

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**February 20, 2018**  
**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, CPC; Mike Martin, Roads Commission; Dianne Raymond, Realtor; Mary Dacquino, Seasons at Calmore

**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 Use of Town Property Requests, Consideration of Proposed Warrant Articles for the Annual Town Meeting, Continued Discussion of a New Inclement Weather Closure Policy, Discussion Regarding Town Center Zoning, Discussion of Conversion of Some Elected Boards and Officers to Appointment

- Chief Rich announced the passing of George Bacon. Mr. Bacon was a former Fire Chief and longtime beloved resident of Dunstable. Flags in town are at half-staff in honor of Mr. Bacon and the Fire Department will be hanging appropriate bunting. Chief Rich promised to keep the Board informed of plans surrounding mourning of Mr. Bacon. The Board then held a moment of silence in honor of George Bacon.

**Proposed Warrant Articles for Annual Town Meeting**

Ms. Hutton presented the Board with a list of potential warrant articles for the Annual Town Meeting, scheduled for May 14<sup>th</sup>, 2018. The list included topics such as any unpaid bills, the Nashua Wilde & Scenic River Designation, improved business certificate enforcement, minor corrections to adopted by-laws, correction of a typo from an article adopted at the Special Town Meeting last fall, community preservation projects, amendments to the dog by-laws, possible amendments to by-laws pertaining to health insurance for employees, design fees for a Public Safety Building, and financial topics pertaining to Capital, Free Cash, and Debt Exclusions. Ms. Hutton then gave some more specifics. The current unpaid bills include some for fuel expenses for Highway. Consideration of business certificate enforcement changes are at the request of the Town Clerk to provide clarification as to enforcement authority. The minor corrections to adopted by-laws pertain to a request by the Town Clerk for leave to change numbering and make other non-substantive modifications. The typo correction sought for an article adopted at the fall Special Town Meeting regards an account number. The community preservation topic will cover CPA projects; the CPC is set to meet on March 7<sup>th</sup>, 2018 regarding projects for the upcoming year. Amendments to the dog related by-laws come from prior requests made by the Animal Control Officer. Discussion has remained ongoing on the topic.

The employee health insurance amendments pertain to accepting and conforming to MGL so as to be fully compliant. It appears that these changes may be effected by the Board adopting certain provisions of MGL and may not end up requiring any formal warrant articles. As for the matter of design fees for the proposed Public Safety Building, this pertains to the fact that the fees are to be rolled into the construction loan expected at a later date. From there Ms. Hutton then went over the expenditures covered under the financial topics including spending of Free Cash, use of Debt Exclusions, and other Capital expenses. These included a new highway truck, expenditures for police equipment, stabilization for the town and GDRSD, a new fire engine, the proposed survey of the towns River Street property, and funds to go to highway for road repairs. The Board had a few questions pertaining to the requested authority regarding non-substantive corrections and business certificate enforcement. Ms. Hutton elaborated further on the authority requested for by the Town Clerk. A specific area of concern regarded the business certificate enforcement and how that mechanism would work. Ms. Hutton explained that the mechanism is already in place, but the by-law is unclear as to whether the

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enforcement authority is the Town Clerk or the Zoning Enforcement Officer. Discussion then shifted to questions the Board had regarding the dog by-law proposals. Ms. Hutton noted that these are solely about enforcement, nothing drastic like a leash law is being proposed.

From there the Board inquired about the survey of the River Street property. Ms. Hutton responded by explaining some of the work that needs to be done, especially in regard to the possible sale of some of the property there to Fish & Game. The cost of this survey is likely to be updated as we get closer to the signing of the warrant. The surveyor would likely be Mr. Hannaford who is known by the town and does a great volume of surveying in the region and is known for professionalism and affordability. The Board then had a question about the road repair funds for highway. Ms. Hutton elaborated further on the topic including the proposal that the funds be raised through debt exclusion. Mr. Martin then briefly responded to questions from the Board regarding how highway came to the \$500,000 figure. Discussion then shifted to some equipment requests by Fire and Police. These included the options of Debt Exclusion and Free Cash. One of these requests pertains to Police acquiring a utility vehicle cruiser. These cruisers last longer than ordinary interceptors and as a result aren't in the Police Departments usual schedule for replacement. Discussion shifted to CPA projects. Ms. Hutton outlined a few projects she's aware of that are likely to be considered by the CPC. There was then some discussion regarding the PowerPoint presentation for the town meeting and the Board's pre-meeting meeting.

The Board considered the possibility of scheduling a meeting earlier than half an hour before the town meeting. There was then light discussion again regarding the employee health insurance issue. Ms. Hutton explained that MGL that the town has adopted is now obsolete due to changes by the General Court. This topic appears to be something the Board can do and likely won't have to be required as a warrant article as originally anticipated. There were questions regarding the Public Safety Buildings design fees. Ms. Hutton elaborated further on how this move will help ensure the costs remain realistic. She outlined some discrepancies other towns have seen between what has been estimated and what has come in as reality once the buildings are built. This design is not a wish list; it is the real design and study of feasibility. The costs will be in today's dollars with an escalator formula for the costs the further out the project is. The ultimate funding mechanism will be long term USDA loans likely ranging from 30 to 40 years. The design once complete will be for bid ready designs so that the town is prepared to go out to bid for construction. There was some discussion regarding square footage costs and what precisely the town will get for the design fees. The Board then finished discussion on the known construction companies in the area who have built comparable public buildings.

### **New Inclement Weather Closure Policy**

The Board received an updated version of the proposed policy for town offices closings for snow and other inclement weather. This version included the edits the Board determined when considering the policy at its last meeting held on February 6<sup>th</sup>, 2018. The Board previously requested a new policy for its consideration. The new policy put forward would continue to emphasize public and employee safety but would leave the decision on closure to the Town Administrators office following consultation with various public safety officials such as the Highway Superintendent, Fire Chief, and Police Chief. The policy would include components such as updating the town website to reflect closures or delays due to inclement weather, as well as news media notification. The policy would primarily cover the Town Hall and Library and if these buildings close for the day due to inclement weather day and night meetings would also be cancelled. However, if the buildings are delayed in opening, night meetings would still occur. If early closure occurs, night meetings would be cancelled. The policy would also provide that on occasion the Town Administrator, in consultation with an affected board or committee Chair, might still allow a meeting to be held even when the office is closed.

This policy would vastly clarify appropriate actions relating to meetings of various town deliberative bodies, as well as allow greater flexibility and response for weather that impacts normal office hours. Ms. Hutton then went over the modifications requested by the Board and highlighted where the draft policy conforms. There was then discussion of the new alert system the town is adopting for EMS and town based alerts. Ms. Hutton reported that she has sent out the training info for the system to the appropriate authorities. These officials include the various public safety department heads, the Town Administrator, the Town Clerk and a few others. There were some questions regarding the comfort of town employees with the draft policy. Ms. Hutton reported that most employees appear comfortable; the main concern is that the policy makes sense and employees understand what they're doing. Before adopting the policy, the Board reminded employees that

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should they experience any difficulties with the policy or have any recommendations, they should feel free to come to the Board. The Board is open to further adjustments and amendments as needed.

A motion was made by Mr. Mikol to accept and adopt the new Snow & Other Inclement Weather policy. The motion was seconded by Ms. Basbanes and passed without objection.

### **Town Center Zoning**

Ms. Raymond introduced herself to the Board and explained that she was present on behalf of her client who is interested in purchasing a local property. She then elaborated on the client's ideas about repurposing of 519 Main Street aka the Calmore Estate. Her clients would like to open a restaurant on the property. This would be a farm to table restaurant. The clients already have done this kind of business before and are confident the property would be ideal. Everything would be made in house and be ecofriendly. They would need to add a commercial kitchen to the property, and Ms. Raymond has already spoken to the relevant town authorities regarding the feasibility of this. The clients would live in the main house. One of the clients is from Nashua originally and they intend to relocate from Florida to Massachusetts. They hope that their business will bring more people into the community and add to the general ambiance of the town rather than detract. The Board noted some comparisons between the proposal and a similar farm to table restaurant in Groton. Ms. Raymond then outlined some other ideas her clients have, including running classes on food preparation and sustainable farming. BBQ's and similar events would be a possibility. They would utilize the barn space and the patio space on the property for the restaurant. Ms. Raymond then provided the Board with a copy of the proposed business plan. The restaurant would run weekly as an evening establishment.

Ms. Hutton noted that for this to work, a zoning change would need to occur. This might necessitate the possibility of readdressing the idea of a Town Center District or the establishment of some other kind of overlay district. There was a question about whether this topic should be put forward for the Annual Town Meeting. The Board expressed interest in seeing the concept go forward so long as appropriate measures are taken for historic preservation. Ms. Raymond inquired as to how the zoning would work. Ms. Hutton explained that specific zoning cannot be done for just the one property as spot zoning is disallowed. As a result, the town would focus on the existing proposals for changes to zoning. The Board then inquired as to the issue of the town being dry and if that would impact the proposal. Ms. Raymond explained that her clients are aware of the town's status and while a liquor license could make a difference, they may be able to proceed with their concept apart from it. The Board then went over how the liquor license scheme would work. The type of license that would be of interest to the town for issuance would be for sit down restaurants. The Board subsequently discussed the manner by which such a licensing scheme would be adopted, the steps necessary with the General Court, and what kind of oversight authority the Board would have.

Ms. Raymond noted that her clients have a license in Florida for beer and wine and would likely seek something similar if possible. They understand that the town is dry and if a change in liquor licensing is not possible, would like to explore other options such as BYOB and the like. The Board was pleased to hear that the clients are willing to explore all reasonable options and reminded that patience will be required as the General Court will not likely move nimbly or with any great haste. The Board then outlined a few stumbling blocks that would be faced by the clients and invited them to think of ways to address them. Ms. Raymond explained that her clients are interested in keeping this small, and are open to modifying their concept over time, but are trying to keep things broad enough now for the town to fully be aware of what they would like to do or think is feasible. There was discussion of the ability of the town to authorize one-day liquor licenses. Ms. Hutton interjected to note that given the towns dry status, the town cannot currently issue one-day liquor licenses, so that would have to be part of any changes in dry status. The Board returned to the idea of recommending the town proceed with some kind of overlay district and changes in zoning that would allow for a project like this to go forward. This of course would require Master Plan Committee work as part of the updating of the Master Plan as well as other relevant authorities like the Planning Board. There was a question about whether the purchase of the property would include a contingency for approval of zoning changes.

Ms. Raymond responded that it would. No offer is yet on the table, the clients and seller are exploring the possibility of an offer at this time depending on the town's interest. She noted that a liquor license is not critical to her clients at this time as they understand the situation of the town as it is. The Board noted that

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some restaurants in the area have done quite well without liquor licensing, so that may not make or break. Ms. Raymond explained that her clients existing business is not dependent on its sales of beer and wine and the clients are prepared for the current dry status. Ms. Hutton then reminded the Board that this isn't about the weeds of a specific business proposal. The Board needs to focus on the zoning and any possible changes to the town's dry status. There was some brief discussion regarding those changes, with the consideration that any change in dry status likely being one that would take up to two years. Ms. Hutton noted that the General Court would likely only grant one to two licenses to the town based on population. In terms of population and the direction the town is looking at going, it makes sense to put some of these zoning changes and possible liquor licensing on the warrant. It was noted that the Master Plan Committee would like to proceed with zoning changes and the adoption of a Town Center District or overlay of some sort. Obviously the town won't attract a great deal of business given proximity to Groton and to Nashua. But the town can and should seek out the kinds of businesses proposed by Ms. Raymond's clients, as well as others like lawyers, dentists, and other similar small offices. Ms. Raymond then asked how soon it would be clear whether some of this would go before a town meeting. Ms. Hutton noted that the earliest would be the Annual Town Meeting in May. But, the Board noted, there are many stakeholders who still have to be consulted with and not all of what is required to change may change at this upcoming meeting. Ms. Raymond then thanked the Board for meeting with her.

### **Conversion of Some Elected Boards and Officers to Appointment**

Ms. Hutton reported that she has been working with both the Town Clerk and Town Counsel to put together a list of boards, committees, and commissions and other offices that are currently elected but which may be permissibly converted to being appointed. This work also includes determining what the process and legal steps would be. The list isn't ready yet as it is still developing. Ms. Hutton reported that she hopes to have the list for the Board soon, ideally by its next regularly scheduled meeting. The Board noted that a number of these offices remain vacant after the election and end up being appointed by the Board anyway. But the Board can only appoint candidates until the next annual election. This often leaves office holders with a year or less. Some of the offices would do better at finding interested parties and professionals if they were appointed. The town relies on many volunteers, but that has limits as volunteers do not always have the kind of credentials needed. Appointing would allow the town an increase in options to fill certain positions that need credentialed office holders and would help fill offices that otherwise would remain vacant. Discussion ended with what offices might possibly be changed over at this upcoming Annual Town Meeting and whether it might be better to postpone any changes until a possible fall Special Town Meeting. Ms. Hutton noted that it would all depend on what is permissible under MGL and what strategies the town and counsel feel appropriate.

### **Kemp Street**

Mr. Martin reported on a complaint from a resident on Kemp Street. The Highway Department is keeping an eye on a possible sink hole that is emerging in the area. Highway has already attempted to make appropriate repairs. There are some limits to what can be done based on season and available funds. Nonetheless the Roads Commission continues to have Highway pursuing all options. Unfortunately, there are priorities based on manpower and resources that are coupled with weather. Ms. Hutton noted that there have been some concerns expressed about liability. If the town knows about a problem like a sinkhole with a public way for over 24 hours, and nothing is done to ameliorate it, the town can face liability. Mr. Martin responded by outlining some known issues with drainage on that area of Kemp Street, including the history of potholes there and the paving that has been done to address them. Highway is looking at drainage options to prevent future potholes from developing as well as address this sinkhole matter. A big part of the problem is the simple geography of the area. The Roads Commission is currently consulting with the Town Engineer to address what can be done. There was some discussion regarding frustrations expressed by residents in the area for the finding of solutions. The Board then inquired whether there are any other roads with these kinds of problems.

Mr. Martin responded by outlining what roads have drainage issues, and what the Roads Commission is doing to address problems as they arise and as they are anticipated. For updates the public should seek out meetings of the Roads Commission which are posted in accordance with the Open Meeting Law. The Board suggested that it might help for more information to be made publicly available. Citizens should feel heard and be able to see how tax dollars are being spent to address problems like this. Mr. Martin finished by promising that nobody is ignored, and both the Roads Commission and the Highway Department are committed to addressing

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these kinds of matters as quickly as resources and circumstances permit. The Board thanked Mr. Martin and suggested members of the public attend Roads Commission meetings and direct inquiries to the Town Administrator who can assist the Roads Commission in public outreach.

### **Personnel Board Update**

The Personnel Board is meeting with the Road Commissioners on February 26<sup>th</sup>, 2018. This pertains to some wage requests that the Road Commission has for Highway Department salaries. Ms. Hutton noted that Highway is attempting to use only towns in the surrounding area rather than the towns used by the Personnel Board for its Wage & Compensation Study. Not all of these communities are of similar financial standing as Dunstable. There were some questions as to the underlying data and the job descriptions that were adopted. A question then arose as to whether the job descriptions were reviewed by the Advisory Board. Ms. Hutton responded that the Advisory Board would not review job descriptions as those would fall under the Personnel Board per by-law. There was then some debate among the members of the Board about the prudence of the figures in the Wage & Compensation Chart that was adopted. There was some contention that the salaries of some officials could be higher than they should be. This prompted vigorous debate. Some members of the Board made it clear that they stand by the compensation and the raises promised which the town is already two years into. Ms. Hutton interjected to request what the methodology and process should be. This prompted discussion about the processes used by the Personnel Board and the desire to see a professional staff built for day to day operations with competitive pay. This to be accomplished irrespective of elected officials.

The town must have people who are qualified to do their work and run the town well. There must be competitive wages. The balance is that the town is up against communities in the region that are wealthier and have greater resources. What the town has implemented so far is a balance between what the town is able to afford and what it is able to attract. Where the Board stood at the time of adoption, when the Board's complexion was different, was to achieve these goals over a period of years. At the time, it was a three-year window of time. Part of the problem is in understanding how to compare positions in Dunstable to other towns. This is problematic because jobs can vary dramatically from town to town. Regardless the town remains, and should remain, committed to reaching competitive wages. Discussion then continued with some expression as to what the appropriate rates should be. Ms. Hutton noted some ways by which the town has in the past engaged in some practices that are not entirely appropriate. Such as paying some employees more or less based on age in the case of the Cemetery Commission. This was not acceptable. Same people, same job, same rate should be a mantra. Discussion briefly shifted to the low rate of turnover and whether that should be an indication of the competitiveness of the wages offered. Ms. Hutton interjected to talk about the background of the Personnel Policy and the Wage & Compensation Chart, which included a lot of the work done in negotiation between staff and the Personnel Board with the support of the various appointing authorities. Discussion ended shortly thereafter with the determination to consider the matter further at a future time.

### **Town Administrators Report**

Ms. Hutton started by discussing with the Board, the Board's report for the Annual Town Report. If the Board is okay with what has been drafted so far, that report will be submitted. The Board was fine with the drafted report and approved its submission for the report. Ms. Hutton then turned to a memo she would like to see sent to the Dunstable members of the GDRSD School Committee. This relates to a request for a financial report requested by a consultant of the district. The town is working on responding to the request. Assuming the Board is okay with the memo she would send it to the committee. The Board inquired as to whether the Dunstable members of the School Committee were aware of the request for this financial report. Ms. Hutton responded it appears they may not have been. The Board determined that greater clarity needs to be provided so that the School Committee is not confused by what the town is talking about in the memo. It was decided that the memo should be reviewed a bit more prior to approval for transmission. The Board noted that intent of the memo is to ascertain exactly what is intended by this request and what is being looked for. It is difficult to have a discussion when one party isn't in the loop. Nevertheless, the Board encourages the School Committee to do the things it needs to do, but hopes to continue efforts by all sides to keep each other in the loop.

There was then a brief question regarding stormwater and the MS4 permit and where the funding for its ongoing work towards compliance comes from. Ms. Hutton quickly elaborated on where the line is in the

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budget and how the funding works. From there Ms. Hutton went over a memo requested by the Board regarding some of the tasks accomplished by her office and the effectiveness of her office overall. She is aware that there may be some anticipated questions regarding what her office does and this memo provides information to answer them. Ms. Hutton then inquired about a date for a meeting on either February 21<sup>st</sup> or 28<sup>th</sup> with the School Committee. Both dates were acceptable. Ms. Hutton agreed to inform the School Committee and allow them to pick which date works best for them. Ms. Hutton then briefly went over the Rave alert system the town is adopting and where things stand with training. Ms. Simmons then had some questions regarding the feasibility study for the Public Safety Building. Ms. Hutton responded by explaining where things stand and clarified the steps that still need to be taken. Nothing is set in stone as of yet. Ms. Simmons was concerned about the cost of such a study and whether it would tie up funds that might otherwise be used on the keeping open of the Swallow Union Elementary School.

Ms. Hutton explained what the School Committee is doing in relation to the Florence Roche and what options and costs are being considered by the town in relation to Swallow Union remaining open. The Board elaborated on some decisions the town will have to make regarding the matter and in response to whatever Groton decides to do. A lot of this will depend on whether the argument may be made as to whether these proposals by GDRSD are in the best educational process. Ms. Hutton then turned her report to the marketing study and the OPEB study the town commissioned regarding retiree benefits. From there she turned to the River Street property and what should be done with 91 River Street. This included how to handle the boilers in the building which are in excellent shape and might be sellable. She then reported that the Groton has decided not to go ahead with green lighting a public safety override and as a result Groton's EMS won't be able to regionalize services with Dunstable at this time. Ms. Hutton then finished by reporting on her efforts to obtain a certified city planner willing to work on retainer for the town. She inquired as to what the Board would like to see regarding any agreement for such a planner. The Board went over some of the desirable details that should be included. The intent is to have this planner be able to advise the town as the need arises.

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

The Board considered an application for use of the Town Common. The application was from the organizers of the Dunstable Summer Concert Series for an extra week to be added to the schedule for use of the Town Common. The date would have the series start one week earlier than originally planned on June 13<sup>th</sup>, 2018. The Board then considered an application for use of the Town Hall. The application was from the Dunstable Theater Group. After the success of their last performance the group hopes to obtain permission to use the Town Hall for production of a second performance. This would include approval of dates for auditions, rehearsals, and performances ranging from February 15<sup>th</sup>, 2018 to May 6<sup>th</sup>, 2018. After the spring performance the theater group hopes to use the Swallow Union Elementary Schools stage for a summer performance. The Board saw no reason to deny the applications and determined to move forward.

A motion was made by Mr. Mikol to approve the application by the organizers of the Dunstable Summer Concert Series for use of the Town Common on June 13<sup>th</sup>, 2018 with a rain date of June 14<sup>th</sup>, 2018. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Ms. Basbanes to approve the application by the Dunstable Theater Group for use of the Town Hall for dates for auditions, rehearsals, and performances ranging from February 15<sup>th</sup>, 2018 to May 6<sup>th</sup>, 2018. The motion was seconded by Mr. Mikol and passed without objection.

### **Minutes**

The Board considered its minutes from its regularly scheduled meeting held on February 6<sup>th</sup>, 2018. Board noted several changes that should be made to the minutes. As a result, the Board determined to approve the minutes pending modification.

A motion was made by Mr. Mikol to approve the minutes of February 6<sup>th</sup>, 2018 pending modification. The motion was seconded by Ms. Basbanes and passed unanimously

### **Warrants & Mail**

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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.

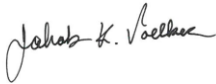
### **Executive Session**

Leah D. Basbanes made a motion to enter Executive Session for the purposes of a discussing Real Estate in accordance with MGL Chapter 30A §21(a)6, 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 8:30 pm

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

Respectfully submitted by



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