

**BOARD OF SELECTMEN MEETING
MINUTES APRIL 9, 2018
APPROVED**

BOS Members Present: Joshua A. Degen, Chair; Alison S. Manugian, Clerk; John G. Petropoulos, Member; Rebecca H. Pine, Member

Members Absent: Barry A. Pease, Vice Chair

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Degen called the meeting to order at 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Ms. Manugian said that the Board and Town Manager had heard back from the Office of the Attorney General regarding 3 OML complaints filed against them. Ms. Manugian said that the AG's opinion was that the Board inappropriately entered Executive Session (ES) on Oct 10 and Oct 23 but that the distribution of the spreadsheet by the Town Manager was not in violation. She said that the AG recognized the effort to release all ES minutes on this topic and thought that it was an adequate remedy further adding that they (the AG) would not be asking the Board to nullify its vote taken in Open Session (OS). Ms. Manugian said they would post the letter from the AG on the website for those interested. Ms. Sartini asked if the Board intended to re-discuss their reasons for assessing the fees. Mr. Degen said that the Board was found in violation of the OML but added that they met in and voted in OS. He said that if anyone had an issue with the action the Board took, it wouldn't hurt to have a discussion. He said that the permit had been issued and a fee assessed but nothing was going to change as far as the actions taken. Mr. Petropoulos said he was not sur they had discussed their opinions adding he knew he had. He said he thought the issue had been cumulatively covered but wouldn't object to having this on the agenda to hear other Board members opinions. Ms. Manugian said she thought their ES minutes were thorough and lengthy and could speak from themselves. Ms. Pine said she too had stated her opinion in public session. Mr. Degen said that if the public wanted it placed on an agenda they could add it to an agenda after Town Meeting.

TOWN MANAGER'S REPORT

1. Warrant Business - Mr. Haddad said that the Board had asked for a breakdown on the budget articles like the Finance Committee had voted on. Mr. Petropoulos said he would be comfortable voting on the entire municipal budget and school budget separately. Mr. Haddad said that the Municipal Budget was \$15,639,473 and the Schools Budget was \$21,643,964. Mr. Haddad said that one member of the Finance Committee had an issue with the Water Department Budget because of the extra person they hired to train with the Water Technician retiring the following year. Mr. Degen said he did not share the opinion of the Finance Committee member adding it was important to train especially with a 30-year employee.

Municipal Budget: The Board was unanimous in its support.

Schools Budget: Mr. Petropoulos said he could not support the budget adding the growth in their budget could not be supported. All other members supported this budget.

Mr. Haddad said that they had opened the sub bids for the Senior Center construction project last week. He said that the sub bids had come in 7% higher than the estimates. He said he was still hoping this boded well for the project coming in at between \$4.5-\$4.8M.

Mr. Haddad said that in regard to the SRO, he said that Dunstable was carrying \$15K in their operating budget.

Mr. Degen changed his vote on the OPEB article to support.

Mr. Haddad said he had received a quote for the assessment of the Prescott School. He said that the engineer knew they had a 3-week time frame to get this done. He asked the Board to authorize him to move forward with this and request a line item transfer at Town Meeting. The reminder of this discussion was deferred to Other Business.

Mr. Petropoulos changed his position on the Baddacook CPC project to against.

Ms. Pine asked if they could request allowance of the Board from the Moderator to explain the ballot questions. Ms. Manugian said she thought it would create confusion of the articles. Mr. Degen said that Article 20 was a standalone article and did not relate to the ballot questions. He asked if they wanted to cloud the creation of zoning with the ballot questions. Mr. Petropoulos said he didn't think the issues would be clouded adding he thought it was a great idea. Mr. Haddad said he made a note to talk to the Town Clerk to see if they could have the handout ready for Town Meeting.

Ms. Pine said that when she was reading the proposed Four Corners Sewer District bylaw there seemed to be a discrepancy between the contents of the establishment paragraph and extension paragraph; one talked about commercial and business use where the other talked about residential use. Mr. Haddad agreed that there was an issue with the language adding he would look into it further.

Mr. Petropoulos said he supported Article 29 on the property rezone on Main Street.

Mr. Petropoulos moved that the warrant be published as worded with the exception of Article 24 adding that the wording be looked at and approved. Ms. Pine seconded the motion. The motion carried unanimously.

The Board supported the line items transfers as listed in the warrant.

2. Mr. Haddad said that he had provided the Board with the RFP issued in 2015 for Town Counsel services and asked if they wanted to issue the same one again now. He said that KP Law's appointment was up in June adding he wasn't sure if the proposed budget set forth at a reduced rate of \$75K would be enough if they decided to change firms. Mr. Degen explained how he had asked for this to added to the agenda. He said he had been less than happy with Town Counsel citing some bad advice they had received. Mr. Petropoulos said he shared Mr. Degen's thoughts with some issues and saw no harm in putting out an RFP. Ms. Manugian agreed. Ms. Pine said it was hard to know how they might be able to gauge from an interview if another firm would be able to provide better advice. Mr. Degen and Mr. Petropoulos were okay with sending out the 2015 RFP as provided. Mr. Petropoulos noted that Town Counsel was in the business of providing opinions and thought they should note that KP was the largest provider of counsel services in the Commonwealth and had a reputable track record even though they had a couple of less than favorable opinions. The Board agreed to go ahead and issue the RFP.

OTHER BUSINESS

Mr. Haddad asked the Board to authorize him to sign a contract and seek a reserve fund transfer or line item transfer for the study on the Prescott School. Ms. Pine made the motion. Mr. Petropoulos seconded the motion. Mr. Degen said he could support this contingent on this being done prior to discussion at Town Meeting. The motion carried 3-0-1 with Mr. Degen abstaining due to no guarantee in receiving the report.

Mr. Petropoulos said that they saw a letter from the Building Commissioner to the Friends on Friday in the Correspondence. He said that there were factual assumptions and errors in the letter they should clarify. He also wanted to thank the State Inspectors for their input but thought they should let the Building Commission interpret the code and use the State for help on change of use. Ms. Manugian suggested that be a letter from the Board. Mr. Haddad explained how he had had a conversation with the Building Commissioner that day adding they were going to wait for the engineering study, sit down with members of the Board and Friends to review the report and come up with next steps. He said the Mr. Cataldo could use the State as a resource.

Mr. Petropoulos said he would also like to request that one or more of them meet with the firm to discuss their objective. He said he wanted to make it clear that their objective was to make a change of use allowed. Ms. Manugian said she didn't think that was appropriate at all. Mr. Haddad said that the Board had voted to have him work with Friends to create what the engineer was supposed to do. He said that the specs were emailed to the firms for quotes and thought that if the Board got involved it would taint the process. Mr. Petropoulos said that they had a shared goal and thought the firm should know what

goal was. Ms. Manugian said that she wholeheartedly opposed adding that it was the intent of the Town to understand from a building safety perspective what was needed to have future tenant(s) occupy the building. Ms. Pine said that her main concern was a little of what Mr. Petropoulos said but did not agree with his request. She said that this was a process that she wanted them to work with the Friends on but wanted to be able to do what they could in the building. She said she was comfortable that Mr. Haddad had worked with Mr. Platt and Mr. Easom to put the specs together. Mr. Degen said he thought Mr. Cataldo should send out a revised letter and thought that what Mr. Petropoulos had proposed tainted the process. He said that the firm should be working independently and didn't want to jade the position of the firm. Mr. Petropoulos continued to argue his point adding he respected their opinions but didn't agree.

LIAISON REPORTS

Mr. Degen said that the Sargisson Beach had a limited clean up performed with an additional one scheduled for next Saturday.

Mr. Petropoulos said that at a recent meeting of the Electric Light Commissioners they discussed their PILOT to the Town. He said that some had been encouraged by how well the 2 were working together and about increasing their PILOT. He said there was a disagreement about that and the reduced fee to Indian Hill was discussed. He said that their biggest challenge was the growing demand which lead to a discussion about generating more electricity and tying it to the PILOT. Mr. Degen suggested having the Commissioners in at some point to discuss this further.

Mr. Petropoulos explained how he had been working with the Non-Profit Council and asked if they wanted to designate another Selectperson to take it over. He asked the Board to think about it.

Mr. Haddad gave permission for an extension on his review.

Mr. Degen adjourned the meeting at 8:31pm.

Approved: _____
Alison Manugian, Clerk

_____ respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 5/15/18