

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**June 17, 2015**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 7:02 pm

**Present:** Kenneth J. Leva, Daniel F. Devlin, Walter F. Alterisio, members; Madonna McKenzie, Town Administrator; Representative in General Court Sheila Harrington; Senator in General Court Eileen Donoghue; Anthony Lively, Chair, Harold West, Robert Jacobson, Capital Planning; Brian Conant, Chair, Water Commission; Susan Psaledakis, CPC and Safe Pathways; Brian Rich, Fire Chief; Lorraine Leonard, Town Accountant; Carol Skerrett, Town Clerk, Alan Chaney, Conservation Commission

**Selectboard Reviewed & Signed the Following:**

- Payroll & Vendor Warrants
- Signed Audit Contract Renewal

**Open Forum**

Mr. Leva explained and detailed the open forum then proceeded to outline the agenda for the evening, which would principally involve meeting with Representative Harrington and Senator Donoghue as well as an updates from Capital Planning and the Fire Chief.

**Special Election**

The Town Clerk asked the Board about the specific date it intended to set the Special Election. The Board noted that the available date ranges are August 25<sup>th</sup> through September 9<sup>th</sup>. Ms. Skerrett noted that the 25<sup>th</sup> would work, but also highlighted that the *Neighbor to Neighbor* will not be publishing in July. Her primary concern about that date would be getting word out about it. The Board expressed the opinion that more will certainly need to be done to get turnout than just publication in the *Neighbor to Neighbor*. Ms. Skerrett clarified that what she meant is that there will be a resulting reliance on social media since the local publication will not be publishing during that time. Ms. McKenzie informed the Board that she and Carol would work more on getting the word out should the Board settle on August 25<sup>th</sup> as the date. The Board turned to discussion concerning the financing options available in regards to the needs of the town concerning the water project. The Board finished discussion by determining that August 25<sup>th</sup> would be the most suitable date.

**Discussion with Representative Harrington & Senator Donoghue**

The Board started off by explaining some local concerns foremost amongst them being in regards to the ever increasing costs of public education and regional education. Rep. Harrington responded by highlighting that she is part of the regional school caucus as well as noting her commitment to working towards a moratorium on unfunded mandates. She expressed the opinion that progress is being made towards that end, but noted that the process will be slow. Senator Donoghue responded by explaining how she's worked on ensuring that the transportation side is funded and further elaborated on the history and her own awareness of the regional school district situation. She noted that the Senate has increased reimbursements over what the House has done, and the conference between the two will ultimately decide the number.

From that discussion the Board moved on to discussing with Rep. Harrington and Senator Donoghue how Groton and Dunstable are currently working on modifying and updating their regional school district agreement to conform to current law. The Board noted the issue of transportation is not the only issue, reminding the Senator and Representative that the towns are restricted by the tax rules of Prop 2 ½. This means that education funding is currently, in the view of the Board, unsustainable. Education could easily eat up the vast majority of the town's revenue. Rep. Harrington told the Board that she is hopeful that this year the legislature's foundation budget review commission will identify things that were not apparent in the past.

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Noting there are holes in how the cherry sheets are created. Senator Donoghue noted that hearings have been held across the Commonwealth, and a report will be issued.

The Board noted that many things previously funded are no longer funded have therefore become unfunded mandates. Rep. Harrington replied that the budget review should reveal that certain things are slanted towards things that used to exist but do not anymore. This includes issues like school nurses and the review has recognized that not all school dynamics will be the same. She stated that there is present litigation towards the matter of how regional schools are treated differently than town school systems. A problem that she thinks the judicial system will end up resolving. Senator Donoghue jumped in to the discussion by noting that efforts have been made on the unfunded mandate front and noted that the Senate has also pursued moratoriums like what has been proposed by Rep. Harrington in the House.

From there the Board highlighted the possible dangers of SPED and what it is has done to Lowell as of recent. Senator Donoghue again reiterated the Senates commitment to the topic of addressing unfunded mandates especially in relation to SPED. Rep. Harrington noted that the Governor is new, and will hopefully take a different approach than his predecessor on this topic. Senator Donoghue followed that by reminding all present that with a new Governor comes a new Education Commissioner. Senator Donoghue also acknowledged that the Senate is aware that many of the towns are between a rock and a hard place on where to go for the extra monies they need. Rep. Harrington then brought to the Boards attention the fact that she's been holding meetings with town administrators in her district concerning the ability to use municipal services to cut costs otherwise contracted out by the schools. She also highlighted how she's talked to the education committee about it as well.

The Board then showcased its own efforts on finding ways to reduce costs and implement ideas such as solar projects to lower utility costs among other ideas. The Board stated it is also worried about the major hits that will happen and how that could wipe out any gains from consolidation and thinking outside the box for savings. Senator Donoghue stated that in her view, until the Commonwealth is ready to fund mandates, it is unacceptable to force budget buster mandates. She thinks that if something is required it should be funded. Many districts are far from having the means to adopt some of these mandates and she feels it is irresponsible to require these kinds of mandates. This includes new technology requirements, testing mandates, and other similar mandates. Rep. Harrington noted that part of the problem is the acceptance of Federal Funding when the Commonwealths budget was in very tight straits. This funding has come with strings and this is something that will need to be addressed moving forward.

### **Capital Planning Update**

The committee started off by presenting some spreadsheets to the Board. Mr. Lively then discussed the contents of the spreadsheets. This included some long term issues that they want to address, and stressed that this is very preliminary. The committee continues to focus on getting information from the departments. Mr. Lively explained that he's gone over briefly, the findings of the committee so far with various departments including Highway, Fire, and Police. There were a few questions regarding the Committees numbers, a matter that the committee intends to perfect. It was also stressed that they will continue to firm up numbers and update the information in the form of their report. The Board inquired as to what should be prioritized. Mr. Lively noted there are multiple issues with the Town Hall that need to be addressed such as the roof and water damage from this past winter as well as the elevator floor.

Mr. Jacobson followed that by noting the problems with the elevator floor and the committees desire to have an expert take a look at the floor to make sure that it is safe. The Fire Chief noted that more than likely when the Commonwealth's inspector comes in, it the elevator will fail. The Board stated that the town government cannot just shut down and action will need to find a solution. From there Mr. Lively moved discussion to the issue at the Library concerning a fire exit. During winter the exit gets blocked by ice and snow and becomes unfit for its purpose as a result during that season. There are two back doors that are primarily affected. Mr. Lively noted that when these exits are blocked, the Library really should by law be closed. There was a question as to whether gutters would take care of this. Mr. Lively could not comment precisely to this. He did, however, note a fix that has been done for one of the other exits. The Fire Chief stated that this solution has its own problems given the nature of the Library's roof.

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Mr. West further elaborated on the problem and how the water rolls off the roof and forms the ice. Mr. Lively noted an issue of mold and watershed concerning the brick. He stated some design issues with the building that are taking a toll. Jeff Rider, the Town Engineer has looked at the problem and has recommended having an architect take a look. Mr. Rider speculated to Mr. Lively that this would cost around \$5,000. The Board expressed concern about the money available for this as well as the need for the Town Hall's furnace and AC units to be repaired. Ms. McKenzie noted that the town appropriated the money for the furnace at the Annual Town Meeting and that the town has already received the insurance funds for the AC units. She also informed the Board that the claims have been filed with the town's insurer for other repairs around the Town Hall with some of those claims already paid out. There is also the possibility, she observed, of historical preservation funds being available due to the historical nature of the Town Hall.

Ms. McKenzie also stated that while the elevator problem will need to be addressed, it isn't an impossible problem to overcome. She then elaborated that while losing the elevator would likely not shut down the Town Hall the Library's problem would definitely shut it down. Mr. Conant noted a possible solution, the use of calcium chloride and sand could help melt the buildup of ice and would be cheap. Ms. McKenzie explained how this would not necessarily solve the issue. The Board again expressed a desire to solve this problem, but not spend money blindly. The Board then thanked Capital Planning for its work towards finding issues and commended them for looking for solutions.

### **Fire Chief – Radio Communication Needs**

Chief Rich started out by explaining how the radio system works. From there he turned to discussion about the repeater in particular. The repeater was originally located at a private property. The property has since been sold and the new owners do not want the repeater located on their property. As a result the Chief has been forced to relocate the repeater to the Fire Station, but the station is not high enough in elevation to cover the town properly. The Board asked the Chief what the options are. The Chief stated that a small building with the repeater at the top of Skytop would be the best solution. The Board mentioned a few other options including the Congregational Church which hosts cell phone equipment. The Chief elaborated on properties in town where this equipment could be hosted and meet the town's needs. Blanchard Hill is another area. Blanchard Hill would fall under the Water Dept. which owns the property in question there. A 30 foot tower would be needed for that location.

The Chief further elaborated on what would be needed at either location (Blanchard Hill or Skytop). The total cost the Chief thinks, based on guess work, would be \$50,000 roughly. Mr. Leva asked about his house which is on Skytop Lane. The Chief stated that unfortunately given the terrain around his house it would not work there. The Board then asked Alan Chaney for his thoughts. Mr. Chaney stated he speaks for himself here, but said that it makes sense to him that this be put on Blanchard Hill provided the lines to it are put underground. He also noted a few other thoughts on what Conservation wants to do with the property for clearing and forestry. He expressed the opinion that it could be tucked away in a corner of a field. The Board asked about what can be done with technology.

The other option would be multiple repeaters and would cost close to \$100,000. The Chief stressed that this is the beginning stages and different locations will need to be tested. The Board asked whether a company could be found to conduct tests to determine the right location. The Chief explained how the testing could be done via truck radio. Park the truck in a location and test the radio. Ms. McKenzie asked whether there are any locations we could co-share with Groton or locate on the GDRSD property. There was also a question concerning the police department's radio issues as well. The police do not have the kind of radio abilities they should it was noted. The Fire Chief reiterated that he will continue to seek solutions and that the purpose of this update to the Board was to make them aware of this issue.

### **Transfers**

Ms. McKenzie noted that there are still too many bills coming in and so she has not brought anything as of yet. She told the Board that transfers within budgets may be permitted as late as July 15<sup>th</sup>. In the meantime she is keeping an eye on the issue, and she doesn't feel comfortable making any transfers at this point.

*Approved and adopted on 7/1/15*

## **Water Commission Update**

Mr. Conant started off by thanking the Board for its support. He then updated the Board on the meeting with DEP. Currently the commission is concerned with solutions for what to do if the system collapses. The commission has looked extensively for a company that can help them by providing a special type of tank that is portable. He highlighted the issue of penalties that would apply if the town doesn't fix the problem. DEP expects the town to handle any failure of the system when it happens. From there Mr. Conant pivoted to the issue of the re-vote on this project. He stated that the Water Commission will be holding another informational session that will be televised. The Board agreed, noting that this will need to be accompanied by fact sheets and warnings about what failure will lead to. There needs to be a greater level of detail the Board stressed.

From there Mr. Conant moved to the issue of a betterment fee. He implored the Board to make a motion and decide this matter. There is no need to reinvent the wheel he stated, stressing that the Board could use the plan from the last water project twenty years ago which had a betterment fee. He reiterated his belief that this project will not pass the voters without a betterment fee. Ms. McKenzie responded by explaining how the Board could possibly give the public a number now. She elaborated on the process and how the Assessors will be involved. Some clarification will need to be sought she noted, but she feels it can be done. Mr. Conant asked Ms. McKenzie if she could recommend the Board use the prior formula from the former project completed in 2007. She stated that she does feel the formula and structure used for that project was excellent. The Board worried that it couldn't be entirely sure about the numbers at this early stage. The actual expenditure won't be known until after the project is commenced, but Ms. McKenzie stressed to the Board that it could say "up to a million dollars" and give illustrative figures on what the betterment fee would look like.

Mr. Chaney noted that there was no campaign at that last vote. That outside of the informational meetings there was no action taken to campaign door to door person to person. He suggests that the argument needs to be brought to the public. But he stressed that for that to work, there needs to be figures. Something legitimate to hold on to, even if this is in a range rather than a specific number. The Board again came to the issue of how to solidify the cost figures. There was also discussion about why the system design was what it was. The public needs to be aware of why the system is being designed this way. There was also a question as to the rules of campaign for this and Ms. McKenzie noted Town Counsel has been consulted and should be issuing an opinion in the near future. The Board then determined that it will hold a meeting next week to consider the issue of betterments and to try and deal with this matter. Until then the Board will hold the matter in abeyance.

## **Appointments**

### **Annual Appointments 2015 – One Year Term**

Town Counsel – Richard Larkin  
Fire Chief – Brian Rich  
Electrical Inspector – David G. Sweet  
Alternate Electrical Inspector – David G. Sweet II  
Gas & Plumbing Inspector – James Dow  
Alternate Gas & Plumbing Inspector – John M. Cryan  
Town Accountant – Lorraine Leonard  
Town Engineer – Jeffery Rider  
Animal Control Officer – John Greenhalgh  
Veterans Agent – Joseph Dean  
Veteran's Grave Agent – Alan Chaney  
Assistant Tax Collector – Jake Hamm  
Assistant Treasurer – Jake Hamm  
John M. Callahan – Safe Pathways  
Susan Psaledakis – Safe Pathways  
Alan Chaney – Memorial & Monuments Committee  
Joseph Dean – Memorial & Monuments Committee  
Dana Metzler – Memorial & Monuments Committee  
Philip Denyse – Memorial & Monuments Committee

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### **Annual Appointments 2015 – One Year Term**

William S. Jennings – Affordable Housing  
Dana Metzler – Affordable Housing  
Alan Chaney – Affordable Housing  
Robert Jacobson – Capital Planning  
Harold West – Capital Planning  
Anthony Lively – Capital Planning  
Jean O'Brien – Personnel Board

### **Annual Appointments 2015 – Three Year Term**

Carl B. Flowers – Agricultural Commission  
Albert Horton – Agricultural Commission  
Susan Psaledakis – Community Preservation

### **Annual Appointments 2015 – Five Year Term**

Alan Chaney – Conservation Commission

### **Appointments for Vacant Elected Positions**

Mike Martin – Tree Warden  
Danice Palumbo – Proctor & Parkhurst

A motion was made by Mr. Devlin to accept and appoint as recommended the Annual Appointments for a term to end on June 30<sup>th</sup> 2016 and the Annual Appointments for a term to end on June 30<sup>th</sup> 2018. The motion was seconded by Mr. Leva and passed without objection.

Ms. McKenzie then requested the Board correct an appointment it made on June 3<sup>rd</sup> concerning the filling of a vacant elected position. The Board had appointed Denice Palumbo to fulfill the whole remaining term. Ms. McKenzie explained that MGL does not permit this, the Board may only appoint a person to fill a vacant elected position until the next annual election of the town.

A motion was made by Mr. Devlin to correct the appointment of Denice Palumbo as a Commissioner to Expend Proctor & Parkhurst Trust Funds from fulfilling the whole term, to instead filling the vacancy until the Annual Town Election tentatively scheduled for May 16<sup>th</sup>, 2016. The motion was seconded by Mr. Leva and passed without objection.

### **Action Items**

#### ➤ *Town Hall Use Applications*

The Dunstable Grange has applied to use the Town Hall on September 26<sup>th</sup>. Seeing no scheduling conflict, the Board moved forward on the matter.

A motion to approve the application to use the town hall by the Dunstable Grange for September 26<sup>th</sup>, 2015 was made by Mr. Devlin and seconded by Mr. Alterisio. The motion passed unanimously.

The Second Mass Regiment has applied to use the Town Hall on June 14<sup>th</sup>. The Board determined that it would approve this application retroactively.

A motion was made by Mr. Devlin to approve of the regiments application to use the Town Hall on June 14<sup>th</sup>, 2015. The motion was seconded by Mr. Alterisio and passed without objection.

#### ➤ *Nashua River Watershed*

The Nashua River Watershed project has asked for a representative and alternate to be chosen by the town. Ms. McKenzie suggested asking Conservation to recommend who should do this with the alternate designee being from the Board. The Board felt that both the person and alternate should be chosen by Conservation and requested that Ms. McKenzie convey this to Conservation.

#### ➤ *Town Clerks Memo*

The Town Clerk brought to the Boards attention the fact that TJ Livingstone, who the Board appointed to be a Zoning Board of Appeals Associate Member has not yet been sworn in nor had his address confirmed for service of process by the courts. The Board noted the seriousness of this matter and asked its Administrative Assistant to speak with the ZBA Chair about this matter and to try and see if the matter could be resolved quickly.

#### ➤ *Audit Contract Renewal*

The Board explored the question as to the reason for why the audit cost increases every year. What is the rational? Ms. McKenzie noted that the cost is not actually increasing this year. The auditors she noted have agreed to stay at what the town has budgeted this year, which is \$12,000. Next year it will be \$13,000 and \$14,000 the year thereafter. She further explained that this audit group was chosen by the former town accountant, and the current one suggests staying with this audit group for this term of 3 years. A motion was made by Mr. Devlin to agree to the contract, seconded by Mr. Alterisio and passed.

*Approved and adopted on 7/1/15*

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

Ms. McKenzie noted she didn't have a lot to report, noting that not much progress has been made on existing work. She promises more next time.

### **Minutes**

The executive Session minutes for May 20<sup>th</sup> will remain on file and not released until the matter is fully concluded.

A motion to accept the May 20<sup>th</sup> and June 3<sup>rd</sup> minutes as written was made by Mr. Devlin and seconded by Mr. Alterisio. The motioned passed unanimously.

### **Executive Session**

A motion was made by Mr. Devlin to enter Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel and to adjourn immediately thereafter upon conclusion. The motion was seconded by Kenneth J. Leva, Daniel F. Devlin, Kenneth J. Leva, and Walter F. Alterisio voted to approve the motion.

The Board entered into Executive Session at 9pm.

A motion to adjourn at 9:32pm was made by Mr. Devlin and seconded by Mr. Leva. The motion passed unanimously.

Respectfully submitted by



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

*Approved and adopted on 7/1/15*