

Town of *Dunstable* Selectboard  
Meeting Minutes  
May 20, 2015  
Town Hall, Dunstable, MA 01827

**Convened:** 7:01 pm

**Present:** Kenneth J. Leva, Daniel F. Devlin, Walter F. Alterisio, members; Madonna McKenzie, Town Administrator; Brian Conant, Water Commission Chair; Ken Dobie, National Grid Representative; Sargent Gilmore and his attorney Thomas Horgan; Marc Terry, Labor Counsel for the Town.

**Selectboard Reviewed & Signed the Following:**

- Payroll & Vendor Warrants
- Pole Hearing Forms
- Police Union Contract

**Open Forum**

Mr. Alterisio explained and detailed the open forum and asked whether anyone present had any matters to bring before the Board during this process. He then proceeded to outline the agenda for the evening, including the pole hearing for Chapman Street, and the re-organization of the Board officers. He also touched on the executive session, and some other matters that the Board will consider.

**Pole Hearing**

The Board opened the pole hearing explaining its purpose, which was to consider approval of the installation of a jointly owned pole on River Street. The pole would be owned jointly between National Grid and Verizon. A representative from National Grid, Ken Dobie, was present. The location of the pole and the need for its installation is due to a new development known as the Rivers Edge Estates. It will be placed near the developments new street which is to be called Chapman Street. This pole will be not far from Pole 37 on River Street, that pole being approximately about a mile from Riverview Lane. Mr. Dobie explained where the actual pole will be located, which is approximately 10 feet off the street. It's to be set back that far to protect it from snow plows. This pole is intended to service 18 homes approximately, with the power running from the pole underground to each house. There are no wetland issues or hazard issues. The pole will be located near a rail trail bikeway, but is not expected to interfere in any way with that bikeway.

Hearing no objections from the public or from any abutters, a motion to approve the application was made by Mr. Leva and seconded by Mr. Devlin. The motion passed unanimously.

**Re-Organization**

A motion was made by Daniel F. Devlin to open nominations. His motion was seconded by Kenneth J. Leva, and passed by roll call vote in affirmation by Daniel F. Devlin, Kenneth J. Leva, and Walter F. Alterisio. Walter F. Alterisio nominated Kenneth J. Leva to be Chair and Daniel F. Devlin to be Procurement Officer. Daniel F. Devlin nominated Walter F. Alterisio to be Clerk. A motion was then made by Walter F. Alterisio to approve and close nominations. This motion was seconded by Kenneth J. Leva, and passed by a roll call vote in affirmation by Kenneth J. Leva, Daniel F. Devlin, and Walter F. Alterisio.

Therefore the officer positions of the Board of Selectmen shall be as the following from May 2015 until May 2016, assuming no intervening vacancy shall occur, Kenneth J. Leva as Chair, Daniel F. Devlin as Procurement Officer, Walter F. Alterisio as Clerk.

*Approved and adopted on 6/17/15*

## **McLoon**

The Board started out by outlining the process and history by which it came to its decision on this matter, noting specifically that they'd already discussed the matter at length with Town Counsel at prior meetings. From that point the Board described the property again, elaborating that it is approximately 9.133 acres located on Thorndike Street, and the town has an option to buy against the purchaser as an operation of law given the tax status that the property was previously under. The recommendation from Conservation concerning the matter was that while it was regrettable, the town should not buy the property at this juncture. The Planning Board took a similar position as Conservation. The Assessors recommended not purchasing the property at this time. In light of these recommendations and advice of Counsel, the Board determined that it should not exercise its option.

A motion was made by Mr. Devlin to refuse the right to purchase the property in question. The motion was seconded by Mr. Alterisio and passed without objection.

*The notice received and subsequent action taken was in accordance with MGL Chapter 61A, Section 14.*

## **Water Commission Update**

Mr. Conant started off by explaining the situation the town faces in light of the results of the vote. The Massachusetts Department of Environmental Protection wants a sit down meeting to get an idea of what the town will do if and when the system fails. DEP will expect a backup plan. The DEP meeting will be in Worcester on June 4<sup>th</sup> at 5pm. The Commission formally requests that a Selectman be present. The Board determined that Mr. Alterisio would be its representative. The Board also noted that a decision cannot necessarily be made as to a plan at this time. Ms. McKenzie said that that the plan put forth at the town meeting is what you would stick to, although a reduction or scale down in the project could be allowed. There was some discussion of what a scale down would look like.

There appears to be a question of whether the system requires replacement and upgrade. DEP will not be concerned about the financial wellbeing of the town and will likely demand the system be at least fixed. The problem does not appear to be the water system, but rather the level of public awareness as to the seriousness of the project and its necessity. Of the 162 voting eligible people living in the 102 houses on the system, only 25 of them appear to have cast ballots. There are approximately 290 students who attend Swallow-Union; about 50 percent are Dunstable students. The school does not have a proper fire suppression system due to the problems with the water system. There are a number of things that the town will need to deal with moving forward. The Board discussed the need for further public meetings after the sit down with DEP. The Board consensus is that more information needs to be promulgated and another vote taken.

Mr. Conant proposed having another televised meeting. The Board agreed. This is a sizeable project with a large impact that will not just go away. There are other elements that say we cannot refuse to do this. A timetable will be necessary. Ms. McKenzie noted that a major decision will need to be made by July 22. The meeting for closing a warrant on a special town meeting could be done on July 22. This is ultimately a ballot question and will be exactly the same. Mr. Conant again explained why the design was what it was and what the plan was about. He explained how this was about doing what needs to be done, efficiently, with potential to add to when and where necessary. There was discussion of whether the town needs to invest in better and/or improved equipment, especially audio for broadcast. Ms. McKenzie also noted that the Board needs to have an answer concerning a betterment. Mr. Conant proposed giving the public an idea of what the betterment could be. He also agreed to give the town more on the DEP meeting as it becomes available to him.

## **Commercial Property & Solar Update**

The Board started off by noting that the solar project will be going through a public hearing with the Planning Board soon. Currently they owe approximately \$24,000 in back taxes on the property. The Board then discussed where commercial property in town is located and how this project correlates. There are a number of parcels owned by several persons in this area. The Board discussed putting together a committee to actively look at putting something commercial in this area. The aim of which would be to see something that has a low

*Approved and adopted on 6/17/15*

impact such as a data center or a cloud technology company. The Board agreed that this should be part of the Master Plan for the town. Ms. McKenzie noted that commercialization to the area does not require a change in the master plan. The Board generally agreed and pointed out that Tyngsboro is already doing something similar in the area (the property in question for this is near Route 3 and the town line). The Board further underlined how the area it has in mind is ideal since it is near Route 3 and ultimately not far from the airport in Manchester. Plus, the Board noted, the area would only be about 30 miles from Boston. Ms. McKenzie asked the Board if they would like to ask for committee members in the Neighbor to Neighbor. The Board agreed that that would be a good place to start. The Administrative Assistant was designated to work on this project with Mr. Leva.

### **Update on GDRSD joint Meeting with Groton**

Ms. McKenzie and Mr. Alterisio updated the Board on the recent joint meeting with Groton and GDRSD concerning the MARS Consulting Group report. It appears in light of the report, that if any changes are to be made to the agreement, which there will be due to recent court rulings, an affirmation of the need for the agreement is necessary. There was general agreement at the meeting that a third party may need to come in to help Groton and Dunstable determine what should be done. There was also talk about how some in the two communities have been discussing undoing the regionalized school district. The Board agrees that there are issues that need to be addressed, but that undoing the regionalization would be detrimental to the town. Given the cost of the system, the public will need to be aware that there may need to be increases in funding to preserve and maintain the system.

There was also discussion as to whether Groton could spend more apart from Dunstable. This wouldn't really be practical, but there are creative ways that they could if they wished to. Groton has indicated that it has other projects that it feels will be coming up in the next few years and are not necessarily planning on doing so. Ms. McKenzie noted that the towns and schools were asked to spend up to \$10,000 on hiring the needed consulting help. Mr. Stanton of GDRSD will go out to bid for this. The total cost will be \$30,000 with the GDRSD paying \$10,000 and each town paying \$10,000. The appropriation would be for consulting to help the three parties through the process, help conduct meetings with the public, and ultimately overhaul the agreement where necessary and reach the desired reaffirmation. There will be another meeting on June 1<sup>st</sup>. Hopefully at that time the parties hope to have a candidate. But at the least the parties will offer their commitment. The Board then discussed how the funding would be reached.

A motion was made by Mr. Alterisio to support this initiative to bring in a consultant to review the regional school district agreement with a contribution up to \$10,000. The motion was seconded by Mr. Devlin, and passed without objection.

### **Budget Review**

It was proposed that the Board take some time in the near future to look over the budget and determine what it is the town wants to do. The Advisory Board will be meeting June 1<sup>st</sup>, and Ms. McKenzie suggested talking at that point since there will be a great deal of discussion as to end of year transfers. The Board discussed management of the budget for Fiscal 16 and how they intend to manage them. Ms. McKenzie noted that currently some accounts may be over extended, but overall the budget is capable of supporting transfers. She also noted that Mr. Metzler has asked for further information as to what other financial committees in other towns do and what responsibilities they generally carry. The Board determined it will need to rehash some of this with the next Town Administrator. The Board also discussed the snow and ice overage matter and where FEMA and MEMA stand. It appears that FEMA is holding at the two day storm window despite Governor Bakers lobbying.

### **Executive Session**

A motion to enter Executive Session at 8:00 pm for the purpose of conducting collective bargaining in session and to deal with a grievance was made by Daniel F. Devlin. This motion was seconded by Kenneth J. Leva, and passed by vote in affirmation by Kenneth J. Leva, Daniel F. Devlin, and Walter F. Alterisio.

*Approved and adopted on 6/17/15*

### **Return from Executive Session**

A motion was made by Daniel F. Devlin to return from Executive Session at 9:17 pm. This motion was seconded by Walter F. Alterisio, and passed by vote in affirmation by Kenneth J. Leva, Daniel F. Devlin, and Walter F. Alterisio

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

Ms. McKenzie started by noting a conversation she had with the Treasurer/Collector concerning the water system improvements by betterments if the project was entirely on users. It would be over \$100 a month. From there she then turned to the Personnel Board. Currently they are struggling to find times to meet. She would like to get them as far along the wage and classification plan as possible before she leaves. But there is a big learning curve that she had not anticipated here. The Personnel Board is attempting to find a middle ground to be fair to employees without bringing on a considerable cost to the town. She then discussed some strategies for how to set those ranges and how to get the salaries where they should be. This includes some incentives for longevity. There remains more research that needs to be done; especially as to why some towns pay what they pay and what union issues are having an impact. She then informed the Board that the Capital Planning Committee is really taking off and doing very well. They will return to the Board again soon to inform it of some priorities they would like to set.

From there the Board turned discussion to the matter of overtime versus compensatory time for Bernadette. Ms. McKenzie noted that she is under the personnel policy and is not a separate employee. The personnel policy dictates compensatory time rather than overtime. She also highlighted that elected officials are not part of the wage classification plan. She also noted a few employees that she is concerned about pay wise. She started off by citing the example of the Assistant Accountant, noting how hard she works and pointing out how she is not paid what other similar employees are paid in other towns. The other person she highlighted as an example is the Elder Assistant. This person is really is doing the work of an Elder Director and her pay is particularly low. This discussion sparked some talk about sick and vacation time and how this affects elected officials. From there, Ms. McKenzie returned to the discussion concerning the Administrator search, including the review committee and the processes. She also noted that interviews start this week for the Administrators job.

### **Appointments**

Ms. McKenzie informed the Board that Nancy Curran has requested to be appointed to the Cultural Council. Ms. Curran lives at 831 Main Street.

Nancy Curran is appointed to the Cultural Council Term Expires: June 30<sup>th</sup> 2018  
*Motion by Mr. Devlin, seconded by Mr. Alterisio, passed unanimously*

### **Minutes**

A motion to accept minutes as prepared for April 1<sup>st</sup>, 2015 was made by Mr. Devlin and seconded by Mr. Alterisio. The motion passed.

A motion to accept minutes as prepared for April 8<sup>th</sup>, 2015 was made by Mr. Alterisio and seconded by Mr. Leva. The motion passed.

A motion to accept minutes as prepared for April 15<sup>th</sup>, 2015 was made by Mr. Devlin, and seconded by Mr. Alterisio. The motion passed.

A motion to accept minutes as prepared for April 29<sup>th</sup>, 2015 was made by Mr. Devlin, and seconded by Mr. Leva. The motion passed.

*Approved and adopted on 6/17/15*

### **Police Contract**

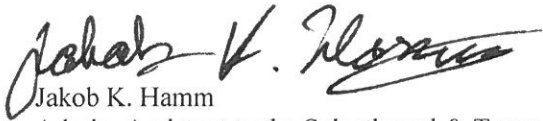
The contract has been concluded and signed by Mr. Leva in his capacity as chair.

### **Main Street Project**

Ms. McKenzie told the Board that the town will need to send a letter concerning the project to NMCOG. She then update the Board on the Project Kick-Off meeting including how abutters were asked to join the meeting by the Roads Commission and how all the parties were able to come together and conclude the best way forward. This includes corrections to the road path as well as how to improve safety for the intersection with Westford Street.

The Board then concluded its meeting and a motion to adjourn at 9:43 pm was made by Mr. Devlin. The motion was seconded by Mr. Alterisio and passed unanimously.

Respectfully submitted by



Jakob K. Hamm

Admin. Assistant to the Selectboard & Town Administrator

*Approved and adopted on 6/17/15*

