

Town of *Dunstable* Selectboard
Meeting Minutes
May 4, 2016
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Kenneth J. Leva, chair, Daniel F. Devlin, Walter F. Alterisio, member(s); Tracey Hutton, Town Administrator; Police Lieutenant James Dow; Peter Gove, Roads Commission; Iris Price, representative of National Grid; Leah Basbanes, Alan Chaney, Conservation Commission; Susan Prescott, Parkhurst Funds; Carol Skerrett, Town Clerk; Bob Nelson, Town Moderator; John Callahan, Safe Pathways & Library Trustees

Selectboard Reviewed & Signed the Following:

- Warrants & Payroll

Open Forum

Mr. Leva briefly explained the purpose of the public forum and went over the Boards agenda which included a Pole Hearing, Police appointments, a personal policy update, an update on the Main Street Reconstruction Project, Town Meeting Article Recommendations, and the Town Administrators Evaluation.

Pole Hearing

Mr. Leva formally opened the public hearing and invited Ms. Price to address the Board regarding National Grids petitioned for approval to install a new service drop. Ms. Price explained that this project, once completed, would change the service direction for 638 Hollis Street from New Hampshire to Massachusetts. She further explained that the residence in question has been fed from New Hampshire for a number of years. The existing feed crosses private property and the current owner of that property has requested that this be changed. The Board inquired about where the line will cross exactly. Ms. Price elaborated on how National Grid will work with Eversource, the current provider in New Hampshire, to make this happen and how the process of determining where precisely the line will cross will occur. The Board then had questions regarding the existing line and its abandonment. Ms. Price indicated that the line left will not be live and it will be dealt with following normal procedures. She noted that the pole will be on the side of the road, and from there the power line will go underground on private property.

A motion was made by Mr. Devlin to accept National Grids application to erect the pole as applied. The motion was seconded by Mr. Alterisio and passed unanimously.

440 Pond Street

The town has been presented with a letter of intent to sell 440 Pond Street. This property is currently in Chapter 61, Ms. Hutton reported. This purchase and sales agreement, she stated, triggers a right to first refusal for the town and the town has 120 days from notice (March 23, 2016) to exercise the right should it choose to do so. The Board reviewed the letter from the property owner and noted that Conservation has advised that there is no need for the town to exercise this right in their view. The Board determined that there was no reason for the town to meet the bid and exercise the right, and acted upon their authority to decline to exercise the right as controlled by MGL Chapter 61, Section 8.

A motion was made by Mr. Devlin to pass on the interest to purchase the property located at 440 Pond Street. The motion was seconded by Mr. Alterisio and passed unanimously.

Acceptance of Financial Audit Findings

Ms. Hutton started off by explaining to the Board the Audit and Management Letter which was provided to the Board in their packet. Many of the issues that have been identified in the management letter have either been
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addressed already or are changes in process. Ms. Hutton requested the Board review the full Audit, and accept the findings. She also elaborated on the topic for those in attendance. The Board noted that the findings and recommendations listed have been responded to and therefore the only action left is for the Board to accept the audits findings. The town contracts for 3 year terms with its auditors and an audit is done every year. This is the second year the town is with this auditor.

A motion was made by Mr. Alterisio to accept the audits findings. The motion was seconded by Mr. Devlin and passed without objection.

Personnel Policy Update

Ms. Hutton updated the Board on where the Personnel Board stands in regards to the Personnel Policy to date. Through the process, she explained, a question has arisen regarding active duty military personnel. The Personnel Board is considering the issue of when an employee is called to active duty, whether the Town would continue to pay the employee the difference between the employee's military wage and the town wage. Ms. Hutton stated that this can be an expensive endeavor, but noted that the town does have a small staff. The Personnel Board has asked the Board to weigh in on how this matter should be considered before they finish the draft policy. Ms. Hutton suggested the Board consider the matter fully and address the issue at a later meeting. The Board noted that there is a member of the reserves serving as a Police Officer and made an inquiry regarding how this issue is handled. Lt. Dow addressed the Board by explaining what is done. They give the officer 17 days a year to cover his monthly commitment. Otherwise he goes on his own time and is compensated by the National Guard. He is active reserve subject to be deployment. The Board thanked Lt. Dow for explaining this and asked Ms. Hutton to inquire with Town Labor Counsel in regards to this matter. She agreed to do so and provide the Board with further information at a later meeting.

Appointments & Resignations

Ms. Hutton started off by noting some resignations submitted to the Town Clerk's office. Margery Kimpton has resigned from the Council on Aging (her term expired June 2018). Additionally, Mark Atwood, an elected official (Commissioner of Trust Funds, term expiration May 2017) has moved out of town and has therefore vacated his office. As for appointments, the Police Chief has requested the Board act to re-appoint town police officers earlier this year so that they can be sworn in prior to July 1st. Ms. Hutton noted that she has discussed this matter with the Chief and intends to have the Board address this request at their next meeting, after the Annual Town Meeting. Ms. Skerrett reminded the Board that the Council on Aging must have 7 members and advised the Board that they need to fill the vacancy at the earliest opportunity.

Main Street Reconstruction Project

Ms. Hutton started off the discussion by noting that there has been a lot of discussion with many of the towns boards, committees, and commissions land owners and other interested parties regarding this project. At the last meeting the three boards with the most interest were Safe pathways, Historical Commission, and Conservation. Each of them have held meetings on this and made recommendations. The application needs to be completed by next week. Conservation has proposed two 11-foot traffic lanes, two 3 foot shoulders with a 5-foot sidewalk on the cemetery side. The section in front of the cemetery won't have a sidewalk built, but there will be space for it. Historical Commission would like a 4-foot-wide sidewalk, but that would require passing lanes. Conservation does not favor having such passing lanes. There was some issue with a grass strip between the sidewalk and the road. Conservation has proposed foregoing this strip and having the sidewalk abut the road directly.

Ms. Hutton noted that she has met with MassDOT and they prefer 4 foot shoulders, but Ms. Hutton believes she can argue for 3 foot shoulders. Mr. Gove then addressed the Board on behalf of the Road Commissioners. He noted that the Road Commission wants the road, and while they do not favor the sidewalks, this is what has to be done. The Commonwealth will want a sidewalk and certainly the shoulders. What is being proposed is a compromise. The Board agreed, noting that currently the town does not have 5 foot shoulders and has no sidewalk. This provoked some discussion as to the issue of the shoulders and their effect. Ultimately the town has to focus on what needs to be done here. There is the issue of a culvert that is about to collapse and lead to

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closure of the road. This must be the primary focus. The Commonwealth has agreed to pay for some of this project, but that comes with some strings, which are the standards they desire. It cannot be forgotten that this project will help improve the safety of the road and provide some relief to residents on that road by shifting the road. Mr. Gove agreed that with some compromise and give and take, this will be a good solution. Especially, he noted, with the Commonwealth agreeing to pay for a chunk of it. Ms. Hutton then reminded the Board that this decision is the ultimately the Boards. Not everyone will be happy, but everybody is getting something. The Board agreed that the application as specified by Ms. Hutton should proceed. The only cost to the town with this is the engineering, but the actual construction cost will be paid for by the Commonwealth.

Town Meeting Article Recommendations

Ms. Hutton reminded the Board that they have not yet made any recommendations on all of the articles. From there she discussed the issue of whether the meeting would exceed one night into a second night. She stressed the need for a game plan for how to deal with this should it arise on the night of the Annual Town Meeting. Ms. Hutton then reminded the Board that they are scheduled for a strategy meeting before hand at 6:00 pm. There is one article, the Westford Street CR, which Advisory Board has determined they will take no position on and requests the Board do the same. It is also advised that the Town Clerk article be a take no action. The Board had some concern about the issue of the ballot question. Ms. Hutton noted she will have to consult with Town Counsel. It will be important that the public be advised as to the implication of this at Town Meeting. The Board noted that it must be made clear that this article was not recommended by DOR or the Personnel Board. The Board expressed the feeling that this issue was taken up too quickly and the Board would like to see it delayed as an issue. The Board favors keeping this position elected, and the Board noted that the Town Clerk has made a compelling argument in favor of the office remaining elected. Ms. Skerrett stated that she has consulted with the Commonwealth's Ethics Commission and it was resolved that she is allowed to speak out on this issue and expressed intent to address it at the Town Meeting.

From there the Board turned to a modification to a motion regarding Article 16. Ms. Hutton asks that the motion be made contingent on the override's passage. She has consulted with the Advisory Board and Town Counsel. It is also consistent with the wishes of the Library and the Library Trustees. Mr. Callahan, the chair of the Library Board of Trustees agreed. Mr. Nelson made some inquiries with Ms. Hutton regarding the motions. The Board responded by starting discussion of the other motions. It was further noted that the Annual Town Report has been delivered, and it includes the Warrant and the Budget. Some issues were noted with a few of the motions for the spending of funds. Ms. Hutton reported that she has consulted with the Town Accountant and has been advised to about some modifications. This particularly focuses on CPA funds. There was then some discussion regarding the Westford Street CR. The Advisory Board requests the town take no position on this. The Board determined that the Advisory Board's request is reasonable. Ms. Hutton noted that there has been a lot of information and discussion on this topic. The Board responded that the town has done a lot on open space. Ms. Hutton noted that there will be a great deal of information on this topic including some slides from the Conservation Commission. The property in question is about a mile up Westford Street from the roads intersection with Main Street. Ms. Basbanes clarified with the Board that they are moving from support to no position. The Board agreed that this is correct.

Ms. Basbanes further noted that the actual cost has gone down. The Board responded that they are trying to weigh all factors and it really is important for the public to decide in what direction they wish to go. Ms. Basbanes responded that the Board has taken positions on issues like this in the past. There was a question regarding whether the town is aware of the cost either way (for development or for conservation). Essentially is the town aware of what the costs are? Ms. Hutton responded that the town doesn't have this kind of information, and it is beyond the scope of the town for this matter. Ms. Basbanes agreed stating that this whole issue is based on an appraisal on the property based on the number of acres, approximation of wetlands, and other factors. Otherwise the detail being requested is not provided. The town doesn't have the money or the time to fully analysis this further she stated. Ms. Basbanes continued, stating that this is the will of the property owner to protect this land, but whatever the private family matters are, the family desires to make money. If this property is passed up it will be developed. The Board responded that the family can clarify at the Town Meeting. This is a private property, and that is partly why the town doesn't have all of the numbers for this. There was an inquiry as to what properties the town would like to acquire in the future. Ms. Basbanes gave some details regarding this in the towns Open Space Plan.

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Mr. Gove noted that the town cannot buy every property that becomes available. He then asked if the property in question abuts existing protected land. Ms. Basbanes responded that it does. Mr. Chaney then noted that the town owns or has in protection about 30 percent of the town. Carlisle and Groton are over 40 percent. Lincoln is over 35. The Board inquired whether Fish & Game has any interest in the property. Mr. Chaney responded that they have made an offer but it was insufficient. They are only paying full value for watershed properties. The properties they are targeting are those with threatened species. Unfortunately, the land in question has a species that is only of "concern." It was noted that the town lacks a diversity of revenue, and property owners are hit hard for costs like schools and essential services. There was the question of whether the town has met or exceeded its open space goals in the Master Plan. The answer was uncertain. But Mr. Chaney stated that the Conservation Commission has criteria for what land to seek protection of and stated that this property fits those criteria. But Mr. Chaney did admit that the town does need more commercial tax payers.

There was then some further discussion regarding how developers might develop the land. Ms. Basbanes stated in her opinion there are a number of buildable lots on the land. Mr. Chaney agreed, noting that there are at least 4 buildable lots. Mr. Nelson inquired as to whether the land is under Chapter 61. The Board stated that it is. Ms. Hutton noted that the taxes on this property are \$61 a year. If the land goes up for sale, the town will have the first right of refusal. Mr. Chaney elaborated a bit further explaining that the appraisal for this property falls between \$750,000 to \$770,000. The price for development rights is \$663,000. \$245,000 from CPA funds, with the remaining amount, about 60 percent, paid for by the Commonwealth through a special program. This whole process is contingent on the Commonwealth's approval. Although this land is owned by a Chaney, Mr. Chaney has no financial connection to the owner and would make no profit from it. He has consulted with the Commonwealth's Ethics Commission and it has been determined that he may not speak on this issue not as a Conservation Commissioner, but may speak as an abutter. Mr. Gove suggested that the CR might increase the value of Mr. Chaney's property. He addressed this consideration and rebutted that presumption. From there Ms. Hutton moved discussion back to the motions. Advisory Board requests the Board agree to take no position on Article 26 and they otherwise concur with the Boards prior positions with all of the proposed by-law changes. The Board then considered some of the articles.

