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**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**10/6/09**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:01 P.M. with the Pledge of Allegiance

**PUBLIC DISCUSSION**

Dave - Town Fair at the High School and extended his appreciation to PTO, was great success. Also, noted the Public Safety Open House, great turnout and appreciation to the Chiefs and those that worked it.

**ANNOUNCEMENTS**

**1. Yard Waste Days: Saturdays/October 17<sup>th</sup> thru November 21<sup>st</sup> from 8:00 AM to 4:00 PM** – At the Lunenburg Landfill, Youngs Road. Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches, unlimited length). Shrubbery and plantings; with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. Open to Lunenburg residents only.

**2. Lake Shirley Association President Joanna Bilotta** informed the board that the Lake Shirley drawdown will be on Sunday, October 18, 2009. The Lunenburg and Shirley Conservation Commissions and the local media have also been informed.

**3. MMA Annual Photography Contest** – deadline October 19<sup>th</sup>, theme simply Massachusetts. Information available at Town Hall.

**4. Also noted the upcoming Lunenburg Athletic Hall of Fame Inductees**

**APPOINTMENTS**

**1. 7:15 PM, Liquor License Transfer – American Graffiti** – Chair opened the Public Hearing as follows: NOTICE OF PUBLIC HEARING - The Licensing Authority will hold a Public Hearing on October 6, 2009 at 7:15 PM in the Joseph F. Bilotta Meeting Room, 2 Floor Town Hall on the application for a transfer of a Common Victualer All Alcoholic License from an individual to a corporation. This transfer is being submitted by American Graffiti, Inc. and said license is to be exercised at 113 Summer Street, Lunenburg MA 01462, Thomas A. Alonzo, Chairperson, Board of Selectmen/Licensing Authority. Todd Jennison property owner, was present and informed the board that this is just a transfer. Steve motion to approve, Paula seconded, voted unanimously.

**2. 7:20 PM, Interview – Mark Erickson, Finance Committee Appointment** – of 63 Peninsula Drive came before the board for a brief interview. Informed the board that he has been a Lunenburg resident since 1999. He has been self-employed as a Management Consultant specializing in Information Technology since May 2008. Currently managing a global ERP implementation for Bemis Associates in Shirley, MA, as well as consulting with the Bemis IT Director on aligning business and IT strategy. Prior to May 2008 employed 31 years in Information Technology at Deluxe, Inc. (formerly NEBS, Inc.) in Groton, MA, a \$1.4 billion publicly traded company. Last position was Vice President and Business Unit CIO for Shared Services. He was directly responsible for a staff of 45 people, an operating budget of \$15 million and capital expenditures of \$10 million per year. Indirectly, he collaborated with other executives to manage an operating budget of over \$80 million and capital expenditures exceeding \$30 million. More than 10 years of experience at the executive level, with over 25 years management experience in total. Served two years as President, Advisory Board of Governors at Sterling National CC. Noted that we're facing yet another round of budget cuts and that as a fiscal conservative realizes that you have to balance the budget and once he has a better command of the needs of the town, believes he could be an asset. Tom M., move to appoint, Dave seconded voted unanimously, term to expire 2012.

**3. 7:25 PM, Peter McCarron, Lunenburg Cultural Council** – Peter McCarron of 42 Reservoir Road forwarded a letter that he received from their Mass Cultural Council Representative in response to an issue he raised concerning his position on the LCC and an apparent conflict of interest. The nature of the conflict is that several requests for LCC funds come from the library, where his wife (Kate) works. He is serving his second seven-year term and in the past the council has discussed this potential conflict and decided internally that since neither Kate nor he receive any money he would not have to recuse himself. Since he intends to chair the Council he thought that he should seek a clarification from the Massachusetts Cultural Council. Our Rep says that there is indeed a conflict but there is a way around him having to leave the room for every Library request. He can make a written disclosure to the appointing authority (BoS) and request an exemption allowing him to participate. He does feel however that he will have to resign if not approved since the MCC states he would have to remove himself from ALL library applications not just Kate's.

Peter was informed from the MCC Rep. that he should abstain from applications from the library where his wife works. Noted from the guidelines:

An LCC member, her immediate family or organization she is affiliated with has a financial interest in a grant.

If an LCC member, her immediate family (immediate family includes the member's spouse, and both sets of parents, children, brothers and sisters) or an organization she is affiliated with has a financial interest in a grant, the LCC member must either:

Abstain from participating in the review of the grant application. The member should leave the room during the discussion and voting. In order to protect the LCC from accusations of biased decision-making, it is important to record who abstained from which grant decisions in the meeting minutes. The MCC recommends this course of action.

OR

Prior to participating in the matter, the LCC member can make a written disclosure to the appointing authority (Board of Selectmen) and request an exemption allowing him to participate. He can participate only if the exemption is approved. A verbal disclosure should also be made at the voting meeting and recorded in the minutes.

Tom A., understanding of a special municipal employee, you cannot represent the town in any other case against the town, has to do with not being able to play both sides. Accept a motion to grant an exemption for Mr. McCarron, Dave so moved voted unanimously.

Peter also introduced Mr. James Ryan, of 25 Williams Drive, resident for three years and interested in being more involved with the town. He has been teaching for about five years in the Ayer school system. Tom M., move to appoint to LCC, Paula seconded, voted unanimously.

**4. 7:30 PM, Planning Board Joint Meeting – Re: Appointment** – Present members of the Planning Board were Joanna Bilotta, Tom Bodkin, Robert Saiia, Emerick (Toby) Bakaysa and Planning Director Marion Benson to meet in joint session with the board for the purpose of appointing a candidate to the vacant position. Tom A., entertain motion to appoint Nathan Lockwood, of 91 Main Street to fill the vacancy (term 2012) on the Planning Board until the next scheduled Annual Town Election, 5/15/10, Dave seconded, voted unanimously 9-0 to appoint.

## **CURRENT BUSINESS**

### **1. CAFO Updates**

- Meadow Woods – Tim Oakes, Charlie Smith and Jack Rodriquenz came before the board on the status of the punch list items. Charlie; project manager, Tim Oakes; project engineer for sewer / water installation. Charlie noted the punch list items that were remaining and as a result Tim had gotten together with the General Contractor, Jack and the follow up work was completed by DeFelice. All items have been satisfied and final payments have been issued to the contractor as the project was deemed substantially complete. One year warranty which will be effective until June 2, 2010. Provided a summary to Kerry and we are 100% done with the project. Kerry noted the difference with the contractor and issues that were identified by the residents, we've been referring to two different punch lists. Per Jack there are paving issues and in speaking with the CAFO, feel we'll be able to fund with the grant funds. Items have to be returned to their existing condition, two driveways were extensively poor and the other we've agreed needs to be replaced and they'll all be addressed. Paula would like to see a follow up on the punch list to see what was actually done to address the issue. Per CAFO after this evening we are complete with the construction phase and we do need to move forward with the legal documents, the betterment and closing this project out for good. Tim noted lot #38 had an existing driveway and the tenant is stating that it is causing him problems, driveway has a cut through it and we've put in a standard driveway trench patch. If the board feels it's warranted to move that driveway, it's your decision. Per Kerry we've decided on an administrative level that we'll just replace the driveway to the way it was before the construction. Dave questioned the issue on the septic tank being filled properly and per Jack this was taken care of, filled and compacted and no longer an issue will provide the board with a list.
- Update from DPW Director Jack Rodriquenz on the drainage issue at 780 West Street. This issue was brought to DPW about four years ago, problem originated in a field at the corner of West Street & Pleasant St. small drainage pipe was in there and went to a catch basin in West Street. Due to the rainy days in June the flooding on her flooding property was exaserbated. No indication that there was ever a drain pipe that drained the field, did find evidence that there were small pipes. Property owner has been very patient and brought to her attention that the town had installed a drainage pipe years ago from West St. Acres, do have a responsibility to that area and still needs to speak with the CAFO, about 80 feet on the border of her property we would connect a pipe and would take some drainage to help cure the problem, which will put the town in a position where we have fulfilled our obligation. Still some legal issues that will need to be addressed, but should be something that we can do legally. A work in progress, hope to have completed before the ground freezes.
- Tennessee Gas Pipeline Project – advised the board that one of the subcontractors for Tennessee Gas has filed a Mechanics Lien against Tennessee Gas and have also filed against two property owners. Sent to Town Counsel for their interpretation as a Mechanics lien is filed against the person that doesn't pay, it's on the easement. Will advise as to what this means and will assist the property owners as well as we can. CAFO will continue to update and would like to have any other property owners

who have received this notice contact the office and we'll discuss this with them. Police Chief also received some correspondence from the Ayer Police Chief that they're having problems with getting their details paid for. As far as Tennessee Gas Pipeline's project, they are done, they've closed the project out, no longer dealing with the local contacts but now with the Texas office. Know of a couple of property's that still have issues and they are pursuing this on their own. Chair noted that we should work with the property owners as they are looking at thousands of dollars of repair work that occurred as direct result of this project.

- Wireless Update – postponed to 10/13/09, would like to have the new network administrator in to give an overall synopsis of what she has found. Chair requested moved to October 20<sup>th</sup>.
- Ethics Commission – Conflict of Interest Update – have requested the Town Clerk put something together as she is the position that has been designated, hope to have something for the board by the 13<sup>th</sup> or 20<sup>th</sup>.
- Eagle Heights project, nearing the end, attorneys on both sides have been working together. Also received notification from Jon Juhl that the application submittal round has been opened. Jon (Juhl) also advised that HUD is proposing a higher funding amount for FY2011 for Section 202 Program, which is good news if we don't win in this funding round.
- Received letter from Board of Assessors on a parcel of land located at 322 Flat Hill Road, Parcel was conveyed without the town being given it's first right of refusal option. Regional Assessor Harald Scheid provided the notice that was sent to the property owner informing her that the Board of Selectmen's first right of refusal under M.G.L. Chapter 61B was circumvented in a 2009 conveyance of the property located at 322 Flat Hill Road (Parcel 87-26). The three letters that were sent to the new owner, Ms. Abby Guinard have not been met with a response. The Board of Selectmen may or may not pursue legal action. Initial reaction is we're not interested in pursuing. Steve questioned if this property had gone back into 61B.
- CAFO met with Pat Slattery last week and he came up with a proposal which Kerry is still reviewing. Noted that there may be about \$50,000 that remains from the sale of the old Chief's house, and may be able to close out some other capital articles. Proposal will provide everybody in this building with what she would consider adequate space. One of the main issues would be replacing carpeting, another is providing accessible bathrooms as this building is used as a place of assembly the number of bathrooms that you need is based upon the occupancy and as such couldn't get away with only one accessible bathroom. If we could come up with \$75K we could possibly have two accessible bathrooms by demolishing the existing and creating two accessible bathrooms. Would like to do something by fall town meeting, expect to bring back to the board by October 20<sup>th</sup>.
- Will be doing a bond issue in December, consists of part of the athletic fields, part of Meadow Woods project. Amount to permanently bonded is \$1,515,000.
- 2010 Budget Update – CAFO informed the board that the deficit hasn't changed, but is likely to change next week as the Governor is required to do so by October 15<sup>th</sup> and no secret that their numbers will be revised downwards. He is allowed to make 9C cuts and it is likely that he will be asking the legislature for enhanced 9C cuts. Local aid is what they like to look at last, the problem is that we get the cut later into the fiscal year and it's difficult for us to do anything with. This is going to be one of those items that we'll be placing on every agenda. Met with all department heads that will be effected and still working with some of the smaller departments. Have a meeting scheduled with the PEC to discuss carving out the retiree prescription drug. Also have met with the Superintendent and a company that provides an incentive for people to entice retirement, not a traditional early retirement plan. Still investigating, but it's a private incentive. Met with the Finance Committee and discussed the Quinn Bill, waiting for something in writing from labor counsel and he has advised the town that any community that accepted the Quinn Bill is responsible for funding regardless of whether the state continues to fund its share. Labor counsel has said that there isn't more than one way to adopt the Quinn Bill and it is probably likely that we are responsible for 100% of the Quinn Bill payment, state law would supercede the contract, which is obviously a concern. Steve would argue that we proposed it that way at town meeting that we were only responsible for our share and that same language has been in there since day one. Chair as this is being debated, the MMA has put out a request that the legislature makes a clarification what they mean and what the towns and cities are responsible for under the Quinn Bill. CAFO doesn't believe we can wait to see what the state cuts will be as we won't be able to keep up with it. Mentioned to Finance Committee, there's no question that we are at layoffs now and roughly need to lay off three people to get the benefit for two people. Questioned whether the Finance Committee would consider taking the payment necessary for unemployment compensation out of the stabilization fund, knowing that she would not be filling these positions in the future. Every position is needed but we are in a situation that is unprecedented, would just like to put this out there as a potential option and to the extent that we are not able to fund these costs that we look to put this out there as a funding source. Chair is willing to listen to any idea that makes sense and these are certainly things that he would consider. Steve noted that the higher the salary, the more savings you'll have. Dave mentioned furloughs and give backs on sick days, personal days, vacation days and questioned if there has there been

discussions on this, with furloughs you don't have to lay people off. CAFO will have to have discussions with the various unions and all the while everyone knows that you're talking about specific positions, pitting people against people. The problem is that we don't know what the target is, and when I've had these discussions with the unions in the past, they've agreed and said don't come back to us. Paula questioned what the CAFO's timeline is and per Kerry by the end of this month as she knows the positions she's talking about.

- Fall Special Town Meeting to be placed for an agenda item, possibly November 30<sup>th</sup> or December 1<sup>st</sup>, it may be that we'll have to have a special in February depending upon how bad things get. Steve questioned pushing it off until January. Per Kerry the problem is getting the tax rate certified as her projections have to match what's on the books, need to have something before the middle of December. Suggested December 1<sup>st</sup> and post the Selectmen to meet on November 24<sup>th</sup>. Tentatively scheduled for December 1<sup>st</sup>.

**2. Minutes** - Board of Selectmen Regular Sessions for 11/1/07, 11/20/07, 12/4/07, 9/22/09 and Executive Session for 11/20/07 reviewed and signed.

**Warrants** - #18 10, 10/6/09 - \$272,087.66 reviewed and signed.

**Contracts** - none

**Action File Issues** – Per Chair read into the record correspondence from the daughter of a woman that is living at Pearl Brook Apartments: Tina Campidelli whose mother has been a resident of Lunenburg her entire adult life:

*Dear Lunenburg Board of Selectmen,*

*Please let me introduce myself, I'm Tina Campidelli, the daughter of Mary Campidelli, who is a resident of the elderly housing unit, Pearl Brook Senior Housing Apartments, Lunenburg, MA. I was raised in Lunenburg and graduated from Lunenburg High School '75. I left Lunenburg in 1975 to attend college in Maine and Vermont. I returned to MA in the early 80's and worked in Boston's Financial District until the late 90's when I moved to Maine. My mother has been a resident of Lunenburg her entire adult life. She sold her home on Joslin Street almost four years ago as it became increasingly difficult for her to maintain the homestead and pay property taxes and maintenance on a fixed income. My mother chose to stay in Lunenburg and decided to move to the Pearl Brook Apartments.*

*I spoke with Tom Alonzo a few weeks ago in response to my email and telephone conversations with Senator Flanagan, Representative Benson and Carly Antonellis, District & Communications Director, Office of Senator Flanagan and an article published on September 16, 2009 in the Sentinel & Enterprise regarding the long over due and continual delayed renovation project at Pearl Brook. I will also note that I've had a few conversations over the last three years with Mike Sauvageau and Representative Eldridge, who are aware of my concerns, frustration and questions regarding the complex and decisions made by the Executive Director, Gene Capoccia. As noted in the newspaper article, the Lunenburg Board of Selectman have been asked to waive the \$15K building permit fee in an attempt to help reduce the \$300K shortfall needed to implement the project and make the housing complex safe and accessible to all tenets. I fully recognize that even if the Town waives the fee the project still faces a **\$285,000** short fall. I have asked but not received a response to the question: How does DHCD plan to deal with the remaining shortfall?*

*My role in this process (or projects similar to it) may be unprecedented. However, as I've learned over the last three to four years, it has been imperative that an advocate insert themselves in the process. The bureaucracy that has accompanied this project can be simply described as, inconceivable. I have exchanged well over 50 emails and numerous conversations with Gene Capoccia, Executive Director; Ali Makke, the project manager/state employee; the architect, John Cicariello & Associates, Inc. and/or others who have played key roles in preparing scope, schedule, budget and oversight for this project. To date, the project has had innumerable fits and starts and has lacked accountability and responsibility for planning, implementation and execution. These are "real" overhead costs passed on the taxpayers of Massachusetts; and more importantly, at a great expense -- the well being and safety of the elders at the housing complex.*

*Tom, as the Board Chair, will receive from me (under separate cover) the most recent email exchange that will help shed light on the facts and truths of this long delay in renovation project. I'm pleased to say that Senator Flanagan and Carly Antonellis have been very responsive to my inquiries sent to their office in late summer and have taken the lead to raise the question, why the \$1.3M funds approved for this project have not been used. It is imperative that work be approved and scheduled to begin no later than Q1/10. The priorities and out of code/delayed infrastructure issues include: 1) install sprinklers in each unit and common areas to secure the safety of all elderly tenants; 2) replace the out of code stairwell and porches that serve as a tenant's escape route in the event of a fire. This is particularly important since there are no sprinklers to control a fire, and; 3) rehab the burned out building on the property. This building is a constant reminder of unnecessary loss of life and a health hazard.*

*On behalf of my mother and all tenets I am asking for your assistance in this matter. Please help to bridge the shortfall by agreeing to waive the \$15K building permit fee for this very important project in the Town of Lunenburg. This complex is a reflection on state and local government, the Town of Lunenburg and the officials who have been entrusted by your constituents to do the right thing for the right reasons. Please support this project and the elders in your community. Although I will be unable to attend (in-person) the October 6th Board of Selectman meeting, I'm requesting that this email be read and adopted in the minutes of the meeting. If you have questions concerning this request or wish to discuss the matter further, please contact me.*

*Respectfully submitted,*

*Tina M. Campidelli*

*Yarmouth, Maine 04096*

Paula questioned if we've requested information from the Electrical Inspector and Plumbing Inspector with regard to waiving of their fees. Kerry will contact both inspectors.

### **3. Special Municipal Employee Designation – Lunenburg Cultural Council**

CAFO noted that State law gives broad discretion to municipalities to determine which positions should be designated as special municipal employees. The Massachusetts State Ethics Commission advises municipalities to carefully consider this decision, which balances the municipality's interest in obtaining the expertise needed for its boards, commissions and other part-time or unpaid positions with the lesser restrictions that apply to special municipal employees.

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen. The designation may be made by a formal vote at any time. Votes should be taken individually for each board or position being designated— naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded.

A position is eligible to be designated as a "special municipal employee" position provided that the municipal employee:

- Is not paid; or
- Holds a part—time position that allows him or her to work at another job during normal working hours; or
- Was not paid by the city or town for more than 800 working hours (approximately twenty weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the person holding the position. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees." For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

Tom A., entertain a motion to that Local Cultural Council designated as Special Municipal Employees, Tom M. moved, voted unanimously.

### **4. Attorney Mark Babrowski – Tri Town 40R Project**

Present was Town Counsel, Joel Bard (Kopelman & Paige), Planning Director Marion Benson. Per Joel, the developers are looking to get a license agreement as they want to utilize a parcel of town owned land for utility easement and will provide an overview of the subsequent steps.

Bill Castle, Principle of Great Bridge Properties presented the attached Plan of Land. Bill explained the main reason was to have the utility lines installed within the access road. Developer has agreed to install a low pressure sewer line. Gray area of land that is not a town road, but a public way and as such felt it necessary to come before the board. The road that is currently used to access the property comes right over the theature site. License area is the area in green and would provide the town access to pick up water through the easement that will be granted to the town. Board reviewed the attached *draft* Tri Town License Agreement and plan.

Chair questioned the rights of the town on the license and easements.

Per Joel, the word license being used is temporary and we'll need the town meeting vote for an easement to be granted. Chair noted that there's a gray area, should we vote to grant the license and town meeting doesn't approve what happens.

Per Joel a license is revocable at will, noted that the developer would surely prefer an easement to a license and they're assuming that the town meeting vote would follow.

Steve Marsden, reviewing engineer informed the board that through the request of the Planning Board for the benefit of the town, so that if in the future the town decided to use the back property in any way, the access could be used for that property, which made sense to put the easement on the town's property. Initially this area was not being used by Great Bridge Property. Chair noted proximity to Baker Brook and per Steve M. the pink area that they are granting back to the town so that the town could have a 22 foot paved area allows us to stay out of the wetlands of Baker Brook.

Paula noted that the Sewer Commission has a bylaw that prevents Sewer lines placed in easements and this would have to be something that the Sewer Commission will have to discuss. Per Steve the sewer line that is being installed in the easement is for the benefit of the Town and is a dry line. The sewer line for their use (Great Bridge Property) is being installed on their property solely.

Per Bill Castle, the way the project is designed the utilities come out the back and no particular reason why we couldn't come out the front of the building.

Per Steve M., if that's what is being shown, that's not what was approved. We requested that their sewer line not be put on the town's easement, we wanted their sewer line to remain on their property.

Per Chair if the sewer doesn't go through an easement, it's not an issue. Questioned why we want to lay these lines, and per Steve Marsden in the event that there was ever and need or any use for the property that the town had, that the water and sewer be placed under the road as it is cheaper to do now.

Chair questioned if the developer needs the easement and per Steve M., no. Planning Director informed the board that if we decide to use the back property and it's really routine that we looked at it this way. If we the town wanted to utilize the landfill, that is the reason we went in this direction. Per Steve M., this is more a connection not an extension a stub that's being put to a town property. Chair noted that there are sewer allocation issues that the Sewer Commission has noted and this line is connecting directly to Fitchburg. Per Steve M., it is a dry line that is within the right of way and not connected to Summer Street. Paula noted as Sewer Commission that they are in the final process of the CWMP and that we need to have conversations with the Planning Board to incorporate into the plan. Steve M., this is at their expense and if you don't want it, they won't do it.

CAFO asked what the Master Plan calls for with that parcel, per Marion the land is a value to the town and there are other things that the town could do there, such as a recreation area.

Tom M., believes that this is important to the town to have this type of infrasture there to have these utilities available.

Paula's concern is that the Sewer Commission has not included this in the CWMP and that it's very important that we look at that, not that she's against it, but that it wasn't included in the CWMP.

Chair noted that he's interested in that whatever is needed, this project is not being held up because of this. Want them to be able to get started once the state gives us notification.

Bill Castle, as we show the water line running up the access road, may be a complication if we don't have this in place. Because of the way the access road is intended to drain, the outlets are being rebuilt for the runoff. We can still begin our project, just need the right to put the water where it needs to go and the drainage. Sewer can run solely on the Great Bridge Property.

Per Joel, their obligation is simply to install a dry sewer line, and it would be that the actual connection would be before the Sewer Commission. There should be no reason why it would hold them up, they would not need permission to install a dry sewer line.

Per Chair, seems like a waste of everyone's time, but per Joel the other side is that it is more reasonable to have it installed now as opposed to some future time.

Per Steve M., is a four inch pressure line, could handle a 120 lot subdivision or a school. Getting caught up on the Sewer line and in the 22 foot roadway, there is significant drainage that needs to take place to clean up the drainage into Baker Brook. The work that they're doing also includes the work that is necessary to Baker Brook.

Dave what we're talking about is a pipe in the ground, seem to be getting caught up in the minutia that has nothing to do with tonight's discussion. Per Joel, was on the fact questions I had was the size of the roadway, at 22 ft, there's not a subdivision that's going to go into the back. That roadway suggests limited development back there. The town has full rights to the green area (shown on the plan), right to pass and re-pass the town is giving to the developer certain rights and limitations. Questioned where the green ends and the pink picks up whether this is town land and per Steve D., this is town land. Noted however, that he is concerned with the number of utilities that are placed within this easement. Paula noted that since this is going to take town meeting action whether this is something we could take up at a special town meeting. Per Joel, Town Meeting simply authorizes this board to grant the easement, and the final decision would be up to this board once town meeting approves.

Paula noted the draft agreement and the questions that town counsel has and per Joel not all the questions have been answered and noted the items in italics.

Mark Bobrowski, three remaining issues. How are we going to have an interest in the Tri-town parcel, lease ownership. Two that pertain to town, one the insurance coverage and what amount does the town seek in insurance coverage and the scope of the easement and we'll make it as broad as the town needs. Chair noted that we want to make sure that the sewer for the project goes directly through their property and not out the easement.

Paula wants to include language that the sewer line within the easement is for the exclusive use of the town.

Joel would recommend that the insurance be increased to 1 million and 2 million aggregate, which Attorney Bobrowski approves as well. This will be the final document and if the board is of the mind to vote on it tonight and you could do so contingent upon review of the clean document. Board concurred to wait for the final worded document, which according to Attorney Bobrowski will be completed in two weeks and presented to the board before a notary.

**5. Common Victualler's License, Name Change – Victory Distributors Inc. d/b/a Hannaford Food & Drug** – Board approved the name change at their meeting of 9/15/09 as a result of the corporate merger of Sho'n Save-Mass., Inc. to Victory Distributors, Inc.

## **OLD BUSINESS**

### **1. Committee Updates**

- Chair would like to request the Utility Task Force to the board's November 3<sup>rd</sup> meeting to give us an update.
- Dave School Committee has begun putting their capital plan together looking out 10 years, 8.2 million dollars. Suggested they look ahead and perhaps bundle some of the projects to bring to the School Building Assistance Board.
- Paula attended the Planning Board meeting and they are nearly complete with the open space plan, bylaw for solar is nearly complete, the Planning Board rep for MJCT informed the board that new auto tech training facility, is being constructed at Mount Wachusett, main focus will be on alternative fuels. Lunenburg Village project, wetlands issues, Highfield Village is in progress and waiting information on the traffic plan. Marion has been looking at the budget for the Planning Board. Annual MMA Meeting was brought up and they felt strongly that we should not cover Friday and Saturday night, they had requested that she bring this suggestion back to this board.

**2. Release of Option of First Refusal, Chapter 61B – 90 West Townsend Road** – Attorney Dean Valliere submitted certified copies a NOTICE OF INTENT TO REMOVE LAND FROM THE PROVISIONS OF M.G.L. CHAPTER 61B to the Board of Selectmen and other town departments as required by the statute on November 4, 2008. The statute requires the Town of Lunenburg to exercise its option to purchase this property within 120 days. No town department has expressed interest in purchasing this property. Therefore he has enclosed a RELEASE OF OPTIOIN OF FIRST REFUSAL for the Selectmen to execute indicating that the Town of Lunenburg has released its option to purchase this property. Board is to execute this release before a Notary Public and return same to Attorney

Valliere for recording in the registry of deeds. This parcel has gone through the process and presented to the DPW Director, who for mostly financial reasons said that it didn't make sense to pursue. Board voted unanimously to approve.

**3. Policies & Procedures** – tabled to 11/20/09.

### **APPOINTMENTS/REAPPOINTMENTS**

**1. Appointment – Planning Board** - Tom A., entertain motion to appoint Nathan Lockwood, of 91 Main Street to fill the vacancy (term 2012) on the Planning Board until the next scheduled Annual Town Election, 5/15/10, Dave seconded, voted unanimously 9-0 to appoint.

### **EXECUTIVE SESSION**

**1. Contract Negotiations -**

Being no further business board voted unanimously to adjourn Regular Session at 10:10 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen