

Members Present: Gary Wells, Chair, Beth Blumberg, Ed Behn, Lisa Blazejewski, Jim Tepper, Hank Rauch, Jim Driscoll, Tara Howard.

At 7:00 p.m. Mr. Wells called the meeting to order in Room 23 of the Forbes Municipal Building.

Approval of Past Minutes

Meeting No. 1, July 13, 2015

Mr. Behn made a motion to approve the amended minutes from 7-13-15. Voted: 5-0-3 (abstention: Driscoll, Rauch, Tepper).

Fall Special Town Meeting – Warrant Articles, Q&A

Country Club – Article 10 – Country Club Building Roof Replacement and Article 14 – Country Club Equipment Purchase:

Country Club Operating Committee (CCOC) Chairman, John Arnold, and CCOC member, Dexter Blois, met with the AFC to discuss articles in the warrant related to the Country Club. Regarding the article for the roof replacement, Mr. Blois said they had nothing to report since the building is owned by the Town and the Town Manager and Selectmen proposed that article. Regarding the request to transfer \$40,000 from the Country Club Retained Earnings Account, Mr. Blois explained that is for the purchase of a new Groundmaster 4500 rough mower. The old rough mower's hydraulic system is gone so they need to purchase a new one. Mr. Blois mentioned that the new rough mower will cost approximately \$62,000. He pointed out that there was a balance of \$30,000 remaining in an article from the March 2014 Annual Town Meeting (ATM) that was supposed to be used for fixing the netting located near the parking lot and for a new rough mower. However, funds left over from March 2013 ATM were used for the netting since it fell under improvements, leaving the entire \$30,000 available for the rough mower purchase. Ms. Blazejewski asked how long a rough mower typically lasts and Mr. Blois said approximately 15 years. Mr. Behn noted that this is a transfer from surplus funds and the balance in the retained earnings account is currently around \$232,000. He asked if there was concern about savings dwindling. Mr. Blois said that if the whole \$40,000 isn't used then the remainder will go back in to retained earnings. He also mentioned that last fiscal year there was about \$12,000 that was turned back. Mr. Blois pointed out that savings from the retained earnings account has been used for capital improvements and Mr. Arnold added that they don't anticipate any other capital improvements on the course. He noted that the course is in beautiful shape. Mr. Tepper asked for a quick update on membership. Mr. Blois said that those numbers are down slightly, however, a record number of juniors have joined and that is where the growth is. Mr. Blois noted that greens fees are up and they are getting players from other courses and towns.

Fire Department – Article 7 – Fire Pumper Purchase & Article 8 – Brush Truck

Article 8 – Brush Truck – Interim Fire Chief, Al Gordon, Captain Bob Rand, and Captain Pat Purcell met with the AFC to discuss articles in the warrant for the Fire Department. Captain Rand started the discussion with article 8 for the Brush Truck. Captain Rand noted that the department currently does not have a Brush Truck. They used to use an old military type truck but it was old and they couldn't get parts. Captain Rand mentioned that it is difficult to get to the scene of a brush fire since their current vehicles are too large and cannot access narrow paths. This requires waiting for out of town assistance, meanwhile the fire grows and then takes longer to extinguish. Captain Rand explained that Northborough is willing to sell us their old Brush Truck. The DPW did an assessment and said that the body is in good shape, it just needs a little touch up work, paint, and tires. The cost of \$18,000 includes the purchase price of the Brush Truck, plus refurbishing and tires. Captain Rand mentioned that this vehicle has 27,000 miles on it. He also noted that they have seen this vehicle in action and know the history. Captain Rand informed the Committee that they've had two major brush fires – one on the train tracks on

