

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**September 4, 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 W. Dow, Chief of Police; Brian Rich, Fire Chief; Brian Falk, Town Counsel; Phil DeNyse, Parks Commission; Maria Amodei, Board of Health; Mike Martin, Paul Dalida, Roads Commission; Gerald Gath, Martha Gath, John Gath, Steven Chaisson, Whole Sun Farm, LLC

**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 Discussion of a Host Community Agreement, the Trash & Recycling Hauler Contract, Continued Discussion of the Pepperell Industrial Landfill Proposal, the Rave Notification System, Repair of a Granite Bench on the Town Common, Disposition of 91 River Street, and the Impact of OSHA Rules Newly Applicable to all Municipal Employees.

**Host Community Agreement with Whole Sun Farm, LLC**

Whole Sun Farm LLC submitted a letter of intent regarding the seeking of approval to locate a Tier 1 Marijuana Cultivation Establishment at 48 Valley Street. In order to receive this approval Whole Sun Farm must sign a Host Community Agreement (HCA) with the town. Gerald Gath started off by asking how familiar the Board is with the process. The Board responded that this is a first for the town, but the Board has looked at examples of what other towns have done. The Board was concerned with ensuring that reasonable costs incurred by the town should be considered. Gerald Gath noted that there shouldn't be a big impact as to the infrastructure for the town as the layout of the property would stay essentially the same. The Board conceded that the property in question is known, the Gath's are known, and the infrastructure may not be substantially changed. But there are other costs. Inspections, police, security, and other similar expenses could be incurred. Obviously some of this would be part of any ordinary construction and conformance with the Commonwealths requirements. There is also the community impact fee and costs that have to do with substance abuse in the area. John Gath responded that the footprint won't change. He provided the Board with some maps depicting the property and noted there are two greenhouses set in the back of the property.

The Gath's have spoken with all the neighbors and the abutters and feel comfortable that they are on board at this stage. There should be no disruption to the neighborhood. Nothing aesthetically would change except a fence that would have to go around the greenhouses per the Commonwealth. So they're looking at options that blend in to the aesthetics of the property. The interior of the greenhouses will be modified and the Gath's have already consulted with various companies for the greenhouses. John Gath then stressed that this would be a seasonal business with a focus on an organic market. Most competitors will be in large warehouses and that is not the goal for Whole Sun Farm. The Board asked where they stand with the Commonwealth. John Gath explained that the process with the Commonwealth is on hold until this agreement is hammered out and other steps are taken as required by the law. Once all the ducks are in a row the application can be done. The Board noted that the Planning Board would have to be consulted. John Gath agreed stating that once the preliminary licensing is done with the Commonwealth they would then be ready to approach the Planning Board. They would like to get up and running by the spring of 2019. They feel it is doable despite the arduousness of the Commonwealths process. The Board then had some questions about the setbacks of the greenhouses to the abutters. John Gath responded that they appear to be within the required setbacks. The Board then asked about the square footage. John Gath elaborated on the exact number and noted it would conform to both the town's requirements and those of the Commonwealth. So it wouldn't exceed 4,800 square feet. Gerald Gath noted that for Tier 1 they have to be no more than 5,000 square feet. John Gath then spoke about what the property has

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which makes it reasonable for this kind of operation. The Board returned discussion back to the timeline suggesting that having a clear one would help with perception and ease public concern. The Board also noted that the potential revenue is well and good, but would like to better understand what the math behind it is. The Board understood that this is here and the law is what it is. As a result following the path and working through this is going to be paramount to this. Further, knowing what the revenue will be would help the town. John Gath then went over how the application will work, including various levels of compliance and security that would have to be done. This will include having to work with the Police Chief. The Board then discussed the impacts to the town and how all of this will work. Mr. Chaisson spoke about how the regulation will work, and suggested a range could be given to the town. This agreement would be good for 5 years, and after that period a new one would be negotiated.

Mr. Falk then offered some thoughts. He noted there are three ways to deal with the impact fee. The first being negotiating the percentage, the second would be some kind of analysis of the impact on the town, and the third being some kind of flat dollar amount. The third option could be problematic given the way the law is written. It is unclear who if anyone enforces the HCA's, and that has to be considered. As a result most towns have gone with a percentage. John Gath stated that Whole Sun Farms is willing to do the maximum 3 percent as permitted under statute. The tricky part is determining what that 3 percent means. The Board again reiterated that a big part of this is understanding what the expectations should be for what happens and what the objectives are. The Board then discussed next steps. Mr. Falk offered a model agreement with the caveats that changes should be made to cater to the specific situation. The Board should consider having one member sit down and decide what the model should be and bring it back to the Board. In the alternative the Interim Town Administrator could do that. John Gath also suggested that Whole Sun Farm could build its own model that could be considered as well. Mr. Chaisson agreed stating that if they could get a copy of what Town Counsel has, they can use that as well. The Board agreed with this idea and requested the Gath's get in contact with Mr. Voelker to facilitate that request. Mr. Dalida then had a question regarding the financial deals of the businesses given the Federal concerns. Mr. Falk responded that one Commonwealth chartered bank has been working with medical marijuana proceeds, it is unclear if they will do this for recreational use. Mr. Chaisson outlined some of the options they have to address those concerns.

### **Trash & Recycling Hauler Contract**

Ms. Amodei spoke about where things stand with the trash collection program. The Transfer Station formally closed on September 1<sup>st</sup>. The first trash pickup will be on September 6<sup>th</sup>. Ms. Amodei then spoke about some of the challenges of addressing town buildings, including at least one dumpster. The Highway Department would like the two shipping containers that Board of Health had at the Transfer Station for paper and cardboard recycling. Board of Health had no objections to Highway having these containers for storage purposes and they've already been given to Highway. Board of Health is also placing a trash dumpster at the Highway Garage. Some kinks are still being worked out, including some last minute work to get carts to customers. There will be some flurry as the system continues to be worked out. Right now there are about 190 customers signed up. The Board of Health was aiming for 240. So that leaves the town 50 to go. The Board had some questions about the removal of the Transfer Stations dumpsters. Ms. Amodei didn't have a definitive date yet, but stated they would be dealt with in the near future. Other equipment will likely be sold on the market. Whatever can be used will be used. The Board then had a question as to the duration of the contract. Ms. Amodei explained its 3 years. The town will have the ability, if this program grows; to buy more carts as the Commonwealth will assist in this process. The hauler is Shaw's, and they are willing to assist on the carts to if the town requires floating if demand ever outstrips availability.

### **Pepperell Industrial Landfill**

The Board noted there are no major updates. Still, the Board has reached out to the developers to see if they are willing to do an information session and discuss the impact to the Town of Dunstable. The Board remains committed to addressing this issue and promised to continue working on this subject. It appears that Pepperell has no unilateral way to rebuff this despite strong opposition in Pepperell including candidates for public office who have declared opposition. But it appears that DEP will be the ones making the ultimate decision it was hoped that opposition will be strong enough. Mr. Dalida spoke briefly about the towns options. Unfortunately, it appears the town is more limited in weight limits than had been previously thought. That said there are still

other options like stop signs. Mr. Dalida felt that the safety approach can be useful as that is the primary concern for the town.

### **Rave Notification System**

Chief Rich spoke to the Board about the new Rave Notification System that the town has adopted. He had some recommendations for full implementation of the system in light of user training. The most significant of which was that the town should consider obtaining a dedicated landline phone. He noted that he has consulted with other towns and they recommend putting such a line in. Right now the default line is the Town Hall's number, and when an announcement goes out, people might just call the number back which could overwhelm the Town Hall. The Board had some questions about the signup process and how it works. Chief Rich explained that those signing up have some options such as whether they want to be texted or otherwise. The Board had some questions about how the old system worked and how it was managed. Chief Dow responded that in the past it was a Blackboard based system managed by Police and the Emergency Management Director. Chief Rich then spoke about the advantages of the landline. The Board felt that it would make sense to have such a line and to have it at either the Police or Fire Stations depending on what is most sensible. Chief Rich finished by stating it's a sensible system it just all comes down to how it will be used.

### **Granite Bench Repair**

Mr. DeNyse reported to the Board that one of the granite benches near the Bandstand on the Town Common has been damaged. He supplied the Board with pictures showing the extent of the damage. The Parks Commission has explored the cost of repair and he reported that it would be about \$300. The Board asked whether anyone has taken responsibility for the damage. Mr. DeNyse responded that no one has. The Board inquired as to whether the Parks Commission would handle this repair. Mr. DeNyse responded that Parks would not cover this as the Town Common falls under the legal authority of the Board per MGL and by tradition. That said Parks does take care of the mowing of the Town Common. The Board clarified that the Common falls under the Board's jurisdiction, but that the care is ordinarily done by the Parks Commission. The Board then asked if Memorials & Monuments would have authority in this case. Mr. DeNyse responded that Memorials & Monuments' authority is currently advisory. There were then some questions about the damage to the bench. The two supports are off center and the bench is not safe for climbing upon or sitting upon. Whoever hit it should have had damage. The Board inquired as to the revolving fund for Recreation and whether that could be utilized. Mr. DeNyse was unsure as that would fall under the authority Recreation Commission. The Board then took a moment to ask Mr. DeNyse whether Memorials & Monuments has discussed with Carol Bacon the placement of signage on the Town Common. The Board expressed the feeling that it would be appropriate for Memorials & Monuments to have input on this subject. Mr. DeNyse suggested moving it to a more accessible location going forward. There may be some aesthetic differences of opinions about placement. Memorials & Monuments can meet about the subject. The Board asked that they do give the Board an opinion noting that this signage will be placed for some time and it makes sense. It was determined that Recreation Commission would be contacted for their opinion.

### **91 River Street – Disposition of the House**

Nothing has changed on this topic. As a result the Board determined to table any discussion.

### **Impact of OSHA Rules Newly Applicable to all Municipal Employees**

The Massachusetts General Court has recently decided to make more OSHA rules applicable to municipal employees. As a result, the town will face some expenses for compliance, particularly for Fire and Highway, as some equipment may need to be purchased. Further, trainings will likely have to be developed and scheduled for effected employees. Chief Rich then made some suggestions about how to deal with some of the immediate compliance issues. One of these involves a respiratory physical. The total cost of which for Fire Department would be approximately \$10,000. How to fund that is an open question. The Board recommended it would have to be addressed with the Advisory Board as part of the budget. The Board clarified as to how many employees. Chief Rich responded about 24 firefighters. If the firefighters are on the department, the way the law is written, they have to have this. There was a question about whether any of the volunteers who work in other Fire Departments could get those records of the tests in those departments. Chief Rich responded that if

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they can that would help. But it may not be possible in all situations. There are a lot of little things coming that will add up cost wise as part of this. There was a question about this quoted price and whether it is the most affordable option. Chief Rich responded that it is.

### **Personnel Board**

The Board asked Mr. Falk about the possibility of dissolving the Personnel Board. The Roads Commission has struggled with the Personnel Board and its process and this is one of several reasons why the matter should be considered. This has also prompted some questions about how job descriptions should be done, how wages should be considered, and what the process should be in general. Mr. Falk responded that the easy answer is that the Personnel By-Law requires a Personnel Board. To not have one going forward would require the town to amend its by-law and seek approval from the Attorney General's office. Not every town has one, but many do. Ultimately the Board is in charge of the system given the way that the Personnel By-Law is in Dunstable's case. In many ways this Personnel Board is structured in an advisory capacity. Many of the other questions, Mr. Falk noted, are those of policy and are not ones that he can answer. Mr. Voelker noted that prior to having a Personnel By-Law, there was no global Personnel Policy, some employees had special treatment from their elected appointing authorities that were not enjoyed by others, there was a general lack of job descriptions, and wages stagnated with many employees not getting raises over the years.

Mr. Voelker advised that the Personnel Board could be modified rather than dissolved noting that with a Town Administrator working alongside a Personnel Board the process can be fair and efficient. Mr. Dalida noted that the system as it exists doesn't seem to have enough transparency. He then spoke about where things stand with the Personnel Board currently for Highway. He felt that things keep changing and reversing. Mr. Martin noted that Personnel Board was supposed to talk to the Board already about some of this and that hasn't happened. Mr. Dalida expressed the feeling that the Personnel Board has been arbitrary in its function. This prompted the Board to ask Mr. Falk if the Board can step in at this juncture. Mr. Falk responded that the Board ultimately administers the system and approves what the Personnel Board does. What might make sense is either the Board hold a joint meeting with Personnel Board or that a representative be sent by one side to the other. Any changes that are made should be done with that in mind. The Board then discussed what the steps should be and how it would be done within the budget. There was a question of whether funds allocated for non-wages could be spent on wages. Mr. Falk responded that they cannot.

Whether there is any flexibility depends on the level of detail approved at town meeting. Meaning, the more general and less specific the budget is the more flexibility there is. Mr. Falk then sought clarification as to the wage chart and what about it precisely is being discussed. If the wage plan is adopted at town meeting it cannot be changed other than by town meeting. The Board felt comfortable that it was not adopted at town meeting. Still, it may be necessary to do some research. There was a question as to whether any compensation package changes for Roads would modify the Personnel Policy. Mr. Falk suggested it might be proper to refer this to the Towns Labor Counsel as he assisted the town through the process of establishing its current personnel system and implementing the Personnel By-Law. He also suggested that it might be wise to discuss this with Personnel Board prior to making any changes. Mr. Dalida noted the total cost would be somewhere around \$24,000 for this fiscal year. Mr. Dalida felt confident that the wages can be found within the Highway Departments existing budget at least for this year. For FY20 discussions will have to continue. Mr. Falk noted that the other fringe benefits pose some questions that should be considered as part of the analysis. Mr. Falk promised to get more information for the Board this week and to notify Labor Counsel.

A motion was made by Mr. Mikol to adopt the recommendations of the Roads Commission regarding salary changes and compensation package changes for Highway employees, pending consultation with Labor Counsel. The motion was seconded by Mr. Tully and passed without objection.

### **Use of Town Property Request**

The Board considered an application from the Swallow-Union Association of Parents & Teachers for use of the Town Common and Baseball Fields behind the Swallow-Union Elementary School for the annual back to school picnic. The Board was generally supportive of this annual event and saw no reason not to approve the application, however, directed that the APT be advised to contact the Fire and Police Chiefs to ensure the safe direction of the likely traffic and parking that would result from this event.

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A motion was made by Mr. Mikol to approve the application. The motion was seconded by Mr. Tully and passed without objection.

### **Minutes**

The Board considered its minutes from its meetings held on August 21<sup>st</sup> and August 28<sup>th</sup>, 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 August 21<sup>st</sup> as written. The motion was seconded by Mr. Tully and passed without objection.

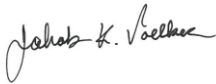
A motion was made by Mr. Mikol to approve the minutes of August 28<sup>th</sup> as written. The motion was seconded by Mr. Tully and passed without objection.

### **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. Tully at 8:11 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by



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