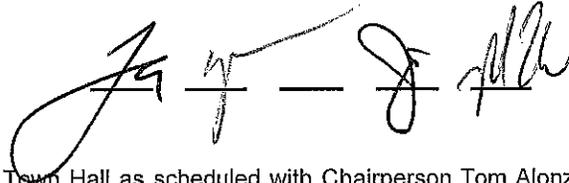


**BOARD OF SELECTMEN
MEETING MINUTES**

2/11/2014



The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Chairperson Tom Alonzo, Dave Matthews, Jamie Toale, and Robert Ebersole.

Not present Vice Chairperson Paula Bertram & Town Manager Kerry Spedel

Regular Meeting opened at 7:20 PM

7:00PM PUBLIC COMMENT - Dave Blatt, Chairperson of the Green Communities Task Force presented a grant check in the amount of \$157,225.00 along with a certificate and 4 street signs which state that Lunenburg is a designated Green Community to the BOS.

Mr. Alonzo thanked Mr. Blatt for the work that they have done to make this designation possible.

ANNOUNCEMENTS

Mr. Alonzo announced that the Citizens Party Caucus will be held on March 17th, 8PM, at the Turkey Hill Middle School. Seats to be filled this year are as follows:

- Selectmen – 2
- Board of Health – 2
- Board of Assessors – 1
- Sewer Commissioner – 1
- School Committee – 2
- Park Commissioner – 1
- Commissioner of Trust Funds – 1
- Cemetery Commissioner – 1
- Library Trustees – 2
- Planning Board Member – 1
- Housing Authority - 1

Mr. Alonzo reminded all that the Boys & Girls Club will be having a fundraiser called "Are You Smarter Then a Sixth Grader" on 3/7/2014 and that they were looking for sponsors and contestants.

APPOINTMENTS - None

CURRENT BUSINESS

1. Update on MA Broadband Project/Implementation from IT Director: Tabled until the 2/18/2014 BOS meeting.

2. Review/Revise Charge of Building Reuse Committee: Mr. Toale explained to the BOS that the Building Reuse Committee had achieved all tasks that were identified in their charter and are asking what is next for this committee. He touched on what he believes should be the next focus of this committee as follows:

- Assembling the proper group of people with expertise on marketing properties
- Discuss consolidation plans for municipal functions and Town Hall renovations
- Decisions on what expenditures the Town chooses to make

He asked that the discussion this evening focus on who would be best to address these issues.

Discussion ensued among the board concerning the following:

- The need for an "on going" committee, who should serve on it, and what expertise members should possess
- Cross- department record management
- Marketing the vacant buildings in a timely manner
- Committee member's roles
- Prioritizing what the next steps should be
- Development of a new charge for what is needed now

Mr. Toale will schedule a meeting with the group to discuss who would like to remain on the committee, propose developing a new charter, and will report back any vacancies to the BOS.

3. Review Open Meeting Law Complaint - PACC: Mr. Alonzo reviewed parts of the Open Meeting Law Complaint which was filed with the Town Clerk concerning the PACC (Public Access Cable Commission). The complaint included the following:

- Lack of quorum
- Availability of scheduled meeting/Executive Session minutes for review
- Bylaw violations

- Agenda items
- Agenda posting issues

Mr. Alonzo stated that the Town Manager and the BOS have offered Open Meeting Law Seminars and require that people in different offices, that have any public body that meets either appointed or elected, need to follow the Open Meeting Law. We need to address this and correct it.

Mr. Matthews spoke to say that the Town Manager has indicated that if there is no quorum for this committee then the BOS will take over the operation and the day to day operations will fall to the coordinator. Mr. Matthews feels that the best solution would be to disband this committee, rescind the appointments, take time to consider this issue and start fresh.

Mr. Toale and Mr. Ebersole both voiced their agreement with Mr. Matthews assessment on how to proceed.

Discussion followed among the board members regarding the following:

- The BOS does not have authority to take action on any of the items in the complaint
- This item is before the BOS due to lack of quorum on the PACC
- BOS should let the complaint follow its path
- Question of whether or not a meeting of the PACC was held, with a quorum present, to approve all prior decisions

Fred Crellin, PACC member, spoke to the BOS and said that a meeting had been held to ratify the votes.

Mr. Ebersole added that the ratification of votes went back a couple of meetings and did not go back for the entire time of the complaint. Mr. Alonzo stated that now that there is not a quorum on the PACC, until this is remedied, we need to remand all authorities back to the BOS.

Lance May, PACC Chairperson, spoke in reference to a second set of PACC Bylaws that were recently passed at Special Town Meeting, it changed some of the language to the Town from the Attorney General's office. When Ms. Cheeseman resigned from the committee it became a 3 member board, and this was known to the BOS and the Town Manager at that time. Mr. May stated that he had asked the BOS liaison to the PACC what constitutes a quorum, and he referenced the Bylaw regarding quorum which states "a presence of a simple majority shall be necessary and sufficient to constitute a quorum for the transaction of business, votes shall be cast by members in attendance". It was relayed back to the PACC that the 3 individuals remaining on the PACC would constitute a quorum to conduct business. He added that they did try to follow what was the right way to do it at that time.

Mr. Alonzo spoke to say that he knew that conversation was had, and at that time, that was the operating principal that the Town and the PACC were operating under. He added that he did not want the membership to think that they purposely skirted the law. Since this has come up, we asked for an official interpretation from Town Counsel and he indicated to us that the language of quorum is clear in Massachusetts State Law that it's not a sitting membership but actual total potential membership.

Mr. May said that part of this complaint refers to meetings that were held in "2011" and we operated under the guidelines that we thought were established to be able to operate. There was no malice or forethought in what we were trying to do on behalf of the Town.

Mr. Alonzo stated that he would have no problem with the current committee members remaining on this committee and recommended the following:

- BOS take over this committee through the Town Manager
- Program Manager would continue to do the programming
- Work with existing members of PACC on revisions to the Bylaw
- Get new membership involved before Town Meeting in anticipation of getting the membership Bylaw changed

Mr. Ebersole added that his thoughts were that the current membership on this committee is what's limiting volunteers to the committee. In the corporate world you ask everybody to resign and reapply for appointment. We need to be clear on what we expect from committees.

Mr. Alonzo asked Mr. Ebersole to clarify his previous statement.

Mr. Ebersole replied that he had spoken to 3 people who would have no interest in joining that committee as long as the current membership was in place. He had also spoken with past members of this committee who have said the same thing.

Mr. Matthews spoke to say that this conversation is uncomfortable but we need to change our approach to this committee and a fresh start would help to achieve that.

Mr. Toale spoke to say that he would like input from anyone that knew about the PACC but was unsure if he would support special status with current members because there is no quorum.

Mr. Ebersole added that he was unsure if the BOS could rescind the PACC appointments due to BOS policies and he would like for the Town Manager to investigate that.

Mr. Alonzo ended this discussion by saying that nothing can be done this evening about rescinding appointments and moving forward PACC staff hours will need to be approved by the Town Manager. Due to quorum issues the PACC cannot meet or make any decisions until the quorum is met.

Mr. May and Mr. Crellin had nothing further to add to the discussion this evening.

4. Review PACC Bylaw; Discussion of Roles & Responsibilities: BOS discussed the following proposed changes to the PACC Bylaws as follows:

- Article IV Membership
 - Section 1. Number of Members: Change from 7 to 5 members
 - Section 8. Vacancies: Change to vacancies shall be filled by the BOS
- Article VI Officers
 - Section 4. Vacancy: Remove from first sentence: "with approval of the BOS".
 - Addition to second sentence: It shall be for the expired term of the previous incumbent "officer".
- Article IX Other Provisions

Add a Section 3. Annual Budget: PACC will submit an annual budget to the Town Manager for inclusion in the Annual Town Meeting Warrant. It shall be due when all other Town Department budgets are required to be submitted by the Town Manager either by request and/or Charter requirement. Said budget may be fully debated, discussed, and amended at the Annual Town Meeting.

- Article III Office: Remove this article.

Mr. Toale suggested that the majority of the PACC be required to have cable T.V.
Mr. Matthews suggested updating the PACC Mission Statement and would like to receive a copy of their Policy Manual.
Mr. Alonzo will review these suggested changes with the Town Manager and all changes will be place on the warrant for Annual Town Meeting.

5. Minutes/Warrants/Action File Issues

Minutes: 1/21/2014

<u>Warrants:</u>	2/10/2014	#17P-14	\$629,594.96
	2/11/2014	#41-14	\$248,965.98
	2/12/2014	#42-14	\$298,651.66

Action File Issues: Mr. Alonzo received a request from a resident of Flat Hill Road asking that the BOS revisit the dilapidated building on Flat Hill Road which has asbestos in it. The building is on the verge of collapse and the resident is concerned that if it falls, the asbestos may make its way into the water supply there. This issue will be forwarded to the Town Manager for further investigation regarding either the sale or demolition of the property.

7. Committee Report: Board of Health; Building Reuse Committee; Capital Planning Committee; Finance Committee; Library Board of Trustees; MPO; Planning Board; PACC; School Advisory Committee on Acceptance & Diversity; School Committee; School Building Committee; Sewer Commission; MA Broadband:

Board of Health – No Report

Building Reuse Committee – Discussed under Current Business

Capital Planning Committee /Finance Committee – Mr. Toale reported that the Capital Planning committee will be presenting there Capital Plan to the FinCom this Thursday evening.

Library Board of Trustees– No Report

MPO-No Report.

Planning Board- No Report

PACC- Discussed under Current Business

School Advisory Committee on Acceptance & Diversity- No Report

School Committee- No Report

School Building Committee- Mr. Matthews reported that this committee will meet tomorrow evening and that the designer has begun lining up various contracts. They will be re-establishing a working group to go through the design/bid process.

Sewer Commission- No Report

MA Broadband- No Report

6.Town Manager Reports or Department Reports: No Report

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS: None

PUBLIC COMMENT: None

Being no further business Mr. Matthews moved to end the regular scheduled meeting. Mr. Toale seconded.
On vote, motion carried, 4 in favor, 0 opposed.
Regular Scheduled Meeting adjourned at 8:13PM

UPCOMING MEETING SCHEDULE

February 18, 2014

Respectfully Submitted,
Susan Doherty, Recording Secretary
Board of Selectmen