BOARD OF SELECTMEN
MEETING MINUTES
August 18, 2015

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chair; Robert Ebersole, Vice Chair; Thomas Alonzo, Clerk; Phyllis Luck, Member and Town Manager Kerry Lafleur. Paula Bertram, Member, was not present. The meeting opened at 7:00 PM with the Pledge of Allegiance.

Public Comment:
Mr. Toale announced there are still several vacancies on Town committees and boards; Finance Committee, Public Access Cable, Cable Advisory, Building Reuse, Architectural Preservation District Commission and the Parks Commission. Talent bank forms are available in various town buildings and on the website.
Mr. Alonzo thanked those who attended the Federal Energy Regulatory Commission (FERC) gas pipeline hearing on August 12th. The majority of those attending were against it. The comment period is still open.
Mr. Ebersole attended the Department of Public Utilities Unitil rate hearing that same night. He stated everyone who spoke was against it. He stated he presented the testimony that was drafted by the Board.

Appointments

1) **All Alcohol On Premise Liquor License hearing from ZEDAS for 1 Main Street**
   Mr. Toale read aloud the hearing notice: "The Lunenburg Licensing Authority will hold a public hearing on August 18, 2015 at 7:00 PM in the Town Hall, Joseph Bilotta Meeting Room, 2nd Floor, 17 Main St., on the application submitted by Lunenburg ZEDAS, Inc. for an All Alcohol License, located at 1 Main St., Lunenburg, MA. The premises is described as single story comprised of a lobby/take out order; order pickup area, bar area with exit to a 22 x 20 ft. patio, main dining area, men's and women's h/c accessible restrooms, mop room, office/storage area, utility room. The main kitchen is comprised of an order area, cook kitchen, sink room, prep kitchen with entrance/exit to employee parking area."

Applicant Alan Wernick and Manager Adam Wernick came forward. Ms. Lafleur stated the application was complete. She noted the diagram showing the interior and exterior floor plan indicates service to an outdoor 20' x 22" patio. This needs to be reviewed by the Zoning Board of Appeals (ZBA) for a Special Permit. The applicant is in the process of applying to the ZBA.
Mr. Toale stated the applicant has a few choices; the Board can continue the hearing to another time and consider the entire application or they can address just the interior floor plan tonight. The applicant can apply for a revision at a later date to include the exterior patio after the ZBA decides on the special permit. Mr. Wernick asked if the Board could allow the license to include the exterior patio contingent on the ZBA ruling and if it doesn't pass, it is a moot point. Mr. Wernick stated the patio would be a fenced in area and did not plan on constructing it until next spring. He added to reapply to the Alcohol Beverage Control Commission (ABCC) involves cumbersome paperwork and additional fees to be paid to the ABCC. He stated he just found out about this requirement today and he doesn't want the outdoor patio unless he can serve alcohol there. Mr. Wernick described a rod iron fence with landscaping around it and café style tables with umbrellas that created a quaint, inviting look for the patio. He has a vision of a family friendly sit down restaurant serving pizza and a local seasonal menu. He also wanted to have brunch on Saturdays and Sundays. He stated he was not looking for a night club atmosphere. The bar is separate so teenagers can come in for a pizza without passing through it. Proposed hours of operation concerning the serving alcohol would be Monday through Thursday 11:00 AM to 11:00 PM, Friday and Saturday 11:00 AM to 12 Midnight, and Sunday 10:00 AM to 11:00 PM.

Motion: T. Alonzo **2nd:P. Luck**
To approve the All Alcohol Restaurant License for Lunenburg Zedas Inc. for 1 Main St. with the hours listed as presented
Discussion: Mr. Ebersole moved to amend the motion "subject to ZBA approval for the exterior area and any restrictions imposed by ZBA." Mr. Alonzo accepted the amendment. Ms. Luck seconded. Mr. Wernick stated the motion wording makes it appear the entire license would not be approved subject to the ZBA decision. Mr. Alonzo requested Ms. Luck rescind her second. She did.
Motion: T. Alonzo **2nd:P. Luck**
To approve the All Alcohol Restaurant License for Lunenburg Zedas Inc. for 1 Main St. with the hours listed as presented with the stipulation that the service of alcohol in the outdoor area is subject to approval of the ZBA **Vote: All in Favor**

Motion: R. Ebersole **2nd: T. Alonzo**
To approve the automatic amusement devices license (1 crane game, 1 video game, 1 pinball machine)
Vote: All in Favor

Motion: R. Ebersole **2nd: T. Alonzo**
To approve the Common Victualer license for 1 Main Street **Vote: All in Favor**

Mr. Wernick thanked the Board. He stated he was hoping to open by Labor Day for food service. The Board signed the Common Victualer and the Automatic Amusement Devices licenses as well as the Form 43 for the ABCC.

2) **Toll Booth Fundraiser request for Boys & Girls Club of Lunenburg for Sept. 12**

Mr. Toale asked if anyone was present for the tollbooth request. No one came forward. Mr. Toale read the written request from Mark Souza asking for two toll booth locations; one at the intersection of Electric Avenue and Whalom Road and the other at Main Street and Massachusetts Avenue from 9 am to 12 Noon on September 12. There is no rain date.
Motion: R. Ebersole **2nd:P. Luck**
To approve the request as presented for both locations subject to having only adults in the road area, people wearing reflective clothing and police guidance. **Vote: All in Favor**

Mr. Toale stated the 7:30 pm appointment had to cancel and will need to be rescheduled.

CURRENT BUSINESS

1) **Change Orders #1 & #2 for Lunenburg Middle/High School Building project**

School Superintendent Loxi Calmes presented budget revision #2 and #3, tied to change orders approved by the School Building Committee. The Massachusetts School Board Authority (MSBA) is requesting a transfer of funds from the budget contingency line into the construction change order line.
Change Order #2 Budget Revision Request #3 is for $37, 417 to be moved from Construction Contingency to Construction Change Orders.
Change Order #1 Budget Revision Request #2 is for $51,378 to be moved from Construction Contingency to Construction Change Orders.
Motion: T. Alonzo **2nd: P. Luck**
To approve the budget revision requests as presented **Vote: All in Favor**

2) **Final Chapter 44 & 33B Transfers & Expenditures**

Ms. Lafleur reported this item is associated with the final closeout of Fiscal Year 2015. These items were presented to the Finance Committee at their meeting last week. There are a total of seven transfer requests that are being presented this evening in five different areas.
The first transfer request is for Police Injury Leave in the amount of $5600.65. There has been an officer out for an unexpected extended period of time. Additional Police/Fire medical expenses were needed in the amount of

$165.91. The former Council on Aging Director had some accrued vacation time remaining upon leaving Lunenburg's employment. This unanticipated payout was not budgeted and $1,480.22 is needed. Veteran Benefits in the amount of $2,551.29 have also been requested since budgeted. The Recycling Program share costs require an additional $8,267.27 in order to close out fiscal year 2015.

Motion: R. Ebersole **2nd: P. Luck**

To approve the transfers presented under M.G.L. Chapter 44, § 33B in the amount of $18,065.34

Vote: All in Favor

Fiscal Year 2015 Budget End

Revenues Report: Ms. Lafleur reported on how fiscal year 2015 ended. Revenue was expected to be around $31,596,569. Actual receipts were $31,842,143, or $245,574 more than anticipated.

Property tax collections were strong at 98.77% of estimates as of June 30, 2015. Local receipts came in strong; 13% higher than anticipated at $323,232. The Local Option Meals tax collections was $13,473; 16% higher than anticipated.

School Department revenues received were $77,600; higher than estimated mostly due to Special Education reimbursement.

Ambulance revenues were up close to 7% or $15,000 due to the fee schedule increase that became effective July 1, 2014.

Investment income was significantly higher than originally anticipated, $38,000, due to the ability to invest bond proceeds for the school construction project.

Motor vehicle excise receipts collected were up by about $43,000 or close to 3%.

Expenditures: Ms. Lafleur reported expenditures were under spent by $69,764 in fiscal year 2015. Ms. Lafleur stated there were also Function Code Transfers; these are administrative transfers within categories of Town Meeting authorization. One such transfer in the amount of $16,902 was into Legal Expenses, paid toward associated expenses above the appropriation related to Hollis Hills 40B development. Total legal expenses came to $116,902, which is below what has been spent over the past four previous years. Another transfer in the amount of $8,107 was to Police Lockup, over and above the additional appropriation of $28,200 made at Annual Town Meeting. Total expenditures for Police Lockup were $82,107. This is due to increased arrests and weekend detainments.

Notable Under Expenditures:

Interest for temporary loans was $13,203 less than budgeted as the town went with permanent financing for the majority of the school building project. In the Technology Department there was a turn back of $7,940 from a temporary position vacancy and reduction in hardware maintenance costs.

The Lunenburg Public Library turned back $20,848.11; $8,920 in the Director's Salary line resulting from IOD leave (partial salary was paid via Worker's Compensation Insurance) and $6,224 in staff salaries resulting from some short term position vacancies and $5,335 in library materials.

Ms. Lafleur noted more detail could be seen by reviewing the FY'2015 Appropriation Balances and the FY'2015 Year to Date Budget Report. The $245,574 and the expenditures less than appropriations, $69,764, is the starting point of the Free Cash Calculation of $315,338. The Town is required to reserve from this amount for a number of items such as resident tax refunds. The Free Cash calculation when finalized will be shared with the Board once it is prepared.

3) **Earth Removal Permit Renewals**

Ms. Lafleur reported there are fifteen permits up for renewal. Only four have had activity over the last year. Permit #8 is not being renewed this year and the site has been 100% restored. The Building Inspector's inspection comments are provided on a spreadsheet.

Motion: R. Ebersole **2nd: T. Alonzo**

To approve the following earth removal permits:

#1 Ralph Montouri, 186 Massachusetts Avenue,

#14 P.J. Keating, west side of Fort Pond Road adjacent to Lancaster,

#15 P.J. Keating, northerly of Leominster- Shirley Road and westerly of Reservoir Road, both sides of Boston & Maine Railroad,

#16 P.J. Keating, Parcel 11, 170 acres, lying northerly of Leominster- Shirley Road and easterly of Reservoir Road, on both sides of Boston & Maine Railroad and both sides of Round Road,
#17 P.J. Keating, southerly of Leominster- Shirley Road, and easterly of Fort Pond Road,
#18, P.J. Keating, southerly of Leominster- Shirley Road, and westerly of Fort Pond Road,
#19 P.J. Keating, easterly of Shirley Reservoir and northerly of Boston & Maine Railroad on the Shirley town line,
#27 P.J. Keating, southeast corner of Lunenburg about 1,300 feet inland from Leominster- Shirley Road,
#28 P.J. Keating, westerly side of Reservoir Road near Round Road,
#29 P. J. Keating, westerly side of Reservoir Road South and near Goodrich Street,
#30 P.J. Keating, southeast corner of Lunenburg about 2200 feet inland from road abutting the Shirley town line,
#42 P.J. Keating, Leominster- Shirley Rd.,
#32 Raymond Powell Jr., rear of 395 Goodrich Street, about 1150 feet inland from C. Nass, and
#54 Powell Stone & Gravel, 151 Leominster Road **Vote: All in Favor**

An Accounts Payable warrant in the amount of $296,943.22 was presented for signatures.

Action File Issues
Mr. Toale stated he would like to set up a volunteer booth at the Stillman Community Fair on September 12th for the various town boards and committees. He invited the other Board members to participate and he will also be sending an invitation to the Chairs of all the committees and boards asking them if they would like to participate on the 12th. The Board concurred.

