

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**April 29, 2015**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 7:08 pm

**Present:** Kenneth J. Leva, Daniel F. Devlin, members; Madonna McKenzie, Town Administrator; Alan Chaney, Conservation Commission; Bryan Conant, Chair, Robert Gamache, Mark Cullen, Water Commission; Emma Kosciak, Citizens Energy; Ann Sobolewski, Attorney involved with Citizen Energy project; Bob Nelson, Town Moderator; Brian Rich, Fire Chief

**Selectboard Reviewed & Signed the Following:**

- Payroll & Vendor Warrants

**Open Forum**

Mr. Leva started off by explaining the purpose and reasoning behind the open forum and outlining the agenda for the meeting which included discussion with representatives of Citizens Energy concerning a solar project as well as discussion with the Water Commission relating to betterment for the proposed water project.

**Solar Project – Citizens Energy**

Ms. Kosciak gave a little background on Citizens Energy explaining that it is related to the *Joe for Oil* program. The proposed project is to convert the old Charles Georges Landfill located between Tyngsborough and Dunstable into a solar power plant. There are very few other purposes this land could fulfill at this point, and solar is thankfully one of them. The proposed project would be for 2 megawatts in production for the Tyngsborough portion and 1 megawatt for the Dunstable portion. Ms. McKenzie touched on the back taxes owed to the town. Ms. Sobolewski noted that Tyngsborough is waiving the back taxes owed to it and for this project to move forward some sort of deal would also need to be struck with Dunstable. The potential revenue this project could produce a source of revenue that would be leveraged to pay some of the back taxes. Unless a creative alternative may be found to pay the back taxes, then the Dunstable part of the project might not be feasible.

Ms. McKenzie noted that the amount currently owed may not be as big as they think it is and that she will check with the Treasurer/Collector to see what the amount really owed is. Right now, the property isn't paying any taxes or income for anyone. The Board inquired as to the availability of solar credits for the town. Ms. Kosciak explained that there is an opportunity for the town to buy electricity at a discounted rate, indicating that this could be part of the negotiations. Subsequently, there was a question as to the zoning of the property. Ms. McKenzie noted that it is expanded commercial on the Dunstable portion. She also reminded the Board that the Planning Board is planning on having a public hearing on this topic on June 1<sup>st</sup>. The point of this meeting with Citizens

Energy was to bring the Board up to speed for the Annual Town Meeting which will include an article on the topic. The Board inquired as to what exactly the deal would be for the town for electricity. Ms. McKenzie added to that question an inquiry as to whether a percentage is possible rather than a set rate, an idea that she thinks would be more to the towns advantage. Ms. Kosciak stated that this could be a negotiating point and followed up by noting that such a deal could help generate positive cash flow that would also benefit the town by helping to alleviate the owed back taxes. The Board thanked Ms. Kosciak and Ms. Sobolewski for coming to the meeting and it was agreed they would be at the Annual Town Meeting to explain and answer any questions from the public.

**Solar Articles**

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There will be warrant articles in regards to the solar project and the solar by-law change. The amount of acreage to build a ground mounted solar system is two, but they will amend on the town floor to seven, which we will qualify for the solar project that was just discussed. The current by-law requires twenty acres. The Board noted that the original reason for that requirement was that solar was getting very popular and this was done to put a handle on this before too much was installed quickly. The town is now taking the time to look at this and try to see what will benefit the town.

### **Right of Refusal for McLoon**

Conservation, Planning, and Assessors responded. Planning and Assessors had no position either for or against town acquirement. Conservation expressed a wish to buy the mineral rights, but Ms. McKenzie noted that the law would not allow that in this case. Ms. McKenzie reminded the Board that MGL provides 120 days for the town to consider this, and noted that the Board could put this off till after the Annual Town Meeting if it wishes to do so. She did, however, state that she doesn't want to see this get lost in all that the Board has been doing as of late. Mr. Chaney told the Board that he doesn't have any specifics, but it appears there is a bona fide offer and the town has the right to first refusal given the current status of the land as Chapter 61A but that Conservation does not have the funds to make a purchase at this time.

### **Pole Hearing**

National Grid and Verizon have applied for a Pole Hearing. The Board determined May 20<sup>th</sup> would be the appropriate date for this hearing, as it would give them time to get through the Annual Town Meeting.

### **Special Permit for Blodgett Street**

Ms. McKenzie informed the Board that this needs to be acted upon no later than June 1<sup>st</sup>. The first step is the zoning. The Planning Board will need to hold a public hearing.

### **Water Project – Water Commissioners Update**

Mr. Conant started off by updating the Board on the public information hearing that it held at the Library. He elaborated on what happened and how the public reacted. One of the prominent questions that emerged from the informational was the question of a betterment. Ultimately the Board will have final say on any betterment levied. It appears that the betterment cannot be levied until a period after the project has begun and neared completion. The Board will have then at that time have to determine whether a betterment will be levied. The Board expressed some concern concerning how well the public understands the betterment. Ms. McKenzie suggested the Board emphasize that the betterment will occur. Mr. Conant noted that by law the betterment may only be levied on the pipes and not the pump station and that is about \$1 million. There was a question as to how to assess the betterment. There are three ways to do it; the action at town meeting allows the borrowing, the project then moves forward. The statute allows for frontage of property, assessed value, and the area of the fixed depth of the street. Square footage or frontage of the property is what is assessed. The last time this was done, the town appropriated \$670,000 and the betterment fee was broken up in different ways.

The Board then discussed with Mr. Conant how to explain this to the public and how to conduct the dialogue. There was further discussion of frontage and how to define this. Ms. McKenzie suggested consulting with counsel. From there the discussion centered on a question as to the cost of tying into the system, Mr. Conant noted that what is anticipated is that this will improve the value of the water system and sustain it going forward. The betterment fee would be spread out over the 40 years. There would always an opportunity to pay the fee off in full up front or over time. The fee transfers with the property. Mr. Conant hedged his prior statement by saying that it might not transfer and suggested that the Board find out for sure. Ms. McKenzie noted it is on the deed. The Board noted that it could present a closing cost issue at sale.

The Board then asked about how this project might provide for future expansion and lead to more customers. Mr. Conant responded that this project would allow for doubling and potentially tripling the number of users that could be sustained. He noted that more people in the system would lower the cost overall for all water customers. There was also a question of the Best Triangle project. Mr. Chaney noted that this should be done

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in about 2 years if all goes according to plan. Dunstable wants to have about 3 buildings like Carlisle has. He said it would be better if things went together, and also noted that the MUD should be adding units that will tap into the water system, which could bring in 30 to 40 new customers. He also noted another property that could be developed for housing that could add as well.

Returning to the Best Triangle Project, Mr. Chaney noted there is already demand for senior housing that is significant. Not necessarily subsidized senior housing, but a general demand. So the summary, the Board determined it appears that water users may be doubled in the next decade or so. The intent of the Board and the Water Commission is to spread out as equally as possible. Mr. Chaney also noted that the betterment isn't meant to pay the whole \$1 million of pipe. It is to pay a percentage, like 10 percent, etc. There is also the matter of the improvement of the fire hydrants in town, and insurance rates would likely in time fall according to Chief Rich. The Chief noted that one of the Commissioners asked an insurance agent what the impact would be. This person said it would be probably 10 to 15 percent of insurance per year potentially. Chief Rich noted there is no proof of this and throwing out numbers like this could be considered misleading, but the point is that a cost savings might exist, and this should be highlighted.

It was noted that the potential for lessening of the insurance would not be applicable to all residents in town. However, the Fire Chief had previously indicated that there is potential for some savings for all residents. But it may be a nominal. Any savings may help offset the cost of the betterment fee. This project is about creating a solution that will last and be stable, but what is really being done is solving multiple issues. Chief Rich elaborated that this project will solve fire protection needs and benefit the town as a whole. The Board noted that this will also grant the potential to increase and build the water department. The amount being asked for is \$3.5 million, which will require a debt exclusion, and potentially a betterment fee. The real cost on the tax rate cannot be fully determined at this time. There was a question of community preservation money, and whether it would be available. Ms. McKenzie noted that this does not involve historic buildings.

There are several reasons that CPC funds may be used, but a water upgrade is not one of them according to Mr. Chaney. The Best project could benefit, but its CPC funds are not from preservation but rather from open space. There was some discussion of extending the water system to the GDRSD (specifically the High School) and how that would potentially cause the GDRSD to aid in paying a betterment. Ms. McKenzie noted that this would lead to Groton paying some of the betterment through the school district. Chief Rich followed up by noting that if the Swallow Union Elementary School were to fully catch on fire, the only hope the Firefighters would have would be to connect to a small local pond and hope that they can put it out, without a sprinkler system in that building that works or is functional. From there discussion turned to question regarding hard numbers. The Board noted that the Town Meeting will not be the final approval, but the initial step. Ms. McKenzie said that we should start off with how we got here in the first place, and the potential for failure and what would happen if and when it does.

Mr. Conant reminded the Board that a lot of progress has occurred in regards to the water system, and the Commission hasn't been sitting idle. Rather it has been working on improving the system. From there discussion returned to the betterment fee and how it should be sold to the public. Ms. McKenzie noted that the Treasurer/Collector has figured out the costs for this over the 40 years. She also took a moment to clarify the 2.5 override debt exclusion and how although the MGL holds to 30 years, it allows using other government grant systems and this exception will permit the use of a Federal Program that will allow a 40 year timeline.

### **Consultant's / Administrator's Report**

Ms. McKenzie started off by discussing her intention to replace the Konica multipurpose copy machine in the town offices. The service company the town has current, Conway, will be able to install a new machine that can collate, have color, will be able to staple, and will be tied into our network. A pin key system will be part of this to help prevent waste. Ms. McKenzie also told the Board that plans to procure a high grade shredder, which she promised staff she would do when she first started. From this, Ms. McKenzie updated the Board on the warrant articles and informed them warrant would be posted the next day.

The Annual Town Report has been bagged, and the Board thanks Boy Scout Troop 28 for their help and dedication in doing this. The Report will be delivered by the Boy Scouts this weekend. Ms. McKenzie also

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updated the Board on the elevator, including the water damage issue that has emerged in the elevator control room. This will involve a joint Delta Beckwith and MIIA insurance adjustment situation. She informed the Board that the claims process has already been initiated. From that point she then returned to discussing the warrant articles. She clarified that counsel wants to adjust the language on some of it. She then noted that next week's meeting will be where the Board assigns the motions and assigning who will be making them.

#### **Mail**

➤ Police Update

There was a question of who would take over when Chief Downes is away since Lt. Dow will be out on medical leave. There was some discussion on this matter but no concrete decisions were made.

➤ Action Mail

An application was submitted by Mr. Devlin to use the Town Hall for the Democratic Party Caucus. The Board determined it would move forward on application approval.

A motion was made by Mr. Devlin to approve the application for use of Town Hall for the Democratic Caucus on May 9<sup>th</sup>. The motion was seconded by Mr. Leva, and passed unanimously.

➤ Nashoba Valley

There was an application submitted by Nashoba Valley to use the Town Common.

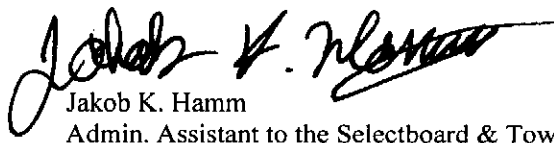
A motion was made by Mr. Devlin to approve the application to use Town Common made by Nashoba Valley to be approved pending a formal application being submitted. The motion was seconded by Mr. Leva and passed.

#### **Minutes**

The Board determined it would hold off on approval of minutes until Mr. Alterisio returned from his trip.

A motion to adjourn was made by Mr. Devlin, the motion was seconded by Leva. The meeting adjourned at 8:20 pm.

Respectfully submitted by

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

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