

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**October 18, 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; Joan Simmons, Community Preservation Committee; James W. Dow, Chief of Police; Sergeant Hoar, Sergeant Papageorgiou, Police Dept.; Autumn Kubiak, Representative for National Grid; Phil DeNyse, Parks Commission

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- Signing of Special Town Meeting Warrant
- Signing of NEPBA Local #7 (Police Union) Contract
- Signing of Public Safety Building Land Agreement

**Open Forum**

Mr. Alterisio, and the Board as a whole, took a moment to express condolences to the Sweet Family for the passing of David Sweet, Sr. Mr. Sweet was the towns Electrical Inspector for a number of years. He will be greatly missed. From that somber point Mr. Alterisio then turned to explaining the purpose of the public forum and went over the Boards agenda which included a Pole Hearing for National Grid, Use of Town Property Requests, Signing of the Special Town Meeting Warrant, Recommendations on Warrant Articles, Signing of the Public Safety Building Land Agreement, and Signing of the NEPBA Local #7 (Police Union) Contract.

- Joan Simmons addressed the Board concerning the steps installed for the new playground. She elaborated on a meeting of the Community Preservation Committee, which helped pay for the project. The committee was assured that the original steps would be repaired and replaced. It was assumed that the steps would be replaced with something sensible as compared to what was there before. There were also concerns expressed about the proposed railing, and the fact that the new steps are granite. Ms. Simmons would like to see a railing on both sides of the steps. She realizes that the steps are built to code, but feels that they are still not adequate for safe use by children. Ms. Hutton noted that what was there before was not to code and the town could not have installed similar steps. These steps are to the code. Mr. DeNyse elaborated on Park's deliberations on this matter and why the steps were designed and built the way they were. Parks has the funds and intention to install railing on at least one side. Further there will be another step added that will level out the steps further. There will also be pavers to ensure that there are not puddles at the top or bottom of the steps. In the next fiscal year, Parks hopes to make further adjustments and improvements. Ms. Hutton explained that this project was approved up to a certain amount under CPA funds. In order to spend more on this project, those funds would have to go through the CPC and the entire CPA process.

The Board expressed some reservations regarding the steps as installed. Ms. Hutton went over the process and the precautions taken. This included discussion regarding depth and tread. The only solution to radically change the steps would be to move them and create a landing. Chief Dow noted that granite steps are usually sold in 12 inch widths or 18 inch widths. Any difference would require custom work. There was discussion as to any liability for the town regarding the current state of the steps. Ms. Hutton again noted that the steps are to code. Discussion turned back to the tread, the code, as compared to gradient and elevation. Ms. Simmons insisted there have to be reasonable alternatives. Ms. Hutton stated that from a practical point of view, the steps cannot be altered without spending further funds outside of the CPA process. Mr. DeNyse noted that many choices were discussed regarding the orientation of the stairs, the materials to use, the lay of the land as to septic's in the area, as well as meeting code requirements. He pointed out that the steps materials were chosen for durability, longevity, and decisions were made to ensure they were safe and cushioned. Although the steps are granite they are rounded on the edges, and are aesthetically pleasing and should last a long time. He further noted that a professional firm was hired to install them and an effort was made to ensure the materials were chosen to fit with code. The Board suggested asking a licensed professional to look at the steps.

*Approved and adopted on 10/31/17*

## **Pole Hearing**

Mr. Alterisio formally opened the public hearing and invited Ms. Kubiak to address the Board regarding National Grids petitioned for approval to install a new pole for service to a new home built on Pond Street. She explained that this will involve a pole being relocated within the public way. Ms. Kubiak noted a minor error to the original application noting that the pole will be in a southern direction. Ms. Hutton modified the appropriate paperwork prior to the Board signing it. The Board inquired about the number of new houses in that area. Ms. Kubiak noted that about 3 new houses are slated to receive new service in that area. The Board inquired as to whether there were any trees that need to be removed. Ms. Kubiak responded that there are no trees that need to be made to this. There was light discussion regarding poles, the concerns of the town towards double poles, and any future plans on pole replacement. Ms. Kubiak responded to several of these concerns and noted that National Grid doesn't like double poles any more than the public and assured the Board that she would report back to her superiors. The Board seeing the application amended and corrected as to the direction of the pole as oriented to the public way, determined to move forward with signing the paperwork.

A motion was made by Ms. Basbanes to accept National Grids application to erect the pole as applied for and amended and to close the public hearing. The motion was seconded by Mr. Mikol and passed unanimously.

## **Signing of Special Town Meeting Warrant**

Ms. Hutton started off by presenting the Board with the final version of the Special Town Meeting Warrant. The Special Town Meeting is scheduled for 7 pm on November 7<sup>th</sup>, 2017 at the Swallow Union Elementary School. 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 for the NEPBA Local #7 (Police Union) Contract. About \$35,000 will need to be transferred from Free Cash to fund the first year (FY18). 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 this would be approximately \$3,500 from Free Cash. 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 concerns the request by the GDRSD for a Capital Stabilization fund to be administered by the School Committee. 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 and closing costs associated with the donation to be accepted by Article 7. The cost of which would be approximately \$5,925 taken from 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 fillings, and would make Saturdays treated like a legal holiday for such matters. This article is at the request of the Town Clerk. The Board inquired as to the matter of acceptance of Alexander Way as a public way. Ms. Hutton reported that acceptance was dropped from the warrant because the Board of Road Commissioners was unable to attend to the matter due to the combination of a possible conflict of interest coupled with a quorum matter. Mr. Martin had concerns over a possible conflict of interest and Mr. Dalida has been unavailable due to a family tragedy. The Board then determined to sign the Special Town Meeting Warrant.

A motion was made by Ms. Basbanes to authorize the signing of the warrant. The motion was seconded by Mr. Mikol and passed without objection.

## **Recommendations on Warrant Articles**

The Board determined to approval and recommend all articles save for Article 6 on a unanimous basis. From there the Board turned towards discussion of Article 6. Ms. Hutton answered some of the Boards questions

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regarding how the proposed Capital Stabilization fund would work. This included the way the fund would be funded, and the level of control the town would have over it. It isn't whether or not the town has to pay it, but how it would be funded. It would be impossible to do a debt exclusion to fund it according to Town Counsel. Ms. Hutton further noted that the School Committees stated plan, while admirable, is not binding and should something come up, plans could change. The Board remained uncertain as to the correctness of Town Counsel's position given the fact that it appears that other towns have funded this kind of fund through debt exclusion. It was determined that DOR should be consulted. The Board doesn't have a problem with the overall concept, but remains concerned as to the funding. Unless the town has a mechanism to fund the account, it could become a driver of unsustainability in the schools operating budget in regards to the towns assessment. Once this fund is established, the town is obligated to feed it. Ms. Hutton reminded the Board that once this fund is established, the School Committee has total control of it, and they can spend it with a two thirds vote of the committee. There was a question as to whether this fund is being voted on again in Groton.

Ms. Hutton responded that it does not appear necessary for Groton to reauthorize. At the moment Groton is creating a town stabilization fund to support the district. The Board expressed reservations and concerns about the possibility of the town not being able to sustain paying into the fund, as well as the possibility of creative ways of defining "capital" needs by the school. The Board is committed to the idea of stabilization, but felt that perhaps a town stabilization fund like what Groton is currently doing would likely be preferable. Ms. Hutton noted that the town, according to DOR, should have is about 5 percent of its budget in Free Cash. The town has about a \$10 to \$11-million-dollar budget so the amount that should be in stabilization for the town would be roughly \$500,000. Currently the town only has about \$250,000. The long term goal of Advisory Board is to use Free Cash to reach DOR's recommended 5 percent. From there discussion regarded whether the Board should make a recommendation on Article 6 now or wait until Advisory Board has made its recommendation. The Board expressed a desire to be careful with this matter and to seek consultation with the Advisory Board. It was agreed to hold off a recommendation on Article 6 for the time being.

A motion was made by Mr. Mikol to approval and recommend all articles of the warrant save for Article 6. The motion was seconded by Ms. Basbanes and passed unanimously.

### **Signing of Public Safety Building Land Agreement**

Ms. Hutton went over the agreement the details of the final agreement. The donation is a multistep process. First the agreement is signed, then authorization to accept the donation is done at town meeting, then procurement is done, and then the papers are finalized. This signing is the first step of the process is signing the agreement. All of this is contingent on approval at Town Meeting and meeting the requirements of procurement law. The Board noted that this clarification makes it apparent to the public that the Board is not in any way entering into a final agreement without consent of the town. Both Town Counsel and Mr. Simmons's counsel have agreed to the final document and it is ready for the Board to sign. Ultimate acceptance will fall to the town at the Special Town Meeting.

A motion to authorize the signing of the agreement was made by Ms. Basbanes and seconded by Mr. Mikol. The motion passed without objection.

### **Signing of NEPBA Local #7 (Police Union) Contract**

This contract will run from July 1<sup>st</sup>, 2017 until June 30<sup>th</sup>, 2020. The Board expressed some thoughts regarding the contract and some references to old MGL. None of these are show stoppers. The Board then noted the article on the Special Town Meeting Warrant which will authorize the contract and appropriate funds. The Board had no further discussion regarding the contract and determined to move forward with approval and authorizing signing. Sergeant Hoar signed on behalf of the Union.

A motion was made by Mr. Mikol to approve the contract contingent on appropriation at Town Meeting and to authorize the Board's chair to sign the contract. The motion was seconded by Ms. Basbanes and passed unanimously.

*Approved and adopted on 10/31/17*

## **Request from the Dunstable Congregational Church**

The Board started off by noting that there are some loose ends revolving around the churches proposal. In particular, the proposal would involve the Town Common which would entail some difficulties given the need for approval from the Massachusetts General Court. Some of the deed records at the Registry of Deeds have been pulled, but the records remain somewhat unclear which leaves the Board somewhat reliant on the materials presented by the church. The Board would like to see some due diligence into whether this project is a worthwhile one for the town. Ms. Hutton agreed to do some further research on the matter.

## **Town Administrators Report**

Ms. Hutton started off by reporting that the Advisory Board's public hearing for the Special Town Meeting will be held on October 24<sup>th</sup>, 2017. Ms. Hutton then presented Mr. Alterisio, as chair of the Board, with some paperwork relating to grant funds for Council on Aging. The Board saw no reason to oppose the signing of the paperwork. Ms. Hutton then turned to reporting on a request from the Board of Road Commissioners regarding some logs on 91 River Street that should be removed. The quote they have received is \$2,500. If the Board is agreeable, the funds could be taken from the Reserve Fund. There is \$800 left in funds for maintenance of the property. The Reserve Fund transfer would be for the difference. The Board had questions regarding why the wood needs to be removed so urgently and what the process behind the quote was. Ms. Hutton responded that Roads did not give her a great deal of information on this, but asked her to present the information and cost estimate. The Board proposed multiple ways of dealing with the wood without incurring a cost to the town. Ms. Hutton agreed to research the matter further to determine what the options are. She then updated on the Waters staffing needs and how that relates to some of the issues with DEP. She is still working on the topic and has been in discussion with DEP and the town's engineers for the water project. In the meantime, she has been able to get the proposal for staffing needs down to about \$56,000 from an original high quote of \$87,000. The agreement would meet DEP's requirements. This is of course remains pricey, but shows progress in the right direction. To pay for these staffing needs, there will need to be a rate change. Ms. Hutton will be speaking about it with the Water Commission. The town really has no choice. This is an operating expense and not a one-time capital expense, so it has to go in the budget and there has to be a rate change.

On that front, there remains the possibility of sharing personnel with another town with a Water Department under a regionalization agreement. Although originally none of Dunstable's neighbors were interested, that appears to have changed. There was then some brief discussion regarding whether Water should remain an Enterprise Fund given the state of the water system. Enterprise Funds are supposed to sustain themselves. Removing the system from being an Enterprise Fund would simply revert it back to being entirely within the operating budget of the town. Users would still pay fees, but any discrepancies would be covered by the operating budget. Otherwise, additional funds into it would be subsidies. Further reverting it back would emphasize the fact that this is a public utility. Ms. Hutton then finished on the topic of the water by going over some of the options for the needed water project, including tank replacements. There are about 5 to 6 options. They range anywhere from around \$1 million to \$2 million. She continues to work towards finding cheaper solutions. From there Ms. Hutton turned to the matter of replacing the Electrical Inspector. The Board agreed that some options should be considered. One might be to go in the same direction as the Town of Stow. Stow contracts their Electrical Inspector for about \$12,000 a year. This prompted some discussion of the fee schedule and whether the fees should be reconsidered. This reinforces the idea that a set contract with a set yearly amount would make more sense. Ms. Hutton noted that the Building Inspector is salaried and therefore paid a set amount. Only the Plumbing & Gas Inspector and Electrical Inspectors were based upon fees. It wouldn't be hard to change them over starting with the Electrical Inspector and following up with the Plumbing & Gas Inspector. Ms. Hutton then highlighted some suggested changes budgetary wise by the Town Accountant for the Inspections Departments line items. It was then agreed that the Board would consider possible Electrical Inspector candidates.

Discussion then finished on the payment of any remained amounts due to Mr. Sweet's family. Ms. Hutton noted that the Alternate is covering for the time being. From there Ms. Hutton updated the Board on some work she has done regarding the Dumont property and possible uses by the town should the property be acquired. These include solar farm development, possible agricultural uses for the property, and the acquisition of one of the existing buildings for Highway. The existing Highway Barn and possibly 91 River Street could be sold to help pay for acquisition of Dumont. While on the topic of solar, Ms. Hutton noted that she has been

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approached about possibly installing solar on the Union Building that is part of Swallow Union Elementary School. The Board was not opposed. It would require approaching the school district which currently leases the whole complex of Swallow Union from the town. Ms. Hutton's report finished there.

### **McLoon Property Status**

Ms. Hutton updated on the situation. There is no current liability for failure to enforce for the town. If the town condemns the property while the current tenant lives there, the town has to help the tenant find a new location and assist in the expenses for the tenant. Ms. Hutton suggested waiting to see what the court says at its next hearing which is scheduled for the October 30<sup>th</sup>, 2017. Chief Dow went over some of the issues with the property and the case as a whole. He felt confident that the building can be condemned and an order issued to remove the tenant. It appears currently that the Rural Land Trust will only be able to keep about 75 percent of the property. The Board expressed some concern about the possibility for further damage, such as a fire or booby trapping. Chief Dow explained that the department is being super proactive and responsive to the situation. There was concern about any possible entry should the building become endangered for collapse such as in the case of a fire. Chief Dow noted that a search warrant was executed on the house about a month ago, so the state of the house is known and it is concerning. There was then some ensuing discussion of orders of conditions put in place by DEP regarding an illegal stump dump that Mr. McLoon was operating. There is about 5 acres worth and it is visible from aerial and satellite imagery. Discussion ended there.

### **Use of Town Property Request**

The Board considered several applications. The first application was for use of the Town Hall by the Dunstable Free Public Library for an Irish Step Dance performance to be held on November 12<sup>th</sup>, 2017. The second was from the Grange for use of the Town Hall for a State Grange event to be held on December 2<sup>nd</sup>, 2017. The third was an application by Susan Tully for use of the Town Hall for the annual Community Cookie Swap to be held on December 20<sup>th</sup>, 2017. The Board saw no reason to deny any of the applications and determined to move forward.

A motion was made by Ms. Basbanes to approve the application by the Dunstable Public Library for use of the Town Hall on November 12<sup>th</sup>, 2017 for an Irish Step Dance performance. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the application by the Grange for use of the Town Hall on December 2<sup>nd</sup>, 2017 for a State Grange event. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the application by Susan Tully for use of the Town Hall on December 20<sup>th</sup>, 2017 for the annual Community Cookie Swap. The motion was seconded by Mr. Mikol and passed without objection.

### **Minutes**

The Board considered the minutes for the meeting held on October 3<sup>rd</sup>, 2017 as well as Executive Session minutes for July 26<sup>th</sup>, 2017 and September 20<sup>th</sup>, 2017. The Board seeing no necessary changes to the October 3<sup>rd</sup> minutes or the minutes for July 26<sup>th</sup>, determined to approve them. The Board then noted corrections for the minutes from September 20<sup>th</sup>, but determined to move forward with approving those minutes pending corrections and modification.

A motion was made by Ms. Basbanes to approve the minutes of October 3<sup>rd</sup>, 2017 and the Executive Session minutes for July 26<sup>th</sup>, 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 September 20<sup>th</sup>, 2017 pending modification. The motion was seconded by Mr. Mikol and passed without objection.

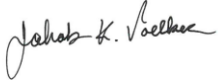
*Approved and adopted on 10/31/17*

## **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 8:20 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by

A handwritten signature in cursive script that reads "Jakob K. Voelker".

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