

Town of *Dunstable* Selectboard
Meeting Minutes
July 10, 2018
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Leah D. Basbanes, chair, Ronald J. Mikol, vice chair, James E. Tully, member; James Dow, Chief of Police; Lorraine Leonard, Town Accountant; Carol Bacon, Alan Chaney, Affordable Housing; Mike Martin, Paul Dalida, Roads Commission; Joan Simmons, Susan Psaledakis, Community Preservation Committee; Karl Huber, John O'Brien, Water Commission; Bob Nelson, Kieran Meehan, Harold Simmons, Adria Fischer, Eric McKenzie, Leo Tometich, Advisory Board

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Chapter 61B Paperwork for 380 Westford Street
- Paperwork for Town Clerk Regarding Early Voting Policy

Open Forum

Ms. Basbanes explained the purpose of the public forum and went over the Boards agenda which included Use of Town Property Requests, Joint Discussion with Advisory Board Regarding End of Year Transfers, Joint Discussion with Water Commission Concerning the Status of the Water System and Water Department Budget, Discussion of Clerical Assistance for Water and Assessors, Determination on 380 Westford Street Chapter 61B Option, Results of the OPEB Study, an Update from Affordable Housing and Request for Access to Town Counsel, Status Report on the Pavement Management Plan, Request from the Town Clerk, Continuing Discussion of Asbestos Removal at 91 River Street, Town Meeting Items Going Forward, and Response to a Letter Regarding 104 Main Street.

Joint Meeting with Advisory Board Regarding End of Year Transfers

Ms. Leonard started off by going over the proposed interdepartmental transfers. A number of accounts will require transfers for FY18, including the Town Administrator's FY18 salary, Selectmen Special Legal, Accounting Clerical, Town Counsel Legal, Gas Inspector wages, Plumbing Inspector wages, Street Lights, and Medicare. Ms. Leonard determined a number of sources for those transfers and answered questions from both the Board and the Advisory Board as to the necessity of the transfers. The Board inquired about the Plumbing & Gas Inspector pay issue in particular. Ms. Leonard explained that just enough funds were left over in the Electrical Inspectors line to cover it. The Board then had some questions about the Street Lights and energy bills that went over. Ms. Leonard noted that this issue may be connected to the town's net metering agreement and could be a timing matter. Mr. Nelson noted that with street lights specifically, the town should have an inventory done to ensure that the lights are working and necessary. The Board elaborated on the last inventory and agreed it would likely be wise to do another one. Ms. Leonard noted that the budget was increased for Street Lights in FY19, so this should hopefully be avoided. Mr. Simmons noted a few solutions the town had pursued in the past to seek out lower rates. The Board determined it was in favor of all of the transfers. Advisory Board affirmed it was in favor and had previously approved the transfers in its meeting held just prior to the joint session.

A motion was made by Mr. Mikol to approve the eight end of year transfers as proposed by the Town Accountant. The motion was seconded by Mr. Tully, and passed unanimously.

Joint Discussion with Water Commission Concerning Status of the Water System & Department Budget

Mr. Huber started off by giving a general update of the status of the system and where things stand with Pepperell. Unfortunately, the inter-municipal agreement remains unsigned, and Pepperell has become increasingly concerned and tentative over whether they are willing to take over operation of the system. Pepperell is not currently comfortable with taking over without Dunstable taking affirmative steps to resolve a number of ongoing issues. Pepperell's water department will be meeting with Dunstable's Water Commission on July 17th, 2018 to determine what the next steps are. For the month of July both Pepperell and White Water will invoice the town for services rendered. The Board had some questions regarding how things got to this point without Pepperell fully understanding the state of Dunstable's water system. Mr. Huber elaborated on that and spoke about what the

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agreement's draft is supposed to cover. The agreement does not on its face appear to cover reporting, and reporting has become an issue. So that should be clarified. A big issue that remains is the pH issue. What White Water has had to do is replace conduit and work on the flow meter. Pepperell has concerns about how the chemical mix is done, in particular regarding the pH issue. The overall take is that the agreement remains under review and some things remain in the air. Dunstable still has some old things in its system and that concerns Pepperell. That said, Dunstable is stuck in the middle as White Water is stepping away and Pepperell isn't ready to take over. There also remains the issue of the Water Infrastructure Project and the Administrative Consent Order. DEP will be coming to that July 17th meeting hopefully be able to make some things clearer.

With all of this going on, Mr. Huber expressed the opinion that the Water Infrastructure Project will have to be delayed. Mr. Nelson expressed concern about delaying the project. Mr. Huber elaborated on some of the reasons and the possible necessity. Mr. Huber then spoke about where things stand with Wright Pierce and the delays. There was then some discussion regarding Complete Streets and the role that it plays in the engineering and project design. The Board felt that pipe could be replaced without Complete Streets coming into the equation and noted that from what NMCOG has said it shouldn't have to. Mr. Simmons suggested passing the question of Complete Streets by Town Counsel to be sure. If Complete Streets isn't an issue here, then there is no real reason for any delay for the Water Infrastructure Project. Mr. Dalida spoke briefly about his thoughts on Complete Streets. Complete Streets really isn't a negative and by going with that program the town can get funds for paving. It's a little more complicated but there is some potential. He also noted that putting in a trench with patching has its own drawbacks. Mr. Nelson noted that the process for Complete Streets is a little time consuming, and this project appears to be pressing. Mr. Dalida felt that the area that would be affected as part of the Water Infrastructure Project wouldn't be as complex as the Rt. 113 Project was. The Rt. 113 Project involved retaining walls, a new culvert, and movement of the road in addition to sidewalk and bike lanes. Mr. O'Brien felt that a third path could be found that would allow the work to go forward. There was a question of what the cost would be either way. Mr. Dalida had some thoughts and felt the number would likely be a few hundred thousand to be Complete Street compliant for the area affected, a chunk of which could be funded through MassDOT. Mr. Huber suggested that to keep things on track Wright Pierce should continue to work on the existing project. He then noted that anything that can be found out about engineering or design that should be done should be brought forward.

As part of that Mr. Huber invited Roads Commission to attend the meeting on July 17th. Mr. Huber then spoke about some financing options and his plan to speak with DEP about SRF (State Revolving Fund) funding from the Commonwealth that might help. This could be in addition to USDA funding or in place of. There was a question about what Wright Peirce is providing for the contract in addition to the engineering and design. Mr. Huber stated that most of it should be part of the overall package for the project that was agreed upon. Mr. McKenzie expressed some thoughts about how to address Complete Streets while simultaneously continuing with the project. The Board agreed that all options should be pursued, but it has to be clear whether Complete Streets is involved or not. Mr. Nelson asked whether the project will be ready to seek funding at a Special Town Meeting in the fall. Mr. Huber explained that survey work wasn't done in a timely fashion and this delayed the overall project by a few months. The Board asked for clarity about whether the engineering and design work is proceeding. Mr. Huber affirmed that it is. Mr. Nelson asked when the design would be ready and when the budgetary numbers would be ready. Mr. Huber responded that some of it would be ready by September, but it won't be shovel ready. Final figures are likely not available until December. The Board noted that would mean having to put the project on the next Annual Town Meeting in spring 2019 rather than on the warrant for a Special Town Meeting in the fall. The Board then asked Mr. Huber if he felt that Pepperell would walk away. Mr. Huber felt that they would not if Dunstable is willing to address some needed corrections and fixes. Further, doing those corrections and fixes would actually make the system better and should be done regardless.

Mr. Huber then explained the differences between the Water Infrastructure Project and what Pepperell is asking for in corrections and fixes. Right now we just need to see what the costs will be. There was brief discussion about the VFD and how it is working currently. The Board then inquired about what the corrections and fixes are. Mr. Huber elaborated on them noting that the biggest is fixing the KOH issue and chemical injection and treatment. Mr. Meehan noted that these are band aids that need to be done, and the Water Infrastructure Project is still several years out. Mr. Tometich asked how soon the pricing for these fixes and corrections will be obtained. Mr. Huber felt that they would be obtained quickly. Mr. Nelson asked if these would be items to put on a town meeting. Mr. Huber felt that the Water Departments emergency fund would be able to cover most if not all of what Pepperell wants addressed. Mr. O'Brien noted that one of the advantages of working with Pepperell is that they will be substantially cheaper than White Water.

Discussion of Clerical Assistance for Water & Assessors

The Board started off by noting there is a vacancy for Assessors in clerical. But it isn't just the Assessors that need help, Water does as well. Mr. Voelker spoke briefly about a proposed plan for reorganizing, which would create a newly aggregated position, approximately 32 hours a week, with the 12 hours from Assessors for clerical, 10 hours from Water for clerical, and 10 hours from the Accountants office for clerical. He was clear that the sources of funding for the hours are already in place in the FY19 budget as other employees previously worked them, although there is a small hole in the Accountants budget that needs to be filled and is the result of an error. Mr. Voelker stated that while this position would be benefited since it is over 20 hours a week, there should be no net increase in the number of overall benefited employees in the town since the Assessors hours were previously combined with Highways clerical hours and that person was a benefited employee. Now that that employee has retired and only retained their Highway hours, they are below 20 hours and no longer benefited. Further, that employee was entitled to enroll in the towns health insurance plan, but didn't. Still, there won't be a net increase in insured employees since another employee who was so enrolled will be coming off the plan within the next month. Additionally, there would be no net gain in total town employees since it would simply mean adding hours to an existing employee bringing them up from 10 hours to 32. There was then a question of whether the Assistant to the Town Accountant is interested in taking on the additional hours from Assessors and Water. Mr. Voelker affirmed that she would be assuming the pay works out. Mr. Huber followed by affirming that the Water Commission is interested and has a budget that would pay for their 10 hours. They previously had clerical support, but the employee who used to work those hours has given them up. The Board then determined that the numbers need to be firmed up and a package put together. Further, it should be ensured that the Assistant to the Accountant is definitively interested. Once all the ducks are in a row, then discussion can be scheduled with the Personnel Board.

380 Westford Street – Decision on Exercise of Chapter 61B Option

The Board started by noting that notice has been received from the Conservation Commission indicating that the Commission is not interested in this parcel. The Board determined that the town is not interested in the land and determined to decline exercise of the option.

A motion was made by Mr. Mikol to decline to exercise the towns option under Chapter 61B in regards to 380 Westford Street. The motion was seconded by Mr. Tully and passed without objection.

Results of OPEB (Other Post Employee Benefits) Study

The Board went over the OPEB study and asked the Advisory Board to review it as well. Mr. Nelson asked for a summary. The Board explained that OPEB is used to fund retiree health insurance. Mr. Meehan reminded those present that a lot of towns are stepping away from OPEB. Mr. McKenzie agreed noting a lot of towns are struggling financially with OPEB obligations. The Board responded that this study was done because both the Personnel Board and the Police Union asked for consideration of OPEB and in good faith the town should consider the matter carefully. A decision has not yet been made. Mr. Meehan had some questions about the liability and what neighboring towns have done. The Board responded that a lot of the towns in the area are engaged in OPEB. If you start digging into it, there are some worrying costs. The biggest concern is making sure there is funding for it. Ms. Bacon spoke briefly about her own experience as a public employee retiree noting the advantages and disadvantages of the program. She noted that many towns put it at a 50/50 split, in contrast to working employees who have 75/25. Ms. Simmons had some questions about how the system works in relation to early retirements. The Board conceded that's a question that has to be thought about. There is no strict timeline for consideration of this, but the Board would like to have the matter fully considered by early fall with an answer on whether the town will or won't commit to OPEB by that time.

Affordable Housing Update & Request for Access to Town Counsel

Ms. Bacon started by reporting the good news that the Commonwealth has put forward funding for small projects like what Affordable Housing is proposing. At this point, Affordable Housing will likely need to pursue a new RFP for putting in one to three buildings with six units in each one, likely to be placed on the Best Triangle. A well would likely have to be drilled with a septic system installed. It would have to be over 55 housing. Legal advice will need to be obtained to answer some questions. There is also a question about whether the land would be leased or sold to a housing authority once setup or nonprofit developer. CPA funding may also be available for helping pay for some of the costs such as the wells and a septic system. The Board had no issue with allowing permission for

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contact with Town Counsel, but expressed some concerns about the costs and asked whether an outline for what needs to be done legally speaking can be provided to Town Counsel. This project is clearly important. Mr. Chaney noted that Town Counsel has met with Affordable Housing several times and is aware of what the committee is doing. Mr. Nelson asked if CPA funding could pay for the legal costs rather than have the town pay for it out of the legal expense line. Mr. Chaney responded that it could, but it would require another town meeting and would be time consuming.

Discussion shifted back to the land and the option of ownership or leasing it. Mr. Chaney spoke briefly about what is usually done and what precautions should be taken. Ms. Bacon noted that the parties involved with development of affordable senior housing are usually nonprofits. Mr. Tometich had a few questions about how a nonprofit developer would manage the property. Ms. Bacon went into some detail about how a management company would manage the property in affiliation with the nonprofit developer. Mr. Chaney explained the difficulties of the town establishing its own housing authority. That said, he noted that some towns do have housing authorities and are looking to manage others. Chelmsford has a housing authority which is a regional housing authority that might be interested. But there are also management companies in the area that manage properties like what is being proposed and have a long history of satisfactory results. Mr. Nelson had some questions about how the affordability would be ensured. Ms. Bacon elaborated on how that would work. Mr. Meehan spoke briefly about various ways to get value for the town out of any would be developers. Typically, that would be accomplished with some of the land being made into a park, or a water system improvement that relates to the project, or other similar thing. Ms. Simmons agreed stating that there is a give and take that has to be part of it and the developer wouldn't be allowed to just do as they pleased. Discussion ended with the Board determining approval for use of Town Counsel by Affordable Housing and agreement to consider the issue of the land further.

Pavement Management Program – Status Report

Mr. Dalida started off by going over the report. Beta was the company hired to do the report. They physically inspected each road in town and gave them ratings by segment. They completed 39.1 miles in total. A few roads may have been missed, and Roads has already asked Beta to address those. Mr. Dalida then elaborated on roadway ratings and how they work. They go from zero to 100 and the town rated about 63 on average. There is a lot of deferred maintenance that is catching up with the town. To bring the town up to a state of good repair in total would cost about \$6 million. Roads feels that some of the repairs may not need be as substantial as the report suggests, but still there is clearly a need. About \$300,000 a year would be needed to maintain the town's roads at their current rating. Typically, roads should rate between 70 and 80. The Board asked what the \$300,000 would do. Mr. Dalida responded it would cover paving and crack sealing. 15 years is about the limit for paving, so roads have to be replaced after that time frame. Costs can be broken down in numerous ways to come up with the yearly amount needed. Roads felt that some of the costs may be reducible. Roads noted some streets are far worse in their ratings than the average of 63. Pine Street, for example, is much higher. And some of those streets are responsible for big chunks of that \$6-million-dollar figure with roughly two streets responsible for nearly 25 percent. The Board asked why some of these streets are so bad. Mr. Dalida responded that it is due to variation in what is needed for repair. Some of the repairs are major repairs versus minor ones. There was then some light discussion about preventative maintenance and the associated costs. Mr. Dalida then elaborated on what Roads is proposing be done in the immediate future.

That included all projects based on routine maintenance which would be close to \$800,000, as well as the Rt. 113 Project which is being paid for with MassDOT funding. There was some side discussion about manholes and other structural concerns. Mr. Martin reported that manholes are not included in that \$6 million price, that number is for paving. This prompted some concern as to the solidness of that \$6 million price if it doesn't cover everything exhaustively. Mr. Dalida brought discussion back to the preventative maintenance noting that this work gets the town the best bang for its buck. There was also discussion about what roads would really require a total rebuild and what roads really only need an overlay of new pavement. Some cost savings may be found. Roads felt confident the overall number could be hammered down to \$4.5 million. The Board then reiterated what will be required to get this on to a town meeting warrant. There will be timetables, especially if the proposal is for any of this to go to a Special Town Meeting in the fall. Financing this project would have to involve some kind of vehicle that will likely have to be voted on. Mr. Nelson had some questions about what the reasonable timeframe would be for financing. Mr. Dalida felt the borrowing timeframe would have to be multiyear, possibly up to 15 years. The Board had some questions about what the Highway Department's budget covers for maintenance now. Mr. Dalida explained that what is in the budget is inadequate. Discussion returned to how to lower costs and pursue savings. The answers included ways to utilize town equipment and Highway labor and make smart decisions on when and where to repair. There was then some discussion of grant funding opportunities such as Complete Streets and related MassDOT

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funding that might help. Discussion ended with the Board noting that the next Rt. 113 Project meeting is scheduled for July 25th, 2018.

Request from Town Clerk

The Town Clerk requested that the Board adopt a policy to prohibit political signs or attempts at persuasion at, or within 150 feet of an entrance to, the Town Hall during early voting hours. This would essentially put in place at the Town Hall, during early voting, the same rules that apply to polling places during elections. The Board had some questions about how this would work and whether there is a need for this.

A motion was made by Mr. Mikol to adopt the policy as requested by the Town Clerk. The motion was seconded by Mr. Tully and passed by majority vote.

Asbestos Removal at 91 River Street

Ms. Basbanes reported that a second quote has not yet come in. There was nothing further to report.

Town Meeting Items – Going Forward

The Board noted that it concluded a few priorities for a possible Special Town Meeting to be scheduled in the fall at its last meeting. These included two unpaid bills from prior fiscal years, requests from Roads for funding for wage increases and for paving, reconsideration and submission of a by-law for Memorials & Monuments, adoption of an adult entertainment related by-law, and liquor licensing. The Board also expressed concern about whether the budget will need to be re-opened. A substantial amount of Free Cash was used to balance the operating budget and that is of some serious concern. The total amount used was close to \$700,000. Mr. Simmons noted that a big chunk of that was a capital need from GDRSD, about \$250,000 of it. A lot of it was also one time purchases that the town needed to make that were appropriate for Free Cash. Mr. Nelson stated that apart that apart from the schools needs not much was used for the actual operating budget. Mr. Simmons agreed stating the town has used similar amounts in the past. Mr. McKenzie stated that planning a municipal budget perfectly is almost impossible so there will always be Free Cash, which is in part the difference between what is budgeted to be collected and what is actually collected in revenues. As a result, there should nearly always be Free Cash. Mr. Nelson clarified that it is possible to get zero in Free Cash and that has happened, but usually the town gets a few hundred thousand certified each year. The Board noted that DOR has dinged the town in the past for over relying on Free Cash and reminded those present that if the town isn't careful the town's bond rating could be affected. The town cannot rely on Free Cash for its operating budget.

Discussion then shifted to some personnel needs in the Police Department as well as the Highway Department. It was agreed that further discussion needs to occur between Advisory and the Board about the budget. Ms. Fischer noted that the budget was put together primarily by the Town Administrator with consultation by the Advisory Board. Mr. Simmons stated that the process was highly controlled by the Administrator and the numbers were constantly shifting. Mr. Meehan followed by noting that there was little opportunity for input or change. The Board expressed the feeling that the Advisory Board must have more control of the budget. Mr. Dalida spoke briefly about the information that Roads provided, including a meeting with Advisory Board about the Highway Department's needs. All things aside, the Board felt that the Advisory Board has to vet things and have input and control. Ms. Fischer responded that much of this is preaching to the choir. There is clearly an opportunity to start afresh. Discussion returned to re-opening the budget and what that process would look like. The Board elaborated on how you would control that process and re-opening would not mean opening every department's budget. This prompted discussion about where the funding will be found to address some of the issues. Mr. Meehan asked if the Board thinks it will have to ask for a tax increase. The Board was not willing to make that commitment but again stressed that it is important to address the structural issues. There are expenses that have to be addressed. Discussion ended with the resolution that further discussions should be had prior to any Special Town Meeting.

104 Main Street – Response to Letter from Court Appointed Commissioner

A Commissioner appointed by the Middlesex Probate Court has contacted the property about selling property located at 104 Main Street. The Commissioner has asked the Board to make him aware of any interest by the town or any other body known to the town that might be interested in potentially purchasing the parcels. At the Board's meeting held on June 26th, 2018, the Board had determined that the town itself had any interest in the property. That said it would appear that the Dunstable Rural Land Trust may have interest in the property and the Board wished to

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ensure that its prior determination did not affect any interest the Rural Land Trust might choose to express. Mr. Voelker informed the Board that its prior motion was specific to the town's interests and recommended that the Board not change that motion but rather clarify that the town is not interested by other third parties may be so interested. This could then be indicated to the Court Appointed Commissioner in any formal written response. The Board agreed to that course of action.

Use of Town Property Requests

The Board considered three requests for use of town property. The first being from the Town Clerk asking for use of the Conference Room from October 22nd, 2018 until November 5th, 2018 for absentee voting. The second request being from the Grange requesting use of the Town Hall for a series of General Meetings to be held September 22nd, 2018, December 8th, 2018, March 23rd, 2019, and June 22nd, 2019. The third was also from the Grange for use of the Town Hall on September 12th, 2018. The Board noted in relation to the Grange that usually the practice is to avoid approving use requests more than six months into the future. However, given the Grange's history of responsible use and their need for the regional and State organizations to be able to plan so far ahead, the Board saw no reason not to make an exception with this specific application. That resolved, the Board proceeded with approving both requests.

A motion was made by Mr. Mikol to approve the application submitted by the Town Clerk for a series of dates for the use of the Town Hall's Conference Room ranging from September 22nd until June 22nd, 2019. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the application submitted by the Dunstable Grange for a series of dates for the use of the Town Hall ranging from October 22nd until November 5th, 2018. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the application submitted by the Dunstable Grange for the use of the Town Hall on September 12th, 2018. The motion was seconded by Mr. Tully and passed without objection.

Minutes

The Board considered its minutes from its meetings held on June 19th and June 26th, 2018. The Board determined to do so but noted several changes and corrections determined to approve the minutes pending modification.

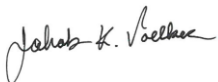
A motion was made by Mr. Mikol to approve the minutes of June 19th and June 26th, 2018 pending modification. The motion was seconded by Mr. Tully and passed without objection.

Warrants & Mail

Ms. Basbanes reported on the warrants she 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 Mr. Mikol at 10:00 pm. The motion was seconded by Mr. Tully and passed without objection.

Respectfully submitted by



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

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