card which gives the indication that are only qualified for ATM? Carol advised that Secretary of State's office has our voter information; suggestions made included notifying the individual that while qualified for the Special are not for the annual. Discussion continued on the problems with last year's town meeting with people leaving and coming in – matter of order and how you move people. Ted advised there isn't going to be a recurrence of last year's events under his watch. Carol's preference is to have the special closed and then open for the annual. Selectman Alterisio everyone is coming in to register at the

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same time – if there's someone unqualified – Town Clerk indicated no problem she can make anything work. Rich advised legal issue is in identifying who's qualified at each. Selectman Alterisio suggested a strike on the card that they're going to be used for voting – Carol advised not going to be a problem – she'll make it work.

She reminded the board that ballot question closes 5PM next week so if there are any questions which must appear on the ballot, they must be in to Town Clerk by next Monday @5PM. Board advised they knew of none. Selectman Alterisio advised he was looking to eliminate the article for automatic license plate reader and Selectman Leva concurred. Chairman Welch referenced the article for Library interior lighting noting that we have an issue every year with pipes breaking at the Library and yet Fincom comes back with an article to replace interior lighting which no one has ever complained about.

Rich advised on article #24, the one looking into feasibility of selling water to another entity, noting that Water Commission has the authority to look into feasibility without the article. Discussion continued on what effect the vote had or didn't.

Selectman Alterisio questioned with the walking of the Beagle property inquiring whether there would be any charges for moving structures, etc that would be taken out of \$22K. Alan Chaney advised those would be absorbed by the Conservation Commission. He noted that Conservation supports, and he's advised Fincom. Planning Board seemed very happy as well with the proposal.

Rich explained the amendment to the Scenic Road bylaw is to establish penalties for individuals who violate provisions. He drafted this amendment to tie into town bylaw. Brief discussion on how violations might occur. There was a brief discussion on the growth limitation bylaw, how it came about – the reasoning and how the economy affected it. Rich has advised Cheryl that Planning Board has to have a rationale.

Article 38 is the inclusionary provisions – take Duxbury's and use it. Chairman Welch advised that it's basically based on Duxbury's – Mark amended slightly but Duxbury's has been in there for 10 years with no problems. Rich advised the problem isn't the concept – the problem is how you do it – someone from Town should understand before you put in place. Discussion continued on this article – Rich advised that the town wanted to take every possible initiative that anyone might use to develop land and tag on provision for affordable housing within it. He advised that they wanted to take developments above certain number and require special permit, thereby getting hold of the project, and tacking on inclusionary within zoning. Rich explained the background of the strategy for taking every approach to development, and building it into inclusionary zoning. The approach being used here is a general bylaw that encourages people to provide for inclusionary zoning – Rich has some reservations on whether it would work but Chairman Welch advised that Duxbury has been using for 10 years without a problem. Selectman Alterisio indicated his concern that Duxbury has the resources to support and understand the situation whereas Dunstable does not. Selectman Alterisio's concerned about us going down an avenue where all of a sudden it's getting thick – Chairman Welch advised you could use that approach with every situation. Chairman Welch advised that Dunstable is the only town around who doesn't have inclusionary provisions within their bylaws noting that last year at ATM town voted funding to get inclusionary bylaw within their bylaws – this is just following the charge. Chairman Welch will take that article. Selectman Alterisio advised the issue is that it's simple

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enough for people to understand reasoning for doing so – may be a perfectly good reason to do this as long as voters understand the approach and reasoning. Discussion continued on the affects of each approach and the provisions which might be included.

Planning Board will take the last article for the Wind Energy definitions. Board will hold one more meeting to review.

The Board voted to close the warrant to any ballot questions as none have been proposed at this point. Ted noted Memorial Day coming up – needs permission for banner, which board approved. Road Commission Chairman Mike Martin confirmed with Town Counsel that the town has already voted authorization required for the Route 113 easements. Mike Martin questioned whether we need something additional to get the ball rolling for the easements for the road. Rich reported he's spoken with Jeff Rider, plan is sufficient with very slight modification – Rich will speak with Jeff again tomorrow to make sure moving forward with plan modification. Rich inquired who would be the one to call for McGovern, Alan suggesting calling Hugh & Alan has cell phone number for contact.

Rich indicated he's going to take a look at the bylaw & flag the items he thought needs attention. Selectman Alterisio provided motion to concur with recommendation of Babcock Trustees to appoint Lisa Towle, Leah Basbanes and Jayne Girouard to Babcock Scholarship Committee for one year. The board approved.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:12PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary