

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**May 1, 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; Carol Skerrett, Town Clerk; Ken Leva, Personnel Board; Marc Terry, Town Labor Counsel; James Tully, Recreation Commission; Marlina Gilbert, Jennifer McKenzie, GDRSD School Committee; Mike Martin, Paul Dalida, Roads Commission; Alan Chaney, Conservation Commission; Diana Dalida, Safe Pathways; Kevin Welch; Alisha Donahue

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- CR for Mill Street

**Open Forum**

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included Discussion on Alternate Building Inspector, a Use of Town Property Request, a Proposal of a Police Firing Range, Discussion Regarding a Dead End Sign for French Ct, Authorization of an Amended Town Meeting Warrant, Discussion of Special Town election Dates with the Town Clerk, Continued Discussion of Inspection Fees, Town Meeting Recommendations, and the Town Administrators Evaluation.

- Mr. Leva spoke as part of the public forum about a proposed development off Skytop Lane. He asked for an update on where things stand. Mr. Alterisio responded that this is not an item on the agenda. That said he could answer it from the position that there has been some activity on that property. The town was approached about a possible use for the property. Nothing has been negotiated that is final, and no installation is yet intended to be placed at this time. Other than surveying and feasibility study work done. Ms. Hutton then spoke to explain that all that has happened at this point is exploration of site viability. Nothing would move forward without approval. The Board apologized formally to Mr. Leva and other abutters for any discord caused by the surveying work. Mr. Leva responded that he has become aware that the project appears to be one being done by a company called CSC on behalf of an NBC affiliate. He asked that given the fact that it appears the “cat is out of the bag,” that the Town Administrator present further information. The Board responded that there is no proposal at this time for consideration, and if and when such a proposal was put forth it would be done publicly and vetted by appropriate town bodies and approval by the town at a town meeting. Again this is all preliminary and is in an exploratory phase. There was some discussion of the Non-Disclosure Agreement that the Town Administrator had signed. Town Counsel previously determined it was lawful for Ms. Hutton to sign it. Mr. Leva then asked who authorized the NDA. There was further explanation. The NDA was strictly from the position of the company at interest which is a competitive entity and the need for confidentiality for possible development is the normal course of business. Mr. Welch stated that in the past the town has never engaged in any kind of deal of this kind. This is the first time this has happened. The town has had other commercial developers interested in the town and every effort to keep the public aware was made.

Mr. Leva interjected to state that obviously work has been done, and he understands that the Water Commission is handling it, and he would like to find out when the NDA will be lifted so that more information can be made public. The Board noted that further discussion on this borders on something that needs to be an agenda item. The Board is open to dialogue and if the developer is interested in waiving the NDA making more information public. Whether or not this is something the town would be interested in is up to the town to decide. Again nothing has been brokered at this stage. The full extent of this is the survey work done so far, which has only involved staking and ribboning. Ms. Hutton quickly elaborated on a question by the Board as to why the survey happened at the time it did. Ms. Hutton explained that the surveyors were supposed to coordinate with the town and the developer’s project manager prior to doing any work. The Board had some concern about the how the survey situation occurred. Mr. Leva noted that from all of the people involved he spoke to, it appears that a notice should have been given to Ms. Hutton. Ms. Hutton reiterated that she did not receive such notice which is how this situation occurred. The Board felt that if this has been mishandled, there is a concern and so some vetting should occur. Ms. Hutton agreed to provide the Board with further information about what went wrong. Mr. Leva finished by noting that the lack of communication is what has caused this situation to blow up. The Board clarified that there is no proposal at this stage. Ms. Hutton agreed. There is exploration, but no formal proposal as of yet. There was some concern that not all members of the Board were aware of the matter or the NDA. The Board finished by agreeing to put this on the agenda for another meeting to discuss in the proper detail.

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## **Appointments/Resignations**

Ms. Hutton informed the Board that the Building Inspector will be on vacation for three weeks starting July 29<sup>th</sup>, 2018. He has asked the Board to consider the matter of his Alternate, as the current Alternate whose term expires July 1st, is no longer the Building Inspector in the Town of Pepperell. There are several options for the Board to consider, including qualified individuals who reside in town. Ms. Hutton suggested the Building Inspector make a recommendation for the Board to approve. The Board was amendable to that proposal.

## **Police Firing Range**

Ms. Hutton started off by explaining that the Police Department has asked whether it would be permissible for the department to setup a temporary firing range on the MUD. The area they would have live fire in would be oriented towards a hill and the lower portion of Massapoag. Chief Dow spoke about the request. In the past the officers have used various other towns firing ranges in the area, but many towns have had to close their ranges. Currently the officers have had to use private ranges, but this has not always been efficient. Chief Dow and his officers have looked at a few sites, but feel that the MUD would work best. If the Board is amenable, rules could be set up including hours of operation and other relevant use. Use of the range would be restricted to the Police Department with the possible expansion to other users if allowable or feasible. The thought would be that it would be temporary and limited to once a month during a certain time frame. The site at the MUD meets all the requirements of MGL for this kind of outdoor range. The Board had some questions regarding the bullets that would be used. Chief Dow responded that it would be brass and lead. The Board had some concerns considering the site is eventually intended to be used for affordable housing. Chief Dow responded by outlining ways to dispose of the rounds and noted that the area would be maybe 20 feet wide. The Board noted the concern isn't only people, it is wild life.

Further Salmon Brook is near that area and some of the area concerns the town's public watershed. Chief Dow responded that other locations could be considered and he has the Board if it would support further exploration. The Board inquired about whether it would be possible to clean up after discharge. Chief Dow explained that it would be easy to clean up the brass, but the led would be harder. The Board noted that it may be hard to find a proper site outdoors in town that would be appropriate. There is also the issue of noise pollution and the related issue of public safety. The Board would not wish to see any recreation oriented members of the public hurt. It was noted that this sort of thing has been done before, and the challenges may be overcome. Appropriate signage, warning, and environmental steps can be taken care of. Chief Dow noted that there are rules and regulations in place that consider all of these questions. That said, this is just a preliminary proposal to see whether the Board is willing to support the idea or not. He will explore the matter further and look for answers to the specific concerns and questions of the Board and the town if the Board is okay with it. If not, then the department will pursue other options like private ranges. The Board noted that it is interested in ensuring officers are properly trained and the best able to do their jobs. And this kind of training is part of that. The Board felt that if all concerns may be answered then it is a possibility. Discussion ended there.

## **Dead End Sign for French Court**

A request has been received from two residents on French Court for the placement of a "dead end" or "no outlet" sign. An average of three cars a day has been seen to venture down the road assuming there is an outlet. Upon discovery that there is none, lost drivers are then forced to turn around and exit. Residents say that they often speed out in what appears to be an effort to make up for lost time. This ends up adding unnecessary wear and tear to the road surface, not to mention the frustration of the lost travelers. The residents volunteer that they are willing to pay for the cost of having such a sign if necessary. The Board had a few questions about where the sign could be placed. Ms. Hutton suggested it would be wherever deemed appropriate. A side question was asked as to the difference between "dead end" and "no outlet." Mr. Dalida elaborated on the rather minor differences in terminology and suggested "dead end" would be most appropriate. Both Mr. Martin and Mr. Dalida were more or less okay with the sign, but noted that they cannot deliberate as they are not in a publicly posted Roads meeting. Ms. Hutton responded she would send an email to the Roads Commission for a formal determination at their next meeting. Ms. Donahue then spoke. She is one of the residents requesting the sign. She suggested that most of the lost travelers are trying to find Hardy Street in order to make their way to Nashua, NH. She thanked the Board for considering the matter. Mr. Dalida then requested that the letter to the Roads Commission include details about the orientation of the sign and so forth.

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## **Authorization of Amended Town Meeting Warrant**

Ms. Hutton reported it now appears that an amended warrant will no longer be required. Ms. Gilbert spoke about the matter further since it was originally the school district that was requesting the amendment. The possibility was prompted by a need in the school budget, but it has now been determined that the formal action won't be necessary as it can be taken care of as part of the schools ordinary operating budget. The Board was pleased to hear that the matter is settled without any amendment being required.

## **Special Town Election Dates**

Because the ballot questions will not appear on the ballot for the Annual Town Election scheduled for May 15<sup>th</sup>, 2018, a Special Election will need to be scheduled. The Carol Skerrett, the Town Clerk asked some questions regarding the Marijuana ballot question. The Board explained that the relevant MGL requires the entire by-law be placed on the ballot. Ms. Skerrett then asked about the remaining ballot questions. Ms. Hutton reported that the other questions concern debt exclusions. Ms. Skerrett then made a few clarifications regarding the process and how the Special Election would work with the ordinary Annual Town Meeting. She also spoke about the discussions she's had with the ballot company and with relevant authorities in the Secretary of Commonwealth's office. She noted that she and her poll workers are not allowed to explain anything at the polls. There was then discussion of the formal date. The Board suggested it be in June. Ms. Skerrett noted the minimum is 35 days from start to election. The Board stated it cannot be scheduled earlier than May 15<sup>th</sup>, which would be a regularly scheduled meeting of the Board. Ms. Skerrett suggested several dates, starting off by saying that she would like it to be a Tuesday. The Board suggested June 19<sup>th</sup> or June 26<sup>th</sup>. Ms. Skerrett responded she cannot do June 19<sup>th</sup>, but June 26<sup>th</sup>, 2018 would work. That date would also work best for absentee ballots. She noted that the last time a Special Election was held it was the last business day in June. It was agreed that the date would be June 26<sup>th</sup>, 2018. This date is not yet final and won't be until a definitive decision is made on May 15<sup>th</sup> to formally call the Special Election. The language for the ballot questions would then have to be at the Town Clerk's office by May 22<sup>nd</sup>. Ms. Skerrett then finished by outlining some of the unfunded mandates being passed by the General Court regarding elections and urged the Board to contact the General Court and at the Governor's Office.

## **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 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. 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 adjust them. Ms. Hutton then went over the proposed fee schedule with the Board and asked if the Board would like to adopt it. The Board had a few questions regarding various permits such as dumpster permits, which the town doesn't have, as well as some about the electrical permits as to service and re-inspection fees. Ms. Hutton elaborated on how the fees work and why the town doesn't have some permits that other towns have and what the basis for the fees is. It was determined that the town should move forward and if problems arise they can be resolved and adjustments made.

A motion was made to adopt the fee inspection schedule by Ms. Basbanes. The motion was seconded by Mr. Mikol and passed without objection.

## **Town Meeting Recommendations**

The Board started off by noting it is in general agreement with most of the articles. In particular, the Board supports all of the Free Cash items. Ms. Hutton interjected to suggest going page by page through the warrant to determine if there are any concerns. It was clarified that the order has not changed. Ms. Hutton responded that the order will not change from the posted warrant. The Board asked whether the Advisory Board has issued its recommendations yet. Ms. Hutton responded that they have an idea of what they are good with from

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ongoing discussions, but they haven't had their public hearing yet. That is scheduled for May 3<sup>rd</sup>, 2018. There are a few outstanding issues that Advisory Board is still looking at. Board of Health's budget is still up in the air as negotiations continue on moving from the Transfer Station to public curbside pickup. There are also some questions about the acceptance of Alexander Way. There was then some light discussion of the business certification enforcement by-law and some discussion of the marijuana by-law and where Planning Board stands. The Board took a moment to express the feeling that the Planning Board has put a great deal of time in to the marijuana by-law they've proposed, they've done a great deal of work with stake holders including the public at large and have attempted to please as many different viewpoints as possible in town. The Board felt that the proposed by-law reflects that. The Board then discussed the town center district by-law proposal. There is a strong desire to maintain the uniqueness of the town center while still allowing alternative uses.

A lot of different opinions were considered for the by-law and it clearly reflects that. The Board then discussed the noise pollution by-law. Ms. Hutton noted that Advisory Board had a few thoughts about the hours, but Planning Board felt that the hours made sense after much public deliberation. Discussion then shifted to liquor licensing. The Board noted that this is again, only for sit and pour situations and would allow opportunities for things like bed and breakfasts and farm to table restaurants. There was some discussion of how the process works and who the licensing authority is. Ms. Hutton elaborated on how the special act would be done by the General Court, and then the fact that the Board would be the issuing authority. Further it has been clarified that the town would actually be able to get up to 14 licenses. Ms. Hutton confirmed that stating she has spoken with the ABCC. It is actually possible, as well, for the town to ask for the General Court to restrict the number to a smaller one in the special act. For example, asking for only 3. It was suggested that the town instead just move forward, receive the ordinary minimum and act accordingly. Discussion then shifted to the appointment of constables and consolidation of trust fund officials. There was then discussion regarding River Street, Chapter 90 funds, and then the operating budget. A primary concern with the operating budget is its location at the back of the warrant. There was no conspiracy to place it at the back; it simply was placed where it was and it may be moved out of order by the voters at town meeting. The Board then discussed strategy to deal with the possibility of having to hold the meeting over more than one evening. The Board then formally determined to recommend the warrant articles.

### **Personnel Matter Originally Scheduled as an Executive Session**

Ms. Hutton began by formally waiving the right to have the matter discussed in Executive Session and asking the Board to proceed in public session. The Board agreed to do so and started off discussion on the matter by outlining some issues that it has become aware of. The Board stated that it views the Town Administrators position in a few ways. First, being the technical side which includes rules, regulations, policies, and adherence to the law. On that front Ms. Hutton meets and exceeds expectations. The second part of the job is intangible, being that the Town Administrator cannot do the job alone and it requires communication and a professional staff. The professional staff doesn't end at the Town Administrator. All employees are professionals in their disciplines. The Town Administrator has to be able to accomplish things through these people. Unfortunately, there have been some problems in this area. The Board has seen some problems with communication and interpersonal relations. Employees must see the Town Administrator as a resource they can consult. Not only should employees be encouraged to come to the Town Administrator, but also need to legally in some situations. But there has to be a level of comfort. The Board noted some work done by individual members of the Board to try to resolve some of the conflicts that have arisen. The Board is worried that movement has been in the wrong direction in relation to employees. It appears to be a growing impediment to employees that has developed. This is concerning to the Board. It appears that people are becoming consumed with problems working with other individuals. This extends beyond just a few. There is a feeling of an attitude shift that has left a negative impression and the Board is looking to get a resolution so that the business of government can move forward. One of the Boards concerns is that many citizens appear to have developed negative feelings or have negative stories to relate. And this is not just with employees; there have been some specific issues with other elected boards. These include the Board of Health, the Roads Commission, and the School Committee.

The Town Administrator is the eyes and ears of the Board in many situations and represents the Board. The Board is genuinely worried. Ms. Hutton responded by outlining how she's been belittled, accused of conspiracy, and attacked in meetings. When that happens she often has to remove herself. The Board responded that such behavior towards the Town Administrator is clearly inappropriate by those doing it. That said there is still a concern that this is happening with multiple different boards, committees, commissions and

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multiple employees. This is a difficult situation, and one that the Board again, reiterated is worrying. The Board then outlined a series of areas that are problematic. From various policies that have had some trouble being implemented and other areas of communication that are lacking. Ms. Hutton responded by elaborating on some things she has done to try to execute these policies and carry out goals. The Board suggested ways to solve these issues and improve performance. At the end of the day the buck often stops with the Town Administrator and the Board. Ms. Hutton asked that there be specifics given to her to help her improve performance. Nebulous comments and concerns are not helpful. The Board responded that there is a natural reluctance to have a discussion on these kinds of issues. But positive collaborative steps have to be taken to resolve this. The Town Administrator is senior level management, and the person who holds that office has to have the people chemistry to solve problems.

Ms. Hutton responded that she goes out of her way to give people the resources they need if they simply ask. She then outlined ways that she has taken steps to help people. She also elaborated on the hours she puts in, and noted that if she is going to face these kinds of accusations and charges she will not put in those hours and work on days off or from home as she does now. The Board responded that there is no question as to Ms. Hutton's devotion hours wise. It is with employees where there is a problem. Ms. Hutton asked to know who it is that is complaining. The Board responded that at this point it is virtually everyone. Ms. Hutton again asked to know which specific employees have complained. The Board responded that it is the general demeanor that is an obstacle. It doesn't matter who is saying it, as everyone appears to be saying the same thing. It isn't a specific problem with a particular person, but a demeanor with everyone. Further, some of the complaints aren't about specific actions, but the toxic atmosphere of the workplace in general and the demoralized state of employees. Ms. Hutton responded that she should be supported when she does the right thing, and she has not always been supported. She has faced, what she felt, is unfair criticism. The Board responded that stuff has happened and it needs to be dealt with. The Board is just trying to get the town running on all cylinders and some of the things that have been said and occurred are problematic. Ms. Hutton asserted that if she's going to be beat up on she'll leave whatever meeting or contentious situation she's in. The Board suggested the right course of action in such situations is bringing things back to decorum and reminded Ms. Hutton that the town is still maturing in its government and there remains a learning curve.

As such, if there's a rogue meeting then at least the attempt should be made to bring things back to decorum. Ms. Hutton responded by outlining the limits of her office and her authority, especially when dealing with elected bodies or officials. She can't be effective if she isn't wanted in the room. The Board responded that one of the biggest challenges of this job is the fact that the town doesn't do things the way other towns do, and change is hard. Getting the town to do things the way they should be done will never be easy and the Board warned Ms. Hutton of exactly this problem when she was hired. That said, the Board understands the frustration. There was then some brief discussion about the rules and how to handle difficult situations that include resistance to change. The professional staff has the day to day responsibility for operations. The elected officials have the responsibility of oversight. Things remain a work in progress. The Board then took a moment to note where progress has been made, and where there has been success. At the end of the day, there have been many conversations and many concerns expressed both by those who are employees and elected officials, and those who are simply observers. The Town Administrator is the responsibility of the Board, and this must be fixed. That involves the need for a path forward with measurable results. Ms. Skerrett then spoke briefly about her own experience in the office as well as her own perceptions of the situation. This included expressing the personal opinion that some people have not been fair to Ms. Hutton. Discussion then finished with the Board noting that a situation where there is no resulting changes will not be acceptable.

### **Town Administrators Evaluation**

The Board felt that after some prolonged discussion on the personnel matter, it would be prudent to table the evaluation until the next meeting. Ms. Hutton had no objections to tabling her formal review. The Board then formally determined to table the evaluation until its next meeting.

### **Town Administrators Report**

Ms. Hutton started off by talking about OPEB and the town's study of whether it should be adopted. A question that has arisen in that process is if OPEB is adopted, whether the town should cover already retired employees or not. The Board felt that it should be studied both ways, with and without. This would allow the town to

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understand the costs. Ms. Hutton then asked about Candidates Night. Three candidates have said they aren't coming and only two people have confirmed they are attending, both of whom are running unopposed. This prompts a question about whether the event should still occur. The Board felt that Candidates Night should still go forward. If people don't participate, then that will be that.

### **Roads Commission Report at Town Meeting**

Mr. Dalida addressed the Board to explain a plan by the Roads Commission to utilize, with the permission of the Town Moderator, the reports part of the Annual Town Meeting to present information to the public. He explained that this is to help provide information and feedback. He then went over some of the data. This included some information on wages, costs for repair and maintenance including paving. The Commission wants to give solid numbers. The plan isn't to drop a bomb on the public, but to show some history, demonstrate the need, and give the public information. The right way to do it is incremental improvement in time and increases in resources. This is about providing data. The Board agreed that providing data is important, and giving the public information to consider is always important. Going forward there needs to be more collaboration between boards, committees, and commissions. Roads feels a good way to do that is this kind of report. The Board noted that the decision is absolutely data driven and this information is critical for the public to understand the need and support the changes that are necessary. Mr. Dalida noted that part of this is showing how the town has fallen behind and where the catchup is. The Board agreed noting that without data, the town is taking a shot in the dark.

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

The Board considered an application from the Dunstable Grange for use of the Town Common and Bandstand for holding the Annual Grange Fair on August 18<sup>th</sup>, 2018, with setup on August 17<sup>th</sup>. The Board saw no reason not to approve the request.

A motion was made by Ms. Basbanes to approve the application by the Dunstable Grange for use of the Town Common and Bandstand on August 18<sup>th</sup>, 2018, with a setup date of August 17<sup>th</sup>, 2018. The motion was seconded by Mr. Mikol and passed without objection.

### **Minutes**

The Board considered its minutes from its special meeting held on April 13<sup>th</sup>, 2018. The Board also considered its minutes from its regularly scheduled meeting held on April 18<sup>th</sup>, 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 April 13<sup>th</sup>, 2018 as written. The motion was seconded by Mr. Mikol and passed without objection.

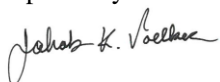
A motion was made by Ms. Basbanes to approve the minutes of April 18<sup>th</sup>, 2018 as written. The motion was seconded by Mr. Mikol and passed without objection.

### **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 at 8:34 pm was made by Mr. Mikol and seconded by Ms. Basbanes. The motion passed without objection.

Respectfully submitted by



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

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