

**BOARD OF SELECTMEN  
MEETING MINUTES  
4/13/10**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 5:50 P.M. recessed at 6:43 to enter into Executive Session with members of the Planning Board. Regular Session reconvened @ 8:15 PM with the Pledge of Allegiance

**PUBLIC DISCUSSION**

**ANNOUNCEMENTS**

Chair announced the Selectmen debate for candidates, which is co-sponsored by the Civic Forum and the Lunenburg Ledger scheduled for Monday, April 26<sup>th</sup> @ 7:00 PM, Town Hall.

1. Household Hazardous Waste Day, May 1<sup>st</sup>, 9:00 am – 1:00 pm, Devens DPW, 99 Buena Vista St. - DATE: Saturday, May 3, 2008, 9:00 am -1:00 pm, PLACE: Devens DPW, 99 Buena Vista Street, WHO: Anyone, small business, non-residents, FEE: varies depending on volume & items, Simple Pre-registration: [www.MassToss.com](http://www.MassToss.com) or call Tessa at 978-660-6130.

2. *Yard Waste Days – Saturdays - April 24<sup>th</sup> – May 29<sup>th</sup>, 8:00 am – 4:00 pm, Closed Landfill, Youngs Road* - at the closed landfill, Youngs Road – Guidelines for disposal of yard waste for Lunenburg residents: The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays APRIL 24TH – MAY 29, 2010, 8:00 a.m. to 4:00 p.m., 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. TRAVEL PERMITTED ONLY ON TOWN EASEMENT. NO TRESPASSING ON TRI-TOWN LANDING CONSTRUCTION SITE.

Commented that when people are questioning processes and the response that he gave last week was an inappropriate response and takes the open meeting law very seriously as this was a poor solution to what was being discussed last week and wanted to make this clear.

David Blatt announced the Annual PTO sponsored town wide yard sale and asked to use the old primary school parking lot for Sunday May 23<sup>rd</sup> from 8:00 am to 2:00 pm. Board requested opinion from Police & Fire Chief and accordingly approved the use.

**APPOINTMENTS**

1. **7:10 PM – Joanne McQuaid – Earth Year** - Joanne McQuaid of 30 Cushing Lane, informed the board of the Cut the Carbon project with Unifit and announced that information on this is available at the public library. Lunenburg Earth Year Celebration 2010-2011, in recognition of the 40<sup>th</sup> Anniversary of Earth Day. The goals are:

- 1) To increase awareness of recycling resources and to move all residents to reduce, recycle and re-use.
- 2) To move all of our town municipal buildings towards 100 percent recycling.
- 3) To develop educational programs for our school children about recycling methods.

Tom M., motion that the Board of Selectmen support earth year in the form of a proclamation, voted unanimously to approve, proclamation will be available at the next Board of Selectmen meeting.

2. **7:15 PM – Utilities Task Force** - Carl Klempner introduced Ruth Ste. Marie, alternate member to the Utilities Task Force who has been working with Unifit on the Pilot program which is a high level contact between a senior representative of the Town and Unifit. Ruth informed the board that she and Carl met with Carl Valente and John Dinapoli from Unifit and discussed the pilot program which is to initiate a dialogue between Unifit and the town. Mr. Dinapoli will be the first to initiate the dialogue and it will be entirely up to the designee's as to how often they meet or exchange emails. Ruth will forward contact information electronically. Kerry mentioned that this sounds familiar with what we have in place with Comcast currently and any time issues arise we have a contact person. This type of model has been in practice in many other areas. Board appreciates this action and voiced their frustration on the un-communicative stance that has taken place with Unifit since the ice storm incident. Next step is the Board of Selectmen will need to designate who the contact in town government will be and the task force will provide this information to Unifit and they will initiate contact. This is an executive pilot on an executive level, if there are individual problems, this could be discussed and decided upon on how to assist.

Per Chair we'll designate this person within the next couple of weeks and will advise the task force. Will also ask that the designee meet with the task force to discuss what they have been meeting on.

Utilities Task Force Chair, Bill Gustus spoke of the task force's work related to addressing improving service to the residents of Lunenburg and a follow up to the prior town meeting vote. Noted that they have received specific customer complaints and power outage notices and we've asked them (Unitil) to participate in discussions and they've declined up until this point. We don't hear about outages that happen with individual residents and given town meeting vote last fall to initiate a municipal facility. Task Force would ask if the IT people could set up a page on the website with a designated IP address that the public could send complaints directly to the Department of Public Utilities or you designate a contact so that this can be discussed and hopefully come to some resolution. The issues are two-fold to document outages and to come to some resolution for the individuals. Our request would be space on the web page and a contact to be forwarded to regularly, in an attempt to start documenting. Task Force has gone as far as they can at this point, have looked at acquisition of the assets, have a very extensive excel based program that factors in all the expenses in setting up our own utility, based upon information that we've received from other communities the one variable that is missing is the value of their assets. Don't really want to spend any money on finding out what it's going to cost to buy out Unitil until we know there's an actual scheme on how this will happen. Not getting any warm and fuzzy feeling that the pending legislation is moving and their committee feels that the special legislation that was drafted and approved by town meeting; that the time has come to file the legislation to see where it heads, either on its own or as a catalyst for the other legislation. The task force can't do any more until they are able to get a purchase price, not recommending the Board of Selectmen spend any money until we are able to, which would require some sort of special legislation.

Tom A., to your first request, couldn't agree more and will discuss this with Nancy our IT Director and accomplish what you're trying to do. Paula, this is the second part of her concern with a town liason, the suggestion to include Nancy is important and also in favor of filing the special legislation. Tom M., Dave, and Steve would also support filing the special legislation. Per Chair the Muni Bill is still in conference and the current law gives full veto power to the utility, he urged people to email Senator Morrissey and noted that if it's this boards decision to file the special legislation now, he has no issue. Paula move to file the special legislation, Steve seconded voted to file.

Chair expressed appreciation for all the work that the Task Force has been doing and keeping the continued effort going, should be the whole commonwealth that pays attention.

**3 7:45 PM – Public Hearing Lena Lane, Order of Layout** - Chair opened the Public Hearing on Lena Lane: TOWN OF LUNENBURG, PUBLIC HEARING LENA LANE PUBLIC WAY

Notice is hereby given that the Board of Selectmen of the Town of Lunenburg intends to layout Lena Lane for acceptance by the Town of Lunenburg as a public way. The Board shall hold a hearing on April 13, 2010 at 7:45 PM in the Joseph F. Bilotta Meeting Room, 2<sup>nd</sup> floor, Town Hall, 17 Main Street, Lunenburg to determine whether they should adopt the order of layout of this road. There is a plan of this street on file in the Selectmen's Office and one will be available for review at the Public Hearing.

Property owners Gerard and Tom Albert were present and informed the board of the retention work which was always part of the plan and will provide more information to DPW Director Jack Rodriquenz. Reviewed the information provided, noted that they haven't received the Planning Board's recommendation at this time, but received the information on the project and the peer review engineer's, Marsden Engineering comments. Per Gerry Albert, this was submitted in accordance with MGL Chapter 41. Tom Albert informed the board that all the signers of the Town Meeting petition article are their neighbors and those who would have been impacted. The property owners were told by the Planning Board that they wanted a 3.9% slope, noted that is was a difficult hill and a very good job was done by the Powell's, and now with the rain this year, we wanted to make sure that all the neighbors were satisfied.

Gerard Albert noted the he doesn't understand how we get an email from the DPW Director the day before the hearing and for seven years we've been working together and the day before he drops an email at the last minute, think it's unfair. Would like to discuss on how we can work this out with Jack.

Kerry comment on the email and stated that she finds it hard to believe that this is the first you've heard about the issues that you've had with this road as the Planning Director is well aware and she knows that the gabian wall has been an issue all along with the DPW Director. Per Gerry the gabian wall has been an issue and there's not much water that came out of this wall, per the town engineer's direction, we installed this gabian wall and noted that one of the neighbors had an issue with the back of their yards, the Liljegren's. Noted that Jack was very concerned that the Liljegrens would have an issue and requested that they sign that they don't have an issue. The Albert's have planted a nice divider wall, and plantings in three, four more years won't even notice it (gabian wall). Unfortunately, it was right in their back yard, it was never their intention to sell the lots but can't give their children the lots for \$150,000. Board will continue hearing until next week, Paula noted that she is willing to continue as she is well aware of the Planning Board process and the frustration on how long it would take to get to this point and we're talking about the furlough's and have discussed closing the town hall during the furlough week. She would like to continue to a date and time conclusive, at the Lunenburg Public Library @ 4:45 PM, next Tuesday. Dave would ask that in the future if a decision is to be impacted by department heads; that we ask that they attend the hearing.

**4 8:00 PM – C. Ernie Sund, Assessor's Town Meeting Article** - Ernie was present and noted that the Green Communities Task Force has a page on the towns website and there is information available there for wind energy resources.

He noted on the Assessor's warrant article that we are mandated to conduct personal property inspections every nine years, which people are taxed on. Currently have about 350 accounts and that once every 9 years the Assessor's have to go out and do these inspections on 500 to 600 locations, noted that some may no longer be there and others will be added; estimated an additional 100 accounts may be added. Inspectors will be driving around town looking for the businesses, either through the records or on an individual basis. Chair questioned if this is work that the Assessor's do themselves and per Ernie, they'll probably contract for this and feel confident that this amount of money will cover the cost.

## **CURRENT BUSINESS**

### **1. Minutes / Warrants / Action File Issues**

- Board of Selectmen regular and executive session for 3/23/10 reviewed and signed.
- Warrant #21P 10, 4/15/10 - \$648,471.03 and #57 10, 4/13/10 - \$106,505.97 reviewed and signed.
- Action File Issues: Purchase and Sale Agreements for the West Street parcels signed by the board.

### **2. Town Manager Updates -**

- Old gas station at 925 Mass Ave., Kerry has received a couple of emails and phone calls want to be sure that people are aware that we've applied for grant funds through DEP and is only open to municipalities for the remediation of the underground storage tanks and that the town does not and will not accept any responsibility for these tanks. The town does not intend to undertake the cleaning if we do not receive funding, and is only looking into this option in order to protect the surrounding properties, noted Marshall Pond area which directly abuts. Received call from DEP and there are only 7 applicants and therefore we may have a decent chance to receive grant monies for this funding round. Paula noted the underground storage tank at the Primary School and questioned if there's a possibility to submit for that site. Kerry has been in contact with Jon Juhl and trying to see if there's a way to come up with funding as this is an issue with HUD as the project would look better to them if this remediation work had been done. Noted that is on the radar.
- Received an email about the Cops Hiring Grant and more funds are available, and they are getting ready to look at their next round of funding. Only looking at people who have applied in past years and where we've begun construction on those housing units, we may be able to update our application.
- In response to Paula's request on the Lake Shirley Dam, we had encumbered funds to pay for the inspections and we still have \$3,770 that needs to be expended and currently \$9400 in the current year maintenance budget. Will put out to contract this spring to accomplish this in the spring and remainder will be used for operations and maintenance manual and going forward we do have \$10,000 appropriated in the 2011 budget. We have yet to receive comments back from DCR on the Emergency Action Plan and our responsibility is fulfilled in having to file it. Paula noted that within the Emergency Action Plan, the missing component is that property owner's downstream need to be identified and our current plan states that we're waiting for information from Shirley. Eventually this will catch up with us and should a disaster occur we don't know the properties that are downstream and this is a very cumbersome process. She believes that our moral obligations to those individuals we haven't fulfilled. Kerry was looking at it was that there may be other issues that DCR would find that we are deficient in but given the weather would make sense to move forward to get this portion completed. Paula noted that she has received a couple of calls from a resident on the height of the water of Lake Shirley and will refer them to the Conservation Commission and to Kerry.
- Tom M., questioned how the stimulus funds have affected the town since they've been available and Kerry informed the board that the state has put together a data base on accountability and will show how much funds have come to the Town of Lunenburg not just the town but also businesses within the town, will circulate to the board and publicize as well.

### **3. Special / Annual Town Meeting Warrants -** Special/Annual Town Meeting and Election Warrants signed.

**4. Town Manager Evaluation -** Chair would like to have this completed before the Annual Town Election, office will forward a blank form to all members. Would like to have the final report done by May 11<sup>th</sup> and the individual reports forwarded to the Chair by May 4<sup>th</sup>. Kerry noted that the goals were not set until last September and now it is April and didn't have them until the fall.

## **OLD BUSINESS**

### **1. Committee Updates -**

- Dave Capital Planning Committee met today and voted to support the DPW Renovation project. Also the School Committee is meeting tomorrow at 3:00 PM in the Lunenburg High School Library. Expect some discussion will take place on regionalization as they are meeting earlier with the MSBA.
- Tom A., budget working group discussed the issue of having to cut more personnel because of the unemployment costs and to utilize the Stabilization Fund for one time payments to cover the unemployment costs associated, so we would have to cut fewer people to obtain the same goals. They have another meeting scheduled for this Thursday. Finance Committee met with the Personnel Committee and had the same presentation that we received.

➤ Paula the Sewer Commission is meeting tomorrow and the focus will be on the budget.

**2. Lakefront Parking** - Emerald Place representatives presented the attached revised parking plan which is comprised of a 30 unit parking area and green esplanade area which is to allow a public walking area along the waterfront with head in parking instead of the proposed parallel parking. Per Chair, road remains public way, walkways remain and are public as well as the green area. Existing parking from Scooter's down towards Whalom Road is currently at 71 and will be changed to 30. Proponents are not including the area where the prior slide parking lot was and it is not included in this proposal as they are still reviewing their development plans on the clubhouse which is somewhat different than what had originally been proposed; it may be minimized or eliminated. Noted, that Parcel "D" may be able to be utilized for overflow parking from the lakefront. With same layout could get to 38 spaces by reducing the green area. Road striping will give better parking control to be more efficient. Planning Board Chair interjected that the Board of Selectmen are bordering on taking this to a whole different level and that the board has overstepped their bounds. To which Paula strongly objected and disagreed that the Board of Selectmen aren't overstepping their bounds as we are discussing public parking along a public way which is under the purview of this board and wants to be sure that there is ample parking set aside for future public use. Tom M., sort of reluctant to see some of the green space going away and noted the new design still incorporates green space. Tom Bodkin questioned if there is some way to engineer that in the future; if warranted, more parking space would be available. Question is, where do we want to go as a community. Tom A., echo's Mr. Mason's sentiments and appreciates the green space as this is a way to beautify the lakefront for everybody to utilize the resources. Also agreed with Ms. Bertram comments and this is within the purview of the Board of Selectmen. Dave would agree with Tom Bodkin's recommendation as he would like to see green space remain. Steve noted that this plan doesn't have less green space than the first plan, has only changed the direction of the parking from parallel to head in parking. Tom Bodkin thinks that this is a safer design, particularly if there are children playing in the area. Also noted that the association should be charged with maintaining the space and that the town shouldn't have to perpetually be responsible for the area. Proponents stated that they are willing to discuss how legally they could maintain the green areas if they are to be deeding the property back to the town. Town Counsel Joel Bard informed the board's that there is precedent set on a public private maintenance and would be a subject of future negotiation. Tom M. motion to approve the plan of 30 spaces also to include the contingency of an overflow parking lot, Steve seconded and reiterated his concern is of the flow and tightening this up so it doesn't go to Leominster and still have to have concern for the Lunenburg residents that have their homes on the lake, would rather see more parking than less. Not receptive to a parking lot ¼ miles away (Whalom Road). Paula noted that if we vote to approve the concept, before construction we want to understand what the legal ramifications are going to be and where does responsibility lie. Dave questioned if the proponents would be amenable to maintaining in perpetuity. Att. Crossen stated that he hasn't had the opportunity to discuss this with the developers and he can go back to try to get an answer to this. Tom A., is convinced that we can make this come back in perpetuity but at some point we need to let them get the project started. Paula would add a couple on contingency's motion upon the property being deeded to the Town of Lunenburg and the property being maintained for three years. Dave seconded, Paula questioned by approving do this mean that they can proceed with their construction and per the developers the answer is yes, the permit is set and will have to take the park and create the green spaces from the road over as a field modification to be reviewed by the Planning Board. She would be satisfied if a Memorandum of Understanding could be prepared and that all would sign. Developers are amenable to this. Called for vote, Dave, Paula, Tom M. and Tom A. aye and Steve no. Attorney Crossen questioned for clarification; to include the off sight parking area (Whalom Road), board answered in the affirmative.

## **COMMITTEE RESIGNATIONS / APPOINTMENTS/REAPPOINTMENTS**

None

## **EXECUTIVE SESSION**

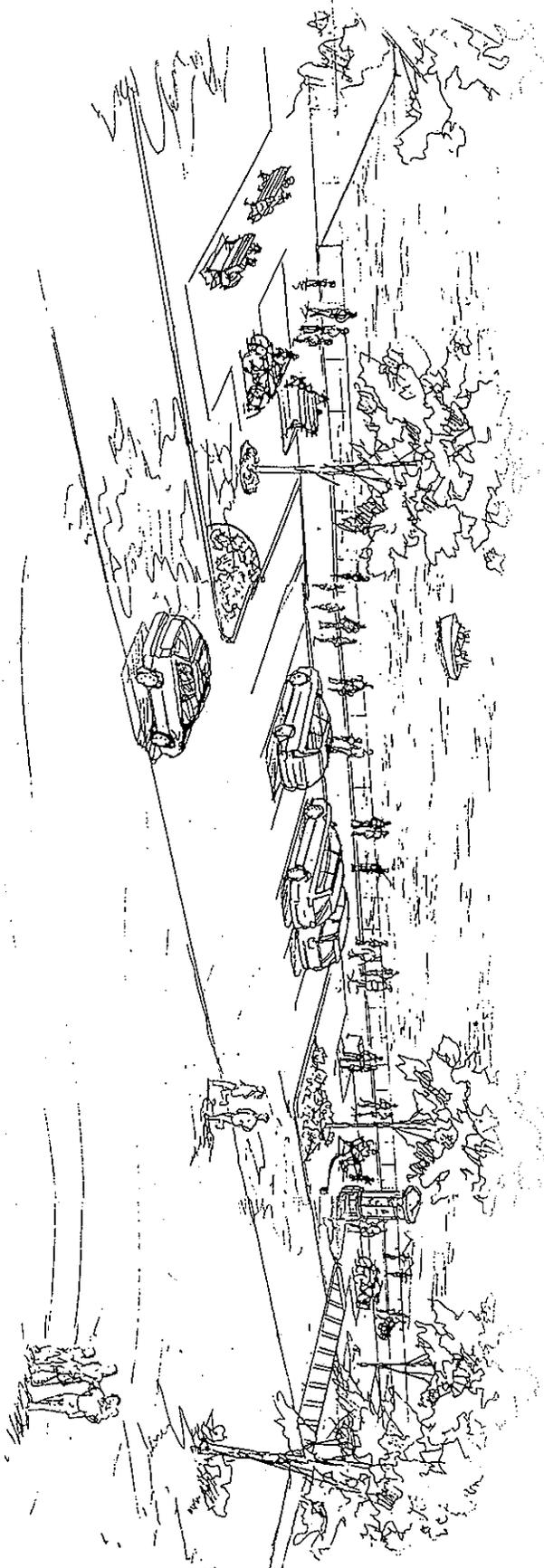
### **1. *Litigation Strategies***

Being no further business board voted unanimously to adjourn Regular Session at 9:52 P.M.

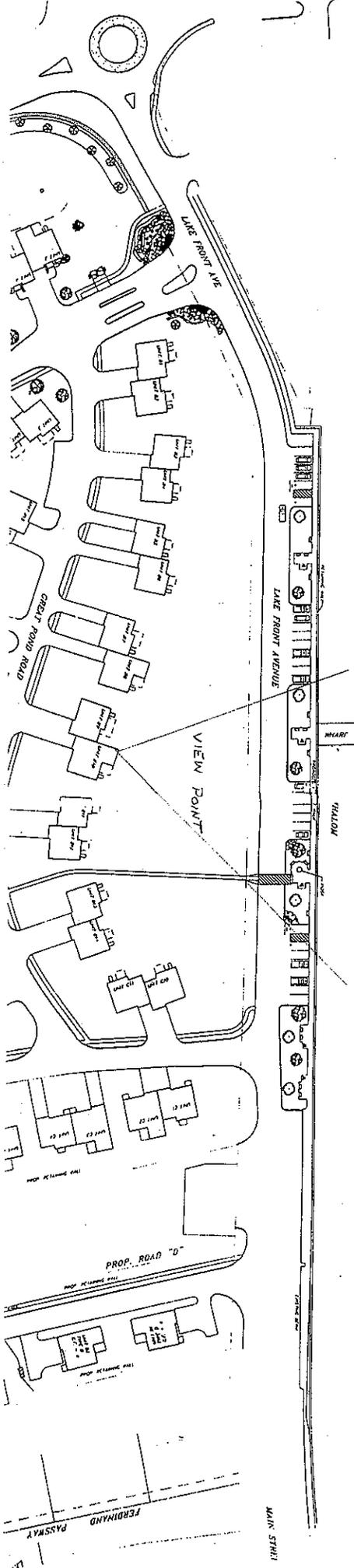
Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen

Next Board of Selectmen meeting scheduled for Tuesday, April 20<sup>th</sup> for the continuance of the Lena Lane Public Hearing.



ESPLANADE VIEW



EMERALD PLACE @ LAKE WHALOM  
LUNENBURG, MA

GAVIN & SULLIVAN ARCHITECTS, INC.  
128 WARREN STREET  
LOWELL, MA