

MEETING MINUTES
BOARD OF SELECTMEN
JANUARY 22, 2009

At 6:30 p.m., Chair Carol Lisbon called the meeting to order with member Joseph M. Melican present. Also present were David W. Ramsay, Town Administrator, and Greer Pugatch, Administrative Assistant. David W. Heinlein was absent from the meeting.

ATTENDANCE: Joseph Griffin, Police Chief; Charles Marscher & Mike Heffernan & families; Jack Walsh & Jane Hemstreet, Council on Aging; Ford Spalding, Kathy Weld & Dana White, Dover Community Center Building Committee; Dave Stapleton, Warrant Committee

PRESS: Ben Kossak, D-S Press

Police Chief Griffin re: Warrant Articles & Appointment of Two Special Police Officers

Police Chief Joseph Griffin met with the Board this evening to discuss two proposed warrant articles for the 2009 Annual Town Meeting. Also, Chief Griffin explained that the Selectmen's appointment of Dover Special Officer Harold Grabert to replace retiring Officer Dale Wise in turn created a special officer vacancy, and with Special Officer Tom Harrison's recent departure there are now two special officer positions to be filled.

The Chief provided the Board with a brief background on the two candidates he is recommending this evening: Needham resident Charles Marscher has a BS in Criminal Justice from Westfield State College, and graduated from Western Massachusetts Reserve Police Academy. He is currently employed as a campus police officer at Wentworth Institute, and previously worked in that capacity at Wheaton College. Mike Heffernan's credentials include past president of Pawtucket Regional Technical High School's National Honor Society, service as a Northeastern University coop student dispatching for the Dover Police Department, and other internships as a corporate security officer and as an insurance investigative aide. He is expected to graduate with a BS in Criminal Justice from the Boston University this spring.

Mr. Melican moved to appoint Charles Marscher and Mike Heffernan as Special Police Officers in the Town of Dover, seconded by Mrs. Lisbon; it was unanimously voted.

The Board of Selectmen welcomed both appointees to the Town of Dover.

Chief Griffin asked the Board to consider sponsoring articles at the May 2009 Town Meeting amending Chapter 80 of the Dover Code by adding two new bylaws. Effective January 2, 2009, possession of less than one ounce of marijuana became punishable only by a civil penalty of \$100 with no right of arrest in the Commonwealth. This change in the state law provides no mechanism to allow for a law enforcement officer to arrest an individual consuming marijuana on public grounds or in public buildings, or on private property exposed to public view if s/he does not comply with an order to cease and desist from such activity. Some local communities are therefore crafting bylaws to increase penalties to include a \$200 fine for engaging in such behavior, and the right to arrest individuals who refuse to cease consumption or who refuse to identify themselves.

The Chief asked if the Board would consider sponsoring an article to adopt two new bylaws, one to address this deficiency and, for consistency, a similar bylaw for consumption of alcohol. Presently, Chapter 80 of the Dover Code has a bylaw prohibiting alcohol in public buildings, but without the right of arrest if the individual does not desist from consumption when directed to do so by the police or to make his/her identity known.

Chief Griffin told Mr. Melican that possession of more than one ounce of marijuana continues to carry the same criminal penalties as before under state law.

He told Mrs. Lisbon that Dover Police Department *Temporary Policy & Procedure 1:01* regarding C. 387 of the Acts of 2008 (making possession of less than one ounce of marijuana a civil infraction) was issued on/with an effective date of January 9, 2009.

Mr. Melican moved to accept the recommendation of the Police Chief dated January 9, 2009 for inclusion of a proposed amendment to Chapter 80 of the bylaws and to work with Town Counsel in the preparation of the exact wording for Town Meeting, seconded by Mrs. Lisbon; it was unanimously voted.

Review List of Current Warrant Articles

The Board reviewed and discussed the preliminary list of warrant articles for the Annual Town Meeting in May 2009.

The Town Meeting warrant closes tomorrow, January 23, 2009, at 5:00 p.m. The articles will be discussed at the Open Hearing in March.

Review FY10 Operating Budgets: 199 & 541

Mrs. Lisbon said that based upon recent decisions of the Dover Community Center Building Committee [see next agenda item below] and upon present usage of the Caryl School, it is the sense of the Board that it would be prudent to improve that building's daily maintenance and upkeep.

Mr. Ramsay said that historically the Board has instructed him to maintain the Caryl School on an as needed repair basis with minimal cleaning. He recommended the addition of another full-time custodian if the Board decides to bring that building up to the standards of cleanliness of other Town buildings. This excludes the Childhood Development Center and Parent Talk spaces since those tenants are currently responsible for their own custodial care. He told Mrs. Lisbon that the two current full-time custodians cover all four other Town buildings for a total square footage that exceeds industry standards. The salary for an additional custodian would be \$36,749, and the cost for additional cleaning supplies needed would be \$2,000.

Mr. Melican moved to approve a **revised budget** for Dept. **199 Building Maintenance** in the amount of \$286,716, seconded by Mrs. Lisbon; it was unanimously voted.

The Selectmen revisited Budget 541, Council on Aging, which includes significant increases in staffing hours to support expanded programming for a growing senior population in Dover. Mr. Ramsay explained to the Board that COA Director Janet Claypoole's position was increased in the FY10 budget submitted by the COA Board from part time (20 hours/week) to full time (35 hours/week) with a schedule of Monday – Thursday 9:00 a.m. - 5:00 p.m. with a paid lunch hour and Fridays 9:00 a.m. to noontime. He said that all other full time hourly employees are required to work 9:00 a.m. – 5:00 p.m. Monday – Friday with an unpaid lunch hour. There are two identified job-related events that fall outside Ms. Claypoole's regular weekday schedule. In those instances, it was suggested that Ms. Claypoole could work ½ of one weekday to compensate for those weekend events, and have another staff member cover the office in her absence.

Mrs. Lisbon and Mr. Melican agreed that it is important to maintain uniform personnel practices including consistent scheduling for all Town offices, so the holiday pay originally included in the COA budget to cover additional hours worked by the director on Friday afternoons, which is part of the regular schedule, is therefore unnecessary.

Discussion ensued with Council on Aging member Jack Walsh about the difference between hourly and salaried employees with regard to scheduling. Mr. Ramsay told him that salaried employees get a paid lunch hour; however, they are required to work any hours needed beyond traditional hours without additional compensation, e.g., night meetings.

Mr. Melican moved to approve a **revised budget** for Dept. **541 Council on Aging** with a reduction in holiday pay from \$2,118 to \$0 with the resulting decrease in the salary line, seconded by Mrs. Lisbon; it was unanimously voted.

Ford Spalding re: Dover Community Center Building Committee Update

Ford Spalding gave a brief history of the Dover Community Center Building Committee (DCCBC) and its four subcommittees (31 members total), the third such group charged with considering the disposition of the Caryl School. Specifically, to address questions raised at the May 2007 Town Meeting these committees have studied other towns' community centers, athletic facilities, great rooms and other large community meeting spaces, potential alternative community center sites in Dover, public/private partnership or private development opportunities at the Caryl School site, renovation or tear down of Caryl School, current and future programming, etc.

Mr. Spalding reported that at its January 14, 2009 meeting, the DCCBC unanimously passed this motion:

“...that the Dover Community Center Building Committee develop a conceptual design/master plan to renovate and upgrade the Caryl School building and property to serve as the Dover Community Center. The building is for intergenerational community use. The exception to the conceptual design/master plan is contingent on the Dover Community Center Building Committee's final determination that the current Caryl School building site will be designated for the purpose of a Dover community center. It is the objective of this motion to make a preliminary presentation at the 2009 Annual Town Meeting.”

Mr. Spalding said that the only reason that the Caryl School would not be designated as a community center is if the Town entered into a long-term lease with a private developer for the school property which would make it economically feasible to develop a community center at the library site. A Request for

Information for private development ideas was advertised in *Banker & Tradesman* and local community newspapers with a February 2, 2009 deadline.

The DCCBC is recommending that the Board of Selectmen sponsor three related warrant articles: Funding to pay for additional structural roof and masonry repair work as an extension of Article 13 of the 2008 Annual Town Meeting; funding for continued repair and renovation work at the Caryl School building with its ongoing use as a community center; and funding for professional services to develop a master/design plan to upgrade the Caryl School building as a community center over a period of time.

Mr. Spalding proposed that the next course of action for the DCCBC be to prepare a short-term plan (implemented over 1 – 10 years) for consideration at the 2010 Annual Town Meeting for funding to improve HVAC, plumbing, etc. He and the other DCCBC members present emphasized the need to improve the Caryl School so it is a clean, safe and user-friendly intergenerational community center. Mr. Spalding also suggested that the DCCBC continue to study current and future community center programming and user groups at the Caryl School location.

On behalf of the Board, Mrs. Lisbon thanked members of the DCCBC and its subcommittees for the thoughtful discussions at meetings this year as well as the time and energy spent outside of meetings researching information.

Review Ambulance Accounts Receivable Write-Offs

The Board reviewed aged ambulance billing this evening to see if any accounts should be written off as per the Warrant Committee's November 2002 request that the Board of Selectmen institute this annual housekeeping measure. According to Mr. Ramsay, he and Treasurer/Collector Gerry Lane have deemed only one account prior to August 2006 to be uncollectible.

Mrs. Lisbon remarked that when the Comstar collection representative appeared before the Board last year, he reported that due diligence was being exercised with Dover's very high percentage of collected ambulance accounts.

Mr. Melican moved to write off \$578.31 from the incident date of July 21, 2006, seconded by Mrs. Lisbon; it was unanimously voted.

Discuss FY10 & FY11 MIA Renewal Proposal

Mr. Ramsay said that due to Dover's long service and experience with MIIA, the Town's insurance carrier is offering a rate lock guarantee of 5% decrease on the manual rates in FY10 and a flat rate lock in FY11.

Mr. Melican moved to approve renewal of the proposed FY10 and FY11 rates as presented in the agreement dated January 9, 2009, seconded by Mrs. Lisbon; it was unanimously voted.

Other Business:

Award Tree Pruning & Removal Bids

In a memorandum to the Board, Superintendent of Streets Craig Hughes asked the Board to award the tree pruning and removal bids in FY09 to the low bidders for each service. Mr. Ramsay said that it is unclear whether putting the both types of tree work out to bid in combination would have resulted in a lower total low bid. He said using both separate and combined bidding processes for these services simultaneously is discouraged.

Mr. Melican moved to accept the bids for tree pruning services to Stumpy's Tree Service for \$17,800 and tree removal services to J.W. Faulk, Inc. for \$7,000, seconded by Mrs. Lisbon; it was unanimously voted.

Snow & Ice Authorization

The Board reviewed a breakdown of expenses prepared by the Superintendent of Streets on snow & ice services to date in FY09. Mrs. Lisbon observed that labor accounts for only approximately one-third of the total costs, which includes materials, and equipment fuel, repair and maintenance.

Mr. Melican moved to approve \$125,000 for the Snow & Ice budget, seconded by Mrs. Lisbon; it was unanimously voted.

Approve October 6, 2008 & January 8, 2009 Meeting Minutes

Mr. Melican moved to approve the minutes of October 6 2008 as submitted, seconded by Mrs. Lisbon; it was unanimously voted.

Mr. Melican moved to approve the minutes of January 8, 2009 as amended, seconded by Mrs. Lisbon; it was unanimously voted.

Citizens' Comments

Dave Stapleton passed along the Warrant Committee's thanks to the Town offices and Accounting Department for their efforts in submitting the FY10 operating budgets in a timely fashion.

Mrs. Lisbon said that she has thoroughly enjoyed her service as a member of the Board of Selectmen working with the Town's citizens and employees. She announced that she will run again in May for a second term on the Board. She thanked everyone for their support over the past three years.

At 7:45 p.m., Mr. Melican moved to adjourn, seconded by Mrs. Lisbon; it was unanimously voted.

DOVER BOARD OF SELECTMEN

David W. Heinlein, Clerk