

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**October 9, 2018**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 8:30 am

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

**Water Department Update & Approval of Water RFP**

Mr. Huber updated the Board on where things standing on the hunt for a water operator. One of the big questions is whether the water department has sufficient funds to cover all of the water operator costs that have been incurred since July. Mr. Huber was not confident of that. He stated that out of the options, Small Water Systems Services (SWSS) appears to be the best, and they are up front about their costs. Pennichuck's estimate is \$60,000 a year with a lot of things admittedly not covered. Mr. Haddad asked about the needed upgrades and immediate fixes that Pepperell identified. Mr. Huber noted that SWSS has the ability to do some of the work themselves on a small part by part basis. This would allow the town to put aside having Weston & Sampson do the work. Mr. Huber then asked why the town chose White Water over SWSS in the first place. Mr. Huber responded that there were a number of reasons that mostly don't apply anymore. He further noted that SWSS does GDRSD's system and is locally based which should be helpful with DEP. Mr. Haddad then brought up the desire expressed by SWSS to the contract be multiyear. This prompted some discussion of how to handle the matter, how procurement will work, and how to manage such a contract. Mr. Huber stated that DEP has to respond as to this matter as well as the requested amendments to the consent order. The Board noted that DEP through Ms. Pigsley has already made it clear that DEP is willing to see the consent order amended. What they are worried about is ensuring the town has a licensed operator right now and that the town continues to proceed with working towards completion of the water infrastructure project. Mr. Huber then returned discussion to the water department's budget, the need for meter reading and billing to be done, and how the department will be able to fund everything. This prompted a question about who can do the meter readings. Mr. Huber responded SWSS can. The Board then asked whether the town should still sit down with Tyngsborough.

Mr. Huber responded that Tyngsborough would want to own the system. The Board felt the town should still sit down with Tyngsborough to explore whether they really would want to buy the system over just managing operations, or not. The town really doesn't know until it sits down with them. Mr. Huber suggested it should be kept as an option. There was then a question as to who would sign the contract. Mr. Haddad asked who signed the contract with White Water. Mr. Huber responded it was the Water Commission. Mr. Haddad responded that it likely should continue to be the Commission that signs, but not until after some questions revolving around a Request For Proposals (RFP) with Town Counsel are settled. In the meantime, on an emergency basis the town can allow SWSS to come in to operate and read meters now while the RFP is worked out. Mr. Nelson asked where things stand with the water infrastructure project and how far along it is. Mr. Huber responded they are supposed to be at 95 percent by December, and currently remain on target. Mr. Nelson then had some questions about some borings that were being done. Mr. Huber briefly answered. The Board then asked about Complete Streets, Mr. Huber noted it appears not to apply in this specific set of circumstances according to DEP. Mr. Haddad generally agreed. The Board suggested it may be wise to consult MassDOT. Mr. Huber noted that any extra engineering that would be required by Complete Streets would not be covered under the water department's budget for this project. Mr. Nelson then brought up some programs the Commonwealth has that might assist in paying for pipe upgrades. These would help with the development of the MUD and affordable housing. Mr. Haddad outlined the process with MassWorks and how that would help the town. The process would have to go through a town meeting so it would need to be timed through the Annual Town Meeting. This would mean that like the water infrastructure project, affordable housing would likely not be able to start until next summer. Discussion ended by returning to where things stand with the drawing up of an RFP.

*Approved and adopted on 10/16/18*

## **90 Day Declaration**

Mr. Haddad explained how the town can use different provisions of MGL Chapter 30B, the Uniform Procurement Act, to address the current situation regarding a water operator. Section 2 allows the town, assuming the cost of a contract is under \$10,000 to use sound business practices as defined by the statute to contract for a limited time like 90 days, while the town goes through the proper procurement process. If the cost exceeds \$10,000 further requirements would kick in under Section 2. If the contract exceeds \$50,000, the town would need to formally invoke Section 8 which would be an emergency declaration to allow the town to sign an interim agreement with SWSS to get an operator now while the town goes through the procurement process. Either way, the declaration is made by the Chief Procurement Officer, which in this case is Mr. Haddad in his capacity as Interim Town Administrator and under his designation with the Commonwealth as a procurement officer. Mr. Haddad felt confident that 90 days would be a sufficient timeframe for going through the proper RFP process. In the meantime the declaration would permit the Water Commission to enter into a 90 day contract for a water operator in order to satisfy the requirements of DEP. It is likely that the town can handle this process through Section 2. But to be safe, the declaration should include reference to Section 8.

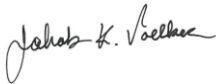
In his capacity as Chief Procurement Officer, Mr. Haddad officially invoked MGL Chapter 30B, Sections 2 and 8.

## **Budget Update**

Mr. Haddad spoke about where things stand with the budget for FY20 so far, including what he's done for reformatting the process as well as the meeting he and the Town Accountant had with the Advisory Board. The Town Accountant has really stepped up to help with this process. He then spoke about where things stand with GDRSD's budget and their needs for FY20. The Board had a question about the expected revenue from hosting marijuana cultivation operations and whether any of that could be appropriated to the schools. Mr. Haddad noted that it would be revenue that would go in town coffers like any other. Any appropriation would follow the normal process. The Board then asked about the question of an override and what happened last time. Mr. Nelson responded to that question about explaining how the last override worked. There were a lot of moving parts. Mr. Haddad agreed generally noting the impact that overrides have on the towns levy number. Mr. Haddad then returned discussion back to the changes he's making to the budget process. Going forward the Town Administrator will recommend figures for the budget and the Advisory Board will approve. This should be a collaborative process with transparency. The Board was pleased considering the situation that emerged at the last Annual Town Meeting where it appeared that the Town Administrator had done the entire budget with little to no input or control exercised by the Advisory Board.

A motion to adjourn was made by Ms. Basbanes at 9:12 am. The motion was seconded by Mr. Tully and passed by majority vote.

Respectfully submitted by



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

*Approved and adopted on 10/16/18*