

## **Minutes: Selectmen's Meeting – Monday, March 14, 2011**

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

Meeting was called to order at 7:05PM with quorum present. Chairman Welch explained the process of weekly meetings and actions taken for a local Bishop Guertin student who was in attendance to meet class credit requirements. Chairman Welch explained changes in open meeting law requirements and how it affects the operations of town government.

Chairman Welch referenced the offer to purchase from Fish & Wildlife who requests an article on ATM warrant. The article will request to sell xx acres on Depot St. (what is known as 'The Beagle Club') for \$22K. The land is presently in use as conservation land and would be left in the stewardship of Fish & Wildlife; continued to be used as conservation land.

Karl Huber presented the Dunstable Water Commission's review noting the year was a good year; no major problems; worked at keeping operations compliant with DEP – has installed a system that reports various water parameters (pressure, chemical levels, etc.) 4 times a day, can pull system info at any time – log into dashboard and check pressure rate – also they will know ahead of time for KOH, for pressure, floats set which would send notification of conditions that needed attention via cell phone. He indicated he was happy to say that Dunstable Water is meeting compliance with the state. In 2011 they're going to take positive action – keep getting suggestions relative to storage tanks which would bring system up to snuff and ISO rating for fire would be improved. One of the things that has been happening is they've recently met with Tyngsboro water district and they're looking into feasibility and effect of connecting to Tyngsboro's water supply infrastructure. Would like start earlier rather than later to begin to have communication with all boards in town – wants warrant written for ATM in May; something to the effect of investigating, due discovery research for selling water to Tyngsboro or another town in restrictive manner to produce positive revenue stream from them. May be some language in past town meetings where this type of process was proposed, and make sure that the pros and cons are understood by all. He wants to put the process together so that an opportunity can be pursued. He noted that some improvements need to be made to the system to accommodate these conditions and anything that we do needs to be sure that it doesn't impact negatively on today's rate bearers or anything else. Need to either take them on as just another customer or develop partnership with another

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community to meet both communities' needs. When they find the information necessary to make a decision – wants warrant to be worded to advise we are looking at selling in a restrictive manner and hopes that Selectmen, Fincom, Dunstable Water, Fire, etc. backs the process and option. Mr. Huber indicated Tyngsboro water right now connects into Lowell and Dracut – what prompted commissioners was to try to find a resolution to the high rates they're paying – he's looking at it to say if we look at it the right way and are informed. He thinks that if we find another way, understand criteria, remain the supplier and insure there's plan in place to help us be prepared; doesn't want us to miss out on another opportunity to share with the town and the residents.

Water Commission secretary Cheryl Mann noted the finances from the water department, only bring in \$40-50K per year and hydro-tanks and old pump station are aging and will need repair – if they go, we will need to move forward immediately to make repairs. Mr. Huber advised they're keeping their fingers crossed each and every day that they don't run into problems – well & shaft is 27 years old – haven't done normal cleaning maintenance and it can weaken it, which might subject it to failure. He provided the process of manual bleeding tanks, etc. He noted that state will be coming in again and grade conditions – that's why when something like this comes up, wanted to come before Board of Selectmen to advise that's what they're thinking about what can be done to bring us up and bring control to the Town. Wording of the warrant is important, even if it's a committee to investigate the options. He noted one of the things that Tyngsboro Water District has done is to provide assistance to Dunstable Water as Pepperell has when needed because needs are outside our abilities. He indicated if you looked at scenario – pointed out locations and size of lines noting there are 25 houses along the way, if they wanted the opportunity to hook in, they could – no forcing any resident to hook up. Purpose of warrant article is to determine if this is something we want to investigate so we understand the plusses and negatives. He advised they're also looking at storage tanks – ideal scenario when time comes for storage tank, ideal to put by Chaney Hill as it's in the center. Options are to repair what's on Pond Street or new tank on Skytop Lane and Chaney Hill. Mr. Huber advised that best approach is to upgrade lines in conjunction with road projects. Tonight wanted to update them on what's going on but now wants to word up initial article to get the process moving. Chairman Welch advised the two big things are the cost and the role of the DEP or state in control of the operations– right now DEP wise we're represented by Central region out of Worcester whereas Tyngsboro is represented by Northeastern

