



**BOARD OF SELECTMEN
MINUTES**

**Joseph F. Bilotta Meeting Room, Town Hall
November 1, 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; Phyllis Luck, Member and Interim Town Manager David Marciello

Not present: Robert Ebersole, Vice Chairman; Paula Bertram, Member

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

PUBLIC COMMENT:

Mr. Alonzo thanked everyone for coming out Saturday for the Homecoming Parade and football game. All the high school classes did a great job on the floats. He thanked the Student Council for inviting the School Building Committee to be Parade Marshalls. Mr. Toale stated there are still vacancies on various committees: the Board of Selectmen representatives for Montachusett Regional Planning Commission (MRPC) and Montachusett Joint Transportation Committee (MJTC), Capital Planning, Personnel Committee, Public Access Cable Committee (PACC), and Cable Advisory Committee, Anyone interested should submit a talent bank form to the Board of Selectmen office. Talent bank forms are in Town Hall and the town website.

Mr. Alonzo noted the removal of toll booths on the Mass Turnpike, all tolls are now electronically billed through the use of an electronic transponder. You can order one at <https://www.ezdrivema.com/ezpassma>

Ms. Luck noted early voting ends on Thursday in Lunenburg. She voted today and it was very easy.

APPOINTMENTS:

Hearing for Kabob-E-Licious Alcohol License #063600048 for failure to comply with Service Training Requirements

Mr. Toale stated on September 13, 2016, the Board of Selectmen, acting as the Local Licensing Authority for the Town of Lunenburg, conducted a hearing pursuant to G. L. c. 138, §23 to discuss the failure to comply with Service Training Requirements set forth in Section 1.19 of the Lunenburg License Commission Regulations. After the hearing, the Board found there was a violation of failure to provide appropriate server training documents for staff. The Board gave owner Tarrnum Williams until 6:00 p.m. on October 13, 2016 to provide those documents. A letter was sent to notify Ms. Williams that there would be a hearing on November 1, 2016 at 7:05 p.m. to discuss alcohol license #063600048 and subsequent violations following the September 13th hearing. Mr. Toale opened the hearing. He asked Ms. Williams to step forward and be sworn in. Mr. Marciello swore in Ms. Williams. Mr. Toale stated Ms. Williams had been given until October 13th to submit other staff's server training certification and it did not happen. Ms. Williams stated she is the only person able to serve as the other servers are under eighteen years old and are not eligible for TIPS training. She stated one server, Mary Jane, was certified but when she retired she left all her paperwork at school. Due to her own family issues she has been back and forth taking care of that so Ms. Williams was not able to obtain hers. She only works with Ms. Williams as a consultant. She is TIPS certified but is not working on the premises.

Mr. Toale presented a Serv Safe Certificate for serving food for a K. Reddix to the other Board members and inquired if the Board had Ms. Williams' TIPS certification on file. Ms. Williams replied yes. She stated she only obtained Reddix's certificate today and had forwarded it to the office. She added Reddix moved away in July and is no longer working for the business. Ms. Luck asked if Ms. Williams was the only person serving alcohol now. Ms. Williams responded herself and her husband. Mr. Alonzo asked if he was TIPS certified. Ms. Williams replied no. Ms. Williams stated the premises have a TIPS certification and the establishment has a

liquor license and you have to be in the vicinity or in the area from what it is. But I never knew you had to be on the premises. Mr. Alonzo stated at the last hearing, there was no disagreement between Ms. Williams and the Board that you were not fully compliant. Ms. Williams, you indicated that you understood that you were not in compliance. Ms. Williams replied at that time, yes. Mr. Toale stated and you were given a month to provide it. Ms. Williams replied that is correct, yes. Since that time I have been trying to get a hold of the paperwork, especially the server training, that is the only thing I have (indicating the ServSafe food certificate) When it comes to TIPS certification, I already had given my certification. So to me I was not noncompliant to my own certification.

Mr. Alonzo stated we were still waiting for other documentation, that's why we gave you a month to provide additional documents that you admitted you had to supply to us. Ms. Williams replied that was the TIPS certification paper and the server training; there was no other paperwork that I was waiting for. I had already given a copy of my TIPS certification that I had taken. The only other thing that I was thinking that you were looking for was the person that was working with me; their server training as far as the food handling and Serv Safe, that type of thing. Mr. Alonzo stated, this, holding up the Serv Safe certificate. Ms. Williams stated yes. Mr. Alonzo asked when did we receive this. Ms. Williams stated today. Mr. Alonzo stated that's almost three weeks late. Ms. Williams stated, right, I have been trying to get a hold of the person to give that to me. People don't want to provide it to me because they think I'm going to the information for the wrong reasons. What I was trying to show you was there was nobody on our premises that is not certified. Ms. Luck stated you just told us your husband works there but he is not certified. Ms. Williams replied no, for food cooking, yes. The certificate for Serv Safe is in front of you. But the only person who is TIPS certified is me. Nobody else is; my husband only works every once in awhile. I work there, that's it, nobody else is there. Everyone else is under eighteen. Mr. Alonzo referred to Section 1.19, subsection b. *A signed certificate of each employee who handles alcohol indicating the employee has received the described training and has reviewed and understands the written policy describing his or hers responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.* Mr. Alonzo stated if someone other than you is on the premises, they need to be certified to serve alcohol. I believe that is still the issue from what you have described. Mr. Toale asked if there were any other questions or comments. Ms. Williams stated she would have her husband certified because there is nobody else there that needs to be certified other than herself and him. He is just there part-time, but I will have him certified. Mr. Toale stated the next step was to close the hearing and determine if a violation has occurred.

**Motion: T. Alonzo
To close the hearing**

**2nd: P. Luck
Vote: Ms. Luck-aye, Mr. Alonzo- aye, Mr. Toale- aye**

Mr. Alonzo stated by Ms. Williams' own testimony they have someone on premises who is serving that is not certified. He was also concerned that a month went by with no communication from Ms. Williams. Ms. Williams stated she did call via telephone on the day it was due and found out there was no hearing. She was sick and was unable to make it even though there was no hearing that day. Mr. Toale noted but you did not get the paperwork in that day. She stated that was why she was calling to let them know she did not have the paperwork either and if she could ask for an extension. She stated they said there was no hearing so there was no extension but you do have until six o'clock to submit the paperwork. I did try my best to get it but I was unable to obtain it. So I just waited until this hearing today. Mr. Toale stated that was on the 13th of October, then a letter was sent informing you of this hearing and the first thing we saw was the certificate left here this afternoon. Ms. Williams stated because I was trying diligently to get it in. Ms. Luck stated but you are still noncompliant because your husband serves alcohol and he is not TIPS certified. Ms. Luck added it seems like you had a lot of time to ask about that, to clarify that. Ms. Williams stated well there was one other person who did not pass so that was irrelevant, I couldn't give you that information anyways because they still have to take it. Mr. Alonzo stated this does not constitute due diligence, with that being aside, you are still in noncompliance. We can't have further violation of being in noncompliance. I would recommend that we suspend the license and ask that it be returned until such time that they provide the full documentation for this license to go forward. He advised Ms. Williams to get the certification to this Board so we can get you back on the agenda to reinstate it.

Motion: T. Alonzo

2nd: P. Luck

To suspend the license until such time Ms. Williams provides alcohol server training certification for her husband and to ask for the license to be returned

Vote: All in Favor

Mr. Alonzo clarified that they could still serve food but not alcohol. He added Ms. Williams will get a written determination from the licensing board outlining this and what needs to happen to get the license reinstated. Ms. Williams replied okay and exited the meeting.

Mr. Toale stated the 7:15 p.m. appointment was not present so he moved on to the tax classification hearing. He read the following aloud: **"The Board of Selectmen will hold a public hearing on November 1, 2016 at 7:30 P.M. as required by M.G.L. Ch. 40 §56 on the issue of allocating the local property tax levy among the four classes of real and personal property for Fiscal Year 2017. The hearing will be held in the Lunenburg Town Hall, 2nd Floor, Joseph Bilotta Meeting Room, at 17 Main Street, Lunenburg, MA. Jamie Toale Board of Selectmen Chairman"**

He invited Regional Assessor Harald Scheid to come forward. Mr. Scheid introduced his colleague, Becky Boucher. Mr. Scheid stated Massachusetts law requires each town and city to hold a tax classification hearing. The principal reason is to give the Board of Selectmen the opportunity to either adopt a single tax rate to be applied against all taxable valuations and properties in the town or alternatively to split the tax rate levying a higher tax rate against commercial/industrial owners to the benefit of the residential property owners. The fiscal year 2017 valuations have been approved by the Department of Revenue; our new growth revenue has also been certified. Ms. Boucher stated the original estimate for new growth was \$300,000 but there is an additional \$187,955 bringing the total to \$487,955. Mr. Scheid stated we are looking at raising \$24,757,321.63 in property tax revenue. That translates into a tax rate of \$19.97 per \$1000.00 of value; last year's was \$19.61 per thousand. The Board of Assessors recommends the Board of Selectmen adopt a single tax rate to be applied to all classes of property in Lunenburg.

Ms. Boucher stated the average single family home increased in value from \$256,969 in FY2016 to \$267,155 for FY2017 and the average tax bill increased by 5.8% from \$5039.16 in FY2016 to \$5335.09 in FY2017. Condominium classes went up slightly as well and commercial and industrial values stayed level. She also presented a summary of assessments. The town has 26 new vacant land parcels, 30 new condominium units, over 30 new single family homes and one new apartment building with 30 units at Tri-Town. The new growth was based on those changes. Ms. Boucher stated she did not have the LA-5 form because everything is not finalized until after Special Town Meeting. It can be signed at a later meeting. Mr. Alonzo asked how much of the 5.8% increase is new debt for FY2017. Mr. Scheid stated they did not have that figure but could calculate that.

Motion: T. Alonzo

2nd:P. Luck

The Board of Selectmen votes in accordance with M.G.L. c. 40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2017 tax rates and set the residential factor at 1.0, with a corresponding CIP shift of 1.0, pending approval of the Town's annual tax recap by the Massachusetts Dept. of Revenue.

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

Motion: T. Alonzo

2nd:P. Luck

To close the tax classification hearing

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

The Board thanked Ms. Boucher and Mr. Scheid.

Change of D/B/A for Lunenburg Zedas Inc. d/b/a Zeda's Village to d/b/a Bad Larry's

Mr. Marciello reported everything is staying the same except for the name change.

Motion: T. Alonzo

2nd:P. Luck

To approve the petition for change of d/b/a from Zeda's Village to Bad Larry's

Vote: All in Favor

CURRENT BUSINESS

1. Special Town Meeting Warrant Articles Discussion

Mr. Toale stated the Special Town Meeting articles have been amended per the Board's requests. They have also been reviewed by Town Counsel.

Article 1 is to raise and appropriate or transfer from available funds, all sums of money necessary to amend the amounts voted for the Town's FY'2017 Budget, under Article 15 of the May 7, 2016 Town Meeting. Finance Director Karen Brochu reported prior to the close of Fiscal Year 2016, the former Town Manager had encumbered \$196,500 for amendment #3 of the VHB engineering contract for the Summer Street project. Since then there was a revised amendment #3 presented and an amendment #4. Ms. Brochu stated Ms. Bertram had a conversation with VHB consultant Trish Domigan and we have updated some of the costs. The revised amendment #3 was in the amount of \$102,900, amendment #4 was \$80,300 and from the conversation with Ms. Domigan an additional \$15,000 is needed for construction phase services and \$15,000 for MBTA fees. The adjustment needed at this time would be \$16,700. Another item discussed was the cost of temporary easements. Ms. Domigan is aware of the Special Town Meeting and will be providing Ms. Bertram that figure. Based on all of this, Ms. Brochu recommended with the \$187,000 extra that is in new growth, to place the \$16,700 in General Highway Maintenance under the Summer Street design line item to cover what we know right now for VHB and to place the difference in the Reserve Fund. If we determine the costs of the temporary easements before Special Town Meeting we can make an adjustment. A spreadsheet with the most up to date figures will be presented for this article at Special Town Meeting.

Motion: T. Alonzo

2nd: P. Luck

To have the Board of Selectmen withhold their recommendation until Special Town Meeting

Vote: All in Favor

The Board thanked Ms. Brochu.

Article 2 is to vote to authorize the Board of Selectmen, pursuant to Chapter 61B, to raise, appropriate or transfer from available funds a sum of money in order to purchase property located at 200 Reservoir Road and known as the Estate of Vera R. Barney shown on a July 2016 plan recorded with Worcester Northern District Registry of Deeds at Plan Book 507, Plan 25, shown as five numbered lots and consisting of 20.36 acres. Mr. Marciello reported we have heard back from all parties and although there is interest there is no ability to purchase the property. Mr. Toale did state the Agricultural Commission position is to recommend keeping land open for agriculture but they did not indicate they wanted to pursue it as this time.

Motion: T. Alonzo

2nd: P. Luck

That the Board of Selectmen recommend passing over Article 2 at the Special Town Meeting

Vote: All in Favor

Article 3 will vote to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY17, FY18 & FY19 Police Officers Collective Bargaining Agreement dated July 1, 2016 – June 30, 2019 with IBPO Local 353, AFL-CIO. Mr. Marciello reported the contract is being worked on by labor counsel; we just don't have the actual document at this time.

Motion: T. Alonzo

2nd: P. Luck

To have the Board of Selectmen withhold their recommendation until Special Town Meeting

Vote: All in Favor

Mr. Marciello reported Article 4 has been amended by legal counsel to refer to a stabilization account versus a special revenue account. This article will require a 2/3rds vote. Ms. Brochu reported the Town has the authority under Chapter 44, §63, that if we sold a town building for over \$500 the proceeds from that sale could go into a special revenue fund. The funds would stay in that fund and can be used for any purpose that the Town is authorized to borrow for a term of five years or more.

"To see if the Town will vote to create a special purpose stabilization fund pursuant to M.G.L. c. 44 § 5B, entitled "Town Building Stabilization Fund," for the purpose of funding the building, remodeling, purchasing, leasing or demolishing of municipal buildings. Revenues from the sale of the properties listed in Article 5 shall be placed in this account and used for this purpose" Ms. Brochu stated she wasn't sure about the wording

stating that the sale of the properties could automatically go into the fund. She will need to check with legal counsel on that point. It may need to be voted at future town meetings. Mr. Marciello stated based on his past practice in another town, we are asking the voters for approval to place the revenue into the account with this article.

Article 5 votes to identify and/or re-identify the following listed land and/or buildings situated thereon as surplus; and to authorize and/or reauthorize the Board of Selectmen to sell and/or lease the parcels and/or any buildings situated thereon, and/or subdivide in any manner said parcels and/or buildings situated thereon and/or take any legal action necessary to empower the Board of Selectmen to effectuate the sale, lease, subdivision and/or transfer of said land and buildings situated thereon; and to deposit any revenues generated from the sale, lease and /or transfer into the special revenue account created in Article 4; Ritter Memorial Building; Assessors' Map 071, Lot 074; Town Hall; Assessors' Map 060, Lot 005; Primary School, Assessors' Map 071, Lot 076; Brooks House, Assessors' Map 060, Lot 055; T. C. Passios School, Assessors' Map 060, Lot 055.

Discussion about the wording of the articles and possible implications ensued. An amendment may be presented at the town meeting.

Motion: T. Alonzo

2nd: P. Luck

To have the Board of Selectmen withhold their recommendation on Article 4 and 5 until Special Town Meeting

Vote: All in Favor

Article 6 votes to appropriate the sum of \$35,000 from the Sale of Cemetery lots account to be used for the care, improvement and embellishment of the Cemeteries. This article was passed over at the August 2016 Special Town Meeting due to some wording being left out.

Motion: T. Alonzo

2nd: P. Luck

To recommend approval of the Cemetery Commission article

Vote: All in Favor

Article 7 amends Article XV of the Town's Bylaw entitled "Salary Administration Plan" of the Town of Lunenburg as follows: the Public Access Cable Committee Coordinator position be moved from Grade 8 to Grade 10, the Grade 8 position be retitled "Public Access Cable Committee Assistant"; the position of "Public Access Cable Committee Manager" be added and assigned to Grade 11; that "Building Inspector" be retitled "Building Commissioner"; the Land Use Director position moved to Grade 16 and the contract positions of Fire Chief and Town Accountant/Financial Director be added to Grade 16; that the current position of Police Chief be assigned as Grade 18.

Article 8 amends Article XV of the Town's Bylaw entitled "Salary Administration Plan" of the Town of Lunenburg as follows: to replace the Fiscal Year 2017 Salary Administration Plan salary schedule with the proposed salary schedule and use the proposed salary schedule to calculate the FY18 Salary Administration Plan salary schedule which includes the 2% COLA approved at the May 2016 Annual Town Meeting; or take any other action relative thereto.

Motion: T. Alonzo

2nd: P. Luck

That the Board of Selectmen recommends approval of Article 7 and 8 at Special Town Meeting

Mr. Toale stated he plans to abstain from this vote at Special Town Meeting but for the purpose of the motion he will vote tonight.

Vote: All in Favor

Article 9 is a vote to appropriate from Public, Educational and Governmental Access and Cable Related Fund Revenues, the sum of \$110,142.36 to supplement the amounts voted under Article 25 of the May 7, 2016 Annual Town Meeting to fund the FY17 Public, Educational and Governmental Access Committee operating budget. Mr. Alonzo stated the Finance Committee has not made a recommendation to date but will be discussing at their public hearing. Ms. Brochu reported an article was on the Annual Town Meeting to accept MGL Chapter 44, §53F ¾ to establish a Public Education Government Access & Cable Related Fund and to transfer existing Peg Access Funds to it, but her understanding was the Public Access Cable Committee did not fully fund their budget at the level it needed to be. There was an error in the calculation of their budget.

Motion: T. Alonzo

2nd: P. Luck

That the Board of Selectmen recommend approval of Article 9

Vote: All in Favor

3. Minutes/Warrants/Action File Issues

The Board signed a payroll warrant in the amount of \$765,669; a payroll deductions warrant in the amount of \$512,508.84 and an accounts payable warrant in the amount of \$246,996.93.

4. Committee Reports:

Ms. Luck reported MART has made an executive decision to postpone all the recent transportation agreements between themselves and the fifteen member communities. The Storm Water Task Force met on the 27th. They began discussions with their consultant about how to proceed. He will return to their December 8th meeting. Ms. Luck attended the Central Mass Regional Stormwater Coalition workshop on Friday at the DPW in Millbury. It was very interesting to see all the problems that we are facing and how to deal with them. Conservation Administrator Matt Marro attended also. This morning Ms. Luck attended the Central Mass Regional Stormwater Coalition Steering Committee meeting. They are organizing subcommittees for education and technical aspects. There is a Stormwater Financial Forum on November 15th and 16th at UNH/Durham. The Mass Watershed Coalition is hosting a workshop on Friday, November 18th, "Stormwater for Towns, Save Money, Save Lakes, Save Streams." at Mount Wachusett Community College. The School Committee meets tomorrow night.

Mr. Alonzo reported the Finance Committee has set their public hearing for the Special Town Meeting articles for November 10th. Cable Advisory Committee meets in December and School Building Committee meets on November 9th.

Mr. Toale reported Building Reuse Committee meets November 21st and their main agenda is to work on the RFPs given all the input. Capital Planning meets on November 15th and they are still seeking an at large member. They meet again on December 6th to hear DPW's presentation.

Interim Town Manager Marciello stated he did not submit a written report as he was in Boston last week for MCPPO training. The Storm Water agreement is with Land Use Director Burney for review and the RFP for assessing services should be posted in The Central Register within the next couple of days. He is compiling data received for a USDA report and should have a final report on the Pay as You Throw bags soon.

Mr. Toale reported on November 8 and 15 this Board will be interviewing the finalists for the Town Manager position. The interviews will be held here and televised. Both start at 6:00 p.m. There may be a meeting on November 22, if needed and Special Town Meeting is on the 28th.

PUBLIC COMMENT:

Mr. Alonzo reminded all of the Boys and Girls Club of Lunenburg Rockin Auction fundraiser on November 19th at the Eagles Club in Leominster from 7- 11 p.m. There will be live music, raffles, food and refreshments and several auctions. He encouraged everyone to attend and buy tickets at <http://bgcluboflunenburg.org>.

Motion: T. Alonzo

To adjourn the meeting at 8:44 p.m.

2nd: P. Luck

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager