

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**June 28, 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; David Simmons, and Attorney Kathleen Fahey; Dana Metzler, Dunstable Evangelical Congregational Church; Alan Brown and Donald Walter, Dore & Whittier Architects

**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 Appointments, a Use of Town Property Request, a Public Safety Building Feasibility Presentation, Proposed Funds to be Encumbered, MS4 Permit Update, Discussion of Action Items for FY2018, Remote Participation Policy, and an Executive Session.

- *Mulching Along Curb*

Mr. Metzler addressed the Board to inform the Board as to some work done by the Congregational Church. The Church is asking for permission to extend some mulching they've done on their property to the edge of some curbing on town property. Eventually, this area will likely have a sidewalk placed there as part of some reconstruction work to be done by the Commonwealth. The Board had no objections.

**Public Safety Building Feasibility Presentation**

Ms. Hutton started off by introducing Don Walter and Alan Brown of Dore & Whittier the architects chosen to design the towns proposed public safety building. Mr. Brown then briefly went over the process they followed for determining the appropriate site for the proposed structure, as well as its design, function, and size. This included an assessment of existing fire and police facilities, all of which helped them prepare a Space Needs Analysis. They then determined priorities for the building and prepared conceptual adjacency plans. From there they went over the assessments done of existing spaces which were done with the help of engineering consultants and other experts. The results of this indicate that existing facilities are clearly undersized and outdated and do not meet current code. Hence any renovations would require bringing the structures up to code. As for space needs, it is clear that the Fire Department needs over 10,000 square feet of space, and the Police Department needs over 4,000 square feet of space. Both departments would share about 4,000 square feet in any new building constructed. The proposed structure would be entirely one floor.

They then went over the conceptualized adjacency plan. The building would also include as part of the shared space, a community room for public use and training purposes. From there the Mr. Walter went over the various spaces in the proposed building and how they would be used by each department. This included discussion of the various sites that were considered. Several possible sites were considered, including building near or behind the existing Police Station or Fire Station. Both of those locations had issues with access, visibility, and suitability of the land. From there they considered other sites such as the Dumont properties off Lowell Street, focusing in particular on 41 Dumont. They also looked at the Mixed Use District (MUD), but due to its earmarked status for the construction of affordable housing, it was removed from consideration. The final property under consideration is the Simmons property off Pleasant Street. Mr. Simmons has offered to donate his property to the town. The architects went over how that property would be developed, and how the building would be situated on the property. The Board had some questions regarding the size of the building and some design options, including the possible expandability of the structure. From there the architects showed 3D renderings of the structure to give an idea of how it would look and the scale of the structure.

*Approved and adopted on 7/12/17*

The Board had some questions regarding the input of the public and the departments. Mr. Walter and Mr. Brown went over some of the meetings they had with fire and police authorities as well as members of the public. From there they turned to the projected cost of the entire project. Mr. Walter explained that the total cost would be about \$12.9 million. Site development would be around \$1.6 million, construction would be around \$10.2 million, and contingency costs would be around \$821,000. Other costs such as project management, engineering, geotechnical, hazardous, legal, and similar which are referred to as “soft costs” would cost around \$1.5 million. Fixtures, furnishings, and equipment would likely cost about \$300,000. The cost per square foot would be approximately \$654.64. From there the Board asked some follow up questions involving stormwater management and how “green” the building could be built. Mr. Brown explained that they would design the building to be as green as possible, with the intention of achieving LEAD certification, and to conform to the requirements of the stormwater and other federal rules.

The Board asked Ms. Hutton if whether the town becoming an official “green community” would mean that the grant funds that go with that designation would help. Ms. Hutton responded that this designation being achieved is down the road, but it is very well possible that it might help. From there discussion turned to consideration of the project at town meeting, including the acceptance of the donation of Mr. Simmons property. Ms. Hutton noted that there will be a reverter in the agreement with Mr. Simmons that if the property is not used to build a public safety building, the property would revert back to him. The Board took the opportunity to thank Mr. Simmons for his generosity. Mr. Simmons responded by explaining why he is willing to make this donation. His father was a police officer in Dunstable, his mother was one of the first dispatchers for the Fire Department, and he himself has been a firefighter in the town. He owns his land outright, and due to life events, he does not foresee a better use for his property than this and is proud to donate it for this purpose. Discussion then finished on the uses of the facility, including the necessary investment in the structure and how the future will require greater sophistication in public safety buildings.

### **Appointments & Resignations**

Ms. Hutton informed the Board that there have been several resignations. These include Bill Moeller resigning from the Conservation Commission and Judy Larter from Conservation Commission, the Community Preservation Committee, the Nashua River Wild & Scenic River Study Committee, and the Cemetery Commission. The Board thanked Mr. Moeller and Ms. Larter for their many years of faithful service. The Board then expressed some concern about filling all of these vacancies and asked the public to consider service in these important public bodies. Ms. Hutton then reported that she has been informed of Nancy Chaney’s intention to resign from the Zoning Board of Appeals. As a result, Robert Irzyk, currently an associate member, was put on the list of appointments to replace her as a full member at the request of the ZBA.

Unfortunately, Ms. Chaney’s resignation has not yet been submitted to the Town Clerk’s office as had been anticipated. As a result, any appointment of Mr. Irzyk as a full member of the ZBA will have to be put in abeyance. The Board agreed. Ms. Hutton then directed the Board to a letter from the Police Chief requesting special police appointments. These appointments would allow officers in Groton, Pepperell, and Tyngsborough to aid the Town and respond in some situations through mutual aid. The Board noted the omission of the Chief and Deputy Chief of Police in Tyngsborough. Chief Dow responded that this was an unintentional omission. The Board determined to move forward with approval of the Special Police Officers and the list of annual appointments.

#### **Annual Appointments 2017 – One Year Term**

Susan Psalidakis – Safe Pathways Committee  
John Callahan – Safe Pathways Committee  
Philip DeNyse – Memorials & Monuments  
George Basbanes – Planning Board Designee to CPC  
Alan Chaney – Affordable Housing Designee to CPC  
Carol Bacon – Historical Commission Designee to CPC

#### **Annual Appointments 2017 – Five Year Term**

Leo Tometich – Zoning Board of Appeals Member

#### **Annual Appointments 2017 – Three Year Term**

Danice Palumbo – Council on Aging  
Jean O’Brien – Personnel Board  
Raymond Sullivan – Historical Commission  
Charles W. Tully – Agricultural Commission  
Lori Pestana – Cultural Council

#### **Annual Appointments 2017 – Four Year Term**

Kieran Meehan – Conservation Commission

*Approved and adopted on 7/12/17*

A motion was made by Ms. Basbanes to approve the annual appointments as presented with necessary modifications reflecting the correction of errors in the list. The motion was seconded by Mr. Mikol and passed unanimously.

Leah Basbanes is appointed Selectmen's Designee to CPC Expires June 30<sup>th</sup>, 2018  
*Motion by Mr. Alterisio, seconded by Mr. Mikol, passed unanimously*

A motion was made by Ms. Basbanes to approve the special police appointments as presented with necessary modifications reflecting corrections by the Police Chief. The motion was seconded by Mr. Mikol and passed unanimously.

### **Zoning Enforcement**

Ms. Hutton went over an issue involving zoning. It involves the removal of earth from property on Off Pond Street. The Zoning Enforcement Officer has some concerns that they may have exceeded the permissible amount. The matter will be resolved later in the construction process so as to avoid costing the property owner further funds simply to resolve the actual amount of earth removed. From there she turned to an issue of zoning on Valley Street. The complaint there has to do with the parking of a commercial vehicle on residential property. The Zoning Enforcement Officer believes the matter settled, but it his decision may still be appealed by the complaining party, although their appeal would be untimely and as such is unlikely to succeed.

### **Proposed Funds to Encumber for FY2018**

Ms. Hutton started off by informing the Board that on its next regularly scheduled meeting, which is set for July 12<sup>th</sup>, 2017, the Board will be meeting with the Advisory Board at 6:00 pm to discuss inter-fund transfers that must be approved by both boards. She then provided the Board with a list of proposed encumbrances as was previously requested. The Board reviewed the proposed encumbrances. Ms. Hutton noted that the Road Commissioners still haven't provided any encumbrances that they might need. The Parks Commission, similarly, has also not yet provided any yet, but is expected to. The Board had some questions regarding the proposed encumbrances. Ms. Hutton responded by elaborating further about the various funds involved. These funds mostly have to do with various projects such as the public safety building's design, stormwater, funds for repair of the Town Hall's furnace, funds for the River Street Survey, and repairs of the Town Hall AC, funds for fire communication equipment, and Library lighting.

There was some discussion related to fire communication equipment and whether Fire and Police could be put on the same radio channels rather than investing in separate equipment. Chief Dow noted that this would be substantially costly to achieve. The Board proposed seeking out possible funding through the regional dispatch. Chief Dow responded that Fire would not want to be on the same channel as the Police for various reasons mostly to do with communications traffic. Ms. Hutton noted that the Commonwealth does fund improvements for regional dispatches but they might not fully cover something like entirely replacing radios for both departments. Chief Dow stated that the regional dispatch already has the equipment to contact with each radio type in each of the regional town members. Currently the radios can be tuned to each channel. Unfortunately, you can't have everyone on one frequency. Not only in the town itself, between departments, but also between towns. This led to some discussion of the current regional dispatch the town is a part of. Discussion included how the funding for that dispatch works, and what funding is available from the Commonwealth.

Chief Dow then elaborated on the current state of communication abilities, including some areas where communication is poor. Ms. Hutton noted some grant opportunities for a repeater, but explained that the town isn't ready to apply just yet. The Board then turned back to the other encumbrances. This included some specific questions as to the Town Hall's AC units and furnace. Ms. Hutton noted that the furnace in particular is of concern. Although it was fixed with a minor repair last year, it appears to have had a small fire and as a result the Gas Inspector has ordered that half of the furnace be kept off until a repair is made to it. The Board expressed concern about the seeing to it that the furnace issue is fully resolved and expressed a wish to avoid simply pecking at the problem without fixing it in total. Ms. Hutton explained the strategy for repairing and maintaining the furnace in the most cost effective manner. Discussion then finished on the surveying of town owned property on River Street. There were some proposals of ways the survey could be done cost effectively.

*Approved and adopted on 7/12/17*

## **Town Administrators Medical Leave**

The Board started off by discussing with Ms. Hutton her upcoming medical leave. The Board determined to pay the Administrator her normal salary during her medical leave. The Board did so noting that the funds to do so are already appropriated and within the budget. Further, the Town Administrator has made it clear that she will continue to work as much as she is able from home including with the assistance of other town employees.

## **MS4 Permit Update**

Ms. Hutton reported that the stormwater engineer consultant and she have been working very closely to get the MS4 permit compliance submitted. The deadline was September. While the town was prepared to submit on time, NMCOG has reported that the deadline has been appealed by other parties and as a result the deadline has been extended. The Board then went over some of the various elements of the MS4 permit process and stormwater compliance in general. Ms. Hutton then finished by going over some of the specifics in detail. Work will continue on this matter despite the reprieve from the deadlines extension.

## **Discussion of Projects & Action Items for FY2018**

The Board previously tabled discussion of this topic at its last meeting. Taking the topic up from the table, the Board discussed the draft list of goals and initiatives for FY18. These included establishment of a financial plan with projections, establishment of fiscal policies, and an assessment of assets for economic development. These are the three things Ms. Hutton felt were the most important based on her ongoing discussions with the Board. The Board generally agreed, noting one of the most important ones is the financial plan and projections, especially in relation to Prop 2 ½. As such, the town should probably consider some assets which might be converted into supporting revenue generation. This might include the building of a solar farm, or perhaps the selling of water to another town. From there discussion turned to how to implement and follow through with proposals. Ms. Hutton agreed to continue work on this front to put a final action plan for projects and action items before the Board for consideration. The Board then turned to discussion of the need for putting in place a plan for addressing needed repairs in town with particular emphasis on road pavement.

Whether this will require asking the town at Annual Town Meeting for funding, or takes some other form, it needs to be done. Ms. Hutton noted that the Roads Commission is already working on a paving plan and is maximizing what it can do under Chapter 90. The Board noted the limits to Chapter 90 funds and that with all of the volume of traffic that is passing over town roads; the town has to do something. Some kind of program to invest greater funds than Chapter 90 has to be developed. This prompted some discussion of not only the roads that need clearly need repair, but also the fact that roads appear to be layer of pavement upon pavement. This appears to be undermining some of the water diversion and leading to technical problems that cause further breakdown. Ms. Hutton noted that a lot of this is due to not having sufficient funds to do full repairs, including grinding down the road. Putting another layer on top is cheaper. But she noted that to resolve this, the town will indeed need further plans for funding in and plans for when and where to conduct repairs.

## **Remote Participation Policy**

The Board previously tabled discussion of this topic at its last meeting. Taking the topic up from the table, the Board formally reviewed the proposed policy. The policy would permit remote participation as well as establish various guidelines, forms, and related documents. The Board was generally pleased with the draft policy. The Board had some thoughts on the process and how to implement it. Ms. Hutton outlined how boards, committees, and commissions could benefit, noting the most likely ones would be Advisory Board, the Board itself, and some of the larger commissions. The Board was in favor and decided to move forward.

A motion was made by Mr. Mikol to adopt the policy. The motion was seconded by Ms. Basbanes and passed without objection.

## **Administrators Report**

Ms. Hutton started off by reporting on the budget as it stands at the end of the year. She then turned to a letter from the Fire Chief. The Chief intends to make some promotions and the levels of certification the firefighters

*Approved and adopted on 7/12/17*

will need to have. This will change the leadership structure for the department. The Board was pleased, but suggested some changes in how the promotions would work. The Board would like to see those considered achieve more of the certifications needed for these ranks. Ms. Hutton stated she would speak with the Chief. From there she turned to her work on the towns proposed overlay and a map of the town's center. In order for it to pass the voters, thought has to be put into how to structure it. She noted that Beverly Woods, from NMCOG, will come to one of the Board's meetings to talk about this topic. She then reported that the matter will be put forward for a Special Town Meeting in the fall. Due to the hearings and Planning Board related issues that have to be done, the tentative date for the STM would be in early November. There was discussion of how the overlay district would work, and whether it would be separated from a center district.

Ms. Hutton recommended, based on the public meetings of the Master Plan Committee that the focus remain on an overlay district in the center of town. She further elaborated that anything running along Rt. 113, or other districts wouldn't *per se* be an overlay district. The public will appears to be behind focusing on the town center at this stage. She then reported on the pesticide and herbicide matter. This included explaining what was used. A broad leafed herbicide was used to get rid of dandelions and similar leaves. On Larter Field there was a focus on grub control and crab grass. Ms. Hutton proposed allowing continuing treatment on Larter Field. Grub control on that field is used to protect the turf for playing. The Board noted that its main concern is general spraying of chemicals. Ms. Hutton stated that the focus is on crab grass control, grub control, and broad leaf weed control. The Board decided to continue use of fertilizer, but discontinue use of other chemicals for all properties aside from Larter Field. Ms. Hutton then reported on the state of the Westford CR. It appears the town will need to do some short term borrowing, and as a result the Board will need to sign the Statehouse Note in the presence of the Town Clerk.

The Board then clarified on the mechanics of the situation and what would happen if funding from the Commonwealth falls through. Ms. Hutton explained further, and noted that the borrowing will save the town from having to potentially use Free Cash. The Board had some reservations, but Ms. Hutton explained the various precautions and procedures involved. Ms. Hutton then finished by proposing to the Board that starting in October the Board start meeting on Tuesdays. Currently the Wednesday schedule makes it difficult to meet with the School Committee and other important bodies. The Board had no objections noting that the only reason it moved its meetings from Mondays to Wednesdays three years ago was that too many other boards, committees, and commissions also met on Mondays. Therefore, if it makes sense, there is no reason to not move to Tuesdays. It was therefore agreed that meetings would move to Tuesdays starting in October. The Board then briefly went over its next few meetings. There will be a special meeting on July 10<sup>th</sup>, 2017 with the towns two representatives to the School Committee, the next meeting after that will be on July 12<sup>th</sup>, 2017 and it will be at 6:00 pm rather than 6:30 pm.

### **Use of Town Property Requests**

The Board reviewed a request from the Grange to use the Town Hall on July 18<sup>th</sup>, 2017 for an event. The Board saw no reason not to approve the application and wished the Grange success with its event.

A motion was made by Ms. Basbanes to approve the application of the Grange for use of the Town Hall on July 18<sup>th</sup>, 2017. The motion was seconded by Mr. Mikol and passed without objection.

### **Minutes**

The Board considered the minutes for the meeting held on June 14<sup>th</sup>, 2017. The Board noted several corrections but determined to move forward with approving the minutes pending necessary changes and modifications.

A motion was made by Ms. Basbanes to approve the minutes of June 14<sup>th</sup>, 2017 pending necessary changes and modifications. The motion was seconded by Mr. Mikol and passed without objection.

*Approved and adopted on 7/12/17*

## **Warrants & Mail**

Mr. Alterisio reported on the warrants he has signed. This included highlighting the sums spent, some of the larger payments made to vendors as well as brief discussion of the payroll. He then went over the current state of the budget for accounts monitored by the Board. The Board then reviewed its mail.

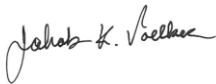
## **Executive Session**

Leah D. Basbanes made a motion to enter Executive Session for the purposes of a Contract Negotiations 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 Ronald J. Mikol. The motion was adopted without objection by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol.

The Board entered into Executive Session at 8:38 pm

A motion to adjourn was made by Ms. Basbanes at 9:00 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by



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

*Approved and adopted on 7/12/17*