

Town of *Dunstable* Selectboard
Meeting Minutes
June 29, 2016
Town Hall, Dunstable, MA 01827

Convened: 6:40 pm

Present: Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; Police Lieutenant James Dow; Sean Harrington, Andres Labarda, The Conti Group present for Citizens Energy

Selectboard Reviewed & Signed the Following:

- Warrants & Payroll
- Consultant's Contract for De-Regionalization Study
- Assent to Waiver of Notice for Tobey Scholarship

Open Forum

Mr. Devlin briefly explained the purpose of the public forum and went over the Boards agenda which included annual appointments, use of town property requests, end of year department transfers, and the Tobey Scholarship.

Citizens Energy Building Permit Fees

Ms. Hutton started off by reporting that the total square footage for the building permit involved in this project is 76,209 sq. ft. Based on the building permit fees (\$80/100 sq. ft. plus \$10), the building permit fee alone for the application would total \$60,977.20. In Tyngsborough the commercial permits are based on the cost of construction. At their rate of \$13 per \$1,000 of cost of construction (2.164M) plus \$55, their fee is going to be \$28,200. Their electrical permit, just as a piece of information is going to be an additional \$4,430. Ms. Hutton consulted with Town Counsel to determine whether the Board may lower the permit fee. Town Counsel determined that they may, but was concerned about preventing a precedent. Therefore, he has recommended a motion for the Board to adopt with specific language. The representatives for Conti, the company that is building the project for Citizens Energy, then addressed the Board. They answered questions regarding the kinds of permit fees they have faced in the past and how those fees have been determined. The way Dunstable's fee is determined is unique in their experience. The Board asked about the cost of the part of the project being built in Dunstable. The part in Dunstable will be around 30 percent of the project. The actual tie into the electrical grid is in Tyngsborough. The total cost of the project is roughly \$3 million. Out of those funds \$927,571.62 of the project is in Dunstable. The Board noted that there is no MGL or case law specific to this situation. If Dunstable used Tyngsborough's method the town would be looking at about \$12,100 before adding the cost of any electrical permits. Ms. Hutton reminded the Board that Building and Electrical must be kept separate. Conti is comfortable with the figures for both at \$12,100 and the ordinary fee for the electrical permit. This situation, they noted, is rather exceptional. Ms. Hutton noted that she has spoken with Citizens Energy and they are comfortable with Conti's positions.

The Board is in receipt of a request from Conti to modify the commercial building permit fee on the Dunstable portion of the Citizen Energy Solar project that extends into Tyngsborough. The Board notes that the permit fee schedule does not provide for discretionary modification of specific fees. However, the Board also notes that the methodology provided in the schedule for calculating commercial building permit fees (\$80 per 100 square feet plus \$10) results in a fee that is greatly disproportionate to the corresponding fee payable in Tyngsborough. Furthermore, the development elements on the ground for the project do not differ between the town locations. It is the position of the Board that the great discrepancy between the fees is inappropriate in this unusual instance. Accordingly, the Board determines that the applicable fee in this special case shall be \$12,100.

Approved and adopted on 7/13/16

A motion to adopt the above language as recommended by counsel, and the concluded amount, was made by Mr. Alterisio and seconded by Mr. Devlin. The motion passed unanimously.

Department Transfers

In accordance with MGL 44 §33B the Board can make end of year transfers within departments budgets. Currently, the transportation line for Essex Agricultural has been overspent. There is, however, a surplus of \$738 in the tuition line. The total deficit is \$3,125. Ms. Hutton proposed an inter-department transfer of these funds to help offset that deficit. She noted that the remainder of the deficit will likely need to be dealt with using a reserve fund transfer by the Advisory Board. The Board reminded that the Commonwealth will be reimbursing the town for part of this expense. Ms. Hutton responded in the affirmative highlighting the fact that funds will be arriving.

A motion to make a transfer of \$738 from the tuition line to the transportation line for Essex Agricultural was made by Mr. Devlin and seconded by Ms. Basbanes. The motion passed unanimously.

Complete Streets Prioritization Plan

The Complete Streets Policy was approved on the state level with a score of 96. This advances the town to “Tier 2” status, which Ms. Hutton explained means that Dunstable will be able to apply for technical assistance to develop a Complete Streets Prioritization Plan. This technical assistance can be up to \$50,000. Dunstable is the first municipality in the NMCOG region who has proceeded to Tier 2 status. Ms. Hutton noted that since Dunstable is first, NMCOG is not familiar with the process. As such, she recommended that Dunstable go out to bid (given the cost for the study) on this project contingent on MassDOT funding. The Board inquired as to what prioritization means in this context. Ms. Hutton elaborated on several projects that would qualify and how they would be ranked in priority. Once the plan is in place, funds for construction may be applied for. This plan would work with the Master Plan. Tier 1 is the policy, Tier 2 is the prioritization plan, and Tier 3 is the funding. Complete Streets as a goal, is a priority of Governor Bakers. Implementation of this means that the town in a few years will have a more favorable position in attaining state funding for projects like the Main Street Reconstruction Project. Ms. Hutton noted that small projects like the ones Dunstable has, fall into areas the Commonwealth has money for and the town should capitalize.

GDRSD Initial Study of De-Regionalization

Ms. Hutton reminded the Board that following their approval of her research into de-regionalization she interviewed three firms for potential consultants. She has consulted with, and included, the Advisory Board Chair for all of the interviews. Ms. Hutton then recommended hiring for \$4,750, the firm The Management Solution. She highlighted the strengths of the firm and why she feels they should be hired. Discussion then revolved around the necessary documents, audits, budgets, and agreements for this process.

A motion was made by Mr. Alterisio to authorize the Board Chair to sign the contract on behalf of the town and enter into the agreement with The Management Solution. The motion was seconded by Ms. Basbanes and passed without objection.

The Tobey Scholarship

Ms. Hutton reported that she has spoken with Town Counsel regarding the Tobey Scholarship. The Board signed the assent to the terms of the scholarship as required. The Board then turned to the decision of how to administer the funds. Ms. Hutton stated that it can either be a newly elected committee or the existing Commissioners of Trust Funds. But, she advised, it must be an elected body. The committee given charge over the funds will need to adopt policies directing the disbursement of funds using the guidance of the will. The scholarships would be for post-high school education, but not necessarily limited to college. Town Counsel feels, as a practical matter, that this committee could work with the Morgan Babcock Scholarship Trust to identify deserving candidates, and then each committee would award independently. It was noted that the funds for this scholarship appear to stand at about \$500,000.

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The Board agreed that it would be good to discuss cooperation with Morgan Babcock in determining candidates. There was discussion of whether it would be possible to discuss with Morgan Babcock their investment strategies and model this scholarship after them. Ms. Hutton stated that the elected body that would have charge over this scholarship could very well use the leg work Morgan Babcock has already done. Discussion then turned on whether the scholarship should be added to the Commissioners of Trust Funds. Ms. Hutton indicated that she favored doing so rather than creating an entirely new elected body. There was talk about possibly creating an Education Commission to have charge over this scholarship and possibly other funds. Discussion ended on the conclusion that the Board meet with the current Commissioners of Trust Funds and the Trustees of Morgan Babcock.

Appointments

Ms. Hutton elaborated on some changes to the original list provided to the Board. The Board determined the list as modified should be approved.

Annual Appointments 2016 – One Year Term

John Callahan – Safe Pathways
Jean O'Brien – Personnel Board
Dana Metzler – Affordable Housing
Alan Chaney – Affordable Housing Designee to CPC
Dana Metzler – Memorials & Monuments
Judith Larter – Conservation Designee to CPC
Carol Bacon – Historical Designee to CPC
Daniel Devlin – Selectboard Designee to CPC

Annual Appointments 2016 – Two Year Term

Kenneth Leva – Personnel Board
Peter Georges – Personnel Board

Annual Appointments 2016 – Three Year Term

Patrick Murphy – Personnel Board
Joan Simmons – Agricultural Commission

A motion was made by Mr. Devlin to approve the annual appointments as presented with necessary modifications reflecting the correction of errors in the list. The motion was seconded by Ms. Basbanes with necessary corrections and passed unanimously.

A motion was made to appoint Mr. Devlin as the Board's designee to CPC by Mr. Alterisio. The motion was seconded by Ms. Basbanes and passed without objection.

Zoning Appeals Board

The Board discussed correspondence in regards to the ZBA. Most of the discussion centered on the need for a joint meeting to get to the bottom of some of the issues being brought up. Once the existing matters are resolved, it would be possible to discuss with ZBA what needs to be done to move forward. Ms. Hutton reported that she will research the authority of the Board and its options in regards to resolving this. She will also invite Town Counsel to the joint meeting.

Administrators Report

Ms. Hutton started off by informing the Board that the town has received preliminary approval for the Main Street Reconstruction design and engineering. This includes the reduced shoulders and proposed sidewalks. Ms. Hutton then reported on the Personnel Policy including the updated policy that has not yet been adopted. The Police Chief and Police Lieutenant in light of the new policy would like the Board to consider making both of them contract employees. The Board noted that in the past they have considered taking this step, but doing so was not done due to some concerns at the time. The Board does not oppose taking this step and would be willing to explore this. However, the new policy is the product of work by numerous stake holders to create a fair policy. Ms. Hutton noted that the one contract employee the town has is still subject to the policy on several points with very few exceptions. Ms. Hutton agreed to schedule the Police Chief and Lt. for the next meeting to discuss this topic further. She did remind the Board that the personnel policy is not yet completed

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and she doesn't want to do anything prematurely. The Board generally agreed. Lt. Dow addressed the Board to briefly explain why he and the Chief are interested in starting this conversation and explained that they will provide the Board with a presentation. All they are looking for, he stated, is an equal playing field with the union as well as parity to the benefits they have always had. Ms. Hutton then turned to reporting on the Special Town Election and the possible impact of a failure of the override to pass. This included pass or fail in Dunstable and pass or fail in Groton. A no override basis will require some discussion for how to move forward. The Board had some concerns regarding staffing in particular. This led to the determination that a meeting should be posted for after the vote just in case of a failure. The date determined was July 6th. Should the override pass the meeting may be canceled. Otherwise this will give Ms. Hutton and her counterpart in Groton time to discuss further action as well as time to talk to the School District. Ms. Hutton finished her report on that note.

Building Use Request

The Grange requests use of the Grange Room on July 14th, 2016 for a committee meeting and book audit. The Board was in favor of approval seeing no conflict for the time and date requested.

A motion was made by Mr. Devlin to approve the application by the Grange for use of the Town Hall and the Grange Room. The motion was seconded by Ms. Basbanes and passed unanimously.

Minutes

The Board considered the minutes for June 1st, 14th, and 15th.

A motion was made by Mr. Devlin to approve the minutes for June 1st as drafted. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Mr. Alterisio to approve the minutes for June 14th pending a spelling change and other modifications. The motion was seconded by Ms. Basbanes and passed unanimously.

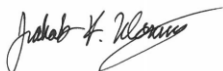
A motion was made by Mr. Alterisio to approve the minutes for June 15th pending spelling changes and other modifications. The motion was seconded by Ms. Basbanes and passed unanimously.

Warrants & Mail

The Board reviewed the vender and payroll warrants and went through their mail.

A motion to adjourn was made by Ms. Basbanes at 7:50 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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