

Town of *Dunstable* Selectboard
Meeting Minutes
April 3, 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; Brian Rich, Fire Chief; Marlana Gilbert, chair, Jennifer McKenzie, GDRSD School Committee; Susan Prescott

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 a Use of Town Property Requests, Discussion of the Employee Evaluation Process for FY18, Discussion of OSHA Requirements for Municipalities, Determination on a Notice of Intent to Transfer, Continued Discussion Regarding Inspection Fees, Further Consideration of Student Resource Officer Request, Update and Discussion of Warrant Articles for the Annual Town Meeting as well as Ballot Questions.

Employee Evaluation Process for FY18

Ms. Hutton started off by reminding the Board that the fiscal year is coming to an end soon. Usually this is a time to start talking about evaluations starting with the Town Administrators and various other department heads. She stated that she would provide the Board with the requisite forms. Her main question was as to the format as the Board had previously discussed changing the process somewhat. The Board briefly went over how the process worked last year and what changes should be made for this year. This included discussion about public session versus executive session. Such reviews have to be conducted in public session. Evaluations are a necessity for helping maintain a professional staff. That said, the Board felt that there should be some changes made to the existing evaluation form. These should include clarifications of the language on the form itself. It was suggested that a draft be put together with the ability of the Board to make recommended edits. There should also be some sort of integration for employees with contracts to have requisite parts of their contract included were appropriate and applicable.

It was also felt that the Board should issue one evaluation rather than three independent ones that have to then be consolidated. This may require more than one meeting. Ms. Hutton then turned to discussion of the performance evaluations for the Chiefs of Police and Fire. She suggested that the Board delegate this task to her office. The Board was relatively comfortable, but felt that the Board should be allowed to review and make comment and at least one member of the Board should be present and involved. This prompted discussion of prior year evaluations and implementation on a town wide basis. Ms. Hutton reported that full implementation has not yet been achieved. There are still departments that are not conducting evaluations as required by the Personnel By-Law. The Board noted that some of the departments are headed by elected officials, and there are considerations that have to be taken. However, this is a by-law initiative, and all bodies politic should be demonstrating at least the semblance of adherence. There was clarification as to the standardization of the form. The Board determined to revisit the issue at another meeting once some further percolation on the ideas discussed has occurred.

OSHA Requirements for Municipalities

Ms. Hutton reported on the requirements by the Commonwealth via MGL to impose OSHA requirements on town employees. Some departments will be impacted more the others. The Massachusetts Department of Labor has sent out informational materials on the matter. The Fire Department requirements will be more intense and expensive to implement then other departments. This will necessitate determining how to proceed with implementation. Some expensive impacts will likely be building ventilation. Chief Rich noted that it's

Approved and adopted on 4/18/18

unclear where to begin and what standard will be used. The costs could either be little or substantial depending on a variety of factors. There are meetings that will be held among Fire Chiefs in the region to discuss the matter. Ms. Hutton noted that another department that will likely be effected heavily is the Highway Department. Chief Rich interjected to state that a lot of this is normal safety stuff that municipal departments were already slowly implementing regardless of the change in the law. This simply speeds up the timelines. The Board turned back to the impacts to other departments, aside from Fire. Ms. Hutton answered some questions such as to employee injuries, damaged equipment, and the like. Discussion then shifted to the timetables being imposed as part of the process. Chief Rich noted that the timetables aren't necessarily going to mean issues right away so much as if somebody gets hurt and compliance hasn't been achieved, the towns going to have a problem. It was noted that OSHA also requires a level of training and appropriate procedures. Chief Rich agreed, outlining some of the types of training that will be imposed. Police Officers already are required to learn how to direct traffic as part of the Police Academy. These kinds of trainings will likely be expanded to include Highway employees and other similar municipal employees.

Notice of Intent to Transfer – French Court & Hardy Street

Both the property on French Court and on Hardy Street are in Chapter 61B. The Board was first informed of this matter at its last meeting but determined to table it in the absence of Mr. Mikol as well as to allow time for the Conservation Commission and Planning Board to provide comment. Ms. Basbanes determined, due to an existing relationship to the property owner, to abstain from consideration of the notice. The Board saw no reason to oppose the transfer as it involves a gift from one family member to another. Since this is a gift, it technically does not require the town to determine on the first right to refusal, but the family's attorney advised they still go through the process. Seeing no issue with it, the Board proceeded.

A motion was made by Mr. Alterisio to accept the transfer and to decline exercise of the right to first refusal of the purchase of the land. The motion was seconded by Mr. Mikol and passed by majority vote with one abstention.

Inspection Fees

The Board previously considered changes to the Inspections Department's official Inspections Fee Schedule at its last meeting. The recommended changes included a comparison of the towns existing fee structure to those of other communities in the surrounding area and recommended changes. An update of the fee schedule was 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 largely remain the same. From there Ms. Hutton followed up on the results of inquiries the Board had requested from the Inspectors. Unfortunately, the Electrical Inspector has not yet had an opportunity to respond for comment and as a result Ms. Hutton recommends tabling the matter. The Board agreed to table further discussion on the matter until its next regularly scheduled meeting.

Student Resource Officer Request

Ms. Hutton then turned discussion the special request by GDRSD for a student resources officer. The officer would be an officer of the Groton Police Department. The cost of the position would be about \$95,000 with \$8,000 to \$15,000 of it paid for by Dunstable. 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 Groton \$20,000 and Dunstable \$6,000. Groton is asking Dunstable to pay \$15,000 for the resources officer. The reduction allows Groton to pay their side without an override. So of the \$95,000 total cost, the proposal would be for \$20,000 from Groton School, \$20,000 from the Lawrence Academy, \$60,000 from Groton, and \$15,000 from Dunstable. Groton has decided to place the matter on their warrant for funding, but has made it contingent on Dunstable doing the same, and accepting the article, at its Annual Town Meeting. Ms. Hutton then reported that Chief Palma from Groton was scheduled to attend and discuss the topic further, but was unable to do so due to illness. The Board noted that given the situation nationally and culturally it may make some sense to support this. However, the Board invited the Chief Dow to comment more. Chief Dow discussed multiple options aside from what has been proposed. These include the possibility of making a

Approved and adopted on 4/18/18

Dunstable Police Officer available as a student resources officer. The issue, as always, is the cost. Whether it is a cost shared between the two towns police departments or within the Dunstable Police Department alone.

Ms. Hutton noted that the concern is that this could force the town to hold a Prop 2 ½ override vote. Ms. Gilbert interjected with some questions regarding the thought process and logistics point of view. The desire is to decrease the social acceptance of drugs, to address any possible emergencies with students, and deescalate potential for any violence. This prompted discussion about what is best for the safety of school age children. Chief Dow responded by going over how various options would work, how training would be dealt with depending on option, and how current policies work. There is a clear value to this position, it is just a matter of what can be afforded, and among affordable options what the best option is. The Chiefs main concern is ensuring the best option is implemented. He followed by praising the existing student resources officer that is provided by the Groton Police Department and the hard work that officer does. Ms. Gilbert then spoke briefly about the process behind Groton's decision making on the matter and noted that the reason Groton made its article contingent on Dunstable is because Dunstable's Annual Town Meeting comes after Groton's. Ms. McKenzie had some follow ups as to the costs. She highlighted reductions in the school assessment that will help pay for this request. She also expressed concerns as to the use of the term override in this context.

Ms. Hutton then noted that there is no doubt to the value of the proposal. But there is no consensus over implementation, including as a full time officer in the Groton Police Department. The Board directly asked Chief Dow if in his opinion what Groton is proposing is the right way to do this. Chief Dow responded that it might be the best option, but consensus was never reached and the discussion wasn't finished. He would have liked more dialogue with the Groton Chief, including whether this position will continue to be affordable for both towns and since Chief Palma is retiring, how committed Chief Palma's eventual successor will be. Ms. Gilbert inquired as to what Chief Dow's concerns are budgetary wise. Chief Dow outlined his concerns about future costs and whether they would be borne by the department. The Board interjected to make it clear that this is a town problem, not a Police Department problem. And not only is it a town issue, it is one shared by both Groton and Dunstable. Ms. Gilbert then stated that it is not her priority to see police reduce their budgets to pay for this. If anything, she has noticed that the Dunstable Police Departments budget has not grown as fast as other municipal budgets and certainly doesn't seek to see it reduced in any meaningful way. She then highlighted various avenues used by other school districts to fund these positions.

Usually with regional school districts, one department provides the officer with the costs born between the towns and other parties via a bill sent to the school district which the district then splits between the towns through the assessment. There would then be a methodology implemented going forward to control for future processes and how the billing process would look. In this case, it would likely involve three bills; one to the school district which would be split in accordance with the assessment, with the other two being set to the private schools who intend to participate. Ms. McKenzie then made a few suggestions to Chief Dow as to future input from his department to the process as a whole including future opportunities to have such an officer be a member of the Dunstable Police Department. Chief Dow then outlined the benefits of the position, while also noting the limitations. Ms. Hutton then turned discussion back to the implementation and the methodology going forward. Ms. Gilbert responded by explaining that there is an immediate need and concern and going over the costs. This has been on the radar for a while for Groton, but she understood how it may seem like a rush forward for Dunstable. Ms. Hutton briefly outlined how Dunstable's budget process works and the timelines that Dunstable follows. The Board finished with some comments as to the importance of how to deal with these kinds of needs, including how to pay for it.

Warrant Articles for the Annual Town Meeting & Ballot Questions

Ms. Hutton started by going over some things that are still missing from the warrant. These include a possible article for the liquor license issue, and an article for the potential purchase of a parcel of land. She then reported on where Planning Board stands on the marijuana article and what the exigencies should be. This then went into the ballot questions that will be involved, particularly in relation to the marijuana subject. The Board expressed a desire to ensure that whatever option is decided upon by the voters at town meeting and the ballot box, that the town is not open to a free for all and that the decided upon choice withstands legal challenge. Ms. Hutton outlined the process and how to protect the town. If need be, Town Counsel has suggested the town can always hold a special election and subsequent special election. The Board briefly discussed some public commentary so far on the issue and whether there is any need for a by-law relating to the subject matter of

Approved and adopted on 4/18/18

marijuana. The Board noted that this isn't a choice of the towns, rather a matter thrust upon the town by the Commonwealth and by the passage of Question 4. This is what is being demanded of the town, and the town needs to make choices that can subsequently stand up to any legal challenge. Additionally, given the way town voters voted on the issue of Question 4, the process is dictated by the subsequent MGL implementation. Discussion then shifted to a request for a Citizens Petition for adding an article to the warrant.

Ms. Hutton made some comments on the Citizens Petition noting the deadlines involved and the fact that such a petition has not yet been provided officially from the Town Clerks office, so whether the petition has been formally submitted is open to question. The Board responded that so far there appears to be substantial support for the petition. The only reason the Clerk hasn't been involved yet is a formality. Ms. Hutton noted that until it has gone through the Clerk's office, the signatures on the petition are not yet vetted in accordance with law. The Board agreed that that part of the process has to be done, but turned discussion back to the issue that if voters want to consider the article through this vehicle, then it should be considered for addition to the warrant. The balance has to be struck between the desires of the people and what will withstand legal challenge. Discussion returned to Planning Board's process. The caveat made that any Citizen's Petitions should be respected, if the by-law proposals are being addressed by those put forward by town bodies, such as Planning Board, can the town decide not to address them. Ms. Hutton responded by outlining the process. The petition is not yet valid as it has not been received by the Town Clerk, and even if it were, it is untimely. This gives the Board a unique position to decide whether to add it to the warrant or not.

The Board responded that despite the untimeliness, the Board does take the petition seriously. There is a legal process that must be followed. There was then discussion of whether the Board should hold a special meeting to consider the topic specifically since the warrant must be signed by the Board's next regularly scheduled meeting. The Board was in favor of doing so. Ms. McKenzie spoke briefly as one of the supporters of the Citizens Petition. She elaborated on her discussions with the Town Clerk. She was told that she could not submit the petition without first going to the Board which is why the petition has not yet been submitted to the Clerk's office. She then elaborated on her understanding of the Planning Board's proposals and her enduring concerns. The Board responded to those concerns by outlining what it understood to be the Planning Board's positions and intentions. Ms. Hutton then elaborated on how the process would work on the floor of the Annual Town Meeting and the subsequent ballot questions. The Board reiterated its desire to have one of the options be implemented, however the vote breaks down, and have that option hold up to legal challenge. Ms. McKenzie responded with additional questions and concerns about the process. The Board suggested this doesn't have to be complicated. If things don't develop the way the town hopes, things can be changed. This is why we have annual town meetings and annual elections.

Ms. Hutton then went over the other various articles. These include ordinary transfers, some corrections, spending Free Cash, salaries of elected officers, modification of the Water Department from being an Enterprise back to an ordinary department, unpaid bills, road infrastructure improvements, purchase of a new fire truck, a new highway truck, equipment for the police department, engineering for a proposed sidewalk project, Community Preservation's recommendations and expenditures, acquisition of a CR, modification to the Business Registration By-Law, the operating budget for the town, Chapter 90 appropriations, stabilization, transfers to the GDRSD stabilization, rescinding unused borrowing authority, conversion of town constables from elected to appointed, abolishment of the Commissioners to Expend Proctor Parkhurst Trust funds and assignment of their duties to the Commissioners of Trust Funds, revolving funds, the Nashua Wild & Scenic Designation, amendments to the general by-laws to allow the Town Clerk to make non-substantive changes such as section numbers, a proposed memorial and monuments by-law, marijuana by-law, and the town center district. From there Ms. Hutton went over the timeline for signing the warrant. The Board had some thoughts about re-ordering some of the articles. Chief Rich interjected with a question as to what would happen if the Annual Town Meeting has to be continued into more than one night, and what if any impact that would have on the Annual Town Election which just so happens to be scheduled for the day after. Ms. Hutton responded by outlining the strategy to avoid any issue should the meeting have to be continued. The Board finished with brief discussion about liquor licensing and whether that topic should move forward on this warrant or not.

Town Administrators Report

Ms. Hutton reported on an incident at 92 Pleasant Street with the water system. Unfortunately, the incident lead to about 4 feet of water in the basement of the residence, so as a result there may be a substantial water

Approved and adopted on 4/18/18

bill coming to that homeowner, and a bill from White Water the company that provides services to the Water Department, to shut off the water to that residency. The issue that occurred is one that falls under the responsibility of the homeowner per the rules and guidelines of the Water Department as well as applicable MGL. Ms. Hutton then finished by reporting on some upcoming vacation time she will be taking and the work she will be putting into the warrant. Having nothing further to report she finished there.

Use of Town Property Requests

The Board considered two applications. The first being from the Dunstable Gardening Group aka DIG, for holding its annual plant sale event on the Town Common on May 19th, 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 American Cancer Society and its local partners to hold the annual Bicycles Battling Cancer Ride on June 10th, 2018. The ride starts and ends in Marlborough, MA with only the 70 and 100 mile routes crossing into 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 American Cancer Society and its local partners 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 Dunstable Garden Group for use of the Town Common on May 19th, 2018. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the application by the American Cancer Society and local partners for the staging of a bicyclist event on a route in town scheduled for June 10th, 2018 with the stipulation that the route be approved by the Fire and Police Chiefs. The motion was seconded by Mr. Mikol and passed without objection.

Minutes

The Board considered its minutes from its regularly scheduled meeting held on March 6th, 2018 which were tabled in Mr. Mikol's absence at the Board's last meeting. The Board also considered its minutes from March 20th, 2018. Seeing no reason not to approve the minutes the Board determined to do so.

A motion was made by Ms. Basbanes to approve the minutes of March 6th, 2018 as written. The motion was seconded by Mr. Mikol and passed without objection.

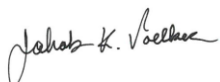
A motion was made by Ms. Basbanes to approve the minutes of March 20th, 2018 as written. The motion was seconded by Mr. Mikol and passed without objection.

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.

A motion to adjourn was made by Ms. Basbanes at 8:35 pm. The motion was seconded by Mr. Alterisio and passed by majority vote.

Respectfully submitted by



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

Approved and adopted on 4/18/18