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BOARD OF SELECTMEN
MEETING MINUTES
April 14, 2015

JUL 28 2015
LUNENBURG TOWN
CLERK OFFICE

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, Member; Phyllis Luck, Member and Town Manager Kerry Speidel present. The meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Dave Rodgers wanted to inform everyone that the Lions' Club will be holding MEAT BINGO on Saturday, April 18th from 7 – 9 pm. They take the proceeds and give back to the community via the food bank which serves 55- 65 families per month. He wanted to thank Dave Berthiaume who spearheads this as well as the other Lion's Club members.

The Board moved on to agenda item #1 as the 7:00 p.m. appointment was not present.

1. Discussion/review of 2015 ATM Warrant Articles: Ms. Speidel directed the Board to Article 13 (AFSCME Collective Bargaining Agreement) which had been previously approved by the Board a couple of months ago. This article approves funding for the first year of the contract. Total cost of the first year is \$8,851.12 which is set aside in the salary reserve account. Article 23 would approve access for Unitil and Boston Gas via easements onto the new school building and property. Ms. Speidel reported while doing research for Town Counsel for these articles, Town Clerk Herrick was unable to locate any Town Meeting votes from the 1950's that transfer the school property to the School Committee. Therefore the warrant articles have been revised to reflect both the transfer of the school property and grant the easements.

Motion: R. Ebersole

2nd: P. Luck

To approve the license agreement between Fitchburg Gas & Electric d/b/a Unitil and the Town of Lunenburg
(Assessors Map 60, parcel 55)

Vote: All in Favor

Motion: R. Ebersole

2nd: P. Bertram

To approve the license agreement between Boston Gas and the Town of Lunenburg

Vote: All in Favor

A warrant for Accounts Payable in the amount of \$30,281.27 was presented for signatures. A request was made to remove the circle from the draft working map of the proposed Village Center District for Town Meeting. The warrants for Annual Town Meeting and the Annual Election were signed.

The 2015 3rd Quarter Water Commitment in the amount of \$6,548.25 was presented for signatures.

Action File Issue- Ms. Luck stated she received a call from Ryan McNutt, Lancaster Town Administrator, regarding the Lunenburg Water District's (LWD) intentions with the Town of Lancaster. Lancaster has requested access in the amount of 350,000 – 450,000 gallons of water per day, which is equivalent to what Lunenburg was using ten years ago. According to Mr. McNutt codifying the expansion of the Lunenburg Water District will take a couple of months and Lancaster will need to get an infrastructure in place. Ms. Luck has requested more information from Mr. McNutt. She proposed sending letters to Senator Flanagan and Representative Benson to request they put this on hold until the

Board can obtain answers to their questions from the Lunenburg Water District. She presented a draft letter for perusal. A meeting with the LWD is planned for some time in May. Many Lunenburg residents are concerned about this proposal.

Dave Rodgers returned to the meeting and asked why this wasn't brought up earlier when he was present. Further discussion about notification to the Board from the LWD ensued. Mr. Rodgers stated he is happy to talk to each of the Board members. He added there were two meetings regarding this topic. He stated the water recharge area that we are talking about actually comes from Lancaster. Mr. Rodgers stated when the discussion began between Lancaster and LWD, one condition was that it not cost Lunenburg "one nickel." All of the work that is proposed when and if it is done will be to LWD standards and the LWD will receive the revenue generated. Ms. Bertram stated she was concerned about the impact on the water withdrawal rates, the town's DEP permit and possible water bans. Mr. Rodgers stated he couldn't agree more and has the same concerns. After some further comments between Ms. Luck and Mr. Rodgers, he stated the conversation was over and that the LWD looks forward to meeting with the Board. Mr. Alonzo stated the Board will have this as a future agenda item. Mr. Rodgers added that he wanted everyone to know that he cannot talk with any certainty because they (LWD) are not there yet. He exited the meeting.

7:15 PM Police Chief James Marino

Mr. Alonzo stated there were four articles the Chief wanted to report on. The first was Article 39; Use of Vehicles on Whalom Lake. Chief Marino briefly covered the past history coming up to the present day of the Whalom Lake bylaw, Article XIX, Regulations of Certain Activities on Whalom Lake. He covered some issues in the proposed bylaw that Town Counsel stated the Attorney General may challenge. The intent of this article is to protect the public and the lake environment by prohibiting motor vehicles from the waters and frozen waters of Whalom Lake. Snowmobiles and all-terrain vehicles would be allowed to enter via the public access or written permission by a landowner, unless posted otherwise.

Motion: P. Bertram

To approve Article 39 as presented

2nd: J. Toale

Vote: All in Favor

Article 40 restricts the public consumption of marijuana or tetrahydrocannabinol. Chief Marino wanted to clarify that this bylaw addresses smoking marijuana in public. This does not apply to people who are taking medical marijuana orally. Discussion ensued regarding a qualifying patient who has a valid medical certification of a debilitating condition, as defined under state law, not being able to smoke in public. This could be challenged in court. Town Counsel's letter also pointed out the maximum fine for marijuana possession is \$100.00 and the \$300.00 bylaw fine could also be subject to challenge. The Board will make a recommendation at Annual Town Meeting due to some lingering legal questions on this proposed bylaw.

The Board moved on to Article 41. Chief Marino reported this bylaw authorizes the Board of Selectmen to license the business of pawnbrokers, buyers and sellers or dealers in metal, as provided by MGL Chapter 140, as amended. Chief Marino continued on explaining this bylaw would allow the Board to license and regulate businesses; specifically since there is a genuine risk for stolen metals, including precious metals, to end up in the possession of legitimate businesses. Discussion ensued over whether to accept this as a bylaw because if the MGL changes, it would precipitate a need to change the town bylaw. The Board asked Chief Marino to work with Town Counsel to reduce the content of the bylaw.

Article 42 proposes a bylaw to restrict sexual offender residency and creating sex offender safety zones. Lt. Luth, sex offender registrar for the police department, reported on the bylaw details. This only applies to Level 2 and 3 sexual offenders. Both components have civil and criminal violation fines. Legal counsel noted the proposed bylaw was modeled after the Town of Ayer's bylaw which was challenged in U.S. District Court several years ago. A map would be required to showing residency

restrictions where level 2 and 3 sex offenders may live. The map would need to be updated annually or seasonally. The Board had concerns about this bylaw, specifically the legal challenges and the need to continually update the map. They recommended further discussion between Chief Marino and legal counsel to address these concerns.

Discussion ensued about getting the map printed in time for town meeting and funding to pay for it. The Board thanked Chief Marino and Lt. Luth for coming in this evening.

Ms. Speidel reported the Board will review Articles 9, 10, 11, 22, 36, 41 and 42 at next week's meeting.

Committee Reports: **Board of Health** – no report; **Building Reuse Committee**- no report **Capital Planning Committee**-no report **Finance Committee**- no report **Library Board of Trustees** –meets next week, **MPO**- on April 8th there were four presentations of potential projects to be included in the '16-'19 TIP; presentations were made on the Summer St. project, the intersection of Chocksett Road and Route 12 in Sterling, and resurfacing of Route 68 in Hubbardston. Arthur Frost of MassDOT gave an overview of several projects including the reconstruction and widening on Route 2 ramps at Exits 35, 36 and 38. At the next two meetings there will be further discussion on these TIP proposals and then they will solicit public comment. **Planning Board**- met last night and some Historical Commission members attended; there was discussion regarding the proposed Village Center and Architectural Preservation Districts and whether or not to combine them. The Planning Board voted that if one district article failed to pass, they would move to pass over the other. The other item discussed was Article 37; the 790 Mass Ave. proposed zoning change. There was discussion over the prohibited uses for the parcel such as living in the house while conducting a business. The PB continued discussion and wanted to talk to the Zoning Officer. High Field Village came in to request another continuance. Discussion ensued about some of the data being used as out of date. The traffic study dates back to 2005 and it was asked if this was still relevant. The continuance was granted.

PACC-no report, **School Committee**- meeting has been rescheduled to another night to meet with Building Reuse Committee. Budget recommendations will also be made at that meeting,

School Building Committee- met recently, the project is going as planned, the ceremonial topping off of the building will be soon, tiles and flooring have been selected, slab on deck was completed in Building A several weeks ago, it will be a busy spring and summer trying to make up time to catch up from excessive snow this winter. The next meeting will be onsite in May. **Sewer Commission**–meeting tonight, continuing to work on enforcement of grease traps and elimination of grease from the system, also working on the extension on Pratt Street and Lakeview Avenue. They may be able to incorporate the extension on Pleasantview Avenue into the existing revolving loan and reduce rates.

Town Manager Reports/Department Reports- we are in the process of transitioning emergency notification system from Blackboard Connect to Code Red for financial reasons. This will provide the same service at \$2000 less per year. We will be going live in May 1st.

Board Comment: Ms. Luck noted the talent bank form is now on the website home page.

Mr. Alonzo noted there is still Finance Committee, Park Commissioner and PACC openings.

Ms. Luck reported MART is considering raising rates and changing bus routes due to a deficit and will be holding three informational meetings. Mr. Toale stated there will be a Memorial Day ceremony and asked for groups and service members to come forward and participate in the planning and the ceremony.

Public Comment- none

Mr. Alonzo stated the Board would be entering **Executive Session according to Chapter 30A, § 21A (9) 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 litigating position and the Chair so declares, specifically regarding Local Union 39 Collective Bargaining Agreement, DPW Employees.** The Board will not be returning to Open Session.

Ms. Bertram wanted it noted that she could participate in this session as this contract does not affect her daughter who is a clerk at DPW. Mr. Speidel confirmed.

Motion: B. Ebersole

2nd: P. Bertram

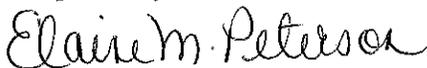
To enter Executive Session for reason as stated by the Chair

Vote: Mrs. Luck- yes, Mr. Ebersole-yes, Mrs. Bertram- yes, Mr. Toale- yes, Mr. Alonzo- yes

*****Executive Session Minutes Are Separate*****

Meeting adjourned at 9:13 p.m.

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager

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