

**BOARD OF SELECTMEN**  
**Minutes**  
**Joseph F. Bilotta Meeting Room, Town Hall**  
**July 19, 2016**

The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Phyllis Luck, Member and Town Manager Kerry Lafleur.

Members not present: Tom Alonzo and Paula Bertram

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

**PUBLIC COMMENT:**

Phyllis Luck thanked the Turkey Hill Lions Club for providing refreshments at the band concert on Monday night. Mr. Toale announced Ms. Lafleur has submitted her resignation and will be leaving for another position in early September. It will be a tremendous loss for the Town but hopefully a great opportunity for her. He wanted to thank her for her services to Lunenburg, noting the Town has come a long way due to her presence. Applause resounded from those attending the meeting.

Pete and Deb Lincoln announced a 50<sup>th</sup> "birthday party" of the Historical Society on July 31<sup>st</sup> from 4:00 – 6:00 p.m. There will be a display of antique automobiles, music, a barbeque, tours of the building, a slide presentation and a display of items placed in a time capsule from 1966.

Resident Elaine Mroz requested the Board not change the date of the Special Town Meeting from August 8th to August 22<sup>nd</sup> due to possible financial harm to her regarding the sale of her Chestnut Street property. Mr. Toale responded the Town did agree to bring the property boundary article to Special Town Meeting. However, last week they found out Town Moderator Murphy is not available on the 8<sup>th</sup> and even if they could change the date back they would not be able to meet legal posting deadlines.

**APPOINTMENTS**

**7:00 PM Joint appointment to Parks Commission with Parks Commissioners**

Park Commissioner Chairman Dennis Mannone opened the Parks Commission's meeting. Commissioner Karin Menard was also present.

Pete McCauliff presented to request to be appointed as Park Commissioner until the next election. Mr. McCauliff, 610 West Street, Athletic Director at the Lunenburg Schools, stated he has worked with the DPW and Parks Commission over the past eleven years. Numerous times there has been a lack of members and there are a lot of issues going on now such as general maintenance, setting of user fees, field scheduling etc. He wanted to be able to help by adding experience to the Board. Mr. Ebersole noted Mr. McCauliff did contact the State Ethics Commission recently and they advised him there was no conflict but he will need to file a financial disclosure statement with the School Superintendent. Ms. Luck asked when he would recuse himself. Mr. McCauliff stated most Parks Commission situations are not time sensitive so he would be able to step back to ask for advice concerning any possible conflict. Ms. Luck asked if he had any ideas on how to reduce and plan for ongoing maintenance costs for the turf field and other expenses. Mr. McCauliff stated the plan going forward would be for user fees to pay for those expenses. It was also noted the cell tower lease annual payments would go towards the borrowing for the new turf field. Mr. Mannone stated Mr. McCauliff would be a great addition to the commission. Ms. Menard agreed with him.

**Motion: K. Menard**

**2<sup>nd</sup>:R. Ebersole**

**To appoint Pete McCauliff to the vacant Parks Commission slot**

Mr. Toale asked Mr. McCauliff if he would be interested in running for election in 2017. Mr. McCauliff stated he would as long as there were not too many instances of him having to recuse himself.

**Vote: Mr. Ebersole- aye, Ms. Luck- aye, Mr. Mannone- aye, Ms. Menard- aye, Mr. Toale- aye**

### **Resignation from Sewer Commission**

Sewer Commissioner Sue Bunish submitted her resignation effective immediately with regret to focus on her family's health and well-being stating she was fortunate to have had the opportunity to work with a committed, ambitious and knowledgeable group. Mr. Toale thanked her for her service to the Town.

Sewer Commission Chairman Carl Luck wanted to thank Ms. Bunish for her service and he wished her the best.

### **Joint Appointment to Sewer Commission with Sewer Commissioners**

Mr. Luck called the meeting of the Sewer Commissioners to order. Joan Pease, 11 Wintergreen Court, presented to request to be appointed to the Sewer Commission. Ms. Pease has lived in Lunenburg for six years. She is a retired chemistry teacher. Ms. Pease stated as part of her curriculum she would take her students to waste water plants to study the process. She thought she would have something to offer to this board. Mr. Luck stated he would be delighted to have Joan's skills on the commission. When asked if she would run for election next year, she stated to best of her knowledge she would.

**Motion: C. Luck**

**2<sup>nd</sup>: R. Ebersole**

### **To appoint Joan Pease to the Sewer Commission until the next election**

Dave Rodgers, 82 Highland Street, asked if Ms. Luck should recuse herself from the vote as she is married to the Chairman of the Sewer Commission. Attorney Mark Reich of KP Law (Town Counsel) stated conflict of interests address financial interest. He was not aware of any financial interest or gain for the Lucks in this appointment. Mr. Toale asked members of both Boards if they felt there was any financial interest in this appointment. There was none. Mr. Rodgers cited previous occasions where other board members have recused themselves from appointments. Mr. Ebersole noted in those cases, the Board members were related to the person who was being appointed. Tonight's candidate is not related to anyone on the board.

**Vote: Mr. Luck-aye, Mr. Reynolds- aye, Mr. Anderson- aye, Ms. Luck- aye, Mr. Ebersole- aye, Mr. toale- aye**

### **Conservation Commission Appointment**

Bob Pease, 11 Wintergreen Ct., presented to request to be appointed to the Conservation Commission.

Mr. Pease stated he was a retired educator with time and interest in volunteering for public service. He has a strong background and interest in environmental science. Mr. Pease served on the Planning and Zoning Commission in Hebron, Ct. for four years. He has been attending Conservation Commission meetings since March due to his interest in supporting the development of trails and bridges on the Lane Property that will provide meaningful public access to the town forest. Mr. Toale recommended Mr. Pease being a resident of The Woodlands, to consider recusing himself from any future votes concerning property values for Hickory Hills.

**Motion: R. Ebersole**

**2<sup>nd</sup>: P. Luck**

**To appoint Bob Pease to the Conservation Commission with a term to expire June 30, 2019**

**Vote: All in Favor**

### **CURRENT BUSINESS**

#### **Ratify vote to change the date for Special Town Meeting to August 22, 2016**

Mr. Toale reported that Ms. Lafleur was informed that Town Moderator Murphy cannot make the August 8 Special Town Meeting and therefore it was rescheduled to August 22<sup>nd</sup>. Since the Board meeting was not televised last week, it was decided to ratify the vote at this meeting.

The Board addressed the warrant article concerning the boundary line for the Mroz property first.

Ms. Lafleur reported the Town, in an attempt to resolve a discrepancy between the two property boundaries (Marshall Park and Ms. Mroz's Chestnut Street property), hired an engineer/surveyor to research the Town's deed to Marshall Park. This occurred because trees had allegedly been cut on Ms. Mroz's property by the DPW. During the survey work the engineer found a discrepancy between the town property boundary and Ms. Mroz's property boundary. Both deeds included the eighty foot strip where the trees were cut. The engineer prepared an existing conditions plan subsequently. In order to resolve the discrepancy, Town Counsel recommended creating a boundary agreement that identified an existing stone wall as the property boundary. The boundary agreement requires town meeting for approval. The Board agreed to place it on the next town meeting agenda.

Ms. Lafleur found out very late last Tuesday that the Town Moderator was not available on August 8<sup>th</sup>. August 22<sup>nd</sup> was the first date that he could be available. Town Meeting is the Moderator's meeting; he is an elected official and wanted to be present at town meeting. The Board was notified shortly afterwards. The change of the date of town meeting was not on the July 12<sup>th</sup> agenda. The Open Meeting Law requires that we include items that we reasonably anticipate for the meeting. It was discussed at the meeting and the Board agreed to move the special town meeting to the 22<sup>nd</sup>. The next day it was questioned and Town Counsel advised us that if something ever comes up on an agenda that is not reasonably anticipated, it should be placed on the next agenda for ratification. This is why it is on tonight's agenda.

Ms. Lafleur did speak with Town Counsel and further title research is needed. The attorney will be expediting this in time for the town meeting. We need to have the existing conditions plan modified by the engineer. Town Counsel did contact Ms. Mroz's attorney today. A timetable was set for everything to happen.

Ms. Mroz requested a timetable of everything that is needed. She added she found out a temporary Town Moderator could be appointed in Mr. Murphy's absence. Ms. Mroz stated if this had been one of you, would you have made the same decision? She asked the board to consider August 15<sup>th</sup> as an alternative date.

Mr. Toale noted that there are sixteen articles on the warrant and they are not just meeting for that article.

**Motion: R. Ebersole**

**2<sup>nd</sup>: P. Luck**

**To ratify the vote to change the Town Meeting date to August 22<sup>nd</sup>**

**Vote: All in Favor**

Ms. Mroz requested to know who is going to be working on what exactly is going to happen between the August 22<sup>nd</sup> vote and what needs to happen afterwards. Ms. Lafleur reported Town Counsel came up with a timetable with Ms. Mroz's attorney.

Anita Scheipers, 63 Chestnut Street, stated she was concerned that the vote that was just taken provided no opportunity for discussion or public input because if it had, she would have raised her hand and asked the Board if there was an earlier alternative date to schedule the Town Meeting to meet the needs of Ms. Mroz. She asked the Board to reconsider the vote that they just took.

Mr. Toale stated if he had seen Ms. Scheipers' hand he would have acknowledged her. He added Ms. Mroz did speak before we had the vote to ratify. He asked the Board members and if they wanted to revote. They did not.

### **Verizon Cell Tower Lease**

Ms. Lafleur reported this was a lease agreement with Verizon Wireless for the installation of a cell tower adjacent to the existing track and field at the Lunenburg Public Schools. This will replace an existing lighting tower. This project requires a special permit and that process is ongoing. Attorney Mark Reich of KP Law was present to walk through the provisions of the agreement with the Board. This initial lease term will be for ten years and may be renewed for three additional five-year terms. The lease payment to the Town is \$30,000 annually and increases by 3% on each anniversary of the commencement date throughout the first ten years.

**Motion: R. Ebersole**

**2<sup>nd</sup>: P. Luck**

**To approve the lease agreement between Cellco Partnership d/b/a Verizon Wireless and the Town of Lunenburg as presented**

**Vote: All in Favor**

The Board thanked Attorney Reich.

### **Update on Replication Plan- 225 Pleasant Street**

Land Use Director Adam Burney reported on the Town's 225 Pleasant Street property. The alleged violator (Daniel Gardner) has not responded to the Town regarding their request for a remediation plan to correct the violation. At its July 6<sup>th</sup> meeting the Conservation Commission denied both of Mr. Gardner's requests for Notices of Intent on his Pleasant Street and Electric Avenue properties. They have begun fining him for both properties for working within the wetland buffer zone without a permit. He did request an additional 60 days for the Town's Enforcement Order. They did grant a 45 day extension for submission of a remediation plan. He submitted a memo to the Town Manager on the 18<sup>th</sup> advising to retain the services of an engineer to establish the current conditions on site and supervise the earth removal and final grading of the slope; to work with Kinder Morgan to gain access to the site through their easement; to work with Public Works to have the earth removed and stabilize the slope using town equipment and staff and work with the Conservation Commission to

verify that corrective action meets the required standards in order to discharge the Enforcement Order. He also recommended pursuing restitution from the alleged violator upon the completion of the work.

**Notice of Commonwealth's Proposed Acquisition of Agricultural Preservation Restriction (APR) on property located in Lunenburg, Lanni Orchards, 294 Chase Road- Project ID #16A01(cont.)**

Ms. Lafleur reported the Conservation Commission, Planning Board and Agricultural Commission were requested to provide feedback on the proposed purchase of the APR on Lanni Orchards. As of tonight, the Planning Board and Conservation Commission support the town's participation in the APR. Agricultural Commission is meeting this Thursday and Ms. Lafleur will update this Board at their next meeting.

**Amendment to Intermunicipal Agreement for Devens Regional Household Hazardous Collection**

Ms. Lafleur reported this is a request for the Board to approve a fourth amendment to the intermunicipal agreement to admit the Town of Clinton as a participating community.

**Motion: R. Ebersole**

**2<sup>nd</sup>:P. Luck**

**To approve and execute the fourth amendment to the intermunicipal agreement regarding the Devens Regional Household Hazardous Products Collection Program adding the Town of Clinton**

**Vote: All in Favor**

**Special Town Meeting Warrant signatures**

Ms. Lafleur presented the warrant for the August 22, 2016 Special Town Meeting for signatures in order to post and mail the warrant. Ms. Mroz asked what number the article addressing the property boundary was in the warrant. Mr. Toale stated it is Article 15. Mr. Ebersole explained the request to take an article out of order can be done at the Town Meeting. He offered to make the motion at town meeting. Ms. Mroz stated that she appreciated that.

Minutes of July 12, 2016 were approved. An accounts payable warrant in the amount of \$130,099.32 and another in the amount of \$321,330.07 were signed. There were no action file issues.

**Committee Reports**

Ms. Luck reported the School Committee met for discussion of the Superintendent's goals for FY 2017. The Storm Water Task Force did not have a quorum for its July 18<sup>th</sup> meeting. They meet again on August 1<sup>st</sup>.

The Zoning Board of Appeals met on July 13 for a special permit application to vary the open space dimensional requirement for a cluster subdivision at 961 Northfield Road. The petition was denied.

Mr. Toale reported the deadline for the Invitation to Bid on Market Analysis of four town buildings closed yesterday. We did receive four responses. Building Reuse Committee will review these on August 15<sup>th</sup>.

**Town Manager Report**

Ms. Lafleur reported that Accountant Karen Brochu was still working on wrapping up fiscal year 2016 and would report at their next meeting on August 2<sup>nd</sup>.

Ms. Lafleur reported paving began on Pratt Street and Rennie Street today following sewer line installation.

Mr. Toale stated the next Board meeting is on August 2<sup>nd</sup>. The Volunteer Appreciation BBQ will be on July 26<sup>th</sup> at the Eagle House Senior Center.

**Public Comment:**

Dave Rodgers, 82 Highland Street, stated he did not understand how it becomes the problem of the town for something an individual did on their property, referring to the Pleasant Street enforcement order. Mr. Ebersole explained this was damage done to town property by another person.

Secondly, Mr. Rodgers stated how concerned and upset he was about the situation on Chestnut Street with the Mroz property.

**Motion: R. Ebersole**

**2<sup>nd</sup>: P. Luck**

**To adjourn the meeting at 8:22 p.m.**

**Vote: All in Favor**

Respectfully submitted,

*Elaine M. Peterson*

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Executive Assistant to the Town Manager