

BOARD OF SELECTMEN MEETING MINUTES

7:00 PM

June 28, 2010

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PRESENT: Selectmen Patrick J. McNabb, Joseph Hallisey and Joseph A. Sergi, John F. Moak, Town Administrator; Peggy Mazzola, Administrative Assistant

The meeting was called to order at 7:05 PM.

ACCEPTANCE OF MINUTES: On a motion by Mr. Hallisey and seconded by Mr. Sergi, the minutes of the meeting of June 14, 2010 were unanimously approved.

APPROVE WARRANT/SIGN PURCHASE ORDERS: The Board signed the warrants. The Board reviewed a purchase order from the Police Department for the purchase and equipping of two police cruisers. Police Chief David Scott stated that he anticipates they will get a little better trade-in allowance. Following a brief discussion, and on a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to approve Purchase Order #6261 to MHQ Municipal Vehicles for the purchase and equipping of two police cruisers in the amount of \$52,647.70. The Board reviewed a purchase order from the Fire Department for the purchase of 1 3/4" hose. Fire Chief Toby Tyler stated this will replace old, worn-out fire hose. On a motion by Mr. Sergi and seconded by Mr. Hallisey, it was unanimously voted to approve the purchase order to Fire Tech and Safety for the purchase of 1 3/4" hose in the amount of \$2,030.00.

PUBLIC COMMUNICATIONS: Mr. Sergi acknowledged the recent newspaper article awarding Extraordinary Service Awards to officers Blaine, Burke and Carrubba, in recognition for their commitment to the community in thwarting a potential domestic violence crime. Mr. Hallisey read an announcement from JTE Realty Associates regarding the purchase of Affordable Single Family Homes at Emerson Village. An open house will be held on July 8th from 6-8 PM, and an informational meeting will be held at the Town Hall on July 14th from 6-8 PM. Mr. McNabb read a notice announcing several committee vacancies. Mr. Hallisey read a notice announcing that on-line registration is now available for summer playground. Mr. and Mrs. Malouin were present to present a check in the amount of \$2,000 for the Paramedic upgrade. The Board thanked the Malouin's for their generous donation.

APPOINTMENTS/RESIGNATIONS:

Item #1 – Reappointments: On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to make the following appointments, all with terms to expire 6/30/2011 unless otherwise indicated:

Agricultural Advisory Board: Robert Lindgren, term to expire 6/30/13

Cable TV Advisory Committee:

- Mark L. Boyajian
- Philip D. Durno
- Dave Pease
- Richard G. Potts
- Debra Spratt
- Mark Walsh

Information Systems Technology Committee:

- Chris Marco
- Scott R. Menice
- Dave Pease
- Peggy Pomeroy
- Douglas C. Sawyer

Police Department:

- Cathy Forrest, Parking Clerk
- Cathy Forrest, Part-time Police Officer
- Cathy Forrest, Administrative Assistant (Cathy retires on 8/5/2010)
- David Richardson, Detention Room Monitor
- Lawrence J. McNamara, Detention Room Monitor
- Jeffrey J. Noble, Detention Room Monitor
- Shawn R. Drinkwine, Detention Room Monitor
- Richard E. Baum, Jr., Detention Room Monitor

Town Forest Committee: Joseph Radwich

Northern Middlesex Council of Governments – Selectmen’s Representative: Patrick J. McNabb

Capital Program Committee: Richard Colangelo, Stephanie Cronin

Item #2 – New Appointment – Covered Bridge Committee: The Board reviewed a Citizen Activity Form from Charleyne Stumpf requesting appointment to the Covered Bridge Committee. On a motion by Mr. Sergi and seconded by Mr. Hallisey, it was unanimously voted to appoint Ms. Stumpf to the committee, term to expire 6/30/2011.

ACTION ITEMS:

Item #1 – Discussion – Approve and sign paperwork for bond issues, with Michael Hartnett, Treasurer/Collector: Mr. Hartnett explained the paperwork before the Board, remarking this was a successful bond sale. Mr. Sergi read sections of Moody’s Bond rating report, commenting that this is another indication that we have some difficult decisions to make. Following a brief discussion, and on a motion by Mr. Hallisey and seconded by Mr. Sergi, the following votes were unanimously passed:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town’s \$3,542,000 General Obligation Bonds dated September 15, 1998 maturing on September 1 in the years 2011 through 2018 (inclusive) (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$6,073,250 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated July 15, 2010 (the “Bonds”), to Roosevelt & Cross, Inc. at the price of \$6,073,478.34 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on July 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2011	\$398,250	2.50%	2021	\$250,000	3.375%
2012	390,000	3.00	2022	250,000	3.50
2013	385,000	2.25	2023	250,000	4.00
2014	385,000	2.00	2024	250,000	4.00
2015	375,000	2.375	2025	250,000	4.00
2016	375,000	2.75	2026	250,000	4.00
2017	375,000	3.00	2027	250,000	4.00
2018	380,000	3.25	2028	250,000	4.00
2019	255,000	3.375	2029	250,000	4.125
2020	255,000	3.25	2030	250,000	4.125

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2010, and a final Official Statement dated June 23, 2010 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Mr. Hallisey, Clerk of the Board of Selectmen, certified that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

Item #2 – Discussion – Follow-up re: waiver of hiring freeze, with Police Chief David Scott: Chief Scott outlined the letter and related information provided to the Board. Chief Scott announced that about an hour before tonight's meeting, the duty officer, Chief and an off-duty officer captured a fugitive from justice from Ohio. The information provided to the Board included a staffing comparison, with the recommended ratio being 2.1 officers per 1,000 residents; we are at 1.25. The Chief also provided overtime estimates, and stated they could realize \$68,000 in savings over not hiring someone. Chief Scott explained the salary figure provided would be for an entry-level officer; if someone with more experience was hired, the salary would be higher but the training period would probably be less. Mr. Sergi commented that the Chief provided a comprehensive, thorough analysis, and he has already made his decision to move forward. Mr. Hallisey agreed. Mr. McNabb stated his questions were answered as well, and he would support moving forward. Following a brief discussion, and on a motion by Mr. Sergi and seconded by Mr. Hallisey, it was unanimously voted to waive the hiring freeze in order to hire a full-time patrol officer.

Item #3 – Discussion – Dunstable EMS: Present were Fire Chief Toby Tyler and Jean Taubert. Chief Tyler and Ms. Taubert explained they were approached by the Town of Dunstable regarding their need for EMS services beginning July 1st. Mr. McNabb stated he is concerned with the tight time-frame for making a decision. Chief Tyler stated he met with representatives from Dunstable two weeks ago, and they still have mutual aid agreements with the Town of Pepperell and other Towns. Discussion ensued relative to the benefits and costs for this arrangement. Mr. Hallisey and Mr. Sergi were in favor of allowing the Fire Department to explore an agreement; Mr. McNabb felt it required more study and negotiations were premature. On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was voted with two in favor and one opposed to allow the Board of Fire Engineers to enter into exploratory negotiations with the Town of Dunstable regarding EMS Service.

Item #4 – Discussion – Northern Middlesex Area Emergency Planning Committee Membership and Appointments: Mr. Moak explained that three actions by the Board are required: to approve the Memorandum of Understanding, to join the NMAEPC and appoint two members and an alternate, and to appoint a Community Emergency Response Coordinator. Following a brief discussion, and on a motion by Mr. Sergi and seconded by Mr. Hallisey, it was unanimously voted to formalize a Memorandum of Understanding between the Town and the North Middlesex Emergency Planning Committee effective June 28, 2010. On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to appoint Police Chief David Scott and Fire Chief Toby Tyler, with Communications Director Frank Quattrochi as alternate, to the NMAEPC Operating Committee. On a motion by Mr. Hallisey and seconded by Mr. Sergi,

it was unanimously voted to designate Fire Chief Toby Tyler as the Town's Community Response Coordinator for the NMAEPC.

OLD/NEW BUSINESS:

Item #1 – Discussion: Follow-up on Wild & Scenic Rivers designation: Jamie Fossburgh, Rivers Program Manager from the national Park Service and Al Futterman from the Nashua River Watershed Association were present to provide more information and details to the Board relative to the Wild & Scenic Rivers designation. A lengthy discussion ensued. The Board expressed concern relative to the Hydro Plant, Wastewater Treatment Plant and development of the former Mill site. Additional discussion was had relative to the process. Mr. McNabb suggested that we reach out to the owners of the hydro plant, and that we determine the process for excluding segments of the river. Mr. Sergi stated if certain areas can be excluded he would support this initiative. Mr. Futterman stated they wanted to move forward before Congress recesses in August. Mr. Moak will contact Congressman Olver's office. Mr. McNabb stated he would like further information and answers. Mr. Moak will speak with the owners of the hydro plant.

Item #2 – Town Administrator Report, Library Union Letter, Moody's Report, Village Road Complaint: Mr. Moak stated the Moody's report has already been discussed. Mr. Moak stated the Library union has agreed to concessions and Labor Counsel prepared documents for Mr. Moak's signature, but these should be agreed to and signed by the Board. On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to approve and sign Amendment #1 to the 2008-2011 Collective Bargaining agreement between the Town and the Lawrence Library Staff Association. On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to approve and sign a Memorandum of Agreement between the Town and the Lawrence Library Staff Association.

Mr. Moak outlined the remainder of his report. Mr. Moak thanked the DPW workers for their help in cleaning out the auditorium; they spent a full day working on the project and did a great job. We hope to use the space for more organized storage.

Mr. Moak stated that Building Inspector Harry Cullinan has addressed the letter of complaint from the Village Road members included in the Board's packets but the neighbors were not happy with his response. Mr. Moak stated he has been out to the street three times, and is at a loss as to what else can be done. Mr. Sergi stated that generally the Board does not get involved. Mr. Moak stated the Town has addressed the neighbors' concerns and he doesn't see what else he can do in his capacity.

Item #3 – Discussion: Town Administrator Goals & Objectives: Mr. Sergi requested this agenda item, and suggested it be tied in with performance evaluations; we should have this on our radar as we move into the new fiscal year. Mr. McNabb suggested the Board review the document and comment at the next meeting.

Item #4 – Discussion: Selectmen's Policies: The Board reviewed a list of currently accepted policies, and agreed to review one or two of the policies at each meeting.

Item #5 – Discussion: Follow-up on Sewer Enterprise Fund Free Cash: Mr. Moak stated he did not have much more information relative to this issue; Town Accountant Tom Wilson worked with the auditor, and remarked this is not something that the auditor usually audits. The certification of Enterprise Free Cash is between the Town and the Department of Revenue; this free cash figure included betterments and capital projects. Mr. Moak has not had an opportunity to speak with DOR regarding why they chose to certify the Sewer Enterprise Free Cash in this manner. The management team did not feel comfortable with this figure last fall and very little was used. Mr. Sergi asked if this was an accounting error. Mr. Moak stated it could be a certification error by the DOR; we don't know what information was given to the DOR and the auditor has suggested that we just move forward.

Item #6 – Any other Old/New Business: Mr. Moak presented the Board with a transfer request from Town Administrator Wages Hourly to Town Administrator sundries in the amount of \$400.00 to purchase a new,

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heavy duty shredder for the office. Following a brief discussion, and on a motion by Mr. Sergi and seconded by Mr. Hallisey, it was unanimously voted to approve the request as submitted.

Mr. Hallisey announced that the 4th of July parade and festivities will be held on Saturday. Mr. Moak remarked that the parade route is still uncertain due to the covered bridge construction.

There was no other business before the Board.

ADJOURNMENT: On a motion by Mr. Hallisey and seconded by Mr. Sergi, it was unanimously voted to adjourn at 9:25 PM.

Respectfully submitted,

Peggy Mazzola, Administrative Assistant

APPROVED:

Patrick J. McNabb, Chairman

Joseph M. Hallisey III, Clerk

Joseph A. Sergi