

Town of *Dunstable* Selectboard
Meeting Minutes
July 26, 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; Brian Rich, Fire Chief; Joan Simmons, Planning Board

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, Discussion about Identification of Town Boundaries with GPS, Installation of Right to Farm Signs, Part-time Patrolman Pay, OPEB Actuary, Approval of Bear Hill Estates Construction Schedule, Fire Department Communications, Naming the Swallow Union Playground, Discussion of the Town Center Overlay District Draft, FY2018 Action Items, and Two Executive Sessions.

Identification of Town Boundaries with GPS

Ms. Hutton started off by providing the Board with a copy of Mass. Gen. Law Chap. 42 §2 which requires the Board to perambulate the bounds of the town once every five years by two of the Selectmen or their designees. The Board has done its perambulation duties in recent years, but recently some citizens have wondered about the precise location of the bounds including concerns about a marker, which was thought, missing, located on a sand bar in Lake Massapoag. That particular marker is merely under water. Nonetheless, with new technology it is now possible to more accurately map and locate the bounds of the town. The Highway Superintendent has recommended that the Board use the recently acquired GPS unit, which was procured with grant funds for stormwater mapping, during its next perambulation. The Board responded that the perambulation is already one third done, but remains ongoing. The Board saw no reason not to use the GPS device. Ms. Hutton stated that the Highway Superintendent was willing to go along with the Selectmen to do the GPS mapping. From there the Board elaborated on the work it has done, including various markers that require some repair or replacement. This included some discussion of one of the boundaries between Dunstable and Tyngsborough.

Not only the marker in Lake Massapoag, but also one near the old Georges Landfill. Tyngsborough has agreed that the matter should be looked into and a new marker be placed near the Georges Landfill. Ms. Hutton was concerned about the need for surveying. This prompted some light discussion of what needs to be done, including whether surveying is required. The Board noted that one of the markers off Dunstable Road in Tyngsborough, which is Lowell Street, in Dunstable, appears to be caught up in the roots of an old tree that has fallen over it. Ms. Hutton had some concerns about the issue of lawfully restoring the bounds. Resetting the bounds may need to be done by either private surveyor or officials of the Commonwealth. The Board agreed that she contact Town Counsel to ensure that the bounds be restored properly in areas where they are in need of it. The Board finished discussion by returning to the marker in Lake Massapoag which is a boundary for not only Dunstable and Tyngsborough, but also Dunstable and Groton. This particular marker poses a water hazard, and upon restoration should probably have a solar blinking light on it for night time.

Right to Farm Signs

Ms. Hutton started off by reminding those present that Dunstable is officially a right to farm community. It has been proposed by various parties in town including the Conservation and Agricultural Commissions, that right to farm signs be placed at all of the road entrances into town. The Board noted that there have been some complaints over farming operations in town. It is important to remind people that Dunstable is a farming community. Although citizens who buy property in town are supposed to get paperwork informing them that Dunstable is a right to farm town, which is supposed to be returned to the Agricultural Commission, it appears

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that some are unaware of the towns status. Having the signs will help remind citizens, both new and old, of the towns farming status. Ensuring the public is aware of the towns farming status helps improve neighborly relations and reduced nuisance suits against farmers for their farming activities. Ms. Simmons inquired as to specifically where signs would go. The Board responded that they would be placed at road entrances, principally, Main Street, Pleasant Street, High Street, and others. Ms. Simmons expressed some concerns about signage, noting the proliferation of signage in recent years and the narrowness of town roads. There was an inquiry regarding the cost of the signs. Ms. Hutton responded that Highway has estimated the cost around \$35 per sign with an estimated 12 signs. There was a question of whether signs could be sponsored. It was noted that this might cause other problems. Discussion returned to the size of the sign. They would be about 18 by 24 inches.

A motion was made by Ms. Basbanes to approve the placing of Right to Farm Signs on road entrances into the Town of Dunstable. The motion was seconded by Mr. Mikol and passed unanimously.

Part-Time Patrolman Pay

At the last meeting of the Personnel Board it was determined that part-time patrolmen not covered by the collective bargaining agreement should be listed on the Wage & Compensation Scale and assigned Grade 6. The proposal is that part time patrolmen who are working in a training capacity would be paid minimum wage. Currently this is unpaid. Then the working part time patrolmen, who have completed their training, would be paid according to the scale, which was developed in the same manner as the rest of the chart. The proposed rate is higher than the current rate, but Chief Dow feels that the change can be absorbed in the existing Police budget. There was some discussion as to what part time officers do. Chief Rich noted that they do, essentially, everything full time officers do on an as need basis. Ms. Hutton agreed noting that last year there were so many off duty details that part time officers were essential. There was some discussion about how long training would last. Chief Rich stated this wouldn't last very long for most. With this adopted, the only official not on the chart that is nonunion personnel would be the Town Administrator. There was light discussion regarding this fact. The Board then determined to move forward with adopting the Personnel Board's recommendations regarding part time patrolmen.

A motion was made by Mr. Mikol to adopt the Personnel Board's recommendation to place part time patrolmen on the Wage & Classification Scale and assigned Grade 6. The motion was seconded by Ms. Basbanes and adopted without objection.

Appointments & Resignations

Ms. Hutton started off by reminding the Board about the resignation of Nancy Chaney as a full member of the Zoning Board of Appeals. The Board recalled being informed of her intention to resign as well as the request by ZBA that Robert Irzyk, an associate member, be elevated to full member to replace her. Ms. Hutton then informed the Board of a request by the Chief of Police that the new Patrolman hired by the Police Department be formally appointed as such. He was formally appointed earlier in the year as a Reserve Officer. The Board noted that it appears that the Annual Appointments are mostly complete with only a few positions remaining vacant. Thankfully all boards, committees, and commissions appear to have working majorities. The Board saw no reason not to move forward with the appointments as requested.

Robert Irzyk is appointed as a full member of the ZBA Expires June 30th, 2018
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Timothy Ialeggio is appointed as a Patrolman Expires June 30th, 2018
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

OPEB Actuary

At the last meeting of the Personnel Board, the matter of OPEB (other post-employment benefits) was discussed with a specific focus on health insurance for retirees. The Town Accountant recommends the hiring of an actuary, which she estimates would cost approximately \$5,000. The alternative would be to buy software which could run through the process for the town. This software would cost about \$2,000. The Personnel

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Board recommends that the town hire an actuary to investigate the option of OPEB specifically for offering Retiree Health Insurance. Ms. Hutton noted that it may be beneficial to hire the actuary rather than procure the software because the numbers would be obtained from a qualified professional versus a town employee inputting into software. While the software would allow the town to figure it out itself, it may not be as accurate. Further there is the possibility of a conflict of sorts because it would be benefitted employees inputting the data. Ms. Hutton suggested that the one time non reoccurring cost could be paid with the use of Free Cash with authorization from a fall Special Town Meeting. The Board noted that the town does not yet participate in this program, and doing so requires adoption of relevant MGL. While the Board did not have any issues with doing OPEB, it would have to be done right.

Many towns unfortunately have adopted OPEB as an unfunded liability, and the Board is not in favor of that. The Board had no qualms with OPEB assuming it is properly funded. However, there are concerns about the ability of Dunstable to fund OPEB. Ms. Hutton elaborated further on OPEB and how it would be funded. She then explained how the town could do it sustainably and tied that into the need to have an actuarial. Ms. Simmons inquired as to whether there is a uniform retirement age. Ms. Hutton responded by explaining how the county retirement system works, including how some departments are allowed to retire younger such as Fire and Police. The lowest age that a person could retire, would be a Police Officer or Fire Fighter at age 55. Otherwise other factors such as time of service, age at retirement, and being vested in the retirement system occurs. To be vested an employee must work and pay into the retirement system for 10 years. Most employees would not be able to retire earlier then age 62. The Board suggested some further research on the matter, including ascertaining the support of the public on the topic. With major changes on the Federal level over healthcare in the United States looming in Congress, a lot is up in the air. The major concern of the Board is to avoid making the mistakes that other towns that have implemented OPEB have made. The Board determined that for the time being, this matter will not be pursued at this time. However, the matter should be re-addressed in a year.

Approval of Bear Hill Estates Construction Schedule

Ms. Hutton provided the Board with a map of the Bear Hill Estates and accompanying information. This included a construction sequence that must be approved by the Board as a condition for Planning Board approval. Ms. Hutton asked the Board for any appropriate recommendations, changes, or additional restrictions which should be included. The developer cannot start construction until this is approved by the Board, Planning Board, and Town Engineer. Mike Genetti then introduced himself. He is the developer of Bear Hill Estates. He has done this kind of development work for more than 16 years. He highlighted several other projects he's done in nearby towns and stated his good faith goal to meet the requirements of the town. He assured the Board that his operation is not fly by night and that he always works towards following all requirements both locally and on a state level. The Board thanked Mr. Genetti for appearing on this matter. A number of different projects of this kind of happened in town and the Board has in the past, and remains concerned with, the safe use of public roadways and of public safety in general during such construction. The Board would like to get a handle on what this project will entail, such as equipment used to clear the land, and any earth being removed from it. Town roads in Dunstable are narrow and not built for heavy construction equipment.

Additionally, with early morning hours, there are concerns surrounding equipment moving on narrow town roads at the same time as school buses. As such the town asks that equipment not be on roads during school pick up and drop off times. Pick up times start around 7 am and runs until about 8:30 am. Then drop off occurs from 1:30 to about 3:30 pm. There are also concerns about the types and amounts of materials going in and coming out. The Board understands that some earth will by necessity be removed for foundations and the like, but there are by-law limits on how much earth may be removed, and the town would prefer it to be dispersed on the property if at all possible. Additionally, the Town Engineer is recommending limits on the size of authorized trucks. Mr. Genetti responded that he has no problems with limiting time frames of when equipment enters the property and when it exits. The property would be cleared, with all wood being chipped and removed by truck. The wood chipping should only take a few hours and all equipment would enter and remain on the property until it must leave, and having specific times for entering and exiting are fine. He would have them take a left on Hall Street heading out to Rt. 113. The Board responded that it would prefer the route to be modified due to concerns surrounding a bridge. The Board would prefer a left be taken on School Street, then onto Groton Street to Rt. 113.

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Then return trips to the development take a route coming in on Hall Street. Mr. Genetti agreed. He then stated that of the wood trailers, it would likely only be about 10 to 15 loads. As for earth, he feels confident that he can fit the town's requirements. He owns his excavation company and will do the work himself. He anticipates that most of the traffic would be coming in Hall Street from Rt. 40. The Board was generally fine with this, noting that its intention is not to impede the development but to ensure public safety. The Board elaborated on some of their concerns about implementation and adherence to the towns conditions given the experience of past developments like Alexander Estates. Mr. Genetti expressed willingness to meet the conditions imposed by the town, and emphasized his desire to not have equipment started too early in the morning or staying too late. Ms. Hutton noted that the issue is not with triaxles and aggregate, more that the Town Engineer has concerns about the size of the trucks themselves. The Board noted that the issue is mostly around the bridge concern, the width of the roads, and any wear and tear damage. Mr. Genetti suggested trying the route with one of his trucks to see if it can be driven safely. There was some ensuing discussion of weight limits for each of the roads involved. Ms. Hutton noted that the big trucks for this project will mostly be for the wood chips which won't be as heavy as earth or other materials. Mr. Genetti agreed. The Board determined that it would like to have the Town Engineer determine what the safe weight would be for the roads that will be traversed.

This was followed by discussion of concerns about the longevity of the pavement on roads like Hall Street and School Street. Discussion then turned toward signage and public safety. Chief Rich commented on some of the signage. He recommended it be put near the intersections of School Street in particular its intersections with Lake Street and with Groton Street. Mr. Genetti stated that this project will likely take a year from start to finish. Discussion returned to concerns about the roads. The Board noted that in the past bonds have been procured to cover possible damage to the roads. Unfortunately, there have been some issues with this solution, but it is hard to find a viable alternative. Ultimately the goal is to have a project which works for the town and for the developer. Mr. Genetti agreed and promised to do all due diligence to work towards that end. Ms. Hutton then elaborated on some of the requirements the Board wants to put into place. This included the concerns about the roads, the traffic pattern, the work times, and site prep. Mr. Genetti sought clarification on several points, most notably on the time frames for when trucks may run. This included other size trucks as well. From there Ms. Hutton agreed to check with the School District to ensure that the time frames for pick up and drop off are accurate. The Board then discussed the schedules time frame. Mr. Genetti assured the board that the construction schedule is not overly aggressive and is reasonable for the project envisioned. There was some ensuing discussion regarding the status of Mr. Genetti's permits with DEP and other relevant authorities. Mr. Genetti elaborated on where his company stands in relation to appropriate permitting and compliance. He then informed the Board that his hope is to start in two to three weeks. The Board saw no reason to meet again on this subject.

Fire Department Communications

Chief Rich started off by discussing some of the public safety communication issues that the Board has previously inquired about. This included improvements made to town vehicles to improve communications and other work done to find a suitable location for a town wide repeater and tower. The Chief then elaborated on some of the previously discussed issues with having different radios and frequencies for the Fire and Police Departments. He explained the reasons why they are on different frequencies and the necessity of different frequencies mostly has to do with radio traffic. The regional dispatch monitors all the frequencies and can easily communicate with all of them. There was some discussion about what the regional dispatch covers. Chief Rich explained that the regional dispatch covers its operations, but not each of the towns departments. Groton recently had to invest funds into its own system. Currently Dunstable is dealing with a radio system that is not where it should be, but is doing the best with what it has while pursuing other viable options. There was discussion of how the town got into the current situation it is in with repeaters. Chief Rich explained what the previous arrangement was with a private property owner and the fact that little to nothing was put in writing. Should private property be utilized for a repeater again, a contract will be utilized. Chief Rich then elaborated on a few different solutions. He then noted that the town is thankfully not severely compromised, because of work arounds that have been put in place. Still, there are times when it can be a problem, especially with static in some places. Thankfully, a lot of the surrounding towns have well placed repeaters and are willing to let the town use their frequencies in emergencies. This is reciprocal. Discussion finished there.

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Naming of the Swallow Union Playground

Ms. Hutton started off by explaining that the new playground being built to replace the existing playground behind the Swallow Union School has not been formally named. The Parks Commission has asked the Board to do the naming. So far it has been referred to as the Swallow Union Playground. The Board previously discussed and tabled this matter at its last meeting in the interests of further consideration. There were several names suggested, with the guidance that it be kept simple. This might include Dunstable Center Playground or other oblique names. The Board liked the idea of calling it the Dunstable Recreation Area. Ms. Simmons inquired as to when the playground will be finished and the involvement of CPA funds. Ms. Hutton stated that it would be done in the fall of 2017. There was some ensuing discussion of CPA funds and the project. The project was designed to work with less funds should the Commonwealth reduce its part of CPA funds. Ms. Simmons noted the current situation of CPA matching funds from the Commonwealth in the General Court. Ms. Hutton stated that the match is usually assumed low, such as at 10 percent. It appears set to be at 15 percent this year. Ms. Hutton then finished by reporting on the bid opening for the playground.

Town Center Overlay District Draft

Ms. Hutton presented the Board with the most up to date versions of the Town Center Overlay District proposed by-law along with Site Plan Regulations. This draft has had a cursory review by Town Counsel. If the Board approves, Ms. Hutton stated she would place the draft on the town's website and distribute it for Public Information Sessions and commentary from the public. Ms. Hutton then went over NMCOG's plans for these sessions. While the information session meetings are not intended to talk about any liquor license issues or restaurant or other projects. The sessions are to focus on the proposed district itself. From there she went over the draft and some of the related maps. There was also discussion of the proposed site plan regulations. Ms. Hutton highlighted several important changes to the regulations that would allow for museums, performance art and similar. There was then a question as to the nights. Ms. Hutton responded that the sessions are scheduled for August 9th and 23rd, 2017. Ms. Hutton then noted some of Town Counsel's recommendations and some of the suggestions of NMCOG. This included some of the parking requirements and emphasis on walkability for the town center. The Board inquired about some of the communities that were used as comparisons. Ms. Hutton responded by noting the towns which included Princeton, Carlisle, and a few others.

There was some discussion regarding Woodward's Mill Pond and whether it should also be included in the district. Ms. Hutton noted some of the difficulties of doing so, and stated it would have to be separate from the Town Center based district. Ms. Simmons had an inquiry regarding the parking regulations. Ms. Hutton elaborated that buildings would be encouraged to be closer to the street with parking behind or along the sides of the buildings. This would be done to avoid too much street parking. The regulations would cover loading zones, parking, and other similar requirements. There was some discussion of whether the district should extend beyond the Rose of Sharon to the General Store. Ms. Simmons noted that the General Store already is zoned for its area and has less restrictions than this district. The goal of the district is to encourage some light business and the use of existing structures in the town center. From there discussion then turned back to the sessions in August. No other business would be conducted at these meetings unless something important comes up. The Board was generally comfortable with that.

FY2018 Action Items

Ms. Hutton presented the Board with the goals and initiatives. This also includes draft action items. The Board was pleased with the draft and approved its being posted on the town's website.

Administrators Report

Ms. Hutton started off by informing the Board that she has found a grant to pay for a pavement management plan. She has also found an engineer that has done them before. She is getting a quote together for application in the fall. The grant is a MIIA grant and the town has an excellent track record with MIIA in receiving grants. She then informed the Board of the survey estimate for River Street. The estimate is for about \$12,000. This is lower than the anticipated cost of about \$30,000. From there she informed the Board of DEP's expressed intent to send a notice of noncompliance to the town. The notice would have been sent sooner, but DEP's system is down. They have informed the town that that there will be a notice. The issue is the result of the state of the

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tanks and the staff. There are a few other things that make up the problem, but ultimately the tanks and their imminent failure as well as the availability of certified staff for the system are what will result in the notice. The Board was concerned about possible fines from the Commonwealth. Ms. Hutton noted that the notice should outline such fines and when they might be imposed and under what conditions.

Budget Update

The town appears to be in okay health overall from FY17 into FY18. There was then some ensuing discussion of the state of the town's finances, usage of the reserve fund, and pending encumbrances. Overall, it appears departments are sensitive to the monies allocated.

Minutes

The Board considered the minutes for the meeting held on July 10th, 2017, and for multiple meetings held on July 12th, 2017. The Board also considered the approval of Executive Session minutes from March 15th, 2017. The Board seeing no necessary changes or corrections approved the minutes as written.

A motion was made by Ms. Basbanes to approve the minutes of July 10th, 2017 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve all three sets of minutes for July 12th, 2017 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the Executive Session minutes of March 15th, 2017 as written. The motion was seconded by Mr. Alterisio and passed by majority vote with one abstention.

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. The Board then reviewed its mail.

Executive Session

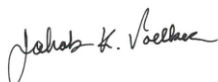
Leah D. Basbanes made a motion to enter Executive Session for the purposes of a discussing Personnel Matters in accordance with MGL Chapter 30A §21(a)1, and with the intention not to return to ordinary session afterwards. The motion was seconded by Ronald J. Mikol. The motion was adopted without objection by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol.

Leah D. Basbanes made a motion to enter Executive Session for the purposes of a discussing a Contract 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 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 8:23 pm

A motion to adjourn was made by Ms. Basbanes at 9:45 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

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