

**Town of *Dunstable* Selectboard
Meeting Minutes
September 23, 2014
Town Hall, Dunstable, MA 01827**

Convened: 6:59 pm

Present: Walter F. Alterisio, Chair, Kenneth J. Leva, member; Madonna McKenzie, Town Administrator; James Downes, Police Chief; Susan Psaledakis, Chair of the Community Preservation Committee; Richard Larkin, Town Counsel; Judith Larter

Selectboard Reviewed & Signed the Following:

- Payroll & Vendor Warrants
- Signed Conservation Restriction Paperwork
- Signed Legal Papers Concerning the Settlement of the McLoon case

Open Forum

The meeting was opened by Mr. Alterisio, and Mr. Leva announced that Mr. Devlin would not be in attendance due to family obligations. No further concerns or considerations were brought forward, and in the interest of time the Board moved forward with the agenda.

Town Wide Yard Sale

A group, principally lead by Betty Gerossie, requested use of the Town Common and Gazebo for a town wide yard sale event. The event is intended to help raise money and awareness of the Tennessee Pipeline. Quit a few tables have already been sold. The event is to be held on Oct. 18th and is open to anyone. An application has been submitted to the Board with the time frame to be set for 9 am to 1 pm. The Board asked Madonna McKenzie, the Town Administrator, if there were any fees involved with use of the Common, indicating if so that they should be waived. Ms. McKenzie noted that there were no fees for using the Common or Gazebo for such an event. The Board thereafter approve the application on the conditions that Ms. Gerossie speak with the Police and Fire Departments since both would potentially need to coordinate public safety at the event and that the Common be found in the same condition after the event as it was be before. Further, the Board instructed the Administrative Assistant to contact the Recreation Department and the Swallow Union Public School to advise them of the time and date of the event. A motion was made by Mr. Leva to approve allowing the town common to be used for the town wide yard sale, the motion was seconded by Mr. Alterisio and carried unanimously.

Officer Continuing Education Question

The Board determined it needed to choose a member to be the representative in the process. The Board will move forward with the Union and Police Chief to determine if the school chosen by the officer is allowable under relevant law and town policy. Mr. Alterisio made a motion to appoint Mr. Leva, which was seconded by Mr. Leva and passed unanimously.

Dog Officer Application

Ms. McKenzie brought to the attention of the Board an application which was submitted to the town by a candidate who had heard of the towns need by word of mouth. The Board expressed interest, but with some reservations. There was discussion of the candidate's credentials, and the Board requested the administration look into them further. The Board was pleased that the candidate appears to be from the region, and might as a result be known by the citizenry they would serve. Ms. McKenzie suggested the Board consider if they do choose to hire this candidate, hiring them on a temporary basis, for say a 3

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month trial period, and see if they work out and if they can obtain the proper accreditations. The Board responded positively to Ms. McKenzie's recommendation and noted the pressing need for several kennels in town that require inspection.

Mr. Alterisio outlined a mutual agreement between Dunstable and Pepperell which was reached to help solve the kennel issue. As such, the Pepperell Dog Officer may be able and willing to help with the kennel issue so that it isn't pressing as the town searches for a new Dog Officer. Finally, the Boards attention was brought to the issue of some incidents which occurred since the last meeting. It has been reported there was an animal bite over the weekend as well as a report to the administration of a sick wild animal that kept appearing at a local citizen's home. The Board expressed significant confidence in the abilities of the current town Animal Inspector, Michael Palumbo. However, the situation over the weekend highlighted to the Board that the vacancy should be filled with all due hast.

Conservation Restriction

Ms. Larter appears before the Board to certify a conservation restriction. It affects only her particular residence which has 200 foot frontage on Main Street. The property includes a driveway, house, and barn. The land the driveway, house and barn are situated on will be bordered by a field in the front and surrounding land that will be restricted. The land left unrestricted will be approximately 5 acres and the land restricted will be 53 acres. The Board inquired about how the land could be used under the restriction. Ms. Larter replied that it could be used for a variety of agricultural uses. Ultimately, she said, the restriction will help preserve the property as it is now. Mr. Larkin, Town Counsel, explained that the restriction rights are held, and as such, the party holding them gets to enforce their rights. In this case, the Dunstable Civic Trust will hold the restriction rights.

When this is kind of restriction is put in place the relevant law requires that the Selectboard of the town must approve it (Chapter 184, section 32.). If there is a violation, the trust does not have to seek the approval of the Board for action, it is essentially a private matter for enforcement the instrument itself will have a mechanism for enforcement. Mr. Larkin noted that the ultimate say falls with the Commonwealth to approve the final draft of the restriction. Mr. Leva made a motion to support the restriction as permitted under all relevant law and authority with the additional provision that should the trust fail to take, that another conservation trust entity be designated to take. The motion was seconded by Mr. Alterisio and passed unanimously without further discussion. The Board than proceeded to sign, and Mr. Larkin certified in his capacity as a Notary Public as required by the instrument.

Date for Special Permit Hearing

The by-law requires a proper subdivision be approved by the planning board, which has been attained. Copies of the application have been sent to Conservation, Board of Health, and Building Inspector, as well as Roads, Police, and Fire, who have been included for commentary. The boards and individuals must return their comments by the 22nd. The Board notes that nothing says the applicant upon approval, must proceed immediately. They can wait till a better building period if they prefer. Ms. McKenzie recommends setting the date as the 29th. The applicant's attorney spoke to the Board and asked for expedited proceedings. He noted that his client is not mining material, only moving what is required for the subdivisions road way. The Board feels that Oct. 29th is the best date, despite the applicant's desire for a more expeditious date. A motion was made by Mr. Leva to fix the date of the special hearing to Oct. 29, 2014. It was seconded by Mr. Alterisio and passed unanimously.

McLoon Farm issue

This discussion concerns an ongoing legal fight between the holder of a Life Estate, Ronald McLoon, and the remainderman designated in his mother's will. The remainderman is designated as the Dunstable Rural Land Trust, an entity that has steadily sought to protect the property since Mrs. McLoon's passage.

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A result of Mr. McLoon's legal attempts to invalidate his mother's will have led to a settlement. Part of the property is to be carved out as part of a legal settlement. Mr. McLoon will receive approximately seven to eight acres in fee simple, and the rest of the property he will possess as a life estate. Ultimately the Dunstable Rural Land Trust will own the property to be held in life estate. The Town of Dunstable is only involved as alternate remainderman, being so named by Mrs. McLoon's will. As such, the Board must also assent to the settlement reached by the land trust and Mr. McLoon. Mr. Larkin advises the Board that there remains a possibility that the settlement might be rejected by the Court for Dunstable not being named a party from the onset as it likely should have been. Nevertheless, the Board signed documentation which authorizes Mr. Larkin to sign on behalf of the Town and to attempt to settle this matter as far as the town concerns. The Motion is made by Mr. Leva, and seconded by Mr. Alterisio, confirmed unanimously.

Consultant's / Administrator's Report

Ms. McKenzie started by informing the Board that there wasn't much to report on equipment updates but some progress has been made on the grants she's been working on. So far she has secured some commitments and is in the process of submitting additional forms. Ms. McKenzie followed by reporting that she believes that the town will receive about \$20,000 in grants over the course of the year. She assured the Board that she is continuing to work on various projects, and asked to that end that the Board consider approving the installation of a phone wire into her office. On that note, she informed the Board that she would like to take a look at the phone system in the Town Hall, and possibly update it from the current system which is dated and was originally given to the town second hand. Ms. McKenzie finished her report by discussing with the Board her intention to start combining all of the poles bills into one, but assured that she is not yet ready to do so with the various departments and town buildings at this stage.

Appointments

Lisa O'Connell submitted her resignation to the Board. The Board resolved to work with the Zoning Board and ZBA itself to determine an appropriate decision for the vacancy.

There was also discussion about a meeting concerning Greater Lowell High School. As part of the regional district, there is a municipal representative that deals with contract negotiations. On Sept. 15th, a letter was sent by the Superintendent, on the 16th, Mr. Alterisio meet with the Chair of Tyngsboro, and was decided that Dunstable would be the municipal representative. Mr. Alterisio represented Dunstable and as municipal representative. Moving forward there are other contracts that will need to be assented to. Mr. Alterisio suggested finding a citizen to fill the position, since the Board may appoint a designee. For the time being, Mr. Alterisio is the designee. Mr. Leva expresses that he may have a candidate in mind.

Wes Goss is appointed to the Capital Planning Committee Term Expires: June 30th 2015
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

David Winkowski is appointed to the Capital Planning Committee Term Expires: June 30th 2015
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

Evgeniy Esjunin is appointed to the Capital Planning Committee Term Expires: June 30th 2015
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

NMCOG Annual Meeting

The NMCOG event is being held at the Four Oaks Club in Dracut on the 15th. Mr. Leva expressed interest in attending, but the Board did not determine whether that would occur given the proximity of other import events including the public holiday (Columbus Day) and the Boards desire to hold a brief meeting before the Special Town Meeting which will occur on Oct. 20th. With the previous Selectboard meeting

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being the 8th and the next one scheduled for the 22nd, that week may be the only time frame. Mr. Alterisio suggested conducting this brief meeting before the Special Town Meeting on the 16th which he noted was also the Town's birthday, that way it avoids the NMCOG meeting.

Warrant

Ms. McKenzie brought the warrant for the Special Town Meeting to Board's attention. She explained that the articles concern unpaid bills, some house cleaning for the town clerk, some tuition funds for an individual under school choice to be in Essex Regional School as well as the related transportation cost, construction of a salt shed, repair of an issue concerning a brook that runs below Main Street and is compromising a section of the road, as well as the demolition of 160 Pleasant Street. The Board discussed some of the articles at greater length such as:

➤ *School*

The Board will be meeting with the school to understand its priorities, its budget, and so forth. Mr. Alterisio expresses that this presents an issue for the town's budget, given that the school would likely want 2 percent. The Board may be able to transfer some funds from some other accounts to help.

➤ *Police Cruiser*

The Board considered the issue of leasing a new cruiser which is a proposed article in the warrant. The Board expressed concern that the town might not be ready for this at the Special Town Meeting and suggested possibly returning to the cruiser issue for the budget meetings in the Spring. Chief Downes reported that there are four marked cruisers, and projected that they will have high mileage on all of them in the near future. He noted that waiting on this issue will cause a bit of a hole, and notes that repairs for the last year, were close to \$11,000 and that he expects the repairs to increase this year. He's already up to about \$2,600 now.

➤ *Alarm System for Town Buildings*

Currently, the Board notes, the Alarm system that is physically at the fire station right now needs to be upgraded, and the alarm at the town halls also needs to be improved. The Board also determined, given the equipment stored there that the highway building could use an alarm as well. Concerning the system to be designed and implemented for the library and town hall a personal alert system will be included, this is for individuals who may due to their duties be required to work alone.

➤ *Sidewalk and Pathway*

The Pathway Committee has proposed a safe passage between the center of town to the public library. There are some restrictions concerning the existing CPA funding the committee has secured, which limit the town's options. The requirements of the CPA funding include an engineering design or drawing that must be completed. The result is that some monies will need to be appropriated since the rules of the CPA bar the funds from being used to build sidewalk that some parts of this might need to be a sidewalk. The Board has noted that the safety of the community and specifically children are at core of this issue. The proposed pathway will provide a safe passage for the community and for children to pass from the school to the library.

➤ *MS4*

The Board determined that the Town will need to pay a consultant to help the town comply with the MS4 requirements. This article concerns a compliance issue as opposed to a "this is nice to have." The Board

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concluded that there are some monies that can be transferred from some projects that are either lower priorities or have come under original budgets to help pay for this.

➤ *Zoning By-Law Issue*

The related article concerns in-law apartments, which are specifically allowed and what the layout can be. Moving forward, the town is up against a 10 percent of its housing “stock” as affordable housing. The goal is to make it easier for people to create and subdivide within a single family home a rental unit. The Board noted that this does not necessarily mean that it would fall into the category of affordable housing.

➤ *Amount of Acreage for having multiple dwellings*

The easiest would be to categorize something; the requirement is that it cannot be less than 50 acres. In the opinion of the affordable housing committee, that the recommendation that 5 acres be allowed? The Planning Board has recommended passage of this article.

➤ *Nonbinding Resolution for Pipeline*

This article would deal with the pipeline and the issues concerning the pipeline. This resolution comes from the Conservation Commission. Mr. Leva requests that the Administrative Assistant research how to put a PDF file version of the map from NMCOG concerning the pipeline on the town website to help better inform the public in the run up to the Special Town Meeting. Finally, the Board concluded that it needed to be proactive to the process (the town), and give definitive reasons for why this pipeline just doesn't make any sense.

Mr. Alterisio moved to close the warrant, inclusive of everything that is there, seconded by Mr. Leva. The motion passed unanimously.

Old Business

A community program that involves scavenger hunting and hidden historic gems is to be launched. The event will be May 16th and 17th. This is a free public program to promote a treasure for each community. The Board has asked the Administrative Assistant to lead this matter and suggested working with members of the Historic Committee and Conservation Commission.

Motion to Adjourned by Mr. Leva, seconded by Mr. Alterisio, passed unanimously 8:55pm

Respectfully submitted by



Jakob K. Hamm
Admin. Assistant to the Selectboard & Town Administrator

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