

Minutes: Selectmen's Meeting: Monday, September 9, 2013

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

Chairman Devlin called the meeting to order at 7:00PM with all members present. He advised the first item to be addressed was Ron Mikol with snapshot of progress Capital Projects Committee has made – would like to schedule joint meeting for the 19th with Capital Projects and Selectmen – one major item is the Water Commission with changes in direction and infrastructure needs – other issue front and center is the Fire Station – have looked at Fire, Police Highway Garage and capital has reached point where need a feasibility study done to determine how to proceed. From the advisory board side are some fiscal issues that aren't provided for within this year's budget – sander for Highway dump truck and replacement vehicle for the fire chief, lastly the issue of the Town Administrator. STM has to be scheduled in order to set the tax rate for Fiscal Year 2014.

Discussion then reflected on capital project – are starting to learn could fund Water from a federal 0% loan – if knew all the details of the water department – board advised that Water Commission Chairman has given the board multiple updates – Selectman Leva advised that last assessment gave a sketch as to what the infrastructure is in terms of pipe diameter fluctuation across the system as well as the reliability of the current system. To move forward need a complete assessment of the system and then a plan for moving forward, whether to maintain user population as is or to expand the system to service more users – need a plan in hand and not likely to be accomplished by October 15th. Selectman Leva would expect there would be some form of number brought forward to retain personnel to provide the position and plan. Selectman Leva advised, if chose to go to a fall town meeting would look to fund the study. Board would have hoped that the group would focus in on the items and not totally on the two emergencies but all across the board. Capital Project group has to go beyond that – not necessarily done in the next budget period but provide direction for the next five (5) years. Selectman Leva continued to give the position they should be following – what it is, why it's necessary and when we should plan to do it. Chairman Devlin noted that collectively have to agree to prioritize the items that need to be addressed and identify three or four major components the town needs. Selectman Leva noted that one of the things noted in the last report was that 6 Million gallons had been supplied within the past year...what would it take to replace that need. They've also had some discussion with Water Commission Chairman Karl Huber on options available. The board confirmed plan to schedule Capital

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Project Committee, Fincom and Board of Selectmen for 7:30 on the 16th. but Selectman Leva noted that the group shouldn't be looking to get it solved on Monday night.

Reverend Woodward stopped in to thank the Board for the use of the Town Hall building for their adult classes. He advised this might be his last year in the position and was very thankful for the assistance provided by Town personnel in making this arrangement work.

Jeff Rider provided an update on River Edge Estate and reflected on potential conflict of interest in the project as Cuoco & Cormier had been the engineer for the project for the developer. He noted that at the time the town determined it was everyone's benefit if he were to stay on for the project. Now that it has been revisited and is coming back before the town, brings up the potential for conflict of interest – project will be coming before the Planning Board and might want to look to having someone step in and replace. Jeff recommended Pat Flaherty as an individual who could represent the town on that project...another was a firm who did review on a project in Billerica where Cuoco & Cormier had done the design work for the developer. Selectman Leva advised the issue that we have is in regards of arrangements and how we pay it. Brett advised has to re-file – going back to ground zero – whoever we have in mind should come before the Selectmen – one project but need a hypothetical estimate as to the cost and where the funding might come from. Selectman Leva felt the developer needs to be aware that since they've decided to make change – funding has to come from somewhere. Planning Board members advised that there's funding within the application fees which should cover the engineering cost associated with the project. Selectman Leva would like to hear what is proposed before making a decision. Planning Board suggested rather than going thru discussion, once, twice or three times – shouldn't wait should – Joan suggested that the board sit in on Planning Board meeting next Monday – Board advised that they will be meeting with Capital Project Committee next Monday at 7:30 – Selectman Leva will sit in on the Planning Board meeting next week. The Board was visited by representatives of the River Edge Estates projects – once filing is made, Planning Board has a limited amount of days.

While here Jeff asked if anyone had any questions on the NPDES requirements and Selectman Leva noted the last time met, needed an outline of what the project requires; Jeff advised he has outline pretty much together but kind of put on back burner to see if the Town would get another waiver. Selectman Leva noted there are some grants the

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town is going to be looking at, and if Dunstable doesn't start to comply with some of these things, it won't qualify for grants.

Doug Deschenes approached the Board to continue conversation from the previous meeting – proposing reduction of subdivision from 12 lots to 10, clustering – advised will have more specific information in terms of the fill to be removed; have also discussed the fact that would do some sort of hydrological study as to impact on watershed but understands impact will be minimal. Gerry is kind of at a point where he needs to know soon which direction they're moving in. Lastly, supporting this project would also mean the removal of the material which would ultimately mean coming back to the Board of Selectmen for an earth removal permit.

Selectman Alterisio advised that the Board had formally written to the Planning Board based on presentation – in support of the 12 units – takes exception to the exit onto Hall Street as proposed, concurring with the Police & Fire Chiefs as to the detrimental effect of the exit onto Hall Street at the proposed location. Selectman Leva noted a major problem with the approach onto Hall Street at the proposed location as it would be the one used the most due to traffic directions. 2nd was the exit thru the Larter Field parking lot as 2nd egress. Last one, would in fact be the one that's demonstrated with the earth removal – but the way the bylaw is written, they can't do it – the Town would need to do it – taking out the gravel and using the funds to cover the cost of removing it. Joan referred to 2nd plan – 12 units with cluster configuration with open space she believed coming to the town, but the attorney advised he believed the open space can be either held by a homeowner's association, and land preservation group or the

The way that Mr. Deschenes read the bylaw for earth removal was for land used by the Town, not owned by the Town or the town removal – he felt could set up an agreement could be established with the town via a legally binding contract to establish its use by the town. Joan advised it says land in use by the town not for future use by the town – Mr. Deschenes advised his client gets the money from the earth removal but it's no windfall – he's reducing the development by two (2) lots – and is donating land to the town. Joan advised she kinda liked it herself at 1st but all this mess to create a level piece of ground when we have 40 acres on River Street that's already level and putting the townspeople to all this mess and inconvenience to add fields there – don't need a football field, basketball field, etc. here immediately. Selectman Leva advised he was more concerned with

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calculations and estimates of the quantity and value of the materials, etc. Mr. Deschenes' idea is need to have some indication of the board's indications – if going this way, need to proceed with more formal application and details. Alan indicated to second what's being said, hates to see boards waffle over how to look at things – the reason that language was written the way it is was to eliminate the issue of big gravel operations and their impact on the residents. Rather than have the developer in good faith spend good money in coming up with the yardage, etc. would rather see the town boards get together and advise the developer that it won't work – give him a clear direction to go for the other open space plan – with the land going to the town. He noted there are all kinds of flexible ways to work an open space plan. They provided conventional subdivision - no definitive decisions were made for any of the plans – either conventional, open space 12 lot or 10 lot open space with the recreational area proposal. Selectman Leva explained the issue with the access onto Hall Street, Brett noted he's not a big fan of dragging the gravel out of there – remembers the gravel removal wars of back then.

Selectman Leva advised plenty of water in the seven (7) wells to irrigate the new fields; indicated you may be able to come up with a way around the bylaw but the intent of the bylaw was specific and to be looking at a way around the zoning bylaw – Alan given the fact that we all want a cluster, have River Street with over 100 houses there already and another around the corner, may not be something we want to look at. At some time will need additional town recreational fields – Joan advised that we don't need to develop a sports center – need to develop a field at a time when needed with CPA funds. Selectman Leva advised he's really concerned with putting anything down on the pond. Joan would rather see the twelve (12) lots than. Mr. Deschenes noted that there were quite a few things that got them from plan b to this point. He advised that Selectman Leva advised this could keep discussion very short – the way he interprets it – can't go anywhere with the bylaw the way it's written. John Goldthwaite asked if so adamant about truck traffic, what are the townspeople going to say if the Town takes the land and hauls the gravel out - and noted the agreements for Larter Field and other operations. Alan repeated the intention of the provision within the bylaw was if the town needed material for a project, it would allow for that use, never intended for the purpose of selling the materials and conducting a gravel removal operation. Selectman Leva asked why we would want to go with any other plan – Joan indicated she liked the look of it too until she started thinking about it – when we have land in another location in perfect

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position for development. Discussion continued on the different options and particulars of the proposed projects and what is the best approach for the town at this point. All academic – if as Wally says, we can't do it – why don't we get a legal opinion as to whether it can be done – some people also suggested there are wells and springs that might be affected. Selectman Leva will ask Rich to take a look at the bylaw and come back to us with our options – if he doesn't see how it can work – then have to go back to the essence of why the bylaw was written as it was and whether to change it at this time. Selectman Leva continued to elaborate on the spirit of the bylaw and whether it's now time to make change needs to be looked at further. If this last plan doesn't work, Selectman Leva expressed concern if the open space was turned over to a landowner's association and the problems that could come forth down the road sometime. Joan Simmons advised that as she recalls zoning bylaws say for a development of this nature can have a cul-de-sac of no longer than 600' and the fact that would be discussing a development for longer cul-de-sac, emergency exits, etc. would expect open space be given to the town. The Board confirmed for Derek Bernard that a bylaw change requires town meeting vote. Chairman Devlin will check with Town Counsel as to the applicability of the bylaw.

The board addressed the request from Tax Collector for rescinding vote as Temporary Tax Collector and to move forward with motion to concur with Tax Collector Bonnie Ricardelli to appoint Danice N. Palumbo as Assistant Tax Collector and voted accordingly to rescind the previous vote and entered a new vote for Assistant Tax Collector per Tax Collector's request after secretary advised that arrangements have been made for required additional official bond as required by MGL.

The Board reviewed the Conservation Commission request for approval of expenditure from the Wetlands protection - Selectman Leva to concur with the Conservation Commission for transfer of \$1100 for expenditure per their request – 2nd and voted.

The Board referred to the MIIA Health Benefits Trust agreement and after discussion, agreed to endorse. Selectman Leva provided motion to approve minutes of 8/19 as written, 2nd and voted and Chairman Devlin signed as the board's representative.

The Road Commissioners stopped in to check whether a special town meeting was being scheduled and request an article be included for the sander for their new Highway truck.

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The Board voted to appoint Robert A. Busser to another five year term on the Recreation Commission – expiring June 30, 2018.

Chairman Devlin referenced the information from the Historical Commission relative to the Memorial area in front of the Town Hall, Mass Historical's findings and Historical Commission's request for considerations by the Memorial Committee when they look into a compromise between Veteran's group and others.

Selectman Leva noted a recent Triple E case in Tyngsboro and inquiries which will be forwarded to the Board of Health. Selectman Leva provided motion to concur with vote of the Zoning Board of Appeals and appoint Gerald Mead as member of the ZBA and Ruth Lowder as an Associate Member for 3 year term. Board approved.

Selectman Leva indicated he was somewhat concerned with the meeting next week and felt it doesn't make sense to go rushing to the rail with a quick plan to move forward without establishing basis for a correct decision – rather expend on a workable plan.

The Board voted to appoint Mary Donovan Moeller and T. Brian O'Donnell to Council on Aging, William B. Moeller to the Conservation Commission, Christopher M. DeTurk and Robert E. Kennedy as Fence Viewers and Field Drivers, Catherine O. Irzyk, Timothy P. Joyce and Anne L. Davis to the Historical Commission, Susan M. Chaney and Joan M. Simmons to the Agricultural Commission and Joseph P. Dean to the Community Preservation Committee.

The Board also voted to designate Kenneth J. Leva as the Selectman's delegate on the Community Preservation Committee.

Treasurer's warrants were reviewed and signed, and meeting adjourned at 8:50PM after appropriate motion by Selectman Leva, 2nd and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary