

## SPECIAL TOWN MEETING – NOVEMBER 14, 2022

### MINUTES

**ARTICLE 1 - Report on Housing Production Plan:** To see if the Town will vote to hear a report from the Affordable Housing Committee relative to a Housing Production Plan or take any other action in relation thereto.

**Motion: Town Administrator, David DeManche moves: that the Town vote to hear a report from the Affordable Housing Committee relative to a Housing Production Plan. Seconded by the Chair of the BOS, Kieran Meehan. Report read and accepted.**

**No discussion                      Motion carries.**

**ARTICLE 2 - Reallocate GDRS Capital Appropriation:** To see if the Town will vote to transfer the sum of \$64,202 previously appropriated for the School Capital Budget line item, GDRS Capital, Line 38a, in the Town's Fiscal Year 2023 operating budget approved under Article 4 at the May 14, 2022, Annual Town Meeting, as follows:

1. \$22,000 to the Town Administrator salary line item, to fund the costs associated with hiring a full-time Town Administrator;
2. \$9,569 to the line item(s) below to fund salary step increases for non-union personnel in accordance with the Town of Dunstable wage schedule;

<u>Account Name</u>	<u>Account Number</u>	<u>Amount</u>
Conservation Salary	0001-01-171-5120-0000-001	1,051.00
Planning Board Salary	0001-01-175-5120-0000-001	1,051.00
Council on Aging Salary	0001-01-541-5120-0000-000	\$ 149.00
Library Salary	0001-06-610-5120-0000-000	\$3,523.00
Accounting - Clerical Salary	0001-01-135-5120-0000-001	\$ 476.00
Assessor Associate Salary	0001-01-141-5120-0000-001	\$1,177.00
Assessor Clerical Salary	0001-01-141-5120-0000-002	\$ 357.00
Cemetery Salary	0001-04-491-5120-0000-002	\$ 783.00
Board of Health Salary	0001-05-510-5120-0000-000	\$ 595.00
Water Clerical Salary	6500-04-450-5120-0000-000	\$ 407.00
		<u>9,569.00</u>

3. \$3,500 to the Treasurer/Collector salary line item, to offset costs associated with the transition to a new Treasurer/Collector;
4. \$6,000 to conduct an actuarial study to determine the costs associated with the Town offering post-retirement health insurance benefits for town employees;

or take any action in relation thereto.

**Motion: Town Administrator, David DeManche, moves: that the Town vote to approve the transfers set forth under Article 2 of the warrant for this meeting. Seconded by the Chair of the BOS, Kieran Meehan. Discussion:**

- **David Powell, Lake Circle. Question now budgeted for part time TA, 22 hours/wk**
- **Chairman Meehan explains full time 36.5 hours/wk minimum.**
- **..... (resident) Lake Circle ? voting to fund \$190K in July**
- **Chairman Jake Lewon, Advisory Board, Reason to vote entire \$190K to keep the \$64K in general fund/free cash with minimal funding.**
- **Erika Flynn, Off Pond St. ? Section 4 requirement of slate. Ans: No**
- **..... (resident) Forest St. Questions representative of GDRS School Committee?**
- **Brian Flynn, Pleasant St. Revisits history of expenditures requested of TM and failed**
- **Tina Livingston, Lower Damn. No details**
- **Maureen Booth, Depot St. Recognizes volunteerism.**

- **Motion carries.**

**ARTICLE 3 - Town Administrator and Select Board Special Act:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact special legislation to change the name of the Board of Selectmen to Select Board, and to establish the powers, duties, and responsibilities of the position of Town Administrator, including the positions to be appointed by the Town Administrator, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or take any action in relation thereto.

AN ACT RELATIVE TO THE SELECT BOARD AND TOWN ADMINISTRATOR IN THE TOWN OF DUNSTABLE

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, the executive body of the town of Dunstable, previously known as the board of selectmen, shall be known

as the select board and shall have the powers and authority of a board of selectmen under any general or special law, by-law of the town, or any rule or regulation applicable thereto.

SECTION 2. Notwithstanding any general or special law to the contrary, the select board shall appoint a town administrator to serve for a term fixed by contract, which shall not exceed three (3) years, and shall fix the compensation for such person annually within the amount appropriated by the town. Members of the select board may not be appointed, nor considered as candidates for the office of town administrator, until they have left the office of the select board for a period of at least three (3) years. The town administrator shall be appointed based on demonstrated executive and administrative qualifications and shall be a person especially fitted by education, training, and previous experience in public administration to perform the duties of the office. The town may, from time to time, establish by by-law of the town such additional qualifications as deemed necessary and appropriate. The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, within the town, nor engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the majority of the select board. The select board shall provide for an annual review of the job performance of the town administrator in accordance with their contract. The town administrator shall execute a bond in favor of the town for the faithful performance of their duties in such sum and with such surety or sureties as may be fixed or approved by the select board and shall be reimbursed for the cost of the bond by the town.

### SECTION 3.

(a) The town administrator shall be the chief administrative officer of the town, directly responsible to the select board for the administration of all town affairs for which the town administrator is given responsibility.

(b) Notwithstanding any general or special law to the contrary, the powers and duties of the town administrator shall include, but not be limited to, those provided in this section.

(c) The town administrator shall supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility, or control by this act, by by-law of the town, by town meeting vote, by vote of the select board, or otherwise.

(d) The town administrator shall appoint, and in appropriate circumstances remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all town department heads, other officers, employees, and members of non-elected boards and commissions, except as follows: library employees, to be appointed by the board of library trustees, cemetery employees, to be appointed by the board of cemetery commissioners, highway employees, to be appointed by the board of road commissioners, and fire department employees, to be appointed by the fire chief. Appointments of the town administrator shall be reported to the select board by such means as the board shall deem appropriate, and may be rejected by two-thirds (2/3) vote of the board within seven (7) days of notification by the town administrator. The failure of the

select board to take such a vote shall constitute the ratification of the appointment. The board shall not interfere or participate in any way with the recruitment, hiring or appointment process which shall be the sole responsibility of the town administrator who shall make all appointments on the basis of skill, knowledge, experience, and merit of the candidates for appointment.

(e) The town administrator shall develop and administer a town personnel system, including, but not limited to, personnel policies and practices, employee wage and salary plan, rules and regulations, provisions for an annual employee performance review, a personnel by-law, and collective bargaining agreements entered into by the town, and shall set the salaries/wages of all town employees within the limits of appropriation. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency. The town administrator shall have no operational responsibility for schools.

(f) The town administrator shall attend all regular and special meetings of the select board, unless unavailable for reasonable cause and shall have a voice, but no vote, in all of its proceedings.

(g) The town administrator shall have full jurisdiction over the rental and use of all town facilities and property, except school properties, cemetery properties, the town forest properties, and properties of the affordable housing trust fund board of trustees, board of library trustees, board of water commissioners, and conservation commission.

(h) The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by this act, by by-law of the town, by vote of town meeting, or otherwise. Recommendations for the establishment of statues and memorials shall be the responsibility of the memorials and monuments committee so long as it remains in existence as a town committee. Once approved in accordance with the by-laws of the town, all work required to design and construct the statue or memorial shall be under the jurisdiction of the town administrator acting as the chief procurement officer for the town. This clause shall not preclude the memorials and monuments committee from serving in the role of fund-raising, consistent with the general laws or by-law of the town.

(i) The town administrator shall have authority to approve all bills presented for payment on a warrant prepared by the town treasurer and approved by the town accountant.

(j) The town administrator shall prepare and present to town meeting an annual operating budget for the town and a proposed capital outlay program for the five (5) fiscal years next ensuing.

(k) The town administrator shall ensure that a full and complete inventory of all property of the town, both real and personal, is completed on an annual basis. Within thirty (30) days of the completion of the annual inventory, the town administrator shall submit a list

of surplus property, if any, to the select board. A list of such surplus items shall also be publicly posted.

(l) The town administrator shall negotiate and present to the select board for its ratification, all contracts involving any subject within the jurisdiction of the office of town administrator, including all contracts with unionized and non-unionized town employees involving wages, hours, and other terms and conditions of employment, but excepting contracts for the provision of goods, supplies, and services.

(m) The town administrator shall be responsible for purchasing all supplies, material, and equipment for all departments and activities of the town and serve as the town's chief procurement officer, subject to the provisions of chapter 30B. It is the intent of this act that the town administrator shall procure all contracts for the supply of goods and services to the Town, subject to the provisions of chapter 30B and that the town administrator will need no further approval in making his/her award. The town administrator shall examine, or cause to be examined, the quantity, quality, and condition of all supplies, material, services and equipment delivered to or received by any town agency. The town administrator shall be responsible for the disposal of all supplies, material, and equipment that has been declared surplus by any town agency.

(n) The town administrator shall see that all provisions of the general laws, by-laws of the town, votes of the town meeting, and votes of the select board that require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator, are faithfully executed, performed, or otherwise carried out.

(o) The town administrator may inquire at any time into the conduct and operation of any office or performance of any officer or employee, department, board, commission, or other town agency, who shall reasonably cooperate with the town administrator's inquiry

(p) The town administrator shall attend all sessions of all town meetings and answer all questions raised by voters that relate to warrant articles and to matters over which the town administrator exercises any supervision.

(q) The town administrator shall coordinate the activities of all town agencies serving under the office of town administrator and the office of the select board, with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town administrator shall have the authority to require the persons so elected, or their representatives, to meet with the town administrator at reasonable times for the purpose of effecting coordination and cooperation among all agencies of the town.

(r) The town administrator shall, with the approval and at the direction of the select board, have the authority to prosecute, defend, or compromise all litigation of the town.

(s) Subject to the approval of the select board, the town administrator may, with compensation, if any, as determined by the select board, assume the powers, duties, and responsibilities of any office which he/she is authorized to fill by appointment. Such

assumption to be evidenced by and effective upon the filing with the town clerk of a written declaration of such assumption signed by the town administrator, except he/she shall not appoint himself/herself as a member of any board or committee.

(t) It shall be the responsibility of the town administrator, subject to the approval of the select board, to seek out and review those state, federal, regional, and all other grants which may be of benefit to the town. The town administrator shall be the authority responsible for reviewing and completing all applications for such grants, except as otherwise authorized by statute.

(u) The town administrator shall perform any other duties as are required to be performed by the town administrator by by-law of the town, regulation, vote of town meeting, vote of the select board, or otherwise.

(v) The town administrator shall ensure that the select board is kept fully informed of the town's emergency preparedness planning. In time of public danger or emergency, the town administrator shall direct and oversee the management of town resources pursuant to any applicable state law, regulation, or other protocol(s), directive(s), or agreement(s) to which the town is a signatory and/or participant. Should the town administrator be unavailable, the police chief shall perform such duties as may be necessary in such circumstances.

SECTION 4. The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty except the power to enter into contracts or the power to transfer funds which is assigned to the office of town administrator, provided however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

SECTION 5. (a) By letter filed with the town clerk, the town administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence, not to exceed forty-five (45) days. During a temporary absence, the select board may not revoke such designation until at least forty-five (45) days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

(b) Any vacancy other than a temporary absence in the office of town administrator shall be filled as soon as possible by the select board but, pending such regular appointment, the select board shall appoint a qualified individual, to perform the duties of the office on an acting basis. Such temporary appointment may not exceed four (4) months, and any renewals voted by the select board shall not exceed a total of term of one (1) year, unless required by law. Compensation for such person shall be set by the select board.

(c) The powers of a temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay, unless approved by a vote of the select board.

SECTION 6. (a) The select board may terminate and remove, or suspend, the town administrator from office. The terms of suspension and removal may be further defined by

contract between the select board and town administrator under the provisions of section 108N of chapter 41.

**Motion: Town Administrator, David DeManche, moves: that the Town vote to authorize the Board of Selectmen to petition the General Court to enact special legislation to change the name of the Board of Selectmen to Select Board, and to establish the powers, duties and responsibilities of the position of Town Administrator, including the positions to be appointed by the Town Administrator, as set forth under Article 3 of the warrant for this meeting. Seconded by the Chair of the BOS, Kieran Meehan. Discussion:**

- **Robert ..... (resident), Forest St. Raises issue of no minutes to review from BOS meetings posted online. Sec 3, d: Concerning language of 2/3 votes of the Board with seven (7) days of notification. Sec 3, s: Topic of “filling in” needs clarity. Not having a presentation or report concerning. Article raises more questions than answers**
- **Ryan McLane, Alexander Way. Served on Governance Board. Explains need in detail.**
- **David Tully, Main St. Doesn’t want one person with such power.**
- **David ..... (resident) Lake Circle. Separate the two sections. Topic of change in name of Board of Selectmen. Makes motion to table article. Seconded from the floor. Discussion: Information not advertised well enough.**
  - **Ryan McLane, Alexander Way. Provides greater definition/clarity. Serves as TA in Carlisle.**
  - **Jake Lewon, Chairman Advisory Board. Defends information as the topic has been discussed at meetings and is not a new topic.**
  - **..... Leary (resident) Pleasant St. Is leery. Needs more time to evaluate.**
  - **Susan Psalandakis, Governance Committee member. Special act is a compromise vs charter.**
  - **..... Frederickson, Depot St. Believes discussion is out of order.**

**Motion to table requires 2/3 vote. Ayes: 64 Nays: 46. Motion fails**

- **Discussion on main motion:**
  - **Ryan McLane: Reinforces need**
  - **Nicki ..... (resident) Massapoag. ? of anger over job description having time to review current job description.**
  - **Sec e. Question of how article impacts personnel board**
  - **Sec g. Question of impact on memorial bylaws**

**Main motion: Ayes: 53 Nays: 57 Motion fails.**

**ARTICLE 4 - Fund Police Union Contract:** To see if the Town will vote to appropriate a sum of money from Free Cash (surplus revenue) and transfer a sum of money from the School Capital Budget line item, GDRS Capital, Line 38a, in the Town’s Fiscal Year 2023 operating budget

approved under Article 4 at the May 14, 2022 Annual Town Meeting, to fund the first year of a three-year collective bargaining agreement between the Town of Dunstable and the Dunstable Police Union, or take any action in relation thereto.

**Motion: Town Administrator, David DeManche moves: that the Town vote to approve \$..... from Free Cash (surplus revenue) and transfer from the School Capital Budget line item, GDRS Capital Line 38a, in the Town's Fiscal Year 2023 operating budget approved under Article 4 at the May 14, 2022 Annual Town Meeting, to fund the first year of a three-year collective bargaining agreement between the Town of Dunstable and the Dunstable Police Union. Seconded by the Chair of the BOS, Kieran Meehan.**

**No discussion. Motion carries**

**ARTICLE 5 -Prior Year Bills:** To see if the Town will vote to transfer sums for unpaid bills from prior fiscal years as follows:

1. \$3,000 from the Community Preservation Committee Open Space/Recreation account, to pay a bill from All Habitat Services LLC for the aquatic de-weeding of Lake Massapoag;
2. \$750 from Free Cash (surplus revenue) to pay a bill from Nashoba Analytical for water testing services;
3. \$908 from Free Cash (surplus revenue) to pay a bill from Parro's Gun Shop for new handguns for the Police Department;

or take any action in relation thereto.

**Town Administrator, David DeManche, moves: that the Town vote to approve pay the following unpaid bills from prior fiscal years from the following sources:**

1. \$3,000 from the Community Preservation Committee Open Space/Recreation account, to pay a bill from All Habitat Services LLC for the aquatic de-weeding of Lake Massapoag.
2. \$750 from the Water Department Retained Earnings Account to pay a bill from Nashoba Analytical for water testing services; and
3. \$908 from Free Cash (surplus revenue) to pay a bill from Parro's Gun Shop for new handguns for the Police Department.

**Seconded by the Chair of the BOS, Kieran Meehan.**

**No discussion. Motion carries.**



**ARTICLE 6 - SAFER Grant Supplement:** To see if the Town will vote to appropriate from Free Cash (surplus revenue) the sum of \$6,930 to supplement the SAFER grant received by the Dunstable Fire Department or take any action in relation thereto.

**Town Administrator, David DeManche, moves: that the Town vote to appropriate from Free Cash (surplus revenue) the sum of \$6,930 to supplement the SAFER grant received by the Dunstable Fire Department. Chair of the BOS, Kieran Meehan.**

**No discussion Motion carries.**

**ARTICLE 7 - Route 113 Water Line:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 for the purpose of further extending a water line as part of the Route 113 improvement project or take any action in relation thereto.

**Town Administrator, David DeManche, moves: that the Town take no action under Article 7.**

**No discussion Motion carries.**

**ARTICLE 8 - Fire Truck Funding:** To see if the Town will vote to appropriate from Free Cash (surplus revenue) the sum of \$15,000 to supplement the amount appropriated under Article 11 of the July 20, 2020, Annual Town Meeting a new fire rescue truck, or take any action in relation thereto.

**Town Administrator, David DeManche, moves: that the Town vote to appropriate from Free Cash (surplus revenue) the sum of \$15,000 to supplement the amount appropriated under Article 11 of the July 20, 2020 Annual Town Meeting for a new fire rescue truck. Chair of the BOS, Kieran Meehan, seconds.**

**Discussion: ? of miles on fire truck. Chief Farrell: 13K +/- 1999-Repurposed from landscaping company truck. Motion carries**

**ARTICLE 9 - Compensation for GLTHS Committee Members:** To see if the Town will vote, pursuant to Chapter 71, Section 52, of the General Laws, to authorize the members of the School Committee of the Greater Lowell Technical High School to be compensated in an amount to be set by Town Meeting or take any action in relation thereto.

**Town Administrator, David DeManche, moves: that the Town take no action under Article 9. Chair of the BOS, Kieran Meehan, seconds.**

**No discussion Motion carries**

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**Ellen L Faiella**

**Town Clerk**