

Town of *Dunstable* Selectboard
Meeting Minutes
October 3, 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; Jennifer McKenzie, Ryan McLane, Marlana Gilbert, GDRSD School Committee; Dana Metzler, Evangelical Congregational Church; Joe Dean, Alan Chaney, Phil DeNyse, Memorials & Monuments; Carol Bacon, Affordable Housing; Joan Simmons, Planning Board

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Town Administrators Contract

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included a Use of Town Property Requests, A Proposal from the Evangelical Congregational Church, a Report from the Memorials & Monuments Committee, an Update from GDRSD School Committee Members, Consideration of a Draft Special Town Meeting Warrant, Discussion Regarding the Electrical Inspectors Fees, an Update on the Land Agreement for the Proposed Public Safety Building, and Signing and Formal Approval of the Town Administrators Contract.

Proposal from the Evangelical Congregational Church

Mr. Metzler started off by thanking the Board for the time. He then went over some plot plans that show the Churches lot lines as well as those of town property that sits between the Church and the access road that separates that land from the rest of the Town Common. The Church maintains the property currently and it constitutes about 25 feet. Right now the Church playground overlaps on the towns land and the town shares liability for it. The total square footage is about 8,200. Mr. Metzler then noted the current Town Common was designated as such in 1985. The town may sell the land the Church would like to acquire, but should the town do so, the General Court would have to approve of it with legislation. The acquisition of the land by the Church would not affect the Town Common's current state or its appearance. The Church would use some of the land to put in additional parking which would be available to the Swallow Union Elementary School and the Town Common. The Board had some questions regarding the lot lines. This included an inquiry as to when the Church was built. Mr. Metzler stated it was built in 1910 to replace the original building that burned down.

The Board then had some questions regarding the documentation or lack thereof about who owns what. This idea would give the town a clear opportunity to find out where the actual lines go. At the worst, the Church only owns its basement and all else is owned by the town, but that isn't clear and documentation can clear that up. Mr. Metzler explained that the lot lines he's presented were produced by a proper registered surveyor and are based on the deeds on record. Verizon has also done surveys and it is clear the Church owns more than its foundation according to the deed documentation as supported by the survey. He noted the books where the deed information is on record with the Middlesex Northern County Registry of Deeds in Lowell. Ms. Hutton noted she hasn't consulted with Town Counsel as of yet as she was waiting for the Board to make a decision one way or the other. The Board had some reservations, in particular as to the General Court and what actions it might take. The legal matter could be complicated. There was discussion of whether an article could be put on the Special Town Meeting Warrant. Ms. Hutton was uncertain that there would be enough time to add an article and suggested it be put on the Annual Town Meeting Warrant. The Board agreed that to ensure that every t is crossed and i dotted, it would be better. Discussion ended there.

Approved and adopted on 10/18/17

Appointments & Resignations

Ms. Hutton informed the Board of the resignation of Danice Palumbo from the Cultural Council. The Board thanked Ms. Palumbo for her years of service noting she worked as the Board's Secretary for a number of decades prior to her retirement and subsequent service as a member of the Council on Aging. The Board was sad to see her go, but accepted the resignation. The Board inquired as to whether the Council on Aging was looking for a replacement. Ms. Hutton finished by briefly updating on the Council's search.

Report from the Memorials & Monuments Committee

The Board started off by going over some of the history of monuments and memorials in the town, the sheer number of them, and the need for a committee to monitor, to inventory, and to maintain. The ultimate basis for the committee starting in 2014 was due to the fact that there were really no rules for new memorials and monuments and many seemed to appear over night with the town becoming responsible for ongoing maintenance. From there Mr. Chaney went over some materials regarding the committee's work and recommendations. This included some background information on the work that Memorials & Monuments has done since 2014. Back in 2014 they presented the Board with an Assessment Report regarding the state of the town's memorials and monuments. In 2015 the committee began discussion and follow up work on its original assessment including work on "high priority" items. Such items included the relocation of several memorial benches. There are seven benches that were donated in memory of the following: Richard Bacon, Mary Pelletier, Ida and Warren Bacon, Frank and Maria Palumbo, Arthur Drew, Charles Goss, and George McGovern, Sr. Repositioning the benches was considered due to public comment about the closeness of the benches to the Bandstand and some of the limits to their usage during use of the Bandstand. By summer 2017 the committee began assessing all options for repositioning the benches and contacted the families that donated them. It was noted that the benches are not uniformed in nature or style.

From there Mr. Chaney explained that the committee has done multiple visits to the Town Common and conducted map reviews. The committee has taken into consideration the geography of the Common, proximity to Main Street, view orientation to the Bandstand, as well as the maintenance needs of the Common. The committee then turned discussion to proposed relation sites including consideration of various benefits. The most logical place to move the benches would be to put them on the east side of the Common near the property line with the Fenochetti family. From there they covered the basic mechanics of moving the benches including the pouring and setting of new foundations, the removal of old foundations, and ways that the benches could be positioned. Mr. Chaney then listed some of the reasons the moving of the benches would be considerable. The benches were set to be "safe" and therefore sturdy. Moving them will have a cost. Mr. DeNyse elaborated on the estimate that the committee has received for moving the benches noting the figure is about \$8,000. He suggested that this estimate doesn't take into consideration a number of possible things that could go wrong, such as breakage. So that \$8,000 is purely a floor value. The cost would likely be closer to or in some excess of \$10,000. There was some discussion regarding the removal of the secure foundations for the benches, what the cost would be and any liability to the down. Not removing them means that any future work on the Town Common would require knowledge of their location. The Board felt that would take careful consideration.

From there the committee laid out the next steps for the Board. This would include decision making by the Board as to who would be in charge of moving the benches and where the funds would be allocated from. It was noted that the Board of Selectmen is the body with authority over the Town Common both by convention, and by law in Massachusetts and so the decision is theirs. The Board inquired as to what precisely prompted the idea of moving the benches. Mr. Chaney noted that none of the families that donated the benches requested that they be relocated. The idea was one that came more from general discussions with the public. The committee then suggested that no new memorials or monuments should be added to the Town Common at this time. Discussion then turned to concerns and feelings expressed by the donor families. Ms. Hutton went over the feedback from the families. Some of the families are fine with moving the benches, some have not responded to inquiries, and some have withheld endorsement or opposition to the idea until formal proposals for relocation are mooted. Ms. Bacon inquired as to whether CPA money for historical preservation could be used. Mr. Chaney suggested that question be considered by the Community Preservation Committee and if CPA funds were used, it would still require authorization at Town Meeting. Ms. Simmons then inquired as to how old the oldest bench there is and suggested the use of recreation funding sources. The Board responded that the oldest bench is probably been in place since at least 1988. Ms. Bacon then had some questions about

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some historical signs placed by the Commonwealth on its 300th Anniversary. She is seeking to have them restored and replaced in their location. From there the Board returned to the issues of the benches and determined it was generally in favor of moving them. Ms. Hutton stated she would contact the chair of the Community Preservation Committee to determine eligibility of CPA funds. Mr. DeNyse followed by inquiring who would follow through on this project. Discussion finished with Ms. Hutton stating she would work with the Board and the committee on the matter further.

Update from GDRSD School Committee Members

Ms. McKenzie started off by elaborating that the committee has a lot to update on regarding work done by the district to seek efficiencies and cost savings as well as some information to provide for discussion regarding the Special Town Meeting. Ms. Hutton asked that the discussion of warrant related matters be held until the Board considers the draft warrant. Ms. McKenzie and the other School Committee members present agreed and turned discussion to the other topics at hand. The School Committee is aware of the need for feedback with Groton and Dunstable's communities to see what each community is willing to support. For custodial and maintenance, outsourcing could save money. They could also consider outsourcing exterior work on buildings to Groton's DPW. Another suggestion would be to treat a number of school buildings located in Groton as one campus. Other possible actions include outsourcing maintenance of fields, and plowing needs. From there they discussed space utilization and the elimination of redundancies through consolidation. They have applied to the appropriate school officials on the Commonwealth level. In particular, the Florence Roche School needs significant repairs. The School Committee noted that that building is strictly Groton students at the moment. Funds could be sought from the Commonwealth for help. Ms. Gilbert went over some of the feasibility study options that the Commonwealth might support. Any analysis will cover all buildings in the school district.

Mr. McLane explained that this process would take a number of years, likely 10 to 15 years. The average life expectancy of school buildings is about 50 years on average. The Board was concerned by any adverse impact to the analysis due to Swallow Union's age and historical nature due to the Union portion. Mr. McLane responded that they would consider all of the angles in the analysis. Ms. Gilbert noted that the school district has made it into the top 40 districts in the Commonwealth and this bodes well for the prospects of getting the analysis and possible funds. Ms. McKenzie then turned discussion to possible relocation of the schools districts central office possibly to the Boutwell School. The Board asked for clarification of the funding needs for the analysis and any repairs. Ms. Gilbert explained that this is a two-step process, first application for admission to the program to do the analysis and then once done seek funds for repair. Other ways to save money and find efficiencies would include considerations around busing costs, such as assigning of ridership among others. Ms. Gilbert outlined how some of the ways that saving money could lead to big cultural changes. The district is not legally required to provide busing to students that are within a mile from a school that a student is actively attending. But these kinds of measures could be rather unpopular.

A solution might be to charge for busing such children. But the costs to parents could be somewhat significant, with some districts charging around \$300 a student per year. So, there will have to be community buy-in. There was some discussion of how many students should be on each bus. Ms. Gilbert stated that the Commonwealth requires that there be 75 percent utilization of buses otherwise some bus funding might be in jeopardy. So the bus routes that would be considered first and foremost for this would be those that fall under the 75 percent threshold. The Board asked what the average time on a bus is. It was suggested that the time is currently around 45 minutes on average. Ms. McKenzie stated that changes to bus routes will start this year for high school students. From there she went over some of the other efficiencies that could be found which include cutting back on employees that work more than 20 hours, increases in lunch meal costs, and cutting or outsourcing the cafeteria staff. The Board inquired as to what kind of regionalization can be pursued. Ms. Gilbert went over those options and what the district has already implemented and what is being researched further. She noted that with outsourcing, there are options. Some companies will hire existing employees. From there it was noted that more information on all of these options may be found on the school districts website. Discussion finished on the topic of Special Education and the upcoming review by DESE that is expected in December.

Consideration of a Draft Special Town Meeting Warrant

Ms. Hutton started by providing the Board with a recently updated draft copy of the warrant for the Special Town Meeting, which is scheduled for November 7th, 2017. She then provided the Board with a copy of a request by the GDRSD School Committee for the addition of an article which would create a Stabilization Fund for the school district. From there Mr. McLane explained the School Committees request. He stated that if this Stabilization Fund were approved it would allow the school district to set aside funds for future capital expenses and highlighted projects that would be eligible for such funds to be used for. The School Committee has noted that funds added to the fund would be allocated by the towns via approval at future Town Meetings or would come from the GDRSD Operating Budget. At this time, they do not seek funds, and would only seek funds starting in FY20 as a line item in the Districts Operating Budget. This idea would allow the district to save for a “rainy day” and could help calm costs in the future. It would, in essence, allow the school district to plan better for the future. Ms. McKenzie then went over some of the options. One could be to use municipal stabilization funds, either one that is a general fund by the town for both the town and the school, or to have a dedicated fund on the town’s part for the school district. The option the district favors is the one proposed, and would be controlled by the district. The biggest benefit from a school district fund is the district’s ability to put its version of Free Cash funds into the pot.

She also elaborated on some problems with seeking funding from alternatives like debt exclusions and suggested that the better option is to do it in the regular Operating Budget with a normal line item in each year’s budget. Mr. McLane then went over some of the soundness of the idea and how it would aid in the usefulness of a capital plan and for addressing both the expected and unexpected. The process would allow for transparency and give the towns control through the budget process each year. The Board had some questions regarding the process that would occur each year. Ms. Gilbert explained how it would work through the assessment to the towns and contrasted the different options. Ms. Hutton had a few follow up questions, in particular to the potential option of debt exclusions, which expire over time. Debt exclusions have specificity to them, a starting point and an ending point which create natural limits. Mr. McLane explained how having specific items on a plan could make debt exclusions more possible and useful. Some of these mechanisms have been done in other towns, particularly the Town of Arlington. Ms. McKenzie argued that the funding mechanism should not be a distraction from the fact that the stabilization funding is needed. The towns will have to decide what mechanisms to use. Clarification was then sought over the proposed article. And there was ensuing discussion of what action should be taken next, whether it should be put on the Special Town Meeting Warrant or not. It was agreed that no matter what action is taken, there has to be a plan for the district to deal with capital expenses and the unexpected. Additionally, deferred maintenance has to be avoided.

The Board expressed some concerns over having this be in the assessment and how to predict what those yearly costs will be. Ms. McKenzie responded with several examples to deal with those concerns and handle spikes that could occur if an expense is larger than expected. Discussion regarding the schools request wrapped up with the Board deciding on whether to include the proposed article on the Special Town Meeting Warrant or not. The Board determined that the article should be included on the Special Town Meeting Warrant. The Board then briefly went over the articles on the current draft of the warrant. Article 1 regards the paying of unpaid prior fiscal year bills from FY17. The total sum of which is approximately \$315.25 to be taken from Free Cash. Article 2 regards acceptance and funding of the FY18 to FY20 Police Union Contract. About \$35,000 will need to be transferred from Free Cash to fund the first year (FY18). The Board had a few inquiries as to the current status of negotiations. Ms. Hutton briefly explained where things stand with the Union currently. Article 3 regards the hiring of an actuary to analyze the OPEB obligations of the town should it to choose to offer retiree health insurance, the cost of which would be approximately \$3,500 from Free Cash. The Board had some questions as to the process that would be provided. Ms. Hutton elaborated on how the analysis would be done. Article 4 concerns the allocation of funds to replace the boiler at the Town Hall. This article would cost approximately \$29,466 which would be taken from Free Cash. Article 5 regards the transfer of funds from the Water Enterprise Fund for use by the Water Commission. This article totals about \$28,098. Article 6 involves the proposed acceptance of Alexander Way as a public way. The Board had some questions regarding the status with Roads Commission. The principle concern is avoiding a no action on the article.

Article 7 regards the acceptance of a donation of land to the town for the purposes of building a Public Safety Building and necessary water systems improvements. Article 8 concerns the payment of legal fees associated with the donation to be accepted by Article 7. The cost of which would be approximately \$1,800 taken from

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Free Cash. Article 9 relates to the expenditure of funds to survey the land for which donation and acceptance is contemplated by Article 7. The cost of which would be approximately a transfer of \$9,460 from Free Cash. Article 10 involves the allocation of funds to conduct a Market Analysis to inform future economic development decisions in the town. The cost of which would be approximately \$17,500 to be taken from Free Cash. Article 11 involves the transfer from the Recreation Music Donation Account the sum of \$482.25 to the Summer Concert Donation Account. This action would effectively dissolve the unused Recreation Music Donation Account. Article 12 regards the acceptance of MGL Chap. 41, §110A which relates to Saturday office closure when counting deadlines and filings, and would make Saturdays treated like a legal holiday for such matters. This article is at the request of the Town Clerk. The Special Town Meeting Warrant will need to be signed no later than October 23rd with posting by October 24th. Discussion ended with where to place the school districts article. Ms. Hutton suggested putting it towards the top. The Board felt more comfortable with placing it about midway in the warrant.

Electrical Inspectors Fees

A request has been made by the Electrical Inspector as to permitting fee sums and as to how things operate. The Inspector requests a minimum charge of \$75. Under the current fee schedule there are only two things that fall under that sum currently. The Board noted that the surrounding towns charge significantly different rates and fees, but this is mostly due to differences in staff levels, and other costs. The town doesn't have enough activity to warrant a bigger staff and more full-fledged Inspections Department. It was noted that the job isn't different from town to town, the installation of a wash machine is mostly the same regardless of what town and house it is installed in. However, the cost to the town has to be considered as well as the uniqueness of the challenges to the town. Currently Dunstable's rates are higher than most of its neighbors, so that too has to be considered as part of the calculation. There was discussion of possible ways to save money and perhaps regionalize. Tyngsborough is now sharing an Electrical Inspector with Dracut. There are limits to how high the fees can go, and there have to be some considerations taken. The consensus was that the Electrical Inspectors fees should stay the same for the time being. The Electrical Inspector has also requested that he have the ability to modify his fees at discretion based on variable factors. Town Counsel is opposed to this, as is the Board.

Another concern of the Electrical Inspector is regarding the number of follow ups. If the work isn't done correctly the first time, or second time, and the Inspector is required to come back a third or fourth time, the Inspector feels that he should be compensated since the original fee was designed for one or two inspections. Ms. Hutton suggested re-inspection fees, elaborated on how they work, and in what ways the town could implement them. Normally, re-inspection fees would only come into play on a third inspection. If a situation arises where a contractor schedules with the Inspector to do an inspection and the contractor isn't there, then a subsequent inspection would qualify for a re-inspection fee. There was then discussion about what a re-inspection fee should be. The Board was comfortable with a \$35 to \$50 fee for no shows and re-inspection fees could be higher, say \$75. Ms. Hutton suggested the no show be \$40. The Board agreed. Ms. Hutton stated she would draw up the changes to the fee schedule relating to re-inspection fees. From there the Board then turned to discussion of retirement and at what age inspectors do, should, or must retire. Ms. Hutton noted that these ages are usually under law and less a matter of insurance. She was not aware of any law relating to inspectors, but agreed to do some research. Ms. Hutton also agreed to do some research into regionalization options.

Update on the Land Agreement for the Proposed Public Safety Building

Ms. Hutton started off the discussion by elaborating on the agreement to be put in place and how the final version of that agreement will appear. Both Town Counsel and Mr. Simmons's counsel have agreed in principle to the final document. She then went over some things she has to do procurement wise before acquiring the deeds. The agreement should be ready for the Board to sign at its next meeting. Ultimate acceptance will fall to the town at the Special Town Meeting.

Town Administrators Contract

Labor Counsel has drawn up the new contract for the Town Administrator. The contract is mostly a renewal of the previous one plus agreed upon increases in pay over the length of the contract. If the Board is agreeable it may be signed at this time. The Board noted that this contract is consistent with what the Board wants both in terms and in compensation. The contract would start July 1st, 2018 and run until June 30th, 2021.

Approved and adopted on 10/18/17

A motion was made by Mr. Mikol to approve the Town Administrators contract for the period of July 1st, 2018 until June 30th, 2021 with the date of the agreement as October 3rd, 2017. The motion was seconded by Ms. Basbanes and passed without objection.

Town Administrators Report

Ms. Hutton started by reminding the Board that its next meeting would ordinarily be October 17th. However, because she was supposed to be on vacation that week, and anticipated that there wouldn't be a meeting, some scheduling conflicts have arisen for that date. As such the Board would likely have to meet on October 18th or 19th that week. It was decided the Board's next meeting would be scheduled for October 18th, 2017 at 6:30 pm. Otherwise, the Board will continue to meet on Tuesdays. Ms. Hutton then reported that the Advisory Board will be having its next meeting on October 5th, 2017. She then elaborated on some conversations she's had with a solar company about the town's desire to consider setting up a municipal solar farm. From there she turned to an update on the Water Department's staffing needs and how that relates to some of the issues with DEP. She is still working on the topic, and the town has until November 1st, 2017 to figure it out. The latest proposal is about \$87,000 a year with 4-hour availability a day for business days and on call for weekends. This is of course a bit pricey, and she is working on finding a cheaper solution. The Board inquired as to whether any of the towns in the area would be willing to share personnel under a regionalization agreement. Unfortunately, none of the surrounding towns are interested, likely due to concerns regarding the state of the town's system. Ms. Hutton finished her report there.

McLoon Property Status

Ms. Hutton briefly updated on where things stand with one of the houses that was part of the McLoon property and was rented out by Ronald McLoon prior to his untimely passing. The property was obtained by the Rural Land Trust as part of the will of Mr. McLoon's mother which had left him a life estate with the remainder going to the Rural Land Trust. The Trust is currently working towards eviction of the current resident who was a tenant of Ronald McLoon while he lived. She then updated on the activity of the Police Department relating to the property as well. The matter is in the courts now. It is unfortunate that the situation has arisen and that the neighbors have to suffer through some of the results.

Free Cash

The Board was pleased with the Free Cash figure that was certified. This figure is the highest number that Dunstable has seen in what is likely decades. Ms. Hutton noted that the Town Accountant hopes to attend the Advisory Board's next meeting. She doesn't anticipate this is a new normal. It is likely a blimp and it should be appreciated as such. A good chunk of it should be put into stabilization, likely as much as half. The rest should likely be put into one-time capital needs for the town like the Town Hall boiler among others. It might be possible to use some of it for Roads to supplement Chapter 90, but that could be problematic since Road's needs should be addressed within its regular budget. The Board noted that some of the increase in Free Cash for this year's number likely is a result of the town not doing badly on snow and ice last winter.

Analysis Regarding Comparison Communities for Wages

The Board discussed some of the strengths and weaknesses in the communities used in the town's last wage study. It was proposed that a plethora of variables be considered for selecting future comparison communities. Some of these include income, revenue, and expenses. This should include in different categories such as police, fire, and highway.

Use of Town Property Request

The Board considered an application from Ruth Tully and Linda Chase to hold a baby shower in the Grange Room of the Town Hall. The shower is planned for November 19th, 2017. The Board saw no reason to deny the application.

Approved and adopted on 10/18/17

A motion was made by Ms. Basbanes to approve the application by Ruth Tully and Linda Chase for use of the Town Hall for a private baby shower event. The motion was seconded by Mr. Mikol and passed without objection.

Minutes

The Board considered the minutes for the meetings held on September 13th, 2017 and on September 20th, 2017. The seeing no necessary changes to either set of minutes, the Board determined to approve them.

A motion was made by Ms. Basbanes to approve the minutes of September 13th, 2017 as written. The motion was seconded by Mr. Mikol and passed unanimously.

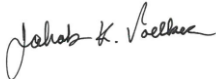
A motion was made by Ms. Basbanes to approve the minutes of September 20th, 2017 as written. The motion was seconded by Mr. Mikol and passed unanimously.

Warrants & Mail

Mr. Alterisio reported on the warrants he has signed. This included highlighting the sums spent, including some of the larger payments made to vendors as well as brief discussion of the payroll. The Board then reviewed its mail.

A motion to adjourn was made by Ms. Basbanes at 9:10 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