

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**September 25, 2018**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 8:00 am

**Present:** Leah D. Basbanes, chair, Ronald J. Mikol, vice chair, James E. Tully, member; Mark Haddad, Interim Town Administrator; James W. Dow, Chief of Police; Robert Nelson, Advisory Board; Karl Huber, Water Commission

**Water System Update**

Mr. Huber started off by explaining that the town has been unable to get a licensed water operator. Pepperell appears to no longer interested in an inter-municipal agreement due to a change in personnel and currently are only committed to support the town until October 1<sup>st</sup>. Unfortunately, the private water operator the town used in the past, White Water, is now also down a water operator as well and cannot come on board to support the town either. The Water Commission will be meeting with another private water operator soon in the hopes of finding a solution. The Board had questions regarding the options the town has noting the situation with DEP may worsen. Mr. Huber noted that the biggest problem is immediate needed infrastructure. The cost of which would likely be \$75,000 right out of the gate not counting the upcoming water system infrastructure project. The Water Commission has reached out to Groton and Groton is unable to help, them having also just lost a water operator; a trend that appears to be developing. Any entity that helps Dunstable is going to have to have it make sense logistically for that entity. The Board noted that part of Pepperell's issues wasn't just staffing, but also concerns about Dunstable's commitment to address the immediate needed fixes to the system. The most prominent of which is the KOH valve. Mr. Huber elaborated on the KOH issues the system has faced and the contradictory answers the town has received from different parties as to how to resolve it. The town's water system is old and has many moving pieces, much of which needs repair. Another party the Water Commission is trying to talk to is Tyngsborough. Unfortunately, they do not appear interested in day to day operation of the water system. But they might be willing to take ownership of the system.

This would mean they wouldn't answer to the town; they would either buy the system outright or take total control. Mr. Haddad suggested that the best thing for the community could be to sell the system. Mr. Huber noted that if the town can't fix this system DEP and the Commonwealth may step in and either force a sale, or dictate to the town what the resolution will be which could be very costly. There was than a question of private operators. Mr. Huber went over where things stand so far and the talks the Water Commission is in. The Commission is holding a meeting on September 26<sup>th</sup>, 2018 to discuss these issues further and to talk to private operators. Mr. Haddad asked further questions about the needed repairs and how fast the immediate ones could be done. Mr. Huber elaborated further. He suggested that if the Water Commission can get another month out of its current arrangement with Pepperell for support than some of this can be resolved. Whether the needed fixes can be done in any kind of accelerated time frames is still an open question. That said Mr. Huber noted that right now Weston & Samson and White Water are jointly managing Hudson, MA. So that could be one solution. After all, White Water and Pepperell were jointly running Dunstable's system for most of the late summer. The Board asked if the town could just hire an operator. Mr. Huber responded that an operator would likely cost over \$65,000. This prompted some discussions of the Water Departments budget and whether it could sustain an in house water operator. Mr. Huber elaborated further on where things stand with the department's finances. Mr. Haddad then went over the differences between an in house operator and one either through another town or private company. There was discussion of how fast the town could hire an in house operator. Likely not fast Mr. Huber noted given Pepperell and Groton's difficulties as of late.

Mr. Haddad recommended in continuing to talk to private operators, but in the meantime attempt to mend any fences with Pepperell and see if they are willing to change their minds. The Board agreed stating that the town has to establish its commitment to resolve the issues with the system. It can't be about the money at this point. The town is going to have to figure it out and act upon the repairs and move things forward. The Board suggested things may be indicating that the Water Department needs a project manager. After all the Water Commission is lifting a lot, and should receive support. Mr. Haddad interjected to bring discussion back to the immediate pressing needs. The town must act upon the immediate fixes and continue to work with DEP on the *Approved and adopted on 10/02/18*

infrastructure project. Mr. Huber then went back to some of the issues with the KOH and the concerns there. The Board was concerned about the situation noting that things appear in triage. Mr. Haddad reminded those present that the Water Department has some funding for repairs and they should immediately act upon pressing fixes. In the meantime, the town should reach out to Pepperell again and see if they can be brought back on board while still pursuing all other options. If need be the town may have to give control of the operations of the system to Pepperell and make the immediate financial commitment to repairs. To that end Mr. Haddad agreed to reach out to Pepperell personally to attempt to help facilitate. Mr. Nelson inquired about whether some of the work could be done in house, either by Pepperell or by Dunstable. Mr. Huber responded that Pepperell understands exactly what needs to be done. Mr. Haddad suggested that perhaps we should ask them if they can do some of that work. This prompted some discussion of the fact that Pepperell's new water operator used to work for White Water and is familiar with Dunstable. So this may improve Pepperell's willingness to help Dunstable if things can be worked out between the towns.

The Board was clear that Dunstable must get Pepperell to a level of comfort if at all possible. They are the best option. Mr. Haddad then asked where things stand with the drafted inter-municipal agreement. Mr. Huber responded that the document is fully drafted and has been reviewed and updated by both towns' counsels. In the meantime, the Water Commission intends to still reach out to all other parties to see what resolutions are available. Mr. Nelson suggested that if Pepperell is going to do it, the town has to give control to them releasing the day to day operations and committing the money to fix the problems. There was then discussion of whether the town should focus solely on Pepperell or continue to pursue all options. Mr. Huber responded that the town should still talk to private operators in case Pepperell remains unable to help. There was then discussion of the immediate fixes and what the costs would be. Mr. Nelson noted that the towns reserve fund should have about \$25,000. So if Water Department has \$50,000 and the needed immediate fixes are \$75,000, the town may be able to come up with that \$25,000. The Board suggested the plan should be to see if the town can execute on plans to address the immediate fixes with that \$50,000. Mr. Nelson reminded that we shouldn't look to the reserve fund for all of it. The Board then asked who would do those repairs. Mr. Huber responded it would have to either be the operator, such as Pepperell, or another entity like Weston & Samson. Mr. Haddad then spoke about the challenges that will be faced from a procurement standpoint. Mr. Nelson interjected to ask if Pepperell could do the work and whether that might be an inducement. The Board thought it might since that would give them a measure of control. The discussion ended with the resolution that matters should be pursued on all fronts.

### **Appointments**

The Board noted that communication has been received from the Conservation Commission requesting the appointment of a new member to fill a vacancy on the Commission. A Tara Alcorn has volunteered her time. She is a researcher working on her doctorate in biology and should be a good match for the Commission. Seeing no reason not to make the appointed the Board proceeded to do so.

Tara Alcorn is appointed as a member of the Conservation Commission  
*Motion by Mr. Mikol, seconded by Mr. Tully, passed unanimously*

Expires June 30<sup>th</sup>, 2023

### **Vote to Dispose of Fire Department Air Packs, pursuant to M.G.L., c. 30B**

Mr. Haddad started by explaining the steps and process under MGL. Chief Rich has fulfilled the requirements by requesting whether any other department has any use for the equipment. No department has come forward, so as a result, the equipment should be disposed of. There was a question about whether the air packs could be valuable and sold. Mr. Haddad explained that these have a life expectancy and at this point can't be used anymore so they should be disposed of. The Board noted that sometimes this kind of equipment can be used for training and inquired as to whether that would be a possibility. Mr. Haddad went over some information he received from Chief Rich as to whether the air packs could be used or not. He recommended the authorization of the disposal of the apparatuses that cannot be used, and any other equipment that can be used should be used until it absolutely cannot. The Board felt that it would need further information prior to authorizing the disposal. Including what the method of disposal would be. It was determined to postpone this vote until the October 2<sup>nd</sup>, 2018 meeting with Chief Rich scheduled to appear to discussion it further.

*Approved and adopted on 10/02/18*

## **Proposed Town Government Study Committee**

Mr. Haddad reviewed the charge he drafted for the proposed committee and explained how it would work and what the advantageous and disadvantageous would be. This committee would review the structure of the town and would be made up of members who represent the various departments of the town and have three members that are large from the community. The Board inquired about whether any members of the School Committee should be included. Mr. Haddad felt that since the School Committee is regionalized, if one of the School Committee members is on the committee it would best be one of the at large positions or a designee by the Board as the Board wouldn't have to send one of its own members, but could designate a person. There was then a question of whether all members would have to be residents of the town. Mr. Haddad suggested that to have validity within the town it should be residents of the town, with some exceptions like the Town Accountant. The Board noted that the town probably would want to have someone like the Town Accountant on the committee given her knowledge base and the objectivity she could provide. The Board determined to approve the creation of such a committee and directed Mr. Voelker to publish the need for at large representatives and directed Mr. Haddad to reach out to other elected committees, boards, and commissions as well as Department Heads.

A motion was made by Mr. Mikol to create the committee so proposed. The motion was seconded by Mr. Tully and passed unanimously.

## **Joint Meeting with Advisory, Board of Selectmen & School Committee**

Mr. Nelson spoke briefly about the upcoming joint meeting and the various questions that the School Committee has already asked. He asked the Board what their expectations are and what should be the goal of the meeting. The Board went over the expectations and there was discussion of some of the School Committee's requests for information. Some of which is not yet available. The School Committee would like to see the town have financial projections out a few years, which isn't impossible but may be challenging given the particulars of municipal finance.

## **OSHA Update**

Chief Dow went over the questions about OSHA and some of the costs. The program won't be run by OSHA but by the Massachusetts Department of Labor & Standards. He's spoken with authorities at Labor & Standards and their main goal isn't fining communities but ensuring employee safety. So the town needs to have plans for compliance and needs to move forward on acting upon them. In the meantime, enforcement isn't supposed to start until February 2019. That date could be postponed by the Commonwealth, but for now that's the date. Mr. Haddad noted that the Commonwealth isn't going to come looking for problems, but the town is going to have to put plans in place and if the town is told to do something it will have to do it to show compliance.

## **Interim Town Administrator**

Mr. Haddad reported that the Groton Board of Selectmen authorized him to continue to assist Dunstable through the end of November. The Board was pleased hoping that Groton might be willing to eventually authorize through the end of December with the plan to have a new Town Administrator by January. The Board then asked if Mr. Haddad would need more hours. Mr. Haddad stated he would likely need 5 more hours a week once budget season starts. The Board wanted to ensure that Mr. Haddad has the time and focus. Mr. Haddad felt he can make the commitment and promised Dunstable is receiving his focus. The Board then authorized an additional 5 hours a week for Mr. Haddad.

## **Use of Town Building**

The Board considered requests from the Grange Commission for use of the Town Hall on December 2<sup>nd</sup>, 2018 and another request from the Dunstable Democratic Town Committee for use of a meeting space on October 2<sup>nd</sup>, 2018. The Board had some questions regarding the Democratic Town Committee. Mr. Haddad noted they usually are allowed to meet in Groton. The Board saw no reason not to approve the applications.

*Approved and adopted on 10/02/18*

A motion was made by Mr. Mikol to approve the application by the Grange Commission for use of the Town Hall on December 2<sup>nd</sup>, 2018. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the application by the Dunstable Democratic Town Committee for use of space in the Town Hall for a meeting to be held on October 2<sup>nd</sup>, 2018. The motion was seconded by Mr. Tully and passed without objection.

Ronald J. Mikol made a motion to enter Executive Session for the purposes of a conducting strategy sessions in preparation for negotiations with non-union personnel in accordance with MGL Chapter 30A §21(a)2, and with the intention not to return to ordinary session afterwards. The motion was seconded by James E. Tully. The motion was adopted by majority vote by Leah D. Basbanes, Ronald J. Mikol, and James E. Tully.

The Board entered into Executive Session at 9:16 am

A motion to adjourn was made by Mr. Tully at 9:37 am. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by

A handwritten signature in cursive script, reading "Jakob K. Voelker", enclosed in a rectangular box.

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

*Approved and adopted on 10/02/18*