

Town of *Dunstable* Selectboard
Meeting Minutes
February 24, 2016
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Daniel F. Devlin, acting chair, Walter F. Alterisio, member(s); Tracey Hutton, Town Administrator; Leah Basbanes, chair, Alan Chaney, Conservation Commission; Lieutenant Dow, Police Dept.

Selectboard Reviewed & Signed the Following:

- Warrants & Payroll

Open Forum

Mr. Devlin, acting as chair in Mr. Leva's absence, briefly explained the purpose of the public forum and went over the Boards agenda which included appointment of a Water Commissioner to fill a vacancy, discussion with the Conservation Commission, and the Town Administrators Job Description.

Retiree Health Benefits

Lt. Dow addressed the Board in regards to retiree health benefits. He started off by discussing a letter from Ms. Hutton in regards to this matter. It appears that this is not something that can be done for this upcoming Annual Town Meeting. He noted that it also makes sense for the town to research this topic further to find out what the actual costs will be. Grappling with this cost will not be easy. Ms. Hutton reported that the Town Accountant has told her the town will have to hire an actuary to tell the town what the OPEB (Other Post-Employment Benefits) option would be. The Board noted that another complexity of this would be employees like Police and Fire who retire earlier. Ms. Hutton elaborated on this topic, touching on some specifics around age 55 retirement, as well as Medicare concerns. There are two ways to figure out the town's obligation. One way is pay as you go, which is what Groton does. This method budgets by the current retiree base and leaves an unfunded liability. In order to limit this, the second method is more preferable. That method requires budgeting not only for what you have as current retirees, but also for what you have for current employees.

In that case, Dunstable would have 17 positions that would be eligible, including possibly, elected employees. If the Board wants to do this, funding should be taken out of something like professional development, to pay for an actuary and any consulting work that might be required. Lt. Dow noted that this benefit has been discussed in the past, but obviously other matters took precedence. Since the town is now addressing the personnel policy and related matters, now may be the time to address this. Ms. Hutton stated that she has spoken with the Chair of the Personnel Board, and it is Personnel's opinion that they are currently taxed with the wage classification study and personnel policy and would like to wait on this topic. Lt. Dow replied that while this may be something that is taxing, this topic could impact the Police Union contract not to mention other related matters. He noted that this is dwarfed by what the school and Teachers Union are looking for, and he has confidence that if this is explained properly at town meeting, it will pass. The Board stated that they agree that this is something that needs to be looked into, as part of an overall investment by the town.

The Board noted that everything costs something, but this is something that will pay the town back down the road, as would investment in addressing wage increases for town employees. Whether this will be something that can be done this year is an open question, but this process will continue and the Board intends to endeavor to build the level of professionalism of the town government and this is part of that. Lt. Dow noted that there is never a good time to ask for more, but this is about doing right by employees and investing in the town government. The Board discussed the state of things with the budget and the school. Lt. Dow again reiterated his commitment to go before the town if necessary to explain why this is something that needs to be done. Regardless of what the school does this is something that the town should move forward with. Ms. Hutton agreed to work on this topic further and continue to work with Lt. Dow.

Conservation

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Ms. Basbanes started off by updating the Board on a plan by Conservation to procure a CR (conservation restriction) on 87 acres of land off of Westford St. So far an application to CPC requesting CPA funds to help with this effort has been approved. Conservation is now going before the various polities of the town to get approval before going to the Annual Town Meeting and then the Commonwealth. The Commonwealth may, through a program, pay as much as 60 percent of the value of the property. The current owners intend to sell the property either to the town or to a developer. Conservation feels this is a good parcel that would call attention to the land management program of the town, and is in a good location in regards to other protected land including properties owned by Fish & Wildlife. The asking price is \$750,000. The Board inquired whether the value would be higher for a private purchaser. Ms. Basbanes explained that the figure comes from an appraiser and Conservation is currently seeking a second appraiser. All of which they are doing in conformity with the Commonwealth's program so as to qualify for the 60 percent from the Commonwealth. As a result, they are asking for \$250,000 from the CPA and the remaining amount would come from Conservations funds, Rural Land Trust, and fundraising.

Purchase of this CR meets several criteria and requirements for the Master Plan and Open Space Plan and will connect multiple properties under protection. This would be a significant change since in recent years Conservation has focused on CR's on open fields. This is purchase of a CR on a large chunk of forestland. Because this is a CR the property will remain in Chapter 61 and will continue to pay taxes. The Board expressed some thoughts behind the Master Plan and how this project connects to it. The town will need to make some changes to the Master Plan, particularly future revenue sources. Better than \$70,000 in annual tax revenue has disappeared in the last few years, so this proposal is good because it not only protects the land from development, but also keeps the land tax paying. If the town purchased the land outright, it would no longer bring in revenue. For the Annual Town Meeting, the Board stressed, it will be important to explain to the public that this land will continue to generate tax revenue. Regardless of the appraisal, Ms. Basbanes noted, the cost of \$250,000 will stay the same. There is 900 feet of frontage on Westford St. The land is rather highly buildable property. It would be possible to build about 4 houses on frontage and still have enough room to put in a road into the interior of the land to build a housing development. Seeing this land developed is not something that residents on Westford St. want to see and is not ideal to the current owners.

Mr. Alterisio made a motion to support the recommendation of the Conservation Commission to proceed with the purchasing of a CR on the 87 acres on Westford Street within the Commonwealth's program for doing so. The motion was seconded by Mr. Devlin and passed unanimously.

Appointments & Resignations

Bryan Conant, the chair of the Water Commission resigned from office due to residency requirements. Mr. Conant is moving over the town line to friendly Tyngsborough. The Water Commission requests the Board appoint Scott Wilkins to replace him.

Scott Wilkins is appointed as a member of the Water Commission Term Expires: May 16th, 2016
Motion by Mr. Devlin, seconded by Mr. Alterisio, passed without objection

Ms. Hutton reported that Catherine Bence has resigned from the Library Trustees. She also reported that there is a letter from the Town Clerk regarding a ZBA member who no longer resides in town. Ms. Hutton inquired with the Board as to whether she should take action on this. The Board responded that the performance of the ZBA has put the town at risk, and that this isn't the only issue. There is also a member who has failed to be sworn in. The Board is concerned about the ZBA and the matter of whether they are in conformance with MGL. The Board intends to have a letter sent to the ZBA regarding concerns about performance and compliance. Corrective action needs to occur. If people do not wish to serve because of time, or because of difficulty, they need to say so and step aside so that it can be addressed or so that they can be replaced.

Town Administrators Job Description

Ms. Hutton explained to the Board that she must have a job description to finish her certification for her Procurement Officer training. The Personnel Board has approved the job description that has been drafted and
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requests that the Board approve it. The Board had no direct objections, but did inquire as to the comfort of Ms. Hutton in regards to the add on position of Personnel Administrator. She responded that she has held that position for some time now and she is fine with that position. She did elaborate on the issue of the Personnel Policy which has been extinguished by the Personnel By-Law. This has impacted her ability to act as Personnel Administrator and means that the various boards, committees, and commissions continue to have authority over personnel under their direction until such time as a new personnel policy is drafted by the Personnel Board and adopted by the Board. The Board noted the situation.

A motion to accept the Town Administrators Job Description was made by Mr. Alterisio, and seconded by Mr. Devlin. The motion passed unanimously.

Complete Streets Grant

Ms. Hutton reported on a grant from MassDOT regarding “complete streets.” This funding, she noted, would help for development of and implementation of a policy for complete streets. Complete streets doesn’t necessarily mean sidewalks throughout town, rather they are scaled to the size of the community. Some components of this policy would be vision statements, what streets the policy would apply to, as well as how it would address pedestrians, bicycles, and equestrian usage. If the Board wants her to, Ms. Hutton will pursue the grant funding. The Board was approving noting that this is something that needs to be addressed. This also includes various organs of the town that need to be aware of their purview. The Board noted that in particular Historical Commissions recent opposition to sidewalks as part of the Main Street Project is an example of this. Historical does not have jurisdiction over the speed limits, placement of roads, or sidewalks. Ms. Hutton responded that given the situation in regards to the Main Street Road Project and Historical Commissions concerns, would such a policy be a priority for the town? The Board determined that that this could be something that should wait until after the Main Street Project is finished given multiple variables. Ms. Hutton noted that this funding could help pay for engineering in regards to the Main Street Project as well as other related pathway projects. The Board determined that there was no objection to Ms. Hutton, at the very least, moving forward with the grant application.

Stormwater

Ms. Hutton announced that she’s discovered \$20,000 in the Highway budget for Stormwater that hasn’t been touched. She recommends working with Advisory to encumber these funds for next year. The Road Commissioners are aware of these funds and support using it in this manner. The funds would not be taken out of their budget, but rather encumbered for next year. The Board agreed with this course of action.

School Agreement Amendment Update

The Board discussed the topic at some length. The major change being proposed is how to address the election of school committee members so as to bring it into conformance with recent court opinions. The ratio of school committee membership will remain the same, but Groton members will have a weighed vote giving them a slight majority (about 51 percent or 50.25 percent, etc.). The concerns of the Board are mostly in regards to the future funding of the school district, and ensuring that this funding remains sustainable. Mr. Alterisio recently was invited to appear before the Groton Board of Selectmen in regards to the funding matter. He gave a brief report on that meeting. Dunstable is not afraid of paying and does not seek to avoid its obligation. But the town is constrained by Prop 2 ½. While some parties may not realize this, Groton has a larger tax base from which to draw revenues to support school funding and is not as constrained as Dunstable.

There is no real difference in affluence between the towns; the difference is in tax base upon which to draw. Dunstable lacks the same kind of diversity in tax base that Groton has. But this is not material, what is important is the ability of the towns to sustain the funding needs of the school district. Therefore, the assessment formula will need to be addressed. There are options provided by the Commonwealth on how to address the assessment formula that have not been used by Groton and Dunstable in the past. Changing the assessment formula from time to time may be necessary. But it may require action by the General Court. It must be recognized that education issues in 1967, when the agreement was adopted, are very different then they are today. Education funding changed in 1993, and Prop 2 ½ was adopted in 1995. The problems that

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have been created by these various changes since 1967 have a deep impact and may require the General Court to modify Prop 2 ½ in regards to education funding. The Board subsequently discussed the realities of this and how to address the matter with the town's representation in the General Court. From there the Board felt the need to address the suggestion by some to respond to these fiscal realities by pushing merging of the towns. This is not, the Board concluded, a serious suggestion and it fails to take in to consideration the realities of what these towns face.

Pipeline Update

The town remains out of the plans for the pipeline. It is now official that Kinder Morgan has applied for a permit for a path that would go north to Canada for export. National Grid has made an application to tariff the product coming through the pipeline to offset the cost of the pipeline. This puts things in an interesting scenario where the product goes through Canada and goes to Europe. Both the Federal and State representatives are concerned about this and are taking action to address it. The Board noted that a public hearing is scheduled for April 14th at the Dracut High School and recommends concerned citizens attend. The whole community should be sensitive to what's going on in regards to the pipeline, as it will impact them.

Administrators Report

Ms. Hutton started out by bringing up the issue of distribution of the town report. It has become a burden for the Boy Scouts, and they have not historically received a warm welcome from all residents. Their numbers have become much reduced in recent years, which have made this project burdensome. Right now the By-Law says that the report has to be delivered 3 days before the town meeting. She recommends changing this provision to state that they will be available at two public locations, and a postcard will be mailed to all residents announcing that they are available and the date and time of the Annual Town Meeting. From there Ms. Hutton pivoted to her discussion with Town Counsel. She has informed him of the towns wish to make him special counsel for the town with the town hiring a firm for formal town counsel. Town Counsel agrees to this, and wishes to remain on as secondary special town counsel. Ms. Hutton will have some recommendations for the next meeting along with Town Counsel's advice in regards to who the town should consider. In a related matter she moved to the Board of Health's contract issue relating to their fence bid.

Ms. Hutton recommends allowing the Board of Health to move forward with using a standard contract. If the Board wishes she can have the contract in question reviewed by counsel. Town Counsel had previously wished to review the contract, but it has been out for review for a while now. The Board agreed that if it is the standard contract there is no issue with them going forward with it. Ms. Hutton then highlighted \$5,000 for repairs in the budget and asked what these funds were for. The Board noted a few spots in the Town Hall. Ms. Hutton reported that the insurance company has already fixed them. The Board directed that the funds be allowed to fall into free cash. Ms. Hutton then updated the Board on the situation with the AC's and the fact that she will need to talk to Historical Commission and the Massachusetts Historical Commission to get approval for fixing and moving the AC units since the Town Hall is a registered landmark. She gave some updated details on this and then moved on to the Net Metering Agreement. She informed the Board that the Commonwealth permits towns to only participate in up to 10 megawatts in projects. The current project will result in 6 megawatts, which will limit the town to 4 megawatts. This will not prevent the town from working on future solar projects; the town will just be barred from further net metering agreements in excess of 4 megawatts. The Board noted some priorities for development of further solar projects in the town, and noted a few pieces of town property that could be readily developed.

Ms. Hutton then updated the Board on an IT grant that she is applying for and made the Board aware of the cost of continuing the program that will be associated with the grant. The total grant is up to \$30,000 and she would seek a portion of it. The related information produced by the software that would be adopted would help the town, both internally and externally. Internally the town will be more efficient; externally it will help the public procure information they need. It would also help with mapping for stormwater as well. Ms. Hutton pivoted to discussion in relation to this subject, being with the towns IT support. She is unhappy with the town's current IT company and she has researched alternatives. She intends to have a system set up and will eventually bring all departments under a unified IT support system. The Board noted some ways that the town can incorporate other departments IT into this. Particularly the Police Dept. Ms. Hutton agreed and noted that

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for Police she will meet with Sargent Gilmore and Chief Downes. From there Ms. Hutton turned to discussion of her job review. The Board agreed with her that this should be done sooner rather than later. Discussion then revolved around the proper format for this review and resolved that the process should be determined and done. This process will move into negotiations regarding the Town Administrators contract.

Building & Facility Use Applications

The Board received several applications for use of the Town Hall, Town Common, and Gazebo. One from the Sunshine Girls for the Town Common on May 21st, one from Morgan Babcock to use the Town Hall for their annual scholarship award ceremony on May 12th, a request to use the Town Gazebo and Common for a wedding ceremony on April 23rd, and one from the Grange to use the Town Hall for a Grange Meeting on June 25th.

A motion was made by Mr. Alterisio to approve the application for the Sunshine Girls to use the Town Common. The motion was seconded by Mr. Devlin and carried without objection.

A motion was made by Mr. Devlin to approve the application by Morgan Babcock to use the Town Hall. The motion was seconded by Mr. Alterisio and carried without objection.

A motion was made by Mr. Alterisio to approve the application by Brenda S. Bacon to use the Gazebo and Town Common for a wedding ceremony. The motion was seconded by Mr. Devlin and passed unanimously.

A motion was made by Mr. Devlin to approve the application for use of the Town Hall by the Grange. The motion was seconded by Mr. Alterisio and passed without objection.

Minutes

The Board adopted minutes from January 14th, 2016. The minutes for February 4th, and February 10th will be considered at the Board's next meeting.

A motion was made by Mr. Alterisio to move to approve the minutes of January 14th, 2016. The motion was seconded by Mr. Devlin and passed.

Warrants & Mail

The Board signed the Payroll and Vendor warrants and reviewed their mail.

A motion to adjourn was made by Mr. Devlin at 8:00 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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