

Minutes: Selectmen's Meeting – Monday, December 13, 2010

Present: Kevin W. Welch, Chairman, Kenneth J. Leva, Clerk and Walter F. Alterisio, Procurement Officer and Member

Meeting was called to order at 7:00PM with all members present. Fire Chief Charlie Rich advised they'd gotten a grant for education program at the school - \$2800.00. Selectman Alterisio asked hadn't that been combined with Groton but Chief Rich advised that Groton doesn't come to Dunstable –this will be used for fire safety education at Swallow Union.

Fire Chief Rich explained the changes in his department's fee schedule. Chairman Welch questioned whether sprinkler system should be under the plumbing inspector – Charlie advised that in most towns it's under the fire department. Smoke detectors would be initially inspected for wiring and Fire Chief inspects to insure they are operating. Basically comes down to initial inspection as to wiring conformance via Electrical Inspector while Fire Chief's responsibility is to insure they are operational.

Sue Psaledakis inquired about the meeting scheduled for last Tuesday confirming that it was still on schedule for tomorrow at 12:30 – Sue will be in attendance.

Fee Hearing – Dana questioned how Wiring Inspector could be charging \$150.00 for an underground pool of which David gets 80% and yet building permit is only \$75.00 and the town keeps the whole thing; if inspector is getting 80% of the fees best be doing the job not leaving people waiting. Fire fees – Selectman Alterisio questioned the notation that indicates for a repeat inspection – would be charged the fee again – Chief Rich advising you'd be totally shocked the number of times he has to go back for re-inspection because the individuals aren't adequately prepared regardless of preliminary instruction of requirements. Chairman Welch noted that we're then doubling the fees here as well; Chief Rich reported that a number of inspections require two individuals for the inspection. Dana E. Barnes, Building Inspector and Zoning Officer inquired whether everyone is aware that now you must have a smoke detector in every bedroom – all must be interconnected. He indicated his code book says one for every 100 sq. ft of floor space plus one in every bedroom. Chief Rich reported on the requirements for bedrooms and bathroom and kitchen areas.

Chairman Welch indicated he's going with town counsel's position on doubling fees item as he understands town counsel's concern that you're not going to win that in court. In the case of plumbing and electrical, if they can't show it's costing them or the town double in order to provide the service, it's not going to pass the smell test in court – must be associated to something to corroborate the need for double fees. The rates that went up substantially were for plumbing, gas & electrical inspection fees with 80% going to the inspectors. Basically, need to have something to show the need for the increased fee. Charlie indicated that most plumbers and electricians are including the fees into the job and in most cases they're charging \$100 for a fee and if we're only charging \$25.00 the contractor's making additional \$75.00. He advised that with any work, just had a guy come and disconnect gas log, had to come back, cost him \$340.00 – 3 trips for simply changing a stove. Charlie advised you're talking a substantial amount of time.

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Chairman Welch set with the concern over double fees for work without permit noting Town Counsel's concerns. Only other question was whether there would be double charges for the alarm installation. He indicated all the new houses in at least the last 10 years all have hard wired fire alarms, electrical inspector would have to inspect those but as far as a separate charge for electrical inspection and another for fire department as well – seems like it's double dipping. Dana indicated he could see Charlie's part – has to go out for an occupancy permit but Chairman Welch felt that with permits for the same thing but from different departments but Charlie indicated that's kind of a discrepancy between towns are Fire Marshall.

Selectman Leva confirmed that Charlie is just basically trying to keep up with the times with fees – Charlie advised that when he initially set up didn't realize what was involved. All were in approval of Fire Department fees but were concerned with the double fees for work without permit. For now move forward with Charlie's fees. Dana advised with new energy code, some departments are now requiring a building permit for changing a boiler, to insure the boiler is sized sufficiently for the dwelling. Chairman Welch advised his understanding if you're touching domestic supply either water or gas, need either a plumber's license or a gas license with pertinent permit. Charlie disagreed indicating whenever you're altering a system, you need a permit from the fire department – must be a license number on the certificate or they don't get the certificate. He referenced the attempt at using a corporate number instead of a certificate number. He also suggested that there are a lot more double fees than they're aware of.

Chairman Welch inquired whether Library and Post Office were exempt from fees with the newly proposed electrical, plumbing & gas rates.

Motion was made to approve the fire chief's fee changes, town hall copies and town clerk's additional fees; tabling electrical plumbing and gas until we have more information; and vote was taken with all in favor. Any further changes to those fees are contingent upon talking with electrical inspector.

Dana Barnes reported when he went Tuesday or Wednesday, to visit Brow site and there were 3 cars – 2 cars and truck – truck was unregistered, one car had a rejection sticker – for the time being, he's in compliance but property owner has been advised that we'll be paying attention.

Mr. Chaney advised he has work order as promised for cutting on River Street – asked whether they'd checked or knew whether they can go ahead and do this without a town meeting, noting that Conservation has the authority; Chairman Welch indicated typically it's just the RFP process form for private land owners may want to go out for bid. Alan advised it will be a good job anyway because the vendor must sign. Chairman Welch indicated the objective on the Pelletier property is want to have some coverage – Alan advised it would be 40% cut – generating a little money for the town and improving the grounds for regeneration which will produce better conditions – will be a good buffer and within a few years will be a better buffer. Alan will let the tenant David Nicol

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know what's happening. Board had no issues – Board signed, will retain one original and Alan will take the other original. On the town well, left that when Alan does his timbering, will make it his business to allow access on his property – suggesting they all go up and take a look at it. One other thing, we have the open space plan updated for renewal, asked whether there were any questions on the plan itself that the board might have as to what they're doing on Conservation properties – Alan's computer didn't get the attachment. Chairman Welch presented his comments in paper form for Alan to review and indicated in the meantime he's prepared a memo of support for the updated plan.

Selectman Leva asked whether Alan had been contacted about gravestone and Alan reported eventually a couple of days later pried it up and looked at it – doesn't think it looks like one that had come from one of our cemeteries, turned out to be 19th century, name on it was Peacock and pretty sure it doesn't belong in Dunstable but he's going to be in contact with MA Association of Cemeteries to research origin. He thanked Selectman Leva for the interest. Board noted there's been a lot of this type of damage going on in the area and Alan advised on damages a few years back at the Blood cemetery at River and Hollis Street and the efforts undertaken to recover and repair. Alan reported rumors of the past and the effect it had on the damages to cemeteries. Alan provided background of cemeteries in old and present Dunstable. He noted Nashua has taken care of the 1st cemetery in Old Dunstable.

Anne Davis and Sue Tully were present to meet with the board, prior to tomorrow's meeting, to tell them all where they're coming from. They advised the commission is opposed to the original plan and feels a plan that includes straightening and widening will harm the historic Main Street district – comes up in many town documents – have been told by Mass Historical that any change will trigger a historic assist – complete review by Mass Historical – want something that's not sufficient widening, or changing historical – spoke with Mr. McGovern who was unaware of the meeting. Would like to see the wall fixed but in such a way that would not affect the historic integrity of the wall. She spent time this weekend reviewing Department of Transportation guidelines which indicates input from local officials and contact sensitive design – to develop transportation change that fits the setting – looked at her notes as to what was proposed by Jeff – was 50' wide. Selectman Alterisio advised that is incorrect and the purpose of tomorrow's meeting is to ensure that all parties understand the complete proposal. Selectman Alterisio advised that Jeff feels he can get a waiver that will reduce to 26'. A lot of the 2nd plan were redlined – Alan advised his understanding that a lot has been redlined – changes did include wall design, plan, etc. which may have been eliminated but don't know because they haven't seen it. Selectman Alterisio advised part of what they're talking about is marching to the tune which includes bike trails, walking paths, etc. that state wants to see more of. Are fundamental issues with respect to state code that road has to be of that nature – otherwise state isn't going to invest funds in a project that could result in legal suits if it doesn't meet the code. Selectman Alterisio indicated a lot of the community involvement type hearing is basically the reason for tomorrow's meeting – these things were put in place for a specific reason to maintain Dunstable integrity. Both sets of plans will be reviewed tomorrow with all in attendance – 1st drawing was pretty much in concert with

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what state requires – whereas amended drawing has so many redlined items. Alan indicated that state seems to be saying different things – can't speak for MA Highway but can for DEQE who has amended wetlands requirements and if they've got an appeal to DEP, have overridden state highway before or could take to superior court. Indicated he's getting the sense that one side is saying have to do one way while another branch is taking another approach; will always hear the argument well what if 48 children in a school bus get smacked around because we didn't follow state spec. Selectman Alterisio advised the need to bring into focus, this is a different type of project – this isn't just a Dunstable project, it's for the benefit of 14,000 people who pass through here to insure they can do it in a safe manner. Chairman Welch noted point is we have to address public safety first – against the backdrop of wherever possible, falling back on the aesthetic features. Chairman Welch indicated best approach is initially to make the road safe – can always have a fall back plan which will allow the use of CPA funds to address the aesthetics.

Anne Davis advised she went to the budget for 2011 for MA Highway – curious because it said \$900K in total cost and \$700K in federal funds and \$180K in matching. Selectman Alterisio the whole project they're looking at those amounts are plugged in to ensure sufficient funds. Alan, Anne & Sue felt much more comfortable with the approach presented by the Selectmen this evening. Anne Davis advised she'd dug up a study of road fatalities which indicated an increase in fatalities due to road straightening and widening since it usually results in faster traffic. She reported study indicates that states with more arterial lanes with 9' or less had much less fatalities. Discussion continued relative to road construction and affect on speed, accidents, etc. and how the traffic is now.

Alan indicated we surely don't want people speeding by the McGovern turn and then going right into the Davis house (the former Hardman house). Selectman Alterisio indicated straightening out by 1' didn't appear to be much of a change but the issue with banking the road to allow drainage all off to one side of the road may have a big effect. Selectman Alterisio further advised it sounds to him that the people you'll be dealing with tomorrow will be very sensitive and will carry the concerns back as long as they're presented properly, they all must understand conditions all together. Selectman Alterisio advised he got the sense that they're willing to work with the town. Chairman Welch noted Town Engineer must be held to the fire to focus on an overlay to address whatever it is the state doesn't do for us. All agreed.

Chairman Welch addressed information provided by school's attorney relative to gifts for school teachers provided by School Committee. Selectman Alterisio asked question as to whether school district is separate from the town indicating any administration of the ethics conformance would be through the district not under the town – it's their issue, not ours. If the school were under the town, then Town of Dunstable would be responsible, but this is a district issue.

Chairman Welch addressed the outstanding issue regarding status for Bob Bacon as town employee and whether his town jobs presented any conflict of interest issues under Section 19 of Chapter 268A. The Board is inclined to invoke its

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authority under the "town less than 3500" clause to avoid any problems – basically the same as we'd done for David Tully. The Board secretary will check with Rich to determine how to proceed.

Selectman Leva reported he'd spoken with Dave Crandall relative to the Salmon Brook or Main Street bridge.

Electrical Inspector – going back to Ron Mikol's report, Chairman Welch looked into it. Basically seems like Dave Jr. is on his way to recovery, Dave Sr. is fine – spoke with David Tully who sees both of them often and Dave Jr. is back to work, gaining weight and Dave Sr. is fine. Ready to close this thing out – hasn't heard back from Ron Mikol only Dana addressed issues that he sees unresolved – will follow up with Dana for a little more detail. Chairman Welch advised most times electrical inspector doesn't have to re-inspect, if they know the electrician's work and are comfortable with their work and record. Selectman Leva advised his concern with the last meeting was there seemed indications that Dave Jr. wasn't doing well, and some arrangements might need to be made. Board discussed requirements from different inspectors – to meet code and idiosyncrasies some inspectors try to enforce. Board will research further with Dana as to just what the issues are or have been.

The Treasurer's Warrants were reviewed and signed; minutes of 11/29 were approved as written, 12/6 approved with couple of small items corrected: some blanks relative to submittals will be filled in – typo PRC not TRC. Chairman Welch has markups – 2nd page Chairman Welch cautioned if the work is done – to approve additional money.

Last thing was Town Clerk's question on dog control bylaw and board reviewed and determined their recommendation would be the fine should be applied per dog. Selectman Leva will follow up with Dana to determine issues with outstanding Electrical inspections - Selectman Alterisio noted the comment seemed to be relative to fees reflecting the amount of work being done. Chairman Welch noted as long as we're not tagged, it's one thing, but has to be reflective of other inspector's needs for completing permits.

Selectman Alterisio further mentioned he may be looking at some professional help as to how other towns set up governing. – he has name of Steven Coulter experienced in municipal management for some review and recommendations – kind of an overview – apparently some grant money to do the review – will come in and give presentation. Chairman Welch advised that he expected the DLS financial review would basically do the same thing – he has a letter that was conjured up by Andy Sheehan administrator of Townsend – Chairman Welch & Kim will polish up. Selectman Alterisio indicated he was comfortable if DLS review will fit the bill. Clearly it's going to be a forerunner to the administrative function whether it's in the form of an administrator, town manager, etc.

Brief discussion of the budget process and how it's being handled this year – that and capital improvement strategy and how best to address items including cell tower placement which would provide cell coverage for public safety. Chairman Welch noted they're talking about putting one by the high school which should

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help improve coverage for some carriers. Selectman Alterisio noted we need to have Fincom as champions for a number of issues that have long range implications for the good of the town and not going to go away. Chairman Welch noted he's been asking for the group to designate liaisons to meet with different departments and reflected on the backdoor approach used last year with some departments and plans for cuts to cover additional services they were approving.

Meeting adjourned at 8:55PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary

