

Town of *Dunstable* Selectboard
Meeting Minutes
May 17, 2017
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair, Ronald J. Mikol, member; Tracey Hutton, Town Administrator; James Dow, Chief of Police; Brian Rich, Fire Chief; Maria Amodei, chair, Robert Parkin, Board of Health; Joan Simmons, Eric McKenzie, and Joe Vlcek, Planning Board; Alan Chaney, Conservation Commission; Jon Mason, 503 Main Street; Anthony Longo, 91 River Street, John and Elizabeth Swift, 617 Groton Street

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included the Board's re-organization, Annual Appointments, a Public Presentation, Acceptance of a gift to the Police Department, discussion of the Annual Town Meeting and subsequent Annual Election, and discussion regarding disposition of 91 River Street.

Re-Organization

A motion was made by Walter F. Alterisio to open nominations. His motion was seconded by Leah D. Basbanes, and passed by roll call vote in affirmation by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol. Walter F. Alterisio nominated Leah D. Basbanes to be Vice Chair and Ronald J. Mikol as member. Leah D. Basbanes nominated Walter F. Alterisio as Chair. A motion was then made by Walter F. Alterisio to approve and close nominations. This motion was seconded by Ronald J. Mikol and passed by a roll call vote in affirmation by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol.

Therefore, the officer positions of the Board of Selectmen shall be as the following from May 2017 until May 2018, assuming no intervening vacancy shall occur, Walter F. Alterisio as Chair, Leah D. Basbanes as Vice Chair, and Ronald J. Mikol as member.

Acceptance of a Gift to the Police Department

Chief Dow addressed the Board regarding a gift to the Police Department and the possibility of additional donations in the future. The Chief met with a citizen who was interested in helping the department. After discussion with the Chief this citizen has offered to purchase some tactical helmets for the department which go in the cruisers. The total cost is about \$1,700. The Board was pleased to accept the gift. The Chief then explained that this citizen intends to help setup a 501(c)(3) foundation to support the department. He would initially fund the foundation. Over time the foundation will receive additional donations from other citizens, including small donations. There is the possibility of other roles for the foundation. The Chief has sought out local support including from local banks and hospitals. The only other organization of a similar nature in the town is one that supports the Fire Department. Ms. Hutton then went over some of the implications under MGL and the responsibilities of the town in regards to it. The organization would hew closely to public safety and community policing. It would support the department. There was a question regarding how it would be managed and directed. The Chief responded it would have a board of directors which would oversee it. The Board was concerned with seeing such an implementation and inquired as to whether other towns in the area have something like this that the town could use as a model. Chief Dow responded that Chelmsford and a few others do and he has already reached out to them. The Board thanked the Chief for this update.

A motion to accept the gift was made by Mr. Mikol. The motion was seconded by Ms. Basbanes the motion passed without objection.

Approved and adopted on 5/31/17

Discussion of Annual Town Meeting & Annual Election

The Board noted that there are three write in candidates that won office this year. One was Robert Nelson who won a write in campaign to the Advisory Board. Another was Dana Metzler who won a write in campaign to be Town Moderator, and the third was David Wilson who won a write in campaign for Constable. Fortunately, two of the debt exclusions passed, one for the Highway Department to purchase a new truck, and another for engineering for Water. Unfortunately, the debt exclusion for engineering for a proposed sidewalk failed and the debt exclusion for the purchase of a new fire truck also failed. The Board supported the purchase of a new fire truck and continues to do so. The Board then finished discussion by noting some of the failures to elect, which will require the Board to make some appointments.

Appointments & Resignations

Ms. Hutton started off by reminding the Board that with this election cycle the Treasurer/Collector becomes fully appointed. Since her term ended following the Annual Town Election, Ms. Hutton proposed that the Board appoint Ms. Ricardelli for a term to expire on June 30th, 2017. The reason behind this is that the town ordinarily does annual appointments with terms, although varying in length, uniformly beginning on July 1st and ending on June 30th. Therefore, Ms. Ricardelli would also be subsequently appointed for a three-year term to commence on July 1st, 2017 and expire on June 30th, 2020. The Board had no objections to this plan and noted that Ms. Ricardelli has served the town for 30 years. Ms. Hutton also noted that Mr. Mikol has resigned from the Advisory Board due to his election to the Board. The Board then turned to the matter of the Board of Health appointment. Ms. Amodei addressed the Board. Mr. Moeller has resigned from the Board of Health. The Board of Health has formally nominated Anita Moeller to replace William Moeller. The Board saw no reason not to concur and determined to move forward with the appointments.

Bonnie Ricardelli is appointed as the Town Treasurer Expires June 30th, 2017
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Bonnie Ricardelli is appointed as the Tax Collector Expires June 30th, 2017
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Bonnie Ricardelli is appointed as the Town Treasurer Expires June 30th, 2020
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Bonnie Ricardelli is appointed as the Tax Collector Expires June 30th, 2020
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Anita Moeller is appointed as a member of the Board of Health Expires May 15th, 2018
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed without objection

Annual Appointments 2017 – One Year Term

Brian Falk – Town Counsel
Jeffery Rider – Town Engineer
Dana Barnes – Building Inspector
Harry Cullinan – Alternate Building Inspector
Robert E. Kennedy – Fence Viewer & Field Driver
Dana Barnes – Zoning Enforcement Officer
Harry Cullinan – Alternate Zoning Enforcement Officer
Jon Crandall – Emergency Management Director
David Sweet, Jr. – Alternate Electrical Inspector
John Cryan – Alternate Gas & Plumbing Inspector

Annual Appointments 2017 – One Year Term

Tracey Hutton – ADA Coordinator
Tracey Hutton – Personnel Administrator
John Greenhalgh – Animal Control Officer
Joseph Dean – Veterans Services Officer
Brian Rich – Fire Chief
Jakob K. Voelker – Assistant Treasurer
Jakob K. Voelker – Assistant Tax Collector
David Tully, Sr. – Rep to LRTA
David Sweet, Sr. – Electrical Inspector
James L. Dow – Gas & Plumbing Inspector

Annual Appointments 2017 – Three Year Term

Lorraine Leonard – Town Accountant

A motion was made by Mr. Mikol to approve the preceding list of appointments as amended and modified. The motion was seconded by Ms. Basbanes and passed without objection.

Approved and adopted on 5/31/17

Presentation by Jon Mason

Mr. Mason started off by introducing himself. Just over two years ago he purchased the Old Harris House, located next door to the Town Hall. He gave some background as to his employment as a project manager and how he feels this experience would translate into his next venture. As part of the Master Plan, the town has sought feedback on what should happen in the future. One of the biggest goals is to seek economic opportunities including business ones. Mr. Mason is proposing an idea that would meet this goal. He has had an engineer review the barn on his property. The structure is sound despite its 200-year history. He would like to see the property, including the barn, be used for a farm to table concept. The concept he is going for is rustic elegance, with local farm sourced food, as well as community gathering spaces. Part of this would include preservation and restoration of the structure as well as utility upgrades. He intends to seek out a chef to partner with and noted that he has spoken with the new Dunstable Theater Collaborative as well as local musicians and other community event planners to seek input on developing community use of the property. He has also done feasibility studies and due diligence. The total cost is about \$1.2 million. He believes he can service the debt and sustain the proposed business. It would seat about 120 people and feature an in restaurant Farmers Market. It would have performance space for local theater and music.

There will be gathering spaces, and room for things like barn weddings, and creative spaces for local artists and children's events. He presented several concept drawings which would give an idea of what the property could look like. He stated that concept drawings are a compass, not a map. This is about what could be possible. He has engaged a designer to help him not only with the inside appearance, but with the actual furniture. He noted that he has hosted a wedding where he was able to park 35 cars. He has additional land, and a neighbor willing to potentially lease land to allow for even more parking space. He then turned to some of the challenges he faces includes significant code compliance not only structural, but electrical, water, fire and ADA. Neighborly concerns such as business hours, noise, traffic disruption, appearances, and engineering controls are also a concern. He noted that the part of the house that is connected to the barn likely cannot be rehabilitated. It has been recommended to him to tear that part out and rebuild. He would keep the façade, but otherwise rebuild. This would include installing a commercial kitchen. He has built neighborly support which has included addressing concerns. He also expressed a desire to keep signage to a minimum. He then explained his income requirements. He will need 120 seats, with an average of \$35 per seat, per day. His goal is to bring that cost down as much as possible to make it more affordable.

Part of that would require the town to revisit its dry status. Meaning he will need a liquor license. His goal is not to turn the property into a destination bar or even a bar at all. This isn't a tavern. Instead, the goal is to have liquor to serve to responsible adults as part of a dining experience or wedding. He will also need commercial overly and intends to go before the town in a town meeting. The Board made some inquiries as to the number of people per square foot. Mr. Mason went into some of the details, including those on wait staff and some of the engineering that remains to be done. The Board then asked Mr. Mason what his current taxes are. He responded that they run over \$8,000 per year. He then went into some detail as to water use, and the likely increase in tax value. The Board then inquired with Ms. Hutton as to the process and whether the town would benefit from a possible meals tax. Ms. Hutton responded that she has sought assistance from the Commonwealth, but has not received much assistance. Currently she is in ongoing consultation with Town Counsel as to the liquor license process and changing the town's dry status. In the meantime, she is seeking to work closely with the Planning Board since a lot of Mr. Mason's requests for change of status for his property will require their approval. Mr. Mason then went over some of the work he's done on the financials and what his margins might look like. He then extended an invitation to town officials to see the property.

Mr. Mason then noted that he has not settled on a name for the business at this time and is open to suggestion. One suggestion was to call it "Swallows" both for the history of the name in the town and what patrons would be doing while there. From there the Board turned back to discussion of some of the hurdles the business would face including septic, questions from the Board of Health, the Planning Board, the Fire Chief, and others. The Board stressed that while regulatory and building hurdles may be overcome, it is important that the business be sustainable. Mr. Mason agreed stating that he intends to do all of his due diligence. In the meantime, he plans to come back later in the year with more design work and engineering. He acknowledged that the little details

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will drive costs up, and so will removing the pool on the property along with meeting ADA requirements and landscaping. He stressed that his business proposal is to compliment the community and other existing business in the town as well as adding employment opportunities. His proposal would require at least 12 people in staff. The Board thanked Mr. Mason for his presentation and thanked him for putting forth this kind of idea, which would be a historic change. Unfortunately, the town's by-laws do not yet deal with this kind of a business, especially zoning. There are disadvantages and advantages to being first and so there are likely to be some growing pains. This is only just the beginning and there will be a learning curve.

The Board extended what support it could give at this stage in the process, but asked Mr. Mason for his patience since change always takes time. Dunstable will not become like Westford overnight. Nonetheless, this is a resident based initiative and one that would fit the character of the town. The Board then opened the floor to questions from those in attendance. Ms. Simmons inquired as to how much property Mr. Mason has. He responded he has two acres and is looking at possibly leasing an additional 2 acres from his neighbor Mr. Georges. She asked him as to the estimated parking spaces he would need. Mr. Mason responded that he does not know the max amount of cars he could fit. He knows he can fit at least 35 cars, but will need further engineering study of the space to determine the absolute maximum. Ms. Simmons inquired whether Mr. Mason is intending to have a second floor. Mr. Mason responded that there is a second floor that runs in a horse shoe shape and he does intend to include that part of the space in the overall project. Ms. Simmons noted similar restaurants in the region that could be used as guidance. Mr. Mason agreed noting that part of his homework has been to look at such restaurants to see how they have dealt with the challenges of such development and how to make the whole concept work. Mr. Chaney inquired as to the age of the structure. Mr. Mason stated he believes the building was built prior to 1810. Mr. Chaney stated that the town became dry in the temperance movement in the 1840's. It was not due to prohibition that the town became dry. However, up past the War of 1812, the town was not dry. Several of Mr. Mason's neighbors then addressed the Board to express support noting the persistence and dedication of Mr. Mason to this process and ensuring community support and involvement. The Board thanked Mr. Mason again for his presentation.

91 River Street

Ms. Hutton informed the Board that one of the residents from 91 River Street is present. The property is owned by the town and leased. There are some major and minor issues that need to be addressed if the property is to continue to be rented. Mr. Longo was the renter present. The Board directly addressed Mr. Longo stating that the town has grappled with what to do with this property and how to address some of the concerns regarding it. It is the view of the Board that the town should not be in the business of renting. At its core, local government is to be nonprofit. Currently the property is supposed to be leased to Dave Nicol, who appears to have subleased the property to Mr. Longo and his co-tenants. The Board noted that there are many issues to be considered including the legality of subleasing in this situation, as well as some structural and safety concerns. Mr. Longo responded that he and his co-tenants have paid nearly \$200,000 over 10 years, but have seen little to no funds put back into the property. The Board responded by listing some of the costs the town has born in relation to the property including replacing a water heater, the drilling of a new well, and reroofing of the residence. Mr. Longo agreed, but stated that most of it was minimal. He suggested that regular inspection of the property by the landlord could have avoided most of the issues. The Board responded that this gets back to the role of the government and the problem of the town being a landlord.

The original arrangement with Mr. Nicol did not include use of the residence per se. The Board is acutely aware of the current tenants and their circumstances. Nonetheless, the Board is concerned with the liability of the town with respect to the continuation of the property's renting with the documented problems of the property. Either the issues have to be remedied, or some status must change. Ms. Hutton then reported that Town Counsel has recommended, given the situation and structural concerns of the property, that the property not remain leased in full or in part. Currently the tenancy is at will and Town Counsel recommends termination of the at will lease to be effective July 1st, 2017. There is a significant list of issues that will require substantial financial commitments by the town to repair. The Board noted that emptying the property does pose the question of what to do with it. This prompted discussion of what the long term plan would be. It was suggested that the property be demolished. Mr. Longo suggested that the town consider what the actual cost of repair would be and weigh that against other actions. He noted that the property has produced income to the town, and what funds the town has put into it is certainly less than what was earned. Returning to when to terminate the at will lease, the Board expressed a desire to potentially grant additional time to the tenants. Ms. Hutton

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noted that the town would have to sign an extended lease for the period of time permitted if this were to be done. In light of this, the Board determined it was mostly in favor of Town Counsel's recommendation. Mr. Longo urged the town to reconsider. Ms. Hutton responded by outlining some of the alternatives. There was then a question of the septic system. Mr. Longo stated only four people live there.

The septic system would be based on bedrooms and the structure was supposed to be three bedrooms. Currently there is an illegal bedroom; therefore it would have four bedrooms. This poses a question. Mr. Longo noted that the current tenants have rented since 2007 and as far as he knows there was a family there before. This posed a question of how long the town has owned the property. Mr. Chaney stated that the town has owned the property for 20 years. Discussion returned to the liability faced by the town and what solutions are available. Mr. Longo noted that the prior lease for the property ended in 2009. The Board discussed the possibility of seeing the illegal bedroom demolished, and the work that would need to be done to bring the building up to proper code as well as address the other concerns with the structure. Mr. Longo stated he is a licensed contractor and expressed confidence in the general structural soundness of the property. He then outlined how some of the work could be done and what the cost of it would be.

Ms. Hutton responded that the town has faced deficits in recent years and the financial capacity of the town is highly limited. The income generated by the property goes into the General Fund. In order to make repairs the town would have to go into its annually appropriated budget. There is no revolving fund for this property. The town has already gone into its Reserve Fund to repair the property. The Board returned to the feeling that the property just shouldn't be rented. The town simply doesn't have sufficient funds to repair and at this stage there are simply too many questions about the soundness of the property and future expenses such as the possibility of replacing the septic. The town will eventually have to have the ability to be a landlord for future affordable housing, but the town does not have the capacity or financial ability at this time. There was a question of what the cost was to tear down the town's temporary town hall. Chief Dow noted it cost about \$8,000. That was after it was burned as part of a firefighter training event. The Board determined to close discussion on the topic and come to a resolution. The Board then determined to concur with the recommendation of Town Counsel.

Administrators Report

Ms. Hutton started off by reporting that on June 2nd, 2017 the Parks Commission is having a movie night on Larter Field. They have cleared the event with public safety officials including Chief Rich and Chief Dow. She then turned to a notice for training from the Inspector General's Office. It is a free training on May 23rd, 2017. It is 8:30 to 3:30 pm. There is also a training listed in the Beacon. She then reported that the Town Hall has acquired a postage meter. Departments will now do postage and mailings from the Town Hall instead of going to the Post Office and the town will save a significant amount of money. She then reported on a financial and operation review with the school. Ms. Basbanes agreed to be involved as a representative of the town. She then turned towards reporting on the work she's doing with the Water Commission as well as the Affordable Housing Committee. There was brief discussion of the engineering for water and the passage of the debt exclusion. This included discussion regarding the requirements of DEP and the work on replacement of the hydropneumatic tanks. Ms. Hutton responded by noting all the work the Water Commission has done and their discussions with the Commonwealth. The main concern is what DEP will do, and whether the town could face fines for inaction as well as any mandated actions that could be imposed. There was discussion of the need for a licensed operator. Under the current licensing scheme, the current Water Superintendent would not be able to obtain a license until the age of 65. DEP wants the town to have a licensed operator looking at the system every day. Ms. Hutton and the Water Commission continue to look for solutions.

Minutes

The Board considered the minutes for the meetings held on April 26th, 2017 and May 3rd, 2017. Seeing no necessary changes or modifications the Board determined to proceed with adoption of the minutes.

A motion was made by Ms. Basbanes to approve the minutes of April 26th, 2017 as written. The motion was seconded by Mr. Alterisio and passed without objection.

Approved and adopted on 5/31/17

A motion was made by Ms. Basbanes to approve the minutes of May 3rd, 2017 as written. The motion was seconded by Mr. Alterisio and passed without objection.

Postponing Executive Session

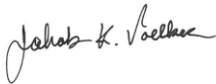
The Board determined that it would like to have Town Counsel meet with the Board in Executive Session. Since the member of the Board that was most involved with the contract negotiations has since left the Board, the Board would like to seek Counsel's advice and assistance. Ms. Hutton agreed to talk to Town Counsel to set up a date for the Board to meet with him in Executive Session. The Board then concluded to adjourn after reviewing the warrants and mail.

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 8:25 pm. The motion was seconded by Mr. Alterisio and passed without objection.

Respectfully submitted by



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