

Minutes: Selectmen's Meeting – Monday, January 30, 2012

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. Sue Psaledakis & Judy Larter advised the board that the Tyngsboro-Dunstable Historical Society has a lot of materials belonging to the Historical Society which had been kept amongst individual's barns, etc., and were kept in the Littlefield Library in Tyngsboro until their selectmen decided they needed it – have been required to jam all the materials into a small room in that building. Sue, Judy & Lisa Gervais have mentioned School House #2 – question now is are there some plans for it or is there a possibility that Historical Society could put some funding toward repairs, rehabbing the building, etc.

Discussion continued on the possibilities for the placement of the materials within town. CPC funds could be used for the renovation, restoration. Sue was recalling that up until a few years ago, the classes from Swallow Union would travel down to the little red schoolhouse but stopped because of the traffic, children's safety. Suggestions were made for consideration of some space at the Union Building and Chairman Alterisio recalled some discussions on possible uses for that building in the future. Chairman Alterisio advised he wouldn't have problem with taking a look at possible uses for the historic buildings – school currently uses Union Building for before & after school programs. Jim noted that Police & Highway have the School House #2 stuffed full and would be a shame for them to have to find another location. Judy felt the Union School would be very interesting option if there was the availability. She noted that for hundreds of years individuals have been donating materials to Dunstable-Tyngsborough Historical Society and need a safe place to store them. Town still owns the union building, extends free use of the building to the school district. Chairman Alterisio will research possibilities for storage in Union Building, have little red school house which is used for gatherings and filling it up with stuff would deter its use. Board was receptive to proposals that may come forward for either option. Chairman Alterisio will be speaking with the school to research possibilities – Historical Society and Historic Commission has interest in preserving those items but if there's no way that will be allowed to use School House #2, there's no sense in investing the funds. Chairman Alterisio indicated he felt that if there was a purpose, could find another location for items being currently kept in there.

Sue also addressed the Town Hall stage curtains which were taken down, put into storage with the textile museum for possible restoration, put in the Snell house. Were all sealed up, Sue tried for several years to get some funding to restore the curtains. She's just asking if they could be

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moved from Snell house as the roof is leaking there and don't want to see them damaged.

Dana Metzler stopped in to inquire whether his assumptions that will hold to the same percentage for Chief & Lieutenant as the union has negotiated for other officers were correct. Chairman Alterisio felt initial thought is to be consistent as have been before. Dana indicated the only difference is that officers get uniforms, get Quinn Bill and other items that aren't available to any other individuals. Chairman Alterisio agreed that other town personnel don't have them but don't have need for uniforms or education incentives. He provided some optional approaches dependent on economy at the applicable time. He referenced police union contract provisions and the advantages/disadvantages of treating employees competitively. Jim Tully inquired as to how requests for additional personnel were figured when looking at increases and Chairman Alterisio explained the miscellaneous discussions on the subject over the years. Chairman Alterisio explained requests for additional personnel were compared to overtime costs and whether an additional personnel would decrease costs. Discussion continued on the coverage needed and requirement for sufficient coverage. Jim Tully asked when you look at other towns of comparable size, many don't have upper ranking that we have. Discussion continued on the rankings within our department, Chairman Alterisio uncertain that we're as top heavy as some of the other communities, in union negotiations we're not even close but in reality we're fine.

Discussion continued on what would satisfy the department for their personnel. Chairman Alterisio indicated facing difficult situation coming up with road project, increased details etc., but when those projects are done, will be letdown.

Budget requests for Town Hall are still due. Chairman Alterisio advised that are hearing of some safety issues at the Fire Station that the Fire Chief has brought to their attention as called by the insurance company. Also aware of some damages over at the Town Garage; getting estimates for repair. Working with Chief Downes on his budget and thinks there is some movement there. Philosophy of budgeting additional funds just in case, when it means leaving other departments short, needs to be looked at more realistically. Snow budget is another item that may be questioned.

Dana advised that GDRSD is coming in to make a presentation to Fincom on their budget before presents to Groton and invited board's participation. Chairman Alterisio referenced proposed budget and information provided to the board members with the GDRSD budget. Noted numbers are shifting, but we're still at around 24-26%. Chairman

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Alterisio noted when the River Street development comes on line, will make an impact, down the line Dunstable has to prepare.

Fire Chief provided update on the covering for the trucks recommended by MIIA and a requirement – has 3 quotes and provided breakdown of the quotes – with bungee straps, \$1800 or with Velcro is \$800 – not comfortable with that approach. Chief indicated he would meet with Fincom with the transfer request. Also spoke with fellow from Ayer who indicated he couldn't do it for under \$2000.00.

Chief Rich presented contract for Student Awareness Education Grant for \$3600.00 basically to put together educational program at elementary level – Rich noted there's a provision on the 2nd page where certain person is authorized to sign and proof of authentication, witnessed by Notary. Board confirmed that the grant would come under the direction of Fire Chief. The motion was made by Selectman Leva to authorize Fire Chief Charles H. Rich Jr. to sign the grant. Chief reported on how the grant was spent last year. Is there anything that would require signatures moving forward, Rich suggested motion to authorize Brian Rich and Harold Simmons as additional signatories relative to this contract.

Mr. Jay Parikh advised the board that they want to open similar business in there as the Convenient Mann had operated selling ice cream, and other sundries. He reported he's been working with Board of Health to meet all their requirements and was looking to see if there were any particular requirements – the board asked him to put together a description of the proposed operation. Rich asked him if he's getting legal advice – advised that if you're doing something in a district where zoning doesn't allow it, if the business was in operation prior to the zoning which prohibited, must document, etc. Town Counsel suggested it might be appropriate for him to have his own advice toward a case where he can usurp his rights. BOH is requiring new septic because it failed Title V. They're making him install a grease trap that is larger than required in adjacent towns. Discussion continued on the different concepts and town counsel elaborated on the possibilities and interpretation of when an operation might cross the line. Mr. Parikh agreed after further discussion, that he might be best getting his own lawyer, so he's sure of exactly where he stands before he proceeds further. He reported he's been working with Board of Health, board advised they're not opposed, just want to work with him.

The board then addressed the last conversation about the Goss property, Chairman Alterisio recalled that Dana was going to get together with Mr. Goss to confirm that he'd met the requirements for the agricultural exemption he has, so that moving forward when he begins to open up in the spring time there's documentation in place. How can you establish

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until after he's done it for a while. Chairman Alterisio suggested using the benchmark until October 30th, has he supplied documentation that confirms he's qualified for the agricultural exemption. He noted though we have some arguments whether some of the events fall within the agricultural exemption, like the western rodeo. Maze could fall under it, neither the car shows.

Rich advised that at the end of last week an attorney called him to advise that he'd been contacted by Mr. Goss and what he's told in a nutshell is that what the town has been looking for all along, a baseline thing, at least he would like the land owner to show the town that he believes he's met the statute. The 2nd thing is there are things that he's been doing that could be qualified as agri-tourism. but 1st must determine that initial is agriculture. Rich's own opinion is, if the thing that you're doing is agriculture, doesn't matter how the money was earned. If say the Tullys were to have tours of the property and earn money from that is definitely agriculture from that start but a carnival with cowboy hats & horses doesn't. Essential item is does he meet the criteria of the statute – but need to convince the Board and the Zoning Officer that while some items don't meet criteria, can be allowed to happen. Rich advised the attorney understands that what the Town is looking for and is going to go back to Wes and put something together. Just need to be sure that the Zoning Officer is satisfied that meets the requirement of agricultural exemption...unless we move forward and rezone that particular area which solves the problem but cannot continue to operate unless meets requirements of agricultural exemption. Chairman Alterisio indicated moving forward can report to him that the board is satisfied that has met the requirement. Selectman Leva just to make a point, heard a lot about what's going on but only one resident showed up to the Selectmen's office. Chairman Alterisio commented whether it's one or a thousand, the requirements are the same. Rich confirmed the statute is the statute, not dependent upon how many people complain about it. Rich reflected on the importance of documenting the agricultural exemption. Chairman Alterisio advised he totally supported Wes's initial intent – while great idea and people might love it, didn't work. Jim Tully argued he's one of the two businesses in town and town should be supporting it. Agri-tourism is the cutting edge for people who want to.

Selectman Leva asked what kind of baselines businesses in town have that allow them to operate and questioned with these other businesses, have we had to follow up. Dana advised that we send out letters to businesses when we hear of them and noted that Wes has mentioned that he feels he's being harassed – and mentioned Section 23 of MGL. Chairman Alterisio indicated he didn't feel that was the case, while are some things that he's done that may not fall into the agricultural area, but so passive it probably doesn't bother anyone. Chairman Alterisio

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noted he was comfortable with what we've been doing so far, are a lot of businesses that have been operating in town and have been for a long time. The Board was advised there are home office types of businesses – 38 of them from Tyngsboro to Pepperell line. Jim suggested with 38 of them just on Route 113 – could generate additional revenue. Chairman Alterisio the only problem if there's all this activity going on, may need to modify the bylaw with overlays, etc. Discussion continued to confirm there are home occupations, that make sense as home occupation and others that do not. Will revisit this and have a base line.

Chairman Alterisio then addressed status of MSR – Dana indicated conditions put in place by Planning Board. Dana believes it's already been registered with the Registry of Deeds and is in effect. Dana will have to revisit the conditions of the permit to confirm that is being operated within the permit. Discussion continued on the items discussed during the permit process. Chairman Alterisio confirmed that off and running and Dana has the appropriate information to monitor the activity.

Jim Tully asked the Board and Town Counsel about where things were with Circus Smirkus paperwork. Chairman Alterisio noted the upfront money of \$8500.00 and reference to agreement that the town would pay \$35,000. Chairman Alterisio indicated he saw no problem with the seed money, something going to have to happen to fund that; but with the additional \$35,000 requirement within the contract, question even if we know where the money is coming from, is the town in the business of running the circus – should be an outside organization. Rich advised that appeared to him to be sponsored by support groups. Jim advised Revere, Waltham and Wilbraham were towns. Is the fear or mentality that town could lose, Chairman Alterisio reported he has spoken with Town Counsel and town didn't providing funding but understood that Dick says it's okay, have the funds within the revolving fund. Rich noted other provisions within the contract, that if per acts of God, circus could not proceed, we must pay 35%. Rich advised that cities and towns – it's not their business to run circuses. Jim advised that the revolving account belongs to the Recreation Commission and they have the authority to determine how it's spent. Jim we have the ability to raise revenue for the town and when it comes to the point to use it, it's up to the town to determine how it's spent. Chairman Alterisio advised he didn't know it was that difficult to put together a group who will champion this. Rich advised he'd like to know what the town's insurance carrier has to say about the town running a circus. Chairman Alterisio advised that have had like type operations, has a problem only because it says in the contract that we agree to pay \$35K but doesn't say that if the show doesn't run, we're off the hook. Rich: If the town were in the position as an entertainment promoter – should the town be doing this: A is it lawful and B is it prudent. Jim advised we're already late, and need to move forward – everyone who's

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done it has had great success with it. Chairman Alterisio noted that in Pepperell there is a committee who raises funds for fireworks every summer. Jim advised it's too late to form a committee – we're already late – paperwork was due in by January 20th. Chairman Alterisio issue is, going forward, whether we run the show or not, we're responsible for the draw. Jim advised that have people employed by this town that are bigger liability than this is. One of Jim's goals long terms was to get the funds donated to Parks and let Recreation be on their own. Selectman Leva indicated his point is the suggestion right off the bat, Rich is going to check with Dick Choate to determine whether it's lawful for the revolving funds to be used for that purpose. Discussion continued on whether there was a difference in the town bringing in the Boston Pops in to raise funds – business enterprise you import and charge fees and how baseball fees differed from entertainment. Rich continued to explain the town should be providing recreation for people in the town not bringing in entertainment to raise funds. At the heart, you should be providing recreation for the town but in this bringing in entertainment to raise funds. Rich advised he was sure that he could come up with some private enterprise operations that some municipalities engage in, and then could make the argument this is no different, just doing it one time. Rich reported he called up the DOR and the individual said it's usually it's done by a parallel group but did say had reservations with paying the \$8500 deposit. Jim ascertained that the town isn't doing it, Recreation Commission is. Selectman Leva referenced Cultural Council's presentations, questioning the difference. Selectman Devlin asked if there was something preventing us from moving forward this one time. Rich repeated his primary concern is the legality of making the payments as the contract has them called out; has a very high regard for Dick's insight. Discussion continued on the number of individuals involved in the Circus Smirkus operation with Jim reporting comprised of around 20 troopers (children from 6-16). Jim – let's just say we pull it off and it generates \$35K per year for 3 years, need something to generate funds for supporting the recreational needs of the town. Chairman Alterisio repeated board has no problem as long as the town knows the plan, it's determined legal, as long as they are aware and that's what we do. Chairman Alterisio doesn't want to see the town be put in the position that put on the event and at the end the town ended up taking in \$12K and owed \$25K. Jim, exasperated, advised if we decide that the town isn't going to do it, he's done.

Minutes from 01/17 were approved as written after motion by Selectman Leva, 2nd Selectman Devlin and vote with all in favor. Selectman Leva addressed minutes of 1/23/12 2nd page 1st paragraph – scratch paragraph that references interpretation of dispatch hours. Motion by Selectman Leva, 2nd Selectman Devlin to approve minutes of 1/23 as amended, approved with one abstention.

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Request for use of Grange Hall & Grand Hall on May 18th for the Brownie's bridging ceremony was approved. The board also approved \$110 expenditure from the Wetlands Protection Act Fund for Conservation Commission secretary to attend a class.

The Board noted recent article that GDRSD superintendent may be returning to Peabody School system, commenting on what a great job he's done with the system and the budget and it will be a shame to lose him.

Chairman Alterisio reported he'd mentioned to Chief Rich that Board was agreed would poll the present volunteer firefighters for any interest. Discussions continued on what the expectations were for the future and will be discussed further going forward. Selectman Devlin advised on his concerns that going down the road are going to have a hard time recruiting volunteers for free when you have a Chief making the kind of money proposed.

Board discussed the budget requests and whether will be able to put a lot of the things in place from the Governance Committee recommendations. Chairman Alterisio reported that he knows that they've made calls as he had a recent discussion with Road Commission Chairman Martin. He reported that Road Commissioners would be one of the customers of the DPW. Chairman Alterisio explained the process and indicated that after their discussion, Mikes' beginning to grasp the concept.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:30PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary