

Approved 7/27/20

HAMPDEN MASSACHUSETTS

BOARD OF SELECTMEN

Donald L. Davenport

Mary Ellen Glover

John D. Flynn

selectmen@hampdenma.gov



TOWN ADMINISTRATOR

Robert T. Markel

Townadmin@hampdenma.gov

413.566.2151 x100

Board of Selectmen/Board of Health
Board of Selectmen's Office
July 13, 2020
6:00 pm

THIS MEETING WILL BE CONDUCTED REMOTELY USING VIDEO CONFERENCING TECHNOLOGY

CALL TO ORDER: The meeting was called to order by Chairman Davenport at 6:00 pm.

PLEDGE OF ALLEGIANCE: The Pledge was recited.

MEETING MINUTES:

June 22, 2020: The minutes were reviewed, and a motion was made by Selectman Flynn to approve with changes relative to a Town Report Committee, suggested by Selectman Flynn, seconded by Selectman Glover. VOTE: All in favor and so voted.

NEW BUSINESS

Ambulance Service: Dr. Beltran, Medical Director for Baystate Health was present for the meeting. TA Markel started by explaining the reason for this meeting. He noted that there are some concerns about the first responders and whether Action Ambulance (AA) or the Fire Department will respond to Basic Life Support (BLS) calls. From what has been gleaned from discussions and documents it appears that the Fire Department believes that all BLS calls would be serviced by them first, as they have staff in the Fire House from 8:00 to 4:00 pm. and not by AA, as is stated in the contract. As noted, this is contrary to the signed contract with AA.

Dr. Beltran, began by applauding the town in getting a contract with Action Ambulance, Dr. Beltran, EMS board certified, Medical Director for Baystate Health, has worked with Fire and Action. Selectman Glover interrupted him to ask that he give the audience a bit of background as to what his role is relative to our first responders/ambulance needs. He responded that he is responsible for the safety and clinical care of his patients and integrating hospital care in dealing with hospital personnel. He oversees the various entities to ensure all parties are giving the best and most carefully coordinated care. He has the authority to suspend relationships if protocol is not being followed and Selectman Glover asked what that means exactly. There is licensure and authorization of practice, and both must be in place and Dr. Beltran assures that they are. If there are concerns, he can suspend their authority to operate. The State may do something parallel to suspensions, and he noted that his role and the State's role are of two different entities. He is a facilitator, works in an advisory role, and has the authority to suspend relationships, due to licensing issues.

He recognized that there has been some movement recently about dispatching Basic Life support (BLS)

v Advanced Life Support (ALS), and Dr. Beltran believes that this is where some of the miscommunication came from. Traditionally, Emergency Medical Dispatcher handles the calls and determines the proper vehicle to respond by understanding the service that is needed. Given that there will be multiple calls at once, you want to have both BLS and ALS in town to handle the level of care needed. They are skilled in prioritizing needs with multiple calls.

Selectman Flynn suggested that a flow chart of sorts would help determine which unit should be dispatched. Dr. Beltran noted that it is a sort of an algorithm that is used to help determine which level of service is required.

TA Markel stated that Action Ambulance noted that about 20% of the calls received are in error, due to callers not stating the exact level of care needed, or what the real emergency is. TA Markel said AA noted that the caller does not always relay the real state of the emergency. As a result, the dispatcher may send the wrong vehicle based on what the person making the call tells them. Due to the stress of the situation, errors can happen, as some people hang up on the call and then the wrong responders are dispatched. Dr. Beltran added that he does not know the percentage of responses that are in error, but that it can create an “overcall” or “undercall”, when correct personnel are not dispatched.

Selectman Davenport asked if there is a problem with sending ALS to every call. Dr. Beltran responded that you could do that, but what if ALS is out and another call comes in needing the ALS. It then becomes an issue if the ALS responds to a lesser emergency, and another call comes in needing ALS, we wouldn't have back up to send to the scene, or responders may be coming from out of town to assist.

The Fire Chief stated that the FD has a Class II ambulance, and that there are other classes, such as Class III ambulance, 1, 2 5 Ground Ambulance, 4 being an Air Ambulance Class.

Regulations of CMR states that Class II shall not be dispatched to an emergency unless an ALS is unavailable.

Selectman Flynn asked what the standard protocol is when a call comes in; how does it get dispatched? Dr. Beltran explained that the call comes in and the first to respond are the Police. Fire shows up at around the same time. The patient care begins with the Police, then Fire EMT's take over. Once Fire has control, they remain in place until an ambulance arrives to continue necessary care. The fly car is licensed as Class 5.

Selectman Glover asked Dr. Beltran why the Fire Department would get involved with a discussion about the contract that the Town has negotiated with Action Ambulance. Dr. Beltran explained that he had been asked to attend a meeting and did that. He had no answer to Selectman Flynn's question. He responded that there may have been some communication logjams, but he attended the meeting to ensure service was provided for his patients.

Selectman Flynn noted that this is a big deal for the town, as we have entered our own service, as we had a shared service with East Longmeadow and AMR. Now, with a new company in town, specifically for Hampden, he believes we are fortunate to have Dr. Beltran as an advisor. He also noted that the ambulance had always been overseen by the Police Chief and that the Fire Chief was brought on board, and in charge just weeks before Action Ambulance started on July 1, 2020.

He also noted that the board was not even aware that the location to house the ambulance had changed from the Police Department's Sally Port to a leased space on Commercial Drive.

Dr. Beltran noted that this is an operational issue, that we now have a contract for ALS service. The Fire Department has a Class II ambulance and cannot respond to ALS calls unless ALS is unavailable. **See 21.20 on recording.**

When a 911 call comes into dispatch, Class II cannot respond unless the ALS is unavailable. If AA is on another call, then the Class II to responds to the call.

Selectman Davenport asked if we need a service plan or zone plan.

Dr. Beltran was asked about Memorandum of Understanding and responded that these are standard agreements for both Fire and Police. Selectman Flynn asked who typically starts the process. He also

recalled signing these when presented previously by the Police Chief. Having these agreements in place offers more protection for residents in that other communities will respond should we need them to.

Selectman Glover said if we did not have a BLS ambulance, we would not have this problem.

A town needs more than one ambulance, in case of a multi vehicle accident.

Selectman Glover asked when the State gets involved. Dr. Beltran responded that the state could close a system down, that they usually start with a warning, and follow up on those occasions. Dr. Beltran is affiliated with the hospital and he is liable for the process, as he is responsible for supporting those communities that he represents.

Robin Warner had questions about how the calls are dispatched, Police first, then to Fire, then to Ambulance. She asked if this was normal. She continued that with a town this size, she would think that an ambulance should be called first. Dr. Beltran responded that it is up to Dispatch to make the call, but there is no waiting, and emphasized that the response is immediate. The call goes out and everyone is notified at the same time. Once they all arrive on scene, those not needed return to where they are housed. She asked if Dr. Beltran knew the terms of our contract and the economics of that. Again, he stated that his job is to ensure good patient care.

The board thanked Dr. Beltran for coming in to meet with them.

Selectman Flynn encourages TA Markel to meet with the Fire and Police Chiefs and Dr. Beltran to establish a good line of communication.

Selectman Glover stated that we have an executed contract that a department head went outside of the BOS to try and renegotiate the contract. She believes that this is an issue that must be addressed and that something significant should be done about this.

Selectman Flynn noted that this document was a Memorandum of Understanding, not a contract.

Selectman Davenport said he has no problems with Memorandums of Understanding (MOU) or Mutual Aid Agreements (MAA), and it has been established that the ambulance the Fire Department has is a Class II vehicle and cannot be used to respond to an ALS call, unless an ALS unit is not available.

Further, the Police Department and Dispatch need to be informed of that. Over the weekend, the Vero Nursing Home called for service, and because they have used AMR as they were accustomed to for years, and AMR could not respond, then numerous towns were called (Wilbraham and East Longmeadow) and it was not handled as anticipated by Action Ambulance. There were no medical issues, but the procedure did not go as planned. While time passed trying to get someone to respond, all that time, Action Ambulance was ready to roll right around the corner from the nursing home.

Selectman Flynn noted that Chief Poulin was not involved with the ambulance or the contract until a week before he assumed the position of Fire Chief.

Selectman Davenport reiterated that if the Fire Department has a Class II ambulance, then they have no right to do make a transport run, unless ALS is unavailable.

Selectman Glover thinks that the Fire Department is taking on a direction that they now think they are in charge. She stated that they are having a midnight training session on the ambulance procedures tonight and they just keep going and she believes that this problem will resurface again, and again, unless the BOS shows their power. She asked last week for an Executive Session to address the performance of the Fire Chief, under reason 1 as to when a public body can meet in executive session, according to the Open Meeting Law, which is

"To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties".

Selectman Glover feels that you cannot allow a department to go off on their own.

Chief Poulin noted that this agreement was a draft, that they would make notes/corrections, for both parties, and that the Fire Department was not trying to manipulate the contract in any way. Ed Poulin also noted that no agreement had been signed by anyone.

We have a Class II ambulance, which can be used as back up when AA is not available. The Fire Department wishes to serve the town in whatever capacity they can.

TA Markel suggested that in other towns, such decisions are handled in different ways. Some decisions of this nature are handled by the Town Administrator, some are handled by Department Heads if they are budgeted items, and others require the attention of the Board, as elected officials, such as Regional Agreements, Ambulance Agreements, etc.

Selectman Glover asks that the Fire Department be put on notice as to what the Board expects.

Selectman Flynn corrected a part of the discussion stating that the board, had in fact, given the Chief permission to purchase the ambulance and that funds were agreed upon and voted by the Fire Department members. No tax dollars were used in the purchase of this vehicle. The money came from donations that are made from time to time by residents or local businesses.

Selectman Glover responded that when the topic of the purchase of the ambulance came up, she noted that Selectman Flynn thought it showed initiative, but she on the other hand, thought it showed insubordination.

Selectman Glover does not have a problem with MOU and thinks they're wonderful, but she does have a problem with the process. She believes that if you allow this to continue, people will go around you and then other people will do the same. The board must exert its power over departments. She then asked if the board has any role over the Police and Fire Departments, and if so, what is that role? Do we authorize purchases, see that they have an evaluation system, what is our area of responsibility?

Selectman Flynn argued that the Chief brought it forward to the board, and that in his prior years here, department heads do come to the board, for a request for additional training for Police, for added training for Fire, and Selectman asked, does the board then micromanage them? He does agree that there needs to be open communication and acknowledged that this is new ground for everyone.

Nancy Zebert asked permission to ask a question: Selectman Glover mentioned that she had talked with a Selectman from 2017 and asked about mutual agreements. She wondered if they had been drafted and signed in 2017. And if so, when? Selectman Flynn asked if they are renewed annually. Chief Poulin said yes, through Hampden County. Selectman Flynn asked for a list of all existing agreements and Chief Poulin will provide them to the board.

Selectman Glover wants TA Markel to write a letter outlining what areas should be brought before the board so department heads have clarity, and she agreed that whatever the TA thought appropriate to build his relationships with the department heads. She continued that she is a big process person, that you must be clear as to what you expect if you want to get the results you expect.

Further she wants a motion to reflect what the board wants; and that the TA can do this in general regarding any written agreements. The TA should be informed and once informed should bring it forward to board members.

Selectman Flynn suggested that the TA should have the relationship with department heads and can provide a list of any agreements that currently exist.

Some of the confusion has been due to the role of the Police Chief, and not Chief Poulin, as he just walked into the job and had no prior experience with managing an ambulance.

Selectman Glover is also concerned about the Fire Department charting Action Ambulance call responses. She believes this is a conflict of interest to have the Chief monitor the calls; and suggests that someone else track the calls.

Selectman Davenport reminded the board that an Ambulance Committee was to be formed and will meet four times a year to discuss any issues.

Pamela Roger noted that most towns appoint their Fire Chief as the Emergency Manager and that in 2017 Fire became a Full-time department with a 3 member staff and training for EMT's. They then could apply for licensure to help justify having full time staff. We pay full time staff at the Fire House and now have a contract with Action Ambulance at a hefty price. She noted that former Selectman Villamaino assured townspeople that service would remain free from AMR. She asks why we are paying Action Ambulance when we have a Fire Department with a fly car ready to go? She wonders why this was not considered when the town was negotiating with AA. Selectman Davenport responded that our other options would have cost \$800-\$900k and Fire could not provide us with 365 24/7 coverage.

Policy on Use of Town Vehicles: Selectman Flynn had a policy from Wilbraham, which is very comprehensive, and TA Markel agreed that he will work to eliminate parts to make it work for Hampden. Selectman Glover said there is one already in the handbook and that TA Markel could compare that to the Wilbraham policy.

NOTE: It was noted that the pdfs that are included in the TA's report cannot be accessed as an attachment. TA Markel will print those attachments and include them in the package he presents to the board.

Town Accountant: Town Accountant, Cliff Bombard entered the meeting to discuss the end of year financial transfers that need to be approved. He reminded the board that last year we were trying to cover almost \$100k, most of which was due to Unemployment Compensation and every year there seems to be a lot to cover. This year we have 3 very logical expenditures that need to be covered for a total of \$15-20k. They are for election expenses, law, and claims, which is always a problem, and townhouse maintenance, (much of it Covid related).

We are overdrawn \$43k for snow and ice which normally would have been much higher. We also bought a new sander which is included in that total. There are years that we have carried \$170k. He reminded the board that this overage goes on the tax rate for next year which shows on the recap sheet.

These transfers are always reviewed by the BOS, and then approved before Accountant Bombard meets with Advisory for their sign off.

A motion was made by Selectman Flynn to approve transfers as presented, seconded by Selectman Glover. VOTE: All in favor and so voted.

Accountant Bombard foresees having an estimate for stabilization by the end of this week. He also stated that the Assessors Overlay account is in good shape. The board thanked him for his time.

OLD BUSINESS

Vacation Carry Over: The board asked about the status of vacation time left for employees who did not use their vacation days before the end of June. The Employee Handbook states that the vacation benefit begins on July 1 and ends on June 30. Carryover is not allowed unless an employee gets permission from their supervisor. The maximum allowed is five days, to be used within the next fiscal year. The board voted at an earlier meeting, that employees with five days left, who had not used their vacation days, may do so until the end of the fiscal year. Other employees have additional time and the board discussed days left for Becky Moriarty, Sr. Center Director and Jane Budynkiewicz, Board of Health Coordinator. Given that they were serving the town and could not take vacation, their days can

be paid by the Covid-19 reimbursement funds. Any other employees with vacation time still remaining may use those days before December 1, 2020.

The contracted employees are all set, as confirmed by TA Markel.

Selectman Glover was not satisfied with paying employees for the days they had not used for vacation during the shutdown. She stated that people were paid for those days and should have used their vacation time as written in the Employee Handbook.

Selectman Flynn noted that the entire staff continued to work during the shutdown and the town government continued to run as smoothly as it could have under the circumstances.

Jane Budynkiewicz joined the meeting and clarified for the board that she worked through the entire shutdown in her office, every day, and worked 50 hours a week. She had no option to take time off. BOH Coordinator also made the point that she is concerned that there may be a second wave of Covid-19 in the fall.

Selectman Flynn made a motion to allow employees with unused vacation time to use such time by December 1, 2020, without further action of the board, seconded by Selectman Glover. VOTE: All in favor and so voted.

Selectmen's Policy and Procedure Manual: Selectman Glover submitted an overview of the status of the manual that she has been working on. There was an extensive discussion about all suggested changes, some of those are:

- Discussion of a "consent" agenda, which allows the board to approve a list of licenses in one motion, rather than having to do all separately. The board agreed that they would like to proceed with this type of agenda. Selectman Flynn has seen these used in other towns and agrees that this is a good process to adopt. **See 1:12 on recording.**
- Grant protocol: It was agreed that the announcement of any grants should come from the Town Administrator as well as any press releases.
There shall be no announcement without acknowledgement from the board.
Selectman Flynn believes the department heads should be able to announce any grants they receive if all board members have prior knowledge.
Selectman Davenport thinks that before a department head proceeds with a grant application, they should talk with TA Markel first, to ensure the grant aligns with the board and its policies and does not tie the town to spending funds down the road.
Sr. Center Director, Becky Moriarty said that some of the grants she receives are announced by the grantor, as in the case of earmark grants supported by Senator Lesser, or those coming from Greater Springfield Senior Services.
- Name change of the Board: There was discussion about changing the Board of Selectmen to SelectBoard. Selectman Glover opposed the change and TA Markel suggested that although more and more communities are adopting this, the process to make the change is a nuisance. Members agreed to retain "Board of Selectmen".
- Town Administrator: There was discussion about the TA position and how long TA Markel's contract lasts.
Selectman Glover asked that this be put on the agenda for our next meeting.
- Agenda preparation: It was agreed that all information pertinent to the agenda item should be provided by the department head the week prior to the meeting date. In addition, the Chairman will set the agenda for order and consistency.

- There were additional items modified and can be seen on the video available on YouTube
- Last item: Selectman Glover asked if after the Covid restrictions are lifted, will the board continue to use Zoom. The board and Town Administrator wholeheartedly agreed that it is a service to residents that should remain.

Selectman Flynn then asked about the flagpole in the center of town, at the intersection of Wilbraham Road, East Longmeadow Road and Allen Street. He stated that through privately raised money he would like to install a new flagpole and plaque in memory of his father, John M. Flynn, former Selectman who served for 30 years on the Board. The board members were enthusiastic with their support. Selectman Glover made a motion to approve the installation of a flagpole and plaque at the location in honor of John M. Flynn, seconded by Selectman Davenport. VOTE: All in favor and so voted.

Board of Health: A variance request was before the board for 327 South Road, in need of a reduction from the Soil Absorption System to the well, from 100' to 70'. Selectman Glover made a motion to approve as presented and recommended by Board of Health Agent, Lorri McCool. VOTE: All in favor and so voted.

Seeing no further business, a motion was made by Selectman Glover to adjourn at 7:54 pm, seconded by Selectman Flynn. VOTE: All in favor and so voted.

Respectfully submitted,

Pamela B. Courtney
Administrative Assistant
/pbc