

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

**Convened:** 5:30 pm

**Present:** Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; Lieutenant James Dow, Police Dept.; Mike Martin, Tree Warden; Kellee Wilson, chair, Morgan Babcock Scholarship Trustees

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants

**Open Forum**

Mr. Devlin briefly explained the purpose of the public forum and went over the Boards agenda which included a Right to Farm Notification, Discussion of Police Leadership, a new Sustainability Committee for GDRSD, a Personnel Board update, and Discussion of the new Scholarship Committee.

**Right to Farm Notification**

Ms. Hutton reported that in accordance with the Right to Farm By-Law a notification has been supplied to the Board and to the Agricultural Commission. The property affected is located on Lower Dam Way. There was light discussion regarding the by-law and the purpose of the notification.

**Scholarship Committee Discussion**

Ms. Hutton started off discussion by explaining what the town's vision is for the Tobey Scholarship. This includes the management of the funds, and how to administer the scholarship. The request of the Morgan Babcock Scholarship Trustees is if they would be willing to collaborate with the Tobey Scholarship. The new scholarship has about \$500,000 in principle which may not be spent. The Board noted that Morgan Babcock has an existing vehicle for promoting their scholarship, investing principle, and reaching out to students. The Board believes that the two scholarships could complement each other. It does not make sense to re-invent the wheel. Instead, the Board believes collaboration would be the most beneficial outcome. What this boils down to is a request for guidance and a frame work. Ms. Wilson proposed several ways the two scholarships could work together. This included shared mailings and outreach. There was then discussion regarding how to award the new scholarship in a complimentary fashion to Morgan Babcock. There was the suggestion that those who don't receive one scholarship could be awarded the other. For example, a runner up for one of the Morgan Babcock Scholarships could receive a Toby Scholarship instead. Ms. Hutton noted that Morgan Babcock's criteria will be different than that of the Tobey Scholarship. Ms. Hutton she stated that the Tobey Scholarship will need to establish criteria that is based on the will and the will is rather unspecific on the exact criteria. In the meantime, first and foremost, a committee for the new scholarship will need to be established.

Ms. Wilson was asked about the time frame for when Morgan Babcock awards its scholarship. She responded that Morgan Babcock begins its process of determining awards as early as February with scholarships awarded to students in May. Ms. Hutton reminded the Board that the Tobey Scholarship will fall under the Commissioners for Trusts, who are elected. From there discussion turned to the long process experienced by Morgan Babcock in setting up their system. Ms. Wilson noted that a legal document had to be created to establish the trust formally and there are numerous IRS requirements that need to be considered. As a result, she cautioned that there is definitely upfront work that could preclude awarding of Tobey Scholarship in the near future. In the meantime, there are a lot of ways to use the experience of Morgan Babcock to benefit this new scholarship and the Ms. Wilson expressed the willingness of the Trustees to aid in this way. The Board noted that this scholarship will be an additional resource in the town. Between the Morgan Babcock

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Scholarship Fund which is also around \$500,000, the students of the town now have resources around \$1 million. This is a positive for the community. Ms. Hutton finished the discussion by proposing some leg work moving forward and the next few steps.

### **Discussion of Police Department Leadership**

Ms. Hutton started off by reminding the Board that the Police Chief is out on vacation until August 22<sup>nd</sup>. She noted that when he returns he will begin transitioning out of his position and completing his retirement. Ms. Hutton then updated the Board on the sick time buyback that was referenced in the Chief's retirement notice. According to his notice he intends to buyback 300 hours of sick time, which is allowed by the Personnel Policy. However, she noted, the rate the Chief used in his notice is incorrect. The figure he used was \$51.74 per hour; but the pay for the Chief in FY17 is \$51.02 per hour. The total should therefore be \$15,306 rather than the \$15,522 requested. The Town Accountants position is that it would be inappropriate to change the rate of pay for the buyout and Ms. Hutton indicated she agrees. From there Ms. Hutton reminded the Board that an exit interview will need to be done as proscribed by the Personnel Policy. As a result, she asked the Board to decide who will perform this interview and determine what if any forms should be used.

Ms. Hutton then updated the Board on Lieutenant Dow's transition into working days while the Chief is on vacation. She recommended to that the Board appointed an Interim Chief for a term to commence September 1<sup>st</sup>, 2016 and run for a period of time. She suggested six months. This time frame would allow the Board ample time to think about what changes, if any, they would like to make in the department's leadership and how they want to go about filling the Chief position. She also noted that she has spoken with Chief Downes and he agrees that six months is a sensible interim period. The Board agreed that an interim appointment should be made as it provides an opportunity to the town to determine what the best way forward is. The consensus was that an interim period should be made. Lt. Dow then explained some of the details of Chief Downes' retirement process and where the department stands currently. Chief Downes when he returns won't be necessarily working as much as he will be cleaning out his office and finishing some final prep work. He further noted that the Chief may stay on as late as September 1<sup>st</sup>. But the retirement is expected to be finalized on August 31<sup>st</sup>. The Board determined that it would appoint Lt. Dow to be Interim Chief starting September 1<sup>st</sup> with an open ended period until the position is filled. This will provide time to work with Lt. Dow and all stakeholders regarding how to move forward.

It was noted that this time will also give the Board time to contemplate a contract for the Chief's position, and the development of a compensation package that would be appropriate. It was also discussed that such a package could start as early as the interim appointments effective date. Lt. Dow credited Ms. Hutton with the smoothness of the transition so far and noted that she has been very helpful. The Board turned discussion back to the matter of criteria for the position, and how to conduct job reviews moving forward. Much of what the Board would like to see done has been in the works for some time, and the Board would like to finish. There was some discussion of whether the interim term ought to be six months or longer or shorter. Lt. Dow expressed an interest in seeing it be a shorter period, but was fine with whatever decision the Board makes. Ms. Hutton finished by reporting that she will talk with the town's Labor Counsel about what any contract and compensation package should look like. Lt. Dow thanked the Board for the opportunity to serve in this manner. He briefly updated on the state of the department and the overtime situation. There was then some light discussion of how to move forward whether to hire a new Chief or to replace the Lt. assuming Dow is promoted to Chief.

A motion was made by Mr. Alterisio to appoint James Dow, the current Police Lt., as Interim Chief for a term to commence September 1<sup>st</sup>, 2016, and to run until such time as the Police Chief position is filled. The motion was seconded by Ms. Basbanes and passed unanimously.

### **Wetland Protection Act Fund Expenditure**

Ms. Hutton reported that the Conservation Commission is seeking permission to spend \$203 of Wetland Protection Act funds on wildlife crossing signs. In addition, approval is needed by the Board to post these signs on the road right-of-way. It was noted that 10 signs will be purchased, and the Conservation Commission intends to use 4 of them immediately and the remainder to be kept for future placement.

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A motion was made by Mr. Devlin to approve the spending of the funds (\$203) in order to buy the signs. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Mr. Devlin to authorize the placements of the signs as delineated by the Conservation Commission. The motion was seconded by Ms. Basbanes and passed.

### **Appointments**

Ms. Hutton provided the Board with a list of annual appointments. This included appointments to Capital Planning, Council on Aging, Recreation, and Memorials & Monuments. The Board considered and approved the appointments.

#### **Annual Appointments 2016 – One Year Term**

Joseph Dean – Memorials & Monuments  
Anthony Lively – Capital Planning

#### **Annual Appointments 2016 – Two Year Term**

Harold West – Capital Planning  
Mary Dow – Council on Aging  
Ruth Tully – Council on Aging

#### **Annual Appointments 2016 – Three Year Term**

Robert Jacobson – Capital Planning

#### **Annual Appointments 2016 – Five Year Term**

James Tully – Recreation 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.

\*See Discussion of Police Department Leadership for the appointment of Lt. Dow as Interim Police Chief.

### **GDRSD Sustainability Committee Membership**

Ms. Hutton updated the Board on the Superintendent and the School Committees intention to create a new sustainability committee. The Superintendent requests that the Board appoint representatives. According to her, this will be a substantial commitment with meetings lasting approximately 3 hours and which will be held during the morning business hours in the week. There will be work that will be done on the subcommittee level and research projects. Two members will need to be appointed. The Board noted some concerns moving forward and expressed the wish to see an understanding of sustainability that includes Dunstable. In this context, the definition of sustainability is unclear, especially in light of the fact that it appears that the school district cannot operate under Prop 2 ½. Groton has revenue resources that are not tied to property taxes. They have demonstrated in the past that they have considerable means to address sustainability outside of Prop 2 ½.

If sustainability in this context means that Groton is willing and able to provide funds outside of the Prop 2 ½, this could cause problems for Dunstable on the question of sustainability because Dunstable cannot keep up. Ms. Hutton noted she will meet with her counterpart in Groton soon and may be able to address some of these concerns. She also outlined some of the other matters that will be discussed that are related. Ms. Hutton proposed asking the school districts business director to come to a meeting to discuss what needs to be done and what the next steps are. Unfunded mandates are most certainly a problem, but more information as to the situation needs to be addressed. It was decided this matter would be tabled until the Boards next meeting and no further decision as to appointment of any person for this committee would be made until such time.

### **Personnel Board Update**

Ms. Hutton briefly updated the Board on the current Personnel Policy adopted in 2010, and how it compares to the current draft of the proposed new Personnel Policy being crafted by the Personnel Board. The policy is largely complete and has had legal review, she reported. The remaining provisions are under discussion and surround benefits such as overtime and vacation. Ms. Hutton then gave some background on the process that brought us to this point, including the adoption and approval of the Wage & Classification Chart which was approved by the Board and the Personnel Board. Implementation by the Board is pending the completion and

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approval of the job descriptions. There are a handful of job descriptions left for the Personnel Board to work on. But they should have the rest of them completed for approval by their August 9<sup>th</sup> meeting. Ms. Hutton noted that this past winter the personnel Board was close to completion of the chart, but it was determined that the chart was based on outdated numbers. This was mostly due to the time required to put the analysis together. The chart's has since been updated with FY16 figures from the comparison communities. This changed the compensation ranges and in some cases substantially.

Ms. Hutton then reported that she is currently consulting with Labor Counsel and has procured some answers to questions being asked in regards to the benefits and the draft policy. Some of the questions involved relate to law and best practices. Ms. Hutton elaborated on Labor Counsel's opinion on several questions, in particular highlighting the question of overtime whether it should start after 8 hours worked or until after 40 hours worked. Labor Counsel advises that the law requires it be after 40 hours are worked, and recommends the town write its policy as such. The Board noted that this is a tricky subject that must be handled with care as the town moves forward. It is not the intention of the Board to take away benefits, rather the Board wishes to do what is fair and equitable.

### **Commission on Disability**

The Massachusetts Office on Disability would like the town to explore the creation of a local Commission on Disability. Some of the benefits of this commission are already being implemented in Dunstable, Ms. Hutton noted, and the town currently only has a Handicap Parking By-Law and an ADA Coordinator. She has inquired with the Board of Health for their opinion on this matter. It is up to the Board if this commission is to be established. Ms. Hutton did not feel that this is something that is necessary to do at this point. The Board inquired as to whether this is a mandate. Ms. Hutton responded that it is not. The Board noted that the town does not have a lot of town property and there aren't a lot of commercial properties. Lt. Dow responded to some inquiry as to enforcement of the handicap parking by-law. He stated that there aren't many areas affected and explained that many tickets are not written because in most cases people are simply unaware or not paying attention. There was some discussion of the topic and whether the town should create such a commission. The consensus was that the town is already well covered on this and that no action should be taken on this subject.

### **Complete Streets Prioritization Plan Consultant**

Three entities were contacted for proposals for the Prioritization Plan, Ms. Hutton reported. Two sent responses, NMCOC and Howard Stein Hudson (HSH). NMCOC proposes to use a more narrative approach to the research while HSH takes a data based visual approach to complete streets planning. Much of the HSH analysis is GIS based which is important when discussing the connectivity of transportation networks she noted. As a former planner, Ms. Hutton is more comfortable with the visual approach. But ultimately, this is the Board's decision. The Board noted that one of the benefits of NMCOC is that they have worked with the town before. Ms. Hutton agreed that this is true, but noted that NMCOC has not done this kind of work before. The Board felt that given Ms. Hutton's experience in this area she should make the decision regarding which entity is chosen.

