



BOARD OF SELECTMEN
Minutes
Joseph F. Bilotta Meeting Room, Town Hall
August 9, 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; Tom Alonzo, Clerk; Paula Bertram, Member, Phyllis Luck, Member and Town Manager Kerry Lafleur

The meeting opened at 6:00 p.m. Mr. Toale stated the following reason for entering Executive Session: M.G.L. C. 30a, §21; To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. (Unitil and IBPO Contract) Mr. Toale added the PEC agreement as well.

Motion: R. Ebersole

2nd: T. Alonzo

To enter Executive Session for the stated reason

Vote: Mr. Alonzo-aye, Ms. Luck- aye, Mr. Ebersole- aye, Mr. Toale- aye, Ms. Bertram -aye

*******Executive Minutes are Separate*******

The meeting reopened following Executive Session adjournment with the Pledge of Allegiance.

Mr. Toale announced the last day and hour to register to vote for the Thursday, September 8th State Primary Election is Friday, August 19th between the hours of 9:00 a.m. and 8:00 p.m. at the Town Clerk's office. Absentee ballots are available at the Town Clerk office. Office hours are Monday and Wednesday 8:00 a.m. to 4:00 p.m. Tuesday and Thursday, 8:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m. They are closed on Friday.

PUBLIC COMMENT:

Mr. Alonzo announced the Boys and Girls Club are holding their Annual 'Are We There Yet 5K Color Run' on Sunday, August 28th at 10:00 a.m. Registration opens at 9:00 a.m. or you can preregister on their website at <http://bgcluboflunenburg.org>. It will begin and end at 15 Memorial Drive. There will be a free shirt for anyone who preregisters. A barbeque will follow after the race.

Ms. Luck expressed her appreciation for the Lunenburg Farmers' Market which occurs every Sunday from 10 a.m. to 1:00 p.m. She encouraged everyone to check it out. She also thanked the Friends of the Lunenburg Public Library for providing passes to various museums. The Lions Pancake Breakfast is August 10th from 8:00 a.m. to 11:00 a.m. at Eagle House Senior Center.

Mr. Alonzo also expressed appreciation for the town concert season which ended last night. He thanked all involved in the events.

Bob Pease, 11 Wintergreen Court, suggested the talent bank form which is online be made as a fillable pdf so one can fill it out before printing and submitting it.

APPOINTMENTS

Alan Herget, 79 Beachview Road, presented to be appointed Constable. Mr. Herget stated he has been in law enforcement for a long time. He currently works for the Massachusetts Trial Court system. A background check was conducted by the Lunenburg Police Department as part of the application process.

Motion: P. Bertram

2nd: T. Alonzo

To appoint Alan Herget as Constable

John Baker, Constable, spoke in favor of Mr. Herget as he has known him for several years through his work at Fitchburg State College and the court system.

Vote: All in Favor

Mr. Toale congratulated Mr. Herget. Mr. Herget thanked the Board and exited the meeting.

Election Officers:

Ms. Lafleur noted Executive Assistant Peterson's memo regarding the annual appointment of election officers. "According to M.G.L. Chapter 54, §12, "The Board of Selectmen of every town shall annually, not earlier than July fifteenth nor later than August fifteenth, appoint as election officers for each voting place or precinct, except as provided in §24, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be enrolled voters in the commonwealth...in the event the Board of Selectmen fail to appoint such election officers on or before August fifteenth, the Board of Registrars shall forthwith appoint said officers." Mr. Ebersole noted that neither the Democratic nor the Republican Town Committees had provided a list of nominees.

Ms. Lafleur stated the list provided is all reappointments from last year:

Warden: Janice P. Carrier (R);

Deputy Warden: Michael Gale (R),

Clerks: Kathleen M. Pliska (D) and Darlene E. Steele (D),

Inspectors: Ellen Aubuchon (D) and B. Ellen Gale (R);

Deputy Inspectors: Ernest Aubuchon (D) and Anne Shattuck (R)

Motion: T. Alonzo

2nd:P. Bertram

To appoint the election officers as listed in the memo

Vote: All in Favor

CURRENT BUSINESS

Disclosure by Non-Elected Municipal Employee of Financial Interest- Bob Pease/Conservation Commission

Mr. Pease stated he filed three forms after taking the ethics training for his appointment to the Conservation Commission. He filed one as a member of Hickory Hills Landowners Inc. and has a financial interest. He also filed for Conservation regulation revisions as his property abuts the lake and any revisions to the regulations could affect his residence. However if any regulations affect more than 10% of the population you don't have to file. He filed anyway as this has been past practice. The last form was for trail use. He is not a member of the Lunenburg Snow Riders Snowmobile Club but makes donations of money and time and attends some of their meetings. Ms. Luck thanked Mr. Pease for all his efforts for the Town and Town land.

Motion: P. Bertram

2nd: T. Alonzo

That the Board determines that there is no conflict and Mr. Pease may participate in administration and revision of the Conservation Commission regulations

Vote: All in Favor

Motion: P. Bertram

2nd: T. Alonzo

That Mr. Pease may participate in matters involving Hickory Hills Lake while serving as a Conservation Commissioner

Vote: All in Favor

Mr. Ebersole recommended in the case of Mr. Pease coming before the Conservation Commission as a landowner that he recuse himself from any vote involving his property. Mr. Pease acknowledged this was appropriate and thanked the Board.

August 22, 2016 Special Town Meeting Articles Review

Ms. Lafleur presented details for an adjustment to the fiscal 2017 budget based on the final disposition of the state's budget. There is a net surplus in state revenue in the amount of \$114,733. She requested increasing the school budget line by \$36,740 because funding from a kindergarten grant has ended.

Ms. Lafleur recommended placing the remaining \$77,993 in the reserve fund until it can be transferred to the stabilization fund.

Motion: P. Bertram
To recommend approval of Article 1

2nd: T. Alonzo
Vote: All in Favor

Ms. Lafleur reported Article 2 is a request to fund the first year of the Laborer's International Union of North America, Public Employees Local Union 39 (DPW) agreement. Both negotiating parties have come to agreement and have ratified the contract. Changes to the agreement include a cost of living increase of 1.5% per year of the 3 year contract, an increase in clothing/uniform allowance of \$350.00 per year, additional language in the contract beneficial to the employer including management rights, probationary period and conditions of employment. The estimated cost to fund the first year of the contract which is actually fiscal year 2016 is approximately \$6,100. Funding has been placed in the salary reserve account.

Motion: T. Alonzo P. Bertram
To recommend approval of Article 2

2nd: P. Bertram
Vote: All in Favor

Article 3 is a bargaining agreement request concerning the International Brotherhood of Police Officers Local 353, AFL-CIO. There is currently a tentative agreement with the union. Ms. Lafleur expected it would be ready for town meeting.

Article 4 will have to be passed over due to a typographical error in the printed mailed warrant. It will be included on the next Town meeting warrant.

Articles 5 and 6 concern rooftop solar projects on the new Middle/High School and DPW buildings. Article 5 is the power purchase and net metering credits agreement and article 6 is a PILOT agreement. The power purchase agreement is not 100% completed. The final draft is with the developer. Mr. Ebersole stated he still would like to see what the solar rooftop project would look like before voting.

Article 7 authorizes the Board to enter into a 30 year agreement with Borrego Solar Systems, Inc. for purchase of power and associated net metering credits from privately owned solar photovoltaic facilities. The agreement is not completed yet. The only variables on the above three articles (5, 6, 7) will be the cost and escalation.

Land Use Director Adam Burney presented on the Planning Board articles. Article 8 and 9 correct typographical errors. Article 10 -14 revolve around the wording of Article 10. The Planning Board is looking to strike the Whalom Overlay District (WOD) from the zoning bylaw. This is the section of the protective bylaw that allowed for the creation of Emerald Place. Last fall there was an application for 22 units to be placed in the triangle across from the Town beach. This was a dense design and the Planning Board did not believe this was appropriate for that area and the abutting neighborhood. There was a dispute between the developer and the property owner and the application was withdrawn. The property owner considered going forward with a new project and asked for an interpretation letter from the Zoning Enforcement Officer which added additional information. The Planning Board in reviewing that letter and in discussing the WOD merits as it exists felt that it was in the Town's best interest to remove the bylaw as it lacked some specificity. As part of the public hearing on the zoning article and the discussion, the property owner felt aggrieved by having development rights taken away from him by the removal of the district. The Planning Board discussed creating a new WOD bylaw and working over the next few months to craft the district that would be more inclusive in the allowed uses and the mixture of uses with input from the residents of the area. There is some disagreement between the Planning Board and the Zoning Enforcement Officer as to the ramifications of the removal of the WOD. Mr. Burney has contacted Town Counsel for guidance but has not heard back to date. The issue at hand is that the Zoning Enforcement Officer feels that having one property owner being the only beneficiary of the development benefits of the removal of this bylaw may create a situation of "spot zoning". Mr. Burney did not agree. There is no current application so the Planning Board felt this was a good time to remove it and work on an alternative in time for annual town meeting. The subsequent zoning warrant articles are just a cleansing of the remainder of the protective bylaw and the zoning map of references to the Whalom Overlay District. Ms. Bertram stated it was important to get a ruling from Town Counsel before the Special Town Meeting in order to avoid a potential heated debate on town meeting floor. There is also a question on the density allowed in the overlay district as to how many units per acre are allowed.

Mr. Ebersole asked for clarification regarding the commercial land on Electric Avenue and if that land is under the special permit for Emerald Place. Mr. Burney stated the Emerald Place special permit was a compilation of

parcels under common ownership that was approved as "site specific" and there was some unit calculation. The Emerald Place people were in to speak to the Building Commissioner and they have to reassess their density calculations. In the 2006 special permit there is language that reserves one acre of the 6 acre parcel on Electric Avenue for commercial use. 3.7 acres of that parcel are in the WOD, the remainder of that is zoned Residence A. 2.7 acres was used for density calculation for the Emerald Place development. That is protected under the special permit. Whether the WOD exists or not, there is an active special permit that remains valid as long as development proceeds in a reasonable manner. Mr. Burney believed Emerald Place made some internal decisions regarding the commercial parcel without recognizing the language in the 2006 special permit. He was not at their meeting with the Building Commissioner but his understanding was that Emerald Place needs to reassess what they have on paper and what the special permit says. They have several options which the Building Commissioner presented to them. Further discussion about spot zoning ensued. Ms. Lafleur stated several weeks ago Town Counsel had reviewed this article regarding the spot zoning question and he tended to agree with Mr. Burney and the Planning Board. She had recommended he pass his opinion on to the Building Commissioner.

Motion: P. Bertram

2nd: T. Alonzo

To recommend approval of Articles 8 & 9

Vote: All in Favor

Discussion ensued on how to proceed on the Whalom Overlay District articles before and during Special Town Meeting. The Board thanked Mr. Burney.

Ms. Lafleur stated Article 15 authorizes a boundary line agreement with Elaine Mroz's Chestnut Street property and abutting town property, Marshall Park. The agreement is still being drafted but will be ready in time for town meeting.

Motion: P. Bertram

2nd: T. Alonzo

To recommend approval of Article 15

Mr. Ebersole stated he would be speaking with the Town Moderator to move this article to follow article 3.

Vote: All in Favor

Article 16 requests the town authorize a 10% local match towards the purchase of an agricultural preservation restriction approved by MDAR for Lanni Orchards located at 292 Chase Road. The cost for the town will be \$58,000.

Motion: T. Alonzo

2nd: P. Bertram

To recommend approval of Article 16

Vote: All in Favor

The Board decided to meet at 6:00 p.m. on August 22nd to wrap up any loose ends before the town meeting.

Earth Removal Permit Renewals

Ms. Lafleur reported all earth removal applications are complete, taxes are current and the Building Commissioner has inspected the sites. His report is attached to the permit applications.

She read the permits submitted for renewal:

- #1 Ralph Montouri Construction Co.; 186 Massachusetts Avenue; 23.5 acres,
- #54 Powell Stone & Gravel Co, Inc.; 151 Leominster-Shirley Road; 11.36 acres,
- #32 Raymond A. Powell Jr.; to the rear of 395 Goodrich Street; 16 acres,
- #14 P.J. Keating Co.; westerly side of Fort Pond Road, adjacent to Lancaster town line; 8.377 acres, owned by Mildred Marble and leased to applicant,
- #15 P.J. Keating Co.; Parcel 1, lying northerly of Leominster-Shirley Road., westerly of Reservoir Road, on both sides of the Boston & Maine Railroad; 165 acres,
- #16 P.J. Keating Co.; Parcel 11, lying northerly of Leominster-Shirley Road, easterly of Reservoir Road, on both sides of the Boston and Maine Railroad and both sides of Round Road; 170 acres,
- #17 P.J. Keating Co.; Parcel 111, lying southerly of Leominster- Shirley Road, easterly of Fort Pond Road; 180 acres,
- #18 P.J. Keating Co.; Parcel IV, lying southerly of Leominster- Shirley Road, westerly of Fort Pond Road, 6.8

acres,

- #19 P.J. Keating Co.; Parcel V, lying easterly of Shirley Reservoir Road and northerly of Boston and Maine Railroad and abutting the Shirley town line; 22 acres,
- #27 P.J. Keating Co.; in the very southeast corner of Lunenburg, 57 acres of an 84 acres parcel formerly owned by Edward Credit
- #28 P.J. Keating Co.; westerly side of Reservoir Road near Round Road; 6.6 acres,
- #29 P.J. Keating Co.; westerly side of Reservoir Road, south and near Goodrich Street; 12.5 acres,
- #30 P.J. Keating Co.; in the southeast corner of Lunenburg, bordered on the north by Leominster-Shirley Road, on the east by Shirley town line, being the same parcel formerly owned by Edward Credit; 28 acres,
- #42 P.J. Keating Co.; southerly side of Leominster-Shirley Road, easterly of the Boston and Maine Railroad near the Lancaster/Leominster town line; 30 acres

Motion: T. Alonzo

2nd: P. Bertram

To approve the earth removal permits as presented

Mr. Ebersole stated he has forwarded articles regarding the Town of Uxbridge and their issues with gravel pits being filled with contaminated fill to the Land Use Director and the Town Manager. He encouraged the Board to include the process on how to close these pits when reviewing the bylaw for amendment.

Vote: All in Favor

Ms. Lafleur exited the meeting.

Discussion of Town Manager Salary Range

Mr. Toale stated the purpose of this discussion is for the posting for the Town Manager. He stated Ms. Lafleur's starting pay nine years ago was approximately \$110,000 and is currently at \$130,000 which includes her merit pay. Mr. Alonzo suggested starting at \$110,000 and ending at \$130,000. Mr. Toale stated he would be willing to go up to \$140,000 to broaden the pool of candidates. Mr. Ebersole stated many job postings state salary is based on experience and qualifications. A point was made to advertise a certain range so those reading the posting would know whether they were actually interested in applying.

Motion: P. Bertram

2nd: T. Alonzo

To set the salary range for the Town Manager from \$110,000 to \$140,000

Vote: All in Favor

Ms. Lafleur reentered the meeting.

Request to Approve FY2016 Chapter 44, Section 33B Transfers

This item was rescheduled for the August 23rd meeting.

Request Comcast Performance Information

Cable Advisory Chair Alonzo requested permission to request performance information from Comcast due to the renewal of the cable license coming up in 2017.

Motion: R. Ebersole

2nd: P. Bertram

To authorize Tom Alonzo to request performance information from Comcast

Vote: All in Favor

Warrants/Action File Issues

The Board signed the September 8, 2016 State Primary election warrants. They signed an accounts payable warrant in the amount of \$45,589.07 and a payroll deductions warrant in the amount of \$477,609.48.

Action File Issues: Mr. Alonzo inquired about the status of the larger size pay as you throw trash bags. Ms. Lafleur stated she did have the prices; it just has not been presented yet.

Committee Reports:

Ms. Luck reported the School Committee has a goals workshop meeting tomorrow at the Middle/High School at 3:00 p.m. Ms. Luck attended a steering committee meeting earlier today of the Central MA Regional Stormwater Coalition. They are preparing for their annual meeting in Holden on September 20. They are surveying members on their needs. There will also be a workshop in Millbury in October. There was a presentation on PeopleGIS by Ken Flanders and an update on a \$50,000 604B grant awarded to the Central Mass Regional Planning Commission that Central MA Regional Stormwater Coalition is participating in.

There was discussion of a statewide stormwater coalition meeting on September 27th at the Worcester DEP office.

Ms. Bertram reported Conservation Commission met last Wednesday. The Woodlands was seeking information on what they can and can't do to improve the shoreline and to provide lake access as well as kayak/canoe access. There was a proposed notice of field change for the Lunenburg High School turf field. This was approved by the commission.

The rest of the evening focused on enforcement issues. The 101 Pleasant Street property Notice of Intent was denied at their previous meeting and fines had been set at \$600 per day. The engineer for 101 Pleasant expressed dismay stating he was awaiting information from the Conservation Commission on the wetlands delineation plan he had submitted and he was not aware that they were going to take action. The engineer will have to resubmit another NOI. He indicated the property owner planned to remediate the 225 Pleasant Street town property. They are willing to do the work or pay a contractor that does the work. Ms. Bertram requested the engineer contact Ms. Lafleur and Land Use Director Burney. A remediation plan for the town property is due by August 17th. The town may need to request an extension.

Ms. Lafleur reported Mr. Burney drafted a remediation plan for the town property. It was shared with the abutter's engineer. Due to vacations a meeting will not occur until the 22nd. The remediation plan will need to be reviewed by Conservation before anything is started. Further discussion on what needs to be done next ensued.

Ms. Bertram reported at the MPO meeting the Summer Street project remained in the 2017-2018 TIP. She reported a recent Notice of Proposed Rulemaking (NPRM) from the U.S. Department of Transportation (US DOT) has the potential to significantly impact the MPO planning process for the region and its member communities. MRPC is writing a letter opposing this.

Ms. Bertram reached out to MRPC Regional Planner Brian Doherty concerning the GIS stormwater tracking. MRPC is looking for feedback from communities on this. Any input should be sent as soon as possible.

Mr. Alonzo reported Cable Advisory meets August 29th. Finance Committee meets August 11th. School Building Committee meets tomorrow at 6:30 p.m.

Mr. Ebersole reported Sewer Commission is meeting tonight and discussing infiltration/inflow/reduction. They are in the last phases of calculating betterments from the recent sewer installation.

Mr. Toale reported Building Reuse meets August 15th. No report for Capital Planning. There is no report from the Town Manager this evening.

Mr. Toale announced the next meeting is August 16th which will not be televised. It is a brainstorming workshop with board and committee members on improving communication between boards and growing the volunteer base.

Public Comment:

Dave Rodgers, 82 Highland Street, commented on the proposed elimination of the Whalom overlay district and the legal opinion provided. He did not think there was enough time between now and Special Town meeting to figure out what is best for the town regarding Emerald Place.

Ms. Lafleur stated the Planning Board has recently asked for a written opinion from town counsel on leasing versus ownership at Emerald Place. She added there was never any indication in the approval of that project that required it to be ownership occupied even though it was presented and intended that way. Further discussion ensued on what was remembered at the time.

**Motion: P. Bertram
To adjourn the meeting**

**2nd: T. Alonzo
Vote: All in Favor**

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager