

Minutes: Selectmen's Meeting – Monday, August 8, 2011

Present: Chairman Walter F. Alterisio, Daniel F. Devlin, Clerk and Procurement Officer and Member Kenneth J. Leva

The Meeting was called to order at 7:00 with all members present. Selectman Devlin advised that e-mails confirm that Josh West is the Chair of ZBA. Chairman Alterisio noted there a couple of items that need to be addressed ... 1st was a conversation he had with Sean Ready regarding an individual who stiffed him \$121.00 because they didn't pick up the dog. His understanding when he took position of dog officer is the appropriation is his stipend for the service but town accountant indicates it's all inclusive for the service. He submits 1/12th of the appropriation and it's paid. Chairman Alterisio got him hooked up with NMCOG to look at how other dog officers handle and what's inclusive... advised that he needs to put together a package and may require an article as to how category or department would be reorganized. He further indicated that he's going to use the Tyngsboro dog officer as example at \$45K and we've operated with dog officer in non-descript terms with understanding that people are going to take care of their animals. Selectman Devlin indicated that's going out on a limb as that it's not the everyday thing. Chairman Alterisio reported on the background of the dog officer position, but noted Sean is basically saying he's pressed with having facility to keep the animal, required by law to keep the dog for 10 days before disposal and there are costs associated with providing this service.

Other situation he addressed with Sean was Constable, where he advised there are no provisions in the budget for reimbursing Constable... he has a situation where he has to serve someone as a Constable for the town...apparently someone has equipment that belongs to the town. Chairman Alterisio indicated that we'll need to research further but he's suggested that the town might pay out of special legal.

He further reported that he and Town Clerk have sorted out problem regarding the Personnel Board and Zoning Review Committee. He provided background to her noting that, while we're making the appointment, we lean to the committee for recommendations when there's a proposed change in membership. It was noted that there are a lot of items that are requirements now when an individual holds an office that may be deterring interest in the positions. Board was supportive of the requirements and reasons for it. Town Clerk will follow up.

He explained that Personnel Board was put in place with specific dates .. some members terms are up but 2 are not until 2012. Three of the committee's members terms have expired while 2 don't expire until 2012. Chairman Alterisio continued to provide the background of the committee and how to best handle.

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Pole Hearing opened at 7:15PM – hearing for relocation of poles in conjunction with reconstruction of roadway – basically Ken Dobie explained the push pole being proposed. Chairman Alterisio noted it's interesting we're having the pole hearing now because it appears the project is stalled somewhat because of a requirement for Corps of Engineer's approval, state has pushed project into next funding period. Unknown where or why the requirement has been put in place but project is still in the cue but funding pushed off. Chairman Alterisio expressed concerns over National Grid going out and moving poles and installing additional or replacement poles in the interim until definitive is in place for process. Mr. Dobie suggested project could be approved contingent upon project's inception though pole 69-84 he'd prefer eliminating that pole but putting a push brace further up the road. Chairman Alterisio and the board indicated they would feel comfortable approving the movement of the poles in conjunction with the final approved project. Mr. Dobie advised he'd tell his company to put it on hold until notification from the town that project will commence...now looks like fall of next year. Mr. Dobie was comfortable with that approach.

Selectman Devlin provided motion to approve relocation of poles with understanding order will not be applied until project moves forward; 2nd by Selectman Leva and voted with all in favor.

Chairman Alterisio advised on his plans to do a little research into just what brought this additional requirement forward to slow down the project, noting it was originally reported by Town Engineer that someone called the state historical commission who brought forth the additional requirement.

The board signed the pole petition and secretary will process paperwork accordingly.

Former Selectman Kevin Welch, the board's DLS Financial Review Liaison, appeared before the board referencing the review scheduled for late August. He advised Dunstable had a lesser review back in 1993 but noted there are a number of items he expects that DOR may pick up on... budget planning. Chairman Alterisio noted that in recent years the information provided at the hearing has changed somewhat. Kevin indicated that there may be a number of items that they'll come up with that will provide guidance for the future budget process. Chairman Alterisio inquired whether the 1993 review may have come about because of a challenge from Groton as whether Dunstable was paying their fair share for GDRSD budget. Kevin noted DLS just finished Townsend last summer and Kim is accountant there as well and felt it was productive. Kevin indicated he thought it might help with the foundation formula for the school district, noting that both Sheila Harrington and Eileen Donohue

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have taken that project on as one of their highest priorities. Kevin noted they're currently tying to 2004 average property values and if they're using those property values and income values from then, there won't be a change. Kevin suggested shooting out a letter to the representatives inviting them to participate as well. Chairman Alterisio inquired whether there will be an outline of what DOR will be looking at in their review and Kevin indicated he expected there might be. Chairman Alterisio was looking whether there was some sort of format where they'd outline what they need and we'll bring forward items we'd like to address. Kevin advised last notice was late August – early September.

The Board noted the next police union negotiations session is scheduled for Thursday 18th and there's a meeting scheduled at Salmon Brook Bridge for tomorrow morning @10:30; secretary confirmed both have been posted.

Town counsel appeared before the board, reporting on work being done by Rural Land Trust, trying to standardize management of properties, putting conservation restrictions on all of them. First one that DRLT had was the old John Kenny gravel site, Dunstable Civic Associates owned land put conservation restriction on it and Conservation Commission holds that. DRLT wants to move forward to make the rules for each of their parcels...were going to use Civic Associates parcel as paradigm for the others .. Rich spoke with state who said can compile them all into one and can also make exceptions for certain parcels within it. Rich would be advising DRLT and also advising town but didn't imagine there would be any problem with representing both parties... according to rules as long as all parties understand the situation and there are no conflicts. Basically trying to streamline the process, make it more efficient to monitor parcels and move forward. Rich indicated he could see where CPA projects might be conceived that might involve some of this land. Town's position would be to make sure that this set of rules for conservation of what can and can't be done are observed. Rich advised it's conceivable that somewhere in the future there might be a project that would qualify for CPA funding but doesn't see any problem with that. Rich explained when you get a conservation restriction, or any restriction that's put on land, came limit somewhat the use of the property, are notoriously difficult to enforce, only last for 30 years unless someone with the control over the restrictions goes back and renews before end of term. There are some which go thru state for approval and once you've put it in place, have the approval of the state to put in place, in order to underdo, need voice vote of legislature – 2/3 of both House & Senate. (so called Article 97 which takes land that has been put into status – in order to take it out). Jim Tully asked what's the biggest benefit and to whom. Rich advised the fact that DRLT owns the land and wants constitutional protection on them. Land right now, as it sits now, could be rolled back out of DRLT

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and converted to build homes. Bob Kennedy advised that generally parcels are given to the trust with understanding they will be preserved. Discussion continued into any possible liabilities associated with not enforcing terms of the conservation restrictions. Rich advised any time you take on any responsibility there's a potential for liability...to the extent that the town was liable for not insuring that terms were enforced. Discussion continued on violations of covenants ... should there be something conveyed... Selectman Devlin is it almost like a contract .. somewhat of a contract when take on enforcement of restrictions. Common denominator is that will be common set of restrictions which will make it easier to administer although there may be a few that are unique to specific parcels. Basic question is whether town has a problem with Rich working with both DRLT & Conservation Commission. Rich would be doing the drafting the agreement, basically like language used in purchase & sale. Rich advised he'd be basically amending the DCA document, working with the state, who is also actively putting out brochures for guidance in this type of thing to bring everyone on the same page and that's why she's recommending amending the DCA restriction to bring it up to date. On the town's side contact will be with the Conservation Commission.. Rich will be billing DRLT not the town, town's position is more passive. Rich continued to explain the application process, details, etc.

Other part of discussion involves specific parcel which belongs to the estate of Olive McLoon, terms have been approved and accepted by the state. Rich reported on location, conditions, etc. He noted the fact that this creates another one lawyer, 2 . He reported she left in her will which was allowed by the court on the 28th of July, is exactly as if it deed. Leaves all her real estate to her son Ronald for his life, upon his death remainder goes to DRLT on the sole condition that DRLT accepts said real estate on the condition that it will be used exclusively for conservation purposes and under restriction that it be placed under conservation restriction and administered by her executor Darrell Gilmore. If they don't accept, in the will, names Town of Dunstable as 2nd in line. It's a question that upon Ron's death, there's no competition, either DRLT or the Town of Dunstable. #1 is when the acceptance would take place, in Rich's opinion, any time a future holder files in court their acceptance, they've done it. #2 option doesn't come into play unless DRLT steps aside. Any future interest holder is entitled to protect their interest, if becomes run down, etc., can step forward. Terms of the gift are the same, question is who's going to get it. Discussion continued on how best to proceed and items that might be taken into consideration... suffice it to say this isn't as simple as it looks; legal wiring is a little tricky. Reason he came in tonight is this is another case where he has 2 clients, this case ball is coming, one in front, other standing behind. ..but not competition; nothing the town can do about it unless DRLT decides to

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back out. Rich advised he knew about it. Selectman Leva didn't see any conflict as it's clear that DRLT is 1st in line whereas town is 2nd in line. Rich advised he thought that anyone who takes this on, once future owner steps in to the case; it's a responsibility that must be taken seriously. He indicated his 1st thought was town would think it was great because it was going to happen within the town and town didn't have to be involved. Rich advised that Chairman Alterisio suggested it might be a good idea for each party to get independent advise and he has recommended Judy Pickett who is willing to work with the town. Chairman Alterisio in the short term, near term, doesn't appear there's a lot involved but was concerned with in the long term, how it would be administered and maintained, decisions, appropriations for repairs, etc. Wants to be sure that moving forward, whoever has to deal with it, must be prepared to do so.

Jim Tully questioned upon the acceptance, does everything fall under the conservation restriction. Rich advised that this effectively doesn't affect Ron's use of the property. Mrs. McLoon has created a life tenant and normally remainder tenant has the ability to step forward and require certain action, while her will stipulates his rights. If serious questions come up, would not in any way be obvious how it will move forward. Jim biggest thing is DRLT & town would have to assume that Ron isn't going to put a lot of effort into maintenance but could sell his life interest. Chairman Alterisio questioned whether there's an indication as to whether this is attractive to DRLT. Rich advised that Town doesn't come into it at all unless DRLT steps aside. Role of Ms. Pickett would be to advise that town on just what it means... Rich advised there's plenty of room to roll around within this recipe, straightening things out and moving forward could require a lot of effort. Rich advised in general, if a public authority takes on a charitable trust, although this isn't exactly a charitable trust, and town later on finds it's something they can't handle, can't get out; once they've accepted it, they're responsible to follow terms. Chairman Alterisio made a very good point, if all of a sudden life tenant disappeared, what to do could be a very interesting question. Executor follows a limited role in this. Board felt it would be due diligence on their part to get in touch with Ms. Pickett.

Chairman Alterisio explained the approval of the pole petition tentative upon definitive progress with the Route 113 wall project. Discussion continued on the process, etc.

Chairman Alterisio distributed minutes from 7/25 meeting for the board's review and approval.

Selectman Leva asked Bob Kennedy relative to values of parcels held by the DRLT and inquired whether appraisals for parcels, etc. had been done,

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and would conservation restrictions limit the values. Bob provided background of a number of parcels and reasons for grants. Bob advised on some decisions that have been made in the past and how those decisions affected the town, noting we want to be careful on decisions made to create revenue for the town. Bob noted we do have problem with cell phone reception but do have radios. Chairman Alterisio indicated that one of the things that have to appreciate is that process will hopefully involve numerous individuals.

The board signed the Charter License Agreement as previously voted in their July 11th meeting.

Jim Tully asked what timeline was for budget. Jim Tully asked who owns the snack shack on the town field, the town or DYAA who built it on town property and Chairman Alterisio confirmed the town does regardless of who built it which would bring it under control of the Board of Selectmen.

Board reviewed requests from Town Clerk and determined consensus was it didn't seem to make sense to continue. Board has agreed with recommendation from Town Clerk for \$7.35 per hour.

Minutes of 7/25 approved as written. Monday, June 20th will be held for Selectman Devlin's markup; 7/11 and 6/27 approved as written.

The Board briefly discussed town engineer appointment, with Chairman Alterisio noting that we haven't had a groundswell of concerns with the re-appointment. Selectman Leva made motion to renew appoint Jeffrey Rider from Cuoco & Cormier for term to expire 6/30/12 and vote was taken with all in favor.

Board briefly discussed the progress with research into cell coverage and information provided by Steve Joncas re: Mixed Use District. Treasurer's warrants were reviewed and signed and the meeting adjourned at 9:10PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary