

**BOARD OF SELECTMEN
MEETING MINUTES**

September 1, 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; Paula Bertram, Member and Town Manager Kerry Lafleur. The meeting opened at 7:00 PM with the Pledge of Allegiance.

Public Comment:

Mr. Alonzo announced another "Walk in the Woods," sponsored by the Conservation Commission on September 13. Anyone interested should meet behind the Ritter Building at 9:30 a.m. This walk is tentatively planned for the Pleasant St. Laurelbank Farm area. Check out the Conservation Commission website for any last minute changes.

He also announced another long-time resident, Ernest Hunter passed away on Sunday, August 30th.

Mr. Toale announced there are still vacancies on town boards. There will be a volunteer booth set up at the Stillman Farm Country Fair on September 12th. More information can be obtained there on the individual boards. Mr. Toale added there is a new auction item available at that fair. Police Chief Marino and he will cook dinner for 8 people at their home for the highest bidder.

Appointments:

One Day Special License for 449 Corp. d/b/a Lakeview Club

Danielle Bettencourt presented to request the one-day license for an American Diabetes Association fundraiser outside the licensed premises. This would be the third year of this event with no incidents the past two years. Ms. Lafleur reported the original application was for an all alcohol license; it has been amended to beer and wine only as special on day all alcohol licenses are only allowed for non-profit organizations. This has been verified by the ABCC. Ms. Lafleur stated there are fiscal year 2015 real estate taxes due on the property. The owner has paid all 2014 real estate taxes. She added the town is in the process of working on delinquent 2015 real estate taxes. The licensee will need to have paid all fiscal 2015 taxes in full or entered into a payment plan before annual license renewal time in November. Other than that the application is complete.

Mr. Alonzo stated the memorandum provided reports the licensee entered into a payment plan to pay \$200 per week but upon checking with the Treasurer/Collector, it was noted that the total amount due was \$6,623.00. Ms. Lafleur stated that is the total that was due on 2014, 2015 and 2016 real estate taxes. The owner paid approximately \$3,300 of that total this week. Mr. Alonzo stated if we are going to enter into agreements with people who are not paying their back taxes he is willing to go forward with it this year. But if we are this same position next year, he stated he will not vote for the license. Ms. Luck noted this owner had a payment agreement with the Town but did not follow through; is there any way to enforce an agreement? Ms. Lafleur stated the Treasurer/Collector's office needs to monitor the agreements and notify the Selectmen office in the case of any license holder. With the recent turnover in that position, it didn't happen the way that it should have this past year.

Motion: R. Ebersole

2nd: T. Alonzo

To approve a One Day Beer and Wine license for 449 Corp. d/b/a Lakeview Club, located outside of 449 Whalom Road for September 12, with a rain date of September 13

Vote: All in Favor

Ms. Bettencourt thanked the Board and exited the meeting.

Mr. Toale moved to Current Business #2.

Recommendation from Building Reuse Committee on Building Assessment & Space Needs Study

Ron Albert, 69 Island Road, Vice Chairman of the Building Re-use Committee, reported a meeting was held to review and discuss the qualifying proposals from architects who responded to the committee's request for qualifications to perform a Building Assessment & Space Needs Study on four Lunenburg municipal buildings; Town Hall, T.C. Passios Building, old Primary School and the Ritter Building.

Each architect was allowed approximately one half hour to address the committee and present materials and make comments in support of their written proposals which the committee had received earlier. Upon completion of the architects' presentations, each committee member was given the opportunity to share their impressions and make comments during a general discussion period. Each member then prepared a graded 'Score Sheet' for each architect firm.