Flanders Road and the other at the State Hospital. He mentioned that it is risky to go off road in to the brush at night without the proper vehicle. Captain Rand pointed out that between these two fires, it cost the Town about \$15,000 in manpower alone. He felt the cost could have been less if they were able to immediately dispatch their own vehicle with a larger water supply. He mentioned that brush fires are even more remote than they were before, and having their own vehicle would take stress off of the more expensive vehicles and prevent additional wear and tear. Ms. Blumberg asked how long it has been since they had the old military vehicle. Captain Rand said they acquired that vehicle in the late 1980's but the brakes were an issue. He guessed that they've been relying on other towns for the last 15-20 years. Mr. Tepper asked if this vehicle responded to the Flanders Road or State Hospital brush fires since the vehicle pictured in Captain Rand's handout didn't look like it was off road. Captain Rand said they plan on putting more off road type tires on it. He mentioned that they would utilize this vehicle on cart paths but not necessarily for barreling through the brush. Mr. Tepper asked why Northborough wasn't fixing the truck and keeping it since it sounds like a good deal. Captain Rand explained that Northborough turns over their vehicles more often and they need vehicles for hills. Ms. Howard pointed out recent higher temperatures and longer periods of no rain and asked if brush fires will get worse. Captain Rand mentioned that they've seen more this particular year. Ms. Blazejewski asked if geographical issues in Westborough are different than in Northborough and Captain Rand said they are. She also asked how long they think this vehicle would last. Captain Rand said they hope it lasts at least 8 years since they don't expect it to go out all of the time. He mentioned that they could replace the tank on the back to extend the life or look at a new one down the road. Mr. Behn asked what it would cost for a new truck and Captain Rand said approximately \$120,000. Mr. Behn asked if in 8 years they would be coming to the Town looking for \$120,000. Captain Rand said they would look around to see if they could find another used one first. Mr. Wells pointed out that this vehicle is a two person respond unit and asked how additional manpower is transported to an incident. Captain Rand mentioned that another vehicle would be dispatched but that they can move this vehicle while spraying water. Captain Purcell pointed out that the problem is more getting water to the fire rather than the people. It was noted that the tank on this truck carries 200-300 gallons of water. Mr. Wells asked what the pump rate was and Captain Rand wasn't sure. Ms. Blumberg asked if we would use this Brush Truck to help other towns and Captain Rand said they would reciprocate as needed.

Article 7 – Fire Pumper Truck – Captain Pat Purcell informed the Committee that he maintains the safety testing on all of the fire equipment. He noted that they test the Pumper Truck (Engine 4) every July using national standards. He sent Engine 4 out to be tested and the pump failed. They had to abandon the test since the pump overheated. Captain Purcell mentioned that there were a lot of mechanical problems, and they don't make that pump anymore, so parts are difficult to find. He contacted the manufacturer who, after taking the truck apart, estimated that it may be \$30,000–\$40,000 to fix. Captain Purcell pointed out that the truck is over 24 years old and has reached the end of its life per national standards. To bring the truck up to national standards would cost \$200,000. Captain Purcell said that right now the truck is valued at \$5,000 due to its mechanical issues and they cannot use it to pump water or in instances immediately dangerous to life and health. He mentioned that they need to replace Engine 4 with another Class A Pumper Truck and that this would only be the second Pumper Truck purchased in the last 18 to 19 years if this article was approved. Captain Purcell said that they would purchase a truck similar to the one they got in 2005 since its complaint free and runs well. They would need new radios too and some equipment other than what they can transfer from the old truck. He also noted that he has a fire fighter that is a mechanic and maintains the equipment. Captain Purcell explained that the other Pumper Truck has increased mileage and use since their call volume is up. Captain Rand mentioned that they won't have to go out to bid since the vendor is already on the state bid list. They are also familiar with this vehicle since they have an identical one that was purchased in 2005. Captain Purcell pointed out that the only difference is that there are a couple of additional safety features on the newer model. Mr. Driscoll asked if this was part of the \$175,000 that we've been setting aside for capital expenditures. Ms. Blazejewski said it was not and that Town Manager, Jim Malloy, was going to use those funds to purchase a Rescue Truck. Captain Purcell noted that they've spent about \$50,000 in maintenance on the current Pumper Truck over the last 9 years. Interim Chief Gordon pointed out that when the Pumper Truck is out of commission, they've had to send out the Ladder Truck which isn't cost effective. Mr. Behn asked if the \$485,000 was net of trade. Captain Purcell said it was and, after doing his

homework, believes this is the bottom line. Captain Rand mentioned that they looked at the equipment on the old truck and some of it couldn't transfer due to its age and compatibility with the new truck. Mr. Tepper asked which truck will be replaced in FY18. Captain Rand noted that Engine 4 was purchased in 1991 and is operating at reserve capacity right now due to its inconsistency. They will be replacing Engine 1 (the Rescue Truck) next.

Warrant Articles, Comments & Discussion – Articles 7, 8, and 17

Recently retired Fire Chief, Nick Perron, met with the AFC to discuss Article 17 – Rescinding the Strong Fire Chief Statute. Mr. Wells also invited Mr. Perron to add his thoughts on the equipment purchases. Mr. Perron mentioned that he was working on the purchase of the Brush Truck before he retired. His plans had a 4 Wheel Drive Brush Truck in them but there was no place to store it. Now that the new building is done, they had brought the idea back since the deal with Northborough is a good one. Mr. Perron asked why Northborough was getting rid of this vehicle if it's still in good shape. Mr. Perron explained that Northborough has replaced all of their equipment and has one of the best fleets in Massachusetts. Mr. Perron mentioned that he brought DPW Manager, John Walden, over to Northborough to look at the Brush Truck and he agreed that it was a good deal. Regarding the new Pumper Truck, Mr. Perron said that wasn't on his plan for another couple of years. However, since it failed testing, they now need to replace it.

Mr. Wells noted Article 17 for rescinding the Strong Chief Statute and that the Committee has received information on the law. He suggested that Committee members watch the Board of Selectmen (BOS) meeting from September 8th when Town Counsel spoke about this subject. Mr. Wells mentioned that he invited Mr. Perron in so he could hear about the practicality of running a Fire Department on a day to day basis. Mr. Perron started his discussion by passing out a handout to Committee members. He pointed out that Chapter 48, Section 42 was accepted by voters at the 1968 Annual Town Meeting. Mr. Perron mentioned that the purpose of this statute was to insulate the Fire Department from local politics. He noted that the Fire Chief and his command staff make all decisions relative to the Fire Department. They do all of the staff hiring and handle all promotions and promotional testing, as well as set all department rules and regulations, handle personnel matters, set policies for training and fire fighting practices, and enforce state code. Mr. Perron mentioned that he dislikes the term "Strong Chief" since people think that no one can get rid of the Fire Chief. He pointed out that the law says the Fire Chief is appointed by the Board of Selectmen (BOS) and can be removed at any time for cause. Mr. Perron noted the current vacancy in Westborough for a new Fire Chief and the education, training, and certifications required for this position. Mr. Perron felt that with such a high level of training that it made sense for the Fire Chief to run the department and not politicians. He referred to his handout where he pointed out that 134 towns in the Commonwealth follow Chapter 48, Section 42, and the rest follow the Civil Service code. Mr. Perron said that, in his opinion, Chapter 48, Section 42 has worked extremely well during his 43 years with the department. He mentioned that about four years ago he started seeing changes where politics interfered with fire inspections. Mr. Perron noted that the Fire Department needs to enforce rules and regulations otherwise they open up the Town to liability issues. He gave examples where there was political interference and mentioned that businesses want to operate as cheaply as they can and are not necessarily concerned with safety. Mr. Perron pointed out instances where there were no adequate fire alarms, emergency exits, sprinkler systems, and/or CO and smoke detectors installed at these local businesses, which is why the Fire Department told them they could not open. Yet complaints were made about the Fire Department, and Mr. Perron felt complaints were encouraged, at the Board of Selectmen meetings. Mr. Perron also pointed out that there was political intervention when a local restaurant couldn't open right away because the Fire Department was booked with inspections. Another example given by Mr. Perron was when a company on Flanders Road was storing 200 gallons of flammable liquid at their business and Mr. Perron felt that was excessive since there were 5 house lots located next door. He refused to sign the license so the Selectmen signed the license for flammable liquid storage and gave their permission. Mr. Perron was against the quantity of flammable liquid at that site and reduced it from 200 gallons to what he felt was a safer quantity of 40 gallons. Mr. Perron noted that he was particularly cautious when working in public safety with children and senior citizens. His argument is why change something that has worked well over the years. Mr. Perron pointed out other local towns that are looking for a new Fire Chief and said that they are all Chapter 48, Section 42. He mentioned that a few places have tried to remove this statute but have not been successful. Mr.

Perron felt it wasn't the Selectmen's job to run the Fire Department and reviewed the handout he gave to Committee members. Mr. Rauch confirmed that the Fire Chief is appointed by the Selectmen and Mr. Perron said that is correct and that the Selectmen can also remove the Fire Chief with cause. Mr. Behn pointed out that we are looking to recruit a new Fire Chief now and wondered how this would affect our ability to attract candidates if we had Chapter 48, Section 42 now versus if we did away with it. Mr. Perron said that a lot of Fire Chiefs he's friendly with would look at that first if they wanted to change positions. Mr. Perron also noted that the position is advertised as Chapter 48, Section 42. He would like to hear more about the plan if the BOS were to run the department and felt that this article should wait until the ATM in the spring. Mr. Perron mentioned that he has been going to the Charter Review meetings and the Strong Chief statute has only come up once. Mr. Behn pointed out that if we are going to rescind Chapter 48, Section 42 that we need to do it now before hiring a new Chief. Mr. Perron said he understands that argument but felt it should be part of the Charter Review process. Mr. Tepper asked Mr. Perron to define "cause" as to how the Fire Chief could be removed by the BOS since it is likely defined in the contract. Mr. Perron gave examples such as a misuse of department funds, improper use of a town credit card, violating ethics commission laws, and a DUI. Mr. Tepper felt that the reasons for removing the Fire Chief need to be clearly defined. Mr. Perron mentioned that he respects the BOS but one problem he's seen is when they've hurt the department by interfering with trying to make buildings safe. Mr. Tepper noted 350 towns in Massachusetts and 134 towns have the Strong Chief statute. He pointed out that it looked like the large towns didn't have the Strong Chief statute. Mr. Perron said that those towns are under Civil Service. Mr. Tepper asked if they could have opted for Chapter 48, Section 42 and Mr. Perron said they could have, but that Civil Service is stronger and that most Chiefs are there for life. Mr. Perron felt that having Chapter 48, Section 42 made the Fire Chief position more attractive and mentioned that Westborough is a desirable community. He also pointed out that more education and certifications are required now so the candidates would be very well educated. Mr. Perron felt that we do better than average in hiring firefighters when compared with other towns, and that we have some firefighters with masters degrees. He noted that he dealt with a different workforce when he first started out than what he is seeing now.

Fall Special Town Meeting – Warrant Articles, Committee Discussion

There was discussion amongst the Committee as to what departments should be invited in to meet with the AFC. Mr. Rauch wanted to invite the Board of Selectmen (BOS) and Town Manager, Jim Malloy, to answer questions about the Country Club roof and why they would like to rescind the Strong Chief statute. Mr. Wells noted that the BOS will be discussing rescinding the Strong Chief statute at their Monday night meeting (9/21). He mentioned that they also need to close the warrant that night as well. Mr. Wells pointed out that they could withdraw that article. He will wait to see what happens, and if it is still included, we could invite BOS Chairman, George Barrette, in to meet with the AFC. Mr. Tepper supports inviting in the BOS but would also like to see the Fire Chief contract. Mr. Wells thought that the contract could include dismissible acts. Mr. Rauch felt that normally the Chief could be dismissed at the end of his term except Chapter 48, Section 42 is indefinite and the only way to dismiss is to prove cause. Mr. Driscoll asked if Chapter 48, Section 42 attracted job candidates since they are able to do their job rather than report to the BOS who aren't really involved or knowledgeable with fire codes and regulations. Mr. Behn pointed out the Police Department and how it works with the Police Chief. When a new patrolman is hired, they go before the BOS. He didn't know how much the BOS gets involved with day to day activities at the Police Department. He felt that's the area the BOS would be involved with – hiring – and not necessarily putting out fires since that's not their expertise. However, Mr. Behn was concerned with the safety aspect. Mr. Rauch thought it was appropriate to share these concerns with the BOS to make sure they aren't using political influence to ask the Fire Chief to do things that they don't agree with. Mr. Tepper pointed out that the BOS is a body of government and you would need to have a majority vote in order for anything to pass. He felt that they couldn't make unreasonable requests of the Fire Chief. Mr. Wells was more concerned with back door pressure and not public pressure.

Chairman, Committee Liaison, and Department Liaison Reports

Mr. Wells referred to items he's emailed out to the Committee. He mentioned that these items are still fluid and may change. He also said that he would get a current calendar out to everyone as to when departments are coming in.

Mr. Behn wanted to suggest adding a page to the Report & Recommendation (R&R) booklet for Special Town Meeting (STM) that shows the Town's department performance. He'd like to incorporate a page that does a quick budget summary on the prior fiscal year (FY15). Mr. Behn would like to show what was budgeted, what was spent, and the amount that was turned back (if any). He was thinking that this would only be for the larger areas in the budget such as the schools, salaries, and utilities. Mr. Behn noted that right now we don't have a mechanism to show how we did last year. He mentioned that we go over the numbers at the Annual Town Meeting (ATM) but by then those figures are history. Mr. Behn would like to add just one page showing the major line items and noted that \$737,000 is coming back from FY15. Mr. Behn will draft something in more detail for discussion.

Mr. Tepper reported that the correct name for the Committee in charge of the Gibbons project is the Gibbons School "Renovation Committee", not Building Committee. He mentioned that they have sent off the file with the reconciled numbers to the Massachusetts School Building Authority (MSBA). They are still at the \$26.6 million figure and were able to cut back \$1.5 million that they were over.

Comments and Concerns – Committee Members

None

Public Reminders for Viewers

Mr. Behn reminded viewers that Saturday, September 26th, is Hazardous Waste Day at the Department of Public Works (DPW). Residents can safely dispose of toxic household products by dropping them off at the DPW on the 26th. Mr. Behn noted that details can be found on the town website.

Adjournment

Mr. Behn made a motion to adjourn the meeting at 8:58 p.m. The vote to adjourn was 8-0-0 in favor, with 8 being present.

Document List

Handout for a Replacement Engine – Fire Department

Handout for a Forestry Vehicle (Brush Truck) – Fire Department

Handout regarding Chapter 48, Section 42, Strong Chief Statute – Nick Perron

Respectfully submitted,

Jessica Thomas

AFC Administrative Assistant