

Minutes: Selectmen's Meeting – Monday, March 21, 2011

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

Meeting was called to order at 7:00PM with all members present. The Board reviewed minutes 11/22 as amended with minor typos; 12/13 with minor corrections; 12/20 approved as amended; 1/3 with minor corrections; rest of January will be held to next week as will February minutes be held until next week.

Chairman Welch noted further discussion with Town Engineer is scheduled for 7:30 this evening; Chairman Welch noted request for Town Hall usage for 3/29 7-9PM Dunstable Republican Town Committee – approved; board discussed the input from Conservation, the background of the property and voted to advise that the town will not pick up the option for purchase of Greene C61 land.

Mail: noted the input from Conservation Commission re: the Greene parcel, Town Clerk's request for town meeting warrant; information from MA DOT re: replacement of bridge on Main Street at Salmon Brook – has been approved by project review committee.

Chairman Welch also noted the article request from Assessors for \$6200 for annual inspections – Selectman Leva will research to determine whether Vicki is asking for 2 years or one; exactly the purpose and cost – slotted in as Article #12 at this point on ATM.

Chairman Welch questioned the item on the Treasurer's warrant for uniforms for past police employee Ben Sargent.

Ron reported on Library meeting and grant application soliciting funds for energy improvements – all air conditioning units are being replaced a recommended in engineering study on the systems.

Jeff Rider apologized to the boards noting he was extremely embarrassed and went back over the time sheets and even though in his memory it was a lot of time, he couldn't come up with a lot in the time sheets; once he noticed that he went back and looked at how they'd come up with the figures, and spoke with some of his staff and they've come up with some areas where can make savings – now looking at about \$18K. He noted that a lot of the research he'd done with PRC is part of the 25% submittal – came up to about \$2k; time spent in meetings with MA Highway after submitted for 25% review – when submitted new revised concept was \$3,900; then another full flurries of issues with that cross section that required additional cross-sections that everyone agreed upon another \$3,200 up to around \$26K; then to point where can make the submittal – gets us to \$???; estimating @\$1500 runs up to about \$15K then 15%

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contingency which brings us up to like \$17.4K or something like that. Chairman Welch indicated concern whether Jeff's not understanding the whole premise of the bidding, noting it was a quoted job – can't throw contingencies in. Jeff advised that when came up with cost estimate, it was a clean job, put it together, get it to the state & you're done; but didn't anticipate all the extra stuff. Chairman Welch & Selectman Leva felt that when give a quote for project like that, are always having to deal with MA DOT. Chairman Welch the whole project, the original \$53K was a 100% approved turnkey operation. Only monkey wrench at all, on our part, was the Historical and Conservation which was an additional \$6K. Chairman Welch stressed that Town trusted Town Engineer to put together accurate projection. Jeff presented the drawings submittal of 25% design, and adjusted to meet Historical & Conservation requirements, also @25% to meet MA DOT design criteria. Once Historical and Conservation agreed to their version, had to do the 25% and submit, was rejected and then came back with plans for meeting with Conservation, Historical, Highway, BOS and MA Highway. Chairman Welch cautioned that he can't charge the town for the back and forth with MA Highway, it's not a time and material job; it was a contract job. Jeff indicated if they'd designed it according to MA Highway standards, the figure would have stood firm. Chairman Welch advised that the only thing we were bending standard was the adjustment for Historical & Conservation that would accept. Chairman Welch noted MA DOT has the final say in it – idea is to meet their requirement, not Historical – can't tell you in detail what could've or should've done – essential item is to meet requirements - \$6K was to make sure that meets both requirements; Chairman Welch at the end of the meeting with MA Highway, everyone was in agreement. Selectman Alterisio so the 6K was to come up with design appropriate to Historical – presented to MA Highway who rejected so 6k is gone. If were manipulating to come to some compromise in between, then Selectman Alterisio could accept but if MA DOT; MA highway wanted 12' lanes, finally got them down to 11' lanes; wanted 2' shoulders, got that down to 1'; big issue was the space from the guardrail and from pavement – came up with sketch that says put it on top of wall – that ran into other issues with MA DOT design.

Ron asked about the agreement in place originally – questioning whether Jeff had a contract with Town of Dunstable for design or does Cuoco & Cormier have contract. Jeff advised no written contract. Ron advised that it would seem that the initial sum of money was going to get us a completed project design – obvious to Ron that aren't going to reach a decision tonight. Have 50K plus the 6, and don't have complete design. All his concepts have been to award and contract, once that happens, MA DOT takes over. If there's something wrong with their drawing, Cuoco & Cormier has to fix without any additional cost; but unforeseen conditions could require additional engineering – his point is we all have had some

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level of conversation over the last few weeks and collective understanding was that \$53K was going to get the Town a certain level of work, yet it looks like there are some significant costs that haven't been identified. Now looks like there may be more costs related to this thing – if we'd known all this at the outcome, majority wouldn't have agreed to this. To makes things worse, town engineer may need to recuse himself from the project – Chairman Welch noted the biggest thing is this is a political nightmare – can't support. Jeff continued to indicate that if had gone thru as planned, wouldn't have been any other costs. Chairman Welch insisted the only thing that changed was the plan drawn for the \$6K – Jeff argued that's not what the \$6K was for – it was to develop a design that met Historical & Conservations requirements; Selectman Leva advised that 6K was to take the time with Historical. Jeff we're at our 3rd 25% design; original, then redesigned to meet Historical issues, now at 25% to meet MA Highway requirements. Another \$15K will get us to 100% as long as everyone from here on agrees. Chairman Welch reflected on the presentation and expenditures to date – doesn't appear to be going forward. Jeff this was money that was spent out of the 53 & 6 that we hadn't anticipated – still supposed to go through all the rest – this 15K reimburses for the extras that were encountered – still money there to get through the remainder of the project. Essentially 18K is being spent to resurrect a 6K deal. The 1st \$2K was primarily time spent with PRC – Selectman Alterisio argued that they would have spent time with PRC anyway with any design; Jeff argued that they jumped right on it thinking PRC had approved and then discovered they hadn't approved, had to work with Anne Sullivan, Arthur and Sarah at NMCOG trying to get PRC to approve the project. Selectman Alterisio advised that all those things with PRC had nothing to do with engineering design – Jeff no – just additional time and research on his part. Selectman Alterisio explained his understanding of the PRC process in this particular project. Chairman Welch asked so how much time did Jeff estimate for PRC – his response was about \$2K – doing research on provisions that would accept – came up with 3 or 4 different concepts for dealing with fascia that he thought they might accept. Chairman Welch – what happens if this doesn't pass town meeting – Mike want a complete set of plans – we paid \$53K, understands that Jeff feels he's done above and beyond and should be paid for it. Mike knows that we agreed to a figure for a complete set of approved plans; knows that we paid an additional \$6K for amendments but this gentleman is looking for payment for the additional items. If he's here for extras and can prove they're above and beyond – are extras. Ron noted they are, but being blunt, Town Engineer can't represent the town as our engineer because his company developed the design. Discussion continued and Mike advised they'd asked the question and town counsel advised there wasn't a problem with that – could design and represent. Ron – what's it going to cost to make the wall look the way the Historical Commission wants it. Worthy question –

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could go back. Chairman Welch advised that tonight don't have the authority to tell him we'll pay the additional – need to put together an article for Town Meeting and can't guarantee. Ron – the other thing is the Finance committee has to take a position and he's uncertain they'd be able to support the article. Mike advised he too expected a completed set of plans, approved by DOT – he's not opposed to him getting his extras if can show the supporting documentation that he's deserving it. If the extras don't go, he doesn't want it to stop – he wants what he'd agreed to – all agreed on the position and that they can't authorize additional. Jeff realizes that until Town Meeting votes the additional, only entitled to the \$53K & the \$6K; his company doesn't want to lose a good client over something like this. Selectman Alterisio advised that there's never been this type of project before Town Engineer – this is very different from his usual projects for the Town. Discussion continued on how to move forward; Jeff advised that if they'd convinced him that needed the extras – would have prepared for town meeting. Discussion continued on the background with Chairman Welch advising that town hadn't understood there was any overage incurred until recently. Jeff referenced time constraint, noting we were behind schedule when we started, from what MA Highway wanted. He had same discussion with his boss, why did we move ahead, without approval for the extra work order. Jeff explained that it was because of the time constraints for the project and Chairman Welch advised that we have no wiggle room – were already limited by funding and time constraints – but didn't know what to suggest; going to Town Meeting with an overrun is a long shot.

Ron cautioned that the 30% increase isn't a final number – sold an approved design to Town Meeting – came to us with engineering overruns but this still doesn't get us to a finished project and yet we still haven't identified. Jeff advised that from his discussion with MA Highway, once contract is awarded, they take over the project and will not be requiring anything additional from the town. The only other engineering cost he could see was any oversight the town might want them to take on to insure the project is built according to design (could possibly come out of normal engineering fees, dependent on how much oversight is required). Selectman Alterisio advised that's where the town is left at a disadvantage, because we don't know what oversight is required. Tom Dumont indicated it would be minimal. Chairman Welch advised that once the state accepts drawing @100%, they own it. Ron referenced an amendment that might stop the project, referencing the CPA project design for the wall; reinforced concrete wall with a stone fascia. Issue right now already with engineering phase, if can just get MA Highway to confirm they'll accept. Ron referenced an earlier design discrepancy and costs related. He indicated there was conversation that there was going to be a duct or line pass under that roadway – what's the status of that. Water line will be installed by MA Highway contractor but the water

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department will have to pay for that portion of the project. Harold has talked with the Water Department and his understanding that they're provided to have the pipe supplied for installation. Harold was under the impression that water department wanted to just put the pipe in the ground for future use. Jeff advised they're moving ahead, if the town can pay would really make them happy, but are moving forward. Have comments back from MA Highway, Selectman Alterisio right now these numbers are done; if there's more numbers than the \$53k & the \$6K – no more money appropriated. Cuoco & Cormier are going to go forward but Town of Dunstable can't give any authorizations for additional funding for the project without Town Meeting approval. Jeff – obviously if he can't convince these officials probably won't be able to convince Town Meeting. Chairman Welch noted that back in the beginning – supported it and went through and probably would have supported at the higher number had it been brought forward. But can't support after timeframe has gone by – doesn't look like good administration work – doesn't have answers to some of the questions that could be asked.

If there is an opportunity, within the amount that hasn't been spent of the \$53K that could make this problem go away, but uncertain of it. Discussion continued with Ron reporting the budget is about \$130K in the red without the articles, this would add to the problem, uncertain where we'd come up with it. He's thinking a \$10K number is probably more palatable than a \$18K number. Selectman Alterisio advised the only thing that makes it palatable to Ron is that they know the numbers but the voters don't and they're not going to understand. Jeff will be submitting to MA DOT on Wednesday. Fincom has on their agenda for 7:45PM – hopefully have more before then.

Ron advised clock on the wall is not in our favor; public hearing has to be prepared and if going to take this to Town Meeting, need all our numbers in order. Selectman Alterisio advised his last discussion with Arthur was that if were going to move forward on time, public hearing should be scheduled in February or March and may be jeopardized – June is still to his mind a stake in the ground for award. Jeff advised that's why they've continued to work on it, not put on hold. Dan has agenda for Fincom but Ron will get back to Jeff on whether he should be there next week.

The Board noted no inspiration of confidence for this project; 14 hours @PRC – got to get the message, have given it to him before. Do need one of the BOS at the Fincom meeting next week and Selectman Leva will represent BOS at Conservation next week.

Chairman Welch discussed briefly some of the issues addressed in negotiations sessions and discussions with individuals and approaches recommended by Chief and personnel. He suggested getting the chief in

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here and meeting with him and reasons for his current recommendations. Selectman Leva explained the approach commonly used with additional requirements. Board needs to research and address issues with the appropriate personnel. BOS has another meeting with Police Union scheduled again on 1:00PM next Monday; board discussed the posting requirements and noted they'd suspended the meeting this afternoon to a time indefinite with intent of meeting with Police Chief on some of the items. He noted that we've lightened the load immensely with their new administrator and police records management. Secretary will talk with Chief and confirm a time (Thursday 9AM-12 or anytime after 3PM or Friday pretty open for members).

Selectman Leva advised he'd met with the Gas, Plumbing & Electrical Inspectors today – jest is were going with what other towns are doing, Dave Sweet also addressed question of health insurance – but one thing that stuck out that they both agreed on, was that they don't have any bite for someone who starts work without a permit, and that was their main reason for requesting the double fee. Selectman Alterisio and Chairman Welch noted that Town Counsel was totally against it and Selectman Alterisio explained that there's a relationship to the cost for providing the service. Chairman Welch advised they get paid to provide a service and they're not paid to impose fines and that's basically a fine. He noted that especially with Dave's fees, he has specific items he wants, that aren't required by the state code, and state code stands. Some inspectors are peculiar about the items they want to be sticklers about, have to work with the electricians. Chairman Welch noted there were some items with fees indicating the board will look at more closely next week.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:00PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary