

Board of Selectmen Minutes 05/23/2016

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Board of Selectmen	May 23, 2016
Regular Session	Selectmen's hearing room, Town Hall

Present:	Philip Crawford, Chairman
	Christopher Barrett, Selectman
	Richard Dalton, Selectman

Chairman Crawford called the meeting to order at 7:00 p.m. Chairman Crawford announced that the meeting was being recorded for transmission by cable television. He led those assembled in the Pledge of Allegiance.

Request for additional hours for special event, Kings, Market Street

Christopher Barrows, general manager of Kings, Market Street, appeared before the Board to request extended hours on the evening of Thursday, June 2, from 11:30 p.m. to 2:00 a.m., to allow for a Lynn high school to hold a special event. About 150 students plan to attend, and there will be eight chaperons from the school and one police detail, as well as 15 Kings staff members on hand. No alcohol will be served during the event, and students will arrive and depart in school buses.

Chairman Crawford noted that Police Chief David Breen had recommended that the Lynn school resources officer be required to be on hand, as well as the Lynnfield police detail and one chaperon per every ten students.

On the motion of Selectmen Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to allow Kings, Market Street extended hours on the evening of June 2, 2016, from 11:30 p.m. to 2:00 a.m. with the condition that one Lynn police officer and one Lynnfield police detail officer be present and that one chaperon per 10 students be provided by the school.

Approval of rubbish and recycling collection contract

Public Works Director Andrew Lafferty appeared before the Board to present a recommended new contract agreement between the Town of Lynnfield and JRM Hauling and Recycling, the Town's current contractor for those services. Mr. Lafferty said the new agreement has some modifications to the previous agreement. The collection cost has increased, but this will be offset in part by reductions to the cost of disposal. There are also some changes to how the Town receives credits for recycling. He said the extent to which the increased collection cost can be offset by the reduced disposal costs will depend on the tonnage, which is affected by amount of recycling. He said he believes the budget will be adequate if tonnage remains the same.

Town Administrator James Boudreau said that Mr. Lafferty did a good job on the contract, and said that while under state law the Town is not required to bid these services, he did seek other proposals. He said this is the best deal available to the Town.

On the motion of Selectmen Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the new rubbish and recycling collection contract between the Town and JRM Hauling and Recycling, Inc., for a period commencing July 1, 2016 and ending June 30, 2021.

Community Compact discussion

Chairman Crawford said that Community Compact is a program launched by the Baker/Polito administration to promote best practices among municipalities in the state. A list of eligible activities is provided and if a municipality adopts the program, the state will provide assistance. Two areas in which the Town is already working are among those areas for which assistance is offered through this program: facilities maintenance planning, which has been the focus of the Capital Facilities Advisory Committee, and financial transparency, for which the Town has approved funding for financial reporting software.

Mr. Boudreau said that while the Town is working in other areas which could qualify for this assistance, and that municipalities can apply for up to three areas, he suggests that during this fiscal year the Town focus on the two mentioned above. He said the Town can apply during this fiscal year or next. Selectman Dalton said that he spoke to the assistant secretary for operational services who suggested that the Town should apply in both this and next fiscal year to maximize the amount of assistance it is offered. Selectman Barrett agreed with this approach.

On the motion of Selectmen Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the Community Compact with the Commonwealth of Massachusetts. Mr. Boudreau said he would complete the online application process.

Merritt Center use policy

Chairman Crawford said that when the Board previously adopted the policies for the use of the Al Merritt Media and Cultural Center, it said it would review the policies after observing how they were in practice. The Board had voted to charge all users except Town boards and departments for the use of the Merritt Center and hoped to collect enough fees to allow for the hiring of an assistant to help Eric Hamlin, director of the Town's cable operations, to manage that space.

Mr. Hamlin said that only a couple of for-profit users have rented the space since it was opened. He said that to elicit more of this business an effort to promote the facility with surrounding businesses and communities would have to be undertaken. He said in total, there have been 198 uses of the facility since it opened in 2014, mostly Town boards and departments and various community group meetings. He said there has been a high satisfaction rate and minimal wear and tear on the facility to date. He said one downside is that the noise and the users can be disruptive of the cable operations which are also housed in this space.

Mr. Hamlin said food is not allowed in the space, as it is intended to be a meeting space and not a function facility. He said the Department of Public Works has been very helpful. He said the usage rate is manageable, but if the Town allows other groups to use it without cost or outside of current hours, it may become unmanageable and wear and tear can increase.

Chairman Crawford said based on the limited demand for rental of the space during the trial period, he would like to propose opening the space free of charge on weekdays for use by Lynnfield non-profit groups. He said he believed this is what most residents anticipated when the center was first proposed. He said various civic and cultural groups would like to use the space. He said that since there is no staff on the weekends and the building is locked and that use on weekends can likely be offered only on a fee basis. Mr. Hamlin said he has access to the building but there are no staff and no tenants in the office space on the weekends. Selectman Barrett said he is aware of groups who would like to use the center on weekends.

Selectman Dalton said he agrees that this should be the policy. Chairman Crawford said the property manager has expressed concerns about the use of the space without supervision by the Town.

Mr. Boudreau said that he would look into whether under the law the Town would be required to pay Mr. Hamlin overtime if he is working on weekends. He said he believes Mr. Hamlin would be entitled to overtime pay as he is not in an exempt class under federal law. Another option is to hire another person to handle weekends at an hourly rate. Selectman Barrett said if there is no one available for an event, it could be denied on that basis. Mr. Hamlin said that he believes the room should be reserved for meetings, and not art programming where paints are being used, for example, or for large youth groups. He said in retrospect carpeting may have been a bad choice if the intent was to have such programming or food in the space. Selectman Dalton agreed the original intent was to make the space available free for Lynnfield non-profit groups and that charging a fee for weekend use is reasonable due to staffing limitations. Mr. Hamlin said that he cannot be paid directly from users as that would be a conflict of interest. Mr. Boudreau said he would look into a mechanism that would allow a way to pay for weekend staffing on an event-by-event basis out of fees collected for weekend use, and whether a person can be found other than Mr. Hamlin who will be acceptable to Market Street. He said parking might be scarce on the weekend.

Selectman Dalton suggested doing a mailing to local businesses and chambers of commerce to let the business community know the space is available for rent.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to amend the Al Merritt Media and Cultural Center Use Policy by deleting the second sentence under Number 7 in "Availability and Use of Meeting Rooms" and replacing it with "Weekend use will be permitted on a case-by-case basis depending on the availability of staff."

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to amend the Al Merritt Media and Cultural Center Use Policy under "Rental of Meeting Room- Town Committees: Boards, Commissions, Departments (No Charge)" by adding the following language: "Lynnfield-based non-profit organizations will be allowed to use the meeting room at no charge; however, weekend use require the group to cover the cost of staffing."

Ambulance fee collection contract

Fire Chief Mark Tetreault said that the Fire Department has been struggling to cover cost in the Emergency Medical Services (EMS) budget through fees collected for services. The billing service that had been used had some problems and the Town decided to rebid the contract for this service. Four responses were received, from Armstrong, Pro EMS Solutions, Comstar, and Coastal Medical Building. The percent of billing the companies proposed to retain and their collection rates in other communities were considered. Pro EMS Solutions was the only bidder that addressed all the criteria in the bid, and best addressed the hardware and reporting requirements and made the best presentation. He recommended that the Town grant the contract to Pro EMS Solutions.

Chairman Crawford said that he understands the recommendation and will defer to the chief's judgment. He said he is disappointed that the previous service was achieving only a 78 percent collection rate and applauded the chief for addressing the issue. Selectman Dalton asked if the collection rates claimed by the bidders could be verified and if he sought references. Chief Tetreault said he had worked with one of the bidders previously, and that he spoke with other chiefs about the claims of others, and they verified the collection rates. He said the chiefs who had worked with Pro EMS Solutions gave good reports. Mr. Boudreau said that Pro EMS Solutions achieved a collection rate in the high 90s for the Town of Norwell. That firm also supplies personnel with hand-held devices that allow personnel to input data without returning to the station. He said the current contractor was given the opportunity to rectify its issues.

