

Town of *Dunstable* Selectboard
Meeting Minutes
March 6, 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; James W. Dow, Chief of Police; Mike Martin, Paul Dalida, Roads Commission; Maria Amodei, Board of Health; Dana Metzler, Town Moderator

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Contract for Workplace Investigation

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included Discussion Regarding a Consulting Planner, an Update from Board of Health, Continued Discussion of Warrant Articles for the Annual Town Meeting, and an Executive Session.

Consulting Planner

The Board started off by noting that through the process of public commentary and ongoing discussion about possible zoning changes, some citizens in town have proposed that the town hire a Planner. Due to a limitation of funds, it makes more sense for the town to have a consultant Planner on similar to how the town has the Town Engineer. Ms. Hutton then outlined what a contract would look like in this context and elaborated on the work she has done to find an appropriate licensed Planner. The Planner that is under consideration is experienced. He is based in New Hampshire, but is permitted to work in Massachusetts. The Board inquired as to how payment would work. Ms. Hutton responded that it would be hourly. The limit would be budgetary just as it is with the Town Engineer and Town Counsel. The Board had some inquiries as to errors and omissions insurance and whether the planner should have it. Ms. Hutton elaborated that the planner under consideration does not have errors and omissions insurance, but the contract with the planner would have provisions on liability. This prompted discussion as to what insurance or coverage the Town Engineer has. The Board noted some of the possible risks that might be entailed with the Town Engineer and suggested that if the Planner is to be held to liability, in any manner, or insurance, the town should look into holding the Engineer to the same. Ms. Hutton agreed to do research into the Town Engineers contract. She noted that the Town Engineer was hired prior to her tenure which is why she is unfamiliar with his contract. Discussion shifted back to what the Planner would do. He would be, according to Ms. Hutton, mostly writing opinions on proposals submitted to him by the town and acting in essence as a second opinion. The Board was not certain, given what is expected, how much errors and omissions insurance would be needed as contrasted to an in-house Planner. Discussion finished on the question of what effect the insurance would or would not have on the Planners rate.

Board of Health Update

At recent past meetings the Board of Health has updated the Board on research that it has done to consider the possibility of curbside pickup for the town. The Transfer Station has become increasingly unsustainable with a large percentage of the town already using private curbside pickup, with three different companies serving the community. As it stands only a small group of citizens use the Transfer Station and most of the Transfer Station's costs are fixed; concerning personnel and operating costs. Comparable towns have gotten the costs down to about \$200 per household. As it stands, Ms. Amodei reported to the Board, that many citizens are paying significant amounts of money when all options private and public are considered. The Board of Health is committed to continuing to see an affordable option in town. The Transfer Station appears to help keep a ceiling on prices because most private options seek to stay cheaper. Moving to a public curbside should drop prices dramatically. It does not appear likely or feasible to move all citizens to curbside pickup in one year. So

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the idea would be to target the 225 households that currently use the Transfer Station the first year. Then expand in the next year. Ms. Amodei then elaborated on community buy in, discussions and prices with private haulers, and what the cost of curbside would cost. The goal for the first year would be to charge \$300 which is the same as the Transfer Station permit. There was then some discussion of private roads and ways. Ms. Amodei noted that most of the haulers have figured out ways to handle some of these logistics. Board of Health has secured multiple grants to help with the transition.

One in particular pays for the trash and recycling carts/bins. These would be bought in bulk at a special rate. Board of Health is aware that there may be resistance in town. One of the biggest private haulers in town appears opposed to public curbside. The hope is to have the change occur on July 1st, 2018 with the Transfer Station closing on that date. Ideally, putting the cost on the tax rate would be the best option. But that may not be feasible at this stage. Ms. Amodei then elaborated on how overflow for bins/carts would be handled to address concerns about bin and cart size. Ms. Hutton then had some questions about the cost of administration. Ms. Amodei elaborated on her numbers noting that the estimate is very conservative and most towns do charge an administration fee. The Board inquired as to what choice residents would have. Ms. Amodei explained that the first step would be to close the Transfer Station, and using the public curbside option would be available as a replacement for that with the private haulers remaining. The cheapest possible rate appears to be around \$264 a year going as high as \$312 a year. One hauler is willing, if contracted with the town, to attempt to get the rate to get to or below \$264 a year. The more households that participate the more realistic that \$264 number becomes. The Board clarified that the initial cost would be the same as the current Transfer Station permit cost. Ms. Amodei confirmed this. It would be \$300 a year for this curbside option based on the assumption that the 225 households that use the Transfer Station move over. This would not cost the town any more than the Transfer Station does. Initially the users would pay the fee. But the goal would be universal adoption by all households with the yearly cost put on the tax rate.

