

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**March 22, 2017**  
**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, Chief of Police; Susan Psaledakis, Community Preservation; Alan Chaney, Conservation Commission; John Callahan, Paul Dalida, Safe Pathways; Barbara Blanco, Lower Dam Way

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- Swallow Union Lease with GDRSD
- Letter to Planning Board

**Open Forum**

Mr. Devlin explained the purpose of the public forum and went over the Boards agenda which included the appointment of a Registrar, Use of Town Property Requests, 1010 Main Street Training Burn, Bicycles Battling Cancer event, Review of the Annual Town Meeting Warrant, Discussion with the Animal Control Officer, Swallow Union Lease, and an Executive Session.

➤ **Coulouras Inquiry with the Board**

Mr. Coulouras addressed the Board. He expressed some concerns regarding whether or not the town will be moving forward with the purchase of property adjacent to his home. He went into some details that he has heard. He is concerned about the possible impact to his property both in the short term and long term. The Board responded that this topic is not on the agenda. While the public forum does allow citizens to bring up topics for consideration, the topic may not be fully debated nor any determination made until the topic may be scheduled on the agenda of a public meeting of the Board. The Board advised Mr. Coulouras that this topic may be readily scheduled. There has been discussion of a public safety building and where it may be placed. Ms. Hutton noted that some of what Mr. Coulouras is alluding to has only been discussed in executive session and the minutes for those sessions have not yet been publicly released. Mr. Coulouras again reiterated some concerns about what the town intends to do and the impact it would have on him. The Board responded that there is interest in placement of the proposed public safety building near his property, but again noted the limits on what it can discuss at this meeting. The Board then reassured Mr. Coulouras of the town's good intentions.

**Annual Town Meeting Warrant Review**

Ms. Psaledakis started off by making inquiries with the Board regarding Article 24 of the draft warrant which concerns a change in the Community Preservation Act assessment and how it is calculated. She made the case as to why this article should not be adopted, noting that CPA funds are used extensively in Dunstable for many projects. One example is work on a playground project currently championed by the Parks Commission. The Board responded to Ms. Psaledakis' concerns by noting that this article really hasn't been discussed by the Board as of yet and the Board has taken no vote on it nor approved it at this stage. The Board expressed support for CPA and the work of the Community Preservation Committee. Mr. Chaney made a few points, noting the approval of the playground project as well as proposals by the Affordable Housing Committee. There are large projects that will be coming forward, and CPA funding is essential for helping make this happen. The Board agreed in principle noting that the Commonwealth has granted matching funds to the town and so many of the funded projects have been important to the town as a whole. This is a resource available to enhance the town, and has been used very wisely. The Board determined it would not support Article 24. Ms. Hutton then turned the Board's attention to the other articles in the draft warrant.

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This included noting what articles Advisory Board has taken positions on so far. There was discussion of the items for debt exclusion as well as where free cash stands. Several articles must be done due to legal obligations, such as unpaid bills and stormwater. The warrant is entering its final stages so the Board will need to make some decisions. Discussion then turned to several large expenditures. Ms. Hutton elaborated on discussions with the Advisory Board regarding what the town should move forward with and what projects should be considered over others. From there discussion returned to specific articles. Article 1 covers the reports of the officers of the town, Article 2 is supplemental appropriations. Ordinarily this is an item for which no action is taken, but is kept on the warrant for various purposes. The Board expressed concern over possible confusion. Ms. Hutton agreed to consult Town Counsel as to whether this article should remain in the warrant. Article 3 regards free cash being possibly used for some community events. That article would also allow for funds which might come from the sale of surplus equipment. Chief Dow suggested using funds of this kind for an activity related to the Summer Concert Series given how much of the community participates in that event. Ms. Hutton stated she would look into it and pursue the suggestions. Article 4 covers transfers for various line items.

Article 5 covers the reserve fund and is intended to help backfill the fund. Funds for backfilling come from free cash. Article 6 regards CPA transfers based on CPA recommendations, this article covers projects that start before FY17, Article 17 will cover CPA for FY18. Article 7 is a standard article for the Water Enterprise Fund. Article 8 concerns pay for elected officials. Ms. Hutton noted that the Treasurer/Collector is no longer listed as she is fully appointed as of FY18. Article 9 concerns the operating budget. Article 10 concerns Chapter 90 funds. Article 11 concerns a transfer to stabilization. Articles 12, 13, and 14 concern revolving funds. Ms. Hutton noted the Municipal Modernization Act of 2016 has changed the way revolving funds work. Article 15 concerns the Water Department. Article 16 is another Water Enterprise Fund article. Article 18 is a free cash article regarding Assessors. Article 19 regards the proposed acquisition of property for a public safety building. Article 20 concerns the acquisition of the Kendall Cranberry Bog Property. Article 21 concerns the GDRSD agreement update and acceptance. Article 22 covers the combination of the Park Commissions and Recreation Commissions into one appointed commission. Currently Parks is elected and Recreation is appointed.

Article 23 involves rescinding unused borrowing authority for the Treasurer/Collector. Article 25 involves a Streets & Ways By-law asked for by the Roads Commission. Ms. Hutton noted there are still some questions that will need to be answered by Roads, but she will touch base with them prior to the finalized warrant. Article 26 involves write in candidate eligibility and is requested by the Town Clerk. Article 27 lengthens the term of the Town Moderator from one year to three years. Article 28 would change the day of the Annual Town Election from a Monday in May to a Tuesday in May. This article was requested by the Town Clerk. Article 29 involves changes to the Solar Photovoltaic Zoning By-law. Article 30 involves the adoption of a Community Housing By-law. Article 31 involves the proposed Recreational Marijuana Moratorium. Article 32 relates to adoption of a Post Construction Stormwater General By-law. The Board was confused as to the existing Stormwater By-law. Ms. Hutton noted that the existing by-law covers pre-construction. This is post construction. The Board inquired as to why they are separate by-laws. Ms. Hutton stated that DEP is choosing to implement stormwater in this manner. The warrant will need to be signed at the Board's next meeting on April 5<sup>th</sup>, 2017.

### **1010 Main Street Training Burn**

Ms. Hutton started by elaborating on when the training burn would occur. Currently the training burn is planned for April 2<sup>nd</sup> or April 9<sup>th</sup>, depending on the issuances of demolition permits. She then explained the burn process as outlined to her by the Fire Chief. The house will not be burned to the ground; rather the burns will be contained to room fires. The building will be inspected by the Massachusetts Department of Environmental Protection (DEP) for approval and all carpeting will be removed. Four hand lines will be used to extinguish the fire and to prevent extension outside of the contained area. Using an actual building will give more realistic training burns, and using a house will enable the department to use new fire tactics that are hard to do in a live burn structure that doesn't have realistic windows. Fires will consist of hay, pallets, and a little cardboard for ignition. All of this will follow DEP and National Fire Protection Association (NFPA) rules and guidelines. A letter will be sent prior to all neighbors prior to the training burn. All glass windows will be removed and replaced with plywood prior to the training burn. Given the amount of volunteer firefighters with

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less than 10 years of service and the fact that 5 of the most active 6 firefighters will be retired over the next 6 years, the town needs to have firefighters participate in as much realistic training as possible. Unfortunately, even when opportunities for such training occur in other towns, the department is usually only allowed to send 3 to 4 firefighters. The department has invited participants from Tyngsborough, Pepperell, and Groton's fire departments. For safety reasons there will be 6 training officers one with each crew, 4 ignition officers, (2 per evolution), and 4 chief officers (one for command and one for accountability per evolution, and an interior safety officer).

### **Bicycles Battling Cancer**

Ms. Hutton reported to the Board that a letter has been received from the organizers of the annual Bicycles Battling Cancer event. This group, which includes the American Cancer Society, would like to coordinate a ride through Dunstable. Bicycling Battles Cancer is an outdoor cycling fundraiser that offers 30, 70, and 100 miles' route options to participants. The ride starts and ends in Marlborough, MA. Riders in the 70 to 100-mile route will begin around 7:30 am. Riders in that group will travel through Dunstable near miles 40-41 (the 100-mile route is the 70-mile route plus an additional 30-mile loop that does not go through Dunstable). The route may be viewed at online. The organizers estimate anywhere between 100 and 225 cyclists for the 70 miles and 100 mile rides. Ms. Hutton noted that the organizers have been advised to consult with both the Police Chief and the Fire Chief regarding their route as it passes through Dunstable. Neither chief has expressed any concerns. The Board asked Chief Dow about the event. He noted it is a small one and last year only about 12 bicyclists came through town. The event is scheduled for June 11<sup>th</sup>, 2017. The Board saw no reason not to approve the request.

A motion to approve the request of the Bicycling Battles Cancer group's proposed event scheduled for June 11<sup>th</sup>, 2017 was made by Mr. Alterisio. The motion was seconded by Ms. Basbanes and passed without objection.

### **Appointments**

The Town Clerk has requested the Board appoint Amy Schembechler to the Board of Registrars. The Board saw no reason not to move forward.

Amy Schembechler is appointed as a member of the Board of Registrars      Term Expires: March 31<sup>st</sup>, 2020  
*Motion by Ms. Basbanes seconded by Mr. Alterisio, passed without objection*

### **Animal Control Officer**

Ms. Hutton started off by explaining that the ACO has received multiple complaints about dogs not under the control of their owners and as a result intended to address the Board regarding solutions. Unfortunately, the ACO has had a death in his family and was unable to attend the meeting. The Board extended its sincerest condolences to the ACO. Ms. Blanco from Lower Dam Way then addressed the Board. She identified herself as one of the complainants. She expressed her frustrations with the current state of things. She does not own dogs and yet still has to remove dog feces from her property. The current by-law regarding dogs does not have sufficient teeth in her experience to do much of anything unless the ACO witnesses it. The Board clarified that what is being asked for here is really enforcement and the by-law being enforced. Ms. Hutton noted that what the ACO is looking to do is discuss enforcement and any changes if necessary to the by-law. Chief Dow elaborated on possible solutions for Ms. Blanco in the meantime. Ms. Blanco stated that this problem has gone on for years and her neighbors have made no effort to curtail the problem. She praised the ACO for being very responsive, but urges the town to seek solutions. The Board determined to table the matter until the April 19<sup>th</sup>, 2017 meeting so as to accommodate Ms. Blanco as well as the ACO.

### **Complete Streets**

Mr. Dalida addressed the Board on behalf of the Safe Pathways Committee. He noted that the original connotation of Safe Pathways was trails and sidewalks. But with the Commonwealths Complete Streets program there are a number of opportunities to proceed with many potential projects for the enhancement of  
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the town. The funding available is significant and with the town participating in this program, it is something that the committee would like to pursue. Mr. Dalida then handed out materials regarding the goals and opportunities available to the town. This also included the results of the complete streets prioritization workshop held by NMCOG and facilitated by Howard Stein Hudson (engineers) as they understood it. Ms. Hutton then noted that what is proposed by Safe Pathways and elaborated further on how the Complete Streets process works as well as where things stand with the Complete Streets Prioritization Plan.

What Safe Pathways is proposing may necessitate modification of that plan. The plan is already complete. Mr. Dalida disagreed with the position that the plan was complete. The Board clarified that the overall goal of Safe Pathways is to add more to the plan, including additional intersections. Mr. Dalida agreed stating that multiple dangerous intersections have been identified and these intersections should be included, all of them, in the plan. Mr. Callahan explained that Safe Pathways was asked to think beyond simply sidewalks, in essence, to think bigger. This includes the concept of calming traffic and improving pedestrian safety and general safety. Ms. Hutton stated that the project is nearly complete and modification of the plan will entail additional costs beyond what the town has spent. The Board inquired as to whether the additions could be added for the future without expending further funds now. Ms. Hutton responded that it cannot given the way DOT's rules work. She then went over the timeline for submission to DOT. The plan that will be approved by DOT will be a 10-year plan running from 2018 until 2028. Ms. Hutton agreed to talk to the engineers about the costs and to see if DOT will permit any changes or adjustments to the plan during the 10-year interim period.

### **Swallow Union Lease**

Ms. Hutton provided the Board with the Swallow Union lease which has been approved by the School Committee and sent back to the Board for its signature. No substantive changes have been made to the document since the Board saw the first draft. The Board saw no reason not to move forward with signing, but there was a question of why both buildings are included in one lease. Ms. Hutton responded that this is because Town Counsel saw no reason to split the buildings into separate leases. She then noted that this lease will run for 20 years. Seeing no reason not to proceed with signing the lease the Board acted to do so.

A motion was made by Ms. Basbanes to accept the lease as written and to move forward with signing the warrant. The motion was seconded by Mr. Alterisio and passed unanimously.

### **Administrators Report**

Ms. Hutton started off by reporting on the situation with the Conservation Restrictions (CR's). The cost for starting the CR's over will be over \$3,000. Currently as it stands there will not be sufficient funds in the account through the end of the fiscal year to pay for the CR's as well as other ordinary legal work which the town needs done. However, there is some money in the professional technical line for the Town Hall that hasn't been spent yet. The Board inquired as to recourse with former Town Counsel. Ms. Hutton responded that the only option would be the Board of Bar Overseers (BBO). Labor Counsel has attempted to contact the former Town Counsel regarding the topic as requested by the Board at its previous meeting. Nothing has come from this. Ms. Hutton recommended that the town use the funds from the professional technical fund for the Town Hall, or any other similar funds available, and then ask for a small transfer from the reserve fund if necessary. The Board generally agreed. Ms. Hutton then reported on the Chapter 61B matter. The property owner has asked the Board to table consideration of the matter for the time being as their original buyer has backed out and they are now negotiating with a new buyer. The Board saw no reason not to do so. Ms. Hutton then finished her report by noting that the Fire Chief is back from his vacation. She also reminded the Board of its special joint meeting with the Advisory Board scheduled for March 29<sup>th</sup>, 2017.

### **Building Use**

Two requests for use of town property were considered by the Board. The first was received from the local Boy Scout troop which requested use of the Town Common for a Scout Skill Demonstration for the purposes of recruitment. The date requested was April 8<sup>th</sup>, 2017 from 9 am until 3 pm. The second request was from the Grange requesting use of the Town Hall on April 7<sup>th</sup>, 2017 from 7:30 pm until 9:30 pm. The Board saw no reason not to grant the requests and proceeded.

*Approved and adopted on 4/5/17*

A motion to approve the application from the Boy Scouts for use of the Town Common on April 8<sup>th</sup>, 2017 was made by Mr. Alterisio and seconded by Ms. Basbanes. The motion passed unanimously.

A motion to approve the application from the Grange for use of the Town Hall on April 7<sup>th</sup>, 2017 was made by Mr. Alterisio and seconded by Ms. Basbanes. The motion passed without objection.

### **Minutes**

Due to the frequency of the Board's recent meetings the minutes for March 15<sup>th</sup>, 2017 were not yet ready for consideration. The Board therefore tabled them until the next regularly scheduled meeting on April 5<sup>th</sup>, 2017.

### **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.

The Board entered into Executive Session at 8:10 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.

Respectfully submitted by



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

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