### **Elder Director Job Description & Classification**

Ms. Hutton reported on the current state of the job description recommended for the Elder Director position. What has been drafted so far was reviewed with the current outgoing employee who is likely the best situated to give a sense of what is required to fill the position. She has also provided the new Elder Director with the job description for input as well. Ms. Hutton then reminded the Boards that its prior approval of the Wage & Classification Chart was in abeyance until the job descriptions are completed, including the one for this position. Ms. Hutton noted that the Personnel Board has modified the proposed grade to start for this position. This decision was based on the fact that other Elder Directors in comparison communities manage Senior Centers or other similar work. She then noted that if the Board approves the job description and the grade starting rate for the Elder Director, the figure will be \$22.34 per hour in FY17.

A motion to approve the job description as drafted was made by Mr. Alterisio and seconded by Ms. Basbanes. The motion passed without objection.

*Approved and adopted on 8/10/16*

## **Building Use Request**

The Grange submitted a request to use the Town Hall in September of this year and March of next year.

A motion to approve the application was made by Mr. Devlin and seconded by Ms. Basbanes. The motion passed unanimously.

## **Administrators Report**

Ms. Hutton started off by reporting that ZBA has scheduled their next hearing. From there she moved on to discussion of the school's lease. The town has previously done two leases, one for the Union Building and the other for the Swallow Building. Town Counsel does not believe that two leases are necessary and recommends one lease. The Board articulated reasons for why there are two leases. Ms. Hutton then updated the Board on the Fire Chief's report on his firefighters. From there discussion regarded the year end burn sheet from the Town Accountant and ending encumbrances. She then reported that a proclamation has been drafted for Ruth Tully's retirement. Further she reported on the new IT company and the changes being made to town equipment. This will include restoring the public service announcement broadcast by replacing the computer that runs the slide show. Ms. Hutton then addressed several questions regarding the comparison of the 2010 Personnel Policy and the proposed 2016 Personnel Policy. There was some discussion of benefits that employees appear to enjoy that were not delineated in the 2010 policy and that have come about by convention.

The town needs to know exactly what these benefits are and how to move forward. Ms. Hutton noted that the Personnel Board is working on this topic and will be reporting to the Board. There was ensuing discussion of what best practices are and what Town Counsel and the Commonwealth recommend. If any benefits are to be taken away, there has to be a well-articulated reason. But that isn't the intent of the Board per se, rather to determine what exists and how to move forward equitably and fairly. At this stage nothing has been taken away. Compromise will need to be made, but it should not be forgotten that this is not the intention to take away what exists. There was some discussion of how deviations from the 2010 policy have occurred. Ms. Hutton elaborated on this topic including the complexities of the multiple appointing authorities some of which are elected and some of which are appointed by the Board. She then outlined some compromises which have been made already and her intention to have this fiscal year be a transition year that will provide some flexibility. Attempts are being made to meet the needs and concerns of the town employees as this process moves forward. Ms. Hutton then finished with an updated on the scheduled Department Heads meeting.

## **Minutes**

The Board considered minutes for July 6<sup>th</sup>, and 13<sup>th</sup>. It was determined that the minutes should be modified to appropriately reflect Chief Downes's retirement. It was further noted that the Executive Session minutes may be released.

A motion was made by Mr. Alterisio to approve the minutes for July 6<sup>th</sup>, 2016 as drafted. The motion was seconded by Ms. Basbanes and passed unanimously.

A motion was made by Mr. Alterisio to approve the minutes for July 13<sup>th</sup>, 2016 both regular and Executive Session, and to release the Executive Session minutes to the public pending modifications. The motion was seconded by Ms. Basbanes and passed without objection.

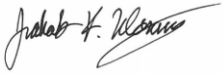
## **Warrants & Mail**

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

A motion to adjourn was made by Ms. Basbanes at 7:00 pm. The motion was seconded by Mr. Alterisio and passed without objection.

*Approved and adopted on 8/10/16*

Respectfully submitted by

A handwritten signature in black ink, appearing to read 'Jakob K. Hamm', with a stylized flourish extending from the end.

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

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