Ms. Amodei did concede that the Transfer Station has long served as a socially cohesive center for the town on Saturdays and there are some citizens who would prefer not to see it close. But there are a lot of pluses to public curbside, not only the potential to drive down costs, but also the educational opportunities. The Board then inquired about the costs for large and bulky items. Ms. Amodei went over the ways the Board of Health would control that through the contract with the hauler. There were some questions about how the price with the contracted hauler would be and how that would be determined, whether the number of competitors would be included or not. Ms. Amodei elaborated on the question explaining it would be a set amount in the contract per household. It would not be based on the hauler being the only hauler in town. The Board then had some questions regarding liability for the town. Ms. Amodei elaborated on how these concerns would be dealt with and what other towns have done. Discussion shifted back to the specific price. Ms. Amodei noted that some of the haulers were unwilling to give clear figures, but the numbers the Board of Health has are based on what the haulers have given them. There was then discussion of the “what ifs” and what the contingencies are. The desire is for a more efficient and affordable town wide public service. What people are paying now is more than many realize, even those on private options. This is why education is important. There was then a closing question as to how the town would deal with its trash. Ms. Hutton noted that the town offices trash would be combined with the Police Stations and fall under one option.

Appointments

Ms. Hutton reported to the Board the need by the town to enter into a contract for the purposes of a workplace investigation. Ms. Hutton originally anticipated that this might require an appointment. But it appears that a formal contract should suffice. This is in lieu of appointing a special officer to handle this task. The contract is with Ryan Strategies LLC. The Board, considering the seriousness of this matter proceeded with authorizing the contract.

A motion was made by Mr. Mikol to authorize the signing and entering into of the contract with Ryan Strategies. The motion was seconded by Ms. Basbanes and passed unanimously

Continued Discussion of Warrant Articles for the Annual Town Meeting

Ms. Hutton started off by reporting on several topics which may be included on the warrant for the Annual Town Meeting, scheduled currently for the second Monday in May (per applicable by-law). Some of these

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were previously discussed at the Boards last meeting, including improved business certificate enforcement and zoning pertaining to the town center and other business development. New topics include articles dealing with marijuana and the impact of MGL Chapter 94G, as well as incorporating previous discussion concerning the possibility of converting some elected officials and bodies into appointed ones and what specifically that means for warrant articles. The town would achieve the business certificate enforcement through a by-law conforming the town with MGL Chapter 110, Section 5. Currently there is no enforcement mechanism. Conformance with Chapter 110 along with existing by-laws would allow for enforcement through fines. There was some ensuing discussion as to the registration and licensing process and how this would be incorporated. Ms. Hutton noted that all this really is doing is adopting a by-law that brings the town into full conformance with MGL. It was noted that this isn't a witch hunt, but when it is apparent that there is a business in town that is not conforming to the law, the town would have a mechanism for enforcement. Discussion then shifted to the timeline for the warrant. Ms. Hutton outlined the timing of the warrant, which should be signed by mid to late April.

She then agreed to provide the Board with more information about various by-laws. From there she turned to discussing the Marijuana By-Law. Planning Board has decided to put forward a by-law that would permit cultivation, but not retail. This would mean growers in greenhouses, but not retail establishments. Planning Board has some contingencies depending on how voters may act. From there Ms. Hutton turned to the Town Center District and how that topic is proceeding. From there Ms. Hutton turned to the list of elected officials and bodies that could be converted to appointed. Ms. Hutton asked Town Counsel to review the list and determined what the steps would be. Town Counsel responded by providing information on a wide range of elected officials, boards, and commissions that could be converted to appointed and what steps would need to be taken. Any change to the elected status of Library Trustees would require special legislation. Under MGL Chapter 41, Section 21, it would be possible to convert the Cemetery Commissioners to appointed but a town meeting vote and subsequent ballot question would be required. The Board of Health may also be converted to appointed using MGL Chapter 41, Sections 21 and 1B. This process would also require a town meeting vote and subsequent ballot question. MGL Chapter 41, Section 21 would permit the Water Commissioners to be appointed, again with a town meeting vote and subsequent ballot question.

The Road Commissioners, under MGL Chapter 41, Section 1B may be converted to appointed. This process would require town meeting vote followed by a ballot question. Additionally, under MGL Chapter 41, Section 63, a vote at town meeting could abolish the Road Commissioners entirely. In such a case the town would either elect a Highway Surveyor or allow for the appointment of one. Appointment of the Surveyor position would require a town meeting vote and subsequent ballot question. Any change to Planning Board's elected status would require special legislation. To the knowledge of Town Counsel, no Town Moderator is appointed in the Commonwealth. Regardless, under the relevant MGL, the position becoming appointed would require special legislation by the General Court. Conversion of the Commissioners of Trust Funds from elected to appointed also appears to require special legislation. However, Town Counsel has noted that under MGL Chapter 41, Section 45A, towns with a population under 5,000 may vote at town meeting to have the powers of such commissioners exercised by the town meeting. Should the population ever exceed 5,000 the town would have to restore the positions and elect them. Under MGL Chapter 41, Section 21, the Tree Warden could be made appointed with a town meeting vote or adoption of a Tree Warden By-Law.

As for the Commissioners to Expend Proctor & Parkhurst Funds, these positions are not creatures of statute, but rather created through wills. Town Counsel sees no provision that prevents the town from abolishing the existing trustee positions through a town meeting vote and placing these funds under the Commissioners of Trust Funds. Finally, Constables may be converted from elected to appointed through MGL Chapter 41, Section 1 or through adoption of a Constable By-Law. Town Counsel recommends considering all options, including asking the General Court for special legislation. The Board responded by noting which officials and bodies that would be the easiest to convert. One of the biggest reasons for even considering doing any of these conversions is that some of these positions are hard to fill, or are positions that need or require some level of expertise. Some of the elected boards and commissions have trouble maintaining quorums, and that should also be a consideration. The hardest official positions to fill are the constables and commissioners of trust funds. The best solution with trust funds appears to be consolidation of all trust fund officials under the statutory Commissioners of Trust Funds. Special legislation requests should focus on logical things like consolidating the Parks Commission and Recreation Commission into a singular entity. Ms. Hutton noted that the special act to accomplish this is on its third reading with the General Court and has not yet passed. Even

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once it is passed it will need to be signed by the Governor. So any special acts required will take time as this request did. The Board returned to the question of easiest conversions. Ms. Hutton felt that the constables, the commissioners of trust funds, and the Cemetery Commission. There was some discussion regarding what constables do in particular and the potential need for them to be appointed for professional reasons as well as liability ones. There was some discussion of the Cemetery Commission and reasons for why it might be better to make appointed. Principally that it has problems meeting quorum. The Board emphasized that part of selling this to the voters is explaining the reasons behind it.

Roads Commission Update

Mr. Dalida reported on some information that Roads Commission has put together on a study on complete streets and road prioritization. This information will help justify what the Highway Department is asking for in funding for FY19. An inventory of the town's roads was done. There are some roads that need complete reconstruction and some roads that are in acceptable condition. Some roads only need patching for potholes. Mr. Dalida covered multiple roads outlining some that need more work and some that need less. The detailed study when it is completed will fully flesh this out. There are some streets that are hybrids of good and bad. Adams Street, for example, has some of the worst sections of road in town and some of the best. Total costs for road repairs town wide to fix all problems range from \$700,000 to over \$2 million in order to have all roads in a state of good repair. The biggest driver of expense is the need to completely reconstruct some roads, which means not only paving but milling. Essentially, cutting down and rebuilding the base of some roads then paving. Some roads still have good bases and can continue to be paved without milling. Once the commissioned study is finished, all of the numbers will be firmed up. The Board had some questions about specific solutions. Mr. Dalida elaborated on how the work would be done. Road base should be about 12 inches with a 4-inch pavement. Cars do not do nearly as much damage and wear and tear on roads.

Truck traffic is by far the worst on roads. The Board noted that the plan currently is to provide an extra \$500,000 in FY19 for paving. The question becomes whether this money is helpful considering the numbers being thrown around. Mr. Dalida noted that in the last few years the town has only been spending about \$100,000 a year on paving. The town, to keep the paving in good repair, should have been spending \$400,000 a year. And all that level of spending would have done is maintain the roads as they are. So, that \$500,000 increase is helpful, but it won't solve all of the problems that have accrued from deferred maintenance. It could take decades at even that rate per year to fix the problems. Ms. Hutton suggested that more concrete numbers be obtained prior to making any major funding decisions. That includes knowing specifically what the funds will be spent on. If \$500,000 is being spent, it should be articulated what those funds will be spent on. The Board noted that many roads in town need repairs, and there has been no shortage of concern by citizens about a number of those roads. The town has neglected spending money on maintaining roads due to other budgetary concerns. Now the town has to address the situation. Mr. Dalida suggested that the town is now on the road, so to speak, to trying to fix this.

He gave credit to Ms. Hutton for pushing for complete streets and for the road prioritization plan as well as grant funding to help pay for it. Independent assessment will help the town set a baseline on what needs to be done on a yearly basis. He expects to have the study done in a few months. Ms. Hutton thanked Mr. Dalida, but noted that unfortunately the study won't be done in time for the Annual Town Meeting. This prompted discussion of what number to put forward and whether the \$500,000 is sufficient. Mr. Dalida then shifted discussion to the personnel requests by Highway. In his opinion, the department needs about 2 more people. Ms. Hutton noted that this particular request will need to be considered carefully by Advisory Board considering the costs. Mr. Dalida noted the town has 5 trucks with plows, but only 3 employees to drive them. This requires subcontractors in winter. Having more highway employees would allow for them to plow in winter, decreasing the need for subcontractors for snow, and giving the town more manpower for maintenance. Discussion then returned to the needs for paving and the study on prioritization. The Board noted that what this should be is a first step towards a comprehensive program that can be shared with the whole town. We may not be able to start right away with more than the \$500,000, but we should begin to educate the public and put a plan in place. This is the beginning.

Town Administrators Report

Ms. Hutton reported principally on the expected snow storm for March 7th, 2018. As it stands it appears likely that town offices will close early at or before Noon. Whether the Advisory Board meeting will meet or not is still undetermined. Ms. Hutton remains in consultation with the chair. Roads Commission also has a meeting scheduled and it is also undetermined whether they will cancel or not. The Community Preservation Committee chair has already determined to cancel the CPC's scheduled meeting.

Minutes

The Board considered its minutes from its joint meeting with the School Committee on February 12th, 2018 as well as its regularly scheduled meeting held on February 20th, 2018. Seeing no necessary changes or modifications the Board determined to approve the minutes of February 12th, 2018 as written. However, for the Minutes of February 20th, 2018, the Board noted several changes, but otherwise determined to approve the minutes pending modification.

A motion was made by Ms. Basbanes to approve the minutes of February 12th, 2018 as written. The motion was seconded by Mr. Mikol and passed unanimously.

A motion was made by Ms. Basbanes to approve the minutes of February 20th, 2018 pending modification. 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, including some of the larger payments made to vendors as well as brief discussion of the payroll. The Board then reviewed its mail.

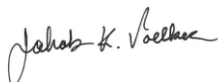
Executive Session

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 8:24 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

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