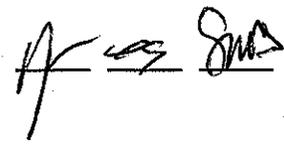


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**BOARD OF SELECTMEN  
MEETING MINUTES  
11/9/10**

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.

Chair, Bertram commented that we are privileged to have members of the American Legion and Veterans from around the area present here tonight in honor of Veterans Day on Thursday, November 11<sup>th</sup>. This Veteran's day, she urges everyone to reflect on the tremendous sacrifice of those who have served and those who continue to serve so that we may be free. Veterans Day is a day for all of us to thank the men and women who have served during times of war and times of peace.

As a tribute to our veterans, Paula read the following poem by Joanna Fuchs

**The Noble and the Brave**

When America had an urgent need, these brave ones raised a hand; no hesitation held them back; they were proud to take a stand. They left their friends and family; they gave up normal life; to serve their country and their God, they plowed into the strife. They fought for freedom and for peace on strange and foreign shores; some lost new friends; some lost their lives in long and brutal wars. Other veterans answered a call to support the ones who fought; their country had requirements for the essential skills they brought. We salute every one of them, the noble and the brave, the ones still with us here today, and those who rest in a grave. So here's to our country's heroes; they're a cut above the rest; let's give the honor that is due to our country's very best.

Asked everyone to please stand, and have our honored guests lead us in the pledge of allegiance.

Thank you all for coming and thank you for your service to this Country.

**PUBLIC COMMENT**

Paula expressed appreciation to the School Committee for their program on Rachel's Challenge. Rachel Scott was the first person killed at Columbine High School on April 20, 1999. Her acts of kindness and compassion coupled with the contents of her six diaries have become the foundation for one of the most life-changing school programs in America.

Rachel's Challenge exists to inspire, equip and empower every person to create a permanent positive culture change in their school, business and community by starting a chain reaction of kindness and compassion.

Rachel's Challenge Objectives for Schools:

- Create a safe learning environment for all students by re-establishing civility and delivering proactive antidotes to school violence and bullying.
- Improve academic achievement by engaging students' hearts, heads and hands in the learning process.
- Provide students with social/emotional education that is both colorblind and culturally relevant.
- Train adults to inspire, equip and empower students to affect permanent positive change.

A number of programs are being done at the school to recognize the Challenge.

**ANNOUNCEMENTS**

**APPOINTMENTS**

1. 7:30 PM – **Presentation of 5-Year Financial Forecast & 10 Year Trends Monitoring** – Kerry acknowledged the presence of the Government Studies Class from the High School and their teacher Mr. Warren Stevenson in the audience. Presented the attached Financial Summit.

Paula questioned if Kerry has a strategy to receive public input prior to the Budget Public Hearing scheduled for February 2011. Kerry would recommend getting as much information as possible out to the people throughout this process and all of the budget scenarios. Paula noted that this presentation and information will be available in the Selectmen's office and on the website. Tom noted that we have to start with addressing the Town Manager's assumptions and determining whether or not we accept those assumptions.

Dave noted that these deficits are based upon the assumptions and that we have challenges; it's not a case that we're already in this hole and we're trying to get out.

**Proposal to borrow against Chapter 90 Allocation -**

Kerry requested information from Treasurer, Jeff Ugalde to provide the board with the following analysis of Chapter 90 funding information: 15 year current maximum borrowing term for installing macadam pavement or other road material as set by DLS guidelines: **"ASSET USEFUL LIFE SCHEDULES AND MAXIMUM BORROWING TERMS"**, effective October 18, 2010. Annual Payment = \$325,000 15 year repayment schedule @ 2.25% borrowing rate, \$4,099,000 borrowing capacity.

Dave noted that if we borrowed 4 million we couldn't do anything for 15 years out. The list (roads in disrepair) keeps growing but we don't have any funds to do anything about it. Steve questioned how much on the 4 million would be interest, and per Jeff \$776,000.00

would be interest over 15 years, \$325,000 / year would be the principal payment. Per Kerry if we decided to permanently finance it would be 24 months, if we decided to do some temporary financing could be for 4 years but would incur additional interest costs. Steve contention is that many of our roads have already been paved and this way we could try to get ahead of the roads. Per Tom according to the DPW Director, it would cost 10 million to get the roads repaired and then what happens to the roads throughout the road maintenance program. Spending all this money for two or three years of work and we're not addressing the long term issues. Dave would like to come up with a plan, and believes that borrowing against chapter 90 is shortsighted and not looking farther down the road for the roads that need to be fixed.

Paula expressed appreciation to Steve for bringing this idea forward and noted we need to try to be creative and explore all options; to look outside the box.

Kerry agrees that we need to come up with a long term solution for fixing the roads, in the financial forecast she has put in ¾ of a million realizing that this is not going to cover the repairs in accordance with the program. It's time to have an in depth discussion on how we're going to finance the road infrastructure in town.

## **CURRENT BUSINESS**

1. **Request from Lions Club for Voluntary Road Block** - the Lions Club request to hold their Roadblock's at the corner of Electric Ave. and Whalom Road and the town center, Route 2A & Main Street on Saturday Nov. 13th with a rain date of the 20<sup>th</sup>, from 8:00 AM - 2:00 PM. Paula recused herself and turned over to the Vice-Chair, Steve deBettencourt. Police Chief has no concerns noted. Board of Selectmen voted unanimously to approve.

2. **Acceptance of Donation: Emerald Place, LLC to Historical Commission** -- Patrick Slattery, member of Historical Commission requesting the board accept a gift to the town. He noted that at the suggestion of town resident Gerry Hyde a number of years ago for the preservation of a number of historical town records, totals 35 rolls of micro film. Since Pat's appointment to Historical Commission he has taken this on as a project and has a proposal that would take the rolls, scan them and digitize them into a PDF format so that they could be stored by the town for \$2,704.50, would be furnished on three memory sticks and all information would be indexed. One (memory stick) to town, one to Historical Commission and one to Historical Society. As this is a gift, Kerry advised Mr. Slattery that the board would have to accept and would be gifted as a donation to the town by Emerald Place. Pat is still the liason between the town and Emerald Place.

Ernie motion to accept and expressed appreciation to Mr. Slattery for all his work, Steve seconded and expressed appreciation to Emerald Place for this donation. Tom echoed Steve's appreciation to Emerald Place and noted Gerry Hyde's efforts in getting this accomplished.

3. **Minutes** -- Board of Selectmen Regular session for 9/21/10, 11/2/10 and Executive Session for 11/2/10 reviewed and signed.

**Warrants** - #10P 11, 11/10/10 - \$63,412.53 and #25 11, 11/9/10 - \$462,353.66 reviewed and signed.

### **Action File Issues -**

Dave questioned issues at Vegas Lounge and whether the issues have been addressed. Per Kerry property owner held a meeting with the two tenants, Vegas and Miss Tanya's Dance studio and they have worked out a solution. Kerry has asked Chief for a follow up on this and per Paula she spoke with the operator of the dance studio and the issues have been resolved. Tom also had conversations with the complainant and concurred.

Steve noted street lights that are out and would like to have the police that are on patrol to report the pole numbers so that we could get addressed. Kerry would like to have the approximate locations so that she could notify the police department and she will make sure that this is taken care of. Paula noted that she and Kerry will be having a meeting with Unutil next week and it would be helpful if she would have an idea of the streets/area.

## **4. Committee Updates -**

- Ernie, Capital Planning Committee met last week and reviewed the warrant article for the police cruisers; the committee voted unanimously to approve this article. Noted that it is not the usual practice of the Capital Planning Committee to place an article on a special town meeting warrant but as the Ford Crown Victoria will no longer be available after March 2011, the committee has approved the purchase of three new vehicles as this is the same model that the Police Department currently utilizes for cruisers. No proposal for funding as this is determined by the Town Manager and will be made at Town Meeting.

Steve noted that he is still waiting for the entire list of capital planning requests, Kerry will follow up on.

## **OLD BUSINESS**

### **1. Town Meeting Warrant Articles -**

**ARTICLE 1.** To see if the Town will vote to raise and appropriate or transfer from available funds all sums of money necessary to amend the amounts voted for the Town's FY'11 Budget, under Article 14 of the May 1, 2010 Annual Town Meeting Warrant; or take any other action relative thereto. *Submitted by Town Mgr. Board of Selectmen recommendation @ Town Meeting.*

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11, FY12 & FY13 Police Officers Collective Bargaining Agreement dated July 1, 2010 – June 30, 2013 with IBPO Local 353, AFL-CIO; or take any other action relative thereto. *Submitted by Town Mgr. Kerry does not anticipate a settlement.*

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the FY11, FY12 & FY13 Public Safety Telecommunication Unit Collective Bargaining Agreement dated July 1, 2010 – June 30, 2013 with Teamsters Local #170, Worcester, MA; or take any other action relative thereto. *Submitted by Town Mgr. Board of Selectmen recommendation @ Town Meeting.*

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, transfer from available funds, transfer from the Stabilization Fund or borrow a sum of money for Alternatives Analysis for Summer Street improvements and all costs incidental or related thereto; or to take any other action relative thereto. *Submitted by Town Mgr. Kerry has received information that this will cost \$56,000 cost associated with the analysis Kerry will circulate information to Board of Selectmen. Board of Selectmen recommendation @ Town Meeting.*

**ARTICLE 5.** To see if the Town will vote to appropriate or transfer a sum of money in accordance with MGL Chapter 44, §53C, the Police Special Fund, for the purpose of paying special detail salaries for off duty details (outside functions) of members of the Police Department. Charges and money received from outside organizations in connection with this program are to be deposited in said special fund and expended by the Lunenburg Police Department without further appropriation for the sole purpose of paying personnel for hours worked; or take any other action relative thereto. *Submitted by Town Mgr. Per Kerry this is a requirement of the last contract with the police, similar to what the school department has with custodians, but is different MGL than the other revolving funds. Noted that in the settlement there was no dollar amount decided upon, she is meeting with the union to discuss this on Friday. This would be an initial appropriation of \$10,000; seed money. The town could pay up to the total, if the funding is ever exceeded the town is not going to expend any further. The intent is to help curb the cash flow for the special details. Per Tom it ties up money and doesn't spend money. Ernie questioned if we run out of money, can they refuse the work? Kerry noted that this would allow them to get paid in the event a vendor does not pay timely. She noted that we have a collection process that we could go through to obtain the funds from vendors. The \$10,000 stays with the fund unless there is some other action by town meeting. Board of Selectmen recommendation @ Town Meeting.*

**ARTICLE 6.** To see if the Town will vote to accept the layout as a Town Way of Lena Lane as shown on a plan entitled "Lena Lane Acceptance Plan of Land in Lunenburg, MA Prepared for Gerard A. Albert, November 26, 2008, by Whitman & Bingham Associates, LLC, Registered Professional Engineers & Land Surveyors, 510 Mechanic Street, Leominster, MA 01453", and to authorize the Board of Selectmen to accept or take by eminent domain deeds and easements as may be necessary therefore, or take any action relative thereto. *Submitted by Town Mgr. Tom questioned why is this back on the warrant and what are we missing that we should have done at the Annual, noted unfortunate that wording was missed and this is specifically why Town Counsel reviews the articles. Board of Selectmen recommends approval.*

**ARTICLE 7.** To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow the sum of \$105,000.00 for the purchase of new Police Cruiser(s) and related equipment; or take any other action relative thereto. *Capital Planning Committee recommends approval. Board requested a presentation from the Police Department on the vehicle request. Board of Selectmen recommendation @ Town Meeting.*

**ARTICLE 8.** To see if the Town will vote to accept M.G.L, Chapter 32B, §20 - to establish an Other Post Employment Benefit (OPEB) Liability Trust Fund; or take any other action relative thereto. Kerry would recommend that the board approve the establishment of the Liability Trust Fund. *Board of Selectmen recommends approval.*

**ARTICLE 9.** To see if the Town will vote to amend the Sewer Service Area Map, such revisions currently on file in the office of the Town Clerk and Board of Selectmen; or take any other action relative thereto. *Board of Selectmen recommends approval.*

**ARTICLE 10.** To see if the Town will vote to transfer custody of the property identified by Assessor's Map 60, Lot 55, (Jones House, 42 Main Street) from the Board of Selectmen for lease purposes to the Board of Selectmen for the purpose of sale and to authorize the Board of Selectmen to sell the parcel of land or any portion thereof, identified by Assessor's Map 60, Lot 55, recorded with Worcester Northern District Registry of Deeds in Book 488, Page 10 containing .23± acres on such terms and conditions and for such monetary consideration as the Board of Selectmen deems to be in the best interest of the Town; or take any action relative thereto. Board requested that the Historical Commission come before them prior to town meeting with regards to their recommendation. *Board of Selectmen recommends approval.*

**ARTICLE 11.** To see if the Town will vote to accept M.G.L, Chapter 83, §'s 16A through 16F for the collection of sewer rates and charges, together with interest thereon and costs relative thereto; or take any other action relative thereto. *Board of Selectmen recommends approval.*

**ARTICLE 12.** To see if the Town will vote to accept M.G.L. Chapter 200A, §9A, an alternative procedure for Disposition of Abandoned Funds; or take any action relative thereto. *Board of Selectmen recommends approval.*

**ARTICLE 13.** To see if the Town will vote to transfer custody of the property at 27 Youngs Road, (closed Landfill) and identified as Assessors Map 115, Parcel #16 from the Board of Selectmen for landfill purposes to the Board of Selectmen for the purpose of authorizing the Town Manager to enter into a lease, license or other contractual agreement of not more than 25 years in duration, subject to terms and conditions approved by the Board of Selectmen, for the purposes of installing solar energy generating facilities to supply solar electric power for the Town, provided that no such lease, license or other contractual agreement will be executed for said purposes until after the Selectmen have held a public hearing for the purposes of determining whether, in the opinion of the Selectmen, no clearly superior and readily available site should be leased for these purposes, and further that no lease shall be executed prior to consultation with the Board of Selectmen; or take any action relative thereto. *Board of Selectmen recommends approval.*

**ARTICLE 14.** To see if the Town will vote to initiate the process to aggregate its electrical load, pursuant to M.G.L Chapter 164, §134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process of establishing a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Lunenburg have a substantial economic and social interest at stake, and;

Whereas the Town of Lunenburg hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Lunenburg hereby: Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or take any other action, relative thereto. *Board of Selectmen recommends approval.*

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

### **EXECUTIVE SESSION**

### **UPCOMING MEETING SCHEDULE**

November 16

November 23

November 30, Special Town Meeting

Being no further business board voted unanimously to adjourn Regular Session at 8:53 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen