

Town of *Dunstable* Selectboard
Meeting Minutes
November 28, 2018
Town Hall, Dunstable, MA 01827

Convened: 3:00 pm

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; Brian Rich, Fire Chief; Harold Simmons, Advisory Board; Carol Bacon, Affordable Housing; Anne Fenochetti, Elder Director; Bonnie Ricardelli, Treasurer/Collector; Vicki Tidman, Assistant Assessor; Cheryl Mann, Conservation & Planning; David Tully, Highway Superintendent; Mike Martin, Roads Commission; Dana Barnes, Building Inspector; Lorraine Leonard, Town Accountant; Jim Frye; Jim Regan; Robert Markel; Brian Palaia;

BOS Portion of Interviews – Palaia 1st at 3:00 pm

The Board began by thanking its guests for attending the meeting and Mr. Palaia for being willing to do this second round. The Board noted that this is a significant decision for the town, and there is a desire to ensure a lot of input from various officials and citizens in town. Mr. Palaia responded by thanking the Board for having him again. The Board then opened the floor to its guests, Mr. Fry and Mr. Regan. Mr. Fry quickly introduced himself as a citizen in the town who has served on many committees and holds an enduring interest in the town's government. Mr. Regan introduced himself as a citizen of the town who has served in multiple capacities most prominently on the Roads Commission. From there Mr. Regan asked the first question. He noted that the biggest challenges have been in interactions between the Town Administrator's office and the rest of the town. He asked what Mr. Palaia's philosophy is on communication. Mr. Palaia responded that he has a great deal of experience working with many different types of committees, boards, and commissions with many of them being independent or autonomous. This included partisan elected bodies. Mr. Palaia then gave various examples of his experiences and the kinds of problems he's tackled. One in particular involved a tense situation that occurred around the same time as the famous *Kelo v. City of New London* case was handed down. It took months of meetings to get through, but it was important and worth the effort. Mr. Fry noted that indeed, it is often the case that numerous meetings are required.

He then asked any experience that Mr. Palaia has had with regional school districts or other regional districts. Mr. Palaia responded that what he has worked with is similar. In Vermont they have a different but substantially similar system. Mr. Fry then asked about overrides and similar budget situations, noting that these can be challenging. Mr. Palaia responded that in Vermont and Connecticut they don't have the same constraints that Massachusetts faces with overrides. But in Oxford he has experienced them. The Board noted that in the past with the regional school system, it can be that a needed override passes in one town and fails in the other. This can prompt complications in budgeting. Mr. Palaia gave an example from Oxford, noting that he was part of efforts to share officers and resources. All of which helped make the case for a needed override. Mr. Regan asked what experience or philosophy that Mr. Palaia has for budgeting. Mr. Palaia responded that he has always had to work closely with Finance Committees, Advisory Boards, Boards of Selectmen, and other stakeholders. This has included explaining every line item change made. As a result, he fully understands the need for close working relationships. Mr. Regan clarified that this would include providing support. Mr. Palaia agreed that part of it would be providing support, especially in relation to the budget. The Board noted that parties are eager to have ownership, but they need guidance and input. Often the Town Accountant was left out in the past, and the Board truly wishes to see this change.

Mr. Palaia responded that this kind of situation occurred in Oxford as well when he first started. He changed that to ensure that Department Heads and various officials are part of putting the budget together. People won't always get what they want, but nobody should be surprised by what's in the budget and there should be compromises. The Board noted that the budget has been started earlier this year due to the needs of the school district. Dunstable has sought in recent years to improve its relationship and this is a step towards that. Mr. Palaia asked the Board what its approach is to the budget. The Board responded that it has changed a lot in recent years. In the past the Board deferred more to the Advisory Board. And while it is clearly up to the Advisory Board to put the budget together, the Board wishes to know what is happening. Mr. Palaia suggested

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that joint meetings and presentations would likely help. The Board agreed that an increase in board to board communication is essential. Mr. Regan noted that the Chiefs report to the Board via the Town Administrator. Sometimes this caused a little confusion. Mr. Palaia agreed stating that it is important to try to get the same information to everyone at the same time and at very least ensure the Board gets the information. Mr. Palaia suggested that the Board needs to buy in to the budget as much as the financial committee. Mr. Regan asked what Mr. Palaia would do if a Department Head came to him with a recommendation as to staffing that he might not be on board with.

Mr. Palaia responded that in his experience working closely with Department Heads avoid issues. It helps ensure that he is on the same page as the Department Head. That said if the Department goes to the finance body and the Board without talking to him, that could be problematic, but he would try to work with them to ensure that even if he doesn't agree with them but they want to make their case then they should be allowed to make their case. He would respond by providing the various considerations and allow the elected officials to make the decisions. The Board noted that there is a difference between Town Managers and Town Administrators. Mr. Palaia agreed stating that the distinctions are small and often depending on whether a town has a Charter or not. There is less authority for a Town Administrator in some ways, but he noted that if a Town Manager exercises the greater authority, they have too much they won't be in the position very long. Mr. Frey then turned discussion to areas of improvement that he can identify in town. Mr. Palaia responded that the town's recent adoption of a Master Plan is big. He outlined a number of opportunities he sees for Dunstable. His only caution is not doing too much too fast. Resources are important consideration. His recommendation is to take priorities from the Master Plan and work towards accomplishing goals. A big part of that is aligning the budget and human resources available to achieve things without burnout. Mr. Regan then asked what the role in the process is for him once a budget is approved. Mr. Palaia responded that departments are a resource to implement the budget.

They should have authority to do what they need to do, but obviously there are other concerns often involving procurement that must run through the Town Administrator. If any purchasing involves MGL Chapter 30B, it is essential that the Chief Procurement Officer, which is often the Town Administrator, be involved. All of that said, the money should be spent on what the line item is for. Sometimes, there may be a reason to ask a department to hold off on spending. Still, the decision should be made by the appropriate authority whether it is Board of Selectmen or Roads Commission. Everybody has a role. Mr. Frey then asked if hired, how would people describe him. Mr. Palaia responded personable, likable, approachable, and diplomatic. Mr. Frey then asked Mr. Palaia about how a part time role fits into his career. Mr. Palaia responded that he is comfortable with a part time role given his children's ages and his wife working full time. He understands that the job could gain hours in the future, but he doesn't expect that. He noted that if he ever wished to do any consulting, the town would remain his first priority and he would only do so with permission from the Board. Mr. Regan asked about how Mr. Palaia would tackle the problems of the water system. Mr. Palaia responded that he has often worked with water and sewer enterprise funds and has experience with fixing a small water system that was in crisis. In the crisis situation he was able to convince the State of Connecticut to provide funding to assist. The Board finished by explaining that this process is what it is because of concerns about what happened with the previous Town Administrator. As a result, the town is very cautious. Mr. Palaia said that he has heard a lot about those problems and is happy to go through any process that helps the Board and the town feel comfortable.

BOS Portion of Interviews – Markel 2nd at 3:45 pm

The Board began by thanking its guests for attending the meeting and Mr. Markel for being willing to do this second round. The Board noted that this is a significant decision for the town, and there is a desire to ensure a lot of input. Mr. Markel responded he was happy to be involved. The Board noted that given past experience, and the ongoing growing pains that are still being felt, this is an important decision for the town. The Board then opened the floor to its guests, Mr. Fry and Mr. Regan. Mr. Frey quickly introduced himself as a citizen in the town who has served on many committees and holds an enduring interest in the town's government. Mr. Regan introduced himself as a citizen of the town who has served in multiple capacities most prominently on the Roads Commission. Mr. Frey then asked the first question. He noted that Mr. Markel has had a chance to work in many towns as an Interim Town Administrator and asked him what his experience is with regional school districts. Mr. Markel elaborated on his experiences both with municipal and regional school districts.

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Most communities have regionalized ones with some variation as to how much of K-12 is part of the region. He expressed the belief that regionalization is essential and gave some examples from his time in Ipswich. The most prominent of which was a facility for Essex County for emergency response. He was in favor of it, but the community had a lot of opposition. Today the facility is a success. Regionalization works, it helps by pooling resources and improves services. He then gave a few other examples of opportunities he's seen work. He noted that the town should consider all cost savings that are on the table. Mr. Regan asked how Mr. Markel's experience as to the challenges. Mr. Markel elaborated on those. He explained that they are often local and involve the concerns and anxieties of the citizens. Even though services can be improved, citizens are often concerned they will lose the service entirely or that the quality will go down or control will be lost.

Smaller communities and larger communities often struggle because of feelings over fairness. He would love to see the Commonwealth provide greater local aid for regionalization. Barring that once in a while he thinks it should be done when it makes sense and towns can partner well. Mr. Frey brought discussion to the schools noting some of the costs of busing and other funding shortfalls. Mr. Markel noted that the current Governor was a Selectman and clearly tilts towards the towns for local aid. Nonetheless, there are challenges but cost savings can still be realized. Mr. Frey then asked what opportunities Mr. Markel has had. Mr. Markel responded that he is an active member in several associations that advocate for funding. One of the challenges for schools is that funding follows the students and Charter Schools and Private Schools can cut into things. Mr. Regan then asked how Mr. Markel views the budget process and spending by departments. How staffing should work, and how the budget process should work. Mr. Markel responded that he often does the first draft of a municipal budget, then gives it to the Board of Selectmen and to the Finance Committee or Advisory Board. He also sends out emails to Department Heads asking for requests for funding. He then meets with them and goes over the budget and gives his reasons for why he thinks funding should be at a certain level. This provides the Department Heads the opportunity to make any counter arguments and to fully understand the thinking behind the budget as a whole. He often looks to keep budgets level, with increases only where absolutely necessary, but a particular difficult area is always wages. He then discussed how to reach goals with departments and how to tie achievement to the budget.

He usually likes to focus on revenue in the fall, budget process in December, and then have the Board of Selectmen and finance body to work together thereafter until a final budget is ready for Annual Town Meeting. This helps avoid battles at town meeting. He tries to work out every dispute as much as possible before hand. One of the first things he would do in Dunstable is the same as in any other town, he would look at the budgets and see where there are savings. He noted that after talking to the Department Heads, there is clearly a desire to expand. Police, Highway, and so forth. Unfortunately, the town is more limited in resources so that has to be looked at carefully. From there Mr. Markel discussed some projects he's worked on in other towns to bring in alternative sources of revenue. The Board agreed, noting the various subjects that the town has pursued from liquor licensing to establishing a town center district that would promote economic growth. The sale hasn't always been done well, and the Board would like to see some things re-introduced better. Mr. Markel tendered that in a smaller community where there isn't a lot of attention from media, it takes longer to prepare the public with information. The Board generally agreed. The town has an identity that is cherished, but a balancing act must be found in order to allow the funding of services. This prompted discussion of Rt. 113 and its traffic. The Board noted it is on the scale of about 15,000 per day. Mr. Markel asked about liquor licensing. The Board elaborated on the subject further noting that the town has had conversations about it. The public is generally supportive, but it has to be done right. Mr. Regan noted that part of the problem was the want for an Adult Entertainment By-Law. Which is being rectified by the Planning Board at the next Annual Town Meeting.

Mr. Regan then turned discussion to the water system noting the critical challenges for the system including its relatively small size. Many citizens are reluctant to support the necessary infrastructure project as they are not impacted by the system. The system only has 102 connections, with only about 96 of them being houses. Out of 1,200 houses in town. Mr. Markel responded that the biggest problem is clearly the size. With a bigger system you can put the costs on the water takers. But a system this small simply can't do that. Mr. Markel asked what the estimated cost is to fix the system. The Board responded its between \$2.5 million and \$3.3 million. Mr. Regan explained this is due to multiple proposals over recent years. The Board noted that the system will be expanded once the affordable housing project goes through as it would add about 40 connections. There was then some discussion regarding how the project would be funded. Mr. Voelker interjected to state Water Commission is seeking SRF funding from DEP. This being due to the ACOP that the

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town is under with DEP and the fact that DEP administers SRF. Mr. Markel then turned to affordable housing and the use of CPA funding. This prompted discussion of CPA funding, recreation, and open space. Mr. Regan asked how Mr. Markel would handle autonomous boards and committees in light of procurement and other challenges. Mr. Markel responded that autonomous entities must be respected and worked with. He used Roads Commissions and Chapter 90 funding as examples. Mr. Regan asked for clarification as to how to work with these kinds of bodies. Mr. Markel responded that whatever legal or formal authority exists, to be a leader at the municipal level you have to be a diplomat willing to work with people. That includes being willing to be disappointed, and willing to not be angry.

It is important to share information so that overtime trust is built and situations can be avoided. One way he does this is Department Head meetings. Overtime communication and treating people like they are part of a team will create and foster a responsive environment where cooperation occurs. Further Town Administrators need information, so working closely with departments is critical. This prompted some discussion of the Highway Departments need for greater funding for paving and personnel. The Board noted that Roads has to consider a number of approaches in order to get funding. Mr. Frey then asked what ways Mr. Markel thinks he can immediately do to make things better. Mr. Markel responded that the prior Town Administrator clearly didn't get along with many. The best thing he could do would be to create a different atmosphere. Primarily a collaborative one. He's done this in other communities. This won't be easy, there will be doubters. The trick is perseverance. Settling conflicts and working together is key. He noted difficulties he's had in other towns and how to overcome them. In the Town of Beckett, the Town Clerk has been denied raises, and is now threatening not to attend town meetings. In response he has worked hard to try and settle things. It is challenging, but necessary. Mr. Frey then asked what Mr. Markel, after a year on the job, would think the public would say about him. Mr. Markel responded that people would say they are getting more information, that he is approachable and stable. Mr. Regan then asked about the part time hours and when he would be able to start. Mr. Markel was comfortable with the 20 hours and offered salary, and noted that Beckett is in the process of hiring a new Town Administrator and he expects to be able to start by mid-December.

Dept. Head Portion of Interviews – Markel 1st at 3:00 pm

Mr. Haddad started off by asking those present to introduce themselves and their departments. Mr. Markel then introduced himself and gave an overview of his past work history and personal experience. Mr. Markel has served in many capacities over the years including as a City Councilor and Mayor in Springfield, as well as a Town Manager in Norfolk and Ipswich. Since his retirement in 2012, he has worked as an Interim Town Administrator in a series of towns in Central and Western Mass, most recently working in Beckett. Mr. Markel was asked whether he was comfortable with the position being 20 hours a week. His response was in the affirmative, noting that it is not impossible to do it as he has done it as an Interim. It simply means that there is no time to waste. Mr. Markel was then asked about his retirement. He responded that he has a pension, and that he can work the 20 hours a week, up to an overall cap of 980 hours a year which simply means he would have to take two weeks off a year to stay under. Currently in Beckett he works three 6 hour days. Mr. Markel was then asked about his management style. He responded that he is not a micro manager, strives to be a resource whenever necessary, and defends Department Heads when they are in the right. There was then a question regarding meeting attendance, as the former Town Administrator went to more meetings than was often thought necessary.

Mr. Markel responded that he would attend all Board of Selectmen meetings, Advisory Board meetings, and all others would be as needed. There was then a question about what kind of outreach Mr. Markel conducts. Mr. Markel replied that he likes to do a monthly newsletter that is mailed out to anyone in town who wishes to receive it as well as to all the departments. He also likes to hold regular Dept. Head meetings. Mr. Martin then elaborated on some of the upcoming challenges for the Highway Department and spoke about some of the difficulties that Highway had with the prior Town Administrator. He was clear about the autonomy of the Roads Commission on hiring, firing, and day to day management of Highway Employees. Mr. Markel responded that he usually only involves himself with the hiring of Department Heads, otherwise staff in various departments can usually be hired by those departments as long as they follow standard procedures. David Tully asked Mr. Markel about grant writing. Mr. Markel outlined a number of grants he's worked with, most notably Complete Streets and Green Communities. Ms. Leonard then asked Mr. Markel if he is a certified procurement officer. Mr. Markel stated that he is. Chief Dow then asked some questions about how Mr.

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Markel would address staffing needs by the Police and Fire Departments. Mr. Markel spoke about the need for sources of revenue to support the needs of departments and noted he has the background and experience to do the job in the 20 hours a week, including guiding with HR needs.

Dept. Head Portion of Interviews – Palaia 2nd at 3:45 pm

Mr. Haddad started off by asking those present to introduce themselves and their departments. Mr. Palaia then introduced himself and gave an overview of his past work history and personal experience. Mr. Palaia has worked in various capacities in both state and municipal government. He has worked in Connecticut, Massachusetts, and Vermont. He has most recently worked as the Town Manager in Oxford. Mr. Palaia was then asked how he would build credibility with the departments and various organs of the town. Mr. Palaia stated he would focus on being a resource and would work hard to get to know all the officials and personalities of the town. He would institute regular Department Head meetings, and commit to being available to them to share information and knowledge. There was then a question as to how familiar Mr. Palaia was with grant writing. Mr. Palaia responded that he has extensive experience writing grants and elaborated on a number of programs he is familiar with. Ms. Leonard then asked Mr. Palaia if he is a certified procurement officer. Mr. Palaia responded that he is familiar with the requirements of Chapter 30B from his time working in Oxford, but remains in process for completion of his certification as a procurement officer. He expects to gain the certification by early 2019.

Mr. Palaia was then asked whether he is familiar with small water systems and the specific challenges that the Water Department currently faces. Mr. Palaia responded that he is aware of the current circumstances and that there is a major water infrastructure project being worked on that is being required by DEP. He then gave some background on his past experience in Connecticut where he was tasked with resolving problems for a small water district comparable in size to Dunstable's system. Mr. Palaia was then asked if he was aware of any grant funding that could assist, along with any borrowing by the town, with funding the project. Mr. Palaia responded by noting a program through USDA there is a grant that the project might qualify for. Mr. Palaia was then asked how he would work, specifically, with volunteer committees. He responded by outlining how he would work with volunteers and the kind of support he would provide them, again stressing his desire to be an approachable resource. Mr. Palaia was then asked how he felt about the 20 hours a week and whether he would seek other work outside of Dunstable. Mr. Palaia responded by stating that he would be committed to getting the job done in the allotted hours and he would not nickel and dime the town on those hours. As for work outside of the town, Mr. Palaia made it clear he would only take on additional work with the explicit written permission from the Board. He stated that if hired Dunstable would be his priority first and foremost.

Candidate Deliberations with Department Heads

Mr. Haddad started off by reporting that both candidates did very well with Department Heads. From there the Board reported on its interviews. Mr. Regan said that his gut take is that Mr. Palaia would be the better person with working with departments, boards, and committees. Mr. Fry noted some interesting differences in their personalities and said this is a question of who we want to come in. One expressed his ideals to be a communicator, the other wants to be an agent of change. Very different personalities and presentations. He felt either candidate would do a fine job. The Board asked if he had a preference in candidates. Mr. Frey really didn't have one feeling both presented different sorts of strengths and visions, but both have the skills for the job. Mr. Regan noted that one of the things he liked about Mr. Palaia was his eye contact and the way he made you feel like he heard you. Mr. Barnes then responded he was impressed by both but leans towards Mr. Palaia feeling he would be easier to work with. Mr. Martin felt both would bring good things to the table, but he leans towards Mr. Palaia. Ms. Mann felt that Mr. Markel would be good for personnel issues, but the town needs more and Mr. Palaia would be better in her opinion for water and other pressing needs. Ms. Tidman felt either candidate would work well. Ms. Ricardelli agreed feeling that either would work well. Chief Rich felt that Mr. Palaia would be better for the big problems the town has. Mr. Markel would be great to work with committees but he wouldn't necessarily be best for those big problems.

Ms. Fenochetti felt that Mr. Palaia has more energy. She didn't think either would stay forever, but felt that Mr. Palaia would be the better candidate. Ms. Leonard had a difference in opinion. She expressed concerns about Mr. Palaia's baggage, anxieties, and how soft spoken he is. She felt that Mr. Markel is supremely

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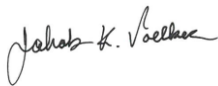
approachable and has a gravitas. Ms. Bacon felt that Mr. Palaia would produce the results the town needs and that he has a lot to prove. David Tully agreed stating that he will have to work hard to establish himself again. Mr. Haddad asked about the concerns of public perception if Mr. Palaia was hired. The Board noted that it won't be pretty, but whichever person that is chosen will be subject to a background check. The Board explained that the reason for today's activities is to try to have public input as well as buy in from stakeholders. Ms. Mann suggested that no matter who is hired there will be complaints. Mr. Simmons said that two weeks prior he was leaning more towards Mr. Markel, but he said in this interview Mr. Palaia really rose to the occasion. Still, he is concerned about baggage. But that said felt that the in the end Mr. Palaia did the best. Chief Dow then spoke, explaining he was also leaning towards Mr. Markel, but after having another interview, Mr. Palaia really demonstrated confidence and experience that would be beneficial. Mr. Markel is a safe candidate, but taking the safe path isn't always the best way.

Mr. Simmons noted some of the differences between Town Administrators and Town Managers. Mr. Haddad elaborated a bit more on those differences and explained how teamwork is critical in both systems. Mr. Simmons stated that the prior Town Administrator clearly felt that she was the final authority. She was clear in feeling that she was in charge of the budget. Mr. Haddad replied that it was clearly not her job, and it isn't even his job in Groton. Mr. Regan noted that while there is clearly baggage, he is confident that the Board has the understanding and oversight role and that said the town shouldn't hold on to bad officials for long, nor should it be afraid of hiring someone. Mr. Martin agreed stating that assuming the checks are done and the candidate is solid in the Board's eyes, then everyone in this room is likely to support them. That said if whoever is hired ends bad, then the town should simply discharge and move on. The Board agreed. Mr. Regan finished by saying that this process is indicative of the change in the town and said that the Board deserves a lot of credit for doing this. The Board thanked Mr. Regan and stated that the most important thing to the Board is that the problems be repaired and people are happy. There was then some discussion of how the prior Town Administrator was hired and how that process worked. Discussion then shifted to the way to handle the contract and background check. It was determined the background check should be done by an independent entity. Any contract should have town meeting buy in. Mr. Haddad than asked the Board to make a decision. The Board felt ready. The contract term was then discussed. It was recommended that the town offer a six-month contract with a right to renew for a three-year contract period to start July 1st that would be put to Annual Town Meeting for approval. That gets the contract period onto the fiscal year which it should be.

A motion was made by Mr. Mikol to extend an offer of the position to Mr. Palaia and to authorize Mr. Haddad to draft a contract and to hire Chief Warren Ridder of Boxboro to conduct a background check, with final hire being subject to that background check and successful contract negotiations. The motion was seconded by Mr. Tully and passed unanimously.

A motion to adjourn was made by Mr. Tully at 5:10 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by



Jakob K. Voelker, Assistant Town Administrator

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