Board members said that a 20-percent increase in collections would create significant revenue. Chief Tetreault also said Pro EMS Solutions suggested Lynnfield's rates are low, which will be examined. Chairman Crawford said the additional revenue would help support the new staffing model.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the awarding of a three-year contract with two one-year Town renewal options to Pro EMS Solutions of Cambridge.

Interlocal Contract for Cooperative Purchasing

Chief Tetreault said that the Massachusetts fire departments have regularly been using the Houston-Galveston Area Council Cooperative Purchasing Program purchasing group, one of the largest in the country, for purchasing of large capital items. He said that using this group would allow the Town to get the best deal on a new fire truck. He said there are a large number of manufacturers to choose from.

Chairman Crawford asked if any grants were available for the purchase of the new fire truck. Chief Tetreault said that the Federal Emergency Management Agency eliminated Lynnfield's truck grant application before the peer review process. He said that the communications equipment grant application has reached the peer review level, and estimated that it is even odds that the Town will receive this grant. In response to questions from Selectman Dalton and Selectman Barrett, Chief Tetreault said that the Houston-Galveston agreement has no cost for the Town unless a major purchase is made and is a one-year agreement that rolls over. The agreement would apply to all Town departments.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the one-year agreement between the Town and the Houston-Galveston Area Council Cooperative Purchasing Program and authorized Chairman Crawford to sign the agreement on behalf of the Town.

One-day beer and wine license application, Recreation Commission

Recreation Director Julie Mallett and Recreation Commission member Richard Sjoberg appeared before the Board to seek approval of a one-day beer and wine license for the Countryfest event, to be held on July 23, 2016 on the common. Mr. Sjoberg said that Police Chief David Breen has directed that five police officers on detail will be required, four on the perimeter of the event and one inside the event. New England Bartending Services will provide the beer and wine and non-alcoholic beverages; its servers have ServSafe certificates and a certificate of insurance. Alcohol will be available in an enclosed area. Two bands will perform. Food will be supplied by Big Pig Barbecue. The event will be from 3:00-8:00 p.m. and tickets will be sold. Set-up will begin at 1:30 p.m. Ms. Mallett said that bands will perform between 3:30 p.m. and 8:00 p.m.

The event is for all ages, but only adults will be allowed in the area in which the beer and wine are sold.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve a one-day beer and wine license application for New England Bartending Services for the Recreation Commission Countryfest event on July 23, 2016 from 3:00 p.m. to 8:00 p.m.

Designation of War Memorial Committee members as Special Municipal Employees

Chairman Crawford explained that this designation would allow members of the War Memorial Committee to bring matters unrelated to the subject area of that committee. Mr. Boudreau explained that this designation attaches to the position, not the individual.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the designation of members of the War Memorial Committee as special municipal employees.

Appointment of assistant building inspector

Mr. Boudreau explained that Building Inspector Jack Roberto was recommending the appointment of Stephen Melanson of Haverhill as an assistant building inspector for service during vacation periods. He said he is certified as a building inspector and well-respected in the field and highly recommended by Mr. Roberto.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the appointment of Stephen Melanson of Haverhill as assistant building inspector for a term that will expire on June 30, 2016.

Memorandum of Understanding with library employee bargaining unit

Mr. Boudreau said he had reached an agreement with the Lynnfield Library Staff Association, Local 4928 Massachusetts Library Staff Association, American Federation of Teachers, Massachusetts AFL-CIO on the terms of a three-year contract from July 1, 2016 to June 30, 2019. The agreement cleans up and updates some language on topics such as the Family Medical Leave Act and parental leaves, and provides a base annual pay increase of 2.5 percent in each of the three years of the agreement, which mirrors that agreed upon by the teachers union and the School Committee.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve to Memorandum of Understanding between the Town of Lynnfield and with the Lynnfield Library Staff Association, Local 4928 Massachusetts Library Staff Association, American Federation of Teachers, Massachusetts AFL-CIO on the terms of a three-year contract from July 1, 2016 to June 30, 2019. Board members signed the document.

