

Town of *Dunstable* Selectboard
Meeting Minutes
April 8, 2015
Town Hall, Dunstable, MA 01827

Convened: 7:00 pm

Present: Walter F. Alterisio, Chair, Kenneth J. Leva, member; Madonna McKenzie, Town Administrator; Joan Simmons, Planning Board Chair; Alan Chaney, Conservation Commissioner; Fire Chief Brian Rich

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. From there he explained the agenda, including the lightness of it. Mr. Chaney announced he has a proposal for the warrant. The Board determined this should be conducted in its discussion of the Warrant Articles rather than in the Open Forum.

FY2016 Warrant Articles

- *Article 2*

Article 2 will deal with pound keepers, surveyors, and field drivers and a few others that are considered during the Annual Town Meeting. This article will allow the Board to annually appoint these offices instead requiring the Annual Town Meeting to do this.

- *Articles 3, 4, & 5*

Article 3, is to finish up some thing's and permit a transfer that involves the Accountant's salary. Article 4 concerns end of Fiscal Year transfers. Article 5 covers CPC fund transfers and other CPC related matters.

- *Articles 6, 7 & 8*

Article 6, will discuss salaries of elected officials. This is basically a step being taken to conform to general law and recommend by the recent Audit. Article 7 concerns adoption of the towns operating budget. Article 8 addresses Chapter 90 funds. The amount won't be said since has been changing, but the language of the article and motion will be to allow for spending what is there and is a onetime thing mostly for paying for road work. This is partly needed due to weather related damage to the roads. There is now a grant for the potholes, in the sum of about \$26,000 according to Ms. McKenzie.

- *Articles 9 & 10*

Article 9 concerns creating a stabilization fund for GDRSD. This has been talked about for a few years, and would create a fund that has excess for when a project or repair comes up that must be done. This is not a slush fund and requires approval in open meeting to allow for the funds to be used. Movement of money for that fund will be by the School Committee and will take a 2/3rds vote and will not affect the amount certified to the town. Article 10 involves the Town Hall furnace. There have been issues with the furnace and repairs are need. There have been leaks and the leaks affect the Treasurer/Collectors office, \$10,000 will be part of this cost.

- *Articles 11, 12 & 13*

Approved and adopted 5/20/15

The Town Engineer has come to an agreement with us to get us current with MS4 permit requirements. This process focuses on ensuring a clean water supply and this article will continue the process. It is \$20,000 to be transferred from Free Cash. The process was started at the Special Town Meeting this last October. From that the transfer to stabilization will include the opinion of Advisory. Article 12 deals with a transfer to stabilization that the Advisory Board feel is necessary. Article 13 concerns the water storage matter and is being headed by the Water Commission. This article will include a proposal to upgrade and revamp the water supply and its infrastructure. This is a big project and will involve long term funding down the line. The motion will indicate that this is \$3.5 million and is contingent upon a debt exclusion. Ms. McKenzie suggested the Board explain the difference between a debt exclusion and an override vote. She further stated that she will try to have a handout for the town meeting.

➤ *Articles 14 & 15*

Article 14 involves Revolving Funds, which is a yearly process that remains mostly the same. This vote is not to set this up, but to do this yearly as required. Article 15 will deal with the transfer station. This is coming from the Board of Health to take a look and see what portion the town would supplement the operation expense of the transfer station. Ms. McKenzie explained that this will be in the budget and will be explained when the motion is made. This also transfers from different parts of their budget to be used for this expense.

➤ *Article 17*

Article 17 deals with a renewable energy agreement that will be with a solar development in the Town of Tyngsborough that overlaps into Dunstable. This involves the Charles Georges Landfill. A solar farm is allowed to be developed on this property. Each town would enter into an agreement with the solar developer and would supply credits to the town for energy. The Board requested that the developer have someone at the town meeting. Ms. McKenzie noted she's asking them to have someone at the next Board meeting. Ms. McKenzie mentioned she already talked to the developer about the town's solar by-law.

➤ *Articles 18 & 19*

Article 18 involves the CPC recommendations, which are not to be confused with an article talking about 2015. Article 19 discussion concerned the Miller Property. Mr. Chaney started off by discussing the Miller Property. This involves the potential purchase by the town of a conservation restriction or easement. This property comprises lots 6 and 7, and is on the corner of Forest and Main Street. This easement or restriction simply means that the residual rights would remain with the current owners, but the right to develop it, subdivide it, dump on it, haul minerals off of it, etc. would be in perpetuity be removed. Whoever owns it in the future would also be under the same restrictions and would not be able to develop it. Part of the easement would be the requirement that the current field remain a field. This would be an obligation for whoever owns it. The woods that exist now would remain woods. This is very similar to the Larter restriction.

The price will be approximately \$275,000 but it might be less. The monies will come from five different sources, first the appraisal which was paid by the Dunstable Rural Land Trust, then the CPC will kick in \$65,000, the town is applying for "self-help" money from the Commonwealth which should be 60 percent reimbursement so about \$175,000, then the Conservation Commission has agreed to throw in about \$15,000 and they have the authority to do so. The appraised value of the development rights are appraised at \$277,000. A lot nearby sold for \$157,000. Another lot also nearby sold for about \$90,000 but that was not sold through normal market, but rather privately between parties not at market value. The rest will be raised by fundraiser and about \$7,000 already in verbal promises.

The Board noted a question from the last meeting concerning the house across the street. Mr. Chaney said that the house is totally separate from the deal but that the barn isn't. He also clarified that they haven't decided on a restriction for the maintenance of the barn. He also explained that the Millers will sell the house, but will keep the land for some unknown time, but the town will own the restriction. The Board asked about taxation. Mr. Chaney noted that if two houses were built, which the parcel could allow, would pay more in taxes than the land under restriction, but he noted the possible benefits too. Ultimately if the money doesn't come in from the Commonwealth, there will be a clause that will end the deal.

Approved and adopted 5/20/15

Without the funding from the Commonwealth, Mr. Chaney admitted, the plan is not feasible. If the town votes to go ahead, and the Commonwealth comes through, the Town will borrow short term the money and then will be reimbursed. There is also a lot that is not involved directly with this is owned by the Best Family. The long and short of this is that we are looking at 6.5 acres for development rights. The Board determined that this cleared up its questions from last meeting. This will be in Article 19. It should be reminded that Planning and Advisory Board already support this. The article does not talk specifically about the involvement of the Rural Land Trust, the CPC, and the rest. Ms. McKenzie noted that Counsel wanted the Article worded as it is, but that the motion at Town Meeting will be more specific and laid out. It was also clarified that this will not span multiple years with CPC.

➤ *Articles 20, 21 & 22*

Article 20 deals with monies from carriers for public education channels that is to be used for equipment. The Board while on this topic also considered the issue of Comcast acquiring Charter. Ms. McKenzie noted that this won't change things since Charter will remain "Charter" in Dunstable and their license would therefore remain valid. Article 21 concerns the matter of the town accepting Skytop Lane. Ms. McKenzie said that a plan still needs to be registered with the Town Clerk. The Board briefly discussed this matter before moving on to Article 22, which deals with the wage classification plan. This proposed plan would put in place a wage plan for the town. This would provide transparency as to what town employees make.

➤ *Articles 23 & 24*

Article 23 is a free cash transfer and will be determined on what passes. Article 24 concerns a personnel by-law that will be discussed. This article will ask the town to accept provisions of such a by-law, firstly because it is the "right" thing to do and would conform to practice. The reading of this will likely be waived and the Board expects to explain why this makes sense and why the town should do it. Ms. McKenzie explained that the benefit would be the ability to have a Personnel Board that can keep the policies up to date and advise the Board.

➤ *Articles 25 & 26*

Article 25 is the anti-litter by-law. This basically is the same thing in place, except that it changes the fine to \$100. Currently Dunstable's fine is \$25. This mostly addresses snow in public ways. Then we are dealing with the Dog By-Law which is Article 26. Ms. McKenzie explained that the by-law needs to be updated to conform to the new MGL on the subject and to update the licensing and kennel provisions. Fees also need to be addressed. Historically we have not had the personnel to enforce and follow up on this, but we now have an Animal Control Officer willing and able to do so. Madonna noted the leash by-law remains the same and won't be expanded.

➤ *Articles 27, 28 & 29*

Article 27 which is the Zoning By-Law article mostly deals with accessory dwellings or in law apartments. This will clarify what qualifies and restriction of use. This will take a look at the opportunity to open these in law apartments up for other potential uses. Ms. McKenzie noted how this could help clarify and improve situations like Jane Lynch's. Article 28, concerns a sentence change to a section of Zoning By-Law. Article 29 deals with lighting, and how lighting will be defined and maintained. Ms. McKenzie elaborated that lighting is currently governed by the Planning Board but not by any actual by-laws. This will remove the lighting from the two by-laws that have confusing language on the topic.

➤ *Articles 30, 31 & 32*

Article 30, involves earth removal. This focuses on the issue of development that will happen in town, and helping improve information to the town about traffic, activity on the roads, and to help the Board control the development activity such as earth removal from lots. Article 31, is a continuation in the same area as Article

30. Article 32 deals with solar and solar facilities and is a rework of an existing by-law. The one major change is one that is recommended by the AG's office. The second change is for a reduction to two acres.

The warrant and budget hearing will be posted by the Advisory Board, as is within their authority, to deal with all the articles in the warrant. This date has not been scheduled as of yet. Draft copies of the Warrant are available, but are subject to change, radically so.

Appointments/Resignations

Board is looking on the status of the Road's Commission vacancy. Roads met in a posted meeting and concurred with the Board and Ms. McKenzie has those minutes. Mr. Goss has been confirmed.

There is one resignation as of today, but involves an employee and not an elected person. There is also the change for another opening on the Pathways Committee.

Consultant's / Administrator's Report

Ms. McKenzie started off by noting that she's been busy on the budget and the warrant. She is proposing that the budget not have all of the numbers it has had in the past up front. She said that the account numbers may need correction and she would prefer to have just the code number for the department and not the full account numbers. She further elaborated on what the numbers mean and each number. The Board responded that a change was made last year, and that further changes to this extent ought to be considered. Ms. McKenzie then discussed a small adjustment to the budget that will need to be made. The Board would like for next Wednesday (that meeting will start at 6pm) to have the budget ready.

From that point she then updated seeking a replacement for Administrator position. She has placed an ad on the MMA website and she has had 3 applications and 1 inquiry concerning whether the position is full time or not. Madonna inquired for the term for the Lowell School Committee term. That is normally a three year term. The Board also clarified that the Town Meeting will be on the 11th of May and the Town Election on the 18th of May.

Greater Lowell Tech Decree

There is still discussion going on and therefore the Board will not take action as of yet.

Minutes

The Board determined to table the minutes until the next meeting since Mr. Devlin is not present.

Old Business

The budget year to date

As of the 31st, the budget is 75 percent the way through the year and currently the Selectmen's accounts range between 30 and 55 percent. Some are less and some higher. Other accounts being monitored by the Board include Fire and Police which are at 61 and 65 percent respectively. The Board extends congratulations to the boards, committees, commissions, and such that have kept in line with their budgets. The Board noted that the Police Chief wants additional monies for the gas account. The Board would prefer \$30,000, but the Chief insists that he is running about \$34,000. There is no specific gas account currently, and it may be productive to establish one going forward this year. Of the account that fuel is taken out of, 44 percent is expended. The Board prefers its number and feels confident on continuing with that number.

School Budget

The Board discussed where the school district is at briefly.

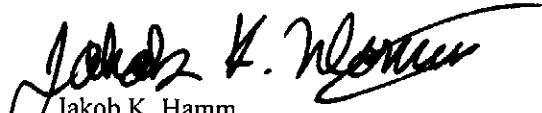
Approved and adopted 5/20/15

Warrants

The Board signed the warrants prepared by the Treasurer/Collector and Town Accountant.

A motion to adjourn at 8:11pm was made by Mr. Leva and seconded by Mr. Alterisio. The motion passed unanimously.

Respectfully submitted by



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