



**BOARD OF SELECTMEN  
MEETING MINUTES**

**RECEIVED & FILED**

**MAY 13 2015**

**LUNENBURG TOWN  
CLERK OFFICE**

March 24, 2015

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall, as scheduled with Thomas Alonzo, Chair; Paula Bertram, Vice Chair; Jamie Toale, Clerk, Robert Ebersole, Phyllis Luck and Town Manager Kerry Speidel present. The meeting opened at 6:00 PM

Chair Alonzo announced the Board would be entering Executive Session for the following reason:

Mr. Alonzo called the meeting to order at 6:00 p.m. and read the following:

Under Executive Session, Chapter 30A, § 21A (9), the Board shall discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the government's bargaining or litigating position, and the Chair so declares.

**Motion: J. Toale**

**2<sup>nd</sup>: P. Luck**

**To enter Executive Session for the reason as stated and upon adjournment to return to open session.**

**Ms. Luck- yes, Mr. Toale- yes, Mr. Alonzo-yes**

\*\*\*\*\*EXECUTIVE SESSION MINUTES ARE SEPARATE\*\*\*\*\*

After a five minute recess following Executive Session, the meeting resumed at 7:20 p.m. The Board began the open session with the Pledge of Allegiance.

**PUBLIC COMMENT**

**Board:** Ms. Luck reported the Annual Meeting of the Massachusetts Coalition of Lakes and Ponds will take place on Saturday, April 4th at Worcester State University. She encouraged others to attend as it is very informative with lots of workshops.

Mr. Alonzo announced *Are You Smarter than Our Sixth Graders?* is this Friday at 6:30 p.m. at the Lunenburg High School Auditorium. Admission is a donation accepted at the door. Mr. Alonzo will be emceeing the event.

He stated there is still time to take out papers for elected positions. He announced the following offices for the 2015 Annual Town Election: Moderator – 3 years, Selectmen – 3 years, Board of Health (2)- 3 years, Assessor- 3 years, Sewer Commissioner (2) - 3 years, School Committee Member – 3 years, Park Commissioner, (1) for 1 year and (1) for 3 years, Commissioner of Trust Funds – 3 years, Cemetery Commissioner- 3 years, Library Trustee (3) – 3 years, (1) – 1 year, Planning Board- (1)- 5 years, (1) -2 years, (1) -1 year, Housing Authority- 5 years. Nomination Papers can be picked up at the Town Clerk's office. Forty- one signatures need to be submitted by 4 pm on March 26<sup>th</sup>.

There was no comment from the public.

**APPOINTMENTS**

**1. Request for Boys & Girls Club of Lunenburg Toll Booth Fundraiser**

Mr. Alonzo read the request by the Boys & Girls Club of Lunenburg to hold a fundraising tollbooth on May 16<sup>th</sup> from 9 am to Noon. Mike Mackin, 26 Cortland Circle, a member of the Board of Directors of

the Boys & Girls Club, thanked the Board for their continuing support. He stated the tollbooth would be situated at the intersection of Electric Avenue and Whalom Road. All volunteers are over the age of eighteen years and will be wearing yellow construction t-shirts. There are orange cones and road signage to ensure safety.

**Motion: J. Toale**

**2<sup>nd</sup>: P. Bertram**

**To approve the request for the voluntary tollbooth on May 16<sup>th</sup> from 9 am to Noon**

**Vote: All in Favor**

Mr. Mackin thanked the Board and exited the meeting.

## **2. Purple Heart Community Presentation**

Commander Leo Agnew presented Chaplain Betty Benoit and Adjutant Tony Bean to the Board. Commander Agnew read "Department of Massachusetts, Combat Wounded Veterans, Military Order of the Purple Heart: Certificate of Acknowledgment to the Town of Lunenburg; being designated as a Town in the Commonwealth of Massachusetts, to be known as a Purple Heart Community. Honoring all who have made the ultimate sacrifice and shed their blood defending our country in all wars from Lunenburg, Massachusetts, and honoring August Seventh as Purple Heart Day." He presented it the Board and all posed for a group photograph with the certificate. The officers exited the meeting.

## **CURRENT BUSINESS**

### **1. Lions Club Request to hold Spring Roadblock on Sat. May 9 (8 am to 2 pm)**

Mr. Alonzo stated the Lions club had submitted a written request and no one was here this evening regarding the request. He added the Lions Club usually holds two a year, one in spring and the other in fall.

**Motion: P. Bertram**

**2<sup>nd</sup>: J. Toale**

**To approve the Spring Roadblock for May 9<sup>th</sup> from 8 am to 2 pm.**

**Vote: All in Favor**

### **2. E911 Dispatch-M.G.L./Session Laws, Ch. 500, Acts of 2014, §180-18V**

Ms. Speidel reported a bill allowing regional dispatch centers has finally been approved by the legislature and each member town should now take a vote to authorize the regional dispatch center in order for employees to enter into the retirement system. Employees will be able to buy back time already served. After some discussion it was decided to wait to see the agreement wording before voting.

### **3. Discussion/Review of FY'16 Budget**

Ms. Speidel reported she had received new growth numbers from the Assessors' office today and wondered if the Board could attend the Finance Committee meeting on Thursday when she would be able to present the information more succinctly. The Board will not deliberate at that time and only pose their questions relative to facts presented at the budget presentation. Mr. Ebersole asked how Ms. Speidel proposed using additional funding and how the town would handle the snow and ice deficit. Is the new growth money going to go into the operating budget or somewhere else? Ms. Speidel stated the new growth would probably go into capital. The Board decided to meet on the 2<sup>nd</sup> of April at 6:00 pm. to follow up on budget items.

### **4. Review/Approve Draft ATM Warrant**

Mr. Alonzo will consult with Ms. Speidel regarding the order of the warrant articles. The Board reviewed the articles.

Ms. Speidel stated the first article is a request to reauthorize the ambulance billing revolving account not to exceed \$60,000 (up from \$50,000 in the current year) during the fiscal year.

**Motion: P. Bertram**

**2<sup>nd</sup>: J. Toale**

**To approve and recommend draft Articles 1 – 6 as presented**

**Vote: All in Favor**

Ms. Speidel stated article 7 is to hear reports of certain committees. Article 8 is for payment of three prior year bills amounting in \$1782.00 for police and fire medical bills and copy paper.

**Motion: P. Bertram**  
**To approve articles 7 and 8 as presented**

**2<sup>nd</sup>: J. Toale**  
**Vote: All in Favor**

Ms. Speidel stated that Article 9 is the 2015 budget adjustment article. The snow and ice budget is projected to have an overage of \$250,000. The town has submitted for the reimbursement cost of four storms to MEMA in the amount of \$228,609. She added the town needs to plan for covering that in this fiscal year and suggested using a supplemental appropriation from free cash. There is \$485,000 in free cash. There are several other adjustments that need to be made in the budget but will be accommodated without any other supplemental appropriation. General Government has a projected surplus of \$106,000. \$50,000 of that is reserve fund. Ms. Speidel reported that there had been requests to transfer from the reserve fund but they did not meet the legal requirements to do so. She proposed taking these requests to town meeting and appropriating where we need it to be. She stated part of the surplus is due to having no Treasurer for a while, and a vacancy in the Assistant Treasurer position. We are currently recruiting for that position. Ms. Speidel is also predicting a surplus in Legal Expenses of \$12,500. There was also a part-time position under Selectmen's Administration office that was funded for fiscal year 2015 but not filled. Under public buildings there is a projected surplus of \$11,620. She has asked DPW to go back to review and confirm. This is where utilities for all public buildings except the Library can be paid from. Ms. Speidel believed it was overfunded for this fiscal year. There are some small amounts remaining in Central Purchasing. Under Public Safety, Ms. Speidel is projecting a deficit of \$20,000 in police lockup and \$28,000 in Fire Department; this is due to increased activity. There is a small surplus of \$3,000 in injury leave account. Also under Public Safety, there is vehicle maintenance cost of \$14,500 in additional repairs in both police and fire.

Under General Highway Maintenance there is a proposed surplus of \$51,897, this would come as a result of lowering road maintenance in order to balance this budget. The reason she would propose this is because we are receiving an additional \$110,000 to \$120,000 more in chapter 90 funding and \$63,000 from pothole money. If we don't reduce that more free cash would be needed to fund the budget. Ms. Bertram had concerns in reducing the funding particularly after this past winter. Mr. Ebersole also expressed concern about reducing that line. Mr. Toale wanted to look at the bottom line before making any decisions. Further discussion resulted in Ms. Speidel taking the necessary finding from free cash to fund road maintenance. Ms. Speidel moved on to the recycling program. The accountant has done some analysis and believes we are over budgeting.

Under Veterans' benefits, there is a proposed deficit of \$57,500 this year on approved benefits.

We do get reimbursed for 75% of the amount we pay out for benefits for the previous year.

Ms. Bertram asked if Ms. Speidel could get a projection from the Veteran's Agent for upcoming costs. She also asked if Ms. Speidel has increased that number according to funding increase.

Ms. Speidel stated she will look into it after consulting with the Town Accountant as she receives the benefits approval letters.

Ms. Speidel stated she was predicting an overage of \$16,200 in Library utility costs. Under Choice Tuition Assessments, there will be an overage of \$93,653.

Ms. Speidel reported some surpluses; under Unemployment Compensation of \$11,000 and Liability Insurance at around \$4,500.

Ms. Bertram inquired about the Police "Narcan" (Community-Based Opioid Overdose Prevention) program and where the town stands on it. She believed it was an important program and that it should be continued. Ms. Speidel believed it was funded in the fiscal 2016 budget, but she will confirm with Chief Marino.

Mr. Alonzo asked about Articles 10, 11, 12, 13; all related to collective bargaining agreements.

Ms. Speidel stated on Article 10, she is almost certain the Board won't have anything. Article 11's details will be presented at the next Board meeting. Article 12's contract was already

approved by the Board, but because of the timing of when it was approved, has yet to be on the town meeting warrant. Article 13's contract was already approved by the Board. Three of the four should be up for approval for town meeting.

Article 14 is the Capital Plan. Ms. Speidel stated she is likely to propose an adjustment to the Capital Plan. Article 15 is dependent on the fiscal year 2016 budget article because we include an amount to place in the stabilization account.

Article 16 is the fiscal year 2015 adjustment article, more detail will come later on. Ms. Speidel stated she needed to confirm the dollar amount for Article 17. Ms. Speidel presented a spreadsheet regarding Article 18 regarding the Solid Waste Disposal Program Enterprise Fund. This involves the pay as you throw program. We are in the middle of a ten year contract with Casella. \$265,000 is the same amount as the fiscal 2015 numbers. The price of bags will not be increased.

**Motion: B. Ebersole**  
**To recommend Article 18 as presented**

**2<sup>nd</sup>: P. Bertram**  
**Vote: All in Favor**

Ms. Speidel stated for Article 19 she is proposing the amount of \$25,000 in the Water Department/Water Enterprise Fund, which is the same as the current year. There are five customers and we don't typically expend any of these funds.

**Motion: P. Bertram**  
**To recommend Article 19 as presented**

**2<sup>nd</sup>: J. Toale**  
**Vote: All in Favor**

Article 20 creates a bylaw regulating the use of motor vehicles on Whalom Lake and was submitted by Police Chief Marino. Ms. Bertram had some concerns regarding the bylaw and Mr. Ebersole would like to know the cost of enforcing the bylaw to the Town. Ms. Speidel will ask Chief Marino to a future meeting to present more information on this bylaw. Mr. Alonzo requested others to present on their proposed bylaws as well. Article 21 is another bylaw submitted by the Chief. Mr. Ebersole asked if this parallels the public drinking bylaw.

Article 22 is the licensing of pawnbrokers, buyers and sellers or dealers in metal and Article 23 proposes to restrict sexual offender residency and creates sex offender safety zones, including a map, both submitted by Chief Marino.

The board concurred that public hearings would be helpful when bylaws such as the above are submitted. Ms. Speidel pointed out it is very difficult within the charter timeframe to coordinate such hearings.

Article 24 transfers the care, custody and control from the Board to the School Committee, the property at 1079 Mass Ave. for the purpose of granting a perpetual easement to Boston Gas Company to construct, install and maintain gas facilities upon said property. Article 25 is another perpetual easement granted to Unitil for the same reasons. Ms. Speidel stated town meeting is required to grant such easements. Ms. Bertram requested to see an easement plan.

Ms. Speidel stated Article 26 appropriates the premiums paid to the Town upon the sale of bonds and notes issued for the construction of the new middle/high school to pay costs of the project and reduces the amount authorized to be borrowed by the same amount.

Article 27 creates an Architectural Preservation District, submitted by the Historical Commission and Planning Board. Mr. Ebersole proposed the Board recommend approval of both Article 27 and 28. He sees this bylaw article and the village district bylaw as a package deal to protect the center of town. The village district bylaw expands the uses allowed in town center while allowing safeguards for historic buildings. Mr. Ebersole stated he would be actively opposing the village district bylaw if the architectural preservation district bylaw isn't part of the package. Ms. Bertram agreed. Mr. Toale disagreed on presenting both bylaws as a package. He commended the Historical Commission and Planning Board for their work on both of these and thanked them for addressing his concerns. But he did not want one bylaw to

fail by being contingent on the other passing. Further discussion ensued around if one bylaw passes and the other doesn't.

**Motion: B. Ebersole**

**2<sup>nd</sup>: P. Bertram**

**To recommend approving Article 27 and 28 subject to town meeting approval vote**

**Discussion: Ms. Bertram asked for the Planning Board and Historical Commission on tying both articles together both the Board makes any recommendations. Mr. Alonzo stated the APD could stand on its own without the VD bylaw. What do the other Board members want to do? Ms. Luck was ready to vote. Mr. Toale stated he could not support tying them together. Ms. Speidel reminded there is one more Board meeting before having to vote on the bylaws. Mr. Ebersole stated he would like a member from both Planning and Historical to present on the bylaws.**

Mr. Alonzo moved on to other housekeeping issues depending on the approval of the two previous articles. Articles 29, 30, 31, and 32 amend the zoning bylaws. Articles 33 and 34 amend zoning contingent on Article 27 being passed.

Article 35 designates Flat Hill Road as a scenic road under MGL Chapter 40, §15C and Article 36 is for Northfield Road for the same designation, both recommended by the Planning Board.

Mr. Ebersole asked about his previous motion. Ms. Bertram rescinded her second of the motion. Mr. Ebersole stated he would keep the motion in place and wanted to readdress at the next meeting.

Article 37 accepts White Tail Crossing as a public way, also submitted by the Planning Board, upon the request of an individual. Ms. Bertram stated she would like the Planning Board to follow up on some contingencies concerning the approval of the road as a public way.

Article 38, if approved, creates a zoning change from commercial to limited business/residential on land described as Assessors' map 59, parcel 8 and 9, which is the old Stone Farm package store property. There has not been a public hearing to date concerning this. The Board requested a description of the difference between limited business/residential use versus commercial use from the Planning Board.

Article 39 extends the sewer collection system to Pleasantview Avenue with the connection via Graham Street. Ms. Speidel stated this was a betterment project.

**Motion: R. Ebersole**

**2<sup>nd</sup>: P. Bertram**

**To recommend Article 39**

**Vote: All in Favor**

Article 40 creates a revolving fund in the amount of \$10,000 for special police detail funds to pay personnel for Lunenburg police department details. This allows for more timely payments to personnel. The proposed amount will be \$10,000.

**Motion: J. Toale**

**2<sup>nd</sup>: R. Ebersole**

**To recommend Article 40**

**Vote: All in Favor**

Article 41 creates a Reserve Capacity Stabilization Fund, submitted by the Sewer Commission. Carl Luck, Sewer Commissioner, reported the fund came as a result of negotiations with the City of Fitchburg. Lunenburg had people who wanted to connect to the sewer system, but there was no capacity for them in Fitchburg. Lunenburg Sewer Commission supports an expansion project on John Fitch Highway to the cost of \$18,000 annually. The sewer bylaws already support a capacity fee. There will be another requirement for capacity in the future. We have collected \$617.10 already and this is why we need to establish the fund.

**Motion; P. Bertram**

**2<sup>nd</sup>: J. Toale**

**To recommend Article 41**

**Vote: All in Favor**

Article 42 establishes a revolving loan program under the jurisdiction of the Board of Selectmen for assisting income qualified residents to replace or upgrade septic systems or connect to the town's sewer system. MRPC shall administer said funding. Ms. Speidel stated the Board of Health has inquired whether this can be done. Town Counsel will review. Ms. Bertram questioned why the Selectmen are administering the program rather than the Board of Health. Mr. Ebersole clarified the BOH doesn't have any jurisdiction over the sewer connections and the sewer commission doesn't have any jurisdiction over the BOH. Ms. Bertram stated the Board of Selectmen doesn't have the staff do the administration of this program and will still require the assistance of the Board of Health concerning applications, especially if it is the replacement of a septic system. Mr. Ebersole stated his biggest concern is the BOH has been sitting on the funding for over fifteen years. It was suggested to hold a workshop with the BOH members. Ms. Speidel stated there has been interest expressed but no action taken. Mr. Alonzo stated he would like to know more of what's involved. Ms. Bertram inquired what MRPC would get for a fee to administer the funding. Mr. Ebersole stated he believed the fee was 10%.

The Board moved on to Article 43, rescinding \$284,263.59 from Article 2 of 10/01/2002 Special Town Meeting (STM) and Article 44, rescinding \$28,708 from Article 4 of the 05/07/2002 STM for engineering and construction of sewers. Article 45 rescinds \$125,000, the remaining borrowing authorization for renovation of Turkey Hill Middle school heating system and Article 46, rescinding \$56,550, the remaining borrowing authorization from Article 4 of the 05/03/2003 STM for construction and/or renovation of the heating system at the Thomas Passios Elementary School.

**Motion: P. Bertram**

**2<sup>nd</sup>: J. Toale**

**To recommend Articles 43 through 46**

**Vote: All in Favor**

Article 47 is to add wording to Article XXIX, Agricultural Commission, Section 1 "to oversee/operate or run a Farmers' Market"

**Motion: P. Bertram**

**2<sup>nd</sup>: R. Ebersole**

**To recommend Article 47**

**Vote: All in Favor**

Mr. Alonzo will review the order of the articles with Ms. Speidel.

**5. Minutes/Warrants/Action File Issues**

The Board signed the following warrants: \$1,619,144.65 for school construction; \$656,487.84 for payroll; \$147,020.96 for payroll deductions and \$91,744.87 for accounts payable.

**Action File Issues:** Mr. Ebersole stated Pleasantview Avenue residents had noted their water comes from Leominster and have stated their water lines are very bad. What can the Board do for them while construction for sewer lines replacement is ongoing? Ms. Speidel reported DPW Director Rodriguenz reached out to Leominster for the potential to upgrade the lines while the sewer installation is occurring but they have not shown any interest at moving this forward. Ms. Bertram asked if we have any documentation on the problems and if not, it should start. The Board needs more information.

Mr. Ebersole asked about Town Manager Speidel's performance evaluation, specifically her goals and updating the evaluation form. It is usually performed in April.

Mr. Ebersole also asked if the Personnel Committee had met and discussed the proposed committee charter as proposed by the Board of Selectman. Ms. Speidel reported they had met but did not vote on it because all five members were not present.

Ms. Luck stated Jo McLaughlin has updated the MART flier for the new route. Mr. Alonzo thanked Ms. McLaughlin and Ms. Luck for their work on this.

**Committee Reports-**

**Board of Health-Mr. Ebersole** they met last night and they are dealing with landlord/tenant issues. **Building Reuse Committee-** Mr. Toale reported no report due to lack of quorum at the March 18<sup>th</sup> meeting, they are meeting on April 6<sup>th</sup> and as soon as possible afterwards with the School Committee to discuss the Passios and Brooks properties; **Capital Planning Committee-** Mr. Toale reported no meeting, but there is a spreadsheet being created by John Henshaw that will allow some analysis of and provide different scenarios for borrowing for the future; **Finance Committee-** Mr. Toale reported they recently reviewed budgets for PACC and Sewer Commission, they will review other moneyed items on the budget and hold their official public hearing on the fiscal year 2016 budget this Thursday; **Library Board of Trustees-** no report, **MPO-**no report, but Ms. Bertram reported one of the large projects coming up for review at the April 8<sup>th</sup> meeting will be Summer Street; it is important that support of the project be expressed there; **Planning Board-**Ms. Bertram attended the workshop between the Historical Commission and Planning Board at which they fine-tuned the proposed bylaw but she was unable to attend their meeting Monday night; **PACC-** no report; **School Committee-**Ms. Luck reported they are meeting tomorrow night; **School Building Committee** meets in a couple of weeks; **Sewer Commission-** no report. **Town Manager Report-** no report

There was no further public or Board comment. There is no meeting next week, but there will be a volunteer appreciation social at the Senior Center from 6- 8 p.m. sponsored by the Board of Selectmen. There are still openings on several committees.

Next meeting is April 2<sup>nd</sup>. The next regularly scheduled meeting is April 7<sup>th</sup>.

**Motion: P. Bertram**  
**To adjourn the meeting at 9:11 p.m.**

**2<sup>nd</sup>:J.Toale**  
**Vote: All in Favor**

Respectfully submitted,



Elaine M. Peterson  
Executive Asst. to the Town Manager