

## **Minutes: Selectmen's Meeting: Monday, March 26, 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. Chairman Alterisio went over the items to be addressed this evening and then reported on the presentation by the BOS & Governance relative to DLS Financial management Review and disappointment at very limited attendance. Many recommendations referred to accounting but were some management issues included. Report was given – out of 22 were 5 recommendations that dealt with specific items of organization which were put forth. Chairman Alterisio noted that Town Counsel had also submitted some items to be considered – recommendation 2 was to appoint rather than to elect. Current seat is held by Bonnie Ricardelli – term is up in 2014, intent is to put something in place prior to that time to address - noted that 2014 leaves plenty of time to get on next year's annual town meeting warrant.

Chairman Alterisio noted that town is clearly a one town meeting town and all costs get things done in one night – suggestion is to have bylaw changes etc., separate or outside the normal items for town meeting to avoid something getting pushed away or through because of haste to end the meeting.

Town Counsel, Richard W. Larkin, indicated there's somewhat of a debate relative to placement on annual or special and which the better approach is. He noted that Dunstable is one of the standout towns who holds its town meeting in one night – most have moved to two. Rich also provided the basis for enacting a special act of legislature which would allow combination and conversion of the Tax Collector and Treasurer's positions from elected to appointed, with annual town meeting approval being the 1<sup>st</sup> step, to be addressed in 2013.

Chairman Alterisio also reported that BOS met last week to discuss replacement for retiring Fire Chief. Board by unanimous decision voted to appoint Brian Rich – will take place on March 30<sup>th</sup> – will be ceremony @Fire House – looking to commence swearing in at Fire House, Friday, March 30<sup>th</sup> @11:30. Chief Charlie Rich's term will terminate on March 31<sup>st</sup> but has asked for leave of absence for remaining days.

Chairman Alterisio further reported offer has been extended to Brian – but noted board neglected to give a time limit in their vote on 3/22; vote must be amended to reflect term from March 30<sup>th</sup> 2012 to June

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30, 2013. He'll be operating pretty much in the same capacity as Chief and the prior but looking to go ahead and formalize. Dan provided Motion to appoint Brian C. Rich as Fire Chief for term of March 30, 2012 to June 30, 2013; 2<sup>nd</sup> and voted with all in favor. Chairman Alterisio advised one of the other outstanding issues was to make sure he understands conditions of appointment and contract provisions to be developed.

Next item: 446 Pleasant Street – Town Counsel reported that secretary received e-mail midafternoon advising that Wes was unable to attend. Chairman Alterisio referenced the prior operation under agricultural exemption and prior activities, previous meetings relative to questionable activity with related noise. He noted that Zoning Officer/Building Inspector had been asked to work with individual to determine whether agricultural exemption criteria had been met – Wes indicating at that meeting that he felt he had and Zoning Officer seemed to confirm that he felt that to that point, he qualified. Going into this next season, have to take information based on prior season that does qualify and would be allowed to continue under that exemption.

Chairman Alterisio noted complaint by abutter as to the noise level from a particular activity – the mounted shooting group – and questions as to whether that fell within the exemption and at meeting operator indicated he was unaware of any problem with it and had he known, he wouldn't have continued – as far as board was concerned thought it was abandoned. Since then appears to be a revival in the activity or schedule to commence this weekend. Chairman Alterisio unsure as to what has changed – has the activity changed from that which brought on the particular complaint. Chairman Alterisio indicated question that needs to be brought forward is if the activity moves forward, and how does the town respond. Chairman Alterisio indicated he believed that it was the position of the board that particular activity does not fall within the agricultural exemption.

Counsel provided comments – advising that due to his own fault, in anticipating this meeting tonight – didn't realize that land owner was being invited and it was intended to basically be a revisit of the past discussion. Better that landowner wasn't here – in regard to opening remarks, determination whether the agricultural exemption has been met, in his conversations with Dana Barnes on the subject after that meeting, he reported he'd never done much with the landowner to determine the agricultural exemptions have been met. Town Counsel advised that has spoken with Mr. Goss's attorney today who has

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confirmed that they are working on validating the agricultural exemption. He further spoke with Mr. Goss's attorney on the item in question related to the Mounted Shooting group, and whether it could or couldn't be carried on outside the agricultural exemption. Rich agrees that town needs to determine what aspects of the agricultural exemption but seems there may be some legal issues relative to zoning and would be better addressed in executive session.

Chairman Alterisio referenced the schedule for activities called out on the Mounted Shooting group's website - 1<sup>st</sup> item being this Saturday. Chairman Alterisio advised that at this point, thinks best to monitor activity and see what happens - kind of wait and see and Town Counsel has suggested meeting in executive session - Rich advised that in Wes's response had advised he'd like a meeting with the Board and has spoken with attorney who confirms. Earliest meeting could be scheduled with the Board would be Thursday as would need to meet open meeting laws.

Chairman Alterisio asked the Gureckis for any comments - agreed with initial comment on efforts put forth - doesn't anticipate any change, something new in picture that uncertain whether needs to fall within the agricultural exemption, asked what permits would be needed for the activity to proceed. Rich reported on his discussions with the Goss attorney. Mr. Gurecki indicated that, if Mr. Goss didn't intend to put under agricultural exemption, it was because he doesn't want to lose the agricultural exemption. Chairman Alterisio advised that will have to look to the landowner for what his intentions are, and promised the board will work with both the Gureckis and the landowner for a definitive.

Motion was made to accept 3/19 minutes as amended reflecting attorney's name as George Eliodes, 2<sup>nd</sup> by Chairman Alterisio and voted with Ken & Chairman Alterisio in favor. The Board then took a vote to enter into executive session under MGL Chapter 30a Section 21 §3 to discuss strategy relative to litigation and to return to open session at the conclusion of the executive session. Roll call vote taken with Chairman Walter F. Alterisio voting yea, Selectman Kenneth J. Leva voting yea & Selectman Daniel F. Devlin voting yea to enter into executive session @7:40PM and reconvene at end of executive session.

The board resumed their meeting in open session at 8:15PM. Board signed appointment paperwork for Town Clerk relative to Brian Rich's appointment as Fire Chief. Dan addressed items for contract - may be

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on special we'll have to include funds for the interim period and miscellaneous items relative to this appointment.

Board noted the 1<sup>st</sup> draft for both the Special & Annual Town Meeting and some items that might be applicable: the board will follow up on options of CPA funding for the repairs to Town Hall roof, ceilings & walls from water damage.

Chairman Alterisio indicated he'd stop in and see how things are going with Town Accountant tomorrow morning. Board noted that a meeting will be scheduled with Mr. Goss and his representatives at earliest workable date that Town Counsel can arrange.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 8:25PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,  
Board Secretary