

Town of *Dunstable* Selectboard
Meeting Minutes
September 20, 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; Mike Martin, chair, Peter Gove, Roads Commission; David Tully, Highway Superintendent; Joan Simmons, Planning Board

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Ratification of the GLVTHS Consent Decree

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included a Joint Meeting with Roads Commission on Road Conditions, Ratification of the GLVTHS Consent Decree, Consideration of the Draft Special Town Meeting Warrant, Potential Acceptance of Alexander Way as a Public Way, Discussion of the Town Center District, an Update on the Public Safety Building Land Agreement, and an Executive Sessions

Meeting with Roads Commission on Road Conditions

The Board started by elaborating on the ongoing discussion the Board has had about wear and tear on public roads, ongoing development, forestry, and other pass through traffic. The Board would like to get the input of the Board of Road Commissioners about ways that the Board can support them to improve the situation. What has precipitated all of this discussion is public commentary as to the perceived decline of public roads. The Board then noted a few examples throughout the town where roads are visibly deteriorating. These included Flat Rock Road, Hollis Street, Depot Street, and a few others. The Board reiterated that the point is not to criticize the work of the Highway Department, but to find ways to support the Department in improving the quality of roads in town. It was noted that in the past the town subsidized Chapter 90 funds for paving. Mr. Tully stated that the past subsidy from the town above Chapter 90 was around \$200,000. Concern was expressed by the Board as to whether there are even enough existing funds currently for patching roads. Mr. Tully explained that the Department has an idea of what needs to be done and has a plan for how to address the issue. The Board expressed some concern about the current practice of paving on top of pavement and noted that this doesn't always solve underlying issues in the road that create potholes and cause stormwater issues and crumbling on the shoulders. Mr. Tully responded that milling down the roads and repaving them would be the only way to fully address those issues. However, doing this would be a lot more expensive than just doing new pavement on top of existing pavement. The Board asked what the ideal solution would be. This included whether greater funds to do milling or whether some other another solution would be better.

Ms. Hutton interjected to remind the Board that she has submitted a grant application which if awarded would help pay for a road pavement plan. This would help by bringing in an engineer to evaluate the roads and setup a software package that would assist the town in tracking necessary repairs and help create a schedule for where they should be. This would help put in place foresight and help generate maps and other visuals. There was some cross discussion regarding how this would be paid for, since the grant is for \$10,000 and the cost is about \$13,000. The Roads Commission was concerned about paying for the addition \$3,000 from their budget. This prompted some discussion of other funding sources. Mr. Martin noted that the roads are in fair condition for the funds that the Department has. The Board suggested the real question is what the general condition is. Mr. Martin responded that with more financing, the roads could be made better, but given what is allocated, the best is being done with what there is. However, it was agreed that there is a need for more funds overall. Mr. Gove then elaborated on how the current pavement plan works and how the Highway Department is handling the need for new pavement. He noted that Fletcher Street and Hollis Street are already scheduled for

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new pavement. Additionally, some citizens have been known to complain when roads are repaved with some even going so far as to object to widening of narrow roads. Mr. Gove used Hillcrest Street as an example. Explaining that rather than paving the street now, there is the possibility of getting the Commonwealth to pay for it. Just going out and paving can actually be more expensive than determining if a road qualifies for a project that can help by paying all of or a portion of the cost even if the project isn't immediate.

The Board noted that part of the problem is public perception. Residents on Hillcrest aren't aware that there may be a reason to wait to pave it anew because there might be a future project where the Commonwealth would pay for a chunk of it. Or that some other similar alternate funding source is only a matter of time. All they see is a road that needs paving now. Mr. Tully then took a moment to elaborate on a few sections of streets and roads that do need some work. These included sections of Pond Street, Depot Street, and a few others. He also expounded on some of the other problems being faced such as the widening of roads. With today's prices, some of these sections easily cost \$8,000 to \$10,000 never mind entire roads. Add milling into it, and it becomes significantly more expensive. Mr. Martin noted that Mill Street probably does need to be milled. But the total cost would be pricey. And even after the expense of milling, the pavement cost would be tens of thousands. The Board responded that part of understanding what needs to be done is then being able to explain all of this to the public at Annual Town Meeting, doing so helps justify why additional funds need to be allocated for paving. Mr. Tully noted some streets that would be hard to fix due to granite curving and other similar challenges. These include cul-de-sacs and dead end roads. The Board suggested that part of the perception issue is that the public doesn't always see what *is* being done. This could be solved in part by telling people what roads are set to be worked on next.

This prompted Mr. Tully to advise against naming specific roads because variables can change. A forecast is okay, but otherwise stating what specific roads are to be worked on can be problematic. Ms. Hutton suggested that what is needed is a presentation on the needs and what should be done in the abstract so that the case can be made to the public as to why the additional funding is needed. The Board agreed, the restriction of money needs to be removed, and the heart of the matter addressed. And the paving plan makes sense because having an engineer help the town come up with a plan and a strategy that can be used going forward would be helpful. This should result in something like a 3-year program with a caveat that anything can happen. This would make things even more sellable to the public by making it digestible. Further, making it obvious to the public that they can approach the Roads Commission to bring up needs would help too. Even though it's always been there, people should be reminded of it. Ms. Hutton then went over some ideas of how to go over the Highway Departments budget with Roads and Mr. Tully to make the case to the Advisory Board, and to the public at the Annual Town Meeting. There were then some questions about how the patching works and the costs of it. Mr. Tully elaborated on the costs and the pros and cons for different types. Mr. Tully further noted that most towns have about 5 employees for their Highway Departments, while Dunstable only has 3 employees counting himself among them. Mr. Martin interjected that the Department has been addressing problems and making fixes as fast as it can. But the limitations in personnel, time, and money have to be considered.

There was then discussion of the Capital Plan needs of the Department. Mr. Tully noted that when there is no money, it's hard to ask for more. The Board responded that it can't be looked that way, rather the Department has to put together a budget for what is needed, and then the town has to negotiate what can be afforded in a given year. But if it isn't asked for, then the town can't properly decide if it wants to prioritize and spend the funds. It isn't wrong to do more with less. But that can't always be the solution. Mr. Tully noted that the Department does the best it can and focuses on the roads that are most heavily used balanced with the roads that need repair the most. The Board summarized that the what it intends to see done is to get some engineering and a plan in place, that's hopefully multiyear, that helps address the actual needs. If people understand and know that there is a plan, and the why behind the plan, the funds can be obtained to make things better. From there the Board finished by noting the many compliments that are heard regarding the quality of the Highway Departments work. This includes how well roads are kept clean in winter, and how safe the town is as a result for travel. Discussion ended there.

Ratification of the GLVTHS Consent Decree

The Board started off by noting that it was certain that it had already ratified the Consent Decree on the advice and assistance of then Town Counsel Richard Larkin. Ms. Hutton responded that it doesn't hurt to do it again,

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and that any previous ratification was some time ago. In the absence of definitive record of it with the change in Town Counsel and Town Administrator during that period, doing it again seems prudent. She then, at the Board's request, elaborated and updated on the agreement. The GLVTHS School Committee members will be elected by a district wide vote, but otherwise will have to be a resident of the town in order to represent the town. The term of the current school committee member will extend until the November 2018 election. All of this is to ensure that the principle of one man one vote is upheld as the Federal Courts have interpreted it. All that is left is the need to accept the decree definitively. The Board expressed its unhappiness with the situation, and the fact that the process leaves Dunstable with less of a voice on the committee. But regardless the town still has some input, and this is the state of the law. Therefore, the Board resolved to accept.

A motion was made by Mr. Mikol to ratify the Consent Decree issued by the US District Court of Massachusetts in *City of Lowell v. GLVTHS*, in which Dunstable was a co-defendant. The motion was seconded by Ms. Basbanes, and passed without objection.

Draft Special Town Meeting Warrant

Ms. Hutton started off by providing the Board with a draft copy of the warrant for the proposed Special Town Meeting tentatively scheduled for November 7th, 2017. The warrant is rather short with eight articles currently, although it is anticipated that there will be a ninth article, and it is possible that GDRSD will seek to add additional ones. Article 1 concerns unpaid bills for FY17, which total about \$2,553.25. Article 2 funds the first year of the Police Union Contract, which totals about \$35,000. Article 3 involves the expending of funds for an actuary to analyze the OPEB cost for the town if it offered retiree health insurance, which would cost about \$5,000. Article 4 would provide funds up to \$30,000, to cover the expense of replacing the Town Hall's boiler. Article 5 is the acceptance of land from David Simmons for the building of the proposed Public Safety Building as well as for building necessary water system improvements to make the structure possible at that location. Article 6 is also related to the acceptance of Mr. Simmons's property to provide for surveying of the parcel and other associated expenses totaling approximately \$8,900. This cost was originally thought to be closer to \$11,000, but it appears that a geotechnical assessment may not be needed and that lowers the cost. Article 7 involves a small transfer of \$482.25 from Recreation's Music Donation Account to the Summer Concert Donation Account. The Recreation account in question isn't used. So moving the funds makes sense, and the remaining account would then be dissolved.

Article 8 involves the adoption of MGL Chap. 41, §110A which relates to Saturday office closure when counting deadlines and filings. Acceptance of the provision would make Saturdays the equivalent of a legal holiday for such deadlines and filings. This article is requested by the Town Clerk and would prevent her from having to hold certain voting hours on Saturdays. There was a question about how this would impact other organs of the town. Ms. Hutton elaborated on the matter further. This is just in terms of filings and deadlines and doesn't make Saturdays a holiday for employee work or anything of a similar nature. Ms. Hutton then stressed that some of these figures for articles in the warrant are not final, and some of them may still change. The OPEB actuary cost, for example, could end up being \$3,000. There was then some discussion of getting quotes for the boiler situation for the Town Hall. Ms. Hutton was confident that even accepting a low bid will mean that town replaces the boiler in total. There was then some discussion regarding additional articles that may be added prior to the final warrant. A possible Article 9 would be a market analysis for the town regarding the proposed Town Center District and any other future development. The cost would be around \$20,000. The Board responded that there are a lot of things coming at the community. Obviously people want to have some business, but the question is what the town can support and what the critical mass is. The Board felt that prior to moving forward there should be a clear understanding of what the analysis would mean for the town and what it would give the town. Ms. Simmons inquired as to what exactly such an analysis would do.

Ms. Hutton elaborated that the analysis would indicate what the market can support, not just what is possible, but what is likely based on the market. In the meantime, Ms. Hutton has already done a buildout for what the maximum would be for development of apartments in the district. Ms. Simmons noted that the hope is to encourage some business, but the worry is that the buildings in the proposed district simply be turned into apartments that may or may not be affordable. This prompted the question of whether apartments could be limited solely to buildings that would otherwise be used for retail or commercial. Meaning, can you limit to houses where retail goes in on the first floor. Ms. Hutton suggested that it would be possible to do that. The

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Board had some caution, noting that there are limits to regulatory rules. You can't build in requirements that apartments can't be leased to people with children, or that kind of thing under this sort of zoning. Ms. Simmons suggested the idea being that you limit apartments as a possibility to buildings where there is a business on the premises or where a landowner is also an occupant. Ms. Hutton noted that zoning already requires that accessory buildings and apartments in town already require that an owner be an occupant. That won't change. Ms. Simmons suggested that having some kind of requirements of this sort would help ensure that property owners maintain the premises either for their businesses or because they live there. The Board responded that part of doing this is to embrace outside help. Ms. Hutton stated she is seeking a grant for rural development that might be able to help the town explore this option. The Board inquired as to whether this proposed Article 9 would be paid for from Free Cash. Ms. Hutton responded it would be, and stated that this year's Free Cash should be healthy and able to support the \$20,000 expense. The Board then had a few questions regarding FY19. Ms. Hutton elaborated on her preliminary work on the budget front. From there the Board turned to discussion about article order and made some suggestions as to changes in the order. Ms. Hutton then reported that a new version will appear before the Board by its next meeting, and reminded the Board that there is a possibility that the school district may seek to add articles. Discussion ended there.

Potential Acceptance of Alexander Way as a Public Way

Ms. Hutton explained that the town is being asked to accept Alexander Way as a public way on the warrant for the Special Town Meeting. Prior to doing so, the Road Commissioners would need to vote on acceptance at a meeting. The Board asked Roads where they are on the way and the roads around it. Mr. Martin disclosed that he has stayed out of making any decisions or answering questions where possible relating to Alexander Way due to his personal acquisition of land in the area. Mr. Gove noted there are a few small changes that need to be made, but that the Town Engineer is overall happy with it. He expressed confidence that the developer has a strong financial incentive to see the roadway accepted. He elaborated that Roads has to have a meeting but Mr. Martin does not appear able to vote on it, and therefore a meeting with the full Commission needs to happen. The issue there is the recent tragedy for the family of Commissioner Dalida, who as a result may not be able to attend. The Board inquired as to whether there is an official opinion on whether Mr. Martin has an ethical conflict. Ms. Hutton agreed to seek an official opinion on whether Mr. Martin does or does not. Ms. Simmons then elaborated on some thoughts and concerns that Planning Board has in relation to the matter. This included some issues with emergency access, vegetation, and other related matters.

While the town shouldn't be against accepting the way, it should be impressed upon the developer that he must resolve some of the outstanding issues. The Board suggested exploring whether acceptance can be made provision pending conditions being met. Ms. Hutton had some concerns about whether this could be done legally. She then elaborated on some of the bonding complications among others. The Board suggested that the development should be looked at as a whole rather than just parts of it. The town should avoid piecemeal. Ms. Hutton stated she would seek Town Counsel's opinion on what options the town has and whether conditions for acceptance could be imposed. Ms. Simmons suggested that even if the town can't impose specific requirements, at the very least the town can make it clear that it will recommend against acceptance at town meeting if the project isn't completed and whole. In such a situation acceptance would be unlikely by voters. Mr. Martin inquired as to how long the town has to put the matter on a warrant.

Town Center District

Ms. Hutton reported that this is being put off until the Annual Town Meeting and will not appear on the warrant for the Special Town Meeting tentatively scheduled for November.

Discussion of Leadership, the Budget, and the School District

The Board briefly discussed the situation with the School District and the budget, as well as the recent joint meeting held with Groton and the District. The Board expressed concern about putting the town in financial distress to fund the school. This prompted discussion of what the schools increased needs are. Assuming the School District gets 4 percent as an increase it will eat up the entirety of the town's new growth as understood under Prop 2 ½. This means effectively starving the town itself.

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Public Safety Building Land Agreement Update

See discussion of Articles 5 and 6 of the draft warrant for the Special Town Meeting.

Updating of the Town Website

The Board started off by noting that the website needs some updates. Ms. Hutton reported that the system we have now is difficult to use. She is recommending that discussion of the topic should be held for a time where lengthier discussion can be had. The town needs an updated website. She intends to seek funds for this at the Annual Town Meeting. From her preliminary investigations, she feels that the town can actually acquire a new website and save money on maintenance, support, and upkeep. There was some discussion of the existing websites issues with links and other materials kept on it and the fact that many links become easily broken. Ms. Hutton noted that things are posted on the website and work only to have them not work later. Part of it is the age of the website and the difficulty of the software to maintain it.

Administrators Report

Ms. Hutton had nothing major to report.

Minutes

The Board considered the minutes for the meeting held on September 6th, 2017. The Board noted some minor corrections needed to the minutes and determined to approve the minutes pending modification.

A motion was made by Ms. Basbanes to approve the minutes of September 6th, 2017 pending modifications. The motion was seconded by Mr. Mikol and passed without objection.

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 ending state of the budget for accounts monitored by the Board. The Board then reviewed its mail.

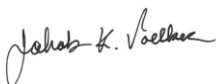
Executive Session

Leah D. Basbanes made a motion to enter Executive Session for the purposes of a 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 8:00 pm

A motion to adjourn was made by Ms. Basbanes at 8:55 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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