

Town of *Dunstable* Selectboard
Meeting Minutes
June 5, 2018
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Leah D. Basbanes, chair, Ronald J. Mikol, vice chair, James E. Tully, member; Tracey Hutton, Town Administrator; James W. Dow, Chief of Police; Karl Huber, John O'Brien, Water Commission; Mike Martin, Paul Dalida, Roads Commission; Jon Crandall, Constable; Mark Cullen

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- DEP Administrative Consent Order
- Paperwork for 91 River Street
- Paperwork Regarding Pay for Election Workers

DEP Administrative Consent Order

Mr. Huber reported that the consent order is a final step in a long process that has been going on with DEP relating to the town's water system. The town has apparently had some violations that have been ongoing for a variety of reasons. DEP became aware of these issues in April 2017. DEP has been willing to work with the town and has suspended enforcement actions and leveling of penalties so long as work towards a consent order has been ongoing. Mr. Huber then outlined a few of the things done to meet the requirements of DEP. The Board noted that most required actions have been done. Water Commission and DEP appear happy with the drafted consent order. The order requires some fixes to the system, and if these are not done, the town can face penalties. Mr. Huber elaborated on what the consent order really means. DEP has gotten stricter in its requirements in the past few years and the town has had to rise to the occasion. Things are moving in the right direction. DEP just wants a written legally binding commitment, which is what the consent order is. The Board asked what would happen if the water project doesn't get approved. Mr. Huber responded that DEP is being nice; they won't be if the project isn't done. They've given the town time because they admit that the water system in Dunstable is the smallest in the Commonwealth. That said, it is a public utility and the town has to move to the next step. DEP has held off for a long time, but they are running out of patience. This has to happen.

The Board felt that things have to move forward, despite any misgivings. There was a question as to timetables. Mr. Huber went over them. There are dates where the town will have to perform certain actions. These start this summer and run through December 2019. This prompted some questions from the Board as to how things will work assuming the project is approved. One being what would happen if the project isn't finished by DEP's deadlines, but is otherwise being built. Mr. Huber responded that it would be unlikely that DEP would take any action assuming the project is substantially underway. This prompted questions about whether the engineers are ready. Ms. Hutton went over what is underway and where the engineering stands. Mr. Huber felt confident that the town has demonstrated substantial compliance with DEP and all parties are working hard to make this happen. The Board asked for some formalities with the engineers to ensure the timetables are realistically adhered to. Documentation would help, especially with DEP, to show the town is doing all it can. Mr. Huber assured that the Water Commission is comfortable with the consent decree and with where things stand with the water project. There has been sufficient communication that all parties understand that this consent decree should be signed. Ms. Hutton noted that the original thought had been that the Water Commission would sign the decree, but it was realized that the Board of Selectmen, as executive of the town, should authorize the signing of the decree.

A motion was made by Mr. Mikol to authorize the signing of the Administrative Consent Order with DEP. The motion was seconded by Mr. Tully and passed without objection.

Approved and adopted on 6/12/18

Highway Department Update on Rt. 133 Project

The Board requested that when the Roads Commission gets a chance they'd like to get an update on where things stand with the Rt. 113 Project. Mr. Martin saw no reason not to give a brief update. He spoke on the subject outlining where the project is with MassDOT. Mr. Dalida then took over and elaborated on the coordination with other stake holders that will still be required. This will include, most prominently, the Water Department. The Commonwealth will only pay for only so much so there may be some incidental costs if water pipe, for example, is to be replaced as well while the road is opened up. Ms. Hutton then went over some of the numbers for the project. This included some information about what costs might be incurred for any pipe.

Highway Department Resources, Maintenance, & Engineering Contact Management

Mr. Dalida provided the Board with some handouts that covered information regarding the resources and funds that other local Highway Departments have. These figures included clothing allowances, longevity, call out stipends, cell phone usage, license requirement costs, and job benefits. Roads feels that there are deficiencies and they intend to firm up their numbers some more and hammer something out with the Personnel Board. Ms. Hutton interjected to suggest that the first question from Personnel Board will be over the communities used for comparison. The Board suggested that what is important is having firm figures and real dollars behind that. There are two different discussions, the first is about rationales used and the second is about how to fund any increases should they be deemed necessary. Ms. Hutton noted that per the Personnel By-Law this process is supposed to start with the Personnel Board. Mr. Dalida suggested that the intent should be for everyone to be on the same page and to figure out what is fair. Roads' mission here is to talk to all parties involved in the decision making process including the Board. The Board stated that there was a rational and methodology that was used by the Personnel Board to ensure fairness and they were used uniformly across all departments. This prompted some discussion about the towns used in the original comparison and how the wages were averaged. Ms. Hutton noted that the towns were chosen for a variety of reasons, with some higher and some lower than then Dunstable. Mr. Dalida noted that there aren't a lot of differences between the comparison towns that Roads would like to use and those chosen by Personnel Board.

The Board inquired whether Roads was asked to use the same comparison towns. Ms. Hutton stated they were. Roads disputed this suggesting that they were told they *couldn't* use some of the original comparison towns. Ms. Hutton expressed some confusion as to that assertion but offered to provide more information as to the comparison towns if that would help. The Board returned discussion back to the need for consistency and coherence. Mr. Dalida interjected to state that to his knowledge Advisory Board has been unhappy with the comparison towns used by Personnel Board. The Board acknowledged that Advisory Board has expressed some thoughts on the towns used, but noted that this was Personnel Board's choice and this process at heart has to be with Personnel Board. Mr. Martin acknowledged the role of Personnel Board but stated that Roads felt it wise to speak with and seek the support of multiple boards including the Board of Selectmen. Roads then turned discussion to some thoughts on what the Highway Supervisor does, noting that he really does more than what is strictly required by his position. This prompted some brief discussion about other positions in the department, including an in house mechanic. Having someone with mechanical knowledge as part of the department truly saves money and helps keep the other guys on the roads. Again all of this is about working together to reach sensible solutions and have fair wages. The Board then briefly asked some questions about the question of clothing allowances and license compensation brought up earlier. These are talking and data points that should be thought about in some detail. Discussion shifted to talk of benefits and what other towns offer and then finished on where things stand with paving.

Retirement of Highway & Assessors Secretary

Mr. Martin informed the Board that the Secretary for Assessors and Highway will be retiring at the end of this month. Once retired she intends to continue working as the Highway Secretary as her hours for Highway would be under the limit imposed by MGL on retired municipal workers. The Board expressed some concern over splitting the two positions up, and the difficulties that might be faced by the Assessors in finding a replacement for just the Assessors Secretary position. Ms. Hutton followed by noting that currently the combined position is a benefited one with enough hours and aggregate pay to attract a certain level of quality

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and professionalism. Splitting up the jobs means that Assessors are left with a 12 hour a week position which would be unbenefited. Ms. Hutton also expressed some concerns over the fact that she wasn't informed about this retirement earlier as she is the Personnel Administrator. Mr. Martin responded that proper notice of retirement was given by the employee to Roads, the Treasurer/Collector, and the County Board of Retirement. As far as he was aware the process was done properly. He then expressed the opinion that the position wouldn't be too hard to fill and noted that the current employee has expressed willingness to help train a successor. Discussion finished with Ms. Hutton recommending the Board consider having further discussions about personnel added to upcoming agendas.

Complete Streets Committee

Ms. Hutton informed the Board that the committee is created by policy with the designation that the Town Administrator designates the members. Mr. Dalida thought that the committee was supposed to be made up of different stakeholders such as Roads, Planning, and so forth. Ms. Hutton elaborated on what the committee does and how it would function. The committee would not for example, go out for grants. Ms. Hutton would do the grant writing. Mr. Dalida then inquired as to what grants the town has been able to get so far. Ms. Hutton elaborated on where things stand with grants and what are required. There are different tiers of grant funding and some need shovel ready projects so the town has to complete any engineering required before hand. This can be costly and time consuming as it requires approval of funds at town meeting for engineering prior to having a shovel ready project to go out for some grants.

Inspections Update

The Board inquired about whether a letter of engagement has been written for some inspections services as was requested at the Board's last meeting. Ms. Hutton responded she has not yet been able to write this.

Update on NDA

The Board made a formal request for the NDA. Ms. Hutton was unsure whether she could release this, but stated she would find out. There was then some ensuing discussion of the NDA and whether it is a public document or not. It appears that it could be. This prompted some discussion as to how the entire matter came to be. Ms. Hutton gave what background she could, including on parts that began prior to her involvement. The Board inquired as to who approved the NDA and granted the right to sign it. Ms. Hutton responded that the property in question is under the control of the Water Commission, an elected body, and they were aware of the NDA and authorized its signing. Discussion ended shortly thereafter.

Scheduling of an Executive Session

The Board discussed the scheduling of an Executive Session, preferably to be held on June 12th, 2018, to discuss the Town Administrators contract in response to the Annual Town Meeting. The contract must be considered in light of recent events. Ms. Hutton had some concerns and inquired whether she should have personal counsel present. The Board felt that whether not Ms. Hutton should have counsel is likely a decision for her to make. The Board then noted that some of its discussions regarding this matter have been with Town Counsel, and those have been deemed privileged. Regardless it would like to start this process. Ms. Hutton felt that the timeline proposed for this meeting is not conducive to her determination of whether she should have counsel to represent herself present. The Board recognized her concerns, but felt that the date was a week out and that there would be sufficient time. Discussion shifted to the time for the Executive Session. It was determined that 9 am on June 12th, 2018 would be appropriate. The Board directed its Administrative Assistant to draw up an agenda and see to its posting.

Administrators Report

Ms. Hutton asked whether the Board is in favor of sending a postcard notifying the public of the special election. It was agreed that one should be sent out. Ms. Hutton had some concerns about where the funds would come from. The cards are inexpensive, but the postage is not. It's likely a \$400 cost. There will also be multiple signs put out front of the Town Hall regarding the election date and time and so forth. Ms. Hutton

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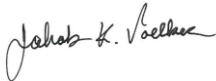
then asked what topic should be put forward for the Board's contribution to the *Neighbor to Neighbor*. The Board felt the water project should be the topic. Ms. Hutton then provided some documents that should be signed by the chair of the Board. Approval for these, which have to do with the 91 River Street property, came from the Annual Town Meeting. There are also some documents relating to pay for election workers as well that should be signed. The Board determined that the signing should be done. Ms. Hutton then informed the Board of various benefited time she will be taking in June as well as a surgery she will undergo the first week of July that will require her to be out that week.

Flags

Mr. Crandall spoke briefly to the Board about the public placement of flags. There is Flag Day and Fourth of July to consider. The Board saw no reason not to approve the placement of flags. Technical approval is required since some would be placed on public property. The Board had no qualms in approving.

A motion to adjourn was made by Mr. Mikol at 8:05 pm. The motion was seconded by Mr. Tully and passed without objection.

Respectfully submitted by

A handwritten signature in cursive script that reads "Jakob K. Voelker".

Jakob K. Voelker, Admin. Assistant to the Selectboard & Town Administrator