

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**February 1, 2022**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 5:30 pm

**Present:** Leah D. Basbanes, chair, Kieran D. Meehan, vice chair, Ronald J. Mikol, member(s); Brian M. Palaia, Town Administrator; Chief Zbikowski, Fire Chief; Joe Vlcek, Joan Simmons, Planning Board; Harold Simmons, Advisory Board; Kathy Sniezek, David Kimpton, Margery Kimpton, Deborah Courtney, Sue Fayne, Jon Crandall, 350<sup>th</sup> Anniversary Celebration Committee

**Selectboard Reviewed & Signed the Following:**

- Standard Commonwealth Contract with MassDOT for Rt. 113 Infrastructure Project
- Standard Agreement with MassDOT for Rt. 113 Infrastructure Project

**Call to Order**

Ms. Basbanes called the meeting to order. She then went over the agenda which included a Workshop Regarding the Transition Plan for Town Administrator Position & Plans for Hiring of an Interim Town Administrator, a Joint Session with the Planning Board to Discuss a Transition Plan Regarding the Planning & Conservation Administrator, Discussion & Possible Decision Regarding the Annual Town Meeting Date, Discussion Regarding Fire Dept. Options, Review & Approval of an Agreement Between MassDOT & Dunstable Regarding the Rt. 113 Infrastructure Project, and the Structuring of the 350<sup>th</sup> Anniversary Celebration Committee.

**Workshop Regarding Transition Plan for Town Administrator Position & Plans for Hiring of Interim**

The Board briefly discussed its options and ongoing plans including the job posting which has been placed on MMA and on the town's website. Mr. Palaia then asked the Board when interviews should be done for an Interim. The Board proposed a few days and suggested a special meeting might be needed. February 16<sup>th</sup>, 2022, was the agreed target date.

**Public Forum**

- Mr. Martin asked about the use of ARPA funding for the water work. The Board responded at its last meeting that they decided to utilize the available ARPA funding available to do the loop down Hillcrest Street back to Main Street. This would also include a replaced water main on Main. Mr. Martin asked why the proposed work for Lowell Street wouldn't also be included. This won't go away. The Board responded that it felt it imprudent to spend all of the ARPA funds on water. Still they highlighted their commitment to spend roughly half of the funds on the work for Hillcrest and Main. Mr. Martin expressed concern about the integrity of the Lowell Street line and emphasized it will eventually fail. It's a matter of when not if. This is money we have that could take care of this problem entirely and avoid having to bring this to town meeting. The Board reminded are other priorities. Mr. Martin felt we should spend the money here. The Board reminded of other priorities like schools, funds for first responders, funds for MS4 Stormwater infrastructure work, and other items. Mr. Palaia noted we have a \$1,017,000. Roughly around \$500,000 would go to the water. He then outlined the other choices noting each project and its reason for being a priority. The Board stressed when you look at this in total, when you consider all the funds expended on water to date, on a global level, this is the best outcome. These priorities weren't taken lightly. Mr. Martin noted that if we don't do this when we can, we may regret it as DEP may come in and force us to take action as they did with the last project. The Board understood this, but again stressed there are competing interests to balance.

**Joint Session with Planning Board to Discuss a Transition Plan Regarding the Planning & Conservation Admin.**

Mr. Vlcek and Ms. Simmons spoke for the Planning Board. The current administrators experience is significant. It is highly important that we have someone hired and completely up to speed by the time the current administrator, Ms. Mann, retires in July. This may necessitate discussions regarding funding for covering training. Other outstanding questions include whether or not Ms. Mann would be willing to consult for her replacement as well. Mr. Vlcek then noted a number of questions that arise and reminded that Ms. Mann has decades of institutional knowledge. The Board stressed that this is one of several positions that need a replacement. There are a number of retirements. The town needs to hire an Interim Town Administrator, replace the Fire Chief, hire an Interim Town Clerk, and fill this position. The Board then noted that this position is in fact two, Conservation and Planning. So it would be possible to hire someone to each position or to hire a person to do both. The Board recalled that Conservation Commission is not as concerned

*Approved and adopted on 3/3/22*

about acting immediacy. Ms. Mann doesn't retire for another 5 months. There was then a question about if anyone else in the Town Hall might be willing to pick up the work. Mr. Vlcek responded that the Highway Administrative Assistant has expressed interest. But his concern was that Ms. Mann has reduced her hours over the years and the position may require more hours under a new, less experienced employee. The Board noted that the existing job description for the position is rather extensive. This person really will need to be high functioning. Mr. Vlcek agreed but stressed it may be hard to do and we may have to hire a person who will have to be trained. There are so many technical questions about things like how many weeks the Planning Board has to respond to a filing and the like. Ms. Mann knows all of this. The Board reminded Mr. Vlcek that Ms. Mann started with little knowledge and what she knows she gained on the job over time. While it would be excellent to replace her with someone equally experienced, it may be hard to do so. In the meantime, the Board suggested Planning Board may need to step up. Members should be familiar with the rules and many of the questions involved. Mr. Vlcek conceded that, as did Ms. Simmons. But Mr. Vlcek reminded that members are still essentially volunteers. The Board asked if we could possibly seek regionalization, perhaps with Pepperell.

Mr. Palaia outlined his efforts to seek that. More or less it's not an immediate option. We could pursue it, but they likely don't have the bandwidth. He also suggested NMCOG as a resource. Discussion then shifted back to whether or not the position should remain combined or be separated. Mr. Palaia thought it wouldn't be too much to do both functions. Particularly for someone with municipal experience. Mr. Vlcek wasn't certain in this market we'd be able to hire someone with such experience. Mr. Palaia disagreed feeling if advertised in the right places, such as on MMA, it's likely that we could find someone. The Board suggested that a job description be cleaned up and posted and efforts made to begin the process. Mr. Vlcek then emphasized he's willing to help with interviews as well. But again stressed he's a volunteer. Ms. Courtney, asked about ways to publicize about positions. Not just job openings, but also elected positions, as well as committee vacancies. The Board noted that it does a quarterly newsletter. This is published on the town's website as are job openings. Ms. Courtney asked about wider publication including on social media. The Board responded that social media is hard for the town given public records laws. This includes an inability to engage in dialogue. The Board is seeking to publish in the *Neighbor to Neighbor* as well as on the town's website. Ms. Courtney asked that the town consider a wider publication. Mr. Vlcek elaborated on the law and the constraints that the town faces. The Board concurred and asked the general public to look at the town's website and to subscribe for various items that the website will allow subscription to such as News & Announcements. Mr. Vlcek then returned to the topic at hand. It was agreed to pursue a job description and a posting. Mr. Palaia simply asked for it to be provided to him and he and Mr. Voelker would see it properly posted. Still he suggested waiting another month or so before posting. He suggested mid-April. Mr. Vlcek was okay with that proposal. His main concern was that this not be neglected.

### **Discussion & Possible Decision Regarding Annual Town Meeting Date**

The Board began by noting that the Annual Town Meeting date, if not adjusted as enabled by some legal mechanism, is set by by-law and is currently expected to be held on May 9<sup>th</sup>, 2022. Mr. Palaia suggested Saturday, May 14<sup>th</sup>, 2022 assuming we wish to hold an outdoor meeting. He further recommended a rain date for the next Saturday and felt it prudent to set the time early in the day, such as 11 am, in order to maximize sunlight. The Board asked if this decision must be made now or could wait. Mr. Palaia said it could wait, but a decision now would help with planning for it including expenses like a tent, chairs, and a sound system.

A motion was made by Mr. Meehan, in light of necessary COVID-19 precautions and exercising authority from ongoing emergency provisions of MGL related thereto, to set the Annual Town Meeting date for 11 am on May 14<sup>th</sup>, 2022, with a rain date of May 21<sup>st</sup>, 2022. The motion was seconded by Mr. Mikol and passed unanimously.

### **Discussion Regarding Fire Department Options**

Chief Zbikowski started off the discussion by providing the Board with materials regarding various options for Fire Dept. These ran the gamut from increased per-diem coverage to call wages for various categories, holiday pay, overtime, to a stipend for a Deputy Chief. There were also other considerations such as the costs of potential Fire Chief services, or general Fire Dept. services, provided by neighboring towns such as Groton or Pepperell. The cost of which would vary considerably depending on the type of services and the hours required of any Fire Chief. For example, a full time Fire Chief would likely cost \$120,640. A 32 hour a week Chief would cost \$96,512, and a 24 hour a week Chief would cost around \$72,384. Contracting for Fire Chief services with Groton, for example, would likely cost about \$40,000 annually. Another potential consideration would encompass ambulance services and whether that would be brought in house or be contracted out with another town or possibly remain with a private vender. All of these options would require a Proposition 2 ½ Override. These assumptions are also based on discussions with the Fire Dept. and do not represent a final willingness on Groton's part. Further at this point the fire service aspect of these discussions are

more than Pepperell is able to entertain. In a few years that could be different, but for now Pepperell has only indicated a willingness to provide ambulance service in exchange for the medical billing revenue plus a fee. Chief Zbikowski then stressed that no matter what we need to resolve the ambulance response time. In his experience our current response times are unacceptable, but he conceded that staffing shortages Commonwealth wide are at cause for some of it. When there is an accident, a trauma, it is extremely important to get them treatment quickly. So the town needs to consider options including grant applications, whether to go into ambulance services, seek a partnership with Pepperell on the terms Pepperell has indicated willingness on, etc. The Board asked how we would operate an ambulance. Chief Zbikowski responded most of our firefighters are also EMTs and two more are already in training. We could readily sponsor more. Still there would be an expense as you'd need someone on hand at least 8 hours a day 7 days a week. So it's up to the town. That said, he indicated that he'd applied for a grant of up to \$350,000 for an ambulance.

The Board expressed some concern about a grant application inquiring about whether the Chief had consulted with Advisory Board. The Chief conceded he had not. The Board noted some of the immediate costs associated with an ambulance. Chief Zbikowski stressed that he had made the decision to apply for the grant but that the town would have to accept it if it was won and ultimately all he did was apply. There was brief discussion regarding the towns ISO rating. The current ISO rating is a 9, Chief Zbikowski expressed the opinion it should be a 6. The Board then asked about statistics and data supporting the need for ambulance services and the contention on the rating. The Chief referred back to what he'd provided to date, but conceded he would need to supply more information. Ultimately, whatever is done, he felt would likely require an override. So the town needs to have a discussion on what it needs and what it's willing to pay for. His options proposed would run from 3.6 to 6 percent of the overall budget. To put that into perspective, the school is about 63 percent of the budget and Police Dept. is something like 10 percent. Right now Fire Dept. is around 2 percent. He then briefly went over maintenance and training. One thing to consider is that taxpayers could also benefit as many would save on their homeowners insurance. This might help offset the cost of an override. The Board asked where an ambulance would be stored. Chief Zbikowski noted that it could fit in the current station with perhaps one of the smaller vehicles parked elsewhere. That could be solved with Highway Dept.'s help. The Board then took a moment to express appreciation for Chief Zbikowski's work. Still this has to be data driven. This is not because the Board isn't in favor, but because making the case to the public will require it. If we do any of these options there will be expenses. The Board suggested Advisory Board be brought in to really dig in. Mr. Palaia interjected to say if we did set up such a service we'd likely partner with Groton to use their licensure. Chief Zbikowski concurred noting an inter-municipal agreement could be pursued. Neither Pepperell nor Groton are opposed to regionalization, but it hasn't been done in Massachusetts. Mr. Palaia then returned to Pepperell. They're only willing to do ambulance right now. Chief Zbikowski was okay with a partnership with them, but stressed they're already busy. Similar for Groton. The Board clarified that if we are able to get an ambulance it might make us attractive for a partnership. Chief Zbikowski concurred that it would. The Board stressed that while it is supportive, there are concerns. The Chief noted he's done this before and he gets the concerns. He stressed that we cannot lose sight of the lives that need this. It's hard to quantify that with dollars.

Some of the costs may be harder based on things like vehicles. The costs related to personnel may not be as high as feared given the towns geographical proximity to nearby hospitals. The Board then asked about data from Trinity. Mr. Palaia went over what he's received. We have a reasonably high proportion of private insurance paying which is attractive. But it's hard to check Trinity's numbers. Chief Zbikowski suggested a few ways to check. The Board then returned to the numbers on the various options and how to approach them. Ambulance billing can be a problem. Tyngsborough has experienced that. Chief Zbikowski understood but reminded the Board that we aren't paying Trinity to guarantee it'll be here. The only way to improve times is to either go with a public option or to pay for Trinity to park an ambulance in town. So no matter what there is a cost. Doing it as public we are more likely to be able to increase the number of our professional firefighters as well. He then concluded with the commitment to take this to Advisory Board next. The Board thanked him for his work and requested monthly reports on this as it continues. Chief Zbikowski was okay with that. Ms. Simmons then asked how the current staffing lines up with the options proposed. Chief Zbikowski responded we have 7 days a week with a per-diem shift 8 am to 4 pm. That person might be a firefighter/EMT or might not be. But he's working on improving that. Currently he's part time, so he's here 24 hours a week. Otherwise the department is on call 24 hours a day. There are at least 14 firefighters in the department. But several of the firefighters have other jobs. We have fantastic talent, but they can't always respond. So there are challenges in relying on volunteers. Ms. Fayne asked how we compare to other towns in terms of percentage of the budget. Chief Zbikowski responded that it's usually closer to 6 percent. Even in towns with budgets similar to Dunstable which is just shy of \$12 million. Ms. Courtney asked if all of these plans include the ambulance. Chief Zbikowski responded that it covers the staffing with assumptions that we would obtain an ambulance ideally by grant. So it's mostly staffing. Ms. Courtney noted she's called 9/11 in town before and experienced slow response times. She's had to drive to the hospital herself. Chief Zbikowski responded that isn't acceptable for families to have to drive in these kinds of emergencies.

## **Review & Approval of Agreement with MassDOT & Dunstable Regarding the Rt. 113 Infrastructure Project**

Mr. Palaia reported that the bids are in and a few of them came in within budget. It will take a few weeks for MassDOT to conduct their formal review and certify the results. However, the low bid is in the \$3.8 million range. This agreement stipulates that the town will be responsible for any construction related costs exceeding 10 percent of the low bid they accept. So if they accept a low bid of \$3.8 million, MassDOT is responsible for anything in excess of up to \$380,000 and they can push charges in excess of that (that they manage) off on the town. This is standard of a federally funded project. He noted he has never seen MassDOT actually invoke this, but has heard it threatened on previous projects he's been involved in. Regardless there is a healthy additional 5 percent in the transportation budget that has been earmarked for this (for a rough total of an additional 15 percent) so hopefully the town will never get to that point. The Board saw no reason not to proceed. The documents are straight forward and standard. This project needs to happen and this is likely the best outcome. The Board asked if we know who the low bidder is. Mr. Palaia responded that we do not. He then related on Town Counsel's opinion on the documents. Town Counsel feels it unlikely the Commonwealth would agree to changes if we did want them. So it's pretty much take it or leave it. The Board asked about the schedule. Mr. Palaia responded they hope to start the entire process ideally in May. But it could take longer. MassDOT will handle it.

A motion was made by Mr. Mikol to authorize either the Board's Chair to enter into and execute the standard Commonwealth contract and agreement with MassDOT for the Rt. 113 Infrastructure Project. The motion was seconded by Mr. Meehan and passed unanimously.

## **Structuring of the 350<sup>th</sup> Anniversary Celebration Committee**

The Board briefly went over how at its last meeting it determined to shrink this Committee from 11 to 9 members due to continuous and enduring vacancies that the Committee has had. Subsequently the Committee's Chair has requested this decision be revisited arguing that the tasks the committee faces necessitate 11 members. The Committee has faced a number of challenges which appear, in no small part, to be a byproduct of the churn in membership. In the past few months as members have been replaced older members have resigned. Thus keeping the vacancies relatively static at 2. Ms. Snizek then provided information to the Board regarding the projects being worked on and the reasons for why its vacancies have endured. They have two people willing to join now and are committed. There is a lot of leg work that will need to be done. They are seeking to conduct a series of inclusive events that will celebrate the anniversary. They hope to start events that would start sometime in the next year and run through October of 2023. This is not just a party, but a great opportunity to educate and inform the community on the history of the town and to honor that history. There are a lot of organizations willing to work with the Committee. They've already partnered with a number of them and are participating in events others are holding and hope to continue that outreach. The response from most citizens is positive. She reminded that the town has not yet funded the Committees work and they are having to fundraise for the donation account that the Board setup for them. So they are asking for reinstatement of the two seats. The Board responded by outlining some of its thinking. When the town considers such bodies the number is concerning for things like quorums and the ability of people to make commitments and make decisions. But the Board could see the need for more support. It was not the intention of the Board to just summarily shrink the Committee, but rather just not to solicit new members. But the Board stressed the members need to be committed. This was not meant to be a suppression of any enthusiasm or the Committees work.

Ms. Fayne noted that the Committee is consistently meeting and working on its plans. This isn't just selling ornaments and cookies. They have project plans and lists of things they are working on. Most members grew up in the region or the town and wish to see this anniversary celebrated. Ms. Snizek noted that 25 years ago at the last celebration was over many days and she sought to do it again. Ms. Kimpton noted that most of the early resignations were from members who signed up before they realized the full scope of the work. This is a different kind of committee given the work involved. But it does represent Dunstable. Still she stressed some disappointment in not being funded. In the 1800's the celebration committee had a budget of at least \$500. Mr. Palaia noted that part of why the Committee was setup at the time it was, was in order to present requests for budget to the Advisory Board for FY23. Mr. Kimpton recognized that but outlined the costs associated and the work being done. Ms. Fayne suggested further review of the materials presented and reminded that the Committee has already spoken with Advisory Board back in December. So they are working on hopefully obtaining a budget. Mr. Crandall stressed that their numbers are very conservative. Ms. Fayne concurred noting there were also discussions about splitting it over several years. Ms. Courtney then outlined research she's done. A lot of towns do fund this. Mr. Palaia noted that Advisory Board didn't expect to see funding of this until FY23. Mr. Simmons concurred submitting that as a member of Advisory Board his impression wasn't that this would be budgeted right away. We don't have a lot of funds available. The Board agreed but suggested it could be explored. Mr. Voelker reminded that the Cultural Council is a source of funding that could be tapped if they partner

with nonprofit groups. Ms. Courtney responded that they have talked to Cultural Council but their grants are small and they may not always be able to partner. Ms. Sniezek agreed noting that they want to have some kind of participation fee as well for some events which precludes that source. There are also challenges faced by the pandemic. It was agreed that the Committee would be expanded back to 11 members and the appointments would be made at the next meeting.

### **Town Administrators Report**

Mr. Palaia began his report by updating the Board on the status of the town's liquor licensing special legislative request to the General Court. The House has passed the bill, known as H3812, and it is now completed its second reading in the Senate. The bill will hopefully pass sometime in the spring. Mr. Palaia then turned to the Rt. 113 Infrastructure Project and the related Article 97 legislation. This legislation has passed, but DEP and EEA still had some review comments that will need to be reconciled. He expressed the opinion that they are not accurate in what they want and noted a follow up he provided to them which has to date only resulted in silence. He promised to outline the whole matter in his transition memo to the Interim Town Administrator. In further news as to the actual project, Mr. Palaia explained that he filed paperwork so that we could receive a \$50,000 grant toward the design costs. This was an earmark secured in the Commonwealth's budget. This reduces the deficit on this project to around \$95,000. We still do have a partially approved earmark for another \$100,000, but with the Governor leaving office, he wasn't sure that will get final approval. Back up plans are either use your Chapter 90 funds or borrow at Annual Town Meeting perhaps with a 10 year note – the latter option would make it manageable to pay off within the budget levy. He then provided an update on the Green Communities Designation grant. We have filed an amendment to do weatherization at the Fire Station which has been approved. The other remaining project to be closed out is the Streetlight LED conversion. This project is in the punch list stage still and awaiting National Grid's authorization (we are next in the queue) but they will not provide a timeframe. Mr. Palaia then updated on the CARES Act funding close out. He reported that he's in process to file the final report which is due within a week. We ended up using a "start over" provision the State came out with, which is more work but it is useful because it allows us to file for reimbursements that FEMA decided they wouldn't fund.

Mr. Simmons returned to the streetlights noting a few that haven't been addressed. Mr. Palaia responded there's been a few like the one on the intersection with Pond Street and Pleasant Street that have been caught up with National Grid. Mr. Palaia then turned to the Town Engineer and the Woodward Mill Dam. He reported he will be meeting with the Town Engineer to evaluate the next steps on the culvert replacement at Joint Grass Brook near Main Street. Mr. Palaia then turned to the landscape maintenance contract. Bids are due on March 1<sup>st</sup>, 2022. From there he turned to another outstanding RFP, that being Affordable Housing. Responses are due on March 8<sup>th</sup>, 2022 with the deadline for questions next Friday. There have been no new inquiries in the last two weeks. Mr. Palaia then turned to preliminary budget figures from GDRSD. They do not include figures that would allow the town to evaluate the necessity of an override. The response that has been received from them after follow up with them about the projections and any Proposition 2 ½ Override lead him to believe they aren't likely to ask for an override this year. Mr. Palaia then finished by reporting on his work relating to the ATM Warrant. To his knowledge there are no zoning by-law amendments and no land acquisitions to propose. Mr. Voelker interjected to remind that the Board had previously sought to have changes made to the signage section of the Zoning By-Laws in order to re-enable the Zoning Enforcement Officer to enforce several provisions. Ms. Simmons acknowledged that, but noted it may need to wait. She then briefly updated the Board on her follow up work on the Union School. The officials she's spoken to on the Commonwealth level see no reason why the proposal that Groton might be able to help through its Community Preservation Committee and CPA funds. She then updated on the Woodward Mill Dam, it appears that might be possible. But not all dams are created equal. We can't do it under conservation but could under historical. But it would have to be registered as historical on a register or it has to be deemed historically significant by the Historical Commission. But it would have to be a high level of historic value. There are also grants that we could potentially apply for that might help as well. Mr. Palaia noted there are some possible sources, but it could depend on the classification of the dam and the risk level. If there's a high hazard risk then it could work, but if it doesn't have that then it is less likely.

### **Minutes**

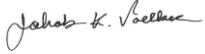
The Board reviewed the minutes for January 18<sup>th</sup>, 2022. Upon review the Board determined to approve the minutes.

A motion was made by Mr. Mikol to approve the minutes of January 18<sup>th</sup>, 2022, as written. The motion was seconded by Mr. Meehan and passed unanimously.

*Approved and adopted on 3/3/22*

A motion to adjourn was made by Mr. Meehan at 8:00 pm. The motion was seconded by Mr. Mikol and passed unanimously.

Respectfully submitted by

A handwritten signature in cursive script, appearing to read "Jakob K. Voelker".

Jakob K. Voelker, Assistant Town Administrator