

Town of *Dunstable* Selectboard
Meeting Minutes
April 18, 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; Bob Nelson, Kieran Meehan, Christine Muir, Advisory Board; Linda Justice; Barbara Blanco; Dana Metzler, Town Moderator; Cheryl Mann, Conservation & Planning Board Secretary; Mary Dow; Jim Dow, Gas & Plumbing Inspector; Alan Chaney, Conservation Commission; Susan Psaledakis, Community Preservation Committee; Phil DeNyse, Parks Commission; Joe Vlcek, Joan Simmons, Planning Board; Susan Prescott; Jim Regan; Ryan McLane, GDRSD School Committee

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Letter of Support for Nashua Wild & Scenic River Designation
- Annual Town Meeting Warrant

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included an Appointment, a Use of Town Property Request, Letter of Support for Nashua Wild & Scenic River Designation, Signing of Town Meeting Warrant; Further Discussion of Inspection Fees.

Letter of Support for Nashua Wild & Scenic River Designation

In response from a request from the Nashua Wild & Scenic River Study Committee, the Board drafted a letter of support for the acceptance at the Annual Town Meeting of the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan and the recommendation to seek Wild & Scenic River designation. The Board noted that copies of the stewardship plan may be found for review at the Library and Town Hall and are available on the committee's website, www.wildandscenicnashuarivers.org. The designation would create partnerships between participating towns as well as the National Park Service and other stakeholders to implement the stewardship plan. It would also preserve resources relating to the rivers and make the rivers eligible for federal funds. Protection would then be afforded against any future adverse federal actions. The designation would not stop development in total, nor would it entail rezoning private land or changing property rights. Finally, there is no cost to the town.

A motion was made by Ms. Basbanes to accept the report of the committee and support the stewardship plan and designation, as well as sign the letter of formal support. The motion was seconded by Mr. Mikol and passed without objection.

Signing of Town Meeting Warrant

Ms. Hutton presented the Board with the warrant for the Annual Town Meeting scheduled for May 14th, 2018 at 7:00 pm at Swallow Union. The warrant has been reviewed by Town Counsel and is ready. She noted that there is still some time to modify it if necessary, but not much time. The Board expressed comfort with the warrant as it is and felt it should be signed at this time. It was therefore determined to move forward with signing of the warrant.

A motion was made by Ms. Basbanes to authorize the signing of the Annual Town Meeting Warrant and hereby direct that it be posted by constable in accordance with all applicable MGL. The motion as seconded by Mr. Mikol and passed unanimously.

Approved and adopted on 5/1/18

Inspection Fees

The Board previously considered changes to the Inspections Department's official Inspections Fee Schedule at the last few meetings. 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 specifically from the Electrical Inspector. He appears to have no comment on the fees at this time and takes no official position on whether they should be modified. The Board noted that the prior rates were the way they were because Inspectors were paid by the fees. Now that the town pays stipends, it makes sense to look at the fees and adjust them to be more competitive. Assuming the Board approves, Ms. Hutton expressed the intent to have a new Fee Schedule ready for the Board's approval at its next regularly scheduled meeting. The Board was in favor of such action in light of the feedback and data presented.

Appointments

Ms. Hutton reported that the Town Clerk has requested the appointment of a Registrar to the Board of Registrars. The candidate being Rafael Glod. The Board saw no reason to delay or oppose making the appointment and proceeded.

Rafael Glod is appointed as a member of the Board of Registrars Expires March 31st, 2021
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Town Administrators Report

Ms. Hutton reported briefly on efforts made to clean up and better organize the Town Hall attic. This included the removal of e-waste, appropriate disposal of excessive numbers of old Annual Town Reports, and improved storage and organization. The town had some years with disproportionate amounts of surplus Annual Town Reports, so the number of such reports was paired down to make room for future reports and other records. She finished there noting that the rest will fall under the Public Information Session of the agenda.

Use of Town Property Requests

The Board considered an application from the Dunstable Democratic Town Committee for use of the Town Hall for holding a meeting on May 22nd, 2018. The Board saw no reason not to approve the request.

A motion was made by Ms. Basbanes to approve the application by the Dunstable Democratic Town Committee for use of the Town Hall on May 22nd, 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 April 3rd, 2018. The Board also considered a series of Executive Session minutes, November 16th, 2016, December 28th, 2016, February 22nd, 2017, March 15th, 2017, March 22nd, 2017, December 18th, 2017, February 6th, 2018, and February 20th, 2018. Seeing no reason not to approve the minutes the Board determined to do so.

A motion was made by Mr. Mikol to approve the minutes of April 3rd, 2018 as written. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Ms. Basbanes to approve the executive session minutes of November 16th, 2016 and December 28th, 2016 as written. The motion was seconded by Mr. Mikol and passed without objection.

Approved and adopted on 5/1/18

A motion was made by Ms. Basbanes to approve the executive session minutes of February 22nd, 2017, March 15th, 2017, March 22nd, 2017, and December 18th, 2017 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Mr. Mikol to approve the executive session minutes of February 6th, 2018, February 20th, 2018, March 6th, 2018, and March 20th, 2018 as written. The motion was seconded by Ms. Basbanes 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.

Public Information Session – Annual Town Meeting 2018

This year's Annual Town Meeting will be held at Swallow Union on May 14th, 2018 at 7:00 pm. The warrant will have 36 articles. The Board then outlined some ground rules. This is an information meeting and is not for debate. This is to help understand what the articles are there for, and to clarify for any confusion. This is not the town meeting, so the articles won't be read verbatim. Ms. Hutton then requested those in the audience who have questions to please speak into the microphone so that people at home may hear them. From there Ms. Hutton went over the presentation and spoke about the different articles. Article 1 deals with various reports. Article 2 involves a transfer for the Water Enterprise Fund and is the result of DEP requirements. Article 3 is a correction regarding an account number and has no financial impact. Article 4 involves the purchase of a Highway Truck for \$65,000 with Free Cash. This follows the towns Capital Plan. Article 5 involves the purchase of a hot box for the Highway Department. Hot boxes have a wide variety of uses. The cost is \$35,000 to be paid for with Free Cash. Article 6 involves a utility vehicle for the Police Department. The cost is \$34,000. The current utility vehicle is old and in need of repair. Article 7 is for Toughbooks, a type of computer, for the Police Department. The cost is \$10,500 to be paid for from Free Cash. Article 8 involves the purchase of an ATV for the Fire Department. This vehicle will assist the Fire Department in responding to forest fires. Chief Rich spoke briefly about the need for the ATV and about forest fire dangers for Dunstable. Article 9 is for a transfer to Stabilization. This involves a transfer of Free Cash into stabilization which is a budget measure recommended by DOR. Article 10 is a Free Cash transfer for FY19 to reduce the tax rate.

Article 11 involves paying for a survey for the town's property on 91 River Street. Article 12 is for the payment of unpaid bills. Article 13 is to assist the Town Clerk in enforcement of the Business Registration By-Law. Article 14 authorizes the Town Clerk to make non substantive changes to by-laws and other records such as page number changes and section number corrections. Article 15 involves a by-law for Memorials & Monuments. Article 16 involves changes to the Zoning By-Laws in relation to the regulation and control of Marijuana establishments. Article 17 relates to the proposed Town Center District. Article 18 regards a proposal for a Noise By-Law. Article 19 involves a Special Act request with the General Court for on premises Liquor Licensing. This would only allow liquor licensing for sit down restaurant establishments. Article 20 would change the elected Constables of the town to appointed. Article 21 would abolish the Commissioners to Expend Proctor & Parkhurst Trust Funds and assign their duties to the Commissioners of Trust Funds. Articles 22, 23, 24, and 25 concern CPA funds. Article 26 involves the sale of a portion of the town's property at 91 River Street. Article 27 relates to the acquisition of a Conservation Restriction over Frye Field. Article 28 covers the salaries of elected officials. Article 29 relates to the expenditure of Chapter 90 Funds. Article 30 involves the rescinding of unused borrowing authority previously granted to the Treasurer/Collector. Article 31 covers the Nashua Wild & Scenic River Designation. Article 32 is the operating budget. This is the day to day budget of the town and there will be more detail on this at the Advisory Board's public hearing to be held on May 3rd, 2018. Article 33 involves revolving funds. Article 34 relates to the proposed purchase of the Dumont Property which fronts Lowell and Main Streets. Ms. Hutton spoke about the possible uses of the property, including the existence of a garage on the property that could be used for the Highway Department, possible expansion of the Cemetery, the possibility of a municipal solar farm, and possible recreation uses. She elaborated on the cost and how it would be paid for and how any loss in taxes by town ownership could be offset. This included some details on how the borrowing would be done and the impact on tax bills.