Ms. Hutton elaborated on the resulting questions, including the Capital Plan and how that will be presented. This also included the establishment of the Capital Plan Committee from ad hoc to being a standing committee. Ms. Prescott had an inquiry regarding the budget and related override. The Board responded that they and Advisory Board support the article. The Board then noted that there will be remarks about the elements of the budget both by the School Committee and the Board. The override will also be discussed as to what it covers, both the school and some municipal matters. Specific components of the budget will be spelled out. Advisory Board will be present. Mr. Nelson clarified on how the presentation will be done. The Board responded that they must be very careful in how they present these articles given the law. However, many public hearings have been held on this topic by both the town and the School District. Ms. Prescott inquired as to whether the Board has any concerns about the override. The Board responded that they do have some concerns, and those have been previously expressed. However, the answers to all possible questions cannot be stated now without knowing what will be asked at Town Meeting. There was some ensuing discussion on this topic. Ms. Skerrett had some questions regarding the debt exclusions. Ms. Hutton responded that these will be addressed. Mr. Nelson sought clarification in order to head of issues at the Town Meeting. The Board elaborated on the matter further. Ms. Hutton also elaborated on this issue noting that if anyone has factual questions, she is happy to answer them and will make herself accessible to the public.

Town Administrator Evaluation

The Board started off by noting that this is something that has never been done before since the position in question is still pretty new. The process is rather perceptual since the Selectmen do not follow the Administrator around all day. The Board noted that the Administrator has completed the courses necessary to be certified as the Procurement Officer, as required by the Board upon hiring. Further the Administrator appears to have worked seriously on the process of working with all of the various boards, committees, and commissions. While there has been some resistance, it has been managed. Work on the annual budget process has been modified to correct errors and remains a work in process. The establishment of professional relationships with staff and work on improvements and the needs of the town is ongoing but has been done so

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far above expectations. Additionally, the requirement that the Administrator become familiar with MGL and other related standards and requirements, as well as how to address crisis situations and other compliance matters is being met.

Personal and professional development, including group management and the encouragement of knowledge and skills of others has also been done well. Project planning and implementation has been done competently. Decision making and problem solving has been competent. For customer service, the Administrator is above standard. For ethical integrity, the rating is above standards. Motivating others is competent. The overall grade is therefore high. There was some discussion as to the grade regarding problem solving, with some suggestion that it is more than competent. Many staff members have indicated that they are happy with the Administrators leadership so far. The Board expressed overall satisfaction with how things have progressed. The chain of command is being well established; the overall work towards responsible leadership, motivation, and adherence to relevant law is good. Approachability and problem solving are also high. Finally, the Board noted that the evaluations from each member will go into the Administrators personnel file. After the election and the Board's reorganization, the Board will determine the goals and vision for the upcoming year.

Administrators Report

Ms. Hutton started off by reporting that the town's rate with MIIA is going down 8.2 percent. This is due to the town's low loss ratios. The hiring of the Town Administrator helped in this process as well. The Board was pleased to hear that the rate is going down. From there she reported that the town has agreed to an intern being hired for the Stormwater issue. The intern will be supervised jointly by Ms. Hutton and Mr. Rider, the Town Engineer. This intern is free. The Board noted that there was always going to be some sweat equity, and welcomed the intern. Ms. Hutton further reported she made sure this person is covered under the towns insurance. From there she turned to discussion of legal counsel and some items that need to be reviewed and finished out. She intends to use the remainder of special counsel funds to move things along. She then reported on an energy program that National Grid has for boilers. This involves a heat timer that would make the boiler more efficient. They will pay 70 percent of the cost. It will cost \$1,100 and will save about \$1,300 a year. She believes the town can take it out of existing funds. She has spoken to a pipe fitter and HVAC person and both think this is a good idea. The Board inquired as to whether this could be transferred from one boiler to another. She stated that it could.

She then reported that a letter has been received from Attorney Deschene regarding the surety for the earth removal bond. The permit stated earth removal and road construction. But Attorney Deschene contends that the earth removal is complete and the surety may be allowed to expire. The Board noted that the bond was to deal with any damage that might occur. The question remains about whether the project is complete. There will continue to be road related work. There was some discussion of the damage to Lake Street. Ms. Hutton stated she would speak with the Road Commissioners about this topic. She then finished by discussing some issues involving the Electrical Inspector. There have been a number of customer service complaints. One electrician has vowed to never pull a permit in Dunstable again. The town's fees are higher than other communities and the customer service does not appear to match them. The Inspector disagrees that there are even complaints, but they have been registered by phone call, by email, and verbally. The Board inquired about whether there is a standing complaints form. Ms. Hutton responded that she is not aware of one. A lot of these types of complaints are not necessarily formal, they are people calling. The Board stated that they need more specifics in order to take any action on this. Ms. Hutton elaborated on some of the complaints regarding the Electrical Inspector. This provoked discussion of the alternate inspector. The Alternate Electrical Inspector, currently, is the son of the Electrical Inspector. There has been implementation of a lot of changes and this must be considered as a factor, and documentation of complaints must happen.

There was then a question regarding other employees and town officials. The Board reiterated that the process for complaints needs to be standardized so that it does not appear that the Board is focusing on one employee and making rules for specific employees. Rather, this needs to be a fair process. It was also noted that there appears to be, a misperception as to what the Administrator is working on in this situation. Complaints currently are accepted by the Inspections Secretary and then forwarded to the Inspector. The Board determined a policy for complaints needs to be drafted and adopted, and the process must be then followed up on by the Board itself.

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Building Use Requests

The Dunstable Congregational Church has applied to use the Town Common on July 30th, 2016 for a Birthday Celebration. There was also a request by the Morgan Babcock Trustees to use the Town Hall on April 28th, 2016. This application was not considered prior to the meeting due to the Board's cancellation of its regularly scheduled meeting for April 20th, 2016. The Board is asked to approve this use retroactively. The final request involves the Lake Massapoag Rod & Gun Club who has requested use of the Grange Room for September 21st, 2016 for their annual meeting.

A motion was made by Mr. Alterisio to approve the application of the Dunstable Congregational Church for use of the Town Common on July 30th, 2016. The motion was seconded by Mr. Devlin and passed without objection

A motion was made by Mr. Devlin to retroactively approve the application of Morgan Babcock Trustees to use the Town Hall on April 28th, 2016. The motion was seconded by Mr. Alterisio and passed without objection.

A motion was made by Mr. Devlin to approve the application of Morgan Babcock Trustees to use the Town Hall on May 7th, 2016. The motion was seconded by Mr. Alterisio and passed without objection.

A motion was made by Mr. Alterisio to approve the application of the Lake Massapoag Rod & Gun Club to use the Grange Room on Sept. 21st, 2016. The motion was seconded by Mr. Devlin and passed without objection.

Minutes

The Board considered the minutes submitted for April 6th, and 11th. There was some light discussion regarding the minutes for April 11th, but the Board was ultimately in favor of accepting both sets.

A motion was made by Mr. Alterisio to accept the minutes for April 6th as written. The motion was seconded by Mr. Devlin and passed unanimously.

A motion was made by Mr. Alterisio to accept the minutes for April 11th as written. The motion was seconded by Mr. Devlin and passed unanimously.

Saying Goodbye to Mr. Leva

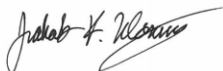
The Board finished by thanking Mr. Leva for his service on the Board and wishing him well in his endeavors. Mr. Leva retires from the Board this month. The impact of Mr. Leva's service cannot be understated, and the Board hopes that he continues in his service. Mr. Leva thanked the Board and stated he wouldn't be disappearing from public service in Dunstable. He loved his work and thanked the staff for all of their support. Mr. Leva then personally thanked Mr. Alterisio for all that he taught him, and personally thanked Mr. Devlin for his support and friendship.

Warrants & Mail

The Board reviewed their mail and signed the warrants.

A motion to adjourn was made by Mr. Leva at 8:00 pm. The motion was seconded by Mr. Devlin and passed unanimously.

Respectfully submitted by



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

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