Appointment of liaisons

Chairman Crawford announced that he was designating Board members as liaisons to various departments, committees and agencies and read the below listing. He said where non-Board members were appointed as liaisons, the individuals had agreed to continue to serve in those positions. Mr. Boudreau said no vote is needed as appointment of liaisons is the chair's prerogative.

Aging, Council on	Crawford, Phil
Appeals, Board	Dalton, Dick
Assessors, Board	Dalton, Dick
Cable Access Advisory Committee	Barrett, Chris
Capital Facilities Advisory Committee	Dalton, Dick
Conservation Commission	Barrett, Chris
DPW	Crawford, Phil
Finance Committee	Crawford, Phil
Fire Dept.	Dalton, Dick
Golf	Crawford, Phil
Health, Board of	Barrett, Chris
Historical Commission	Dalton, Dick
Library	Crawford, Phil
Library Building Committee	Barrett, Chris
MAPC	Dresios, Alan
MBTA Advisory Board	Dalton, Dick
MWRA	Finegan, James
Market Street Development	Crawford, Phil
North Shore Regional Voke	Barrett, Chris
North Suburban Planning Agency	Dalton, Dick
Peabody Municipal Light Dept.	Barrett, Chris
Planning Board	Dalton, Dick
Police Dept.	Dalton, Dick
Reading Municipal Light Dept.	Nelson, David
Recreation Commission	Barrett, Chris
Recreation Park Advisory Committee	Crawford, Phil
Recreational Path Committee	Dalton, Dick
Recycling Committee	Dalton, Dick
School Department	Barrett, Chris
Veterans' Services	Crawford, Phil
Zoning Enforcement Dept.	Crawford, Phil

Gas pipeline project update

Chairman Crawford said the Town has received official notification today that Kinder Morgan has withdrawn its application for the NED pipeline with the Federal Energy Regulatory Commission. He said this effort has been completely shut down, which is great news for the people of Lynnfield, especially those in the affected neighborhood. He said that Kinder Morgan withdrew due to its failure to attract enough end users, as the competing Spectra pipeline, which does not run through Lynnfield, had agreements with users as it would have been completed first. He said he hopes the Spectra pipeline will address fully the need for additional natural gas capacity in the region.

Public comment period

Resident Gail Foley Purtz said that she had sent members of the Board a letter outlining her concerns about moving the existing war memorial on the common. Board members said that this letter will be shared with the War Memorial Committee. Ms. Purtz said she would like to attend meetings of that committee.

One-day liquor license

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve a one-day liquor license for the Knights of Columbus, Post Office Square, for a family gathering on June 4, 2016.

Administrative matters

On the motion of Selectman Barrett, duly seconded by Chairman Crawford, the Board voted unanimously to approve the minutes of the meeting of March 21, 2016 as presented.

Request for executive session under Mass. General Laws Chapter 30A, Section 21 (A) (3) to discuss collective bargaining strategy for which an open discussion may adversely affect the Town's negotiating position

Chairman Crawford announced that the Board is requested to enter executive session to discuss collective bargaining with Town employee bargaining units, a public discussion of which would adversely affect the Town's bargaining position. He said that the Board will not be returning to open session following the executive session.

On the motion, of Selectman Barrett, duly seconded by Selectman Dalton, the Board unanimously voted to enter executive session under Mass. General Laws Chapter 30A, Section 21 (A) (3) to discuss collective bargaining strategy for which an open discussion may adversely affect the Town's negotiating position. A roll call vote was taken: Selectman Barrett – aye; Selectman Dalton – aye; Chairman Crawford – aye.

The Board entered executive session at 8:03 p.m. and adjourned at 9:32 p.m.