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Mr. Vlcek then had some questions regarding the numbers. The Board responded that the asking price is \$2.6 million. There was then a question about the proceeds from sale of other town property. Ms. Hutton explained how funds from other properties sold would be applied to the principle. First the town would have to take out a loan for the total amount, then sell the properties and other assets intended, and then use them to pay off a portion of the loan. Ms. Hutton then went over a few other opportunities the property presents. One of the assets that can be sold to help pay for the Dumont property is the existing Highway Garage. The current garage is too small to fit existing trucks and has little room for expansion. If the town built a new garage of equivalent size to the Dumont garage, it would likely cost several million. Groton is currently looking at rehabbing their old garage or constructing a new one, rehab alone is projected to cost \$2 million. The Dumont garage has seven offices with 7,800 square feet of garage space and 2,400 square feet of office space. There will be plenty of space for overflow not only for Highway but for Fire as well. Ms. Hutton then went over what might happen if the town doesn't purchase the property. The owners would likely sell the property to a developer which could result in 10 to 12 more houses. The cost of education and other municipal services could cost substantial sums and would impact the appearance of the town. Ms. Hutton then elaborated on how this property would fit within the Master Plan. The property also has some recreational value including a pond and wetlands. Discussion then shifted to Article 35. Article 35 involves the purchase of a new fire engine. The cost of which is \$405,000. Article 36 involves the acceptance of Alexander Way as a public way maintained by the town. The Roads Commission has laid out the road and is in favor of acceptance as a public way.

Discussion then shifted to the Annual Town Meeting. Mr. Metzler spoke about some of the strategy for the floor and what the procedures will be. He has spoken with Town Counsel and the Town Clerk as to the proper procedure and process. He noted some concern about the current order of the articles with a concern about having the operating budget put so far back. The Board suggested that the articles may be taken out of order if the town meeting decides to do so. But there are some reasons for the current ordering. If it becomes necessary to have the meeting go more than one night, then that can be handled with careful planning. A second night would likely be scheduled for May 21st. Mr. Regan had some concerns about allowing the articles to go out of order as it could become a free for all. He then had a few follow up questions regarding a few other articles and the way that they will be handled. One of his particular concerns involved the changes of elected officials to appointed. The Board explained that many of these elected positions are chronically vacant with few to no candidates running in annual elections. This means that the Board must fill the positions by special appointment until the next election. This simply streamlines the process. There was a brief question by the Mr. Nelson concerning Article 26. Ms. Hutton elaborated a bit further on the article. Mr. Metzler again expressed concern about the operating budget being as far back as Article 32, and requested the Board consider changing the warrant. The Board was reluctant after signing the warrant to do so and decided it would be preferable to leave the warrant as it is and simply allow that article to be taken out of order at the town meeting if need be. There was then discussion regarding the Dumont property and other priorities for development. The Board elaborated on what purchasing the Dumont property presents as well as the aims and goals of the Master Plan and the need for alternative sources of tax revenue outside of residential property taxes.

Ms. Prescott then asked a question relating to Article 16 and marijuana. The Board elaborated on what the intent is and the fact that Massachusetts, like it or not, has legalized recreational and medicinal marijuana. The issue is that the town needs to have something in place as there is simply too much risk in taking no action. Ms. Prescott followed up by asking if there will be a limit on how many marijuana related businesses would be allowed in town. The Board explained that this would only allow cultivation with no retail. Ms. Hutton reminded that the way this is constructed; it would be by a special permit from Planning Board. This will help preserve control. The Board followed by noting that Dunstable was a "yes" community on Question 4, which under MGL, requires the town to take some action. If the town does nothing, then it may be challenged and the results may not be pleasing to the town or what citizens want. This process will include a lot of restrictions and controls. It is hard to put a specific number out there, but it isn't likely to be high. Ms. Prescott suggested that such establishments might be unattractive and unappealing given the security requirements. The Board responded that through the process of allowing such a business the premises could be required to appear a certain way on the outside. Meaning, they don't have to be unattractive utilitarian steel buildings. There was then a subsequent question about size limits. Ms. Hutton went over what would be permitted and what would be prohibited. This included some square footage limits, in particular in residential areas, as well as setbacks. In residential areas nothing larger than 5,000 square feet could be built. Mr. Vlcek then spoke briefly about some businesses that have already approached the town regarding possible use of existing buildings for

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marijuana cultivation. Given the limits, most such businesses would be essentially mom and pop. He then spoke about cultivation, what it would entail, and how the regulations and controls would work.

The Board noted that people tend to think of these things in the extreme. None of this means that there's going to be significant changes. This is an attempt to do things that are consistent with what the town wants to do, while also accepting the ever evolving changes around the town in the surrounding communities and the Commonwealth. The emotion will tend toward the extreme, but this isn't about extremes. And there will be time and opportunities to adjust. Mr. Nelson then interjected to ask why the plan is to prohibit the sale of recreational marijuana while the town also is asking to allow the sale of alcohol. Mr. Vlcek responded by explaining the differences between marijuana and alcohol. A lot of this is about the regulation. The alcohol provision is designed to not allow package stores or bars while allowing on site consumption in a restaurant. You can't consume marijuana on site in Massachusetts. It has to be purchased and carried away. The Board then spoke about the alcohol article. This is more about enabling some of the interest in farm to table restaurants and bed and breakfast proposals. These kinds of businesses have worked in Groton and there is interest in Dunstable for similar. Such businesses don't just bring in tax revenue; they also benefit the local economy. Ms. Psaledakis inquired as to how many licenses would be actually issued. The Board responded the Commonwealth would only allow the town to issue one license. Ms. Psaledakis then inquired about if there is more than one business proposal, which gets the license. Ms. Hutton elaborated on what other towns do. Many towns use a lottery system. More research is needed on that front, but let's not put the cart before the horse. The General Court will still have to pass legislation.

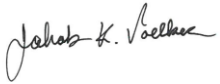
There was then some discussion of ballot questions, in particular the marijuana by-law. It was explained that there will be no ballot questions on the Annual Town Election due to a variety of issues legally. As a result, the ballot questions will have to be on a special election scheduled for a later time. Ms. Hutton then elaborated on some of the unique challenges of the marijuana by-law on the ballot. Mr. Chaney then asked some questions alcohol including if additional licenses could be added by the General Court. Ms. Hutton explained that towns can ask for more than their population would otherwise warrant, but it is unusual for the General Court to allow for such. Mr. Metzler noted that Tyngsborough has been successfully petitioning the General Court for more licenses for sit down restaurants. Ms. Hutton stated that any petitions like that still require approval at town meeting and action by the General Court. Mr. Nelson had a few questions as to how the license would work, which Ms. Hutton answered. These included the types of liquor. Mr. Chaney interjected to speak about the history of the town's dry status and about the few other towns in Massachusetts that remain dry. There were then further questions about the liquor licensing and how it would be issued. Mr. Regan made some clarifying points as to how the licenses would work. The Board elaborated on how the licenses would ordinarily be awarded and how the regulation would work. There was then a question about MGL regarding any distance requirements between any such businesses and schools and religious establishments.

Ms. Hutton spoke about how that would be dealt with both under MGL and by the town's by-laws. Mr. Meehan suggested that a clarifying point be made regarding the on premises license. Noting that one could be approved and awarded, and if there is more interest the town can always ask the General Court for more like Tyngsborough has. Mr. Regan then inquired about the CPA articles. The Board clarified that all of those funds would be taken from CPA funds. Ms. Hutton followed with more detail on how CPA funding works. Mr. Regan then had a question regarding the sale of the current Highway Garage and a possible need for authorization to sell the garage. Ms. Hutton responded with clarification about how the sale of property works in a municipal setting and the reasons for why things are structured as they are. She noted that authority to sell the garage can be asked for at a subsequent town meeting. Currently it appears likely that there will be a Special Town Meeting in the fall. Mr. Regan wondered why it appears increasingly common for the town to hold Special Town Meetings. The Board elaborated on the special circumstances that have prompted such meetings and noted this isn't a philosophical change in how the town approaches Special Town Meetings. Ms. Simmons then had an inquiry about the proposed Public Safety Building. Ms. Hutton responded about how UMASS Lowell engineering department will be helping the town with engineering. This will save the town some money and is why there will be no articles on this warrant relating to engineering and design this year. Those articles will, as a result, likely appear next year. The information session ended there.

A motion to adjourn was made by Ms. Basbanes at 8:30 pm. The motion was seconded by Mr. Alterisio and passed by majority vote.

Approved and adopted on 5/1/18

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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