

BOARD OF SELECTMEN  
MEETING MINUTES  
10/11/11

*JF* *RB* \_\_\_\_\_ *SMS*

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Paula Bertram, Steven M. deBettencourt, Tom Alonzo, Dave Matthews and Town Manager Kerry Speidel present, Ernie Sund absent. Meeting opened at 7:00 P.M. with the Pledge of Allegiance.

**PUBLIC COMMENT**

Dave commented on the article that was recently in the newspaper regarding litigation and wants to let the town know that the Town Manger, Police department have been responsive in all the requests received. He noted that the board cannot comment on the case as it is currently in litigation.

**ANNOUNCEMENTS**

Salvation Army Auction is happening this Saturday.

**APPOINTMENTS**

**CURRENT BUSINESS**

1. **Set hours for Halloween, Trick or Treating** – Board voted unanimously to set the hours for Trick or Treat on Monday, October 31, 2011 from 6:00 PM to 8:00 PM.

2. **Proclaim October 24, 2011 United Nations Day** – Sent out annually from the United Nations in Boston requesting the town designate October 24<sup>th</sup> as United Nations Day, focus this year is the United Nations in everyone's interest. Tom move to agree to request and proclaim October 24, 2011 as United Nations Day. Paula seconded, voted unanimously to approve.

3. **Grant permission to Attorney Rob Bowen to represent client in Zoning Board of Appeals matter** – Kerry informed the board that Attorney Rob Bowen seeks Special Municipal Employee Status and your consent to Dual Representation. Attorney Rob Bowen has been contacted by a potential client who wishes to discuss the possibility of his representing him in an appeal to the ZBA. This presents two issues, related but distinct. First, since he is currently representing the town (Unitil lawsuit), and as such is considered Special Counsel. As Special Counsel for the Town, Attorney Bowen is subject to the State's Conflict of Interest law, which considers him an employee. Attorney Bowen is requesting that his position as Special Counsel be granted Special Municipal Employee status so that he is free to do other work, either for or against the Town. Attorney Bowen seeks this status as he has been asked to represent an individual in a matter before the Zoning Board of Appeals. Additionally, Attorney Bowen also seeks the board's consent to Dual Representation, in accordance with the Rules of Professional Responsibility for Attorneys. Since the matter for which Attorney Bowen serves as Special Counsel would in no way be impacted by his representation of an individual in a matter in front of the ZBA, she recommends that the board approve of these two requests. Attorney Bowen provided the attached form indicating the boards assent to this dual representation.

Paula questioned that when our population went over 10,000 that the designation of Special Municipal Employee was changed and Kerry informed the board that that designation change was in regards to the Board of Selectmen as being considered special municipal employees and as such members of the Board of Selectmen are no longer able to avail themselves of this designation.

Pual motion approve Attorney Bowen as a Special Municipal Employee, Steve seconded, voted unanimously.

Tom motion to approve Attorney Bowen dual representation in the matter before the Zoning Board of Appeals, Paula seconded, voted unanimously to approve.

4. **Set date and Open Warrant for Fall Special Town Meeting** – Kerry informed the board that since the State has revised our FY2012 Cherry Sheet to increase our estimated charges for FY12 Charter & Choice Tuitions from \$577,042 to \$671,606, an increase of \$94,564, as a result of increased FY2011 actual expenses we need to make financial adjustments. During the FY2011 Budget Closeout discussion, she mentioned that we must use the amounts provided by the State when setting our budget. What they provide is always an estimate, which they will "true up" at the end of the Fiscal Year based upon actual costs. The net impact, either positive or negative, is reflected in the towns fourth quarter payment from the State. This is difficult enough to deal with as this occurs long after Annual Town Meeting and therefore, we must figure a way to "eat" the difference. This adjustment for FY12, made at this point in time, means that we have to account for this estimated charge now before setting the tax rate. A budget adjustment will be required to do so. She is still formulating a plan to best address this needed adjustment. We can also expect that there will be another adjustment made at year end to match estimated to actual expenses. Since a budget adjustment is now needed, having a Special Town Meeting on November 21 or 22 makes more sense than waiting until December 5 or 6. She also contacted Mr. David Blatt, Chairman of Green Community Task Force, and he informed her that the November date is not reasonable time for the Green Community Committee to

prepare information for their article that the Task Force wants to submit and that he will be out of town on November 21<sup>st</sup>. She noted that it would be possible to have the tax rate set in time for a December 5<sup>th</sup> meeting.

Board concurred that a December 5<sup>th</sup> would work better for all, Paula move to set Special Town Meeting Date for December 5<sup>th</sup> and open the Town Meeting Warrant for today and close on October 28, 2011 @ 12:30 PM, Steve seconded, voted unanimously.

**5. IMA for Regional Dispatch Service** – Fire Chief, Scott Glenny informed the board that the “Panic Buttons” and all of the camera’s located at the Public Safety Building can be re-routed to be monitored off site. He provided a response to the board that he has been in contact with Galaxy Integrated Technologies and was informed that they can all be re-routed. Also, he checked into if we remove 911 from our station and if we could get it back, he contacted the State and was given a definitive no, however if they were to be given a valid reason, they would consider taking it up on an individual case by case basis and would look at it.

Tom still questioning on the presentation that the group put out, the first PowerPoint required two dispatchers. According to Scott, the mandate does not require two dispatchers, it mandates two “medical emergency” dispatch.

Tom questioned if any of our dispatchers give out information on emergency assistance currently and according to Scott, currently they do not, basically because of liability and not being properly trained.

Dave noted the benefits to the town outweigh the potential risks and any unanswered questions. He is concerned with the state, noted that when the state wants to fund something, they don’t always remember five years later that they made the commitment to partner with us. We’re going to be running this noting that a representative from the town will be on the executive board to oversee the entire process and that there will be more pressure on us, if we do go with the Regional Dispatch as we will be responsible to be represented on the regional board. Also concerned about the nature of the beast, the random calls, the random volume as you never know when the phones are going to ring. Dispatch makes the most sense of where we could level out the volume. Looking down at the mandates and the number of calls, it going to have to happen that we will need to increase staff. This way we could spread out among the other communities as well.

Per Chief Glenny, currently if our dispatch is not able to answer a 911 call by the 4<sup>th</sup> or 5<sup>th</sup> ring it rolls over to Townsend dispatch and they would continue to call Lunenburg to try and get in touch with us, there are a number of methods they could use to reach us via phone line or radios. If they could not reach us, then they will begin dispatching emergency apparatus.

Paula commented that this is a very difficult decision and unfortunate that we are now being forced to look at regional dispatch. She is very concerned and noted that we will have a voice in how this is set up, but wants to ensure that all of our concerns are addressed. Commented that having an unmanned station after 9:00 pm is concerning and the reality is that given the mandates we cannot fund and resents the fact that we’re in this position because we’re mandated by the State. She doesn’t see a strong disadvantage to going to regional dispatch, but with strong reservations she realizes that this is something that we have to vote on.

Dave commented that this is reality, it’s frustrating and it’s something that we don’t want to have to do, there will be a lot of changes. All of our concerns have been given a solution so far and it’s workable.

Scott noted that it puts the ownership on all of us, so that when we do flip the switch everything is going to be there when we want it.

Tom for the record, he hears from proponents, to meet the EMS Mandate and second for cost issues, however from the other side, not convinced that the EMS mandate puts us over the edge. He heard that Lunenburg is increasing on the call volume anyway, and that we’re on the cusp of needed two dispatchers even if that mandate didn’t exist, which leaves us with the cost issue. He is concerned that those who put the regional budget together, didn’t come to us and our Town Manager and together put a 5 year budget, it was up to our manager to develop with assumptions of her own. We’re looking at a significant cost difference and we’re being asked to uproot the dispatchers and have to back fill those positions as some of the roles that they have are doing involves community interaction and tasks that they’ve been doing. To many things are unknown, noted the Executive Director position that is proposed in the IMA and knowing that we are going to be looking at a prop 2 ½ override in May, he will be hard pressed when asked if he put everything out there for cost savings and not doing this would therefore jeopardize public safety even more. Does not take this decision lightly as we will be looking at four people in our town losing their jobs and have to apply elsewhere.

According to Scott, there is no plan currently to hire an Executive Director, that’s why there was no price put in the IMA for the position, it was placed in there so that should the need arise, the position is in there.

Paula believes that as our population continues to grow, the human component is a large factor and to make this decision makes an impact on some very valuable employees.

Scott commented that having been their boss for the past nine years, it’s difficult for him to make the recommendation on this to the board for the same reason, but believes that this is the way for the town to go.

Dave noted that the Finance Committee continued their meeting last Thursday evening after the presentation and voted unanimously to recommend signing the IMA.

Tom move to sign the IMA agreement to enter into a Regional Dispatch with Devens, Lancaster and Harvard, Steve seconded, voted unanimously to sign.

Scott informed the board that there will be a meeting tomorrow afternoon with the Town Manager and the Police Chief on the Regional Dispatch.

**6. Ratification of appointment of new Patrol Officer (tentative)** – no action.

**7. Minutes** – Board of Selectmen Regular session for 10/4/11, and 10/6/11 and Executive Session for reviewed and signed.

Warrants - #20 12, 10/11/11 - \$372,694.97, #21 12, 10/11/11 - \$550,458.83 and #8P 12, 10/13/11 - \$639,612.55 reviewed and signed.  
Action File Issues - None

#### **8. Committee Updates –**

- Tom, Finance Committee meets this week.
- Dave School Reorganizational Committee meets tomorrow night. Currently 19 students from Tri-Town are enrolled in the school district and 14 students from Emerald Place. Tom would like to begin discussions with the State on the Tri-Town as this is a 40S development.
- Dave – Conservation Commission recently had their walks in the woods and is questioning the status of funding from the state on the Woodruff Farm. Kerry will check into this and get back to the board with an update.
- Paula would also like to have an update on the Lake Shirley dam for discussion.

#### **9. Department Updates - None**

#### **10. Town Manager Updates**

- Next week Kerry will be presenting the Financial Forecast and she would like to recommend from 7:00 to 7:30 the board hold their regular meeting and the Financial Forecast will be presented @ 7:30.
- Senate passed supplemental budget today to close out Fiscal Year 2011 and allocate additional funding for specific programs in Fiscal Year 2012. Two specific sections are of interest to communities: the remainder of the Unrestricted General Government Aid so that FY12 aid equals the funding allocated in FY11, for Lunenburg that represents \$64,672. This funding should be distributed to communities between October 21st and October 31st. In addition, the budget includes \$6.2 million for the remaining local costs related to the 2008 ice storm. This should make each community whole for ice storm costs, approximately \$120,000 for Lunenburg.  
Tom would like to congratulate our representatives and regional representative, noted Representative Benson and Senator Flanagan for all their efforts, and due diligence to get this through.
- Kerry also noted that the crack sealing process will begin tomorrow number of roadway and conclude on Saturday. Consistent with the PM Program streets include: Pioneer Dr., Eastern and Upland Ave, Prospect St, Ramgren Rd, and Goodrich St from Lancaster Ave. to Kilburn Street.
- Sewer Commission notified the town that Weston & Sampson will be conducting testing of the sewer system. Purpose of smoke testing is to locate sources of extraneous flow. In order to improve sewer service, Weston & Sampson, consulting engineers for the Lunenburg Sewer Commission, will be conducting smoke testing on portions of the sanitary sewer system from 8:00 a.m. to 5:00 p.m., Monday through Friday, between October 17, 2011 and October 28, 2011. Testing will be performed in the Whalom Road area (between Graham Street and Electric Avenue) and the Massachusetts Avenue area (with limits on the west by Sunnyside Road, north by Oak Avenue, east by Arbor Road and south by West Street). The purpose of smoke testing is to locate sources of extraneous flow, such as rainwater, entering the sanitary sewer and thereby increasing sewage treatment costs. Any questions, they can call either the Sewer office at 978-582-4146 x2 or the DPW at 978-582-4160.

### **OLD BUSINESS**

### **COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

#### **EXECUTIVE SESSION**

1. M.G.L. Chapter 39, §23B(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.

#### **UPCOMING MEETING SCHEDULE**

Being no further business board voted unanimously to adjourn Regular Session at 7:55 P.M. and opened Executive Session by roll call vote; Steve aye, Tom aye, Paula aye, and Dave aye in accordance with M.G.L. Chapter 39, §23B(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.

Respectfully submitted,

Laura Caron-Gustus, Chief Administrative Assistant  
Board of Selectmen