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region. Karl advised combining districts may provide financial assistance and other help – state is looking for stimulus and ways to bring continuity. Costs is a big issue to them as well – have to be careful that don't go outside our range – need to make sure we don't ignore things that are discovered. Very hopeful that the storage tank in Tyngsboro can be assistive – that's why Dale Thompson is working with Tom Ahana from Stantech. Doesn't know what his approach would be, whether should be researching previous articles or present to Rich Larkin for appropriate verbiage – this way when time does come, going to be really looking for the town's support. Chairman Welch noted that as we have to be very careful, once we provide a supply would be legally on the hook – Karl disagreed noting that would be a limited contract – five year term, as they'd designed with the Pepperell agreement approach. Karl was confident that each will be researching better options – he'd rather that they just become a customer but it brings a burden on them but if we enter into a partnership. Looking at should we combine it, should it be a DEP combination, which might provide grants and funding, etc. He'd think that right now we're okay – all on the same page; keep open communication even via e-mail. Mr. Huber advised he wants to word it as positive for the benefit of everyone.

The board then met with Dog Officer Sean Ready re: proposed amendment to dog control bylaw and Town Clerk Carol A. Skerrett re: nomination papers bylaw. Carol advised they're trying to tweak the dog control bylaw to encourage license compliance – she advised that she's gotten bylaws from like 20 other towns but in talking with Town Clerk in Plymouth. She advised he took a look at our bylaw and we have a total of 134 unlicensed dogs 59 of which with invalid rabies. She referred to fine deadlines – she noted that in Plymouth start licensing for the next year in October – late fees begin January 1<sup>st</sup> – \$50 per month – rarely resort to implementing the late fee, they have a 92% license rate. She explained the complications with dealing with clerk magistrate in Ayer District Court and process followed by Plymouth but with our late fee March 1<sup>st</sup>, and then \$25.00 fine – if has to go to court, dog officer has to go to court and court doesn't want to deal with it – have no way to enforce rabies. Gets dragged out to the end of the summer for them – usually repetitive – basically the same people all the time. Licensing is very easy – it's not rocket science (Carol explained all the accommodations that are made for an individual to license). Some people are opting out of rabies vaccinations – right now legally all the town can enforce is the \$35.00. Sean explained there's carol's time, the stamps, phone calls, etc. – dragged out and takes too long. He advised that people will go

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without registering their dog and brag about it – with the fine so minimum people laugh about it. Carol advised that the Plymouth clerk thinks the biggest problem with our bylaw is we give a deadline – if the animal reform went in there'd be a \$50 fine from the state. She'd like to see a system which gives a definitive fine period. Arlington & Plymouth pay people to enforce these laws – but that takes money. Both of them advised there are a lot of gray areas we have. Sean advised that he's been in touch with NMCOC who is investigating regionalization. Ours is a band-aid operation but there are things that have to be improved. Chairman Welch suggested summarization and indicated the board would support putting notice and the list on the website but Carol advised she did not support that approach – doesn't think you should single out dog owners; if you're going to take that approach should include delinquent taxpayers and water users. Chairman Welch stated he did not have a problem with taxpayers or water users being posted but that would be up to the Tax Collector, Board of Assessors and Water Commissioners to decide.