In addition to the graded score sheets, the committee members noted the following points:

- The availability of key personnel to work on the study during the allocated 12 week project period. (Specifically two principals of the firm and two key project lead associates)
- Familiarity & knowledge of Lunenburg based on previous work was evident in both presentations, but significantly broader with Tappe Architects Inc.
- The quality of work in both the presentation and the handout was felt to be superior by Tappe Architects, Inc.
- Tappe's understanding of specifically what was being asked for in the project described in the RFQ and the commitment to deliver on those specifics was a key factor
- All five members of the committee ranked Tappe higher on the overall interview "score sheet" than the other respondent.

Finally, while the Building Re-Use Committee members thought that either firm was capable of performing the tasks called for in the RFQ, all members scored Tappe Architects, Inc. higher than the other respondent and voted (5-0) to recommend them to the Board of Selectmen.

The Building Re-Use Committee maintains a file with the recorded vote as it is a matter of public record.

Mr. Ebersole asked Mr. Albert to briefly explain what the firm would be doing. Mr. Albert reported that the goal of the study is to determine the current conditions and spatial needs of the four municipal buildings/properties. They would determine this by investigating baseline data, performing due diligence, fact finding and interviewing department heads and committee chairs as well as anyone else who would bring value to the discussion and to better understand what we have in those four buildings. With that information they will present a report that will package all that up for consideration and decide if and how any of those buildings could serve the town, in terms of cost and usefulness going forward.

Mr. Ebersole asked if Tappe will be coming up with an estimate of what's involved. Mr. Albert stated yes.

Mr. Ebersole asked what the cost was approved by the Capital Plan. Mr. Albert stated the cost was \$28,000 and the committee took guidance from Town Manager on how to organize their request for qualification. Mr.

Alonzo asked what amount of time this study will take. Mr. Albert stated the committee had estimated 12 weeks. Ms. Bertram asked if there will be some sort of market analysis to determine the uses of the buildings.

Mr. Albert stated they will be looking at zoning, historical factors, the overlay district and what the heartbeat of the community is that affects the uses of these buildings. Mr. Toale stated the primary objective is to assess which building out of the four would best suit the town for its use. They could also provide some facts about the other three building on marketability and usability.

Motion: R. Ebersole

2nd: T. Alonzo

To accept the recommendation of the Building Re-Use Committee and approve contracting with Tappe Architects, Inc.

Vote: All in Favor

Mr. Toale thanked Mr. Albert for his report and the other members of the committee present tonight.

Cultural Council Appointment Request

Mr. Toale asked Ms. Sally Jahriss to come forward. Ms. Bertram asked Ms. Jahriss if she had an opportunity to meet with the other Cultural Council members. Ms. Jahriss stated no but she did reach out to them. Ms. Luck stated Ms. Jahriss' experience with the arts certainly suited her for this position.

Motion: R. Ebersole

2nd: P. Bertram

To appoint Sally Jahriss to the Lunenburg Cultural Council with a term to expire June 30, 2018

Vote: All in Favor

Ms. Jahriss thanked the Board and exited the meeting.

CURRENT BUSINESS

1) Policies and Procedures for Health Insurance under the Federal Affordable Care Act (ACA)

Ms. Lafleur reported she would start the presentation and also introduced Nancy Forest, Payroll and Benefits Specialist and who also serves as our Insurance Risk person. She has been valuable in that capacity for the town. The item before the Board is the draft policy and procedures for implementing the Affordable Care Act that are applicable to municipal employers. It states that the Town is committed to being in full compliance with the ACA. The Town is categorized as a large employer under the ACA and may be subject to an Employer Shared Responsibility Payment (ESRP). If the Town fails to provide health insurance to an employee that is eligible, there could be penalties.

The following procedures are designed to ensure that the Town will avoid, or at least minimize any liability for ESRP's. Pursuant to the ACA, ongoing (current) Town and School employees who are employed for at least 130 hours of service per month must be offered Town-sponsored health insurance, but in Massachusetts anyone who works 20 hours or more is eligible.

