

Town of *Dunstable* Selectboard
Meeting Minutes
January 8, 2019
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Leah D. Basbanes, chair, Ronald J. Mikol, vice chair, James E. Tully, member; Brian M. Palaia, Town Administrator; James W. Dow, Chief of Police; Brian Rich, Fire Chief; Lorraine Leonard, Town Accountant; Bob Nelson, Advisory Board; Alan Chaney, Conservation Commission; David Greenwood, Phil DeNyse, Parks Commission; James Dow, Plumbing & Gas Inspector; Mary Dow;

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants

Open Forum

Ms. Basbanes explained the purpose of the public forum and went over the Boards agenda which included Appointments, Discussion with Plumbing & Gas Inspector Regarding Wages, Russell Conservation Restriction, Common Victuallers License(s), Consideration of Updating Sexual Harassment Policy, Discussion of Town Building Lawncare & Maintenance, Update on Peppereil Industrial Landfill Proposal, and an Update on New Town Website.

- The Board took a moment to introduce Mr. Palaia as the new Town Administrator. Mr. Palaia started his career in government working for the State of Connecticut. He later transitioned into working in a municipal setting and has worked in several states including Connecticut, Vermont, and Massachusetts. The most recent community he worked in prior to Dunstable is his present hometown of Oxford. The Board is pleased to have Mr. Palaia working for the town.

Discussion with Plumbing & Gas Inspector Regarding Wages

Ms. Dow started off by explaining her concerns. She understands that the inspector is paid by stipend, but had also understood that it was supposed to increase. Previously the inspectors were paid a split percent of collected permit fees with the town keeping some for administrative costs. Currently the stipend for each position is \$3,500. So, it is \$7,000 total for both Gas & Plumbing. Ms. Dow then went over her accounting of the inspector's work, including how many inspections he's done. This included some contrast with the other inspectors. She noted that the Electrical Inspector is paid substantially more, being paid at \$12,000, but does a similar number of inspections per year. The Board interjected to ask Ms. Leonard about the financial numbers. Ms. Leonard went over the way the inspectors were paid in the past and the reasoning behind the change to a stipend. This included some of the issues with payment in the previous fiscal year and how that got out of whack. She helped fix that. Ms. Leonard then explained how the stipend works, being paid quarterly, and again went over the numbers that justified the amount. There was then some ensuing discussion of the adjustments made to the Fee Inspection Schedule in recent years. Mr. Palaia then spoke briefly about the differences between split and stipend. This prompted Ms. Leonard to note that the pay came out of budget and the town always had to guess. Mr. Palaia asked if it could be changed to a revolving fund. Ms. Leonard responded that it could. Mr. Palaia suggested that this is ultimately a budget question and Advisory Board may need to consider this in light of other budget considerations. The Board felt this matter requires further research. Ms. Leonard agreed to do some analysis for the Board. Mr. Nelson then asked what the expectation is. Ms. Dow responded that she wouldn't expect any change to take effect before the new fiscal year and is okay with finishing up this year under the current stipend. Mr. Palaia said he would work with Ms. Leonard to resolve the matter.

Approved and adopted on 1/22/19

Russell Conservation Restriction

Mr. Voelker gave a brief overview of the situation with the Russell Property. Currently the town has an old form of Conservation Restriction (CR), known as a Common Law Restriction (CLR), on the property which predates the modern version. Due to some changes to the underlying property by the Russell's, and because the CLR was always intended to be converted to a CR, the matter should go before town meeting as a housekeeping measure. To that end there are some outstanding legal questions which concern Town Counsel. He feels that since some of them regard the changes to the property made by the Russell's and that the desired action being requested serves the Russell's benefit for title but not necessarily the towns. As such he feels that the town should therefore not pay for the bulk of the legal work necessary to get this matter presentable for town meeting and suggests he be left in a review and monitoring role with his main work being the mechanics of town meeting. Mr. Chaney explained that the CLR is not identical to a CR as modernly understood, as CLR's have an expiration date but CR's do not. He then elaborated on the various parties involved. There is the town, the Russell's, and the Commonwealth. Now the Commonwealth reviews the CR's when they come to them and the other parties should have legal representation. Really all the CLR was about was putting a placeholder down for a modern CR. The Russell's want to do this, the Planning Board wants to do this, and the Conservation Commission wants it as well.

The Commonwealth may have concerns, and those are valid. But that is part of the larger back and forth. The CLR only holds for 30 years. At present the Russell one is half way through that time period. He understands that the legal budget has been taxed this year, but felt that the matter should go forward and if necessary, the funding could come from the Reserve Fund. The Board responded by expressing that its only concern is how to define the costs. Mr. Voelker noted that Town Counsel is uncertain as to the cost. This prompted the concern that an open checkbook approach is being advocated. Mr. Chaney felt that would not be the case as the cost would not be likely to exceed \$3,000. He asked for permission to sit down with Town Counsel. Mr. Nelson asked what the current standing is of the towns Special Legal and General Legal funds. Mr. Voelker reported that Special Legal is virtually exhausted as well as the majority of the General Legal. This is due to extraordinary personnel legal costs for some departments. The Board resolved that Town Counsel should be consulted further to try and get a cost estimate. Mr. Palaia agreed suggesting a cap and working with Town Counsel to stay within it. The Board agreed. That said the Board did have a question over whether the Russell CR would cost the town anything besides legal costs. Mr. Chaney responded that the CR itself would be a gift to the town. Mr. Palaia finished by saying that it appears that Town Counsels concerns are about possible underlying issues and it should be possible to resolve them.

Common Victuallers License(s)

The Board considered the Common Victuallers license for the Farmhouse Café. This license application is the last one outstanding. The license granted will be good through December 31st of 2019. The Board then seeing no reason not to approve the issuance of this annual license, determined to proceed with doing so.

A motion to approve and issue Common Victuallers License for the Farmhouse Café was made by Mr. Mikol. The motion was seconded by Mr. Tully and passed by majority vote.

Consideration of Updating Sexual Harassment Policy

Mr. Voelker started off by explaining that for a number of years the town has had some difficulty with implementation of the existing policy due to employee concerns regarding various parts of the policy. The policy should be annually signed and acknowledged by town employees, but this has not always been done. The Town Clerk, for example, has some concerns as to the wording of the existing policy and its adherence to MGL. There have also been some questions that have arisen regarding the policy as to its relation to the Police Department, which must have proof of the existence of the policy and its annual signing by officers as part of the departments certifications. Given the concerns it may be worth pursuing the advice of Town Counsel as to a rewrite. The Board asked about the necessity of a rewrite. Chief Dow responded that it probably should be

done and noted some of the work he had to do around the issue for the Police Department. Mr. Palaia suggested asking Labor Counsel if he has a boilerplate policy that the town can adapt. This would save time and help ensure that the policy is current and in compliance with MGL and judicial precedent. He also stated that MIIA, the towns insurer, may be able to be scheduled to give a training to town employees. Chief Dow noted that he might be able to get a template from the Chiefs Association as well.

Appointments

The Board started off by noting that they have two appointments. The first being the routine designating of the Town Administrator as the ADA Coordinator, and the other being a change relating to the assistant to the Town Accountant. The Town Accountant has requested the Board consider appointing her administrative assistant as Assistant Town Accountant. This would constitute a minor change that would not affect the employee's wages but would empower this employee under MGL to act as the Town Accountant in the Accountants absence. The main purpose being so that warrants could be signed when the Town Accountant is out of state. Mr. Voelker noted that this appointment would be a subsidiary one similar to his appointment as Assistant Treasurer/Collector which merely allows him to act as the Treasurer/Collector when that officer is indisposed. Ms. Leonard then spoke about the ways that this change would be helpful. She would be able to have her assistant do a few more tasks that would help around the office when she is on vacation. Currently her assistant has been going to the municipal accounting school and she would like to better train her. It would also provide the town with the possibility of promotion for when she retires. Ms. Leonard then noted that in every other towns she's worked in her assistant has held this title and had this power. The Board asked about certifications. Ms. Leonard responded that her assistant could become certified as a municipal accountant at some future date. But regardless of that, this change would improve the function of the office. Mr. Palaia had no objections as long as there is no change in compensation or expectation of such. Ms. Leonard responded by again affirming that it would not. It was then decided in order to get both appointments on the regular appointments cycle to have them run through June 2020.

Susan Bresnick is appointed as the Assistant Town Accountant Expires June 30th, 2020.
Motion by Mr. Tully, seconded by Mr. Mikol, and passed without objection.

Brian Palaia is appointed ADA Coordinator Expires June 30th, 2020
Motion by Mr. Mikol, seconded by Mr. Tully, and passed without objection.

Town Building Lawncare & Maintenance

Greenscapes, the towns current provider, has responded to the Parks Commission and Recreation Commissions requests for changes in the scope of services. They have also provided information regarding the care for the Town Hall, Police Station, and Library. Mr. Voelker reported he has spoken with the branch manager for Greenscapes and elaborated on some of the reasons for the fluctuations of prices. Greenscapes has indicated that the agreement with the Parks and Recreation Commissions still has another year to it and if the town does not wish to change the scope of services due to cost considerations, that agreement could be left for next year. As for the agreement concerning the Town Hall, Police Station, and Library, that agreement is up. Mr. Voelker reminded the Board that Board of Health has asked that the mowing for the test wells at the Transfer Station be included in any renewed or new agreement for the Town Hall, Police Station, and Library. Mr. DeNyse then spoke about Parks Commissions feelings regarding the need to revisit the agreement. There have been some challenges with performance in their eyes and they would like more specifics. To date, the discussions were internal although they were expressed in public meeting. They would like to go through a formal bidding process. The Board noted that the agreement does have a 30 day out, so if the town feels it appropriate a bid process could go forward. There was then discussion regarding the budget. There have been a lot of calls from citizens and there is a general feeling that this should be seriously looked into. Parks and Recreation are willing to wait another year if need be, but they do wish to proceed with a bid process. Mr. Greenwood noted that what is coming in so far is significantly increased costs. The Board responded that part of that is due to national politics revolving around seasonal workers.

Mr. Greenwood agreed and suggested that part of this is the fact that Greenscapes is under as much pressure as any other company right now and their prices haven't gone up significantly in the past few years. Which could explain why the initial response on the requested changes appears to increase the cost significantly. They could need as much as \$25,000 to \$30,000 more in coming years. Mr. Palaia asked what the current cost is. Mr. DeNyse responded that for Parks & Recreation that cost is \$23,000. Mr. Voelker responded that the cost for the Town Hall, Library, and Police Station is \$8,000. The Board noting cost increases asked about cuts that were made to fees for use of Larter Field. Mr. Greenwood responded that the fees did not cover the costs in the first place, and there was some concern that some of the entities paying fees might depart for other fields. Mr. DeNyse suggested that in part, the issue may be the size of the company. A balance has to be found. As part of that effort, he elaborated on the specifications and how to ensure that the town gets proper care. This included some thoughts about various areas in town that are covered by this. There was then some discussion of difficulties last summer and the tone around discussions had with Greenscapes. It was acknowledged that there were some poor communications and things could be better. But in the end, the matter comes down to budget and resources available. Mr. Nelson noted that the request to Advisory Board for FY20 had an increase of \$16,000. Mr. Greenwood elaborated on that saying that after consulting with a few different parties, it appears that the budget which is at \$23,000 should be closer to \$36,000. The Board suggested staying the course through this year and continuing to work on developing a bid for the future. Mr. Palaia noted that it appears everyone is trying to plan ahead. There are clearly some performance issues, and that should be politely expressed by explaining that we will continue through the end of contract but will go out to bid thereafter. Mr. Greenwood then asked for patience as this process moves forward.

Police Update

Chief Dow spoke briefly about the current status of the department's certification. He asks the Board to sign a letter that would allow him to modify written directives. The Board asked for more information. Chief Dow elaborated on how written orders work and explained the need for this authority. This is almost always an authority granted Chiefs in their job descriptions, but was overlooked for his office. The Board then asked some questions about directives and how they work with policies and procedures. Chief Dow again responded by outlining the problem that is solved by this. If the department wasn't accredited, this wouldn't really be an issue, but due to the certification, the department needs this in written form. Mr. Palaia generally agreed noting that Dunstable is one of the only departments in the region that is certified, and all this really is in the end is dotting every i and crossing every t. Chief Dow noted that he currently has the authority to do all the other things that are required for this and this is ultimately a housekeeping measure. The Board noted that this is in many ways redundant, but acknowledged that having this authority in writing can be useful. Particularly with Union relations. Mr. Palaia noted that the certification requires a policy book that directs things, and this really only pertains to general orders. Chief Dow agreed stating that most things are covered by existing policy. It was agreed that this would be signed. Chief Dow then finished up by noting that the re-certification for the department will be finished by January 15th, 2019.

A motion to approve and authorize signing the letter as requested by the Chief was made by Mr. Tully and seconded by Ms. Basbanes. The motion passed without objection.

Fire Update

Chief Rich briefly updated the Board on a grant that was received for the Fire Department to buy a special gear cleaner and dryer. Currently the department has had to bring firefighter equipment to Pepperell for necessary cleanings. The grant is from Firehouse Subs. This is something the department has sought for several years. The Board asked what the amount of the grant was for. Chief Rich responded it is \$17,600. This would cover the purchase and the final installation. Any additional work would have to come out of the department's budget. He then elaborated on placement. The department would use the existing men's room and convert the lady's room into a unisex bathroom. The most significant work would involve water piping and a drain. Mr. Dow, the Plumbing Inspector, responded to questions regarding the work that would have to be done water piping wise. Chief Rich agreed noting that this would also resolve some water pressure issues for the sinks in

the building. The Board then asked Chief Rich to send some base information regarding the costs and the work to Mr. Voelker. Chief Rich agreed, but elaborated further on the grant process and how it would pay out. That said he was happy to provide any information required. Mr. Nelson then had a few questions regarding how the grant works since it is a private grant. Chief Rich explained how the private grant differs from a public one and how the department was able to qualify. Mr. Nelson asked if private grants have been procured in the past. Chief Rich responded that they have. Mr. Palaia asked if the Board has to vote to accept the grant. Chief Rich didn't think it necessary but it could be prudent. The actual work wouldn't be done before April. Chief Rich reported that the paperwork for the grant itself will be available within 8 weeks.

A motion to accept the grant was made by Mr. Mikol. The motion was seconded by Mr. Tully and passed unanimously.

Update on the Pepperell Industrial Landfill Proposal

Mr. Voelker reported on correspondence from Pepperell regarding the proposed industrial landfill. The application for the industrial landfill was denied by the Pepperell Building Inspector and is now on appeal to the Pepperell Zoning Board of Appeal. The ZBA hearing on that matter is scheduled for January 16th, at 7:00 pm in Pepperell. For more details, it is recommended concerned citizens check the Pepperell town website. It was noted that they update their website regularly on this subject. Typically updates come out at least once every four weeks. There is likely going to be legal challenges, so this is likely not imminently coming in the spring. This prompted questions regarding any changes that Roads Commission might wish to see done for additional safety mechanisms on Rt. 113. The Board determined to follow up with the Roads Commission regarding whether there is any action that needs to be taken by the Board or at town meeting.

Update on the New Town Website

The new town website is almost ready to go live. Mr. Voelker reported that training for town employees is currently scheduled for January 23rd, 2019 during the work day. Currently the website is in a half-built stage with some department pages completely transferred over and others still in process. Civic Plus, the towns website provider, is aiming to have it ready to go live either at the end of January or the start of February. In the meantime, Civic Plus has completed the archival of the towns posted minutes. The archive will run from earliest posted minutes up until 2018. Then the new website will have the minutes from 2018 forward. The Board suggested including in the training some of the commissions, committees, and boards that don't have administrative support.

Town Administrators Report

Mr. Palaia very briefly went over the events of his first two days. His schedule isn't yet fully formed as he is still getting a handle on things. Still, he intends to work Mondays, Tuesdays, and Wednesdays. In the meantime, he has done a deep dive into the budget, concerns with the water system, and held discussions with the Mark Haddad the towns recent Interim Town Administrator to better understand the pressing needs of the town.

State of the Transfer Station

The Board commented on a letter from the Board of Health regarding future uses of the Transfer Station. The Board is pleased to see that there is an intent to continue to use the Transfer Station and not see it fall into disrepair. Still, the Board would like to see more fleshed out on this. It is recognized that Board of Health has a number of ideas, but there needs to be more organization of the property. Things cannot be left to just junk over time. A use for the attendants shed should be found, and the containers should also be utilized properly. Mr. Nelson generally agreed stating that any plans have to be affordable and sustainable.

Possible Special Town Meeting & Water Department Concerns

Mr. Nelson asked the Board if a Special Town Meeting is possible. He noted a few concerns and whether things can make it to the Annual Town Meeting. The Board noted that further meetings have to be held with Water Commission before a decision can be made on that. There was then discussion regarding Water Department's needs and how to handle them. There will be a joint meeting with the Water Commission, the Board and officials from Tyngsborough on January 10th, 2019. On January 14th, 2019 a joint will be held between Water Commission, the Board, and the Advisory Board to discuss the water infrastructure project.

Street Lights

Chief Dow reported on the current status of the lights and noted discussions he's had with National Grid officials.

Speed Limit Lights

The Board asked Chief Dow if it would be possible to determine if there is a way the town can get flashing lights, perhaps solar ones, through the center of town. He was uncertain, but noted that Groton has recently installed special signs of these sorts. One being right over the boarder from town near the high school. It was determined that further research should be done.

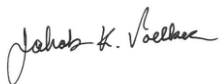
Minutes

The Board considered the minutes from its past meetings held in December. It was noted that the meeting held on December 27th, 2018 was a joint meeting with the Water Commission and the minutes for that meeting were taken by the Water Commission and will be available as such. Mr. Voelker then asked the Board if minutes could be provided for the Board's meeting held on December 21st, 2018. It was determined that the Board's chair would provide those minutes. The Board determined to proceed with approval of the minutes.

A motion was made by Mr. Tully to approve the minutes from December 18th, 2018 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion to adjourn was made by Mr. Tully at 8:10 pm. The motion was seconded by Mr. Mikol and carried without objection.

Respectfully submitted by



Jakob K. Voelker, Assistant Town Administrator