Sean advised they've been working on this plan talking with other towns and we don't have a lot of what the other towns have; right now it's working but there are problems that have to be addressed. When a dog has to be picked up, we don't have the proper facilities for housing dogs; working right now but if something happens, we're in trouble – working with other towns. He advised that when you pick up a dog it's about 3-4 hours lost. Carol – legally if we were to do a late fee, would like bylaw amended so that licensing begins in October - \$50 late fee every month. Plymouth has upped all their licensing fees – Rich wondered whether anyone has spoken with them as to whether can use other fees. Discussion continued on whether the base fee was substantially less than the late fee. Carol explained the process used by Plymouth, sending a letter in October referencing animals and the requirements, reminders, etc. and are collecting in arrears, etc. Discussion continued on the process used now, reminder calls, cards, etc. and history of dealing with the court – who's cooperative but doesn't want to deal with this type of case. Carol advised that she's shared our bylaw with a number of town clerks and the majority feel our big problem is the way the fines are doled out with definitive date. Sean advised it seems to be the monetary fine that keeps them responsive. Carol likes the idea of eliminating the deadline on the fines. Takes too much time to collect; Chairman Welch suggested we either have to change the bylaw; Carol asked Town Counsel what he thought about it; Town Counsel suggested the best approach was to research with other town clerks what works best – if court is resistant, and stacked the fines up. Sean advised on what other towns are

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charging and Town Clerk provided input for discussion continued on what other towns are doing to impose their fines. All they're basically saying is that \$35 is the maximum you can charge for fines. The board was good with an amendment – put it together for modification – town approved the last bylaw, bring it forward. Rich has a few ideas and will get it together. Sean reported on research they've done – indicating can only do the non-criminal disposition once.

Carol presented a suggestion for an article relative to nomination papers, requiring adoption of specific section of MGL – it establishes a deadline for picking up the papers – she doesn't like the 2<sup>nd</sup> part which would require people to file their information before. She advised she's always here for election deadlines; she'd like to tighten up. Rich advised when we adopt the statute we must adopt the whole thing you can't pick and chose. Carol advised she has to be here for person to pull papers and she's only part time. Carol will research further with Rich after Rich has an opportunity to review. Chairman Welch suggested keeping it simple – whole idea of the process is for it to be open. She advised that she will come down if someone comes in and she's available – she's

Fire Chief Rich advised he had a call from Bob Johnson from VCR who has come up with an army (surplus) vehicle – have a guy in Pepperell who can go out and get both of them (Pepperell Fire Dept. is interested in one as well) for \$500.00. Chairman Welch inquired where would we keep it and Chief Rich and Lieutenant Brian Rich advised would have to keep it outside winterize it for winter will be used for woods fires – will put tank on – will be a project – won't be immediately in service – bigger than engine 2. Chairman Welch expressed concerns with age and service costs that might be needed – response was all trucks are automatic – Groton just got one – Tyngsboro's looking; Brian advised that other towns are all leaving them outside – not garaging them. The one that Groton just picked up has a brand new engine and transmission. If we get it, and decide it's not worth doing – they'd replace it within 2 years – without cost. Chief Rich will see if he can get some pictures of it. Chief Rich will research further.

Fincom, Town Counsel, Jeff Rider, Road Commissioners reviewed the additional costs for the Route 113 McGovern's Wall – need to go to town meeting for approval of increased costs. Need to go over numbers one more time - \$53K initial costs, then Historical required another \$6K from CPA and additional costs now; now town engineer

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wants \$28K more for cost overruns due to the time spent on the state's Program Review Committee (PRC).

Jeff advised when we 1<sup>st</sup> began all were under impression the project had been approved by MA Highway – come to find out Ma Highway hadn't even gone before their project review committee which required months & months of dealing with them for PRC to approve. What really came down to urban districts didn't want the funding to go to rural districts – had to do multiple submittals for approval and spent quite a bit of money going thru all scenarios – didn't know what it was about – other thing going into was once they got approval of review committee; 25% design prepared came to the town and historical and conservation had problems which required redesign for 6K; then went back to MA Department of Transportation who rejected;

Ron Mikol asked whether that means at this point in time design is only 25% complete and it's costing us 59K – basically now about 20% more. Ron asked how much more time in the administrative to get thru MA highway – Jeff explained when you submit to MA Department of Transportation – cross sectional diagram, details; doesn't know exactly how much. In the additional 28k gets us up to the award – Ron Mikol noted complications that could take the number way above the 28k need to identify what the final number is to get us through signoff with MA highway. Ron's request is to get total exposure – can't keep piece-mailing. Dan St. Jean asked if MA Highway has a deadline – Chairman Welch indicated it was June – not that far away. Jeff advised should have the revised 25% drawings to MA highway by the middle or end of next week. Selectman Leva indicated he wasn't in favor of the \$28K until get the plan approved by the state. Jeff further explained that when he gave the number of \$52k we were under the impression had been supported by MA highway. Joe Dean asked about additional review process – Ron Mikol offered comment noting he understands the complexities with MA Highway and possibility for limited understanding of circumstances but at this point this is going to be Dunstable's Big Dig; need unequivocally and understandably the definitive cost for Dunstable for the engineering project. Dunstable needs to know the definitive number so we can understand where we stand for cost for engineering. – Chairman Welch still in phase 1 – had definitive cost of \$53K; town meeting approved. Next, Historical added scope to the project with cost of \$6K; town meeting approved CPA funds – and engineering cost is still sliding. Now, a request for \$28K more; no shovel in the ground here – still on paper and we're still back and forth. Chairman Welch indicated his concern with Dunstable's engineering part – the paper part and understanding the complexities

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which might affect the project's eligibility due to deadlines. Ron advised, had Fincom known this in the beginning, they wouldn't have supported it – conceptually supported it – all of us were of the opinion that the \$53k was going to cover it – Harold what happens if the state comes up with changes and we need to keep altering – who's going to come up with the money then? Karl Huber indicated that timing is everything to us – if we miss it we're back to square one. Dan St. Jean advised this wasn't an open checkbook – Mike Martin advised to accepted drawings – when we make a change – Chairman Welch questioned 200 hours to deal with the PRC and how it's gone so far awry. Chairman Welch stated that Jeff is requesting an additional \$28K to cover time spent on the PRC. Showing the math; Chairman Welch said Jeff's hourly rate was \$142 per hour. \$28K divided by \$142 is 197 hours or 5, 40-hour weeks spent on the PRC. Chairman Welch stated he had spoken with Arthur Frost, and asked if this number of hours was legitimate and Arthur stated there was no where near that number of hours involved. Jeff will compile the info and come back in next Monday evening to review further – BORC & Fincom agreed for 7:30PM next Monday.

Chairman Welch advised that Board received e-mail from Ann of MA Fisheries & Wildlife offering \$22K for the 'Beagle Club' property-Hawk Swamp. Board was fine with it – Alan advised that he can provide photos, etc and was coaxed by the Board to make the presentation at the ATM – would be sale by TOD to commonwealth Fish & Game, would be dedicated open space. Rich will amend language to accommodate need. Rich explained the normal operations of that department and Conservation Commission has voted to accept the costs of demolishing the existing building on the land.

Alan Chaney reported, With regard to timber cut, are holding fire (?) – will put out to bid in spring or summer for cutting in the fall – once someone buys it they'll pay  $\frac{3}{4}$  up front and balance on completion. With regards to the well on Chaney Hill, he's going to be doing some cutting sometime soon and would like permission to take care of it – board approved it being filled.

Chairman Welch; if the town doesn't go for sale of the Beagle property, is there any fallback plan; Alan explained the background of the property and the reasons we don't want it developed – because of it's proximity to the prior landfill (now Transfer Station) – doesn't have Article 97 protection now but will once Fish & Game purchases it. Alan provided info on the plants on the property – unique biological community there on that property – isn't another one in all of

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Middlesex County – example of last stages of a pond being naturally filled in. He advised there used to be a boardwalk there at the Beagle Club property.

Sometime in the next few weeks, we'll be scheduling review for ATM. Board will meet at 1PM next Monday with Plumbing, Gas & Electrical Inspectors. Board noted executive session scheduled for 2PM with police union and 7:30 next Monday with Jeff again.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:10PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,  
Board Secretary