

**Town of *Dunstable* Selectboard  
Meeting Minutes  
January 27, 2016  
Town Hall, Dunstable, MA 01827**

**Convened:** 6:33 pm

**Present:** Daniel F. Devlin, Walter F. Alterisio, members; Tracey Hutton, Town Administrator; Police Lieutenant James Dow

**Selectboard Reviewed & Signed the Following:**

- Warrants & Payroll
- Primary Election Warrant for Town Clerk

**Open Forum**

Mr. Devlin, acting as chair, briefly explained the purpose of the public forum and went over the Boards agenda which included review of the proposed budget, an emergency action plan for the town hall, and numbering for new structures on French Court and Forest Street.

**Budget Review**

The Board started off discussing a piece of town property that needs to be surveyed. Funds were appropriated for this purpose, but ultimately diverted to address more pressing needs at the time. Ms. Hutton noted that there are concerned citizens who continue to comment on this matter, but stated she would speak with them again moving forward. She also noted that she has spoken with the Town Accountant about this situation. From there the Board turned to discussion regarding the lighting in the Library. Ms. Hutton reported that the lights have been picked, and they are ready to go, but the original article only authorized the design of new lighting rather than the procuring of new fixtures. The funding that was provided in the original article is sufficient, but the wording needs to be corrected at the Annual Town Meeting. Ms. Hutton then turned the Boards attention to a housekeeping matter pertaining to the Council on Aging and then the issue of compensation for the Inspections Department. Currently, there is a need to correct the manner by which the various Inspectors are paid which is based off the calendar year rather than the fiscal year. Addressing this and fixing it is a top priority of the Town Accountant.

Discussion regarding the Inspectors turned from the current process which pays them based on the calendar year to talk about the rate for work done, the split between the inspectors and the town for fees, and rates for work done for the town. Ms. Hutton noted that work done for the town would come out of the appropriate accounts, whether its maintenance to the Town Hall or any other similar matter. To deal with this particular concern, the town will need some kind of protocol or policy. Discussion returned to the Inspectors rate. Ms. Hutton sought to clarify whether the Board was looking for a stipend system or not, noting that the current break down of fees, 20 percent to the town for administration costs and 80 percent the Inspectors, is in line with what other similarly situated towns in the region do. Ms. Hutton explained the role of administration in regards to Inspections, including the role her office plays in the permitting process. While there are costs associated with the processing of permit payments, the Inspectors also incur costs such as those relating to licensing and training. She also noted that the town does not see a high enough volume of permits to sustain a stipend system. The Board reiterated the desire to see an in house rate established. Ms. Hutton agreed to conduct some research in regards to this and see what other towns do.

From there the Board turned to the Main Street Reconstruction Project. This included some concerns about ensuring that Safe Pathways is being heard. Ms. Hutton noted that Safe Pathways has been heard, and that their opinion is the same as DOT. From there Ms. Hutton reported on her work looking for additional grants for Stormwater. The Board highlighted the fact that the stormwater consultant and the Town Engineer continue to work on this project and their work has been satisfactory. Ms. Hutton agreed and stated that currently the town does not know what the terms of the permit will be, but while that uncertainty exists, there is plenty of opportunity to provide materials, continuing engineering and education. The Board responded that it wants to consider where the town is and where the town needs to be. This includes settling what is done and what remains to be done. Ms. Hutton noted that the stormwater by-law has been completed and is out for review with Town Counsel for the Annual Town Meeting. From there the

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town will need to hold public information meetings, which the Board would like to see scheduled. The whole process demonstrates compliance.

Discussion then turned to the Transfer Station. In terms of the Transfer Station being an enterprise fund, the Board of Health has no opinion. But the Transfer Station being an enterprise fund does cause issues paperwork wise for the Town Accountant. The Accountant does not believe that the account should be an enterprise fund. While Advisory Board is not yet fully on board with a change, Ms. Hutton feels confident that they will be. This change would have to occur at the Annual Town Meeting. The Board generally agreed and turned discussion to the Parks Commission and the Animal Control Officer. In particular with regards to the ACO, the Board would like to see his stipend separated from his expense accounts expressing concerns about how the current situation could negatively affect the ACO. Ms. Hutton agreed that this would be a priority and noted that the town has an excellent ACO who reports regularly and keeps the town apprised of matters as they develop. From that point the Board turned to discussing the Personnel Board and where matters stand. The recent meeting held by the Personnel Board attempted to begin grappling with the costs of adoption. The numbers being discussed are manageable, and moving forward the matter should become simpler. The COLA issue isn't settled yet. Ms. Hutton recommends that the departments hold COLA's at 2 percent and informed the Board that she's asked all departments that have requested more to cut back to 2 percent. Any other increases will need to be done through the Personnel Boards ongoing wage classification process.

Discussion then turned to the issue of combining the Treasurer and Tax Collector pay and budget. Currently the pay is combined for both positions and the new budget for FY17 will have a combined budget. There was then discussion of the legal expense line, and requested increase for funding for managing elections. The Board noted that this will be a big election year. Discussion then turned to a request from the Fire Dept. for coverage for when the Fire Chief is out of town. This would be \$15,000 for 100 days for coverage. The 100 days are not a random number. Ms. Hutton explained the rationale noting that this would allow day coverage here and there as needed. The Chief has provided Ms. Hutton with some line items that can be reduced to help pay for this. As such the impact on the budget will be closer to \$10,000. The Chief has also requested a salary increase. The Board noted that they are gradually moving towards a salary that makes more sense for him and were not adverse to the proposed amount. Ms. Hutton then reported on the budgets she hasn't yet heard back on. She's told departments and various entities in the town that have not provided budgets that they will be level funded unless they provide a proposal. This is the first run of the budget, so the total impact on the town's budget has not yet been totaled. Ms. Hutton noted that Capital Planning hasn't come in yet, and there remains the issue of the school budget request. The Board inquired into the status of the Capital Planning by-law. Ms. Hutton responded that the by-law is ready to go for the Annual Town Meeting. Overall, the Board expressed satisfaction with the budget. Ms. Hutton then informed the Board that she has some preliminary numbers for the health insurance costs. The preliminary number appears to be about 9 percent.

### **Town Hall Emergency Action Plan**

The Police Department has completed training with Town Hall staff on how to handle emergency situations. The next step is work on putting in place a formal plan. This should be reviewed with employees from time to time. Ms. Hutton told the Board that she intends to begin drafting this plan in conjunction with the Police Chief. The Board expressed support for this plan.

### **Safe Pathways Update**

Ms. Hutton explained that she's met with the Chair of the committee. They are looking at what the next steps are for the pedestrian way. Currently they are looking at DOT funding for the sidewalk that will be required as part of the Main Street Reconstruction Project. The existing pedestrian plan for a safe pathway will be connected to that sidewalk. If DOT is willing to pay for this, it is the best way forward.

### **French Court & Forest Street Numbering**

There was concern at the Boards last meeting that this was a renumbering of existing structures. Ms. Hutton reported that these are new structures being numbered. There will be no changing of any existing numbers for this. The structures in question total about 10. The Board noted that as long as this is consistent with current policies and doesn't mean any renumbering of existing structures they are in support.

Mr. Devlin made a motion to accept the numbering as proposed. The motion seconded by Mr. Alterisio and passed without objection.

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### **Elevator Maintenance Contract**

Ms. Hutton reported on the situation noting that Delta Beckwith requested to meet with the Board at this meeting, but were not ultimately unable to make it. The Board inquired as to how the situation has progressed. Ms. Hutton reported that Town Counsel is currently attempting to deal with this situation in a non-litigious manner. The current position of the town is that the contract with Delta Beckwith is *void ab initio* (from the beginning) because it was a 5-year contract that was not adopted in accordance with MGL. Town Counsel has provided court precedence that demonstrates that it was Delta Beckwith's burden to ensure the town could enter into the contract in the first place. They appear to have failed this burden since MGL does not allow for the contract to be adopted in the manner by which it was adopted. There was some ensuing discussion of Delta Beckwith's rates and how the town should proceed. This contract was not only a 5-year contract, but also one that automatically renewed. MGL provides that contracts exceeding 3-years be approved by Town Meeting.

### **Ongoing ZBA Concern**

The Board noted that in the recent past there have been some issues with the function of the Zoning Board of Appeals. The Board expressed some concern about where the matter currently stands and whether things have been sorted out as to the responsibilities, expectations, and performance. Ms. Hutton noted that there are existing problems, including a lack of responsiveness. The Board expressed a desire not to strong arm the ZBA, but stated that the ZBA needs to function properly. It appears that there may not be an understanding as to how things need to be done. These issues may leave the town exposed, and this is of great concern because ZBA covers an inherently litigious area. Ms. Hutton inquired as to how the Board would like her to tackle this. The Board responded that they would like to see discussion with the ZBA. Ms. Hutton noted that the last time she attempted to meet with ZBA they scheduled a meeting when she was out of town. She further observed that they are unresponsive to attempts by staff to reach them, but there are pending matters that will require ZBA to meet. Ms. Hutton informed the Board that she will attempt to reach out to the ZBA again to address these matters and to ensure that ZBA is getting the help that they need to perform their duties. The Board stressed that while diplomacy is important, the Board will step in if necessary. This is not a step that the Board wishes to see happen. Ms. Hutton responded that she would attempt to arrange a meeting with the ZBA chair.

### **Ambulance Service**

Ms. Hutton reported that the town is still looking for an ambulance service. Trinity Ambulance may be amenable to serving the town. The Board noted that we need to do some research on what the number of calls are, and what exactly the town needs. Tyngsborough is still about 18 months away from receiving its new ambulance so the status quo may remain for now. There was then discussion about other ambulance services in the area. Ms. Hutton informed the Board that she would conduct the necessary research and report back.

### **Kinder Morgan / Tennessee Pipeline**

Dunstable still remains outside of the pipelines path at this stage. There has been a lot of discussion at NMCOG about concerns over the pipeline. There is a petition being put forth by the Franklin Regional Council of Government to FERC in regards to the pipeline. NMCOG supports FRCOG in regards to this petition. While the pipeline does not currently affect Dunstable, this could change and Dunstable remains in support of impacted communities.

### **Administrators Report**

Ms. Hutton started off by discussing the donation bins at the McLoon's property. She has spoken with Town Counsel and it has been determined that the bins are not allowed by zoning anywhere in the town including on private property and public property. Ms. Hutton will, with the Boards approval, inform Mr. Kennedy and the Rural Land Trust. The Board agreed. Ms. Hutton then turned to the issue of updating technology. She has purchased a new larger monitor for the Assessors and Inspections Terminal. She would also like to purchase a new computer and monitor for the Building Inspector. His current computer is old and outdated and may pose a security risk to the town's network. Currently the Building Inspector is using his iPad, but it looks like a computer for him may make sense. The Board suggested further consultation with the Building Inspector and upon his request moving forward with any necessary purchase.

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From there Ms. Hutton turned discussion to the cost of putting some additional software and information online. She has been very frugal with the technology budget and she would like to use the remaining funds to implement some Patriot Software for assessing. This software would allow homeowners to print real estate tax information from home instead of having to come to the terminal at the Town Hall. The initial setup cost is \$5,000 but the yearly cost is \$1,000. The Board determined that while this is a good idea, and they support it generally, the Board would like to discuss this further with Mr. Leva present. Ms. Hutton then turned to reporting the briefing of the RFQ for a Public Safety Complex. This included information on the briefing with possible candidate companies. From there she spoke about the selection committee that will need to include a selectmen, a member of the Advisory Board, Capital Planning, and the Fire and Police Chiefs. So far about 12 candidates have requested the RFQ, but only 3 came to the project briefing. The Board suggested Mr. Leva for this, but asked Ms. Hutton to inquire with him.

From this point Ms. Hutton turned the Boards attention to correspondence from the Town Clerk. The Clerk has requested the Board sign the warrant for the primary election to be held on March 1<sup>st</sup>. The Board agreed to proceed and sign the warrant as requested by the Clerk. Ms. Hutton noted a few other matters that will require Mr. Leva's signature in his capacity as chair, noting that she will contact him for his signature. Ms. Hutton then informed the Board that she would be meeting with the Library Trustees concerning the Library's egress and ingress problems. Before ending their meeting the Board requested Ms. Hutton look into the frequency of payments to Essex Agricultural School for the school choice student from Dunstable. There was some question as to whether the payments were quarterly or not. Ms. Hutton agreed stating she would have this for the Boards next meeting. Ms. Hutton finished her report by informing the Board of the incident between a Police Cruiser and a deer. Lt. Dow explained the situation and how it came to pass. The damage will be covered by the towns insurance.

### **Future Meetings**

The Board discussed their upcoming meetings. Currently the Board has a meeting on February 4<sup>th</sup>, than no meeting on February 10<sup>th</sup> as originally planned. The next meeting would then be on the 24<sup>th</sup> of February. The Board would have a meeting on the 25<sup>th</sup> with Planning Board. The Board suggested that since the 10<sup>th</sup>'s meeting opening could provide the possibility of holding a joint meeting with ZBA. Ms. Hutton informed the Board that she would attempt to set up a joint meeting for February 10<sup>th</sup>.

### **Minutes**

The Board considered its minutes from December 30<sup>th</sup>, and January 4<sup>th</sup> and 6<sup>th</sup>. The Board determined to accept the December 30<sup>th</sup> minutes.

A motion was made by Mr. Alterisio to accept the minutes for December 30<sup>th</sup>, January 4<sup>th</sup>, and January 6<sup>th</sup> as written. The motion was seconded by Mr. Devlin and passed unanimously.

### **Warrants & Mail**

The Board considered and signed the warrants and reviewed their mail.

A motion to adjourn was made by Mr. Devlin at 7:53 pm. The motion was seconded by Mr. Alterisio and passed unanimously.

Respectfully submitted by



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

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