



**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
April 21, 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: P. Bertam**

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

**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, Ms. Bertram-yes, Mr. Ebersole- yes**

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

After a five minute recess following Executive Session, the meeting resumed at 7:20 p.m.

**PUBLIC COMMENT**

**Board:** Ms. Luck read in the Fitchburg Sentinel that four Lunenburg residents completed the Boston Marathon. She congratulated Katie Collette, Nicole Dion, Sharon Rodriguez and Karma Tousignant.

Ms. Luck stated the Lunenburg Police have installed a medication drop off box in the station lobby. It was donated by CVS. She thanked the Police Department for installing it at no cost to the Town.

Mr. Alonzo announced the Lunenburg Cub Scouts are using the front lawn of the Ritter Building for their annual Mother Day flower sale. It will be on May 9<sup>th</sup> from 8:30 a.m. to 1:30 p.m.

Mr. Alonzo stated there is an expectation of lots of ticks this year due to the plentiful snow cover this winter. People need to be aware of their pets and children and check them for the ticks.

Richard Bursch, Conservation Commission Chair, stated member Shelia Holt has resigned. They also have another member who is currently hiking the Appalachian Trail. So they are down to five active members. One person has submitted a talent bank form for appointment, Carl Luck. The commission has met with Mr. Luck; he has gone on some site visits and attended some of their meetings. The commission would like to recommend the Board appoint Mr. Luck to the vacancy. Mr. Alonzo stated Mr. Luck is scheduled on the May 5 agenda. Mr. Bursch thanked the Board.

**B & H Corporation d.b.a. Mickey Shea's Liquor Violation Hearing**

Mr. Alonzo opened the hearing and read the notice sent by certified mail by the Town Manager on March 19<sup>th</sup>: "On April 21, 2015, at 7:00 p.m., the Lunenburg Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23 to discuss your alcoholic beverages license [#063600039] at 324 Electric Avenue, Lunenburg. The hearing will be held in the Joseph F. Bilotta Meeting Room, 2<sup>nd</sup> Floor, Lunenburg Town Hall, 17 Main Street, Lunenburg. The hearing will concern the incident report filed by the Lunenburg Police Department received by the Board of Selectmen on December 8, 2014, a true copy of which is enclosed. The report concerns events at your establishment that occurred after the mandatory closing time on December 7, 2014.

The hearing will further concern the incident report filed by the Lunenburg Police Department received by the Board of Selectmen on March 16, 2015, a true copy of which is enclosed. The report concerns events at your establishment that

The hearing will further concern the incident report filed by the Lunenburg Police Department received by the Board of Selectmen on March 16, 2015, a true copy of which is enclosed. The report concerns events at your establishment that occurred after the mandatory closing time on March 14, 2015. You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of 204 CMR §2.01(2) [permitting any disorder, disturbance or illegality of any kind in or on the licensed premises]; Section 1.04(a) of the License Regulations of the Lunenburg License Commission ("Regulations") [operating and allowing drinks to be consumed after mandatory closing hour]; and Section 1.10(d) of the Regulations [consumption of alcoholic beverages on licensed premises by manager or employee].

These allegations, if proven, would constitute grounds for disciplinary action, including a written warning, suspension, revocation, or a decrease in operating hours of your license. If you have any questions, please contact this office."

Mr. Alonzo invited anyone providing testimony this evening to be sworn in. Mr. Alonzo asked those persons to raise their right hand and swore them in. He explained that the Town will present their case first and then the licensee will present their case. The Board will then ask questions. The Town and licensee will then be able to make closing statements. Additional questions will be asked by the Board if needed. The hearing will then be closed at which point the Board will determine if a violation occurred and if so, will determine the penalty.

Brian Riley of Kopelman & Paige, legal counsel for the Town, noted for the record the first incident on December 7, 2014 involved serving a minor alcohol.

Sergeant Jack Hebert came forward and reported on December 7<sup>th</sup> at approximately 1:41 a.m. he was patrolling the parking lot at Mickey Shea's on Electric Avenue. He ran a status check on a black Jaguar, MA registration plate that was parked in the front lot. The inspection sticker had expired at the end of November. He also noted the registered owner's date of birth was showing he was only 20 years of age. The vehicle was registered to George Vargas of Leominster. He then noticed two males exit Mickey Shea's and stand by the front entrance; they appeared to not want to go near the vehicle with Sgt. Hebert in the parking lot. Sgt. Hebert drove out of the lot and observed the vehicle leave a couple of minutes later. He followed the vehicle and observed it made a wide right turn onto Whalom Road from Electric Avenue, crossing the double solid center line. He activated my lights and stopped the vehicle in the area of Joslin Street. The operator was identified to be the registered owner. Mr. Vargas presented his driver's license which Sgt. Hebert again determined that he was only twenty years old. He did have an alcoholic beverage odor coming off his breath. He admitted to having two beers and a pitcher at Mickey Shea's.

Sgt. Hebert returned to Mickey Shea's and spoke to the bar manager, Lindsey Achilla, who was the only bartender on that night. He advised her to clear out the bar so they could talk. As she was clearing out the bar, she called last call and then called out the name of George Vargas. He asked her why she was calling out that name and she produced Mr. Vargas' debit card. He told her he needed to take that card and the receipt which showed two Heinekens and a pitcher of beer had been purchased. This confirmed what Mr. Vargas had told him earlier.

Robert Herrick, owner of Mickey Shea's, came forward and wanted to clarify a conversation his bar manager had with Sgt. Hebert. Mr. Herrick stated Sgt. Hebert told Ms. Achilla was that she could refuse service to any person at any time for any reason. Mr. Herrick stated you just can't refuse service in a public place to any person for any reason. Mr. Alonzo stated serving an underage person is a reason to refuse service to someone. He added it is the responsibility of the establishment to ensure minors are not served alcohol. Mr. Herrick stated absolutely. Mr. Herrick had no questions for Sgt. Hebert.

Ms. Achilla came forward and stated that the license that George Vargas showed her that night was not the same license presented this evening. Both males had presented licenses to her that indicated they were twenty-one. They ordered a pitcher of beer and played pool. His friend came back over and said they wanted to run a tab, handed me a debit card and ordered two Heinekens. They went back over to play pool and finished and then I saw them walk outside and thought they were going outside to smoke. When Sgt. Hebert came in I realized they had left without paying their tab. That's when Sgt. Hebert informed her that George Vargas was underage. She stated she does her best to ensure that everyone who goes in there is of legal age. Normally she has two door guys, one in front and one in the back. To ensure this doesn't happen anymore they now double card people at the door and at the bar. Mr. Toale asked Ms. Achilla if she remembered what the driver's license looked like on that night. She stated it has been so long since the incident and she looks at many ids, but it was a

Massachusetts driver's license. Mr. Alonzo asked Mr. Riley what is the responsibility of patrons presenting identification. Can establishments make copies of licenses? Mr. Riley stated there is not a requirement that copies of licenses be made by licensed establishments. The state would tell you that serving a minor is a violation of the statute. This Board as the licensing authority has the discretion to decide if discipline is appropriate or not. You can certainly take Ms. Achilla's testimony into account, that she thinks it was a fake id. Ms. Bertram asked Sgt. Hebert about his report, specifically when he showed Ms. Achilla the license, she stated that's not the person I served. At that time, did Ms. Achilla state that she had seen a different license? Sgt. Hebert answered no. Ms. Luck asked if anyone else would have asked Mr. Vargas to see his id card. Ms. Achilla responded her door guy who normally would card people was changing a keg at the time they entered. Mr. Herrick wanted the Board to know that all his staff is TIPS certified with years of experience. He wasn't there at the time this occurred, but his experience tells him if the gentlemen first lied to the officer about not drinking and about not paying, then it would follow that he might lie to the officer about getting a beverage without showing identification. The police report states four people came in at the same time, two were refused service because they did not have identification; two were served because they did. Mr. Herrick stated experience tells him that when a person comes in at that age and orders an imported beverage, relatively expensive, it would seem that they probably have had those before. You could assume he came in and got this without an id, that he probably goes elsewhere and doesn't show an id and gets the same beverage. Mr. Alonzo asked Ms. Achilla if she saw the police report. She stated yes. He asked her to verify that when Sgt. Hebert showed her the license she stated that's not the guy that I served. She confirmed. Mr. Alonzo asked Sgt. Hebert if Vargas looked like the photo on his driver's license. Sgt. Hebert stated he was a little heavier but he could determine it was the same person. Mr. Alonzo asked Ms. Achilla when she called out for Vargas and Sgt. Hebert asked for the debit card if she asked did he get OUI'd? Ms. Achilla replied yes, it was a conversation she was having with Sgt. Hebert because she did not know what had happened. He did not state to me why we were closing early. Mr. Ebersole pointed out that according to the police report Vargas had admitted to purchasing the beer and drinking it, which is contrary to what was said earlier. Ms. Achilla stated she never took the card from Mr. Vargas, his friend came over to start the tab so when I was calling out Vargas' name to cash out at the end of the night, I was looking for his friend. Mr. Herrick stated back in 2009 the former Police Chief held a seminar at the police station in concert with the ABCC and they had handouts and pamphlets which he still keeps at the restaurant regarding photo ids. One of the comments made was that fake ids were as inexpensive as \$60 or as expensive as \$1000. I don't know what the technology has been since then, but at that time there were a couple of tell-tale signs, one of them was a hologram or water mark. Ms. Luck asked how you would determine that an id is fake. Mr. Herrick stated we look for the hologram, there are certain markings that we look for; I don't have them all in my head. Ms. Achilla stepped in and stated you look at the corners to see if it's easy to peel open. The back of the id is a big giveaway because you have the birthdate written in small at the top. It's really hard to determine a fake id if the hologram or watermark is there. Kids make themselves look like older siblings. Liquor stores now have scanners that they use, but they are really expensive though. Ms. Bertram asked Sgt. Hebert if he was familiar with the scanner and how it worked. He stated the police have that technology on their BT machine but it is not hooked up to the registry. It just reads what's on the card. Basically it takes everything on the front of the card and puts it into a bar code on the back of the card. Mr. Alonzo asked Sgt. Hebert when he saw Vargas making a wide turn and he smelled of alcohol, you didn't feel it qualified for an OUI? Sgt. Hebert stated he performed a field sobriety test on Mr. Vargas and he passed it. The passenger of the vehicle also passed, he then took over and drove. Sgt. Hebert stated I asked Vargas that night if anyone had asked for his id and he said no. Initially there was some deception as Mr. Herrick referred to but later on he did admit to buying what was on the receipt and drinking the beer. Mr. Alonzo asked Mr. Riley what is the liability/responsibility for the licensee in cases such as this? What does the ABCC see as the proper level of proof? Mr. Riley responded there are certainly some pretty good fake ids out there but serving a minor is still a violation of the law.

Mr. Alonzo moved on to the second incident which occurred on March 14, 2015.

Sgt. Hebert testified he was working the second shift which is his normal patrol. He was patrolling the area around 2:00 a.m. He drove by Mickey Shea's and observed numerous vehicles in the front lot. He continued on

to check other establishments and returned to Mickey Shea's at approximately 2:07 a.m. He looked in the front windows and door but they are heavily tinted. He drove around the back and observed six vehicles there, a couple of them were known to him as employee's vehicles and people who frequent the business. He returned to the front lot and observed a male exiting the front door carrying a speaker. He spoke with him and learned he was the musical talent for the night and was packing up. Sgt. Hebert entered the bar and observed ten other people in the bar, so there was eleven total. There was the bar back, Ms. Achilla, the doorman and the musician, all employees of that establishment. There were seven other people that were not employees of Mickey Shea's. There was a nineteen year old male who submitted to a Preliminary Breath Test which resulted in .000. Sgt. Hebert stated he had spoken to Ms. Achilla on a previous occasion and this occasion about refusing entrance to people under twenty-one. Everyone was subsequently cleared out of the bar.

Mr. Alonzo asked if the licensee had any questions for the Town.

Mr. Herrick stated he wasn't there that evening but he has had problems with the front door lock. They've been broken into on several occasions. Most recently was the 26<sup>th</sup> of January. He stated we have to install a certain type of door to meet code and they are mechanical and have to be pushed outwards. Over time they can loosen and what ended up happening was the door would close and lock but if you tugged on it, it would open. Ms. Achilla told me that is what occurred. She had cleared the bar and tried to lock the door and it wouldn't lock. Ms. Achilla called Nathan Panoke, a locksmith and former employee, who was one of the persons there that night. He was able to come up and got the door to lock. Mr. Herrick stated he made copies of the receipts showing the locks were changed and the follow up visit from the locksmith two days after the incident. Mr. Alonzo stated he was not following what Mr. Herrick was trying to say. Ms. Achilla stated they had live entertainment that evening. She called last call and was closing up and had tried to lock the front door and it wouldn't lock. It kept popping open. So she called Mr. Panoke to come up to fix the door and he brought three of those people that were in the bar with him. They all got all out of the car and they were working on the lock. They got the door to lock and she had propped open the door for the DJ. She was discussing options on what to do with the lock with Mr. Panoke and that's when she noticed Sgt. Hebert walking in the door. She told him some stuff was going on and at that point he asked for everyone's id and she felt it was no use to explain what was going on. The other people in the bar were the bar back's girlfriend and the girlfriend's sister and her boyfriend from Lowell. The girlfriend was using the bathroom and had just come out and leaned over the bar to give her boyfriend a kiss because they were going outside to wait for him when Sgt. Hebert walked in. Everyone had their coats on and was in the process of leaving. They had a forty-five minute drive home so were using the restroom. The three guys that came with locksmith were helping the DJ load his equipment so we could get out of there. We have since fixed the locks, we can't replace the door; it's too expensive. But we have come up with other options to lock the door if this happens again. Ms. Achilla stated they have also changed closing time on Fridays and Saturdays, last call is at 1:00 a.m., service is until 1:15 and everyone is out of the building by 1:30 a.m. Mr. Alonzo asked Sgt. Hebert if the door issue was reported to him that evening. Sgt. Hebert could not recall, he said there was an issue with the door one night, but wasn't sure if it was that night. He added it's not in his report so he was assumed it wasn't that night but the January night Mr. Herrick had referred to earlier. Ms. Bertram asked for clarification on the law relative to having an underage person in the bar even though it is also a restaurant. Sgt. Hebert stated it was his understanding since it is a restaurant, they can have underage people in the bar, but if you recall we were here last year for a similar incident. After that night he had spoken to Ms. Achilla and Mr. Herrick about underage people being in there. That's what Mr. Herrick was referring to when I said Ms. Achilla had the right to refuse service to people at any time; I was referring to underage people. Sgt. Hebert had advised her after a certain hour they should refuse entrance to people under age twenty-one. Ms. Bertram asked Mr. Riley if they have the right to refuse entry to someone after a certain hour. Mr. Riley stated he did not know. He did not believe it was a violation to have someone in there since it is a restaurant versus a tavern where only alcohol is sold. Mr. Herrick stated since the incident they have made a couple of changes, you heard one of already. He has ordered employee new shirts with the logo on the front and staff printed on the back. They have also instituted a policy that once the kitchen closes, no one under age twenty-one is allowed entry. Mr. Alonzo asked Sgt. Hebert if anyone was drinking when he entered the bar. Sgt. Hebert replied no. Ms. Bertram asked to view the locksmith receipts Mr. Herrick stated he brought in this evening. Ms. Luck asked for clarification on what time patrons must be out of the bar, was it 2:00 a.m.? Mr. Alonzo stated yes. Ms. Luck asked about employees working after 2:00 am. Ms. Speidel reported according to the

Lunenburg liquor regulations, employees are allowed to remain for an additional hour after the official closing in order to clean up. Ms. Luck asked on this night if there were seven non-employees in the bar after closing. The answer given was yes. Ms. Achilla stated when they (Mr. Panoke and three friends) arrived we were still open. Ms. Luck asked why she didn't explain this to Sgt. Hebert. Ms. Achilla stated at that point when Sgt. Hebert was asking for ids for everyone, it wasn't going to make a difference. She added now she wishes she had. Ms. Bertram asked about the other three people in the bar. Ms. Achilla stated they were just using the bathroom before leaving to ride back to Lowell. Everyone had their jackets on and we were getting ready to leave. Ms. Bertram asked about the change of closing time. Ms. Achilla stated her bar clock is fifteen minutes fast to ensure everyone is out before the 2:00 am close. She stated she does not want to be back here again, they are doing their best to ensure everyone is out on time. Ms. Bertram asked if Sgt. Hebert has noticed Mickey Shea's closing time since the incident. He stated he has noticed an earlier closing time.

Mr. Alonzo asked for final remarks from either the Town or the licensee. There were none.

He declared the hearing closed and stated the Board would deliberate at this point on each incident separately. He returned to the December 7, 2014 incident.

Mr. Ebersole noted the explanations given tonight by Ms. Achilla were not provided to Sgt. Hebert at the time of both incidents, so were not included in the record. He stated he had a problem with that testimony.

Ms. Bertram stated she was disturbed because there have been a number of incidents before, but she is pleased to hear about the changes that have been implemented. She did state if the person who is at the door is supposed to be checking id, they should not be changing kegs. Someone should be at the door all of the time.

Mr. Alonzo stated for the record, this is the third time that your establishment has been before us on possible liquor license regulation violations since 2013 regarding five other incidents; tonight makes six and seven. No other establishment comes close. Mr. Alonzo stated he had spoken with the Police and all of the other establishments in town seem to be able to close on time with no problems. The most flagrant violation for your establishment was having the incorrect manager on record for three consecutive years. He added he is glad that you are taking them seriously and are instituting changes, but that doesn't change the fact that these incidents have happened. Both of these are your responsibility clearly. It's no surprise that underage people want to drink and come up with phony ids, every establishment faces that. You have to take concerted effort to make sure that doesn't happen. As far as people on premises after hours, one person maybe, two persons as a locksmith team maybe, but maybe you should have told the officer at the time so it was in the report. You would think it would be an important element. Mr. Alonzo stated he takes these incidents, particularly the serving alcohol to a minor very seriously. The after-hours one, since this is the third one in three years, very seriously. He added if I were you I would have instituted these changes a long time ago. He stated he believed the Police have done an excellent job in not singling out this establishment to make sure it's fairly looked at on all their patrols. He believed Mickey Shea's was here tonight because they are incapable of following all the regulations. Hopefully the new rules will keep you from being called back in for the future. Mr. Ebersole noted that was one of the reasons when he voted to send warnings but no suspension at the hearing in January 2014 was to send a message that this really shouldn't happen. He added there needs to be some action taken for a temporary suspension. Mr. Alonzo asked for a motion on the incident of December 7, 2014.

**Motion: R. Ebersole**

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

**The Board finds that on December 7, 2014 there was a violation involving serving alcoholic beverages to an underage person**

**Vote: All in Favor**

Mr. Alonzo asked for a motion concerning the March 14, 2015 incident.

**Motion: R. Ebersole**

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

**The Board finds that on March 14, 2015 there was a violation of patrons being on premises after closing**

**Vote: All in Favor**

**Motion: R. Ebersole**

**That the Board imposes a two day suspension of Mickey Shea's liquor license as penalty for the two violations**

Mr. Alonzo stated before the motion is seconded he believed the penalty should be more serious as serving a minor is a serious violation of itself and this is the third after hours violation where they have not been penalized at all; he recommended a seven day suspension. Mr. Ebersole withdrew his motion.

Ms. Bertram stated she was agreeable to something more than two days and less than seven. Mr. Toale stated he agreed serving a minor is a serious violation. It is the first occurrence of that and he would tend to be more lenient on this than serving alcohol to a minor. On the other count he agreed it is a violation, one of multiple violations, he was going to suggest they change their hours, but they have done that voluntarily. He suggested making that part of the Board's findings. Ms. Bertram agreed the closing time should be 1:30 a.m. Mr. Ebersole pointed out they are closing at 1:30 a.m. in order to meet the standard 2:00 p.m. closing. Mr. Ebersole stated that if the closing time is moved up to 1:30, they will have to clear the bar by 1:00 a.m. so they don't have these issues again. Mr. Alonzo stated there are several establishments in town that have these licenses and who follow the regulations. He submitted that in this case, the licensee doesn't take the regulations seriously. He stated this Board does not take the licensing seriously, he wanted to suspend their license before and the Board only issued a warning. Ms. Bertram stated she didn't think anyone said that they don't take the licensing seriously and in September 2014 the Board voted to suspend their license for two days on February 14 and 15, 2015 for the failure to change the manager on record. She added she didn't believe anyone here is opposed to a suspension, but she believes seven days is too much.

**Motion: R. Ebersole**

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

**Mr. Ebersole motioned to set a five day suspension of the license from May 22 to May 26, 2015 which covers Memorial Day weekend. Ms. Luck seconded.**

**Vote: 4 in Favor, 1 abstain**

Mr. Alonzo informed Mr. Herrick he would receive a letter from the Board detailing the alcohol suspension and will have five business days to appeal to the ABCC. If it is appealed, the Board will hold off on the suspension until the hearing concludes. Mr. Alonzo thanked everyone who gave testimony.

## **CURRENT BUSINESS**

### **1. Discussion/Review of Annual Town Meeting Warrant Articles**

Ms. Speidel stated the only article she wanted to review this evening was the 2015 budget adjustment article. There have been some changes since last reviewed. She noted the final snow and ice removal deficit was \$259,300 which is \$9,300 higher than what we talked about previously. The Veterans Benefits line is about \$2,900 higher coming to a total deficit of \$60,376.

Ms. Speidel reported we did receive good news from MIIA. We did receive some additional participation credits in the amount of \$18,490, so she will be able to cover those two additional deficits and also reduce that proposed cut to the pavement management program by about \$10,000 down to \$42,000 rather than \$52,000. Everything else is the same as previously discussed. She did not expect any last minute changes on this article before Annual Town Meeting. She suggested the Board might want to approve tonight in order to save time rather than at town meeting. The only additional appropriation will be \$250,000 from Free Cash. Everything else will be a transfer and will involve a lengthy motion. Ms. Bertram asked about funding from the pavement management program to balance the fiscal year 15 budget, is that still proposed? Ms. Speidel stated it was at \$42,000 instead of \$52,000. It could be less than that at the end of the fiscal year. Ms. Bertram asked what would remain in Free Cash after that appropriation. Ms. Speidel stated a little over \$50,000 but that is proposed to be applied to the fiscal year 2016 budget to help the deposit going into the stabilization fund to maintain the 5% balance. Ms. Bertram stated she understands the reasoning but the Board and the Finance Committee made a commitment that the pavement management program was going to be a priority. It's always the go to place simply because of the timing; because the money hasn't been expended. Yes, we are receiving additional funds from Chapter 90 because of the deplorable state of our roads. But it's got to remain a priority. Mr. Alonzo stated he shared her frustration.

**Motion: R. Ebersole**

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

**To recommend the Board approve Article 9**

**Vote: 4 in Favor, 1 Against**

### **2. Announce Settlement of DPW Employee Collective Bargaining Agreement**

Ms. Speidel reported at their meeting last week, the Board met in Executive Session and reviewed the proposed DPW employee collective bargaining agreement. They approved that agreement with a vote of 5- 0. It is for a three year period covering fiscal years 2013 – 2015. We were able to make a lot of improvements in the

contract but it took a long period of time. In the very near future we will be able to look at the subsequent agreement. We were able to combine two different working groups into one contract, which is a benefit to the town. We had a mid-managers group and a laborers group. The mid-managers are really working foremen and crew leaders. The overall cost of this contract over the three year period is 5.9% with an average annual cost of 1.97%. We were able to take the existing grid that had six steps and 4% between each step and convert it to a ten step grid with steps at 2.5% percent, which is consistent with other contracts. We were able to get a consistent set of management rights between the two agreements. We negotiated in a performance evaluation process and form that is not subject to a grievance process. We eliminated personal leave and agreed to a merit evaluation which is a performance evaluation system. This was cost neutral for the town. Mr. Alonzo thanked the Town Manager for her involvement in the process and wanted to thank the union membership for working together.

**Warrants** presented were for Payroll in the amount of \$641,756.88; Accounts Payable in the amount of \$143,362.86 and Accounts Payable in the amount of \$306,468.25.

### Action File Issues

Mr. Ebersole inquired if there was any word from MRPC regarding a regional animal control process. Ms. Speidel replied no but she has a meeting with them this week and will check on it. Ms. Bertram asked Ms. Speidel to check on the possibility of incorporating a GIS for storm water.

### Committee Reports-

**Board of Health**-no report; **Building Reuse Committee**- has a joint meeting with the School Committee on the 30th; **Capital Planning Committee**- will meet on the 5th; **Finance Committee**-meets this Thursday; **Library Board of Trustees**- meets this Thursday; Mr. Alonzo requested the status of the water leak remediation, Ms. Speidel will inquire and report back; **MPO**-no report; **Planning Board**-no report; **PACC**- no report; **School Committee**-they are meeting with Building Reuse Committee and will also discuss FY16 modifications; **School Building Committee**- the top off ceremony is going to be April 30<sup>th</sup> at 9:45 a.m. **Sewer Commission**-no report

**Town Manager Report**- Ms. Speidel, John Londa, Director of School Facilities and Grounds and Jack Rodriquenz, DPW Director, met with a company called Power Management Company, LLC. They are a solar advisor. The Town has a lot of opportunities for solar but are also unable to move forward like other home owners in Lunenburg due to lack of capacity. The school is interested exploring the feasibility of installing solar panels on the new school building. This company is one that would work with us to move forward. We have to go through a request for proposals or qualifications process. There a number other buildings/facilities that we would like to look at for the potential for solar. This company would do that work for us at no cost for us. Fees that they receive are through agreements. Some of the technology may have changed slightly since the last time we looked at it. The net metering project on Chase Road provides cash payments based on the value of those credits. She noted a great portion of the community cannot install solar; the Town is in that same boat as residents and the new school project is on one of those circuits that are affected. We would like to continue moving this forward because we are hoping there will be a solution for the circuits in the short term. Mr. Alonzo added he and Ms. Speidel met with Unitil representatives this afternoon. We wanted to hear from them where we are, what the technical aspects of the situation are, what regulatory structure got us into this position and how we are going to try to move forward to remove this obstacle facing homeowners in 80% of our town. It was a constructive meeting, there was no definitive response; it is complex because it involves utility companies, rates, shareholders, DPU, etc. We talked about potential short term solutions. This issue is going to be faced by other utilities in the state as well. It's not something that is going to be fixed in a week or so, it will take several months to try to get this resolved. Ms. Bertram stated she hoped Unitil would moves toward a resolution quickly on this since homeowners have deadlines for federal rebates and tax incentives. Mr. Ebersole asked if there are any issues with power lines. Mr. Alonzo stated there is a limit on the lines but the capacity already going through those lines is not going to be overcome by residents distributing solar energy. Mr. Ebersole stated he would like to ask the question of Unitil for each street in town because when the power is being sent back it would be a lot more than what is being sent out if every single house on a street installed

solar. Mr. Alonzo stated that would be at the substation level. Mr. Ebersole stated he was still worried about rural areas of town because the lines are too small. Mr. Alonzo stated Unitil has assured him that this is a one-time upgrade. He stated he will keep everyone posted.

John Londa stated we went through a solar installation in 2010 on the landfill that was the issue we were coming up against; the need to upgrade infrastructure. Now we are seeing it for smaller systems in town. Mr. Ebersole asked Mr. Londa if they would be looking at the Primary School also. Mr. Londa stated that was one of his lower priorities. We do have a south facing roof on the gymnasium that would be suitable for solar but the front of the building has too many dormers on it. The new middle/high school has better capacity and we would like to do something like 300 kilowatts. Ms. Bertram wanted to recognize Mr. Londa for his work on green energy initiatives.

Ms. Speidel moved on to the 3<sup>rd</sup> Quarter Financial Reports. The Town Accountant prepared the reports representing 75% of the fiscal year. At that mark we had collected 76.78% of estimated revenues and expended and/or encumbered 72.9% of appropriations. In terms of revenues local option meals tax remains strong with almost \$75,000 of the \$85,000 estimate collected as of March 31, 2015; 74.57% of fiscal year'15 real estate taxes have been collected to date; 86.17% of license and permits have been collected as of March 31<sup>st</sup>; ambulance fees collected to date are 82.93% and motor vehicle excise collections are strong at 79.9%. She stated most of the expenditures have been covered several times in the proposed budget adjustments. She will be presenting this report to the Finance Committee on Thursday night.

Mr. Alonzo presented letters that Ms. Luck proposed to send to state representatives regarding the proposed Water District expansion to Lancaster for signatures, previously approved at last week's meeting. He requested a letter be sent to Rep. DiNatale also. A date for a meeting with the Water Commissioners in May has not been set. Ms. Speidel will be meeting with the Superintendent next week to keep this process going. Ms. Bertram spoke with Mark Bursch and he suggested forwarding questions and concerns in advance of the meeting. Further discussion about the water district ensued.

Mr. Alonzo stated the next meeting is at Annual Town Meeting on Saturday May 2<sup>nd</sup> at the High School.

**Motion: P. Bertram**  
**To adjourn the meeting at 8:59 PM**

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

Respectfully submitted,



Elaine M. Peterson

Executive Asst. to the Town Manager