For new employees expected to be variable hour, seasonal, and part time employees, the Town shall track their hours of service using an initial measurement period of 12 months. A position that would fall under this category would be a reserve police officer, substitute teacher or on call fire fighter. The Town shall employ the 12-month look-back measurement method to determine health insurance eligibility for all employees. This 12-month coverage is called the stability period. How many hours an employee works during the stability period is relevant only in determining whether he/she will be eligible for Town sponsored health insurance coverage in the next stability period. The measurement, administrative, and stability periods shall then repeat themselves on an ongoing basis. The standard measurement period shall begin on January 1, 2015.

As mentioned previously, a Town employee must average at least 130 hours of service over a 12-month period to be entitled to Town-sponsored health insurance. The following categories of service count toward the 130 hour average: each hour worked for which an employee is paid; unpaid short scheduled breaks (not including unpaid lunch breaks of at least 30 minutes), paid time off due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty, or leave of absence. Generally, unpaid time off will not count toward the 130 hours of service.

Certain periods of unpaid time off will not be included when calculating the 12-month standard measurement period. These include summer months for teachers and other school employees, FMLA leave, military leave, and jury duty. For these special periods of unpaid time off, the Town will determine the average hours during the measurement period, excluding the special unpaid leave period, and will use that average as the average for the entire measurement period. Ms. Forest stated this policy was reviewed by our insurance advisor.

Motion: R. Ebersole

2nd: T. Alonzo

To accept the Policies and Procedures for Health Insurance under the Federal Affordable Care Act as presented this evening

Vote: All in Favor

Accounts Payable Warrants in the amount of \$143,508.90 and \$447,582.33 and a school construction warrant in the amount of \$4,259,078.92 were presented for signatures.

Minutes of April 21, August 4, August 11, and August 18, 2015 were presented.

Action File Issues: Mr. Alonzo asked for a follow up report on the Animal Control Officer situation. Ms. Lafleur reported she met with ACO Comeau and Police Chief Marino last week. Chief Marino is drafting a proposal. She stated September 22 is the goal for completion with more information coming one week prior to that date.

Committee Reports:

Board of Health –met last week, Dave Passios is the lead on the septic system loan program; their goal is to get that information in the fall so people can apply and use the funding next spring. Due to the vacancy created by

the passing of BOH member David Shays, the vacancy needs to be posted. One person is interested and has attended one of their meetings. **Building Reuse Committee**- they'll be working with Tappe Architects over the next twelve weeks; **Cable Advisory Committee**- no report; **Capital Planning Committee**- first meeting is on September 8th; **Conservation Commission**-there were several erosion control projects, one on Prospect Street and another on Pine Acres Road and an ongoing remediation order on Sunset Lane; they discussed and reviewed with LSIC the Lake Shirley treatment and herbicide management, specifically data collection and testing, along with the need for a management plan for Lake Shirley. LSIC is working with a consultant on that. At their next meeting they will review the order of conditions for LSIC. Another issue that came up is the question of Lake Shirley ownership. Ken Jones stated the Town might own property at 51 Parmenter Road that may provide public access. **Finance Committee**- no report; **Library Board of Trustees**- meets on the 17th; **MART Advisory**- ridership figures were presented, 10 passengers last month; Ms. Luck and COA Director met with White Street residents last week concerning the new bus loop; she added she should try to reach out to the Boys and Girls Club about the new service; Mr. Ebersole requested ridership membership on the regular bus route; **MPO**- no report; **Planning Board**- last night they heard a couple of ANRs; there was a public hearing on a proposal to build 22 (three-bedroom) townhouses at 274 Prospect Street, abutters had concerns about the building height (38 feet), the proximity of the swimming area across the street and storm water drains, traffic, loss of use, neighborhood character, parking areas, and infrastructure impact on school. There was a question how this fits into the Whalom overlay district; the hearing was continued to September 28th; **PACC**- upgraded their equipment and changed the cameras in Town Hall; **School Committee**-met on August 19th, IT Director Malandrinos discussed the one on one computing technology plan using Google Chrome books for grades 10 - 12, there will be a \$120 technology fee involved but students can take them with them after graduating; a workshop will be held by the School Committee on this in October; **School Building Committee**-meeting next week; **Sewer Commission**-met last Tuesday, a presentation by the second grinder pump vendor was given, they continue to working on grease trap compliance; **ZBA**- one hearing is scheduled in September for a dog boarding/day care facility at 339 Electric Avenue.

Town Manager- Ms. Lafleur reported long-time Cemetery Superintendent Greg Bingham retired last month; he was a very dedicated hard-working employee, he also did a tremendous job for the town in winter operations, she wished him well. She will be meeting with the Cemetery Commissioners next week to review applications and will make a request to ratify the new Cemetery Superintendent appointment at the September 22 meeting. Ms. Lafleur will be meeting with the Park Commissioners on the 3rd on bids received for conducting an existing conditions plan at Marshall Park; this is to determine the best options for parking. They will also be looking at resolution with the adjacent property owner over the property line dispute. She reported she received a complaint from another property owner concerning use of one of the fields at Marshall Park. The third item is a presentation of a draft of user fees composed by the DPW Director for all fields and recreational facilities under the jurisdiction of the Parks Commission.

Mr. Alonzo wanted to take this opportunity to thank Greg Bingham for all his work. He stated he really was an exemplary employee. He represented a holistic view of community. He wished him the best. When the new person comes on we need to address what to do with the Cemetery Building. It is an eyesore.

Ms. Lafleur asked the Board to start thinking about a special town meeting date as there is unfinished business from annual town meeting as well as some budget adjustments. The Personnel Committee will have some proposals for amendments to the salary administration plan.

Ms. Lafleur said there is a potential for purchase of street lights. There were issues to work out with Unitol and they have been worked out. The last item is a potential solar project. Nexamp is the potential developer for a municipal net metering credit project or a combined municipal net metering/community shared solar project. This is a 650 kilowatts total project and would be located within the City of Fitchburg. The developer is interested in working with one municipal off taker and is interested in Lunenburg. We have a good relationship with them. They own the existing project on top of Turkey Hill Elementary School. The Nexamp representative will be making a presentation to this Board on September 15th.

Resignation from Cable Advisory Committee

Motion: R. Ebersole

To accept the resignation of Jamie Toale from the Cable Advisory Committee

2nd: T. Alonzo

Vote: All in Favor

Public Comment:

Ms. Luck reported the Pancake Breakfast at Eagle House is September 9th. The Food Bank benefits from the pancake breakfast proceeds. She also wanted to remind everyone to go to the Farmer's Market on Sunday mornings. Mr. Alonzo wanted to recognize the Lions' Club for all the work they do on the food bank and to recognize Ms. Luck for being the best hawker of the pancake breakfast.

Mr. Ebersole asked Ms. Lafleur if Town Counsel had provided the status on the traffic rules and regulations. She stated they have talked but she had no date on when it would be available. He wondered if the Town should be involved about the parking at the proposed development off of Kimball and Pond. We may need to think about a comprehensive parking plan for the Town in addition to the traffic rules and regulations.

One other road item he wanted to discuss with DPW Supt. Rodriquenz was that there was a serious accident at the intersection of Massachusetts Avenue and Chestnut Street recently. He stated at some point we may have to look at a "no left turn" coming from Fitchburg onto Chestnut Street because it's across the line of traffic and probably a "no left turn" coming out of Chestnut Street onto Massachusetts Avenue going easterly.

Ms. Bertram added they should get an update on Chase Road at some point also.

Mr. Toale announced the next meeting is September 8th to continue work on Town Manager and Board member goals. It will not be televised. The Board will then meet on September 15 and it will be televised.

**Motion: P. Bertram
To adjourn the meeting at 8:09 PM**

**2nd: T. Alonzo
Vote: All in Favor**

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager