

Town of *Dunstable* Selectboard
Meeting Minutes
November 2, 2016
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; James Dow, Interim Chief of Police; Robert Pontbriand, Al Futterman, Judy Larter, Nashua Wild & Scenic River Study

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Ambulance Services Agreement
- Standard Contract with Massachusetts Cultural Council

Open Forum

Mr. Devlin briefly explained the purpose of the public forum and went over the Boards agenda which included preliminary discussion of the FY18 budget, the new Personnel Policy, Town Employee Job Descriptions, an update on Ambulance Services for the town, and a department status update from the Interim Chief of Police.

Appointments & Resignations

Ms. Hutton informed the Board that the Town Clerk has received a resignation from Ann Marie Winkowski a Cemetery Commissioner. Ms. Hutton noted that as long as the Commission has two members, which it does currently, they can continue to approve bills and function. The Board inquired as to whether the Commission will recommend the appointment of a replacement. Ms. Hutton responded that she would confer with the Commission. Ms. Larter, a former Cemetery Commissioner, noted that she will likely be the candidate.

Nashua Wild & Scenic River Study Status Report

Mr. Pontbriand started off by introducing himself. He is the Town Administrator of Ayer and one of Ayer's representatives to the Nashua Wild & Scenic River Study Committee. He explained that the purpose of this meeting is to report to the Boards of Selectmen on their progress. He explained very briefly that this is a study that is congressionally authorized to determine whether a particular river segment is eligible for designation as a nationally recognized Wild & Scenic River. The study is based on the 1968 Wild & Scenic Rivers Act passed by Congress to provide a mechanism to protect and restore rivers for the benefit and enjoyment of the public. This specific study was authorized by Congress in December 2014 and includes Ayer, Dunstable, Groton, Harvard, Lancaster, Shirley, Townsend and Pepperell. Each town has members appointed to the Study Committee as well as representatives from the National Park Service, the Nashua River Watershed Association, the Mass Division of Fish & Wildlife, the US Fish & Wildlife Service, and the US Geological Service.

Mr. Futterman then elaborated on the progress made so far, and noted that 160 rivers nationwide have been designated in 36 States. Most of them in the Western half of the country, but now a number of rivers in New England are being designated under the Act. Mr. Pontbriand gave some history behind this committee's specific work and its current status. He stated that the committee's work is truly locally driven. This study considers more than just the Nashua River; it also includes the Squannacook River and the Nissitissit River. Mr. Futterman noted that one of the critical requirements is that the river(s) have remarkable resource values. This includes scenic natural and agricultural landscapes, recreation and ecological values, as well as biodiversity and habitat. Part of the story being told is how the river has recovered. In this case the recovery is helps make a compelling story, since the Nashua River was one of the top 10 most polluted rivers in the country. Mr. Pontbriand then emphasized the goals of the committee, and the commitment to keep the process

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locally driven. The process provides an opportunity for towns along these rivers to work together to protect their shared regional resource.

Mr. Futterman followed up by explaining the designation under the law, and how the committee reaches these goals. This includes letters of support, adoptions of by-laws, and other similar measures. He noted that the designation will prohibit new dams. Mr. Pontbriand stated that the study and designation does not lead to Federal acquisition of land, or create public parkland, or change any land use and decision making on the local level. It has no impact on existing dams, and the local hunting and fishing laws are not impacted. Mr. Futterman then explained how the river will be managed. There are several “flavors” used as part of the process, which are wild, scenic, and recreational. These rivers have the best shot at recreational. Mr. Pontbriand noted that all 8 towns will have to adopt the plan at a town meeting in order to move forward. There is an annual Congressional appropriation that will help assist the management program, and there will be grant opportunities available. The earliest that this would appear at town meeting would be the Annual Town Meetings in spring 2018.

The Board inquired as to how this designation would impact water supplies. It was noted that the Nashua River is a significant contributor to the water supplies of a number of communities. In fact, the river helps contribute to local aquifers. The Board also recalled that a number of years ago the Town of Pepperell proposed locating a medical waste facility in an area that was sensitive to a local aquifer. Mr. Futterman responded by elaborating on how the designation would impact these kinds of situations, but noted that the designation does not have “teeth” in the sense that it would truly impact zoning. However, he recommended that other steps for conservation be taken subsequent to the designation. The Board responded that anything that can be done to reinforce a level of sensitivity to the local watershed resources is welcome. Ms. Larter briefly explained how this designation can help with that kind of goal even lacking “teeth.” There was then some discussion of the involvement of US Representative Tsongas and her tireless work to make this designation happen, and her support of the committee. Discussion finished with the Board thanking the committee for their work.

FY18 Budget

Ms. Hutton started off discussing broadly what the budget will look like in FY18. The most notable change will be in salaries which will be impacted by the Board’s ultimate approval of the Personnel Board’s recommendations. Another notable area that will see change is in line items for technology. The reason for the change here is twofold; first the Town Hall needs a new firewall and server, second there are maintenance fees for services that began in FY17 that the Board and Advisory Board committed to as well as technology maintenance for all town buildings (excluding the Library which has services through its consortium). The Board discussed the reasons for the increases in some line items noting that substantial increases will need to be explained in a clear and transparent way. Ms. Hutton elaborated on some examples, such as the cost of maintenance fees for IT services. She highlighted the fact that the IT services not only support the Town Hall, but other buildings and departments such as the Police Department, which sees a benefit primarily because they are 24/7. As for the server, the operating software is extremely out of date and is no longer supported by Microsoft, which is why it is so critical to update.

The Board noted that for a number of years there was no individual or entity responsible for all maintenance in the town. These kinds of things have been overlooked and not understood, but are the kinds of things that need to be resolved. Ms. Hutton then elaborated on a number of town services that are now online. These include assessing software, GIS mapping, and permitting. Having these services be online lowers the burden on staff and increases efficiencies and public satisfaction. Some light discussion then ensued regarding the permitting software and how the system is working. Ms. Hutton stated that there have been some hiccups, but the service is getting better. The Board responded that in the past the town hasn’t set aside funds for dealing with surprises, which often ends up meaning spending free cash when a reserve fund or stabilization fund transfer would be more appropriate. Ms. Hutton elaborated on the steps being taken to address this kind of situation and to improve budgeting. There was then some discussion of how the budget works, and whether the town has a line item budget or not. Ms. Hutton explained that the line items are for informational purposes, the town meeting approves operations and salaries. She cautioned the Board on the use of terms like “line item budget” given the actual way the town budgets.

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There was then some discussion of the Inspections Departments budget in particular. Ms. Hutton elaborated on the fixes to the Inspections budget and how the Inspectors are currently being paid as well as the fees for the inspections software. There was some discussion of the Town Engineers budget. The budget was cut as part of the budget problems the town faced with FY17. Advisory Board intends to restore some of the cuts. It was noted that that Town Engineer has done well about keeping to his budget. There was ensuing discussion of the impact on the Planning Board. Ms. Hutton noted that the Town Engineer is working on several projects including not only for Planning but also for the Roads Commission.

Police Department Update

Chief Dow started off his report by explaining how things are going so far. It has been two months since he started and he feels that the department is moving forward positively. Some problems have arisen, but been dealt with. Moral is great, but he would encourage some caution. In particular, no immediate solution needs to be reached in regards to the matter of the leadership structure. Currently the department has a Sergeant, Lieutenant, and Chief of Police. He expressed some concerns about how any changes to this structure might be interpreted. The Board inquired as to the difference between having a Lieutenant and something else. Chief Dow responded that it really depends on the responsibility you give to different roles. He then elaborated on the various roles that he feels he will need as Chief. Ideally, he'd like to have three leaders. He noted that filling the Lieutenants job is an expense. Whether that job should be filled now is a question of prudence. He'd like to see dispersed leadership structure, with a Chief and three leaders under him in the form of three Sergeants'. As policing has developed in different ways, it isn't just about lockup. It's about community policing, accreditation, and operations. The department could operate with only two Sergeants'. But he feels that three would be better.

The Board responded that one of the things that fell out in the process of looking at wages is that there really aren't a lot of departments with Lieutenants. Having a Lieutenant was a convenience for the town in the past for various reasons. Chief Dow generally agreed. But he elaborated that what the town has to do is what is best for the organization. Ms. Hutton stated that the plan is to have another check in like this in a month. This will allow the Board time to decide what course to pursue regarding department leadership and the hiring of a permanent Chief. The goal is to have the matter settled by January 1st. She emphasized that the town does not want to leave a hole in the department for too long, and there is one currently. It was noted that the Lieutenant is a higher paid position than Sargent, and is non-unionized. The Board emphasized that the Chief needs to determine what structure he feels is best and bring that to the Board. Chief Dow admitted that since he is the only non-unionized personnel, it does limit the ability to conduct internal investigations as well as a few other complications if the Lieutenant's position is not filled. As such the leadership structure has to be weighed carefully. The Board noted that by and large it is not made up of criminal justice experts, which is why Chief Dow's recommendations will be taken very seriously.

There was then some ensuing discussion of department policy and how it governs the actions of the officers. The Board noted that the smaller the department the more dependent things are between the members of the department. As such the Board wants to see good, dependable protection for the town and community buy in to the departments work. Therefore the Board pledged to do its best to support the Chief and the department to achieve these goals. Chief Dow responded that it is his priority to do what is the best thing for the department and the town. He then elaborated on the relationship he hopes to have with the Board and the kind of input and consensus that should happen. The first priority is the town and its safety, the second is keeping the department healthy and functioning smoothly. This prompted some brief discussion of past problems and how to avoid them moving forward. Chief Dow emphasized the fact that the town is, at the end of the day, providing a service to the public and that means trying to provide good service that is worthy of the public's trust and support. Ms. Hutton then recommended that the Board make its decision about the Chief's position on November 30th at the Board's regularly scheduled meeting and any other structural changes be considered before January 1st. It was noted that the Board does not have to post the position if they do not wish to, and may hire from within. Ms. Hutton reported public satisfaction appears to be high through the current transition.

Personnel Policy

Ms. Hutton informed the Board that the new Personnel Policy has been revised since the Board's last meeting and is now ready for approval should the Board see fit. The Board inquired as to the latest revisions. Ms. Hutton reported that these had to do with vacation time, specifically the carry over provision, as well as a modification of overtime on emergencies. Discussion then centered on the impact of these changes and some clarification as to how the provisions effected would function. Ms. Hutton elaborated on several points including the vacation provision in particular. Chief Dow explained the changed wording for vacation and his impression as a Department Head as to the original wording and why the change is necessary. There was discussion as to the best practices and when and where discretion is appropriate or wanted. In the past discretion has often meant that unusual situations have led to rules which become cemented over time. Ms. Hutton then emphasized the fact that whether it's normal or not, the development of this new policy was a negotiation with the employees. The Board was pleased, noting that this really was needed and having the policy molded to work and be fair is important. Ms. Hutton then noted that the Personnel Board is looking at the "show-up" policy at its next meeting which is on November 8th.

This is a one-page policy which should appear before the Board at its next meeting on November 16th along with the finalized Wage & Compensation Chart. Currently some departments are subject to a "show-up" policy, but not all. This new policy will apply to all departments. There was brief discussion regarding the fact that employees are considered full time at a minimum of 36.5 hours. Any work beyond those hours but lower than 40 hours is straight time which they are paid for. Anything over 40 would be overtime or compensatory time depending on the employee and the situation. There was some discussion of whether the 36.5 hours should be changed to 40 hours. It was determined that this isn't a substantial issue at this time. Discussion then turned to the issue of employees holding multiple positions and whether they do or do not have the same rate for each position. Ms. Hutton elaborated on how the Wage & Classification Chart works and why this occasionally occurs. Currently only two employees would see a split. So there will not be a significant impact. There was some ensuing discussion regarding how benefits accrue. Ms. Hutton explained how this process works. Ms. Hutton then finished by inquiring as to when the policy should be adopted and implemented. The Board decided to move it immediately and make it effective December 1st.

A motion was made by Walter F. Alterisio to formally adopt the Personnel Policy of 2016 with the stipulation that the policy take effect on December 1st, 2016. The motion was seconded by Leah D. Basbanes. Adopted by unanimous vote by Daniel F. Devlin, Walter F. Alterisio and Leah D. Basbanes.

Town Employee Job Descriptions

Ms. Hutton presented the Board with the job descriptions that the Personnel Board is recommending for approval. She noted that some of the grades, specifically the 5's and 7's, are still up for further discussion at the Personnel Board's next meeting, which is scheduled for November 8th at 9:00 am. Any changes to the grades will be based on the data. In the meantime, Ms. Hutton recommended the Board grant approval pending any changes made to the grade numbers. There was some discussion revolving around the town's ability to pay and sustain the right level of wages to maintain competitiveness while living within the towns means. Discussion turned back to the job descriptions and the Board's review. The Board saw no significant issues with the job descriptions, and employees by and large appear happy with the final drafts. The Board determined in light of this to move forward with adopting the job descriptions in their final form.

A motion to accept the job descriptions pending any grade changes made by the Personnel Board was made by Ms. Basbanes. The motion was seconded by Mr. Alterisio and passed unanimously.

Ambulance Service Update

Ms. Hutton reported that an agreement has been drafted which has been reviewed by her, the Fire Chief, and Town Counsel. The agreement is ready to be signed if the Board has no changes and is prepared to approve it. The agreement has a 30 day out in case the town finds a different alternative, such as through the Town of Tyngsborough. Chief Dow reported that the ambulance service was timely on the last call that he was involved in with the Fire Chief. It was noted that the town does not pay anything for this service; rather the ambulance

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company bills those who need their services through their insurance. There was some discussion regarding other companies that could provide the service, but the current company appears to be best situated. Having the agreement with them covers the town on terms of liability and other considerations.

A motion was made by Ms. Basbanes to approve the signing of the agreement. The motion was seconded by Mr. Alterisio and passed without objection.

Administrators Report

Ms. Hutton started off by reporting to the Board that the line dancing class being held on Monday mornings in the Town Hall will be extending their classes through December. The Board had no issue with extending approval. Ms. Hutton then turned to the issue of National Grid and possible impacts from their rate changes. Large commercial and residential rates will go up significantly, but the town is considered small commercial and will not see a significant increase, and may even see a small decrease. Ms. Hutton then reported on some grants that require the Chairs approval, the first for some new radios for the Fire Department, and the second being the standard contract for Cultural Council. Ms. Hutton then reported on several new interactive maps that are now on the town's website. This includes one that provides information regarding properties such as lot numbers and the locations of buildings. The other provides interactive use that lets citizens report things like missing road signs and dangerous intersections. From there Ms. Hutton reported on the Complete Streets Prioritization Plan, which helped provide the interactive map for road signage and the like. There will be a presentation coming up on November 14th.

She then turned to discussion about changes in the lawn care for the Town Hall and other public properties. It will be more expensive to get a higher level of service than what the town has now, such as leaf pickup, winterization and spring preparing of water sprinklers, and so forth. The Board was generally in support of these kinds of changes. New services would also include fertilization of the lawns, and would bring the town under one significant contract. Ms. Hutton noted that this is not a big enough cost to justify or trigger a requirement for going out to bid. It was also noted that the previous lawn care company did not provide a new quote although it was requested. She then finished by talking about 91 River Street. There was a problem with the furnace which cost a few hundred dollars. The building also needs a new oven/cook stove. The renters have been told not to purchase a new appliance or replace the existing one until the town has been able to approve such an action.

Ms. Hutton then reported that these matters have brought to light the fact that the building's lease has expired. Ms. Hutton noted that Town Counsel and the Town Accountant both recommend the town divest from owning such rental property. There was then discussion of how to handle setting up a new lease and what is required of the town. The Highway Superintendent has reported that the building needs work. Ms. Hutton asked the Board if they wish for her to pursue a new lease. Currently the rent goes into the general revenue and only \$1,000 is budgeted each year for problems like the boiler one that arose. What should be done is a portion of rent should be put into a revolving account to cover any necessary repairs. What Ms. Hutton recommends is that a new lease be obtained, a revolving fund for some of the rent to fix the building. Town Counsel agrees with this recommendation. Whether the town ought to keep the property or sell it is one the town needs to consider. There was subsequent discussion of whether to sell the property or not. The Board determined that Town Counsel should be consulted as to what action to be taken. Ms. Hutton agreed to look into the matter further and to talk to the tenant.

Minutes

Ms. Hutton reminded the Board that they tabled the minutes for October 5th, 2016 due to Ms. Basbanes absence. The other set of minutes for the Board to consider are from the Board's meeting on October 19th, 2016. The Board saw no reason not to approve both sets of minutes.

A motion was made by Mr. Alterisio to approve the minutes for October 5th, 2016 as written. The motion was seconded by Ms. Basbanes and passed without objection.

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A motion was made by Mr. Alterisio to approve the minutes for October 19th, 2016 as written. The motion was seconded by Mr. Devlin and passed with one abstention.

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 8:30 pm. The motion was seconded by Mr. Alterisio and passed without objection.

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