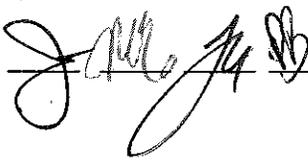


OCT 11 2016

LUNENBURG TOWN
CLERK OFFICE


**BOARD OF SELECTMEN
MINUTES**

**Joseph F. Bilotta Meeting Room, Town Hall
September 13, 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 and Interim Town Manager David Marciello
Not present: Phyllis Luck, Member

The meeting opened at 7:00 P.M. with the Pledge of Allegiance. Mr. Toale introduced David Marciello.

PUBLIC COMMENT

Mr. Toale announced The Lunenburg Turkey Hill Family Lions Club will be hosting a Pancake Breakfast tomorrow at the Eagle House from 8:00 to 11:00 a.m. Breakfast includes pancakes, sausage, crispy potato crowns, fruit, pastry, and coffee. The cost is \$2.00. Take-out is available.

Mr. Alonzo thanked everyone involved with the Stillman Country Fair that occurred last Saturday. There was a big turnout and it was a great event.

Mr. Marciello thanked the community for being welcoming and is looking forward to working for the Town.

Appointment to Green Community Task Force

Liz Murphy, 219 Rolling Acres Road, introduced herself. She has worked for the City of Fitchburg for the past ten years in the Community Development office as the Director of Housing and Development. She has lived in Lunenburg for thirteen years. She finds the task force interesting and is hoping to make a difference in the community. She is also the Chair of the Housing Authority.

Motion: R. Ebersole

2nd: T. Alonzo

To appoint Liz Murphy to the Green Community Task Force

Vote: All in Favor

Minutes/ Warrants/Action File Issues

Minutes of February 4, 2016, were approved. An accounts payable warrant in the amount of \$279,708.70 and a single payroll warrant in the amount of \$1678.54 were signed.

Ms. Bertram requested meeting with the Lunenburg Historical Society in response to a letter sent from them regarding their parking space being affected by the sale of the former primary school building. She also noticed a survey for Chapter 90 funding that she wanted to ensure was completed. Ms. Bertram noted the Town has received a \$5,400 grant from DEP through the Sustainable Materials Recovery Program. She requested a future agenda item be a discussion on Town Counsel response time.

Committee Reports:

Ms. Bertram reported the Planning Board examined site plan approval for an auto detailing shop at 8 Massachusetts Avenue. There was a public hearing to discuss stormwater management for development and associated site work of nine single family home lots on 155 Reservoir Road. There was a public hearing for a special permit for 274 Prospect Street for the proposed development of a 22 unit townhouse development. It was continued to October 24th.

Conservation Commission met on September 7th and issued an emergency enforcement order to Hickory Hills landowners to remove sand on the beach which is being used as a boat loading/unloading area due to the boat ramp being closed. The engineer for the owner of 101 Pleasant Street presented a Notice of Intent that entails the construction of a temporary logging road, wetland restoration and installation of a culvert on a perennial

stream. Conservation is looking for a timeline, bonding and review by DPW. Abutter Kinder Morgan is seeking details on the work that is going to be done.

Hearing for Kabob-E-Licious Alcohol License #063600048

Mr. Toale opened the hearing and read the letter sent to Kabob-e-Licious, 165 Massachusetts Avenue regarding this hearing being held pursuant to G. L. c. 138, §23 to discuss failure to comply with service training requirements set forth in Section 1.19 of the License Regulations of the Lunenburg License Commission.

Motion: T. Alonzo

2nd: R. Ebersole

To open the public hearing for Kabob-e-licious

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

Owner Tarnnum Williams was sworn in by Mr. Marciello. Mr. Toale stated the hearing concerned two issues; failure to provide service training records and lack of response to the request. Ms. Williams stated her certification was valid the entire time however she lost the document stating she was certified. She stated she did provide the paperwork to Executive Assistant Peterson. She apologized for the lack of response because she purchased another business in Provincetown and was busy with that. She stated she has one other person at Kabob-e-licious that is TIPS certified and noted that her certification never lapsed either. She stated she never realized it was not forwarded here. She is waiting for it to come in the mail.

Mr. Toale noted that several phone calls were made as well as certified mail that was not picked up, messages were left and no calls were returned and the voice mail box at the business was full. Mr. Ebersole asked if this office had current contact information. Ms. Williams stated it remains the same. Ms. Williams stated she was going to be very diligent moving forward.

Ms. Bertram stated an email was sent to Ms. Williams requesting her to provide staff TIPS training records.

Ms. Williams stated the person was working somewhere else, left there and the owner had discarded their TIPS card. They have requested another copy of it and Ms. Williams should have it by the end of next week.

Mr. Alonzo stated the Board takes liquor licenses very seriously so not withstanding why you didn't get it to us right away, six months is six months. TIPS certification is critical to the program and it is your responsibility to keep that up to date. Ms. Williams stated she will make sure she stays on top of it.

Mr. Toale added the Board had previously discussed license fees and tries to keep them relative to the cost to the Town to administer. If we have to chase someone with several registered letters, phone calls and messages to get something as simple as a TIPS card, that increases the cost to administer it and would increase the cost of licensing in the future. Ms. Williams stated she would not want additional cost added due to her failure to respond to the Board. She apologized and stated she will make sure it doesn't happen again.

Ms. Bertram stated it appears the certified letters were returned and letters were resent using regular mail. Why did you not pick them up? Ms. Williams stated if the mail comes to the restaurant and no one is there, it is returned. She did not get them herself because she was not around. Ms. Bertram stated her concern was if she wasn't there there to pick them up, wouldn't your staff notify you that there was certified mail to to pick up at the post office? Ms. Bertram expressed additional concern that if you are opening another business and you are not responding to the notifications in Lunenburg, are you adequately managing the business in Lunenburg?

Ms. Williams stated the only explanation she has is she has been out of town and not able to get them. They were returned by the time she went to the post office. Mr. Ebersole stated although the business address is correct, the address is ineffective to get notification to you. He stated Ms. Williams needs to have a process by which mail is collected so we can communicate with you. Ms. Williams gave her deepest apologies to the Board, Town and Staff. She stated she will make sure correspondence is immediately attended to in the future.

Mr. Toale closed the hearing as there was no further comment.

Motion: R. Ebersole

2nd: T. Alonzo

That there was a violation for failure to provide server training certification for staff at Kabob-e-licious

Ms. Williams stated currently it is only her and one other person. The other person is certified but Ms. Williams is the only one who is serving alcohol. The Board does have her certification, would that be considered a violation? Mr. Ebersole read aloud the regulation; Licensees shall provide a current list of employees and shall have it available at all time... A written description of such program, along with a written policy outlining the employees responsibilities and the disciplinary measures which will be taken against any employee for violating

said policy, shall be provided to the Authority as part of the renewal application and maintained on the premises at all times...

Ms. Williams maintained the person whose certification you do not have has been certified all along, you just do not have it. Mr. Ebersole clarified that this Board not having that certificate on file is a violation.

Vote: All in Favor

Motion: R. Ebersole

2nd: T. Alonzo

That Ms. Williams provide the server listing and certification documentation by October 13th.

Vote: All in Favor

Mr. Toale stated a letter would be sent to her but noted she had one month to provide the requested documents. Ms. Williams thanked the Board and exited the meeting.

CURRENT BUSINESS

Appointment of Interim Town Manager

Mr. Toale reported this appointment was made last week subject to negotiations. He referred the Board to the employment agreement draft in their packet. He noted the addition of weekly compensation and that item #7 that provided benefits has been removed. Mr. Marciello needs to be recertified as a certified procurement officer. If he were to do that it would require him taking some retraining. There are three (three day) courses that he would need to take, amounting to \$1885.00 and they are offered through the Inspector General's office and occur in Boston. This would be a potential expense in the future, if needed. The appointment is for three months and can be renewed for another three months according to the Charter.

Motion: R. Ebersole

2nd: P. Bertram

To approve the employment agreement with David Marciello and The Town of Lunenburg; compensation is \$2050.00 per week, commencing on September 12th for three months with the option to renew for another three months

Vote: All in Favor

Mr. Marciello thanked the Board.

Building Reuse Committee Update

Mr. Toale noted committee members present this evening were David MacDonald, Mark Erickson, Damon McQuaid and himself. He called their meeting to order. Town meeting had approved \$10,000 for the committee to obtain a market analysis on properties other than T.C. Passios to see if we could generate revenue to convert the T.C. Passios into a Town Hall. It was put out to bid and received four responses. Two gave presentations and the amounts presented was higher than what was appropriated; one was \$12,500 and the other was \$20,000- \$25,000. At their last meeting they discussed putting the unused properties on the market. They have also had one individual come forward with a master plan for town center where these properties would be used to form a downtown-type setting that would include a town hall. This is just an update and at this point in time the committee doesn't believe they should go forward with the market analysis. They do have two other alternatives that they would like to pursue. Dave MacDonald stated they do intend to put these properties on the market to see what they are valued at. Ms. Bertram requested clarification on putting the properties on the market versus finding out a value of the property because she believed town meeting vote is needed to sell municipal property. Mr. Toale stated that is the intent; to find the value of the properties. Discussion about procurement ensued. The Building Reuse Committee adjourned their meeting.

Update on 225 Pleasant Street

Land Use Director Adam Burney provided an update on the enforcement order on town property located at 225 Pleasant Street. Last time he was before this Board they had approved a scope of services and decided to seek quotes from engineers and contractors to do the remediation work. Mr. Burney was contacted within 48 hours after that meeting by the alleged violator's representative, Mr. Rowe from Whitman and Bingham. The alleged violator had decided he was willing to do the reclamation work on the town property. Mr. Burney informed him that the Board was not going that way but would be happy to let him pay for it. Two weeks ago Mr. Burney,

Mr. Rowe, Conservation Chair Bursch, Conservation Administrator Marro and three contractors met on the site. They discussed the restoration work that was expected from the town. They are supposed to return quotes this week to Whitman and Bingham. Ms. Bertram expressed concern about the deadline for the enforcement order. She requested Mr. Burney submit an outline of what he just reported to this Board to the Conservation Commission at their next meeting on the 21st. He agreed. Discussion turned to who is responsible for the various town properties. It was decided to discuss further at a future meeting.

Devens Regional Hazardous Household Waste Agreement; Amendment #5- Town of Pepperell

Motion: R. Ebersole

2nd: P. Bertram

To approve amendment #5 to the Devens Regional Hazardous Household Waste Intermunicipal agreement to add the Town of Pepperell

The Board asked how this affects Lunenburg financially. They also requested if there were a maximum number of communities that could use the Devens facility.

Vote: All in Favor

(Post meeting note: There are two subcommittees, Operations and Finance/Budget composed of collaborative members working on the economies of scale impact and they will be reporting to the full oversight committee at a meeting planned for September 22nd. Before new members were approved, these two committees reviewed and determined that there is available capacity for the additional memberships.)

Request to Approve FY2016, Chapter 44, §33B transfers (cont.)

The Board reviewed the end of year transfer requests. There was some discussion regarding the top two items as they did not specify funding going to Lanni Orchards. The rest of the transfers address the union clerical sick leave buyout for certain employees. Mr. Marciello will check with Accountant Brochu for clarification.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the September 8th request for Chapter 44, section 33B transfers as presented

Vote: All in Favor

(Post meeting note: The top line of the transfer form was a portion of the Lanni Orchards APR. We were able to cover the balance within the existing legal expense appropriation, which is where the \$58,000 will be charged.)

Committee Reports (continued)

Mr. Alonzo reported Cable Advisory Committee has not met since the last Board meeting. School Building Committee meets tomorrow and is discussing field work. Finance Appointing Committee appointed George Martin. There is one more vacancy on the Finance Committee.

Mr. Toale reported there were eight talent bank forms collected at the volunteer booth at the Stillman Country Fair. Building Reuse Committee meets on the 19th. Capital Planning is meeting on the 20th.

Motion: P. Bertram

2nd: T. Alonzo

To adjourn the meeting

Vote: All in Favor

The meeting adjourned at 8:20 p.m.

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager