

Town of *Dunstable* Selectboard
Meeting Minutes
October 2, 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; Robert Nelson, Advisory Board; Alan Chaney, Town Forest Committee; Mark Cullen, Water Department

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- State & Federal Election Warrant

Open Forum

Ms. Basbanes explained the purpose of the public forum and went over the Boards agenda which included Discussion of Adopting a Town Seal Policy, Exercise of a Chapter 61A Option, Signing of the November Election Warrant, an Update on the Master Plan, an Update on the Dunstable Historic District, and a Vote to Dispose of Surplus Fire Equipment.

Town Seal Policy

The Town Clerk has requested that the Board consider the adoption of a Town Seal Policy. Currently the law is somewhat unclear on the control of town seals. The physical seal is under the custody of the Town Clerk and only the Town Clerk may use that seal for official purposes. That said the seal is still used in a number of official capacities showing up in various places such as on department letterhead, on Board of Health trash and recycling carts, town envelopes, and other documents. These are legitimate uses of the seal so long as they are for official purposes. The Town Clerk's concern is that some communities have experienced private parties using their town seals for non-government related matters such as in commercial capacities. Absent a policy, by-law, or specific applicable MGL, there is little a town can do in such a case. The Board noted that there really hasn't been any structure around this. There are very real concerns about how to enforce such a policy. The Board further stated that this topic has been discussed in the past and this is something that action should be taken on rather than left in purgatory. The Board requested that a policy be drafted either by the Town Clerk or Mr. Haddad for the Board to consider adopting. Mr. Nelson then asked some questions regarding whether the town seal is trademarked or copy written. The Board was uncertain as to how that would work precisely, but felt that the Town Clerk's concerns are valid and a policy on the topic should be adopted.

MGL Chap. 61A – Thorndike Street

The current owners of Lot 4A on Thorndike Street have sent notice, by way of their attorney, to the town of the intent to sell the property. Because the property is held under chapter, the town has an option to purchase the property. The Conservation Commission has sent notice to the Board suggesting that the Board does not need to exercise this right. In light of this the Board had some questions about the conservation restriction that is on some of the property. It was noted that the conservation restriction relating to this property is a private one. There are a lot of wet lands there, and the Conservation Commission would eventually like to see a new conservation restriction obtained on this property. Such a conservation restriction need not be obtained by the town. It could remain private and obtained by another party such as the Dunstable Rural Land Trust. The existing private conservation restriction doesn't affect the entire property so the buyer could still build on the section not covered by a conservation restriction. Board ultimately saw no reason why the town should exercise a right to purchase the property which would also involve matching the offer currently made by the private buyer.

A motion was made by Mr. Mikol to forego the town's right to purchase the property under Chapter 61. The motion was seconded by Mr. Tully and passed unanimously.

Approved and adopted on 10/16/18

Signing of the November Election Warrant

The November Election Warrant was provided to the Board by the Town Clerk. This warrant covers the State and Federal Election which will be held on Tuesday, November, 6th, 2018. The Board reviewed and signed the warrant and instructed Mr. Voelker to contact one of the towns Constables for posting.

Master Plan Update

The Planning Board at its meeting held on September 17th, 2018 voted to accept the latest update of the Master Plan. The plan was prepared by the Planning Boards subcommittee, known as the Master Plan Committee, which received technical assistance from NMCOG. A copy of the new Master Plan may be found on the homepage of the town's website under *News & Announcements* as well as on the Master Plan Committee's page. The Board took a moment to recognize the great amount of work that went in to this. It was a nearly three-year process with monthly meetings and a lot of work done by volunteers. The Board extended its thanks to all who participated, including NMCOG, and was pleased that this document has been adopted.

Dunstable Center Historic District Update

The Massachusetts Historical Commission has notified the town that the ongoing nomination for the establishment of an official center historic district is moving forward both with on the Commonwealth level and the Federal level. The State Historic Preservation Officer has submitted the district to the National Register of Historic Places at the US Department of the Interior. Property owners have been notified and given an opportunity to comment pending further consideration. This designation was sought by the Dunstable Historical Commission a few years ago and has moved slowly through the process but now appears close to completion. The Board noted that there is a good chance at achieving this designation and was pleased.

A Vote to Disperse Fire Department Air Packs, Pursuant to MGL Chap. 30B

This topic was on the Boards agenda at its meeting held September 25th, 2018, but was tabled pending the request from the Board for further information from the Fire Chief. The Board had some questions regarding the disposal of the equipment in question. Chief Rich outlined how the disposal would happen and how it would be certified that disposal was done properly. He felt confident that the requirements of MGL Chap. 30B would be fulfilled. The Board was satisfied and determined to proceed with permitting the disposal of the equipment in question.

A motion was made by Mr. Mikol to approve of the disposal of the described equipment with the requirement that it be certified in compliance with applicable statute and regulation. The motion was seconded by Mr. Tully and passed without objection.

Water Update

Mr. O'Brien started off by reporting on where things currently stand with the Water Departments hunt to find a new water operator. Currently Groton and Pepperell are unable to help. The Water Department has asked two private operators, Weston & Sampson and Pennichuck. Weston & Sampson was unable to do operations, but was willing to assist with any work that needs to be done to the system. Pennichuck after meeting with the Water Commission at their last meeting has put forward a draft quote that would be about \$60,000. This quote is still open to change as there are other factors still under consideration such as requirements for weekend coverage. The Water Department is attempting to reach out to a third private operator, Small Water Systems Services (SWSS) to get a quote from them. The Board had some questions about meter reading that needs to be done. Mr. O'Brien responded to the inquiry by noting that the department does not have anyone to do it at this point since Pepperell won't be able to help the town after October 5th, 2018, and White Water is also unable to assist as they are understaffed. In the meantime, the Water Department is moving forward with getting the Lead & Copper testing done for DEP. The Board expressed concern, noting the severe consequences from DEP enforcement. Another option is Tyngsborough, but Tyngsborough would be unlikely to want to operate the system without owning it.

Approved and adopted on 10/16/18

The Board inquired whether all parties understand the immediate needs. Mr. O'Brien responded that they are aware of the circumstances. If any action is taken with Tyngsborough they will have to meet with the Board. This prompted discussion of short term solutions and whether private operators would be willing to agree to them. Pennichuck is likely to want a multiyear contract. The Board felt it potentially prudent to schedule multiple meetings to cover for the requirements of the Open Meeting Law. This prompted discussion of the Board holding a morning business meeting on Tuesday, October 9th, 2018. A joint meeting could be arranged with Water Commission and any other relevant parties. Mr. Voelker was instructed to reach out to the Water Commissions chair to schedule whatever meetings are necessary. Mr. Nelson asked some questions about the immediate fixes that need to be done to the system. Mr. O'Brien explained that it was Pepperell that really wanted to see those done, they obviously need to still be done, but any operator that comes on board will be aware of the situation and the fixes that need to be done. Weston & Sampson will likely do the immediate fixes that need to be done. But that still leaves us without an operator. So the issue of the moment is getting an operator. The Board asked if Weston & Sampson has been formally engaged to do the work. Mr. O'Brien responded they have not.

Town Hall Boiler

The Board discussed some work that needs to be done on the exhaust for the boilers. For the time being things are okay and what needs to be done can be done relatively easily. The Board expects to see the work done in the near future as the season will soon be changing over to colder weather.

Town Hall Roof & Façade

The Board reported that work is ongoing and some architects have been asked to give some preliminary cost estimates so the town can get a grasp on what the cost might be for the work.

Town Administrator Search

The Board had some questions regarding where things stand with the Town Administrator search. Mr. Voelker reported that Mr. Haddad has posted ads in the appropriate trade places and a few responses have already been received. The due date for resumes is October 26th, 2018. Mr. Haddad expects to be with the town through the end of November, so interviews will likely be done in early November. In the meantime, Mr. Haddad will continue to assist the town, including with the towns ongoing work on the FY20 budget. Mr. Haddad will be attending the Advisory Board's meeting on October 3rd, 2018 along with the Town Accountant.

Preliminary FY20 Budget Discussion

The Board discussed with Mr. Nelson the preliminary work that is being done for FY20. Mr. Nelson outlined the work that the Advisory Board has done so far and what it is planning to do in the next few meetings. This prompted some discussion of how Capital Planning will be handled in the absence of a Town Administrator. The Board noted that Capital Planning has helped to put together some structure on how to handle needs which we know we have now and in the near future. Mr. Voelker reminded those present that the Capital Plan Committee puts together a report which is included in the Annual Town Report. This plan helps vet needs to determine validity and then these form recommendations that are made to the town. Capital Planning does not decide how to pay for things; they simply determine what the valid needs are and provide information. This assists the Advisory Board and the Board on what should be put on the Annual Town Meeting Warrant. Mr. Nelson acknowledged that their role is useful, but expressed that his main concern is in ensuring that we know how to use that information in a responsible way for the budget process. Discussion then shifted to where things stand regarding the Water Infrastructure Project. The Board noted that the engineering work is moving forward and the project should be ready in time for the Annual Town Meeting. This will ensure that real numbers are used not educated guesses.

Use of Town Property Request

The Board considered an application from the Dunstable Theater Group for two additional rehearsal dates. The Board saw no reason to object to approving the dates as long as they are available. Mr. Voelker stated that the dates are indeed available.

Approved and adopted on 10/16/18

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

Minutes

The Board considered its minutes from its meetings held on September 4th, 14th, 18th and 25th, 2018. The minutes from September 4th were previously considered, but tabled pending some modifications. Seeing no reason not to approve the minutes the Board determined to do so OR the noting several changes the Board determined to approve the minutes pending modification.

A motion was made by Mr. Mikol to approve the minutes of September 4th, 2018 as modified. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the minutes of September 14th, 2018 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 September 18th, 2018 as written. The motion was seconded by Mr. Tully and passed without objection.

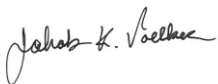
A motion was made by Mr. Mikol to approve the minutes of September 25th, 2018 as written. The motion was seconded by Mr. Tully and passed without objection.

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 7:40 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