

**Minutes: Selectmen's Meeting – Monday, June 20, 2011**

Present: Chairman Walter F. Alterisio, Daniel F. Devlin, Clerk and Procurement Officer and Member Kenneth J. Leva

The meeting was called to order at 7:00PM with all members present. The board met with Chief Downes and Lieutenant Dow to review request for annual appointments. Chairman Alterisio indicated it's his understanding want to insure appointments are in place for July 1<sup>st</sup> to eliminate any problems relative to inactive appointment. He also confirmed there will be correspondence for mutual aid from surrounding towns – despite his attempt via memo back in May all have replied except for Tyngsboro. He has the names of Pepperell & Groton officers – under MGL thru NEMLEC have another buffer of protection. Chairman Alterisio advised as long as they've been appointed by their appropriate towns – board relies on Police Chief's recommendation.

Chairman Alterisio advised the board clearly has no reservations with regulars but there has been some discussion on reserves – with comments all over the ballpark. He indicated the board would like to get some sort of handle on it – would also like to try and fill as many shifts as can with reserve officers to take some of the burden off regulars doing double shifts, etc. Danger related to both aspects – but concern with officers operating under stressful or dangerous situations. If the officers don't have the ability to meet some of the town's needs, may be time to consider additional or replacement reserve officers. Chief Downes advised he has no problem with any of the reserves – have worked 616 hours, feel we are getting the quality of reserves – one reservist has had back surgery...and is out of service recuperating. Aggott, Kowalski, Sanborn, Ready & Tedesco are ready when needed and readily available unless it conflicts with their regular jobs. Koyutis & Downes are traffic officers – don't have problem with officers. Always the opportunity to go back to reserve officers...Jim explained he has no idea where it's coming from; will ask Lieutenant to go back and check with reserve officers as to their availability...but one reservation with reserve officers is the amount of crime we're dealing with and seriousness of crime want to insure that reserve officers aren't working alone. He advised that on Memorial Day put 2 reserve officers on evening shift and put the regular officers on the late night shift which required the more experienced personnel. He explained the complications with using reserve officer when something happens the officer must be committed to the case. He explained the training, and values of using reserve officers with regular officers. He indicated one other thing to be aware of – union contract says if shift opens, it goes to regular officer to refuse the work 1<sup>st</sup> so they have the opportunity to fill the shift at overtime. Chief Downes feels they're holding their weight – Chairman Alterisio basically came up in discussion, every shift that has to be filled uses regular officer on overtime and whether there was a way to get the best from the budget...Chief Downes overtime rate for patrol officer is 37.62 – getting value. First would need to sit down with union and look at the 1<sup>st</sup> right of refusal option. Doesn't want to encourage circumstance where have only reserve officers out there – prefers to have mix of one regular and one reserve. Chief Downes advised would rather have the expertise of a full time officer – willing to look at compared to practices have now – level of expertise for reserve is not the same as with full time officer. Discussion was along the line of whether or not use of more reserve officers would be beneficial for filling shifts. One suggestion for cruiser officers he has Aggott, Ready, Tedesco, Sanborn and Kowalski. Advantages when they need assistance at state for probation. Chief provided numbers for hours worked by the various officers. Selectman Leva asked if there are some of the reserves who when called are continuously not available – no there aren't – he thinks they do their best. Thought process is to add to those cruiser officers – to see if they could pick up an officer who could work with them. 616 hours is there a thought process for increasing the number of reserve officers – Aggott has been on since 1981 – could be looking at retirement at some point. Chief indicated he would like to sit down and advertise – Chairman Alterisio indicated while there's definitely a tremendous incentive for regular officers to apply for work at time and ½ there's a safety issue that needs to be addressed. Nothing says that have to award the work – need to

be aware and watch for fatigue factor. \$129K of overtime in the budget – original request was for \$159K to fill all open shifts – BOS asked for some compromise – came down to \$118K to attempt to fill as many of the open shifts as possible. Chief continued to explain how the overtime works into filling shifts including coverage for holidays, etc. for other officers. Selectman Leva in concern for one of his comments that he wasn't comfortable with Board making it practice to work more with reserves – may be more NERPI officers, etc. who're available for these shifts. Selectman Devlin noted he wanted to make it public record when doing math only 5% of total for calendar year for public safety. Selectman Devlin noted to Chief Downes that 616 hours of reserve police work amounts to approximately 5% of hours in calendar year and suggested bringing this number up to ease our burden. Chief Downes advised that reserves can work as much as want but in court cases for rapes, etc. need the full-time expertise to establish the crime in a court case. Discussion continued on how best to address.

Chairman Alterisio entertained motion to accept Chief's recommendation – Selectman Leva made motion, 2<sup>nd</sup> and voted with all in favor of appointing officers per Chief's recommendation.

Board met with Fincom Chairman Dana Metzler, Road Commissioners and Town Engineer re: the Route 113 project. Chairman Alterisio noted that the Board had asked the advise from the Historical Commission who took on the project with a fever, and put their best efforts forward, got sidetracked and went down a road that caused some extra costs – real good lesson to be learned, to ask somebody to do something and then step away, their focus was to do a good job, and they believe they were doing a good job. Moving forward, all boards and professionals we hire must understand that there aren't unlimited funds to support these initiatives. Chairman Alterisio – even at the hearing the other night there was a further question requesting another drawing of what the wall is going to look like, all these items that create additional costs.

Jeff was asked what the overage number is: \$53K for initial drawings approved at town meeting, then \$6K for changes requested by Historical Group and then complications where couldn't be processed without further modifications, which resulted in additional back & forth. \$15,067 is what Jeff has down. Comments back from 25% submittal last week – they informed us that we have to file for a class II Army Corps of Engineers permit as opposed for class I. When he went through the checklist, felt we weren't going to be meet any of the thresholds for the class II. DOT indicates that it's because we're in a historic district – but understand that while proposals have been made for historic district status, no official action has been taken on the part of the town via town meeting vote, etc.

Jeff advised when they put the price together, were unaware of MEPA filings, etc. The way appropriations are going, DOT is appropriating for expenditures after the award, but everything up to that point is to be absorbed by the town. Chairman Alterisio advised that he was hoping that this group could come to some meeting of the minds to permit the funding remaining within the Town Engineer Account - \$15,938 to satisfy the overages. This is \$15,067 overage on top of that already appropriated. Dana questioned whether the plans are completed and whether we should be paying for something that has not yet been completed...Chairman Alterisio the problem is that had group that was unaware of costs for their requests – in addition, nothing in the guidelines to indicate the items that the state or federal government is going to need. Harold Simmons inquired whether there's any of this that's reimbursable once project is completed – Chairman Alterisio not for the design, etc. Harold further inquired what's the final – what's to say we're not looking at a higher number further down the line. Chairman Alterisio advised we don't have a continuation of all the other items that might come into play – asking for consideration for trying to resolve the amount that's outstanding with that which is available within the engineering account with the understanding that moving forward,

any officials requesting services need to be aware of the costs that will be incurred. Dana had no problem with the \$13K – has a problem that we owe it – problem has is that this should be gone out to bid and quoted. If it had, once the additional work came into the project, they would have come back in and advised can't do for the price quoted...wasn't included within it. Right now the state DOT will be the one overseeing the project because that's the only way it can be done at this point. Dana advised it should have gone out to bid so the Town Engineer could be overseeing the project. Dana asked whether there is any anticipation for a need for this money for any other engineering costs before July 1<sup>st</sup>....next year's money must be left alone. Chairman Alterisio advised that moving forward, Town Engineer is going to be asked to be our champion with DOT to make sure they're aware we don't have unlimited resources, and have budget limitations. Chairman Alterisio also noted that Historical District has nothing to do with the speed of that road, number of items that were brought into play and were rolled into this number, while Historical Commission was doing the best job they could do. BORC and Fincom representatives agreed to permit use of that within the .... Fincom member Harold Simmons advised that Fincom reduced the funding for next year for the engineering account based on recent usage. Town Engineer advised it had been reduced due to changes in charges, etc.

Road Commission Chairman Mike Martin advised on the complications with scheduling, installation arrangements etc. relative to the Town Concert banner and the other banner installation and removal.

Fire Chief stopped in to advised graduation for Level II is scheduled for July 6<sup>th</sup> @7PM – we have 3 men who are graduating – if everything stays pat 1, 2 & 3 will be Dunstable guys. Chief also asked whether there's been any discussion on radio issue from last week. .. nothing scheduled yet.

Rich Larkin stopped in for the discussion relative to the funding for the overage in engineering costs for the McGovern Wall. The board advised compromise reached is to use the funding within the Town Engineering line item to cover \$13K. Chairman Alterisio reported that moving forward this won't happen again – professionals should know what's within their budget for these types of projects and must be ready to take the initiative to question an activity that's going to impact the budget inappropriately. He addressed Town Clerk's request for access to town hall, if something's screaming that needs to be addressed but when it comes to just have an idea, etc. He referenced a recent issue with a submittal to Attorney General and her being told that she needed to have town counsel work with her. He advised that's the type of thing that's going to be addressed next week ... and referenced requests that drive the costs up unnecessarily. Rich advised that he's learned in this particular project, the types of things that could be pulled into it and various attempts that might come into play to address Historical issues, if not covered on the local level, perhaps through state historical. Chairman Alterisio noted that the individuals who are driving the project don't have a financial investment in the local cost of the project – that's why the town has to rely on the professionals to bring it to the appropriate board's attention. Chairman Alterisio reported negotiated settlement that the fund available within the engineering budget would provide payment.

Town Counsel advised he's been counsel here for a long time and procedures that have gone down over the year – some things that require his advice – technical issues that need his expertise. Carol does things that are very technically sensitive; has questions if it's appropriate for her to ask. If he questions, would come to the board. The board indicated nothing pressing right now except for Route 113 project, the board signed the official release for the Beagle Club property to Department of Fisheries and Wildlife for \$22,000. Town Counsel notarized the document after taking the appropriate quotes.

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The board noted notification from Town Clerk re: submittal of bylaws to Attorney General for approval.

Selectman Devlin asked with finances going forward as related to engineering project, whether there were additional costs which may come forward related to the project. Chairman Alterisio advised on the background of the overages, and changes, etc. which resulted in the overage. Negotiations back and forth were never incorporated in the original nor the additional charge for addressing the historical aspects. Chairman Alterisio advised we have to understand when we assign these tasks that everyone understands what's involved.

Upcoming events: The Board noted next negotiation session is scheduled for Thursday, June 23<sup>rd</sup> at 9:30AM. Summer Schedule: the board will discuss next week and put some thought into dates in the meantime. Chairman Alterisio advised on his attendance at the NMCOG meeting – reported on grant available, noting communities with population of 7K or less are eligible to apply for design and construction of project – like MUD. He advised on his plan to pass this by Karl – funding round opening by September 1<sup>st</sup> – indicating as far as design goes, it's all done; if we accepted and put it out for an RFP, we're back in the loop.

The minutes of 6/13 were accepted as amended. Board will review the Charter license proposal and related documents to bring themselves up to speed.

The board discussed procurement process relative to threshold for bids for work, etc., indicating that bids might have been appropriate for the recent broken fire station window replacement. The board noted that both the Police Chief and Fire Chief serve under the Board's authority and the board can require bids be submitted to BOS for review.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 8:40PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,  
Board Secretary