

Town of *Dunstable* Selectboard
Meeting Minutes
March 20, 2018
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair; Tracey Hutton, Town Administrator; James W. Dow, Chief of Police; Brian Rich, Fire Chief; Alan Chaney, Conservation Commission; Mike Martin, Roads Commission; John Callahan, Safe Pathways; Joan Simmons, Planning Board; Phil DeNyse, Parks Commission, Memorials & Monuments; Jennifer McKenzie, GDRSD School Committee

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- CR's for Hall Street and Kendall Cranberry Bog

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included a Use of Town Property Request, Employee Health Insurance as Pertains to MGL 32B §16 and a Vote to Set the Towns Share, Update of Inspection Fee Schedule, Continued Discussion of Warrant Articles for the Annual Town Meeting, and an Executive Session.

Employee Health Insurance

Ms. Hutton reported to the Board that multiple sections of MGL previously adopted by the town, which were applicable to employee health insurance, have been repealed and replaced by the Massachusetts General Court. According to the towns Labor Counsel, the new statutory provisions must be formally accepted by the Board. The specific MGL repealed is MGL 32B §13 and §18. The new statute to be accepted is MGL 32B §16. Additionally, the current reimbursement rate of 75 percent for the HMO must be affirmed and the rate equivalent to what the town pays for the PPO, which is 71 percent, must also be adopted. All relevant parties, including the Police Union, have been informed of this and are fine with this action since it maintains the status quo and entails no financial impact to employees. The Board had a few questions regarding the differences between the PPO and the HMO plans, how many employees use one or the other, and what the costs are for the town. This included discussion of whether the percentages may ever be altered in the future. Ms. Hutton affirmed that the percentages could be modified in the future. The Board noted that it is important for the town to provide insurance for employees, and to attempt as best as possible to be competitive in doing so within the confines of the budget. Ms. Hutton noted the town has been blessed in recent years to keep increases for insurance under 5 percent. She also noted that 75 percent for HMO is typical for most towns.

A motion was made by Ms. Basbanes to adopt the provisions of MGL 32B §16. The motion was seconded by Mr. Alterisio and passed by majority vote.

A motion was made by Ms. Basbanes to affirm the reimbursement rate of 75 percent for HMO plans, and to adopt a 71 percent for PPO plans. The motion was seconded by Mr. Alterisio and passed by majority vote.

Inspection Fees

Ms. Hutton reported that she has been working on the Inspections Department's official Inspections Fee Schedule to update it. This included comparing the towns existing fee structure to those of other communities in the surrounding area. An update of the fee schedule was originally requested by the Plumbing & Gas Inspector. Ms. Hutton reminded the Board that all the Inspectors are paid stipends and are no longer paid fee based compensation. The Board considered the proposed changes which would, for the most part, be based on averages of the rates in the area. This would mean some increases mostly in Plumbing and Gas, while seeing decreases in Electric fees. Building fees would stay relatively stable. The Board had a few questions as to how *Approved and adopted on 4/3/18*

some of the neighboring communities calculate fees. Some towns calculate their fees based on a certain number of inspections. Ms. Hutton noted that most towns have a set fee which is based in part on an assumed number of inspections. Most towns follow the set rate system. The Board inquired as to how much input Inspectors were able to give. Ms. Hutton reported on her discussions with the various Inspectors and was willing to talk to them further. The Board was interested in seeing additional input, in particular more from the new Electrical Inspector since the electrical fees would see a decrease, prior to any adoption of a new schedule.

Right of First Refusal on Hardy Street

The Board considered a right of first refusal on some property on Hardy Street. This relates to property previously held in Chapter 61B. The Board noted that historically when these kinds of things come up, the Board seeks a concurrence from Conservation and Planning. It was noted that this document has been submitted to all three entities, Conservation, Planning, and the Board. There was a question of whether the Board should table this matter in the absence of Mr. Mikol. Doing so would also allow the Board to ensure that it has the opinions of Conservation and Planning prior to making any decisions. Ms. Hutton promised to seek that input of both Conservation and Planning and place the matter on the Board's schedule for its next meeting.

Warrant Articles for the Annual Town Meeting

Ms. Hutton started off by informing the Board that Town Counsel is reviewing the first draft of the warrant. She noted the draft that has been created so far is not complete, and missing some articles that still need drafting. But there is a starting point. Ms. Hutton then reported that she is still working on language for possible warrant articles for the Annual Town Meeting regarding the moving off certain elected officials to appointed. From there the Board discussed several proposals including by-laws.

➤ Proposed By-Law for Business Certificate & Licensing Enforcement

Ms. Hutton provided the Board with some examples of relevant by-laws concerning business licensing and enforcement as accepted in other communities such as West Boylston, Bourne, and Hadley. The Board suggested the best decision is to go with the simplest model. There was a question of who would the enforcement authority and oversight authority would be. Ms. Hutton reported it would be the Town Clerk. The Board felt that would be appropriate since in this case the Clerk is the issuing authority.

➤ Proposal for a Resource Officer for Schools

Ms. Hutton then turned discussion to a special request by GDRSD for a resources officer. The officer would be an officer of the Groton Police Department. The cost of the position would be about \$95,000 with \$15,000 of it paid for by Dunstable. The Groton Police Chief will be attending the Board's next meeting to discuss the proposal further. The School Committee and the Town of Groton have already begun looking for the funds to pay for this proposal. This has resulted in a lowering of the assessment that saves both towns money with the hope being that these savings would help the towns pay for the proposal. The reduction, in particular, allows Groton to pay their part of the proposal without an override. The Board noted that in light of recent events both in New England, and nationally, it makes sense to consider supporting this. Ms. Hutton noted that what has to be considered is whether this proposal makes the most sense for the resources. Chief Dow noted that this officer wouldn't just cover the district; it would also cover private schools in the region such as the Groton Academy and Lawrence Academy. The Board suggested the resource officer would cover a variety of things. Chief Dow agreed explaining they do training, mentoring, and policing that is centered on youth. Ms. Hutton noted that the town already has officers trained in many of these skills. There are a variety of reasons that the town should consider this seriously because it may mean taking money out of the towns existing Police Department budget or through some other mechanism. The Board noted that the real question is whether this would be of value to the communities.

Chief Dow stated that there is clearly a need, but the question is whether it would be fulfilled by this position. Unfortunately, at this stage we don't fully know what this position would do and what the benefits are for the towns. If people are looking for this position to stop the kind of tragic events, we are seeing nationally, it likely won't. Further, we have to consider what the impact of the \$15,000 cost would be. He didn't diminish the

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value of the resources officer, but he was concerned about the potential for a \$15,000 decrease in the Police Department budget. This prompted further discussion of the position, what the break down is, and what benefit the town will get from it. This prompted a question of how much if any the private schools would pay. Ms. Hutton explained the breakdown of the \$95,000 total cost. The proposal would be for \$20,000 from the Groton School, \$20,000 from the Lawrence Academy, \$60,000 from Groton, and \$15,000 from Dunstable. There was then some discussion of where the funds would be found. Ms. Hutton explained that the three choices for funding these are cutting a departments budget, using Free Cash, or we use a Prop 2 ½ override. There was a question as to how much this resources officer would benefit the private schools versus the public regional school district. Chief Dow was uncertain, but felt that Chief Palma in Groton would be able to better articulate the breakdown of the work and what the officer would do. Chief Dow emphasized that he believes this role is a legitimate and important one, but the question comes down to how to pay for it and making sure the public is fully aware of what the position will bring for the funds spent. Ms. Hutton noted that Chief Palma is retiring as of Memorial Day, and the department could change its focus. It may be wiser to hold off until a new Chief of Police is hired in Groton. The Board felt that the decision is less of one by the Groton Police Department as it is one of the two communities. The Board then asked whether there is a specific requirement for how many resources officers there should be per the number of students. Chief Dow noted that it's one per every thousand.

➤ *Proposed By-Law for Memorials & Monuments*

Discussion then shifted to a proposed by-law by the Memorials & Monuments Committee. The by-law would represent a good start at attempting to deal with the memorials and monuments in town. The question is whether the Board wishes to place this on the warrant for the Annual Town Meeting. The Board was in favor of the by-law, assuming some changes are made, to help improve and standardize memorials and monuments in town and any future ones placed. Mr. DeNyse briefly spoke about what the process the by-law would establish and how it would help the town. Discussion ended shortly thereafter.

➤ *Marijuana & Proposed Zoning By-Law*

Ms. Hutton then reported on her discussions with the Planning Board and Town Counsel regarding the regulatory issues surrounding marijuana. This included Town Counsels concerns regarding how the town would deal with this subject and the alternatives and structures that could be adopted via by-law. One of those is Planning Board's ability to limit the number of marijuana establishments and what types of establishments would be permissible. The Board had some concerns considering the sensitivity of the subject that more thought should come into play. The current moratorium runs through December of 2018. Ms. Hutton noted that because a majority of the town voted for Question 4, the moratorium is challengeable. Town Counsel's concern is that if the town depends on that moratorium, there is risk that it might get challenged and that would leave the town vulnerable. There was then some discussion of whether or not to hold a non-binding referendum like Groton is, on the subject of marijuana in town. Ms. Hutton elaborated on how this would still leave the town vulnerable with a challengeable moratorium with nothing else in place. This prompted some discussion of strategy. Such as splitting town meeting between two nights with one before the annual election and another after it so that the referendum results are known. Ms. Hutton went over the concerns with this and the logistical problems that could arise.

This prompted discussion of growing versus retail, and the restrictions and regulations that the Commonwealth has imposed. Ms. Hutton responded by reporting further on the Planning Board's recommendations and the fact that Planning Board is recommending allowing growing. Ms. Simmons then addressed the Board to elaborate on the Planning Board's thoughts. This included the rules that Planning Board would impose, those that the Commonwealth has, and what that means. The proposed by-law would keep the growing out of sight in greenhouses and a minimum of 500 feet from other structures. She further noted that regardless of how one feels about recreational marijuana, there is the issue of medical marijuana and general support for it. This prompted some discussion of the agricultural nature of marijuana versus the purely business nature of it. There was some ensuing discussion of what this would look like. Ms. Hutton noted that the buildings in question are meant to blend in and would not be obvious from the outside. The Board would like to see careful consideration of the subject taken. There was then a question regarding the Federal law implications, specifically taxes would be handled. Ms. Hutton elaborated on the answer from Town Counsel. It would be a

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clause placed in the host community agreement. There was a contention that Dunstable would not be a choice location for a marijuana business.

Ms. Hutton noted that there are already parties looking at Dunstable and the surrounding areas. Ms. Simmons then inquired as to whether the rules being put forth by the Cannabis Control Commission have been finalized yet or not. Ms. Hutton responded that nothing has been finalized yet. Everything is still pending and in proposal status. Ms. Simmons then went over medical marijuana, and how the Commonwealth has regulated that subject to date. Mr. Callahan briefly interjected to inquire as to whether cultivation would only occur inside. The Board responded it would indeed only be inside. Ms. McKenzie then noted that there has been a trend where many communities are taking a different position now than they did when voting on Question 4. She suggests more community input is necessary and suggested that she certainly didn't move to town expecting to have a grow operation as a neighbor. Ms. Hutton noted that this would be wholesale only, without retail. Ms. Simmons made some comments about how the proposed by-law would work, and noted that the law will allow people to grow plants, although limited, in their own homes. So, people will see more plants from their neighbors than through a grow operation. Ms. McKenzie then inquired as to who enforces by-laws. Ms. Hutton elaborated on the enforcement mechanisms which the by-laws usually detail. In this case the Zoning Enforcement Officer would be the enforcement official. The Board noted that in general there is a clear path to enforcement. The most chaotic enforcement situation that occurred in town recently was not the result of the town, but the actions of the courts.

➤ *Safe Pathways Proposals & Warrant Articles*

Mr. Callahan addressed the Board about Safe Pathways. The committee has remained active and continued to meet. They have considered a number of possibilities and the sense of the committee is to try to go before the town to obtain funding for engineering for the High to Highland Street project. While the town has previously rejected funding this project, the committee feels that it should be put forward again. Originally the focus was on a soft pathway, such as gravel. But it now appears that a sidewalk would be more appropriate. This could tie into the Rt. 113 project, which will include the installation of sidewalk as a requirement of Commonwealth funding. This would mean sidewalk from the Central Cemetery running to the Town Hall via the Rt. 113 project, and the High to Highland project would then run it to the Library. Eventually the hope would be to see sidewalk run down Pleasant Street from the intersection with Main Street to Pond Street or perhaps as far as the Post Office. The Rt. 113 project is moving forward, slowly, but it is moving forward with MassDOT. The Commonwealth has made concessions, including narrowing any required bike path, and only requiring sidewalk on one side. Safe Pathways is committed to attempting to reach the vision of safe pathways in the center of the town. Ms. Hutton noted that the cost of engineering sought by the committee could be debt excluded. Additionally, what Safe Pathways is proposing at this juncture is nearly identical to what was put forward last year. Mr. Callahan then went over another priority which is trails in towns. Such projects are also important. The town has a lot of conservation property and it would make sense to utilize the availability of recreation in the form of pedestrian activities like walking and hiking on that property.

Part of this would be establishing a crossing of Groton Street from Larter Field to conservation property. It would not be specifically a trail or sidewalk, but would constitute a simple crossing. There are some unknowns. But there are existing models of what this could look like. In particular, one built in Nashua. The Board turned discussion back to the High to Highland proposal and inquired about whether all of the property owners that would be affected by the sidewalk are on board. Mr. Callahan noted that there were a lot of questions, but most of those have been answered. The Board felt that momentum is important to this, with the suggestion being to use the Rt. 113 project to help with the momentum piece of it as well as ties into affordable housing proposals on the MUD and a possible Public Safety Building. Ultimately, this involves vision to succeed and has to be sold to the community. It may not happen next week; it may take a decade to accomplish, but that vision has to be put out there. Ms. Hutton noted that MassDOT is aware of the vision Safe Pathways is proposing and this is why the current Rt. 113 project has been extended all the way to the intersection between Pleasant Street and Main Street. Mr. Callahan then spoke about the need for a more walkable town center and the emphasis on safe pedestrian travel. The Board briefly turned back to discussing the proposal of a crossing on Groton Street. Ms. Hutton pledged to help Safe Pathways consider that proposal further. The Board had concerns about the proposed location given traffic flow in the area and the topography. Mr. Martin had a few thoughts about the location and some suggestions about where to locate a crossing. Mr.

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DeNyse had some thoughts about how this crossing would work in relation to Larter Field and noted a few complications that could arise. He invited Safe Pathways to attend a joint meeting with the Parks Commission to think about these kinds of issues. Discussion ended there.

Town Administrators Report

Ms. Hutton reminded the Board that it is holding a pre-town meeting information session on April 18th, 2018. There is also a conflict for the Board's normally scheduled meeting on April 17th, 2018 so she recommends that the meeting be moved to a time before the Board's pre-town meeting information session on April 18th. Ms. Hutton then reported on her research into the town's contract with the Town Engineer. She has discovered that the town does not have a formal contract with the Town Engineer. She proposes drawing up a contract with the Town Engineer that is amendable to all parties. The Board agreed that a contract should probably be drawn up and suggested that Planning Board be included in some of the discussion regarding the scope of the contract given the fact that they utilize the Town Engineer the most. Ms. Hutton agreed. She then noted for the record that the Board will need to sign the CR's for Hall Street and Kendall Cranberry Bog. These will be signed and notarized. Ms. Hutton concluded her report there.

Use of Town Property Requests

The Board considered two applications, the first being from the Council on Aging for holding a "women in comedy" event in the Town Hall. The date requested for this event is Saturday, June 2nd, 2018. The second request regards a request for permission to hold a bike fundraising event that would travel in part through roads in town. The request comes from the Hollis-Brookline Rotary Club which is taking over the organizing of the annual *Jonathan Gilmour Ride*. The event begins and ends in Hollis, NH. About 100 to 150 bicyclists are expected to participate in the event. There will be 10, 25 and 50 mile routes. Only the 25 and 50 mile routes will include portions of Dunstable. It is expected that only a limited number of participants will use these routes. The Board was amendable to both requests, but noted in particular that the Hollis-Brookline Rotary Club will need to consult with the Fire and Police Chiefs regarding their proposed routes to ensure public safety.

A motion was made by Ms. Basbanes to approve the application by the Council on Aging for use of the Town Hall on June 2nd, 2018. The motion was seconded by Mr. Alterisio and passed by majority vote.

A motion was made by Ms. Basbanes to approve the application by the Hollis-Brookline Rotary Club for the staging of a bicyclist event on a route in town scheduled for May 12th, 2018 with the stipulation that the routes be approved by the Fire and Police Chiefs. The motion was seconded by Mr. Alterisio and passed by majority vote.

Minutes

The Board considered its minutes from its regularly scheduled meeting held on March 6th, 2018. The Board determined in the absence of Mr. Mikol to table the minutes until its next meeting.

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

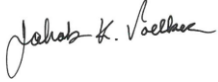
Leah D. Basbanes made a motion to enter Executive Session for the purposes of a discussing Real Estate in accordance with MGL Chapter 30A §21(a)6, and with the intention not to return to ordinary session afterwards. The motion was seconded by Walter F. Alterisio. The motion was adopted by majority vote by Walter F. Alterisio and Leah D. Basbanes.

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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. Alterisio and passed by majority vote.

Respectfully submitted by

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

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

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