

Town of *Dunstable* Selectboard
Meeting Minutes
August 7, 2018
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Leah D. Basbanes, chair, Ronald J. Mikol, vice chair, James E. Tully, member; Mark Haddad, Interim Town Administrator; James W. Dow, Chief of Police; Brian Rich, Fire Chief; Derek Madden, Alan Chaney, Commissioners of Trust Funds; Joseph Dean, Veterans Services Officer; Joan Simmons, Susan Psaledakis, Community Preservation Committee

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants

Open Forum

Ms. Basbanes explained the purpose of the public forum and went over the Boards agenda which included a Joint Meeting with the Commissioners of Trust Funds, Discussion Regarding Pepperell Industrial Landfill Proposal, Determination Regarding Town Hall & Other Town Flags, Update on Logging on Simmons Property, Decision on Police Staffing, Disposition of 91 River Street, Town Meeting Items Going Forward, Update on Electrical Service to the Town Common's Bandstand, and an Executive Session.

- Ms. Psaledakis asked as to the status of the contract with NMCOG and CPA. Mr. Haddad has seen it, and found it adequate, and is asking for it to be signed. She was uncertain if it needs to be on the agenda or not. Mr. Haddad stated that Ms. Basbanes can sign in her capacity as chair.

Joint Meeting with Commissioners of Trust Funds

The Board started off by elaborating on the purpose of the meeting with the Commissioners. First and foremost, the intention is to see to the filling of the Commissioners vacancy, which must be done jointly between the Board and the Commission since the Commissioners are elected. The person so appointed will only hold office until the next Annual Town Election scheduled for May 21st, 2019. The second purpose of the meeting is for the Board to discuss with the Commissioners the setting of a charge and some basic rules for the discharge of the Commissions duties which was requested by the Town Clerk. Mr. Chaney spoke about the various trusts which have been rolled into the Commissioners of Trust Funds by the town meeting. Some of the trusts are specific about what the funds can be used for, but others are not as clear. The Board gave a little history on why the consolidation of trust fund commissioners was done. Mr. Haddad stated he would work towards developing a charge for the commissioners and made a recommendation to have further research and a follow up meeting with the commissioners.

Susan Tully is appointed as a member of the Commissioners of Trust Funds Expires May 21st, 2019
Motion by Ronald J. Mikol, seconded by James E. Tully, and passed unanimously by vote of Leah D. Basbanes, Ronald J. Mikol and James E. Tully.

Appointments

The Board began by discussing a request from the Cultural Council on the appointment of a new member, a Consuelo F. Walker. The Board noted that in its joint session with the Commissioners of Trust Funds as seen above, Susan Tully was appointed to fill the vacancy on that commission through until the next election. Seeing no reason not to proceed with the Cultural Council's request the Board determined to do so.

Consuelo F. Walker was appointed as a member of the Cultural Council Expires June 30th, 2021
Motion by Mr. Mikol, seconded by Mr. Tully, and passed unanimously

Approved and adopted on 8/21/18

Personnel Board

The Board discussed the fact that the Personnel Board has consistently had a vacancy as a 5-member board, and is currently facing another vacancy as one current member may be unable to finish his term. Mr. Haddad stated he would consult with Mr. Voelker and seek out a posting to look for new members to join it.

Pepperell Industrial Landfill Proposal – Impact on Dunstable

The town has received a great deal of communication from concerned citizens both in Dunstable and in Pepperell regarding this issue. The main concern for Dunstable revolves around the heavy equipment that might travel over Dunstable roads, with the most likely being Main Street and Pleasant Street, i.e. Route 113. The Board reported on the research it has done so far and the guidance that it has sought. The Board is concerned primarily with the impact on town roads and the possibility of damage. Pepperell's Board of Selectmen is having a meeting with special legal counsel they hired to discuss the impacts they are facing on this topic and what paths forward are, and that meeting is currently scheduled for August 13th, 2018. Mr. Haddad asked whether they would be willing to talk to the Board in a joint meeting. The Board agreed that if possible this should be scheduled if possible. The Board determined it would ask Pepperell if August 21st, 2018 in the evening would work. This is certainly something that both towns should be concerned about. Mr. Haddad noted that the concern is both environmental and physical. There are concerns about whether the earth to be brought in would contaminate ground water or cause other environmental concerns. Mr. Haddad inquired whether an environmental impact study has been done. The Board was not aware if that had been done yet or not but felt Pepperell's Board of Selectmen would know. The Board is doing its best to stay on top of this topic and gather information where it can in order to protect the interests of Dunstable.

Town Hall & Other Town Flags

Ordinarily the Police Department assists in the raising and lowering of flags in front of the Town Hall and other town buildings. Usually Officer Drinkwine is the officer who carries out these duties. Unfortunately, due to Officer Drinkwine's absence for military reservist training, several town flags are not being raised to full staff or placed at half-staff when appropriate. This is in large part due to the department being currently understaffed with Officer Drinkwine on leave, another officer on 111F leave, and a vacancy. Mr. Dean, the Veterans Services Officer, requested that the Board determine and implement a solution so that flags are administered correctly throughout the year regardless of individual absences. He presented the Board with some materials regarding the flag and his own personal feelings in relation to it. Mr. Haddad then had some inquiries for Mr. Dean as to the notification for flags to be at half-staff or full staff. Mr. Dean then elaborated on his understanding of the Commonwealths regulations as to the flag. There are six official flags in town, those being the Fire Station, Library, Highway, Police, Town Hall, and Larter Field. Mr. Haddad noted that in Groton there is one person assigned to cover all flags versus someone in each individual building. He suggested consulting with Department Heads to get some recommendations on what the policy should be and who should be designated. Mr. Haddad noted that the distribution generally goes to several different authorities in the town. He felt that the Town Hall should receive the notification, but that other parties should as well. Ms. Psaledakis had some questions about the flags flying at various different times, including at night. Mr. Dean responded that flags that fly over night should be illuminated and most are. The Library currently does not have a flag on its pole, but when it does it will be properly illuminated. The same is true of the Highways flag which is not currently illuminated at night, but is scheduled to have a light installed. Larter Fields flag pole has a solar light that illuminates the flag. The Town Hall and Police flags are already illuminated. Discussion ended shortly thereafter.

Update on Simmons Property

Mr. Voelker updated the Board on where things stand in relation to the situation. A man interested in removing a few trees from the property approached Mr. Simmons. Mr. Simmons consulted with his attorney and determined that it would be permissible under the terms of the agreement he has with the town. After doing a simple internet search on the man and seeing only one complaint against him, which appeared minor, he authorized the man to remove a select few trees. Each of which for various reasons needed to be removed, with the only intention of getting a few boards from them and otherwise having them removed with the only compensation to the man being what he could sell that was left over. Subsequently the man cut far more than

Approved and adopted on 8/21/18

Mr. Simmons's had authorized and a lot of things happened quickly thereafter. As it turned out, the man doing the logging was wanted for arrest in multiple jurisdictions and after the Dunstable Police became aware of the man's status attempt were made to apprehend him. Unfortunately, the man got away and left a mess behind. Mr. Simmons worked with Police in Massachusetts and New Hampshire to apprehend the wanted individual. Chief Dow then spoke to the Board about the situation including a police pursuit that occurred and assault and battery against one of his officers that was part of those events. The man is now in custody in New Hampshire and fugitive warrants have been issued to extradite him back to Massachusetts. The Board determined there is no formal action for the Board to take at this time. Ms. Simmons had some questions as to the properties status. The Board explained that the deed transfer hasn't yet happened and the matter is still proceeding. Town Counsel continues to work with the town and Mr. Simmons to complete the transfer. Ms. Psaledakis asked for clarification as to the rights of Mr. Simmons and the town. The Board clarified that he still owns the land, but once the transfer occurs he will hold a life estate for his home and continue to pay taxes. Mr. Chaney then spoke about how people ought to seek out logging responsibly including talking to a registered forester first and using a properly licensed business. This avoids these kinds of situations.

Decision on Police Staffing

Mr. Haddad presented the Board with some information regarding the Police Departments budget for FY19, what has been spent so far, and what can reasonably be extrapolated to be spent over the rest of the fiscal year. In his professional opinion it would make sense to permit the Police Department to proceed with the hiring of a new full time officer. Currently the department has an officer out on 111F leave, another out on military training, and a vacancy. Officers are working a lot of shifts, and burnout is a concern. Mr. Haddad has gone over the budget with Chief Dow and with information from the Town Accountant and Treasurer/Collector, he feels confident that the existing budget can sustain a new hire. He then went over some of the numbers with the Board including what the departments weekly and monthly budgetary expenditures are on wages. Because the town only has to pay the officer on military leave the difference between his military pay and his ordinary pay, the town has saved some funds and will continue to do so as long as that officer is out. Mr. Haddad then went over the numbers regarding the officer on 111F and what would happen budgetary when that officer returns from his leave. Right now the department is using a lot of part time officers and there is the risk of a deficit in wages for part time officers. Mr. Haddad then went over best case and worst case scenarios. He felt confident that based on his projects the department will come out ahead, with the worst case being a small deficit.

He recommended letting the department hire a new full time officer at the union contracts starting wage, which could be done by October, and the cost would be a little north of \$42,000 for the rest of the year. Which he felt is sustainable considering the vacant position. Chief Dow noted that there has almost always been a small surplus in the overtime, and as the two officers on leave return, the other officers will work less. Further, he noted the part timers make less than full timers and utilizing the part timers as much as he has mostly has served to save on the overtime with the full timers. The Board had some questions which Mr. Haddad went over with them. The Boards concern was with ensuring the accuracy of the numbers. Chief Dow noted the other thing to look at is that there are three shifts that are being filled with overtime. Plus, there are vacations to consider and other benefits. Summer is the busiest months for overtime and this position would not be filled until October. Mr. Haddad was very confident in his numbers and projections and felt that the worst case scenario is the most unlikely. The Board then turned to questions about the hiring process. Chief Dow elaborated on how the department goes about reviewing candidates and determines who to hire and noted that he involves his Sergeants heavily in the process. Mr. Haddad stated that what Chief Dow does is very similar to what Groton's Police Department does. The Sergeants and the Chief are the ones that are responsible for managing the department and will have to work with this hire on a day to day basis.

Mr. Haddad then offered to help the Chief with the process should he need it. Chief Dow then noted some places to look for recruits, including the Police Academy, as well as other resources. There was then a question about when Officer Drinkwine returns. Chief Dow reported he comes back September 24th, 2018. Mr. Haddad then asked the Board to authorize Chief Dow to look for a new full time officer. The Board clarified that they aren't authorizing spending beyond the budget. Mr. Haddad responded that it would not be adding to the number of officers as there is an existing vacancy. If the department has any more staffing needs those would be handled as part of the budgetary process for FY20. The only concern Mr. Haddad had was the health insurance, but Mr. Voelker was certain that the Treasurer/Collector budgets for such contingencies. The Board determined that Mr. Haddad's materials should be sent to the Advisory Board. Mr. Voelker and Mr. Haddad

Approved and adopted on 8/21/18

agreed to see it done. Discussion then briefly shifted to equipment for a new officer. Chief Dow noted that there may be some expenses, such as a new bullet proof vest. He noted that funds were appropriated for the vacant position for such expenditures anyway, so it shouldn't be an issue. The Board finished by noting that it has spoken with officers and they understand the need the department is experiencing. There was a question of what the percentage of arrests are in different parts of town. Chief Dow noted that there is a lot of transit activity between Lowell and other communities in this region such as Pepperell and Groton. To give specific numbers and percentages he would have to do a study. Discussion ended shortly thereafter.

A motion was made by Mr. Mikol to authorize the Chief to search for a new full time officer. The motion was seconded by Mr. Tully and passed without objection.

91 River Street – Disposition of the House

Chief Rich addressed the Board to discuss the potential of demolition of the structure using a controlled burn for fire training purposes. He understood that once the asbestos removal is complete the Board intends to have the house demolished and felt that it would be an excellent opportunity to do some firefighting training. He suggested with the Board's blessing he would work with Conservation and DEP to make it happen. The Board asked what is involved in a training burn. Chief Rich elaborated on how it would work. There would be a number of live burns that would be done. Multiple departments would participate. Once the burn is done, the remains would have to be demolished. Prior to the burn the house will be assessed for structure to ensure that it is suitable for such a burn. The Board noted that the funds for removal of any asbestos on that property have already been allocated as well as funds for demolition. Mr. Haddad expressed general support for the burn to the Board noting that the training opportunity is invaluable.

Chief Rich then elaborated on some savings the town will realize from this training as well. It's not a lot of money, but it is some. The house won't be totally burned down to the ground. Mr. Haddad noted that DEP tightly regulates the process and ultimately is the authorizing authority. Chief Rich noted this property is rather ideal for this in location, including a nearby water source and a few other features. As far as he can see there are no issues there. The Board discussed whether the house has any other town uses. It was unclear what it could be used for. Chief Rich reported that this burn wouldn't be done until closer to November so time would be left for the Board to ensure that there are no other uses. Mr. Haddad made the suggestion that Chief Rich start the process with DEP and keep his date in the fall noting that if the Board later decides not to allow the burn it can always be cancelled. Discussion then turned to the asbestos on the property and some other debris that will need to be removed. Chief Rich noted that something to think about is the septic tank. Chief Dow reported on a bus on the property which will also need to be removed at some point. That bus is full of various items, which is part of the trouble with disposing of it. It was determined that further discussion on this topic should be scheduled for the Board's meeting set for August 21st, 2018.

Town Meeting Items – Going Forward

While Board determined at its last meeting that a Special Town Meeting in the fall is unlikely, Mr. Voelker took the opportunity to remind the Board that one of the items that should be on the agenda for the Annual Town Meeting is a revolving account for Board of Health. Mr. Voelker stated that he confirmed with the Board of Health that they can wait until May. Mr. Haddad had some questions about revolving funds in town in general. The Board noted that the issue for Board of Health has to do with the transition to curbside pickup. The Board had a few questions about the limit for revolving funds, which may need to be fixed. There were also some questions about how many permits have been sold so far. About 138 have been sold with another 102 expected to be sold in the next few weeks.

Update on Electrical Service to the Town Common's Bandstand

Repairs have been done and National Grid has restored service. As a result, the Grange Fair will proceed as previously scheduled. Ms. Simmons then had some questions about the lights at the Bandstand noting that they appear to be staying on overnight. The Board determined that it would look into the matter to ensure the lights are not on all the time. The Board asked Mr. Voelker to contact the town's landscapers to ensure that the Town Common is ready for the Grange on August 18th, 2018. The Board noted that if the Grange needs anything they should let the Board know through their Administrative Assistant. The Board will help anyway it can. Ms.

Approved and adopted on 8/21/18

Simmons noted that the Grange's concerns had been that it would have been far too difficult to run the fair off of generators. The Board conceded that it would have been difficult and is pleased the matter has been resolved. There was some discussion of perhaps adding to the power on the common to make it easier for the Grange Fair and other similar events on the Town Common.

Possible Solar Opportunities

The Board took a moment to consider some possible opportunities for municipal solar on town owned property. There are some resources with the Commonwealth and nonprofits that the town can pursue. NMCOG has also provided some information. NMCOG has someone who specializes in municipal solar and may be able to help the town. There was then some discussion of various properties that might be suitable and what the limits are. The solar field would have to be close to an appropriate tie in place with the grid. This prompted some discussion of those tie in locations and town properties located near them. The town clearly needs to think outside of the box once in a while and seek ways to bring in revenue aside from property taxes. There are outstanding questions about whether this sort of project would be viable for Dunstable. This prompted some discussion about the town becoming a Green Community and how that might relate to such a project. Mr. Voelker noted that other smaller towns have managed to do it, and they have developed relatively healthy revenue generation. From there the Board spoke briefly about the Charles George solar project in Tyngsborough which also included some land in Dunstable. Discussion ended with the agreement that the matter should be pursued further.

Minutes

The Board considered its minutes from its meetings held on July 24th and July 31st, 2018. The Board noted several changes that should be made to the July 24th minutes and determined to approve those minutes pending modification. As for the minutes of July 31st, the Board saw no reason not to approve those minutes as written.

A motion was made by Mr. Mikol to approve the minutes of July 24th pending modification. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the minutes of July 31st as written. The motion was seconded by Mr. Tully and passed without objection.

Holding a Meeting on August 28th

Mr. Haddad asked the Board to hold a morning meeting on August 28th, 2018 and asked for several items to be put on the agenda. Primarily discussion of organization of the town's bodies politic and departments, as well as discussion regarding the Town Administrators position including hours, scope of duties, and job description. He also asked that the agenda include discussion of the Administrative Assistant to the Board and the Town Administrator position including hours, scope of duties, title, and job description.

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.

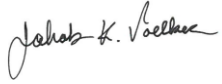
Ronald J. Mikol made a motion to enter Executive Session for the purposes of complying with or acting under the authority of the Public Records Law (MGL Chapter 66) in accordance with MGL Chapter 30A §21(a)7, and with the intention not to return to ordinary session afterwards. The motion was seconded by James E. Tully. The motion was adopted without objection by Leah D. Basbanes, Ronald J. Mikol, and James E. Tully.

The Board entered into Executive Session at 7:48 pm

A motion to adjourn was made by Mr. Mikol at 8:07 pm. The motion was seconded by Mr. Tully and passed without objection.

Approved and adopted on 8/21/18

Respectfully submitted by

A handwritten signature in black ink, reading "Jakob K. Voelker". The signature is written in a cursive style with a large initial 'J' and 'V'.

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

Approved and adopted on 8/21/18