

Town of *Dunstable* Selectboard
Meeting Minutes
October 7, 2015
Town Hall, Dunstable, MA 01827

Convened: 9:30 am

Present: Kenneth J. Leva, chair, Walter F. Alterisio, members; Tracey Hutton, Town Administrator; David Sweet, Electrical Inspector

Discussion of Electrical Fees

The Board began the discussion by asking Mr. Sweet what his rationale was behind the proposed fee structure changes, noting that every single fee has changed in an upward trajectory including fees for permits that are rarely issued. Mr. Sweet responded that he has actually removed fees from the listing because they are rarely issued and he's tried to combine some as well. Mr. Sweet further elaborated by explaining that his increases includes the \$10 fee for Point Software as well as a few increases for him. What he did was attempt to base his fees on the amount of inspections that he does, while including that \$10 fee. The Board noted that there were several \$35 jumps, which would mean \$10 for the software and \$25 for the inspector. Mr. Sweet asked the Board which fee increases appear to be "outstanding" to them. The Board replied that some of the increases appear significant such as a \$50 jump and in one case a nearly \$100 jump. One illustrative example would be new house underground fees, which jumped \$75. Mr. Sweet explained that he is seeking that increase because the old fee was based on how many inspections he used to do compared to what he does now. For the house underground he used to do 3 and now he does 4.

He also explained that 90 percent of the time with new homes there are problems, and that he often has to conduct site visits multiple times so that he can meet with the electricians on the project to explain and demonstrate how the work should be done. His fees are designed to cover not only the initial site visit, but these subsequent ones as well. He's had to visit, on occasion, houses as many as 6 times. Ms. Hutton inquired as to what services we are providing greater than what other towns are providing. Mr. Sweet mentioned some other compensation that is provided to inspectors, but Ms. Hutton noted that her research demonstrated that most towns do not in fact provide more compensation than Dunstable. Mr. Sweet clarified that what he is talking about is a difference in how they compensate. Some of them get stipends rather than portions of the fees. Ms. Hutton noted that other towns do not afford health benefits and most of the towns pay a portion per permit to the inspector, like Dunstable. Only one of the comparable towns she contacted pays a stipend.

Mr. Sweet returned the discussion to the calculation of permit fees noting that some towns add an additional fee per square footage, which is not included in the permit fee total. The bottom line he said is that every town is different and they don't do the same things. The Board brought discussion back to the number of times the inspector has to return to the site. This led to questions regarding how to handle the large number of follow up visits. The Board suggested that one solution for this kind of issue might be having an inspection and then follow up with the thought that anything that comes after the follow up should be charged at a different amount than the original permit. The idea being that the permit fee might include 2 site visits and anything over that number would have to be covered by a secondary fee. That way a builder that requires the inspector to come 6 times would end up paying for those additional inspections.

Mr. Sweet responded by explaining again where the additional site visits come from. He mentioned that one of his "new" stipulations to adjust fees "accordingly" is to help deal with these kinds of situations that require multiple inspections. This gives him the ability to charge less in some circumstances. Ms. Hutton reminded the Board that fees must be set and approved by them, and may not be altered on a per permit basis. Such a provision, she stated, cannot be legal. Once the fees are set, they are set and may not be changed on a case-by-case basis. Mr. Sweet insisted that there are exceptions. Ms. Hutton noted that she has already spoken with Town Counsel and there is statute on point that does not permit this kind of variability. Mr. Sweet stated that this has been done in other towns. The Board moved on to the fact that there are significant differences between what Dunstable is charging under this proposal and what other local towns are. For most new

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services, the prices appear to jump rather significantly with this proposal. Mr. Sweet explained that what he's proposing is what all the other towns do.

Fees for things like commercial buildings, pools, and other similar areas can vary a lot. He explained that his numbers are set in such a way as to protect the town. The Board discussed what the normal is for these kinds of fees and how to stay within the normal field. This included discussion on how to properly compensate inspectors fairly while not increasing costs so significantly as to be out of the normal range in the area for a particular fee. The Board again turned to the idea of using re-inspection fees and follow up fees. The Board felt that that would potentially be a more fair way of handling things. The current new house underground fee is \$235; the proposed is \$310 with \$10 being for the software and the \$300 being to cover each visit (the average being 4 visits therefore \$75 per visit). There was some discussion about why the Plumbing, Gas, and Building Inspectors only increased their fees by \$10 for the software. Mr. Sweet noted that his area has seen more changes that affect permit fees than they have. The Board returned to the issue of making decisions on the fly. The Board did not feel terribly comfortable with these kinds of changes, especially with a statutory conflict being possible.


Mr. Sweet gave some examples of situations where that flexibility is good, noting that where the work requires less than what the fee is established for he is able to negotiate. The Board noted that the response to this might be that fees be designed for these kinds of situations. If someone only needs to power outlets installed in a garage, then perhaps instead of lessening the garage permit, the response might be to have a special permit for installing just two outlets. Or better yet, simply have one fee such as a garage fee that is flat. Mr. Sweet insisted that part of being an inspector is the ability to be flexible as situations demand. The Board reiterated that there need to be published fees, and while they agree that some flexibility needs to exist, they don't feel comfortable with there being negotiations on fees on the fly. There is statute that has to be considered. Just because the town has always done something doesn't mean it should or that it is allowed.

From there Mr. Sweet mentioned that he also has some requirements and preferences for safety that are not required by code. Ms. Hutton cautioned about this, noting that it may be permissible, but only to a highly limited extent. The Board expressed concern about how increasing fees might encourage people not to have professionals do the work or for professionals to do the work without permits. Mr. Sweet noted that home owners are allowed under MGL to do work on their own homes provided that an electrical inspector takes out the permit and they are under that electrician's general supervision. Ms. Hutton noted that this is a stricter requirement than what the law requires. She stated that in Massachusetts you are allowed to do your own wiring and you do not have to have an electrician to supervise it. Mr. Sweet responded that he does not wish to have his license number associated with such work because it creates liability. His desire to have this requirement in the fee structure is for safety. Ms. Hutton stated that this was not on the proposal that she saw and she has not yet had an opportunity to make inquires as to the propriety of this requirement. However, she reiterated that this is a stricter requirement than what the law requires. Mr. Sweet said the code is written to be the minimum, but he emphasized that this means "minimum."

The Board concluded that it would take the inspectors opinions and feedback under advisement and decided to put this matter on its agenda for November 4th.

A motion to adjourn was made by Mr. Alterisio at 10:28 am. Mr. Leva seconded the motion and the motion passed without objection.

Respectfully submitted by



Jakob K. Hamm
Admin. Assistant to the Selectboard & Town Administrator

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