# SPECIAL TOWN MEETING MINUTES

# November 18, 2024

*A TRUE COPY*
*ATTEST:* Brynn C. Durno

Brynn C. Durno, Town Clerk

## RETURN OF THE WARRANT

Pursuant to a warrant signed by Select Board Members Ron Mikol, Leah Basbanes and Kieran Meehan and posted by Constable Steven Tully in five public places as well as attested copies online, we, the inhabitants of the Town of Dunstable whom are qualified to vote in Elections and Town affairs are convening here today at Swallow Union Elementary School on this 18th day of November, A.D. 2024 to act on the following 10 articles.

There were – *144 – one hundred and forty-four registered voters* and *-6- six visitors* in attendance.

The following Election Workers checked in voters for the Special Town Meeting:
Mary Dow, 63 Oak Street Lynn D. Denyse, 436 Forest Street

Moderator Glod opened the Special Town Meeting at 7:09PM. The assembly was presented flags by the Color Guard of Scout Troop 28 and proceeded to recite the Pledge of Allegiance. Mr. Glod followed with introductions of the Select Board, Town Administrator, Town Clerk, Assistant Town Clerk as well as the Advisory Board. Rules of order were also explained.

# MEETING MINUTES

## PRELIMINARY MOTION

**Simple Majority required for passage**

**MOTION:** Leah Basbanes, Select Board Chair

I move the Moderator allow non-voters or non-residents to speak on issues related to Town Meeting warrant articles where appropriate.

**MOTION PASSED BY SIMPLE MAJORITY AS DECLARED BY THE MODERATOR**

## ARTICLE 1 - Unpaid Bills of FY24

To see if the Town will vote to appropriate from Free Cash (Surplus Revenue) a sum of money for the purpose of paying unpaid bills of FY2024, or take any action in relation thereto.

*Sponsored by the Select Board*

**Motion:** I move that the Town take no action on this article.

**MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.**

## ARTICLE 2 – Cell Tower on Water Tank:

To see if the Town will vote to authorize the Board of Water Commissioners to lease portions of Town-owned property located at 100 Simmons Street, Assessors Parcel 17-53-2, and portions of the water tank located on the property, for cellular communications equipment, and grant any access and/or utility easements as may be necessary or convenient to serve the cellular communications equipment, on such terms, conditions, and minimum amounts as the Board of Water Commissioners determines to be in the best interests of the Town, or take any other action relative thereto.

*Sponsored by the Select Board and Board of Water Commissioners*

**Motion:** I move that the Town vote to authorize the Board of Water Commissioners to lease portions of the Town-owned property located at 100 Simmons Street as set forth under Article 2 of the warrant for this Special Town Meeting.

**MOTION PASSES BY 2/3rds AS DECLARED BY THE MODERATOR.**

## ARTICLE 3 – High Street Property Conservation Restriction:

To see if the Town will vote to amend the vote under Article 15 at the 2024 Annual Town Meeting by adding the following authorization to the previous appropriation and authorization to purchase a conservation restriction as follows: to authorize the Town Treasurer, with the approval of the Select Board, to borrow up to $406,870 in anticipation of a reimbursement under a grant from the Massachusetts LAND grant program (Massachusetts General Laws Chapter 132A, Section 11) and under and pursuant to Massachusetts General Laws Chapter 44, Section 8C or pursuant to any other enabling authority, to purchase through the Conservation Commission on behalf of the Town, for the sum of $700,000, a conservation restriction for open space and conservation purposes, as defined in Massachusetts General Laws Chapter 184, Section 31, as amended, by negotiated purchase or otherwise, a certain property believed to be owned by Robert E. Kennedy consisting of 29.8-acres, more or less, adjacent to 346 High Street identified on Assessors Map 15 as Parcels 2 and 3B, and shown as “Parcel B” and “Assessor Parcel ID: 15-2” on a plan recorded in the North Middlesex Registry of Deeds in Plan Book 251, Plan 34, which is on file with the Town Clerk; said Restriction be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed by the Conservation Commission, and the Town and Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, or take any action in relation thereto.

*Sponsored by the Select Board*

**Motion:** I move that the Town vote to authorize the purchase of a conservation restriction and borrowing therefore as set forth under Article 3 of the warrant for this Special Town Meeting.

**MOTION PASSED BY 2/3rds AS DECLARED BY THE MODERATOR.**

## ARTICLE 4 – Acceptance of Donation of Land – 19 Lowell Street:

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, a parcel of land consisting of approximately 2.2 +/-acres, and representing a portion of the property located at 19 Lowell Street, identified on Assessor's Map 17 as Parcel 4, more or less, or take any other action in relation thereto.

*Sponsored by the Select Board*

**Motion:** I move that the Town vote to authorize the Select Board to acquire by gift a parcel of land consisting of approximately 2.2 acres, more or less, which is a portion of the property located at 19 Lowell Street, identified on Assessor's Map 17 as Parcel 4, to be used for public purposes as the Town may determine to be appropriate, and to take any other action necessary to complete the acquisition.

**MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR**

## ARTICLE 5 – Creation of Capital Improvement Program Stabilization Fund:

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, and authorize the establishment of a Capital Improvement Program Stabilization Fund, for the purpose of funding capital improvement projects for the Town, or take any other action in relation thereto.

*Sponsored by the Select Board*

**Motion:** I move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, and authorize the establishment of a Capital Improvement Program Stabilization Fund, to be used for the purpose of funding capital improvement projects for the Town.

**MOTION PASSED BY 2/3rds AS DECLARED BY THE MODERATOR**

## ARTICLE 6 – Update to Town Open Space and Recreation Plan:

To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for the update of the Town's Open Space and Recreation Plan, including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

*Sponsored by the Community Preservation Committee*

**Motion:** I move that the Town vote to appropriate the sum of $10,000 from Undesignated CPA Funds to pay for the update to the Town's Open Space and Recreation Plan, including all costs incidental and related thereto.

**MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.**

## ARTICLE 7 – Construction of Tennis Courts at Larter Field:

To see if the Town will vote to transfer from available funds, including CPA funds, a sum of money for the construction of the tennis courts at Larter Field, including all incidental and related costs, based upon the recommendation of the Community Preservation Committee, or take any action in relation thereto.

*Sponsored by the Community Preservation Committee*

**Motion:** I move that the Town vote to appropriate the sum of $4,935.50 from Undesignated CPA Funds for the purpose of completing the construction of the new tennis courts at Larter Field, including all costs incidental and related thereto.

**MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.**

## ARTICLE 8 – Amend Departmental Revolving Fund Bylaw:

To see if the town will vote to amend the Departmental Revolving Funds Section of the General Bylaws as follows (amendments are underlined) or take any other action in relation thereto:

Recreation Revolving Fund, Section D. Program or Activity Expenses Payable From Fund:

Expended for the repairs, maintenance and/or improvement to Town recreational sites (including Town Field, Larter Field, tennis courts, and any other facility under Recreation purview), and/or staffing, materials, equipment, etc. to support recreational programming.

*Sponsored by the Recreation Commission*

**Motion:** I move that the Town vote to amend the Town of Dunstable General By-Laws as set forth under Article 8 of the warrant for this Special Town Meeting.

**MOTION PASSED BY MAJORITY AS DECLARED BY THE MODERATOR.**

## ARTICLE 9 – Citizens Petition - Proposition 2 ½ Override Requests:

To enact a bylaw that mandates any Select Board Proposition 2 ½ override request be done in a matter that requires 2 separate questions be placed in front of voters – one for municipal related costs and one for the GDRSD costs (referred to as a "menu" override).

*Sponsored by Erica Flynn and others*

**Motion:** *I move for the Town of Dunstable Select Board to put forth separate questions for override requests that separate municipal and school requests.*

*Motion was seconded. Town Counsel spoke to the article, explaining that this could not be a bylaw as the state statute supersedes bylaws. It could be voted to be an advisory to the Select Board. Discussion continued by presenter and other voters attending Town Meeting. Motion was made to move the question. Seconded. Motion to move the question was passed unanimously.*

**MOTION FAILED BY MAJORITY, ARTICLE 9, CITIZENS PETITION DOES NOT PASS.**

## Article 10 – Citizens Petition - Electronic Voting at Town Meetings:

For the town of Dunstable, MA to adopt the utilization of electronic vote tabulators ("clicker's") for all votes required at the annual town meeting or any special town meeting(s).

*Sponsored by Erica Flynn and others*

**Motion:** *I move for the Town of Dunstable to amend the town bylaw to allow for private voting at the annual and special town meetings and for the Town of Dunstable to adopt the use of electronic vote tabulators ("clickers") for any annual and special town meetings.*

*Motion was seconded. Town Counsel spoke to the article, explaining the processes of changing bylaws. Motion was rescinded by Ms. Erica Flynn. A new motion was made, I move for the Town of Dunstable to adopt the use of clickers for any annual or special town meeting. Discussion ensued regarding cost, maintenance, software support and why it is necessary. Motion was made to move the question. Seconded. Motion to move the question was passed unanimously.*

**MOTION FAILED BY MAJORITY, ARTICLE 10, CITIZENS PETITION DOES NOT PASS.**

All Business on the Warrant having been acted upon, a motion was made and seconded to dissolve said Town Meeting at 8:47PM.