

BOARD OF SELECTMEN  
MEETING MINUTES  
8/16/11

*JF 29* — *PB* *SM*

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Paula Bertram, Steven M. deBettencourt, Ernie Sund, Tom Alonzo, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:00 P.M. with the Pledge of Allegiance

**PUBLIC COMMENT**

Tom expressed appreciation to the Turkey Hill Gardeners on the work that has been done over the weekend as the plantings in the center are a beautiful sight.

Ernie is looking forward to seeing the Library's Cardboard Boat race televised on the local access channel.

Tom questioned if we could find out from Unitil what exactly happened to cause today's power outage. He understands that there was some failure of sub-transmission line. Per Kerry she was told that Unitil had sent a communication to dispatch and that several towns were out. Ernie did contact the Unitil call line and it was reported that Ashby, Townsend, Fitchburg and Lunenburg were out and they expected power to be restored by 8:00 PM.

**ANNOUNCEMENTS**

The Lunenburg High School Senior Class of 2012 will host an annual Electronic Recycling Fundraiser in the high school parking lot, rain or shine, on Saturday, August 27th and September 10th from 8:00 AM to 12:00 PM. All electronic items, regardless of condition, may be dropped off at LHS during the above mentioned times and recycled for approximately \$5 per cubic foot. Items accepted include TVs, computers, VCRs, DVD players, speaker, phones, stereos, AV equipment, air conditioners, space heaters, microwaves, small refrigerators, and more. This opportunity is one of the least costly ways to properly dispose of electronic items and also serves as a fundraiser for the senior class. Get rid of those unwanted items and come down to support Lunenburg High School's Class of 2012!

**APPOINTMENTS**

**CURRENT BUSINESS**

1. **FY2012 Town Manager Goals** – Chair, Dave Matthews provided the following to board members based upon previous discussions.

**Goal # 1: Website**

- Decentralize Content Management –
- Organization of Website: Minutes, budgets, forms, zoning/general by-laws on line –
- Procedures for Training –
- Policies and guidelines -

**Goal # 2: Departmental Metrics**

- Produce Organizational Chart with job descriptions –
- Establish Method of Metrics upon which to Measure Department Performance –
- Tie budgeting to performance metrics –
- Investigate Outsourcing opportunities –
- Produce Organizational Chart with job descriptions -

**Goal # 3: Budget**

- 10 year budget retrospective by department including staff levels, outsourced operations, reduced services or realized capital investment efficiency gains -
- Quarterly budget updates with Executive Summary of changes, challenges and steps taken to remain in budget –
- Continue 5 year operating budget projection – Charter requirements
- Restart 5 year Capital Plan with financing options – Charter requirements

**Goal # 4: Personnel Matters**

- Source or develop and implement employee review forms formatted for specific levels, front line, supervisory and management – some discussions on these as far as bargaining unit employees. Just meant to be informational and for education. Kerry is not aware of any CBA that prohibits evaluating employees.
- Develop format to include board, committee or commission input in reviews of employees with which they interact extensively –
- Provide board details of general corrective action procedures by group –
- Generally report corrective actions taken quarterly with next steps without divulging specific names – not putting personnel information out, just so that the board is aware of issues.

Tom move to officially adopt the Town Manager Goals for 2012, Steve seconded, voted unanimously.

2. **Minutes** – Board of Selectmen Regular session for 8/2/11 and Executive Session for 8/2/11 reviewed and signed.  
**Warrants** - #4P 12, 8/18/11 - \$459,489.48 and #8 12, 8/9/11 - \$914,485.91 reviewed and signed.

**Action File Issues** – Steve questioned where we stand with Chapter 90 funding and per Kerry, District III did not have any money to release and therefore were not signing off on any requests. We have to date nearly expended all of our Chapter 90 funds. Governor has since signed off on the Means Bill and as the DPW Director is on vacation this week, she will get the information for the board next week.

Tom would like to have an update on the affordable housing number and how close we are to attaining the 10% number.

### 3. **Committee Updates** –

Ernie, Capital Planning met and is streamlining some of the process and forms that were redundant and will be sending these out to departments. Expect to have recommendations to Town Manager by December 31<sup>st</sup>.

Paula Planning Board meeting, DPW Building requires Development Plan Review and they are currently expediting the process through a review engineer so that it doesn't hold up the project.

Emerald Place will be constructing an office on their property. 86 units are currently rented and the next building that is being built is all rented out. Planning Board is also in the process of reviewing a couple of solar farm proposals.

Steve noted that the DPW Building Committee hasn't recently met and if there are going to be any changes as a result of the review process, this is a little too late in his estimation. Per Kerry the project will be split between the renovation of the old building and then the new building as the renovation will not be impacted by the Development Plan Review. It is the new building that will be subject to the Development Plan Review and David Ross Associates has agreed to this project pro-bono. Noted that every board has had the opportunity to review the project, it's just that this was not packaged up to go through the formal process. Dave is surprised that there is a lag here and that this was not brought up to the committee. Paula noted that Joanna (Planning Board Rep to DPW Building Committee) was surprised to hear that this project did have to go through the Development Plan Review. Agrees that this is very late in the process to realize that it has to go through the Development Plan Review.

School Committee has invited board members to meet the interim High School Principal prior to their School Committee meeting tomorrow night.

### 4. **Department Updates** -

5. **Town Manager Updates** – Town received notice that we did not receive the MRPC Grant for the Senior Center parking lot. These grant funds are sought of after more and more and in this particular round of grants, no Senior Center applications were approved. The COA met today and will be sending information to Kerry as to how they want to proceed with this project. She also has had correspondence from MRPC, Shelly Hatch's replacement and he is willing to provide the comments that he's received from the State. Kerry asked the Director of the Senior Center to look at alternatives to come up with a creative solution. The need hasn't gone away, but not sure that this grant in the future is going to be a solution to this problem. Dave commented that the septic system removal seemed to be the largest aspect of the project and questioned whether there is some way to determine if this could be done more cost effectively. Kerry is sure that we could have some additional testing to determine the condition of the soils. Ernie commented that once you get to the layer of contaminated soils, you have to remove according to regulations, but doesn't expect that the bottom layer may not be as contaminated as much as may be expected as hasn't been used since sewer was connected. Paula would recommend contacting Jim Garriffi, Board of Health Sanitarian for his input in a written form would be beneficial. Looking at other avenues also makes sense, need to look at these options to determine which would make the most sense. Noted that she was very concerned about the cost of the project and if we are able to bring that cost down, would like to look into this once again. Possible to make some gains with local funding and get some usable parking sooner rather than later.

The ABCC appeal for Scooter's that was scheduled for Wednesday has been settled and there is no longer a need to attend.

### OLD BUSINESS

1. **Update 925 Massachusetts Ave. – tanks** - Fire Chief indicated that he believes he has statutory authority to enter onto the property to drain the tanks and provided information from Town Counsel that we had received a couple of years ago. We have received a couple of quotes to have the tanks drained, one from Clean Harbors about \$5,000 to come in, clean out the tanks and put them in inactive use. Also received another quote, but this is all time and materials. Interestingly enough we're looking at approximately the same amount as was previously submitted a number of years ago. Noted that the Finance Committee will be meeting and Kerry would like to present to them and request that this money be earmarked to come from the Reserve Fund as a source of funding.

Tom questioned if there is any chance that we can do this and assign this cost to the property owner and Kerry does believe that there is. As such, Tom would like to ensure that we do everything by the book and if there is some way to recoup, then we seek reimbursement. Kerry did speak with the Chair of the Board of Health and any action that they would take would have to go through the court system, but if we pursue under 510 CMR, through the Fire Department, that would not require court action. She will follow up with the Finance Committee and it's her intention to have this done before Labor Day.

2. **Policies – standardized format & prioritization** – Board would like to have the documents standardized into one document. It would be better if we had a working policies and procedures file that we can work from. Paula would like to have a workshop to prioritize which ones we want to work on as there are many that may be eliminated. Board would like to have this all digitally first. First workshop on this will be on the 6<sup>th</sup> of September instead of a televised meeting, board members will have a list next week to focus on Section F of the boards' policies.

3. **Update Jones House, schedule** – We had put out an RFP that had restrictions on the property and a minimum bid and no bids were received. The Historical Commission again looked at the restrictions and they are firm that everything (historical restrictions) that's in that document should remain. They had about the same discussion as the Board of Selectmen with regards to the minimum price and that this is a Board of Selectmen decision. Noted that some of the comments that we received during the bidding process were lots of different comments on the minimum bid, the lot was small. She thought of the funding and restrictions given the banking climate may it difficult for bidders and suggested that we may want to look at granting back a percentage of the purchase price over a period of time as an incentive to get the project completed in a specified period of time. Perhaps being creative, we may get more interest in this project. Our facilities manager is very aware of any issues that may be going on over there and these are addressed. Believe that if we have a longer advertising period may be more beneficial and don't see that we have any reason not to extend the time for bidders to respond given the current condition of the building. We have to advertise in the Central Register for a period of 30 days, so that's not going to hold this up.

Ernie commented that if this second bid does not go through, then we should investigate whether the Historical Commission would be receptive to putting a plaque on the site and having the building removed. Understand the historical aspect but at some point this may become a danger. We offered the building at a minimum bid of \$80,000 and the land value alone in \$120,000 and yet we didn't receive a bid.

Paula noted that she was aware that one of the concerns was that this building could not be used for a commercial enterprise and there was a question whether this was prohibited, which Kerry did investigate and this would not be a prohibited use.

Paula noted that the Planning Board is again looking at the Master Plan and reassessing the town owned property's, she is concerned about not lifting any of the historical preservation restrictions. Would suggest we re-look at the property and see if some type of commercial enterprise would be allowed, if this could be a catalyst for getting bidders, then we should look at this. We as a board could send a letter to the Planning Board to request that they look at the town center zoning overall. Our goal is to preserve that property and if we can't get any bids, we aren't going to be able to maintain it.

Tom would like to see us sell this as an historical building and you have to reach people who are interested in restoring historical buildings, he believes that going out to bid with no minimum bid, and allowing more time would suffice. Should it be determined that the building is in imminent danger, then we could consider taking it down. Steve noted that you have a house that needs more work than the land is worth, is willing to go out to bid a second time. Kerry would suggest we look at advertising for 90 days or more in multiple magazines. Worthwhile to have the Planning Board look at this, but would be tough to have them address this within 30 days. Paula noted that parking is an issue on this site as well as throughout the town center and noted the number of projects that the Planning Board is currently reviewing. Consensus of the board is to go out for 90 days, without a minimum bid. Kerry will present the timetable to the board next week.

## **COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

### **EXECUTIVE SESSION**

1. M.G.L. Chapter 39, §23B to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.

### **UPCOMING MEETING SCHEDULE**

August 23, 2011

September 6, 2011

September 13, 2011

Tentative workshop scheduled for September 8<sup>th</sup> @ 6:00 pm at the Public Safety Complex to discuss the Regional Dispatch proposal. Kerry will also discuss with the Finance Committee. The IMA has been reviewed by Town Counsel, will prepare informational packets for the board with the budget proposal. Commented on our facility and noted that we already have the windows and doors necessary, and as such won't have a large capital expense should we continue to pursue. Devens, Lancaster, Harvard are currently in. Shirley is struggling with this and we are just not moving as quickly as the other communities. Harvard has a Q & A document which is quite a volume of information and Kerry will provide this to the board. There are requirements for Emergency Medical Dispatch that were put into play some time ago, where we will be required to provide emergency medical dispatch and the dispatcher is required by law to go

through a pre-determined set of steps to address the emergency with persons seeking assistance. Ernie would like to know how the Broadband connect would work if it's determined that regionalization were the case.

Being no further business board voted unanimously to adjourn Regular Session at 8:15 P.M. and opened Executive Session by roll call vote; Steve aye, Tom aye, Paula aye, Ernie aye and Dave aye, in accordance with M.G.L. Chapter 39, §23B for the purpose of discussing strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Chairman announced that the Board would not be returning to Regular Session.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen

## 1.02: continued

(4) Special Equipment. Special fire protection equipment shall be installed when adequate fire protection is not being provided or hazardous or dangerous conditions exist, as determined by the head of the fire department. The special fire protection equipment shall be installed in accordance with the requirements of 527 CMR and 780 CMR.

(5) Existing buildings: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of 527 CMR pertaining to any of the following matters:

- (a) Fire protection of structural elements except as provided for existing buildings under 780 CMR.
- (b) Exits required, except as provided for existing buildings under 527 CMR and 780 CMR.
- (c) Isolation of hazardous operations and mixed uses; provided, however, that the head of the fire department shall require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the head of the fire department shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

1.03: Enforcement Authority

(1) Enforcement Official. It shall be the duty and responsibility of the Marshal or the head of the fire department or his designee, to enforce the provisions of the code as herein set forth.

(2) Coordinated Inspections. Whenever in the enforcement of 527 CMR, another code, ordinance or by-law is the responsibility of more than one code official of the jurisdiction is involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the building or structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance, code or by-law of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(3) Right Of Entry. The marshal, an inspector, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by M.G.L. c. 148, or in the furtherance of the purpose of any provision of any law, ordinance or by-law relating to the subject matter of M.G.L. c. 148 or of any rule or regulation contained in 527 CMR, or any order of the marshal or head of the fire department, enter any reasonable hour any building or other premises, or any ship or vessel, to make an inspection or investigation, without being held or deemed to be guilty or trespass. (M.G.L. c. 148, § 4.)

(4) Investigation Of Fires. The head of the fire department shall investigate the cause and circumstances of every fire or explosion to determine if such fire was caused by carelessness or design. The investigation shall be made forthwith if it appears to the official making such investigation that the fire or explosion is of suspicious origin or is the result of a violation of law or, if he is unable to determine the cause, he shall immediately notify the marshal. All other fires shall be reported in writing to the marshal within 48 hours, excluding Sundays and holidays on forms furnished by the department. (M.G.L. c. 148, § 2).

(5) Fire Records. The head of the fire department shall keep a record of all fires or explosions, with the results of such investigations, and such records shall be open to the public.

((6) Administrative Liability: Reserved)

((7) Jurisdictional Liability: Reserved)

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

1.03: continued

(8) Duties of the Head of the Fire Department. Whenever the maintenance, operation, or use of any land, building, structure, material or other object, or any part thereof, including vehicles used in the transport of hazardous materials constitutes a fire or explosion hazard which is dangerous or unsafe, or a menace to the public safety (including, but not limited to, fires, explosions, hazardous material incidents, motor vehicle accidents, structural collapses, mass casualty incidents and emergency extrication incidents) and the action to be taken to eliminate such dangerous or unsafe condition or conditions which create, or tend to create, the same is not specifically provided for in 527 CMR, and unless otherwise prohibited by law, ordinance, by-law, regulation, the head of the fire department is hereby authorized and empowered to take such action as may be necessary to abate such dangerous or unsafe condition or conditions (directing employees of other city or town departments and agencies) and including the evacuation of buildings and/or the transport or hazardous materials, the speed, routes, amounts, and hours of transport through the city, town or district shall also be regulated.

1.04: Permits

(1) Enforcement. The head of the fire department shall grant permits as required by 527 CMR or as required by M.G.L. c. 148 and make such inspections as required in M.G.L. c. 148.

(2) Application. Application for a permit required by 527 CMR shall be made on form furnished by the department or as provided by the head of the fire department.

(3) Conditions of Permit. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of 527 CMR. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of 527 CMR. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

(4) Approved Plans. Plans approved by the head of the fire department are approved with the intent they comply in all respects to 527 CMR. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of 527 CMR.

(5) Revocation of Permit. The head of the fire department may revoke a permit or approval issued under the provisions of 527 CMR if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

(6) Suspension of Permit. Any permit issued shall become invalid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.

(7) Payment of Fees. A permit shall not be issued until the designated fees have been paid.

(8) Where Required. The head of the fire department or his designee shall have the authority to issue the following permit types, as described in 527 CMR and M.G.L. c. 148.

Permit Type	Reference
Blasting	527 CMR 13.04(2), 13.04(11)
Bonfires and Burning Christmas Trees	527 CMR 10.23
Bowling Pin and Lane Refinishing	527 CMR 10.15
Cannon and Mortar Firing	527 CMR 22.03
Cellulose Nitrate Film	527 CMR 10.27
Combustible Fibers	527 CMR 28.03
Compressed Natural Gas (CNG)	527 CMR 26.08
Covered Mall Buildings	527 CMR 10.26



Clean Harbors Environmental Services, Inc.  
238E Cherry Street  
Shrewsbury, MA 01545  
www.cleanharbors.com

August 9, 2011

Attn: Mr. Scott Glenny  
Town Fire Department  
655 Massachusetts Avenue  
Lunenburg, MA 01462

Quote #1266746

Dear Mr. Glenny:

Thank you for considering Clean Harbors Environmental Services, Inc. for your environmental service needs. We provide a broad range of environmental services including hazardous and non-hazardous waste transportation and disposal, laboratory chemical packing, emergency response, field services and industrial maintenance. We are pleased to provide this proposal based on the scope of work outlined below.

We offer our clients a broad spectrum of environmental services and the ability to dispose of hazardous material at or through a Clean Harbors' owned and operated facility. In addition to managing your waste streams, a Clean Harbors' professional can assist you with:

- Waste Transportation & Disposal
- Laboratory Chemical Packing
- Field Services
- 24-Hour Environmental Emergency Response
- Industrial Services
- Apollo Onsite Services

I look forward to servicing your environmental needs. When you are ready to place an order, please contact our Customer Service group at 800.444.4244. If you have any questions or need further assistance, you may reach me at the number below.

Sincerely

A handwritten signature in black ink that reads "David W. Laudani". The signature is written in a cursive, flowing style.

David W Laudani  
Field Operations Manager  
Phone: 508.842.8014



August 9, 2011  
Clean Harbors, Quote #1266746

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Scope of Work:

- \* Mobilize crew and equipment to job site.
- \* Upon arrival, a health & safety meeting will be conducted.
- \* Pump Out (2) 10,000 gallon UST containing gasoline.
- \* Pump Out (1) 4,000 gallon UST containing diesel fuel.
- \* Manifest waste off site to an approved Clean Harbors facility
- \* Inert tanks with dry ice (15lbs per 1000 gallon capacity) and cap vents with 1/8" vent caps.



August 9, 2011  
Clean Harbors, Quote #1266746

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### QUOTE SUMMARY

Description	Estimated Amount
TASK 1: PUMP OUT (3) UST'S	\$3,035.00
TASK 2: TANK WASH	\$150.00
TASK 3: INERT (3) UST'S WITH DRY ICE	\$1,700.00
<b>ESTIMATED QUOTE TOTAL*</b>	<b>\$4,885.00</b>

\*Quote total is an estimate. Final billing will be based upon actual quantities of resources used and/or volumes of waste produced in performance of the quoted services.



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 Clean Harbors, Quote #1266746

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**TASK 1: PUMP OUT (3) UST'S**

**TASK 1: TOTAL LABOR, EQUIPMENT, AND MATERIAL \$1,535.00**

**DISPOSAL**

Profile/Waste Code	Waste Description	Qty	UOM	Price	Total
A23	BILAYERED SOLVENT/WATER	500	gallon	\$1.25	\$750.00
A32	SPECIFICATION OIL & WATER	500	gallon	\$0.94	\$750.00
				<b>Total</b>	<b>\$1,500.00</b>

The following minimum price(s) will apply:

Profile/Waste Code	UOM	Minimum Price
A23	load	\$750.00
A32	load	\$750.00

**Surcharges, if applicable**

Description	Rate	Rate UOM	Lower Limit	Upper Limit	Range UOM
<i>Profile/Waste Code(s) A23:</i>					
Solid surcharge, Bulk	\$0.055	Gallon	1.00	1.99	Percent
	\$0.11	Gallon	2.00	2.99	Percent
	\$0.165	Gallon	3.00	3.99	Percent
<i>Profile/Waste Code(s) A32:</i>					
Solids Upon Treatment Surcharge - Percent	\$0.035	Gallon	5.00	5.99	Percent
	\$0.07	Gallon	6.00	6.99	Percent
	\$0.105	Gallon	7.00	7.99	Percent

**TASK 1: ESTIMATED TOTAL DISPOSAL \$1,500.00**

**WASTE CLASSIFICATIONS SPECIFICATIONS**

Waste Code	Description
A23	<p><b>Bilayered Solvent/Water</b></p> <p>Non-detectable PCBs                      Less than 5 percent organic halogen/sulfur                      pH between 2-12                      Waste codes and treatability acceptable for CES                      Less than one inch solids in drum                      No pesticides, biocides, or cyanides                      No chelating agents, surfactants, or emulsifiers                      Up to 100ppm phenol                      Must not set-up with water or with organic solvents</p>



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### WASTE CLASSIFICATIONS SPECIFICATIONS

Waste Code	Description
A23	<p><b>Bilayered Solvent/Water</b></p> <p>PRIMARY DISPOSAL METHOD: FUELS BLENDING/CES/INCINERATION</p>
A32	<p><b>Specification Oil &amp; Water</b></p> <p>Non-detectable concentration of PCB's Organic Halogen less than 1,000 ppm pH between 2-12.5 Must be petroleum-based oil (greater than 5000 BTUs/lb) No pesticides Flash point greater than 100°F Cannot be mixed with other hazardous waste Total Cadmium less than 2 ppm Total Chrome less than 10 ppm Total Arsenic less than 5 ppm Total Lead less than 10 ppm Less than one inch of solid in the drum Greater than 5 percent water PRIMARY DISPOSAL METHOD: OIL RECOVERY/WASTEWATER TREATMENT</p>

### TASK 2: TANK WASH

Amount	Description	Qty/UOM	Days	Price	Total
1	Tank Wash	1 each	n/a	\$150.00	\$150.00
				<b>Total</b>	<b>\$150.00</b>

**TASK 2: TOTAL ESTIMATE** **\$150.00**

### TASK 3: INERT (3) UST'S WITH DRY ICE

**TASK 3: TOTAL LABOR, EQUIPMENT, AND MATERIAL** **\$1,700.00**