



**BOARD OF SELECTMEN
MINUTES
Joseph F. Bilotta Meeting Room, Town Hall
April 12, 2016**

The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chairman; Tom Alonzo, Clerk; Paula Bertram, Member; Phyllis Luck, Member and Kerry Lafleur, Town Manager
Not present: Robert Ebersole

The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

Public Comment:

Ms. Luck announced the Lions Club will be hosting a pancake breakfast tomorrow morning at Eagle House Senior Center. They will also be holding a pancake breakfast on Sunday, May 29th from 7:00 to 10:30 a.m. Ms. Luck corrected a recent Fitchburg Sentinel article that reported that she had voted against placing the \$4 million debt exclusion article for pavement management on the ballot. She stated that she had voted against supporting the debt exclusion. She believed the voters cannot afford the debt ceiling to be raised any further at this time. But she did believe it was up to the voters to decide on the question.

Ms. Luck reported rain barrels and compost bins are for sale at the DPW between 8 a.m. to 2 p.m. Monday through Friday. Payments can be made with cash or check. Compost bins are \$43 and rain barrels are \$56.

Ms. Bertram announced the Conservation Commission was restarting the "Walks in the Woods" program. The first will be April 24th at 9:00 a.m. Meet at the Ritter Building first. The 2016 schedule will be posted on the town website.

Mr. Alonzo thanked everyone who showed up for the DPU public hearing last Tuesday regarding the Kinder Morgan gas pipeline. He also wanted to thank Dave Rodgers for serving forty years on the Water district Commission. He wished him well in his retirement.

Mr. Toale, referring to Mrs. Luck's no vote regarding the pavement management debt exclusion article, stated he strongly disagreed and supported the warrant article. He added it could be discussed further at a later date when funding options are considered.

Lori Lehtinen, 359 Whalom Road, stated she would be presenting to the Board on May 3rd on the citizen petition article for bi-weekly curbside yard waste pickup. She requested the Board permit Town Manager Lafleur to contact Casella Waste Services for a quote, for comparison only, for bi-weekly curbside yard waste pickup. Ms. Lehtinen stated she did not have resources to dispose of her yard waste all year and she believed there are other town residents who might want this service. Ms. Luck asked Ms. Lehtinen if she and others would be willing to pay extra for this service. Ms. Lehtinen suggested yard waste and recycling materials be alternated weekly for pickup; 26 weeks of recycling and 12 weeks of yard waste pick-up. She also suggested residents purchase the container that would hold the yard waste. She is also trying to get quotes for only yard waste pickup also. She will have more figures for the May 3rd meeting.

Motion: T. Alonzo

To authorize Ms. Lafleur to obtain a quote from Casella Waste Management for bi-weekly curbside yard waste pickup

2nd: P. Bertram

Vote: All in Favor

APPOINTMENTS

State Representative Jennifer Benson, State Senator Jennifer Flanagan & State Representative Stephan Hay

Rep. Benson echoed the well wishes for Dave Rodgers' retirement. She introduced Rep. Hay as the newest member of the state delegation. Tomorrow the House budget is being released and the representatives will be filing amendments to that budget. They will debate the budget the last week of April. She encouraged the Board to check out the budget tomorrow and see where there may be issues that they care about and to let them know by Friday at 5:00 p.m. The Governor's budget has a 3.5% percent increase and the House budget will have a 3% increase. In general, the House budget comes out a little bit lower and gives the representatives opportunity to add in specific issues for their towns in their region. Rep. Benson stated the Governor's budget did not fully fund 40S. (Chapter 40S serves to reimburse towns for the additional costs of educating new school-age children in smart growth districts.) She and Rep. Orrall from Lakeville will be filing an amendment to fully fund 40S. Local aid has a 4.6% increase in the Governor's budget. Education aid was only a 1.6% increase and she stated that they will be looking at that as well. Senator Flanagan reported the Senate would be reviewing the budget in May; their budget tends to be a little bit higher because they have the April tax revenue numbers. She stated the Senate is working with the Governor on the statewide opioid crisis and they are focusing on prevention this year. Another issue is transportation dollars. They will have a better sense once the debates start. Rep. Hay stated he is the new guy and will be looking for guidance from Rep. Benson and Sen. Flanagan for what is important to Lunenburg. He added his job is to advocate for what the voters believe is in their best interests. He encouraged people to call his office or send a text or email with their issues etc. Mr. Alonzo commented on the (Ch. 70) foundation formula, asking for a partial deferral. He stated it is already being met but we need to look at where we can reallocate as far as both revenues and expenditures. Rep. Benson stated the changes in the foundation formula as reflected or recommended by the foundation budget review commission; it is a share, because that would change the required local contribution. The 11.5 % increase in Chapter 70 does not take into account the increase that you would see here in town. This is why they recommended a phase in of those increases because the first year would be a big hit for the state and the towns to meet. This also represents going beyond what we are currently funding, so we have to be cognizant of this. The new revenue suggested for this would be the millionaires' tax but it would not be available until 2017. The Board thanked the delegation for coming in this evening. They exited the meeting. Since it was not time for the second appointment, the Board continued with current business items.

CURRENT BUSINESS

1. Annual Town Meeting Warrant

The Board signed the five warrants for the Annual Town Meeting posting.

2. MART Van Options- MART or Town Ownership

Ms. Lafleur reported the Board received a letter from MART stating the MART van being used in Lunenburg has exceeded its defined useful life based on the van age. MART has requested which option the Town would like going forward. The Town can keep the van in MART's ownership and allow it to be incorporated into the existing MART fleet or Lunenburg can have the title and vehicle signed over to the Town. COA Director Sue Doherty wrote a letter to the Board recommending the Town keep the MART van in MART's ownership and allow it to be incorporated into the MART fleet.

Motion: T. Alonzo

To keep the van in MART's existing fleet

2nd: P. Bertram

Vote: All in Favor

Update on 225 Pleasant Street- Conservation Commission

Land Use Director Adam Burney presented a timeline on events. There was a driveway application filed in November 2015 for 101 Pleasant Street for a single family home. It was located 105 feet from an open body of water. The driveway permit was issued. Work began and there were some complaints filed. The Chair of the Conservation Commission met with the property owner on site and it was determined there was a wetlands violation. An enforcement order was issued and it was determined a Notice of Intent (NOI) needed to be filed. The conservation agent went out around the beginning of 2016 to flag the wetlands. An engineer followed and established a survey of the wetlands. The property owner was not timely in applying for the NOI so there was an administrative hearing conducted by the Conservation Commission. The owner failed to appear. At that point the commission began applying daily fines to the property owner for work within a buffer zone without a permit. The owner attended another administrative hearing and filed a NOI which required a site visit. In the

meantime, the property owner had filed for a forestry permit from the Massachusetts Department of Conservation (DCR), allegedly in an attempt to log the site and potentially escape enforcement through the Conservation Commission. Mr. Burney, some of the commissioners, the property owner, his engineer and Ms. Bertram went on the site visit of 101 Pleasant Street. In response to information that had been submitted, they continued on to the town land located at 225 Pleasant Street. They observed there had been filling in of wetlands and gravel excavation on the town land adjacent to the wetlands. It was alleged that the owner of 101 Pleasant Street did this work. That information had been passed on to the Town Manager with a request from Conservation to send a cease and desist letter for crossing town land with machines and other motorized vehicles, which was issued by Town Counsel.

At their meeting last week, the Conservation Commission issued enforcements orders for additional work at 101 Pleasant Street and for the filling of wetlands and river bank on town property at 225 Pleasant Street. The Town is under an enforcement order at 225 Pleasant Street. Corrective action is required to remediate. The Town can remove gravel and revegetate the slope under the enforcement order without any further filing with Conservation. The other option is the Town can file a Notice of Intent, have a public hearing and then doing the same kind of remediation listed above. The Town is the responsible party as they are the property owners whether or not they did the work in the wetlands area.

Mr. Alonzo asked Mr. Burney if the Town had evidence that shows that the alleged person did the work on town property. He added that the Town could remediate the area and the property owner at 101 Pleasant Street could go back in on town land and commit another wetlands violation and the Town would be liable again. Mr. Burney stated they do have evidence but he was not sure if it would meet legal standards. There are some things the Town could do to prevent further violations in the future. He added there are rights of ways for utilities there and high tension lines owned by Unitil. These two easements converge right around where the town property is. Kinder Morgan had placed large concrete blocks and a gate at the easement entrances to prevent four-wheeling activity there. The Town could work with the utilities to place additional blocks and/or a constructed gate across the easement in the vicinity.

Ms. Bertram suggested before the Town jumps in and does the work, to approach the property owner of 101 Pleasant Street through legal channels or conversation to see if he would remediate the area to avoid legal action as she did not believe the taxpayers should have to pay for this.

Mr. Burney stated the Town has thirty days from receipt of the enforcement order (today's date) to come up with a remediation plan. Discussion ensued about how to proceed going forward with the remediation.

Mr. Toale summarized the discussion. The Town has thirty days to remediate the 225 Pleasant Street property. The Town will reach out to the 101 Pleasant Street property owner and/or his engineer and see if they will include remediation plans for 225 Pleasant Street while they are doing the remediation for 101 Pleasant Street at their expense *and* do the remediation work on the town property as well. If they refuse, the Town will take legal action for damages. Ms. Lafleur and Mr. Burney will address this task.

Mr. Toale asked for any public comment on this issue before moving on to the agenda. Greg Bittner, 129 Pleasant Street, stated he was a direct abutter to the property. He presented some "before" and "after" photos of the town land. He also presented a map that was submitted with the driveway permit application showing property lines. Mr. Bittner stated he did witness the 101 Pleasant Street property owner working on the town land.

Mr. Toale stated the next Current Business items would be handled in the workshop later tonight.

Minutes/ Warrants/ Action File Issues

The Board signed an accounts payable warrant in the amount of \$373,303.60.

Committee Reports:

Mr. Alonzo reported the School Building Committee approved three items on the contingency list; the maintenance garage, the air cooling system and the digital sign for Mass Ave. There are no longer any other remaining contingency items. Total cost of these 3 items is approximately \$740,000.

Ms. Bertram reported Conservation Commission has received an email from the state forester regarding 101 Pleasant Street stating that a number of areas that were previously included in the forestry plan will be excluded

and therefore will come under the Conservation Commission jurisdiction. There will be a subsequent enforcement orders issued on the property. Unitil attended the Conservation Commission meeting regarding 357 Electric Avenue and informed that they have added a stormscepter for hazardous materials filtration and stormwater pollution control. They also acted on a number of other public hearings. She did not attend the Planning Board hearing but there was a public hearing for 203 W. Townsend Road for a stormwater plan for five homes. MPO met on March 31st and Ms. Bertram was elected Subregion 3 Representative for another term. Gary Luca of Ayer was selected as the alternate.

Motion: T. Alonzo

To appoint Ms. Luck as the designee for MPO

2nd: P. Bertram
Vote: All in Favor

There was no further public comment.

Mr. Toale reported the next Board meeting will be April 19 and there will be presentations on several of the annual town meeting warrant articles. The Board will be recessing to a workshop format momentarily. The televised portion of the meeting ended at 7:15 p.m.

Mr. Toale presented the following agenda for the workshop:

1. BOS Goals & Accomplishments to date
2. BOS FYI Goals
3. BOS On-going Goals
4. Town Manager performance against BOS Goals
5. Town Manager Goals & Accomplishments
6. Town Manager Annual Evaluation
7. Finalize BOS Roles & Responsibilities in connection with other Boards & Committees
8. Revise Agenda Template
9. Prioritize Outstanding "To Do" & Agenda Items

The first item addressed was the Outstanding "To Do" and Agenda Items list (#9). The Board updated the list: 925 Mass Ave. (gas station), Municipal towing contract, Town Economic Development plan, Donation Policy, Rotary at Whalom, crosswalks need to be identified, Review of Abandoned Properties, Review track and field user fee proposal from the Parks Commission, Personnel metrics/performance management/ merit pay discussion with labor counsel, Convert Green Communities Task Force to committee status, Public Access to Lake Shirley, Retirement Health Insurance issues, Review/approve Traffic Rules and Orders, Adopt Tollbooth Fundraiser Request Policy, Community Compact, Memorial Day Committee formation, Discussion of Committee Membership; alternate members/increasing committee membership, Town Manager Evaluation Form, Roles of Board of Selectmen members, Extra-large PAYT trash bags, Building Reuse/ Market Analysis, Marshall Park, Facilities Maintenance/Consolidation, Social Media/FB page.

Discussion ensued on how to solicit volunteers for committees. Should the volunteer appreciation social be combined with a recruitment night? A suggestion was made to have a spaghetti supper or another event where committee chairs or department heads are present to explain their roles to the prospective volunteer or to brainstorm on how to attract to more volunteers. Another suggestion was made to send emails out to the dept. heads to solicit feedback.

Discussion turned to the Town Manager evaluation form. Suggestion made to amend the form tonight was not agreed on because it would not be fair to the Town Manager to change the form midway through the process. If there are ideas to change it, please let Mr. Toale know. Mr. Toale added that Ms. Lafleur may not have

accomplished some of her goals due to assisting the Board attain some of theirs. Mr. Toale directed the Board members to their packet and the BOS goals. He suggested coming up with a list of their accomplishments. Ms. Bertram noted the establishment of the storm water task force. Mr. Alonzo suggested reviewing the BOS agendas to see what they have done to date.

Mr. Toale provided some suggested dates for future work:

- ATM – 5/7/16
- BOS Accomplishments due 5/10/16
- Town Manager Evaluation due to Chair by 5/17/16
- Town Election – 5/21/16
- BOS Reorganization – 5/24/16
- FY17 Goals set for BOS & Town Manager – June Workshop

Mr. Alonzo suggested focusing on one item versus many during these workshop meetings.

Discussion on economic development came next. Ms. Bertram stated the hardest aspect of this issue is to market our town. What kind of image do we want to portray in order to attract more business? Mr. Alonzo stated as an example the town has a lot of trails for hiking and cross country skiing. What kind of business(es) would serve the trails? Ms. Bertram suggested polling neighboring towns to see if they offer any related services too and promoting the town jointly.

She also suggested inviting people/businesses to help vision what they think town should be. Ms. Bertram stated she pictured the town as being an outdoors activity spot via ecotourism.

Ms. Luck suggested that the town needs a more attractive website.

Mr. Toale asked if the workshop forum once a month works. The Board agreed. The workshops and topics should be scheduled in advance so research can be done in preparation.

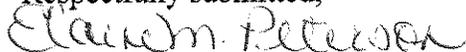
Motion: P. Bertram

To adjourn the meeting at 8:25 p.m.

2nd: T. Alonzo

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager