

Town of *Dunstable* Selectboard
Meeting Minutes
April 1, 2015
Town Hall, Dunstable, MA 01827

Convened: 7:06 pm

Present: Walter F. Alterisio, Chair, Kenneth J. Leva, Daniel F. Devlin members; Madonna McKenzie, Town Administrator; Richard Larkin, Town Counsel; Anthony Lively, Chair of Capital Planning; Harold West, Capital Planning; Robert Jacobson, Capital Planning

Selectboard Reviewed & Signed the Following:

- Payroll & Vendor Warrants

Open Forum

Mr. Alterisio started off the meeting by explaining the forum, its purpose, and asking whether there were any questions or members of the public expressing interest. In the interest of time, hearing no citizens in attendance for the forum, Mr. Alterisio took the Board into discussion of the FY16 budget.

FY16 Budget

The Board started off by discussing the issue of supply budget line items for various departments. It was noted that the funds are rather significant and the Board expressed a desire to seriously look at and consider these expenditures. The Board also discussed the issue of gas purchases and the funding allocated for that purpose. So far the Board expressed comfort with the number that is in the budget currently, including the calculations arrived at for the projected fuel cost per gallon. From there the Board concluded that it had reached consensus on the overall budget with Advisory Board and all related parties. It was noted that the town needs to not only prepare for what could be expected to happen, but also for some of the unexpected.

The Board doesn't want to be caught short. If deficits occur, the Board is willing to explore transfers and work with the Advisory Board to that end. Ms. McKenzie noted that is necessary a Special Town Meeting may be called to deal with such unforeseen issues should they arise. In conclusion, the Board briefly discussed the school and the number it came in with, noting how they were pleased with the results and how the school ultimately kept its promise from the last fiscal year when they asked for the override. The Board is in support of the budget as prepared. It was finally noted that the Advisory Board will conduct a public hearing.

FY16 Warrant

- *Solar Adjustment*

A solar project in Tyngsborough that overlaps into Dunstable was discussed briefly in regards to the warrant and how a by-law adjustment for solar will have an impact on this project as well as future projects. The Board noted that an explanation for the adjustment will need to be given to the public. This may very well have to occur out of order to better explain the need for this and why the Board supports it. The Board would like to highlight that it is an economic opportunity for the town.

- *Stabilization for GDRSD*

The Board subsequently went on to briefly discuss the establishment of a stabilization fund for GDRSD. This is Article 9 of the warrant.

A motion was then offered to close the warrant as drafted by Mr. Leva. This motion was seconded by Mr. Devlin and passed unanimously.

Approved and adopted 5/20/15

➤ *Fiscal Transfers*

Mr. Alterisio turned the Boards attention to Articles 3 and 4. These articles deal with fiscal FY15 transfers. The Board concluded that Article 5 ought to be in a similar format so as to prevent confusion as to expenditures and funds transfers.

➤ *Removal of Article for River Street Survey*

The Board discussed removal of an article for the survey of River Street. The warrant article was taken out, but Ms. McKenzie said it has already been rolled over into this year and may be rolled over for next year. Rolling these funds, she explained, keeps them “open.” This is the balance of the monies not spent and is kept as a placeholder.

➤ *Water Storage Facility*

The Board moved to discussion concerning Article 13 which concerns the water storage facility. There was a question of whether this should be combined with the debt exclusion. Ms. McKenzie provided the Board with a document that concerns the wording and corresponding rules. Mr. Larkin said he would take a look at this document and report back to Ms. McKenzie in regards to its veracity. Ms. McKenzie informed the Board that there are a number of ways to go back and forth to get the debt exclusion, but if it doesn't take by September 15th the town could end up, depending on how the articles are passed, with a project without funding.

➤ *Conservation Restriction*

The Board began by discussing how this restriction, found in Article 19, is being done through CPC funds as well as a few other sources. The property in question is the Miller Property. It involves a barn and pond. The Board was uncertain as to the exact location to be placed in restriction. But the Board was able to conclude that this property adjoins the Best Property. The wording may pose an issue according to Mr. Larkin, because the town will not own the property. Ms. McKenzie reported that as she understands it they are buying the development rights. Mr. Larkin explained that the conservation restriction would be delivered to the town by the owner as essentially a “purchased” item. Ms. McKenzie reported to the Board that this has the potential to tie up CPC funds for a number of years.

The Board clarified that the CPC has the authority to tie up its funds like this. Mr. Larkin asked Ms. McKenzie who supplied the text for the article. She responded that Alan Chaney did. She also elaborated that the Town cannot hold this restriction, therefore it has to go to a third party to hold, which is why ultimately it will be turned over to the Dunstable Land Trust. Mr. Larkin said that as it is worded it appears like the Town would be acquiring the property at some point, which to his knowledge is not the case. Ms. McKenzie supplied the original article received to Mr. Larkin, and she elaborated on the process that led to it. Mr. Larkin noted that Article 19 may need to be reworked.

Ms. McKenzie informed the Board that they may need to re-open the articles to reconsider for this matter. There was some discussion about a connection to Article 15. There was also a question as to whether Article 15 would do the same thing. The answer was no according to Ms. McKenzie. Mr. Larkin noted that if the land is acquired for conservation purposes but is done through CPC funds, there are some parts that are missing. The party receiving the rights is the enforcing party that prevents a change to the land, but someone has to own the land. The development rights may be sold, and the town could hold those rights, but the matter of who will own the land needs to be clarified.

Mr. Larkin recommended a vote to re-open the warrant and put an article in to see if the town will vote to acquire the Miller property. The Board had some discussion as to, again, what is being acquired here. Mr. Larkin noted that while this might not be clear to the public, it is what will allow a vehicle for the town to acquire any rights. The Board expressed concern that this is an issue that is far too unclear as to what specific property that is being gained.. Mr. Larkin said there just needs to be an article that will allow action, and the

actual motion will clarify further. A placeholder may be inserted, Ms. McKenzie noted, if the Board wants to re-open the warrant and do so. Mr. Alterisio clarified for the whole Board what the re-opening would do.

A motion to re-open the warrant as drafted in order to amend was made by Mr. Leva, seconded by Mr. Devlin, and passed without objection.

Mr. Larkin then noted that the purpose of this is to insert an article that will clarify language in respect to Article 19 as necessary.

A motion was then made by Mr. Leva to close the warrant as now amended under advice by Town Counsel. The motion was seconded by Mr. Devlin and passed.

➤ *PEG Access*

PEG access, is money for replacement of equipment, and similar necessities. Ms. McKenzie explained that the law has been changed recently, and if this isn't done then the funds just fall into free cash every year.

➤ *Skytop Lane*

Mr. Larkin started out by explaining why historically the road in question wasn't accepted by the town as a public way (a legal entanglement at the time). Once the town agrees to accept it, the town has 120 days to acquire the rights. Mr. Larkin told the Board that he recommends the town take the land as an easement for a public way, which is something the Board is permitted to do. It would not actually change the existence of the road as it is now and the only issue would be if any of the property has some sort of lien on it or banking issue. Mr. Larkin said that there should not be any major legal issues.

➤ *Wage Classification*

The Board discussed the plan to bring this article before the Annual Town Meeting. Ms. McKenzie elaborated on the financial impact this would have on the town, and how the wage classification was put together. She further noted that the wage classification would not have an immediate impact, but rather one the following year. Ms. McKenzie also told the Board that she was considering moving Article 22 down to Article 23. The Board considered this change and discussed how the by-law changes should be explained. This included putting in place a formal declaration of what the personnel policy is (see Article 24), and the expectation of what people who work for the town is. The Board also discussed the Advisory Board hearing, and how they will explain these changes at a public meeting.

Consultant's / Administrator's Report

Ms. McKenzie started off by discussing a meeting she had with the group that wants to build a solar farm over on the Charles Georges Landfill. About 8 acres of this old landfill is in Dunstable. All parties at the meeting, which included the Conservation, felt it was a good idea. It appears she indicated fortuitous that town is changing its zoning by-laws this year. For approval of the project the town will receive \$24,000 in back taxes owed on the property and taxes from the project going forward. These future revenues will depend on the energy produced. They also want to work with the town to enter into an agreement to either pay electricity or credits to the town. This would be a 20 year contract. They agreed that they could potentially set the rate as always less than whatever the current rate is and the agreement would come before the Board for approval.

From there she turned to the elevator matter. Ms. McKenzie reached out to Delta Beckwith, the service contractor for the elevator, concerning the required repairs. Delta Backwith provided her with a quote. Ms. McKenzie suggested that the town look into at least two other repair companies to see what the ultimate price would be since Delta Beckwith's was rather substantial. The Board inquired if an elevator company is required to do this work. Ms. McKenzie responded that it would require a certified elevator company. She also noted the quote Delta Beckwith provided does not consider the actual floor of the elevator, and she knows from the Building Inspector, Dana Barnes, that there is such an issue with the floor.

Approved and adopted 5/20/15

Greater Lowell – Mr. Larkin

Mr. Larkin started off by explaining that coordinating the decree from the court with the 1967 agreement with the various parties was more complicated than was originally understood in terms of calibrating the agreements particulars going forward. This doesn't affect Dunstable too much, but there are questions of when the School Committee member's terms of office change from three years to four in a smooth way and how to have the terms fall into the right place. Mr. Larkin indicated that it appears that the decree is just about where it's going to be, but at this stage it remains unready.

Capital Planning Update

Anthony Lively, the chair of Capital Planning, spoke with the Board concerning the Capital Projects Committee and where it currently stands. He started out by thanking the Board for the opportunity to work with the town. He then updated the Board on what the committee has done so far. This included some action being taken to talk to different departments to see what is out there and what they think should be done. They assigned different areas to each member such as different departments, etc. They discussed several topics, with Mr. Jacobson reporting on the Police Department, touching on such topics as the police cruiser replacement, including suggestions of how to cycle purchase of police cruisers, etc. Proper cycling could allow all the cruisers to be replaced every 4 years and a Chief's car every 6 years. The committee highlighted how this schedule could prevent years like this year where the town is contemplating purchasing two cruisers.

He also discussed radios, and how these radios will need to be replaced in FY19. Radar may need to be updated as well. Hand guns have an 8 year life and in 2019 many of them will need replacement. Mr. Jacobson then discussed laptops. The ones they have work but recent issues may require they be updated. Two laptops should be replaced every 3 years. The server at the station may also need to be updated in the near future. From computers he turned to discussing the alarm systems and how they can no longer get service since the old alarm company is gone out of business, so it may be that a new system or service needs to be contracted. Vests and helmets have a 7 year life span. There was also a few infrastructure items, being AC, furnace, and so forth that will all be 20 years old in 2020 and replacement may need to be done. These are long term considerations. Siding for the building may need some update in a few places. There was also some consideration of maintenance for the police parking lot. The station roof may need replacement at some point and will need to be considered, it was suggested that consultation with Dana Barnes should be done.

There were also the issues of space, storage needs, record storage, and furniture. Mr. Jacobson noted that the space is rather cramped for storage. He reported there is a trailer and shed that are jam packed. From that point Mr. Lively quickly went over the Library, Highway, and Town Hall. For the Library there is an issue of exits and the landing exit in particular. There needs to be at some point in the future, some way to prevent ice from blocking the exits. Ms. McKenzie noted this is a real problem for the Library. She noted that the Library does not have overhangs like the Town Hall does. Mr. Lively moved from that to the Highway Dept. noting that this winter was rough for them. He reported that they are looking for a new plow truck and some other things.

He then pivoted to the Town Hall and the water damage suffered this winter. The damage includes an issue with the windows, the elevator, general water damage in the offices, and some lighting upgrades that could happen. There is also a furnace issue that needs to be addressed. Ms. McKenzie noted the MIAA insurance situation and what we've received from the insurance adjuster. She reminded the Board that the elevator issue is a ticking bomb in that once the Commonwealth's inspector sees it the town will have a limited time frame to fix it before fines are incurred. Subsequent to that discussion, Harold West covered Fire. He discussed his talks with the Fire Chief, and the different issues faced by the Fire Dept. One of the requested items is a gear washer which would help properly wash the firefighters gear.

They do not have the means currently to wash them properly, so the Chief has to take the equipment to Pepperell to have their station do it for us. Mr. West noted that this is necessary to remove any chemicals and so forth that the gear may accumulate from firefighting. From that he then moved on to a fire engine replacement that needs to happen, and noted it would create a Fiscal 17 issue. By Fiscal 18, Mr. West reported, the Fire Chief would like to acquire an off road vehicle. The town has a great amount of conservation land, and there is the chance that a need might arise for a fire rescue somewhere on this land. In Fiscal 19, replacement

Approved and adopted 5/20/15

of the 18 self-contained breathing apparatuses will need to be done. The Board noted these are fundamental to firefighting and will certainly have to be addressed.

Mr. West also noted short comings with the Fire Station. Harold asked the Chief to come up with a list of items of major concern that will need to be address in concerns to the building, further noted that the Chief has been maintaining the building, including the roof and repairs. Ms. McKenzie informed the Board that time can be set aside later to really talk about this and she stated that it helps to know what is out there and what needs to be done. After Capital Planning concluded, Ms. McKenzie suggested that the Board conduct a follow up meeting again with them at a later time. The Board agreed, noting that this sort of process helps the town ask and answer, "Is there a better way of doing things?"

Appointments

The Board reviewed the request by Chief Rich for the appointment of three firefighters, Michael Ricard, Keven Morrissey, and Donald Maffee. Mr. Morrissey is an EMT and Mr. Maffee is in the process of becoming one. The Board concluded in favor of appointment.

A motion was made by Mr. Devlin to appoint Mr. Morrissey, Mr. Maffee, and Mr. Richard as auxiliary firefighters pursuant to the Fire Chiefs request. This motion was seconded by Mr. Leva and passed without objection.

Town Hall Use Applications

Use of the Town Hall by Dunstable Grange, Saturday June 27th. Motion to approve by Mr. Leva, seconded by Mr. Devlin and passed unanimously.

Dunstable Garden Group for Saturday May 30th for an annual plant sale on the Town Common. Motion by Mr. Leva, seconded by Mr. Devlin and passed unanimously.

Action Mail

Connor Flanagan Bike Ride

This bike ride involves a charity event that will have a section go through Dunstable. The Board discussed the groups planned route and its safety implications. The event is planned for May 24th. The Board referred the matter to the Chiefs of Police and Fire for further safety review and approval.

American Cancer Society

Similar to the Connor Flanagan event above, this involves a charity bike ride event as well. This one is June 7th. The Board also refers to Chiefs of Police and Fire for further safety review and approval.

Town Clerk's Memo

The Board then briefly discussed the memo from the Town Clerk concerning vacancies to numerous positions in the Town. This includes the school committee seats, parks commissioner, commissioners for various trust funds, and more. Ms. McKenzie brought up the issue of the Moderator and whether the term should be extended to a three year term. The Board was reluctant to cram in this issue into this particular warrant when the matter hasn't been fully discussed. In many towns the Moderator does numerous other things including having appointment powers for some vacancies, and so forth. The Board feels this issue will probably be resolved this year by a write in campaign, and so concluded that it may have time to better assess what should be done moving forward.

Warrants

The Board signed the warrants

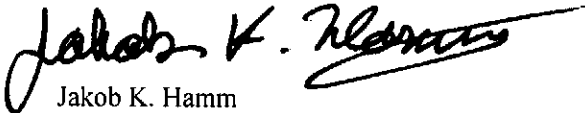
Approved and adopted 5/20/15

Old Business

The Board also discussed the matter of the water project, how the investment must be viewed and the need to frame this issue for the public. There may be an opportunity to eventually provide water to the public high school (GDRSD) as well as people on that route. There was also discussion of betterments, and the effect that might have and discussion of opportunities that this may provide to the town. The Board finished by noting that the town has an opportunity here to start improving maintenance.

A motion to adjourn at 9pm was made by Mr. Leva, and seconded by Mr. Devlin. The motion passed without debate.

Respectfully submitted by

A handwritten signature in black ink, appearing to read "Jakob K. Hamm", with a long horizontal flourish extending to the right.

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