

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**August 12, 2015**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 6:10 pm

**Present:** Kenneth J. Leva, Daniel F. Devlin, members; Tracey Hutton, Town Administrator; Brett Rock, Board of Assessors; Carol Bacon, Affordable Housing & Historical Commission; Mike Martin, Roads Commission; Brian Rich, Fire Chief; David Tully, Highway & Water Superintendent

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- Alexander Estates Deeded Property

**Open Forum**

Mr. Leva started the meeting by explaining the public forum, its purpose, and by outlining the agenda for the evening. Mr. Leva then opened the floor to the public. Mr. Chaney inquired with the Board about current plans in regards to the surveying of some town land. He noted the Annual Town Meeting voted to re-establish funding for this project. The Board responded that there were some questions of cost for the survey and why the proposed cost was as high as it was. Mr. Chaney responded that it should cost about \$15,000 rather than the original proposed cost of \$30,000 if the town does some things in house. Ms. Hutton asked whether the town has anyone certified to do this project, specifically in regards to wetlands. Mr. Chaney indicated that one of the Conservation Commissioners has the appropriate certification. The main issue with this property, and why a survey is necessary, is because the property appears larger than what was delineated on the deed. When the town acquired the property, Mr. Chaney noted, it was believed to be approximately 39 acres. But, subsequent study has indicated that the property may be closer to 50 acres. Mr. Chaney illustrated this discrepancy by noting that there are many parcels in town that have not been surveyed properly. Mr. Chaney finished up discussion by noting that there is sufficient funding now to do it and asked the Board to move forward on the matter. The Board noted that such action will require working with the Advisory Board. The Board then concluded the open forum.

**Audio Technical Issue**

Ms. Hutton started off the discussion by explaining the audio technical issue that the town is experiencing. She also elaborated on her work to find a solution, including repeated attempts to have audio and broadcast equipment companies look at the system. Only one company was willing to look at the system and provide price quotes. The Board inquired as to what kind of equipment this would include. Ms. Hutton explained that they will replace the current microphone with two new hand held ones with one mic being used for the Board and the other for handing around the audience. One of the complaints from viewers in the past has been that they cannot hear questions asked by the audience so they only hear half the discussion during open forum and other similar portions of meetings. Ms. Hutton also explained that she hopes to update the technology from analog to digital, and this includes the possible replacement of the camera as well. The Board noted that there appears to be sufficient funds in the technology line item for this work. Ms. Hutton agreed and finished by noting that she hopes to have audio restored in time for the Boards next meeting.

**Appointments**

Ms. Hutton presented the Board with several appointments including a representative to the LRTA, Planning Boards designee to CPC, and two appointments to the GDRSDAAC. The Board agreed to move forward with the appointments.

David Tully, Sr. is appointed as the Dunstable Rep. to the LRTA Term Expires: July 30<sup>th</sup>, 2016  
*Motion by Mr. Devlin, seconded by Mr. Alterisio, passed without objection*

*Approved and adopted 9/2/15*

Daniel St. Jean is appointed the At Large Rep. to the GDRSDAAC Term Expires: June 30<sup>th</sup>, 2016  
*Motion by Mr. Devlin, seconded by Mr. Alterisio, passed without objection*

Christine Muir is appointed the Advisory Board Rep. to the GDRSDAAC Term Expires: June 30<sup>th</sup>, 2016  
*Motion by Mr. Devlin, seconded by Mr. Alterisio, passed without objection*

George Basbanes is appointed the Planning Board designee to CPC Term Expires: June 30<sup>th</sup>, 2016  
*Motion by Mr. Devlin, seconded by Mr. Alterisio, passed without objection*

### **Blodgett Street Sign**

Ms. Hutton began the discussion by explaining that the town has received a request from a Tyngsborough resident who lives on the town line. This person has property in both towns and has recently erected a barn on his Dunstable property. An address has been assigned to him, but due to the fact that the street name changes at the town line, the resident has requested that the sign at the end of the road either be modified to include the name change. The Board responded that they are aware of this particular street and the town line name change due to past issues involving concerns for emergency response. There are no buildings located in Dunstable on that street besides this barn. The street name in Tyngsborough is Cummings Rd. The Board indicated they would have no issue with the sign at the end of Blodgett Street saying "Blodgett/Cummings Rd." Ms. Hutton stated that she would discuss this matter further with the Roads Commission, but noted that the signage decision ultimately remains with the Board.

### **Special Town Meeting & Solar Project**

A Special Town Meeting is tentatively scheduled for October. Currently, Ms. Hutton is in talks with the Town Clerk as to the date. The Clerk has requested that all future town meetings be scheduled for Tuesdays. The Board agreed that this was a reasonable request considering various absentee and early voting requirements. Ms. Hutton then elaborated on the agenda explaining that it will include some housekeeping needs including modification of the new Personnel By-Law adopted at the Annual Town Meeting as well as some budget line items that need to be redefined. She also informed the Board that at the Annual Town Meeting authority was granted for the town to enter into a net meter credit agreement, but that the town did not include an article that would authorize the town to negotiate a PILOT agreement with Citizens Energy. Therefore this will need to be taken care of if the solar project is to proceed. The Assessors have met on the matter and determined that they do not favor waiving owed back taxes and fees as requested by Citizens. Further, the Assessors have asked that they be designated to have the authority to negotiate this matter which is why Mr. Rock is present.

Mr. Rock elaborated on the Assessors position to the Board. He explained that the Assessors do not oppose the deal, but believe that a better deal can be struck than what Citizens has offered and they want to honestly negotiate on the taxes and related fees that are owed. The Board discussed how the negotiations could move forward and what the terms could look like. This included talk about how to potentially spread that payment out over time for the whole amount, or any lesser negotiated sum. Mr. Rock also informed the Board that he isn't sure about what Tyngsborough is doing but he wants to make sure that it is done right in Dunstable. The Board tentatively agreed that for the tax issue, it is probably logical to have the Assessors negotiate so long as it is permissible. Ms. Hutton explained that DOR has told her that a board has to be designated to negotiate and they are okay with it being the Assessors.

Finally the Board did express some concern about whether the deal could fall apart if Citizens refuses to pay in full. Ms. Hutton noted that Citizens has a lease on the property in question. Mr. Rock expressed the opinion that they have spent far too much money on this project to refuse to pay the \$25,000 due or to negotiate in good faith. Ms. Hutton noted how necessary the PILOT is, stating that other forms of taxes placed on the solar projects have been waived by the courts. The ongoing issue for the PILOT will continue to be how long it will take to get the authorization. The town cannot legally adopt a PILOT without authorization from a town meeting and a town meeting cannot be called under the current time tables sooner than October so negotiations will have to wait for the time being. In the meantime Ms. Hutton reported that she has provided Citizens with the towns energy usage so that work on a net metering agreement can still move forward.

*Approved and adopted 9/2/15*

## **Treasurer/Collector**

Ms. Hutton informed the Board that she has drafted a unified job description for the Treasurer/Collector position as requested. She also further elaborated on how the town could create a unified position. Her understanding is that this would require an article at a town meeting, followed by a vote at a town election, and then a petition must be submitted to the General Court which upon passage would require the Governor's signature. The Board noted that this sort of process was followed when the two positions were made appointed and expressed some thoughts about whether the same process would be required again to merge them or if the matter could simply be decided as a simple town meeting article or even by the Board's authority. There was some discussion relating to whether the positions should be formally merged as it was suggested that keeping them separate guarantees the town a level of flexibility in hiring should in the future the town find a candidate excellent for one position but not necessarily the other.

Leaving it as it is now would allow the town to hire, for example, an exemplary Treasurer who could become trained to take the position of Tax Collector as well. In the meantime the other position could be shared with another town like the position of Accountant was with Kim Fales (who worked for both Townsend and Dunstable under an Intermunicipal agreement). Ms. Hutton noted that the town could take half step measures that would create a more unified position without formally merging the two positions. The Town Accountant has indicated to her that the two salary line items could be merged into one salary. Similar steps could be taken to create what would amount to a unified position without a formal merger. The Board favored this path. In the meantime Ms. Hutton agreed to look further into the requirements under law for a formal merger.

## **Alexander Estates**

On this topic, Ms. Hutton reminded the Board that as part of the development plan it was agreed early on that some of the property would be deeded to the town for open space purposes. In order for this to be completed as agreed, the Board will need to execute and sign a deed prepared by the developer of Alexander Estates. Ms. Hutton noted that Mr. Larkin, Town Counsel, has already reviewed the deed and approved it for signing.

Mr. Alterisio moved that the Board execute the deed as previously prepared and now presented to the Board. The motion was seconded by Mr. Devlin and passed unanimously.

## **Disposal of Municipal Vehicles**

Ms. Hutton started off the discussion with humor noting that the vehicles the town has for disposal appear to be breeding like bunnies. On a more serious note Ms. Hutton informed the Board that according to the procurement laws the town can scrap the old ones since they are worth so little. In fact, the law even allows that vehicles which are of such a status are under MGL may be governed by policy. Therefore since Dunstable does not currently have a vehicle disposal policy, Ms. Hutton proposes that the Board adopt one. She then gave the Board a draft policy for disposal of old vehicles. Ms. Hutton also informed the Board that the Fire Chief would like to use at least two of the vehicles for training. She noted that the scrap price won't necessarily be as low as was previously thought, even after they are used for training purposes. The Board asked whether the funds recovered from scraping the vehicles could be donated. Ms. Hutton stated she believes that it can be done but assured the Board she would look into the law around this to make sure it would be permissible. There was also a question regarding sealed bids that Ms. Hutton elaborated on.

A motion was made by Mr. Devlin to approve the policy as written. The motion was seconded by Mr. Alterisio and passed unanimously.

## **Travel Reimbursement Policy**

The Board asked Ms. Hutton for further information on her procurement costs relating to parking and her hotel choices. Ms. Hutton explained that there are parking costs even for a hotel; the average in Boston for hotels is about \$46. She then explained the travel policy and why the Town Accountant has asked for the Board to adopt a policy on this topic. Although the town doesn't have a lot of travel by town employees, it is still

*Approved and adopted 9/2/15*

advisable to have a formal policy in place. The Board reviewed the proposed policy and asked a few questions in regards to items like frequent flyer miles, parking costs, and so forth. Ms. Hutton elaborated on why these rules would be advisable, even though some of them might appear just as common sense.

A motion was made by Mr. Alterisio to approve the travel reimbursement policy as written. The motion was seconded by Mr. Devlin and passed without objection.

### **Administrators Report**

Ms. Hutton started off her report with discussion concerning the ongoing heating and AC issues at the Town Hall. She informed the Board that so far we have one quote for repairs but she has already lined up another company to look at the system Monday. She is not sure she will be able to get three quotes since many companies seem reluctant to work on the heating boiler. Under applicable law, if the town has made good faith efforts to get three quotes, the requirement may be waived. There is also an issue of prevailing wage, but Ms. Hutton feels confident that if she can convince state authorities that this is simply a matter of maintenance the requirement might be waived. She also noted that auxiliary alarms will be installed so that an alarm will go off in another part of the Town Hall rather than just the attic. This alarm will include an automatic shut off.

For the AC's Ms. Hutton spoke with the same companies that she did for the boiler issue and it appears that there will be a cost for assessment. Depending on the company this might be as high as \$700 per unit to evaluate what's wrong. We have two units we know are in need of replacement and two we aren't sure about. The Board noted that this assessment cost is a tad high and they'd like to explore to see if that cost can be made cheaper. Ms. Hutton agreed. She then further elaborated on some ideas about replacing the fence around the units, changing from the current shattered fence to a split wood fence. But any changes of this nature would require getting permission from the Mass Historical Commission since the Town Hall is a nationally registered historic building. Ms. Hutton noted that she will also have to talk to the towns Historical Commission as well.

In conclusion, Ms. Hutton elaborated on a few other topics including her need for Microsoft Access in order to have the VADAR installed on her computer. The Board agreed that spending this money would be a good investment. Ms. Hutton informed the Board that her wish to have this software isn't just about monitoring the burn rate but also so that she can better familiarize herself with which accounts pay which bill. In essence she wants to see where the money is coming from as well as monitor it as it is being spent. The Board agreed.

### **Water: Betterment v. Usage Fee**

Ms. Hutton informed the Board that Town Counsel has spoken with DOR and it is DOR's position that the towns proposed water project does not qualify for a betterment fee. DOR indicated that a betterment may only be charged where new pipe is being laid. This means that replacement of old or existing piping does not qualify. That said, DOR has indicated that the town could charge a water usage fee instead. The Board noted that the town needs to disseminate this information so that the public is aware that a betterment cannot be charged in this case. The Board determined that upon conclusion of the project, should the project be approved it would investigate the potential for levying a water usage surcharge. This would be something that the Board would need to work out with the Water Commission. Ms. Hutton noted for the record that a water user surcharge fee only charges water users and does not include people who are not connected to the system.

### **Gas Pipeline**

Ms. Hutton started off discussion of this topic by giving the Board a letter regarding the intervener issue as well as listing some concerns that she addressed with NMCOG. Usually there is a legal fee attached to the intervener issue. Ms. Hutton noted that while NMCOG isn't sure about this, she has past experience as a municipal intervener and it usually has a cost. Kinder Morgan is facing stiff resistance from New Hampshire but ultimately the route decision will be done by FERC. We have 21 days from filing to make this decision. The Board expressed some reservations about jumping into this too quickly and wondered how many other towns affected have taken action. NMCOG was previously the intervener, but apparently they want to the communities to be as well.

*Approved and adopted 9/2/15*

Mr. Alterisio explained what he learned by attending the regional FERC scoping session held in Dracut. This included some information about the FERC process and how the environmental impact study will have to be done and will take one year. Then after that there will be another public review period after that. The concern that's being expressed is that the argument that New Hampshire has posed could motivate Kinder Morgan to make a change back to Massachusetts, which would undue their decision to shift the route. However, it appears that they plan to stay with the New Hampshire route at this time. There have already been some changes to the sizes of pipes. There doesn't appear an immediate benefit to becoming an intervener at this particular point in time. Ms. Hutton agreed to research the matter for the Board further.

### **Citizens Energy / Permits**

Ms. Hutton informed the Board that the town has adopted Chapter 40, Section 57 on permits. Because the town accepted this statute the town may adopt a by-law on this topic. The Board asked Ms. Hutton to draft a by-law for the Special Town Meeting which she agreed to do. The Board indicated that this should not be allowed go too long. The Board then stated that as she goes along, Ms. Hutton will likely find more areas where the town has not yet, but should have, adopted by-laws or where they need to be updated and encouraged Ms. Hutton to bring such matters to the Board's attention as they arise.

### **Warrants & Minutes**

The Board reviewed and signed the warrants. Subsequently they reviewed minutes from previous meetings.

A motion was made to accept the minutes from July 28<sup>th</sup> as written by Mr. Alterisio. The motion was seconded by Mr. Devlin and passed without objection.

A motion was made to accept the minutes from July 1<sup>st</sup> and 15<sup>th</sup> as prepared by Mr. Devlin. The motion was seconded by Mr. Alterisio and passed without objection.

A motion was made to accept the minutes for July 29<sup>th</sup> as written by Mr. Devlin. The motion was seconded by Mr. Leva passed without objection.

### **Budget Review**

The Board finished off its meeting by discussing some thoughts and concerns about the various departments and their line items. Ms. Hutton elaborated on some of the transfers that the Police Dept. has requested, noting the Town Accountants position. The Board also highlighted a few other expenditures. There was some talk about looking into auditing department budgets. Ms. Hutton informed the Board that by Sept. she plans to have a better understanding where the Police and other department budgets are heading before we enter budget season. The Board expressed a desire to see an audit done on at least one department in order to understand and ensure sound budget processes are in place. The Police Dept. was considered because of its size and importance to the town. The Board outlined how they want to continue to work on this topic and to continue monitoring the department's burn rates as the budget year moves forward.

A motion to adjourn at 7:37pm was made by Mr. Alterisio and seconded by Mr. Devlin. The motion passed unanimously.

Respectfully submitted by



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

*Approved and adopted 9/2/15*