

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**October 16, 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; Rick Minard, NMCOG; Karl Huber, Water Commission; Robert Nelson, Advisory Board; Robert Parkin, Sarah MacNeil, Pleasant Hill Growers, LLC

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- DEP Grant Paperwork for Board of Health

**Open Forum**

Ms. Basbanes explained the purpose of the public forum and went over the Boards agenda which included Discussion with NMCOG About Dunstable Becoming a Green Community, Discussion of a Host Community Agreement, A Vote Regarding a State House Note & Departmental Equipment, A Water Update, Discussion of a New Town Website, An Update Regarding the Proposed Town Governance Committee, and Continued Discussion of the Pepperell Industrial Landfill Proposal.

**Discussion with NMCOG of Dunstable Becoming a Green Community**

Mr. Minard started off by introducing himself as an official for the Northern Middlesex Council of Governments (NMCOG). Funding has been received from the Commonwealth to help communities become Green Communities. Work has been commenced to assist Dunstable with an application for the program. Dunstable, unfortunately, will miss the application deadline for this year. However, assuming the town wishes to continue to proceed, the option should be open to the town to do it next year. This program was created to encourage municipalities to pursue energy efficiency in a myriad of ways. The biggest goal would be a 20 percent reduction in energy usage. There are a few requirements, some of which impact zoning. The Commonwealth would want to see renewable energy encouraged through zoning. Currently Dunstable's zoning does not do this in all ways the Commonwealth would like, but the town does have a solar zoning by-law which is a good start. Mr. Minard then explained how the existing solar by-law doesn't fully fit what the Commonwealth has in mind so some small changes would need to be made. Another issue would be adoption of a stretch building code. This would require new residential construction over 3,000 square feet and all new commercial and retail to be built to special standards for energy efficiency. The Board inquired as to the difference with the building code. Mr. Minard responded it is kind of the building code "plus."

The Board then turned discussion back to the 20 percent reduction and how that is monitored. Mr. Minard responded that it would be done annually and the Commonwealth would not penalize the town missing the goal. The town would simply demonstrate its serious efforts. The Commonwealth is trying to make this easy, but without losing site of serious targets. Mr. Minard then went over the audits that NMCOG has done of the town's buildings. From there he went over how the bidding process would work for projects under the program. The Board then asked some questions about how to adjust to make the process work within Dunstable. Mr. Minard elaborated on how it could be tailored and noted what the Commonwealth does and does not require. He then went over a few other things, like fuel efficiencies. Noting that policies should be adopted to encourage that new town vehicles are more fuel efficient and that departments track fuel usage. Mr. Minard then turned to explaining how Green Communities allows for various cooperative efforts such as working with GDRSD. This could be very helpful for buildings such as Swallow Union where some savings could be found. The Board then inquired as to what kind of help NMCOG can provide as to stretch code and other zoning changes. Mr. Minard outlined what NMCOG can do and what it can and cannot promise help for. He finished by promising to send information about the stretch code and zoning to the town. The Board thanked Mr. Minard for his time and efforts thus far.

*Approved and adopted on 10/30/18*

## **Host Community Agreement with Pleasant Hill Growers, LLC**

Pleasant Hill Growers, LLC, submitted a letter of intent regarding the seeking of approval to locate a Tier 1 Marijuana Cultivation Establishment in the town. In order to receive this approval Pleasant Hill Growers must sign a Host Community Agreement (HCA) with the town. Ms. MacNeil and Mr. Parkin introduced themselves to the Board and introduced their company. They noted that the town has already signed an HCA with another entity in town and asked the Board if it would consider using that HCA as a model for them. The Board noted that the process is not a short one and that entity is moving through the steps required by the Commonwealth. They are focused on growing an organic product for recreational use. Ms. MacNeil responded that Pleasant Hill Growers plans on wholesaling their product and packaging according to the Commonwealths guidelines for this. They would sell for any purpose medical or recreational. They would not be concerned with end use. The Board inquired as to whether Pleasant Hill Growers has drafted anything so far. Ms. MacNeil responded that they had not since the town had already drafted an HCA, it was hoped that it would act as a model and that they could use it. The Board asked if they had to engage an attorney or consultant. Ms. MacNeil responded that they had hoped not to. Her reading of the applicable MGL and the town's by-law are that both are rather straight forward. The Board asked if the application process had been started with the Commonwealth.

Ms. MacNeil responded that they have not yet started that process having wished to first ensure the town is open to the proposal. The Board responded that it appears that the process must be started with the Commonwealth prior to an HCA being signed with the town. Certainly the last applicants had started with the Commonwealth first. The Board then turned toward the property that would be developed. Mr. Parkin elaborated on the property, how the buildings would be built far back and out of sight therefore invisible to the public as the property would be surrounded by wood. The hope would be to hydroponic and aeroponic growing, with geothermal heated building, solar panels, and backup systems that would help make the system environmentally friendly. Mr. Parkin noted that there will be growing challenges since marijuana plants are rather sensitive. He then elaborated further on the security system the Commonwealth would require, and the general design of the building including how it would have no windows. The Board was generally in favor of the project moving forward, but asked that Pleasant Hill Growers move forward with the Commonwealth. The town won't be hostile to this process. It was agreed that the last HCA will be shared, as a public document. The Board also suggested Pleasant Hill Growers put a time table together to assist in the application process. Mr. Parkin then spoke more about the plans for the building and how the growth cycle would be year round for this cultivation. He then spoke about how he came to be interested in marijuana. It was through medical use for his wife that he came to be in favor of cultivation. Just a few drops of CBD have revolutionized her life.

## **Vote Regarding State House Note & Maximum Useful Life of Departmental Equipment**

The Treasurer/Collector requested the Board to make a motion and authorize the signing of a form pursuant to authority granted by MGL Chap. 44 §7(1). This would allow the borrowing for the Salt Shed to be done by State House Note for up to the full 10 year period that the borrowing was intended for. Originally State House Notes could not exceed 5 years, so the town would have had to go out to bond for the remaining 5 years. The length of time that State House Notes could last was changed in 2016 with the passage of the Municipal Modernization Act which permitted up to 10 years and allowed for this process. Mr. Nelson had some questions about how long it would go and whether extending it makes sense. The Board noted that this appears to be housekeeping related, but still had some questions as to the interest costs and how soon this could be paid off. Mr. Nelson noted that it was intended to run for 10 years, so the length part of it was anticipated. This prompted discussion of how the process would be handled and how borrowing is done in general. There was some concern about possible skewing of the numbers and how payment of the notes is done. Mr. Voelker explained that the State House Note is just a borrowing instrument and the State House Note usually offers the best interest rate to a town the size of Dunstable. As for the total amount and time period, that was authorized by town meeting. The Board ultimately decided in favor of the motion as requested by the Treasurer/Collector.

A motion was made by Mr. Mikol that the maximum useful life of the departmental equipment listed below be financed with the proceeds of the \$200,000 borrowing authorized by the votes of the Town passed on October 20<sup>th</sup>, 2014 (Article 6) and is hereby determined pursuant to MGL Chap. 44 §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Salt Shed	\$200,000	10 years

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And to authorize the Board's Clerk to certify the vote so taken.

### **Water Update – Status on Water Operator**

Mr. Huber reported that currently the town is operating under a 90-Day Declaration pursuant to MGL Chap. 30B §8 as declared by Mr. Haddad in his capacity as Chief Procurement Officer and has signed a 90-day contract with Small Water Systems Services (SWSS) based out of Littleton. The Water Commission has approved this contract and already met with representatives of SWSS. In the meantime, Mr. Haddad is working on a Request For Proposals (RFP) for a water operator which would allow a contract for a longer period. Additionally, DEP has been kept abreast of the situation and SWSS will do anything and everything that the town needs. The Water Department is covered by its clerical, but SWSS will help with meter readings, system maintenance, and general operations as the water operator. Meanwhile, efforts with DEP are moving forward to amend the ACOP. SWSS and Wright Pierce, the department's engineers, will be meeting to discuss the infrastructure project and how to move forward. By December 1<sup>st</sup>, 2018 the hope is to have everyone on the same page. Before the end of November, Mr. Huber intends to have a meeting with SWSS, the department, DEP, and Wright Pierce. The Board noted that it is highly important to keep the infrastructure project on schedule so as to have build ready numbers for town meeting. Mr. Huber agreed and stated that Wright Pierce remains on track to have the complete design of the project by December at which point the finished plans and specs will be sent to DEP for final review. Things are on track so the town should have some level of comfort. The Board asked if this could be done by sooner rather than later. Mr. Huber made the commitment that the Water Department is pursuing that goal as much as is possible, noting that DEP would like to see that as well. Mr. Huber then listed the positives of having a water operator under contract and being finally able to leave the crisis of not having an operator and return to fully being focused on the infrastructure project. Discussion ended with Mr. Huber's thanks for the Boards support and help.

### **New Town Website**

Mr. Voelker reported on the research he's done on this topic over the past few months. This included the conclusion that the best option for the town both from an affordability perspective as well as an options one is to have the towns website upgraded by its current provider. A new website will run about \$5,000 to \$6,000 with just about any company. There are also yearly maintenance and hosting fees with virtually every provider. The current website uses an outdated platform which the town's provider has replaced with a new more user friendly and versatile web based version for all upgraded websites. This new platform would give the town more control over the websites appearance, allow the town to build out more customizable forms, have an employee intranet, track procurement bids and RFP's, and provide a mobile friendly version for ease of use on smartphones. The cost of upgrade, which would see the re-design done, would be \$6,000. Further, because the town is an existing customer, the current provider would be willing to break down that cost in the contract over multiple financial years. This would permit the town, for example, to pay \$2,000 upfront in FY19, then \$2,000 in FY20 and FY21. No interest would be charged, and there would be no penalty for paying extra or paying the balance off early if the town decided to do so. Additionally, the yearly maintenance and hosting fees would stay the same as under the existing website. The current provider would also archive all public records currently stored on the website, such as minutes, so that citizens would still be able to have access to them digitally through the website. Because all of these records are already on their servers this would be relatively easy for them to do. The Board was in favor of moving forward with the upgrade with the town's current provider and authorized Mr. Voelker to pursue the matter.

### **Update on Town Governance Committee**

So far most boards, committees, and commissions asked to send representatives to this committee have responded positively. Out of the two Department Heads asked to be part of the committee, one of them, the Town Accountant, has already agreed to do so. This means the town only needs one more Department Head, and three citizens from the community as at large members, and a designated representative for the Board. Notices have been put out in the *Groton Herald* and the *Neighbor to Neighbor* requesting any interested parties contact Mr. Voelker and Mr. Haddad for the at large positions. In the meantime, the Board should consider who should be its designated representative. Mr. Voelker then asked Chief Dow if he would consider being the other Department Head. Chief Dow was willing to serve. The Board expressed a desire to see Mr. Haddad and whoever the eventual Town Administrator serves on this as well. Mr. Chaney asked what the charge of the

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committee would be. The Board responded that it would be to assist the Board in making improvements to the structure of the town's government. It would look at the town's processes, organization charts, and reporting structures. Mr. Nelson noted it could even help start the process of putting together a Town Charter.

### **Pepperell Industrial Landfill Proposal**

The Board had hoped to have an update, but unfortunately there is little to report. Pepperell has had some executive sessions on the subject, but that is where things stand currently. Pepperell is also looking for a new Town Administrator, and that is slowing some of their response.

### **Tobey Scholarship & Commissioners of Trust Funds**

There was a question about where the Tobey Scholarship money stands. Mr. Voelker recommended that Town Counsel be consulted. Mr. Chaney noted this scholarship would fall under the Commissioners of Trust Funds. There was some brief discussion about the Commissioners of Trust Funds and their upcoming meeting. There was also some brief discussion of their charge.

### **Police Update & Town Common**

Chief Dow reported that there have been some parking issues between the Congregational Church and Swallow-Union Elementary School which has led to parents parking on the Town Common despite posted signs saying "*No parking on the grass.*" This is not something that happens all the time, but it does happen a few times a year. The school has been asked take action to remind parents that there should be no parking on the grass. The Board discussed whether, with the posting there, action should be taken. Chief Dow noted that it might be possible to tow cars, but that might not be good from a community policing view point. So he asked the Board to consider if further action should be taken such as adoption of a parking by-law that would permit some kind of generic warning or ticket. The Board suggested perhaps extending the existing fencing. In the meantime, Chief Dow suggested replacing the existing signs and creating a generic warning that could be put on cars that park on the Town Common. Such a warning could also include information on alternative places to park such as the Town Hall's parking spaces or on the curb on Highland Street. The Board noted that the Church had previously proposed acquiring some of the property along their property line from the town and installing more parking. That should probably be pursued further. It is clear that there is a need for more parking in the center of town.

### **Curb Side Pickup**

The Board noted that it appears to be going well. There have been neither rave reviews nor complaints. It was suggested that Board of Health could be asked to provide an update.

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

The Board considered two applications, the first from Susan Tully for the Annual Cookie Swap which would be held on December 22<sup>nd</sup>, 2018. The second application was from the Trustees of the Morgan Babcock Scholarship for use of the Town Hall for a meeting on November 15<sup>th</sup>, 2018. The Board was supportive of both events and saw no reason not to approve the applications.

A motion was made by Mr. Mikol to approve the application by the Trustees of the Morgan Babcock Scholarship to be held on November 15<sup>th</sup>, 2018. The motion was seconded by Mr. Tully and passed without objection.

A motion was made by Mr. Mikol to approve the application by Susan Tully for the Annual Cookie Swap to be held on December 22<sup>nd</sup>, 2018. The motion was seconded by Mr. Tully and passed without objection.

### **Minutes**

The Board considered its minutes from its meetings held on October 2nd and October 9th, 2018. Seeing no reason not to approve the minutes the Board determined to do so.

*Approved and adopted on 10/30/18*

A motion was made by Mr. Mikol to approve the minutes of October 2<sup>nd</sup>, 2018 as written. The motion was seconded by Mr. Tully and passed without objection.

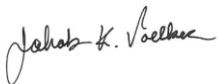
A motion was made by Mr. Mikol to approve the minutes of October 9<sup>th</sup>, 2018 as written. The motion was seconded by Mr. Tully and passed without objection.

### **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 7:50 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by

A handwritten signature in cursive script that reads "Jakob K. Voelker".

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