

Town of *Dunstable* Selectboard
Meeting Minutes
March 15, 2017
Town Hall, Dunstable, MA 01827

Convened: 7:00 pm

Present: Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; James Dow, Chief of Police

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants

Open Forum

Ms. Basbanes, in the Chairs brief absence, explained the purpose of the public forum and went over the Boards agenda which included a Resignation from ZBA, a Use of Town Property Request, Completion of CR's, Employee Recognition, a Conservation Commission LAND Application, 91 River Street, and three Executive Sessions.

Completion of CR's

Ms. Hutton started off by updating the Board on the situation relating to several CR's (Conservation Restrictions) and the lack of response from the towns former counsel. In order to not miss any deadlines with the Commonwealth the CR's will have to be completed by the current Town Counsel. The Board noted that there are no real options available to the town aside from this. Ms. Hutton agreed noting that the only other option left to the town would be to take action with the Board of Bar Overseers (BBO). The Board responded that it would like to avoid this option, but expressed some concerns about the funds available for this to be done. Ms. Hutton stated she would look into the funds, but was confident it could be done. There was discussion of whether Labor Counsel would be able to reach out to former Town Counsel since they had a good relationship in the past. Ms. Hutton agreed to inquire with Labor Counsel. In the meantime, Ms. Hutton further agreed to determine what the cost of completion of the CR's by current Town Counsel would be.

Potential Conservation Commission LAND Grant Application

Ms. Hutton informed the Board of the Conservation Commissions ongoing consideration of a LAND Grant Application. The Commission is looking at possibly acquiring a roughly 11-acre property running along Salmon Brook. The property in question is already bordered by municipal conservation land continuously on two sides as well as across the street from the property's frontage. The total cost is \$200,000 with most of the funding for the purchase, approximately \$120,000 coming from the LAND Grant. The remaining \$80,000 cost would be paid for with \$70,000 from timber funds, which are specifically earmarked for such a purpose, and \$10,000 in CPA funds. The Board noted that this property was formerly part of a larger piece of property, of which the town already owns a part of the original larger parcel. The property is attractive, well managed currently, and would tie in to the open space along the brook. This is a high priority for the establishment of a greenway along the river. The Board then discussed some of the property around the Salmon Brook and what level of ownership and conservation related properties in the area are under. It was noted by Mr. Devlin having just come from the CPC meeting that the CPA funds have just been approved by the Community Preservation Committee. In light of this the Board determined to concur with the CPC and recommend the town purchase the property through the LAND Grant process.

A motion was made by Mr. Alterisio to concur with CPC's recommendation to purchase the property. The motion was seconded by Mr. Devlin and passed unanimously.

Approved and adopted on 4/5/17

91 River Street

Ms. Hutton reported on 91 River Street, which is a house and property owned by the town and leased to tenants. She has not received any communication from the tenant or his subtenant's regarding the lease. The town has two choices, first to let it go on as is, or the second would be to legally end the tenancy. The last time this topic came up the Board had determined to leave the matter for a period of time. That time has lapsed. The Board inquired as to who the lessee was. Ms. Hutton responded Mr. Nicol of Nicol Woodworks was the lessee under the expired lease and remains the tenant. The issue isn't so much Mr. Nicol as it is the matter of subtenants and any possible liability on the part of the town. There was a brief discussion regarding the subletting of the property. Ms. Hutton noted that the prior lease did not include a clause disallowing subletting. The Board subsequently expressed discomfort with not having a current lease as well as expressing reservations as to the state of the house on the property and the matter of subletting.

Discussion turned to the value of the property with the Board noting that the land itself is of greater value to the town than the house. Discussion then returned to the process of ending any existing lease or tenancy and the possibility of signing a new lease. This included whether the subtenants would be willing or able to become the town's tenants directly instead of subtenants to Mr. Nicol. There was also ensuing discussion of what the process would be to remove the tenant and/or subtenants. Ms. Hutton reported that Town Counsel does not feel that this would be an overly burdensome process and that the town is in a good position to do so should it choose to. She further noted that without a written lease, the tenants are month to month. Ms. Hutton agreed to reach out to the tenant and subtenants to offer the subtenants a lease which the town would draw up as landlord with the hopes of reaching an agreement. The Board discussed the matter further expressing the desire for an agreement with clear provisions, specifically including a necessary inspection of the premises to ensure the property is habitable and all other obligations by the town as landlord are met.

Appointments & Resignations

Gerald Mead has moved out of town and, as appropriate, has tendered an official resignation from the Zoning Board of Appeals. Ms. Hutton reported she's reached out to the Chair of the ZBA to determine if they have a candidate in mind including whether one of the alternates should be made a full member. She has not heard back. The Board noted that usually the ZBA convenes a joint meeting with the Board and at such a meeting makes a recommendation or nomination for the position and the Board proceeds from there. Ms. Hutton stated she would reach out to the ZBA to schedule a meeting.

A motion was made by Ms. Basbanes to accept the resignation of Gerald Mead from the Zoning Board of Appeals. The motion was seconded by Mr. Alterisio and passed by majority vote.

Employee Recognition

The Board noted that there are a number of employees who hit milestones from time to time, but there really hasn't been much recognition aside from some proclamations and the occasional announcement at Annual Town Meeting. Unfortunately, these efforts have sometimes missed some. A particular example of this kind of situation is the fact that this year's Annual Town Report is being dedicated to an individual for whom it should have been dedicated last year. This has occurred due to an oversight. The Board considered the concept of adding a page to the Annual Town Report, something like a "milestone recognition page" in order to better recognize service to the town. This would serve as a permanent record. It was determined that this would be explored for the ATR being published this year.

Building Use

The Morgan Babcock Scholarship Trustees have requested use of the Town Hall for a series of meetings on April 13th, 2017, April 29th, 2017, and May 4th, 2017. The Board saw no reason not to grant the request and proceeded.

A motion to approve the application from the Trustees was made by Mr. Alterisio and seconded by Ms. Basbanes. The motion passed by majority vote.

Approved and adopted on 4/5/17

Administrators Report

Ms. Hutton started off by reporting on the issue surrounding a practice fire planned by the Fire Department. There has been some concern by neighbors about the property being burned. Ms. Hutton explained that this discussion will be on the Board's next meeting agenda. Currently the Fire Chief is on vacation, but he will be present for that meeting. Ms. Hutton then reported on the status of the Town Clerk who was recently on medical leave. The Clerk is back in the Town Hall and is doing well. The Board was pleased to hear it. Ms. Hutton then briefly reported on the warrant articles. From there she reported on where things stand with the school budget and the progress made by Advisory Board on the budget in general. Ms. Hutton informed the Board that she will meet with the Superintendent on March 16th, 2017. There will also be a joint meeting between the Board and the Advisory Board on March 29th, 2017. The Board expressed some thoughts and concerns about the current state of the district's budget and what plans are in place for moving forward. From there Ms. Hutton noted that she had little else to report having recently returned from vacation. She promised that she would have more for the Board at their next regularly scheduled meeting on March 22nd, 2017.

Minutes

The Board considered the minutes for February 16th, 2017 and February 22nd, 2017. The Board seeing no necessary changes or adjustments to the February 16th minutes determined to approve those minutes as drafted. The Board, however, did note several necessary adjustments to the February 22nd minutes, but determined to move forward with adopting those minutes pending changes.

A motion was made by Mr. Alterisio to approve the minutes for February 16th, 2017 as written. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Mr. Alterisio to approve the minutes for February 22nd, 2017 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.

Walter F. Alterisio made a motion to enter Executive Session for a Real Estate related matter in accordance with MGL Chapter 30A §21(a)6, and with the intention not to return to ordinary session afterwards. The motion was seconded by Leah D. Basbanes. The motion was adopted without objection by Daniel F. Devlin, Walter F. Alterisio and Leah D. Basbanes.

Walter F. Alterisio made a motion to enter Executive Session for a Contract Negotiation Strategy with Union Personnel in accordance with MGL Chapter 30A §21(a)3, and with the intention not to return to ordinary session afterwards. The motion was seconded by Leah D. Basbanes. The motion was adopted without objection by Daniel F. Devlin, Walter F. Alterisio and Leah D. Basbanes.

Walter F. Alterisio made a motion to enter Executive Session for a Negotiations with Non-Union Personnel in accordance with MGL Chapter 30A §21(a)2, and with the intention not to return to ordinary session afterwards. The motion was seconded by Leah D. Basbanes. The motion was adopted without objection by Daniel F. Devlin, Walter F. Alterisio and Leah D. Basbanes.

The Board entered into Executive Session at 7:48 pm

A motion to adjourn was made by Ms. Basbanes at 8:50 pm. The motion was seconded by Mr. Alterisio and passed without objection.

Approved and adopted on 4/5/17

Respectfully submitted by

A handwritten signature in black ink, appearing to read "Jakob K. Hamm". The signature is written in a cursive style with a long, sweeping underline.

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

Approved and adopted on 4/5/17