Town of Dunstable Board of Selectmen
Meeting Minutes

Tuesday, May 28, 2024

In attendance: Chair Leah Basbanes, Vice Chair Kieran Meehan, Select Board Member Ron Mikol, Town Administrator Jason Silva, Executive Assistant Sue Fayne, Advisory Chair Jake Lewon, Advisory Members Clint Kenney, Matt Naughton, Harold Simmons, Leo Tomitech, and Tim Stewart.

The meeting was called to order at 5 PM by Chair Mikol.

Board Re-Organization Post Election
After a brief discussion, the Board decided to re-organize the Board. Leah Basbanes will become Chair, Kieran Meehan Vice Chair, and Ron Mikol, Select Board Member.

On a **motion** by Kieran Meehan and **seconded** by Leah Basbanes, it was **VOTED to approve** to reorganize the Selectboard with Leah Basbanes as Chair, Kieran Meehan as Vice Chair, and Ron Mikol as a member. **The vote was unanimous.**

Anne Fenochetti Recognition

The Selectboard took time to recognize and thank Anne Fenochetti for her 7.5 years as the Director of Senior Services, as well as her 6 years working at the Dunstable Public Library. They and the town are grateful for her service not only working for the town, but her many years of volunteer service.

National Grid Hearing
The hearing was opened at 5:08pm.

The representative of National Grid stated that the purpose of the hearing was, they were contacted by the Tree Warden Michael Martin, regarding a support wire going through some trees, which is not a good long-term solution and can become hazardous.

The Proposal is to have new support structures and taking out the tree support, to maintain the longevity of the pole. For 3 poles, 4, 7 & 8, they will be installing a Push P, which is essentially a support pole pushing against the pole and standing, that way it supports the removal of the tree guy which will balance the pole. Pole 5 is going to be a pole across the street with your normal anchor into the ground. In addition, there are a few hazardous trees in the area and our tree warden is willing to take everything that's hazardous around the area.

Chair Basbanes has reviewed the plans closely, as she and some of her family members are abutters. She doesn't have any further questions.

Ron Mikol asked if we have wires anchored to trees? Is that normal practice? National Grid replied not anymore, maybe 50 years ago.

At sometime soon, the town is going to want an update on the Substation on Pleasant Street. The plan was to replace it with a substation that is 3 times the size, so it's important that we are kept in the loop.

On a **motion** by Selectboard Member Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** National Grid to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, as proposed, in the public way or ways hereinafter referred to, as requested in petition dated the 18th day of April, 2024 in the following location:

Hardy Street – National Grid to install 4 SO poles on Hardy Street beginning at a point approximately 645 feet northwest of the centerline of the intersection of Hardy Street and Thorndike Street and continuing approximately 770 feet in a northwest direction, National Grid to install push braces on Poles 4, 7, and 8 and install 1 new Pole 5-84 with anchor.

And, further, to grant permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. **The vote was unanimous.**

Chair Basbanes mentioned there is a pole across from Thorndike St. in front of the Old White Barn. The pole is at a 30-degree angle. National Grid suggested a work order be called in to look at it.

Approval of Meeting Minutes from May 13, 2024.*

On a **motion** by Ron Mikol and **seconded** by Kieran Meehan, it was **VOTED to approve** the meeting minutes from May 13, 2024. The vote was **unanimous**.

Economic Development Committee Recommendation

Jeff Rosen, Chair of the EDC, attended to share recommendations from the Committee with the Board. Their first recommendation is to establish an event committee. This group of people would be dedicated to creating, developing and improving on the framework of the 350th Committee annual events such as Farm Festivals, Block Parties, 5K's. The recommendation is that this committee plans and implements these types of events, capitalizing on the momentum from the 350th events.

The Board asked if this needed to be a new committee or if it could be something folded into the EDC. Because the EDC is working with NMCOG and is working jointly with the Land Use Committee on some projects, they are very busy with their current plans and don't have the capacity.

Chair Basbanes asked if they envision this committee as someone who coordinates all the activities for the town. Jeff replied yes, to coordinate to ensure events don't collide, to streamline marketing and communications.

Vice Chair Meehan suggested potentially having designees from boards and a Citizen at large.

TA Silva will come back to the Selectboard with a framework of a potential committee in a future meeting.

PFAS Litigation

Hank Naughton, law partner at Napoli Shkolnik, PLLC law firm, is in attendance to discuss the PFAS Litigation. Mr. Naughton was a former State Rep for 26 years, spent time on the bench in the District Court, and joined the firm Napoli Shkolnik to continue his work in the development of this case. PFAS began getting National attention in the late 90's/early 2000's. PFAS is called the everywhere chemical, it's in your drycleaning, what makes our glasses, the veneer on the table etc. Because of concern from municipalities across the country, either through State mandated action, DEP, and environmental regulations, began testing and started filing lawsuits against the 18 makers. Dupont came to the table in June '23 and offered a $1.85 billion settlement. 3M then offered a $12.5billion settlement. Those 2 have been approved in the past few weeks. Tyco has offered a settlement, agreed to by the plaintiffs, of $750 million and BASF offered a settlement of $317.5 million. Both of those are waiting the court's approval.

Mr. Naughton explained that if Dunstable joins the PFAS Litigation with Napoli Shkolnik, they will gather the appropriate documents for detection between 2012-2022 and the flow rate of various water sources in the Town of Dunstable. The settlement will be formula based as opposed to damages based. The settlement will come potentially as soon as this year and can be used as appropriate for PFAS remediation or some other type of infrastructure update.

There are 2 deadlines coming up for Dupont: June 17th & June 30th to file.

Chair Basbanes asked how many towns' Napoli Shkolnik represents. Mr. Naughton stated that there are over 100 towns in Massachusetts, including Littleton, Westford, Chelmsford, Lowell, Leominster, and Townsend.

There was a brief discussion regarding the role of the GD School District, and it was clarified that the water line project was a Town project between Dunstable and Groton, primarily because of the infrastructure work in the roads to get water to the High School. Because of the plume spreading and additional residents potentially impacted, if there's a settlement opportunity, we ought to help those people.

The next step would be to send the agreement to the Town Council to review.

Municipal Electricity Aggregation Consulting Contract

TA Silva began by explaining that we were fortunate to get approval for Municipal Electricity Aggregation in Town Meeting, and the next step is to develop a plan. Paul Brummer from Mass Power Choice, an electricity aggregation consulting firm, was in attendance. He explained that they work with 41 cities and towns across Massachusetts. They've been working with Chelmsford for many years, as well as some larger communities like Worcester & Cambridge. They have developed a plan to get regulatory approvals which are required, and then will help secure a program and public education efforts once the program is ready.

He explained that after you get your state approvals, the next step is to go out to a bid for a supply, and if you're happy with the electric bid you get, you'll sign a contract, and then the program moves forward. If you don't like the bids you get, you can try again later, or decide to not move forward. The consultants do all the all the work up to that point, with no fee to the town. If the town signs a contract and launches the program, Mass Choice gets paid a broker fee out of the electricity contract. So, they are paid going forward. The Town wouldn't pay anything to Mass Power Choice.

Selectman Mikol asked how we safeguard against an "Enron-type" situation, and can you opt out of the program. Mr. Brummer stated that all residents would have the opportunity to opt out of the program if it didn't fit their needs.

In accordance with the 2024 Annual Town Meeting approval of Article 19, Municipal Electricity Aggregation, and pursuant to Massachusetts General Laws Chapter 164, Section 134, move to approve a consultant agreement for the development and management of the Town's municipal aggregation program with MassPowerChoice, LLC, and authorize the Chair to sign the agreement on behalf of the Board.

Year End Transfers

Jake Lewon, Chair of the Advisory Committee, called the Advisory Committee meeting to order at 6:07pm. Chair Basbanes walked through the Year End Transfer requests:

Temporary Loan Interest - $10,839.29
This account was underfunded as interest rates have increased.

Snow and Ice - $761.64
This amount is being covered within the Snow and Ice budget, being transferred from expenses to salary to cover snow removal wages.

Treasurer - $4,090
This transfer is needed to cover a payment to VADAR for the cost of migrating the Treasurer/Collector's office to VADAR from Point Software. When making the transition the Town negotiated a payment plan with VADAR, rather than paying the full cost upfront. This will be an ongoing obligation over the next 5 years. This amount is being covered within the Treasurer/Collector's budget, transferring funds from salary to expenses.

Accounting - $14,178.84
This transfer is needed due to an adjustment in allocating the Assistant Town Accountant's salary to properly reflect the work the position performs. We are now allocating the position's salary as follows: 9.5 hours per week in Assessors, 9.5 hours per week in Water, and 18 hours per week in Accounting.

The transfers to cover this cost are as follows:
$2,778.84 – Accounting expenses
$5,800 – Assessors wages
$5,600 – Water wages

In accordance with Massachusetts General Law, Chapter 44, Section 33B, on a **motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** end of year FY24 budget transfers as presented totaling $29,869.77. **The vote was unanimous.**

Annual Re-Appointments*

A list of annual re-appointments was presented to the Selectboard for consideration.

On a **motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to appoint** town officials, board and committee members as presented in the document entitled "Appointments – Staff, Committees, Boards, & Commissions" dated May 28, 2024. **The vote was unanimous.**

Sue Fayne inquired about 2 Committees that were re-appointed last year, but there wasn't any activity: Public Safety Committee and Governance Committee. There was a brief discussion regarding the Public Safety Committee and the potential need for them in the upcoming year. The decision was made to leave those 2 committees off the appointment list for now, and if we need to re-activate them, we can revisit at a future date.

41 Lowell St. LIP Discussion

Attorney Jesse Schomer, representing Brattle Development began the conversation by reviewing the proposed changes in a couple of specific categories.

In the Board's feedback and responses, they modified the agreement to have a range that the developer can build within, to give some flexibility to the developer, and to care for a situation if something were to happen through the permitting process. They modified the high watermark of the proposed unit count to provide the ability for an additional story. That's just a proposal the developer has thrown into the conversation to work out the next significant change being proposed, which has to do with the affordability percentage, and this comes down to dollars and cents, because their fiscal program has been put together by our affordable housing team, and that number that has put them in a position that the project falls well above the maximum profitability. So they are struggling to make it work and pencil it out in the current market, given the construction costs. They are proposing to reduce the affordability percentage to just the 25% that's required. And to the extent the board still is interested in discussing the question of rental resources, ownership, they can get into that discussion, but the 25% is what we feel like it works for the project.

The next item was some provisions on the timing for the handoff of the Public Building. The reason they proposed to have that happen later in the process is because as part of the development of the site, they intend to use that building. The primary purpose for renovating the damaged building is to also avoid concerns about prevailing wages with respect to the improvement to that building. So, what they are proposing is that they will do the work and will hand off the building at the appropriate time once the use of the building is complete, or if we can reach an agreement on the side of the town for a shared use of that building while the construction of the project is taking place. They are willing to work with the town on that to make sure that our needs and our use of the building are provided for.

The next item, Jesse wanted highlight, but there are no proposed changes. The Selectboard had added a clause providing for a 60-foot buffer zone to water resources, and that it will require a few modifications to the site plan, but they looked at it as something that they can live with. The issue is something that will be reviewed by the Conservation Commission.

Chair Basbanes stated that she's concerned that there may have been a misunderstanding that the option that the Town put back to Brattle for the last reiteration was not just allowing you to build more unit's period. It was to allow more units, with the intent of those being affordable units if they couldn't meet that 30%. She is not in support of just giving a free range of adding more units for the sake of adding more units.

Vice Chair Meehan shared that he would support the 208 as a new number of units, due to the Affordable Housing shortage, and housing shortages, in Town.

Selectboard Member Mikol shared his thoughts. He states that the town is in financial constraints and the project will assist us with revenue generation. There is an extension to the Water Line coming, which will help our rate payers. In summary, he agrees the project will be beneficial to the Town, but he does not agree with increasing the Unit numbers.

Due to a brief Fire Alarm, the meeting was temporarily adjourned to evacuate the building and reconvened 10 minutes later:

A question was asked, is the entire project age restricted? The answer is yes, the entire project is age restricted. You must market the entire project as age restricted. 80% refers to who's occupying the unit. The reason for that is that's under the federal statute housing for that if you have a situation where the investor is 55 plus, who's married someone who's under the age of 55, the spouse can live in the apartment and if the older person were to pass away, that person could continue to reside.

There was a discussion regarding ensuring that the Water Board is looped into the project, as they are an independent elected Board.

Finally, there were some specific changes discussed for the LDA that were agreed to by the Selectboard & Attorney Schumer.

On a **motion** by Selectman Mikol and **seconded** by Vice Chair Meehan, it was **VOTED to approve** submitting a Local Initiative Program (LIP) application to the Executive Office of Housing and Livable Communities jointly with Brattle Development, LLC for the development of 156 housing units on property located at 41 Lowell Street, and further approve submitting a letter of support for the project, and authorize the Town Administrator to sign both the LIP application and letter of support on behalf of the Board, and also approve the Land Development Agreement between the Town of Dunstable and Brattle Development, LLC and authorize the Town Administrator to sign the Land Development Agreement (LDA) on behalf of the Board, subject to the review and approval of the LDA by Town Counsel and the Water Board. **The vote was unanimous.**

Topics Not Reasonably Anticipated by the Chair
No additional topics to discuss.

The meeting was adjourned at 7:30 PM.

Respectfully Submitted,

Sue Fayne
Executive Assistant

Approved by Selectboard on 8/13/24