

**Town of *Dunstable* Selectboard
Meeting Minutes
February 25, 2015
Town Hall, Dunstable, MA 01827**

Convened: 7:03 pm

Present: Walter F. Alterisio, Chair, Kenneth J. Leva, Daniel F. Devlin members; Madonna McKenzie, Town Administrator; Brian Rich, Fire Chief; Eric Hoar, Police Officer; Cheryl Mann, Secretary for Planning, Conservation, and Water; Bryan Conant, Chair, Robert Gamache, Mark Cullen, Water Commission

Selectboard Reviewed & Signed the Following:

- Payroll & Vendor Warrants
- Homeland Security/Camera Agreement

Open Forum

Mr. Alterisio explained the forum, its purpose, and asked whether there were any questions or members of the public expressing interest. He explained the agenda, and the thrust of the meeting for this evening including how the Water Commission would be joining the Board for its meeting, as well as a report on the monuments within the town.

Animal Control Officer

Ms. McKenzie started off by explaining to the Board her search for candidates to fill the vacant Animal Control Officer position, a search that included speaking with many various interested parties and other Animal Control Officers in the region as well as multiple interviews. She finished by introducing John Greenhalgh. Mr. Greenhalgh was recommended by Meg Mizzoni the Animal Control Officer for Westford. Mr. Greenhalgh has previously served in a similar capacity in Groton in years passed and discussed the new requirements mandated by MGL with Ms. Mizzoni. Thanks to Ms. Mizzoni, Mr. Greenhalgh has the contact information and has already registered with the Animal Control Officers Association of Massachusetts for their professional training and certification.

Ms. McKenzie also took a moment to briefly discuss with the Board the needed changes to the current Dog By-Law. The by-law needs to be updated to reflect current MGL, and the needs of the community. The Town Clerk has also encountered difficulties with the current structure of the by-law and updating this by-law should be on the Boards radar. She also noted that the stipend currently paid out really should be changed to a salary. The Board expressed a consensus that it needs to come to a better understanding of the expenses and responsibilities that go with this position including the matter of kennel boarding and transportation costs. Transportation in particular, the Board highlighted, is important since this Animal Control Officer will be using his own vehicle.

Appointments & Resignations

Ms. McKenzie reported to the Board two resignations that have been received by the Town Clerks Office. The first being Eugene Esjunin appointed to the Capital Planning Committee, and the second being Dana Kinne who served on the Roads Commission. Ms. McKenzie informed the Board that she had a replacement for the Mr. Esjunin. This person, a new resident in town, has experience volunteering and working in other towns that made him a good fit for Capital Planning.

From that good news the Board returned to the issue of Mr. Kinne's resignation. Ms. McKenzie informed the Board that since the Roads Commission was down to two members it would need someone appointed to fill Mr. Kinne's position until the election in May. The Board agreed that it would be best to consult with the Roads Commission about any possible candidates for interim commissioner.

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John Greenhalgh is appointed as the Animal Control Officer Term Expires: June 30th 2015
Motion by Mr. Devlin, seconded by Mr. Leva, passed unanimously

Anthony Lively appointed to the Capital Planning Committee Term Expires: June 30th 2015
Motion by Mr. Devlin, seconded by Mr. Leva, passed unanimously

Water Commission

The Board welcomed the Water Commission and asked how they could be of assistance. The Chair of the Commission, Mr. Conant, explained the situation of the water infrastructure in town and the need for water storage tank and pump station. The Commission has determined that the MUD district would be the best location for such facilities. According to the Commission, the MUD district is controlled by the Board at this point. Discussion then turned to the existing system and how the current tanks being used are over 50 years old and are in need of replacement. The tanks have a great deal of corrosion, which has led to leaks that have proven difficult to patch. The current strain on the system from the town and the Swallow Union School means that losing use of the water system would not only be expensive, but pose public health issues as well. The Commission reiterated that the town has been at risk for some time.

The proposed replacement tank would be 42 ft. by 21 ft. and partially buried. Its depth would be approximately 42 ft. and its height would be approximately 21 ft. The proposed location would be the Mixed Use District (MUD) in a place near the boundary line. The Board inquired as to whether this location would affect other future plans for that district. The Commission felt that the chosen location would not adversely affect any future plans and noted the location would be close to an existing access road. From that point the Board asked the Commission if there were any other locations in town better suited for this project or if the placement was due to the fact that the town owns this property. The Commission answered that when considering infrastructure needs, the possible locations in town are narrowed down considerably and the MUD location comes out ahead.

The Board noted that the MUD has had difficulty attracting interest because it lacks infrastructure. The Commission responded that the existing water system in Dunstable doesn't make sense in its current form, and that it needs to have water mains replaced and improvements to make distribution better. They highlighted concerns about flow for fire hydrants and how in its current condition, the existing system cannot support the needs of firetrucks. The Commission used the Swallow Union Schools fire system as an example, noting that it does not fully work due to this very issue. From that point, the board returned discussion to the issue of development of the MUD. Discussing how the plan for development calls for 44 units of affordable housing to cover the town's 40B requirements under MGL and would also allow for a 5,000 square foot retail opportunity.

The Commission responded that the tank would not adversely affect this plan, noting that this is just a storage tank and pump that would eventually be hidden from any MUD development by landscaping. From there Ms. McKenzie brought up the issue of what kind of roadway question this project would create. The Commission responded that the pipe would go underground and they would, where able, use the opportunity of road work to replace pipe. The Board brought up the question of whether the installation of septic(s) for the MUD would pose any problem for this tank and pump. The Commission said that a septic would not be able to contaminate the water in the storage tank and noted that there would be no well for the water system installed in the MUD as part of this project.

The Board then noted that the Dunstable General Store paid for a 12 inch water main to be installed near the Post Office a number of years ago, but that otherwise the piping in that area appears to be about 4 inches. Would, the Board asked, this fact render the MUD undevelopable for affordable housing? The Commission said that adding the storage tank and pump along with upgrading piping in that area would add value to the MUD and address concerns like these. The Commission noted that the foot print for this project would be small, saying that while the plan calls for one acre, the actual land usage would be less.

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The Board moved on to the question of how deep the pipe would be buried noting that the old pipe has been reported to have issues because it is not buried deep enough. The Commission responded that this would be an opportunity to address that issue. The Commission also said that upgrading the system now would take future plans into consideration (such as the MUD) and that the tank and pump would not cause any blight or unnecessary noise. The Commission elaborated that with this project future plans could include expansion of the existing system, and that little would have to change except swapping out the pump for a more powerful one. The Board followed up by asking if a water tower would be necessary in the near future. The Commission indicated that a water tower would not be.

The Board then turned to the question of funding. The Commission responded that they've spoken to the Advisory Board (Finance Committee) and that the Advisory Board currently feels that bonds would be the best way to move forward. Currently, Dunstable is looking to have less debt in the next few years and the prospects for raising funds for such projects looks good. Ms. McKenzie noted that most bonds would carry a 30 year term, but a Federal bond would have a 40 year term. Chief Rich reminded the Board that by improving the system, in light of the current issue for fire, the insurance rates for the entire town would likely go down. This would, he said, be an improvement for the whole town because of the impact it would have on the ability of the infrastructure to support fire apparatus's.

Finally, the Board sought clarification of whether they have sufficient control and authority over the MUD to allow for this project to go forward. Ms. McKenzie indicated that in her professional opinion they do have that authority, but assured the Board that she would double check. Ms. McKenzie then inquired with the Commission over their time frame for this project. The Commission responded that they would like to put this in front of the public at the Annual Town Meeting this May so that they could attempt to tie all of this in timing wise with the Main Street Road Project. From this point, the Board felt confident that it could make a decision.

Mr. Leva made a motion to concur with the Water Commission's proposal concerning the installation of a water storage tank and pump station. The motion was seconded by Mr. Devlin and passed unanimously.

Memorials

After reading and considering the report originally submitted in December, the Board turned to discussing implementation of the Memorial Committee's recommendations. The first action recommended by the Memorial Committee was to move the memorial benches around the gazebo on the town common. This task was one that the Memorial Committee felt should be a high priority in part because it would be one of the easier undertakings in some regards, and in part because of the summer concerts. The Board discussed some of the logistics of moving the benches as well as the necessity of the move. From that point the Board's discussion centered on what recommendations made by the Memorial Committee could be implemented with ease and immediacy.

Another concept the Board discussed revolved around the idea of asking the Parks Commission to step forward and add care and maintenance of the memorials in town to their responsibility. A step suggested by the Memorial Committee. To that end the Board agreed that it would need to speak with the Parks Commission and possibly the Recreation Commission. Noting that these commissions are elected bodies, Ms. McKenzie suggested the Board put in place a time frame for this to be done and to set up a joint meeting. The Board concurred that a time frame ought to be adopted as to who and when responsibility would be accepted for care and maintenance of monuments and memorials in town. Ms. McKenzie suggested that the Board consider how soon the work should be started and what the scope should be.

The Board finished discussion on this topic by considering the question of funding for the work and clarifying that Parks should be part of this discussion if more work and ultimately authority are to be accorded. Ms. McKenzie pointed out that as part of moving forward on this issue the Board should not only consult with Parks and possibly Recreation, but also consult with the Memorial Committee as to what the order of priority would be appropriate in concern to the work they recommend being done. Ms. McKenzie suggested this could be accomplished by holding a meeting with both Memorial and Parks.

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Police Union

Officer Eric Hoar presented materials from the Union to the Board. He discussed how the final draft of the contract is ready, but needs some typos fixed. The Union agrees to the contract and the changes in it. The town and the Union have come to an agreement on a contract that runs until 2017. All that is left is for the finalized copy to be assented to, which is expected to occur. Officer Hoar finished by presenting the Board with Union correspondence asking for a meeting to occur with all the officers of the department. The Board requested that Ms. McKenzie look into the matter.

Consultant's / Administrator's Report

Ms. McKenzie started off by discussing with the Board the issue of the Town Halls furnace. So far no estimates have come in for the necessary repairs and maintenance, but there is one more contractor that will be looking at the system. Ms. McKenzie predicts that this project will likely be expensive, but necessary. From that point she moved on to the issue of ice removal, and where the town stands on that cost. There may be needed repairs after this season is over, and she intends to speak with Sue Psaledakis and the Community Preservation Committee about use of Community Preservation Act funds to help pay for this. While on the topic of repairs, Ms. McKenzie highlighted a few areas around the Town Hall where leaks have caused water damage and repairs will be necessary.

The Board expressed a willingness to look at the options available to figure out the issue of maintenance moving forward. The Board also noted that this year has highlighted the subject of maintenance for the town and underlined the necessity of having regularly scheduled maintenance. Ms. McKenzie noted that the Capital Planning Committee should be able to put together a management plan for the Town Hall that can help. The Board felt that a conversation will need to occur with the Advisory Board about how to address the cost. There will need to be flexibility to deal with situations as they arise. Ms. McKenzie expressed the opinion that this year has been extraordinary and is not likely to be the beginning of a trend.

Ms. McKenzie moved on from maintenance to the matter of Affordable Housing. She was able to give the Board good news. The town has received a grant of \$10,000 from the Commonwealth and \$10,000 from NMCOG for an update of the Affordable Housing Plan. While on the subject of updates, Ms. McKenzie also briefed the Board about her work on the Zoning By-Laws. Once she's done with Zoning she intends to work on some General By-Laws as well. The Board took the opportunity to discuss the Earth Removal By-Law. The focus, the Board expressed, should be on how the applications deal with subdivisions. The Board stressed a belief that gravel pits, the original reason for the by-law, are unlikely to be returning to Dunstable. The Board acknowledged that subdivisions will likely continue to be developed in the coming years and that the focus should be on promoting thought out and well-designed subdivisions as such, the by-laws should be designed with this in mind.

From that the Board noted that the roads in Dunstable are not really designed for heavy equipment and transportation of such equipment, so whatever rules are adopted to govern development, they must consider public safety including school bus hours and children in general. Assuming the Town Meeting adopts the changes and they are approved by the Attorney General's office, the rules and regulations will need to be addressed by all parties involved especially the Planning Board. Following this discussion, Ms. McKenzie returned the Board to her update and informed the Board of some good news from the courts. Recently the Building Inspector went to court on a cease and desist case and the court found in favor of the town. The property will now be put up for sale, and the current owners will be moving. They intend to return in the spring to landscape so as to better sell the property.

Ms. McKenzie began to wrap up her report by discussing the budget. She updated the Board on her progress so far and her recommendations for the budget and the different departments in light of past years and performance. On that note, she also informed the Board that the school mediation on the budget has started to come to fruition and the town is now waiting for the numbers to come in from that process. There was also the matter of a few cameras that have become available to the Police Dept. These are part of a Homeland Security program and are governed by laws as to use. The Board was required to sign off on the Police Dept. participating. Mr. Alterisio signed the agreement in his capacity as Chairman. Ms. McKenzie explained that

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these cameras are to be used for big events, for security, as well as investigations, and so forth. The cameras are rented for these needs at a rate of \$10 a day.

Old Business

➤ *Town Clerk*

The Town Clerk requests the Board announce elected open offices that are currently uncontested. In particular she asks that the Board make it known that both the Groton-Dunstable Regional School District School Committee and the Greater Lowell Regional Technical School Committee will have vacancies as the incumbents have announced they will not seek re-election.

➤ *Town Moderator*

Ms. McKenzie informed the Board that it was brought to her attention by the Town Clerk that the Town Moderator has announced that he will not run officially this year, being unwilling to collect the requisite signatures to be put on the ballot on a yearly basis. This prompted the Board to discuss the virtues of elected versus appointment for the position of Town Moderator. There was also discussion on term length. Ms. McKenzie noted that moderators are usually elected in most communities, but in most cases for a longer term than one year. She recommended to the Board that a by-law be proposed that would expand the term of the Moderator. She did note, however, that this by-law assuming it was adopted at this Annual Town Meeting would not be available until the next election in 2016 at the earliest. In the meantime, she suggested the Town Moderator might be willing to remain elected, and run again this year, if he understood that the term length would be expanded in the near future. The Board suggested that citizens consider a write in campaign for this year to ensure that this important office not become vacant.

➤ *Town Engineer's Budget*

The Board moved on to the topic of Mr. Rider, the Town Engineer, and the state of his budget. Ms. McKenzie reported to the Board that most of the budget allocated for him has been exhausted. She reported that she's discussed the matter with him and he has agreed that to minimize. He will no longer attend meetings in person for now unless specifically requested. He will continue to retrieve materials for those meetings and work on the storm water issue. On that note, it appears, according to Mr. Rider, that there is a small chance that the waiver for the storm water process might be back in play, and could delay the need and cost of implementing for another year. Ms. McKenzie expressed the opinion that trying for the waiver for this year would make sense since it would buy the town another year to continue working on getting the by-laws up to date for this issue.

➤ *Lowell Tech*

Mr. Larkin, Town Counsel, recently spoke with Ms. McKenzie concerning the issue. He reported that it appears that the court will reach a decision soon, one that will likely favor the district wide election approach favored by the City of Lowell. Therefore, components will need to be put together to prepare for this and to discussion on implementation will need to happen. If regional wide election with residency is required, there may be action that will have to occur at the Annual Town Meeting, and necessary changes to the regional agreement may ensue. Mr. Larkin is unsure as to what the court will do exactly going forward, but he expressed the opinion that if the court finds that the election for the school committee must occur during regular State and Federal Elections, a person may need to be appointed to fill the position until the region wide election may commence.

➤ *NMCOG*

Ms. McKenzie noted that NMCOG is in the process of putting together a transportation plan. Part of this plan requires a survey be filled out. The Board agreed that Mr. Alterisio should be permitted to respond to this

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survey and fill it out on the town's behalf given his familiarity with the situation. Following that, Ms. McKenzie noted that NMCOCG also intends to work towards streamlining and standardizing MEMA and FEMA applications and has another survey that needs to be filled out as a result. Normally this would be done by a town's Emergency Management Director, but since Dunstable's is not full time and is volunteer; she recommended someone be designated to help him. Her recommended choice was Terry Atwood given Ms. Atwood's familiarity with the application process.

➤ *Toby Property & Estate*

The Board noted that it would like to see some follow up on this matter with Mr. Larkin, Town Counsel. The Toby Estate left some monies to the town to come out of the sale of the decedent's home, which were to establish a scholarship fund and a memorial bench. Ms. McKenzie reported that to her knowledge part of the delay was concerning issues with the language in the will. However, the fact is that the original home has been removed and a new house has already been built on the site. Ms. McKenzie noted that she plans on talking to Mr. Larkin about this, as well as the specifics of the memorial bench.

Minutes

A motion was made by Mr. Devlin to approve the minutes for January 7th, as written. The motion was seconded by Mr. Alterisio and passed unanimously. Subsequently, a motion was made by Mr. Leva to approve the minutes from January 21st, as written. The motion was seconded by Mr. Devlin and carried without debate.

Warrants & Mail

The Payroll and Vendor Warrants signed by the Board.

The Morgan Babcock Scholarship put in an application to use the Grange Room on May 14th, 2015 for their Annual Rewards Ceremony. A motion to approve their application was made by Mr. Leva, seconded by Mr. Devlin, and passed without dissent.

The Historical Society applied to use the Grand Hall in the Upper Level for a special visit from a renowned author. A motion was made by Mr. Leva and seconded by Mr. Devlin approving the application as written. The motion carried.

There was some discussion concerning a letter from residents of Skytop Lane requesting the town accept it as a public road. The Board agreed that the matter should be put on the warrant and presented at the Annual Town Meeting.

A motion to Adjourn was made by Mr. Devlin at 8:41pm, and seconded by Mr. Leva. The motion passed unanimously.

Respectfully submitted by



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

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