

Minutes: Selectmen's Meeting: Tuesday, March 18, 2014

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

Chairman Devlin called the meeting to order at 7:00PM with all members present. Selectman Alterisio reported on meeting with Advisory Board last night – looking at certified budget of the school committee – as understood the certified numbers at debt assessment \$416K operating \$4642.7M totaling \$5058.7M– increase of \$988.9K an increase of 11%. A 2½% increase would be \$114K. New money over and above 2½ is 385,900 over and above the 2 ½% allowed by MGL. Basically discussed and noted went to the point where no matter what we're able to do on the municipal side could probably not come up with all that money. Generally agreed by the Advisory Board 1st step would be for BOS to respond to the certification – Selectman Alterisio provided motion to disapprove the certified budget submitted by the school committee. Discussion continued on the process and how it must be handled – going to have to be some discussion – basically it's been agreed that Dunstable wouldn't be able to come up with funding to that level. Once disapproved, must get into discussion with school committee, look at numbers available and what we can fund. This gives the opportunity for the Advisory Board to hone in on some of the things they can do – looking at trying to get some level funding on the municipal side and then take a look at free cash available. New information has also come in from the state re Chapter 70 money but School committee hasn't had time to look at closely yet. This will give the school committee opportunity to look at Chapter 70 funding more closely and where they are. It appears with resources available at the Groton level, Mr. Haddad has put together a program where they will not necessarily have to pursue a 2 ½ override for Groton. Selectman Alterisio noted that Groton has resources that Dunstable does not – looking at debt for the Fire Station, can rearrange. Selectman Leva advised he has some concerns with how Dunstable will come up with numbers – Selectman Alterisio advised going to be a process of dwindling down and we knew that there are some amounts that could be looked at for funding, accepted budgets as submitted and are now looking for some direction in budget as a whole as to what can be done. Most budgets have been submitted to advisory; now need to look closely but anticipation that Dunstable might come to a point where 2 ½ override won't be needed isn't realistic. Voters need to understand that there are items on the municipal side that will need to be deferred to meet the expenditures and others that can't be realistically deferred without great risk. Also important to understand that whatever override we're looking at – appears to be support at BOS level and also appears general support from Advisory Board. In dialogue with school committee, need to understand that Dunstable is working diligently to come down to a number – won't be easy – will be a struggle and some amount on the municipal side will get hurt. Vote taken on motion to disapprove, voted with all in favor. Have done once before, want to make sure language is appropriate. Board will look forward to additional discussion with the school committee; in discussion with Jim Frey – he'll be coming into the Selectmen's meeting next Monday to review positions and approach to be taken. GDRSD can modify their vote to reduce but whether or not it can be modified enough to make things work is yet to be seen. Can modify it down and resubmit and then we proceed from there.

Discussion continued on the conversations of the approach to be taken on all sides – appears that are looking for somewhat extended approach for the future – problem is that the only one that feels they're left holding the bag, is GDRSD. Will continue to work together to address items as they come up – want to reassure the school committee that if they were able to give on this plan, know that can be altered when

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necessary. Selectman Alterisio advised he doesn't think the school system is going to be as impacted as are presently anticipating.

Minutes of 3/3 and 3/10: Selectman Leva offered motion to accept minutes of 3/10 – approved with Selectman Leva and Selectman Alterisio in favor and Selectman Alterisio to accept minutes of 3/3 with Chairman Devlin & Selectman Alterisio in favor as they'd both been present.

Selectman Alterisio reported on attendance at the Road Commissioner's meeting relative to culvert on 113 – very well attended and a walk thru scheduled for April 6th at noontime. Selectman Alterisio noted he's interested in following an agenda that addresses the road that's being undermined and in danger of failing at some point – it's a safety issue and want to insure safe passage over that roadway. Other issue is that there's some concern for going beyond addressing the culvert – BORC will go ahead and put together preferred method to address that section of roadway including assistance provided through the state – stone wall damage by the Cemetery, etc. Once get a handle on what the state can do, the town can look at it and see what they can muster to address the issues – costs, etc. and savings in piggybacking on state process. Jeff's understanding was that before go laying out all sorts of money and land – need to understand their prospective and how to best address. Chairman Devlin advised that state is getting rigid on what they're willing to do – need to look at closely and move forward.

Town Counsel joined the meeting and before addressing board's specific agenda items advised Road Commissioners Mike Martin and Dana Kinne on the takings, etc. for the bridge project on North Main Street, noting it may come to the point where we'll need to appropriate some money to get the appraisals, etc. done for the takings. Rich will be in contact with the owners to see if it's still good. Mike presented easement information to Town Counsel for the easements, etc. If get deeds, will have an article in the warrant in May to ratify the deed and will need to appropriate the funding for easements, etc. in order to move forward. Mike advised that plan to go out to bid next month, can't wait for May for funding. Selectman Alterisio asked the same question as Mike had, could this proceed forward with signatures, etc. and approve without necessary taking. Rich advised that DOT indicates they will not advertise without the party's cooperation.

Mike advertised he'd talked with most of them – appears majority are on board – discussion continued on the particulars involved with the takings for the road project. Selectman Alterisio – drop dead date to get into time frame where it could happen is need to be agreements within the next two weeks in order to go to bid in April. Rich borrowed drawing from Commissioner Martin and will return. Mike advised the way Shriver explained doesn't go anywhere on the bids without agreements in place.

Selectman Alterisio 1st item wants to look at is to see if can resurrect the Town Treasurer and Tax Collector vote – how to move forward to change to an appointed position. Bonnie is on the ballot for this May, even if were to proceed, no intent of making any changes in the individual who is in place, even if were to move forward, Rich – can do it the same way, can adapt when it's effective in the motion to take effect immediately. No prohibition in bringing back to the vote. Selectman Alterisio is there any advantage in keeping them separate. The group discussed the recommendations made by Division of Local Services, and Rich felt it made sense to combine the positions. Selectman Alterisio noted passed at Town Meeting, but question on the ballot along with Bonnie being on the ballot for the positions. Rich

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indicated he would let Bonnie run again and anticipate that would take on appointed position when the current term expires. Selectman Alterisio advised the only kink he could see in the armor is if Bonnie for some reason was unable to complete her term, would the Selectmen then have the ability to make it appointed position from that point on. Discussion continued on the statute and process to take to the legislature for approval – Selectman Alterisio's read on the legislature is that if they're involved in it, if look at the vote might not support. Rich advised in his experience with dealing with the legislature, it's pretty much the luck of the draw. It's incumbent upon the Selectmen to understand, it's not readily obvious to the voters as it is to the town officials and the state, why it's advantageous.

Next issue of the interpretations of the responsibilities of the Advisory Board – concern is Selectman Alterisio's contention on the responsibility of elected officials and Advisory should come from the call as to how it financially affects the town and Selectman Alterisio feels there are a number of issues where the vote doesn't have financial implications. Rich referred to the flyer he had secretary put together so the board could understand the statute relative to Advisory Committee responsibilities – their mandate is to consider all articles which might – page 2 was actually enacted in 1952 and changed from appointed to elected in 1962. Rich continued to explain the proper procedure and adjustment mishandled in 1962 changing to elected. As a result of research into the language, in 2013, upon Advisory Board's request and as recommended in the financial management review, Rich prepared appropriate

Selectman Alterisio addressed the issue of the Town Manager position that wasn't included in the budget although approved, corrected at a Special; Selectman Alterisio's interpretation is that the Advisory Board should be doing the homework to determine the financial implications and go back to the sponsor and work with the sponsor to come up with a plan to make it happen; not basically to say that they disagree with the expenditure – it's the call of the proposing elected official – Advisory should support the needs of the town sponsored by officials responsible. Advisory should only be disagreeing with which options are brought to the people. Selectman Alterisio's idea is for Advisory to be more proactive in terms of how can make things happen from a financial standpoint while insuring the authority sponsoring is prepared to support the basis, need, etc. Selectman Alterisio reflected back on the Town Manager position and lack of support from Fincom as they hadn't seen a job description, Selectman Alterisio's position is that's not their responsibility. If there's something out of whack need to have a strategy to proceed and work together to move forward, much the same, if Highway Department needs a piece of equipment and funding efforts fail, it's the Road Commission's responsibility to move forward with responsibilities. If idea is good, and not probably in the best financial interest of the town at particular point, should the elected authority be allowed to proceed with a vote of the people.

Discussion continued with Rich attempting to explain: if the Police Chief were to say he needs another officer, and Fincom says they won't support that's one thing, but if can't afford to that's another that's a responsible approach. Rich cautioned whether appointed or elected, they have a mandate from the state – how can you have a bylaw, this one in terms of telling them what they do, isn't much more than repeating the state regulations for the position. Possible to concede of a whole range of the Advisory Board and how they approach their job from initiative where evaluates everything in how it affects the town financially to being able to use their level to evaluate all policy in the town and get up and convince the town to support

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their position. If wanted to narrow them down on how to approach – Selectman Alterisio's interpretation was in the best interest of supporting the elected official (interpretation of the sentence by bylaw provide for the election or appointment and duty for appropriation as it relates to financial matters) whereas Rich indicated it was not restrictive to financial matters. Rich agreed with Selectman Alterisio and understood what he was saying, but telling the Board that this state law says they must consider any or all municipal questions and could be said that any question that involves a municipality can be considered by the Advisory Board. At the same time it is appropriate to tell any board their piece of the action in a matter – like when Town Hall was renovated – Planning Board may have had some ideas relative to colors, rooms, etc. – all are entitled to their say and convey opinions. But it isn't necessarily a board's place to determine what should and shouldn't be appropriated. Selectman Alterisio related that his problem was that Fincom shouldn't have gone on the floor and spoken against a position taken by another board – withheld their blessing. Rich advised if rewrote the bylaw to solve the problem, would have made it unlawful for them to present their opinion. Discussion continued with Selectman Alterisio elaborating on concerns relative to the homework necessary for any presentation and how interference can impact the hard work of another board – separation of powers and discipline. The Board continued to discuss the difference of opinions and how to best address in the future – Rich advised the bylaw clarifies the statute, isn't going around in another direction. Selectman Leva advised he'd like to schedule a discussion with the Advisory Board and Town Counsel so that can move forward in a joint effort – all boards need to have a general understanding of what's going on. Many boards that have continuity of membership, have advantage of experience to fall back on.

Selectman Alterisio referenced sentence in section 4 of the revised bylaw – nothing in this section shall prevent or prohibit the validity of an article, etc. Rich advised that he'd put that in so as to avoid invalidating an effort because of a minor deficiency or oversight. Selectman Alterisio noted that he's been here for a couple of terms, and have never had an issue with the Advisory Board as in this case – all of a sudden have a problem, hoping that it can basically be turned back. Selectman Alterisio reported that BOS had attempted to work it out and Town Counsel received letter from Advisory on their position. Town boards need to either work it out or bring the rules more in concert with the Advisory Board's responsibility as financial counsel who is ready to do the homework to proceed with moving forward to make initiatives move forward for the community. Selectman Alterisio felt amendment could provide clarity on the responsibility with focus on the financial status for the town. Selectman Leva would like to move forward and try to work with Fincom for a better understanding. He feels that can work this out and move forward for the better interest of the town. Discussion continued on how board's should exercise their responsibilities for the town's best interest with Rich explaining the bylaw and its purpose – question comes down to what are they reporting or recommending and whether they're going outside the boundaries of the office they're serving. Rich indicated the only thing he thinks could be done is to put more wording in the bylaw and that often makes things more complicated.

The Board noted the initial draft for the ATM warrant has been prepared – official deadline per the town's meetings bylaw is Friday, March 21st. Selectman Alterisio referenced correspondence between Town Clerk and Dog Officer and need to follow up; also noted letter from Police chief relative to the funding requirement for coverage per MGL Chapter 33 section 39 and funding requirements.

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The board noted need to revisit Fire and Police budget to bring down to a level that can be supported.

The board approved the use of town common for Dunstable Summer Concerts and the banner request as to its language, noting the Road Commissioner Dana Kinne has approved for BORC; the board also reviewed and signed the Common Victualler's license for Goss Farm noting pleasure that it will be opening this summer.

Selectman Leva provided motion to approve the release of the Chapter 61 - 2nd by Chairman Devlin and voted with all in favor.

Treasurer's warrants were reviewed and signed, and meeting adjourned at 8:40PM after appropriate motion by Selectman Leva, 2nd and vote.

Respectfully submitted,



Danice N. Palumbo,
Board Secretary