Committee Reports:
Board of Health –no report; **Building Reuse Committee-** met last night and will make recommendations on September 1st regarding their recommendation for a firm for architectural services; **Cable Advisory Committee-** met last night, Mr. Alonzo stated he received an email today asking why the Town does not let Verizon provide television services. The Town does not have an exclusive contract with Comcast and Verizon is welcome to apply for a television license. The committee is working on the cable license renewal process and is composing a citizen survey related to customer service by Comcast, public access services etc. There is a vacancy on this committee; **Capital Planning Committee-** first meeting is September 8th; **Conservation Commission**-no report; **Finance Committee-**met and approved the Chapter 44 transfers and then discussed the preparation process for the upcoming budget season and are examining the cost of hiring an employee. They are two members short; **Library Board of Trustees-** no report; **MART Advisory-** Ms. Luck and COA Director Sue Doherty will be meeting with the White Street residents on the 28th concerning the new loop service. Ms. Luck is anticipating a ridership report soon; **MPO-** no report; **Planning Board-** no report; **PACC-** no report; **School Committee-**meeting tomorrow; **School Building Committee-**met and reviewed the two change orders discussed this evening, they also discussed two other potential change orders; a grounds garage which is being torn down and locating trash and recyclable collection areas at every entrance on the site; **Sewer Commission-** has received a $30,000 DEP grant for a sewer system asset management plan; this will be used for infiltration and inflow control; the Pratt and Lakeview project continues. There was a demonstration from another vendor for grinder pumps. **ZBA-** no report.
Town Manager- received a notice there will be another Department of Public Utilities hearing on September 24th regarding the Unitil rate increase case. Ms. Lafleur is working to schedule a meeting with the Parks Commission on September 3rd for continuing the Marshall Park discussion and to look at their fee structure for all the different fields. The DPW Director has diligently reached out to all the youth/adult recreation groups who use the fields and has composed a draft fee schedule to present to the Park Commission. Ms. Lafleur is meeting with the Animal Control Officer and Police Chief Marino on the 27th to review the various issues in order to schedule a workshop meeting with this Board sometime in September.

Resignation
Caroline Griffis has rendered her resignation effective immediately from the Finance Committee.

Motion: R. Ebersole **2nd: T. Alonzo**
To accept Ms. Griffis' resignation with regret **Vote: All in Favor**

Mr. Toale announced the next meeting is September 1st and they will hold a workshop on September 8th to continue work on Town Manager and Board member goals.

Public Comment:
Mr. Ebersole asked whether the Attorney General's office has notified the town regarding the ATM zoning and general bylaw articles for the Village and Architectural Preservation District. Ms. Lafleur has not heard anything to date, she will check with the Town Clerk tomorrow.
Mr. Ebersole stated the Board was notified of a liquor violation in April and there was supposed to be a hearing in June. What is happening with that? Ms. Lafleur stated she had sent this notice at least twice to the Board asking for a response and had only heard back from one Board member. She spoke with Chairman Toale before tonight's meeting and it will be discussed as a second item at the workshop meeting. Mr. Toale clarified the discussion would be on the process for reviewing a police report and how that impacts the Board's licensing authority, not this particular event. Mr. Ebersole recommended this discussion happen at the September 1st meeting, adding it should be televised as liquor licensing is one of the highest liability areas for the board. "
Mr. Ebersole asked about the closed gas station on Massachusetts Avenue and how the zoning, if approved will affect it. He assumed there are still outstanding taxes on the property. Ms. Lafleur confirmed there is a tax lien on the property. Mr. Ebersole suggested this be placed on the workshop agenda as this has been ongoing since he has been on the Board.
Mr. Ebersole noted regarding the meeting with the Animal Control Officer and Police Chief next week, Chapter 140, § 151A, which was amended in 2012, requires the Board of Selectmen to annually issue a warrant to the animal control officer directing the officer to seek out, catch and confine all dogs within the town which are not licensed, collared or harnessed. He added the Massachusetts Animal Coalition suggests towns may need to amend their bylaws and procedures to comply with this. Mr. Ebersole stated this needs to be included in the discussion with the ACO and Police Chief next week and the Town needs to look at their bylaw for next year also.

Motion: R. Ebersole **2nd: T. Alonzo**
To adjourn the meeting at 8:25 PM **Vote: All in Favor**

Respectfully submitted,
Elaine M. Peterson
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Executive Assistant to the Town Manager