

Town of *Dunstable* Selectboard
Meeting Minutes
June 15, 2016
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; David Sweet, Electrical Inspector; Police Lt. Dow; Richard Larkin, Town Counsel; Anne Fenochetti, Elder Director Designee;

Selectboard Reviewed & Signed the Following:

- Warrants & Payroll
- George Tully Conservation Restriction
- Agreement for Town Building Evaluations

Open Forum

Mr. Devlin briefly explained the purpose of the public forum and went over the Boards agenda which included annual appointments, discussion of inspector rates and payment, and recap of the Special Town Meeting.

Elder Director

Ms. Hutton started off by informing the Board that the Council on Aging has selected a new Elder Director. Anne Fenochetti will take over the position of Elder Director from Ruth Tully who is retiring from the position. Ms. Fenochetti is already known to many in the community for her work as at the Dunstable Free Public Library where she serves as the Library Technician. Ms. Fenochetti would like to keep her current position at the Library and because Dunstable has a population of 3,158, MGL Chapter 268A §20 would allow Ms. Fenochetti to fill both positions provided the Board determines that having one person fill both positions is in the best interest of the community.

The Board noted that this situation has arisen in the past in regards to other town employees. There was some discussion regarding whether any ethics positions might arise from this. Ms. Hutton explained that this has been explored and no ethics issues arise from this. If the positions conflicted such an issue might arise, but these positions do not overlap or come in conflict. It was noted that Council on Aging will manage Ms. Fenochetti and will provide her with her start day. Her pay will be dictated on what the town has formally allocated and accompanying grant funds.

A motion was made by Mr. Devlin to find that Anne Fenochetti may hold both positions and that her doing so is in the best interests of the town as required by MGL Chapter 268A §20. The motion was seconded by Ms. Basbanes and passed by majority vote with one abstention.

Conservation Restriction on Miller Property

Mr. Larkin appeared before the Board to ask them to approve the conservation restriction on the property of Timothy and Deborah Miller. The Board agreed.

Mr. Devlin made a motion to approve the Timothy and Deborah Miller conservation restriction to the town through the Conservation Commission on 6.12 acres at the easterly corner of the intersection of Main & Forest Streets. The motion was seconded by Ms. Basbanes and passed without objection.

Recap of the Special Town Meeting

Approved and adopted on 6/29/16

The Board felt that the meeting went well. The common thread is how the tax rate has in fact increased. We cannot lose focus as to why the tax rate is increasing. The town must be careful in looking at how funds are being spent. The town is now functioning on a \$10 million budget. There is some public concern about enough information being provided and what the vision and big picture are. The town has worked on providing information to the public in various media from meetings to materials on the town's website, at the Town Hall, and on the cable access channel. There was some discussion of whether the town should send a letter to the Lowell Sun regarding the available materials. Ms. Hutton determined she would look into the matter further for the Board.

Appointments

Ms. Hutton directed the Board to a letter from the Police Chief requesting special police appointments. These appointments would allow officers in Groton, Pepperell, and Tyngsborough to aid the Town and respond in some situations through mutual aid. Ms. Hutton also noted that the Town Engineer, Jeffery Rider, requests re-appointment. She also directed the Board to correspondence from the Town Clerk regarding elected offices which have vacancies. The Board may fill these vacancies until the next annual town election in May. She asks the Board to consider who to appoint to these positions. The Board then reviewed and considered a list of committee, commission, and board members who have requested re-appointment.

Annual Appointments 2016 – One Year Term

William Jennings – Affordable Housing
Carol Bacon – Affordable Housing
Alan Chaney – Affordable Housing
T. Brian O'Donnell – Affordable Housing
Alan Chaney – Memorials & Monuments
Phil Denyse – Memorials & Monuments
Susan Psaedakis – Safe Pathways
Diana Dalida – Safe Pathways
Catherine Irzyk – Safe Pathways
Robert Irzyk – Safe Pathways
Judith Larter – Nashua River Wild & Scenic Alternate
George Basbanes – Planning Board Designee to CPC
Jeffery Rider – Town Engineer
David Sweet, Sr. – Electrical Inspector
David Sweet, Jr. – Alternate Electrical Inspector

Annual Appointments 2016 – Three Year Term

Catherine Irzyk – CPC Member at Large
Mary Moeller – Council on Aging
T. Brian O'Donnell – Council on Aging
Anne Davis – Historical Commission
Catharine Irzyk – Historical Commission
Ronald Patenaude – Town Forest Committee

Annual Appointments 2016 – Five Year Term

Judith Larter – Conservation Commission

A motion was made by Mr. Alterisio to approve the annual appointments as presented with necessary modifications reflecting the correction of errors in the list. The motion was seconded by Ms. Basbanes with necessary corrections and passed unanimously.

A motion was made by Mr. Alterisio to approve the special police appointments as presented by the Police Chief. The motion was seconded by Mr. Devlin and passed unanimously.

Inspectors Rates & Payments

The Board started off by noting that they had placed the re-appointment of Mr. Sweet in abeyance at the June 1st meeting in order to meet with him tonight to discuss the situation and where things stand. Ms. Hutton elaborated on the situation concerning rates and payments and where the town stands. The Board noted that the town has previously paid monthly stipends, but now the town has begun to adjust the system. As part of this adjustment, it has to be acknowledged that there are some inspection situations that are outside of the normal fee schedule, such as power lines and other non-contractor type situations. From here discussion turned towards how to handle such situations as they arise and how to track payment. Currently there appears to be no formal compensation should a situation like this occur. Mr. Sweet stated that in a job like his there has to be fairness. Should say, for example, the Fire Chief call him and ask him to determine if a fire is the result of an electrical issue. This would be technically speaking, an inspection. He would base compensation on what he is paid for an ordinary inspection and any follow up appearances at the same follow up amount as for ordinary

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contractor situations. The Board agreed that the initial would make sense to be responsibility of the town, but suggested that follow ups would more properly fall on the property owner. Mr. Sweet responded that separating like that would be difficult.

He elaborated further on the fire example explaining the nuances he's concerned with. This provoked discussion regarding where the line would be drawn between land owner responsibility and town responsibility. There was some inquiry into alternates for inspection, and where private electricians might become involved at the expense of the property owner. Another scenario could include damage to an electrical transmission pole and how that would be handled. Mr. Sweet noted that he has done only a few of these kinds of inspections (considering both scenarios) and he has not billed the town. Ms. Hutton suggested that an hourly rate would make sense. Mr. Sweet suggested that the fair number in his mind for inspections in these kinds of situations would be about what his re-inspection fee is. From there the Board turned to the issue of complaints. There have been some contractors who have had issues with contacting Mr. Sweet. Mr. Sweet responded that he has heard few complaints. When contractors contact him in the morning there is no problem organizing appointments. Those that do complain usually contact him in the late afternoon seeking appointments for the next day. This can create issues considering Mr. Sweet has a private business and must schedule appointments and work around each other. He elaborated on how the issue of contacting him may be smoothed out. The Board inquired as to what the reasonable time frame would be for contacting him.

Mr. Sweet responded that he prefers to be contacted between 6:30 am and 8:30 am. Usually the contractor contacts him in advance and then calls him again on the day of the inspection during those morning hours to finalize the inspection. Ms. Hutton noted that when you only take calls during such a specific two-hour time period it makes it hard to schedule appointments. There was some resulting discussion of making the Inspections Dept. administrative assistant more readily available to assist with the scheduling of appointments. Ms. Hutton responded that currently the this person is only really paid for her work for the Building Inspector and already does work for the rest of the department that she is not compensated for. Mr. Sweet noted that he schedules his own appointments and elaborated further on the complaints situation and how it tends to evolve. The Board stated that public service is at the core of the town and the town must attempt to provide good service. Therefore, something needs to be worked out to improve the ability of contractors and members of the public to make appointments. The Board followed up by stating that the town is changing and asks Mr. Sweet for his patience and support during the process.

Ms. Hutton then turned discussion to some questions relating to the software. The best way for the town to determine what has been inspected is determining what has been inspected and finalized for approval. Since January there have only been four certificates of approval, so she will need to determine what inspections have been done that need to be put into the system and finalized. This must be done by June 30th. The Board inquired about whether there needs to be a policy to help aid with this. Ms. Hutton elaborated on the directions the inspectors have and what she's doing with Point Software to address how to ensure the finalization in the system occurs. Rather than paying the inspectors a straight monthly stipend, they will be paid per inspection. Using the system to track the work as it is completed. There was ensuing discussion of how the inspectors have been paid in the past via their stipend and how confusing that system has become. Discussion finished with Mr. Sweet agreeing to meet with Ms. Hutton next week.

Feasibility of De-Regionalization

Ms. Hutton sought clarification of whether she should continue to gather information on de-regionalization. The Board cautioned on the terminology. There was discussion of the cost, which is roughly \$5,000 to determine what the options are and the feasibility is. The money must be spent in this fiscal year (FY16). As a result, the town must move quickly. Ms. Hutton noted that there is no connection between the override and this issue. Discussion then revolved around the public perception of taking this step with the Board expressing concern with the possible confusion this might cause. Ultimately, the question is what is in the best interests of the town and what is financially feasible. This is what the town has to look at, and \$5,000 is a drop in the bucket compared to the cost faced by the town from the school. Education should be politically neutral, but it is fair to say that the public is frustrated. There appears to be a feeling that the town will be required to pay 25 percent of the budget for the school no matter what that figure is and over any objection from Dunstable.

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Discussion then turned to the issues the town would face on its own, and what support if any would come from the Commonwealth.

There is no foregone conclusion that the cost would be greater for Dunstable outside of the existing school district. All this looks at is feasibility. This doesn't require action by the town, and the cost is relatively low to find out. Really this is just homework. Once complete the town will have to make the decision. Ms. Hutton then elaborated on how the money would be allocated for spending. She will meet with the Advisory Board, and then multiple firms will be considered, the work will be done this summer and results will be returned by the fall. In order to spend money that we have, we must do it this fiscal year. This question has been raised by many, and an answer should be obtained.

A motion was made by Mr. Alterisio to authorize the Town Administrator to look at de-regionalization options for Dunstable. The motion was seconded by Ms. Basbanes and passed without objection.

Administrator's Report

Ms. Hutton started off by reporting that Trinity Ambulance will supply services to the town regardless of what happens as the town needs it. However, we continue to work with Tyngsborough. From there she turned to the issue of Alexander Estates. Carolina Properties asks for some of the restrictions on them to be lifted. The Roads Commission opposes their request. The Board's position was that nothing should be lifted and Mr. Rider should continue his work as well. Ms. Hutton then provided the Board with the contracts for the George Tully CR which the Board signed. From there discussion turned to the building evaluations and the Board was asked to initial and sign off on this. The town buildings are coming at budget with the exception of the Town Hall which is under budget. Ms. Hutton then reported that the Main Street Reconstruction Project has gone before DOT and it appears that it will be approved as engineered. Ms. Hutton then reported she will be meeting with NMCOG on the issue of GIS. The town is still waiting for some grant funds in regards to this. She also noted that the stormwater intern is already working and Michelle Stein is trying to keep him busy. From there Ms. Hutton turned to the issue of insurance for police and fire. This is the Chubb Policy for injury on duty. Currently the town has the policy with MIIA, but it appears that Cook can give the town a better price. Cook can provide us a savings. The Board asked Ms. Hutton to see if she can leverage Cook's lower cost to see if MIIA will come down. If MIIA cannot match, the town has a fiduciary duty to go with the lower price.

Burn Rate

In most years the town's budgets would be at 92 percent by May 31st. Right now the town is at about 74 percent as of the May 31st report. Ms. Hutton stated she is counting bills right now to ensure that the town doesn't over spend. The Board noted that there are a few big things that haven't hit yet that the town will need to watch out for. It does appear the town will have some left, possibly, but that isn't guaranteed. There was some discussion of free cash and a reiteration of how that process works. There was some discussion of how the budget will end and the new budget will take on July 1st depending on the vote on June 30th.

Minutes

The Board reviewed and considered the minutes for May 24th, 25th, and 26th. The minutes were accepted.

Mr. Devlin moved to accept the minutes for May 24th, 25th, and 26th, 2016. The motion was seconded by Ms. Basbanes and passed without objection.

Warrants & Mail

The Board reviewed the vender and payroll warrants and went through their mail.

A motion to adjourn was made by Mr. Alterisio at 8:00 pm. The motion was seconded by Ms. Basbanes and passed unanimously.

Respectfully submitted by
Approved and adopted on 6/29/16



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

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