



**BOARD OF SELECTMEN
MEETING MINUTES**

September 15, 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; Paula Bertram, Member; Phyllis Luck, Member and Town Manager Kerry Lafleur. The meeting opened at 6:00 P.M.

Motion: T. Alonzo

2nd: R. Ebersole

To enter into Executive Session- 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- O'Brien Homes

Vote: Mr. Alonzo- aye, Mr. Ebersole- aye, Ms. Bertram- aye, Mr. Toale- aye

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

The meeting commenced at 7:05 p.m. with the Pledge of Allegiance.

Public Comment:

Mr. Toale mentioned this past weekend a country fair was held at the Stillman Farm which he considered a huge success. He thanked the various town departments (DPW, Fire, and Police) who participated in the event. He added the volunteer booth received ten talent bank forms with five others that are promised to be returned. He congratulated everyone who participated. Mr. Alonzo concurred; adding lots of funding was raised for the Food Bank. Parking needs to be fine-tuned for next year. Ms. Luck was inspired by Sharon Rodrinquenz who won the 50/50 raffle and donated her winning portion back.

Ms. Luck reported Sarah Powell who is 101 years young will be receiving the Boston Post Cane on October 19th at 2:00 P.M. at Eagle House Senior Center.

Julia Stillman came to thank the Board for their amazing support to help them pull off the event and presented milk and cookies to them. Lisa Normandin, President of the Lion's Club wanted to thank Marilyn Talley for her work on the event; they are 99% sure they made over \$12,000 for the Food Bank. She wanted to thank all the Hickory Hills community, Dave MacDonald, Lions Club members, Police Chief Marino, Fire Chief Sullivan and DPW Director Rodriquenz, all the raffle donors and everybody that came and had a good time.

Tom Bertram, 312 Townsend Harbor Road, asked for everyone to applaud the ladies involved in the fundraiser. Applause ensued. He stated he is the President of the Lunenburg Snow Riders and they were notified today that they are recipients of an RTP Trails grant in the amount of \$49,524.89. He also thanked his wife Paula Bertram for writing the grant application. He noted that over the past 5 years, they have received \$120,000 in grant funding of which most has gone back to the Lunenburg community. He invited the Board members to a ribbon cutting ceremony on October 10th weekend for a newly constructed handicapped accessible wildlife viewing station paid for with a 2013 grant. Mr. Alonzo thanked the club for all they do for the community.

Ms. Luck attended the September 9th meeting of the Lunenburg Water District. There was a vote to move forward with the investigation of loans to fund a 1.2 million dollar garage and office for the Water District. It was unanimously approved. Mr. Piccirillo of Sunset Lane will be on the September 23 agenda to discuss the Water District moving forward with a well on his Lake Shirley property. The Water District voted to keep the Hickory Hills well as an option. It was reported that an intermunicipal agreement with Fitchburg is moving ahead.

APPOINTMENTS

Mr. Toale announced the 7:00 p.m. appointment had to cancel; this will be moved to the September 22 agenda.

The Board signed an Accounts Payable Warrant in the amount of \$287,397.59.

Ms. Luck and Ms. Bertram expressed interest in meeting with a DEP storm water coordinator for information relating to Ms4 permitting requirements. Ms. Lafleur will work on getting a meeting scheduled.

Mr. Toale reported on the Board's workshop meeting last week on goals. Stormwater management, economic development and road pavement management were discussed. There will be more workshop type meetings alternated with regular meetings.

Notice of Appointment- Todd Holman to Cemetery Superintendent

Ms. Lafleur requested the Board ratify the appointment of Todd Holman as Cemetery Superintendent this evening. Both the DPW Director and Cemetery Commission have recommended his appointment as well. She read aloud a letter of recommendation from the Cemetery Commission.

Motion: T. Alonzo

2nd: P. Bertram

To ratify the appointment of Todd Holman as Cemetery Superintendent by the Town Manager

Vote: All in Favor

Nexamp, Net Metering Credit Opportunity/Community Shared Solar Project

Joe Fiore of Nexamp thanked the Town Manager and Board for inviting him in this evening. He reported Nexamp is a locally owned and operated solar provider that has been in business for around ten years. Their model is to build, own and operate commercial solar facilities over the long term. They have hundreds of solar projects with more than 45 MWs operating across New England. They are the MA leader in commercial solar projects in 108 towns and were named the number one solar contractor in MA.

Net metering is a way for Nexamp to sell the Town dollar credits to offset its electricity costs. Nexamp sells the Town net metering credits at a discounted price. The proposed 650 kW project is located in Fitchburg on an apple orchard. Prior to this meeting, Mr. Fiore and Town Manager Lafleur had discussed the option of Nexamp selling the Town 325 kW and the remaining 325 kW to be eligible to go towards a community shared solar allocation. Every resident can participate. Nexamp's standard offer to residents is a 15% discount on their bill. If you are a Unitil customer, you would sign up for the project. Every month, once the project is operational, net metering credits would show on your electricity bill as a line item and offset the amount you owe to Unitil. The customer would owe Nexamp 85% of the value of those credits. There is no termination fee, you can change your allocation amount at any time and there are no upfront costs. The credits never expire and can be rolled over to the next month. This project could accommodate 100 -150 residents on a first-come, first-serve basis. The project has received approval from the Fitchburg Planning Board and is scheduled to go before the Fitchburg Conservation Commission (there are no wetlands involved, this is just procedure) next week. Nexamp is scheduled to get the interconnection services study on September 21st. If all passes in Fitchburg and if Lunenburg goes forward, construction could begin this fall with an anticipated operations date of 2016. Mr. Fiore presented a breakdown of savings calculations over the next twenty years. The first year of savings is projected to be over \$20,000.

The Town would not own or have to maintain the project. Nexamp is obligated to provide the Town with credits every month. Nexamp would track the production of the project and provide a year to date overview each month on how many dollars are allocated to Lunenburg, what the Town paid and what were the savings.

Another option that Mr. Fiore and Ms. Lafleur discussed was the Town receiving 100% of the project. The benefits of this would be greater savings and more income. The first year would generate \$36,400 in savings. Nexamp would prefer the Town go with the community shared project due to state incentives, but it is up to the Town to make the decision.

Motion: P. Bertram

2nd:R. Ebersole

To enter into negotiations with Nexamp for the Net Metering Credit Opportunity and to authorize the Town Manager to do so

Vote: All in Favor

Mr. Toale thanked Mr. Fiore for his presentation. Mr. Fiore thanked the Board for their time and exited the meeting.

Liquor License Violation Hearing for Donnelly's Tavern

Mr. Toale read aloud the Notice of Hearing for Donnelly's Tavern, Inc. pursuant to G.L. Chapter 138, §23, to discuss the alcoholic beverages license at 43 Summer Street concerning an incident report filed by the Lunenburg Police Department and received by the Board of Selectmen on April 29, 2015. The report concerns events at the establishment that occurred after mandatory closing time on April 25, 2015, specifically operating and allowing drinks to be consumed after mandatory closing time (Section 1/04(a) of the Lunenburg Licensing Commission Regulations. He asked anyone who intended to testify this evening to stand and be sworn in. Police Sergeant Jack Hebert and Donnelly's Tavern owner John Donnelly identified themselves.

Sergeant Hebert reported the incident occurred on April 25, 2015 at 2:12 a.m. While on patrol he observed someone sitting at the bar in Donnelly's Tavern. He drove around to the side of the building and observed five vehicles in the parking lot. He returned to the front and still observed a man sitting at the bar. He parked, notified dispatch and knocked on the door. The door was locked. He announced his presence. The door was opened and he observed two males on the patron side of the bar and one male (the bartender) behind the bar. He asked if everyone was employed by the establishment and one of the males stated he was just leaving. Sgt. Hebert repeated his question asking if they were employees and the bartender, Jeffrey Lecuyer, stated they were not. Sgt. Hebert observed another male sitting at the end of the bar. He was identified as Kenny Marois. Sgt. Hebert asked the bartender why they were still in the bar and Lecuyer said he was giving them a ride home. Sgt. Hebert asked why he was giving them a ride home and Lecuyer stated they had too much to drink and drive. Sgt. Hebert asked if he thought he should have continued to serve them after observing them to be intoxicated and Lecuyer stated probably not. Sgt. Hebert asked the three men to exit the establishment and wait outside. Sgt. Hebert continued conversing with Lecuyer about the man sitting at the bar at approximately 2:12 a.m. and asked if he was drinking. Lecuyer stated he was. Sgt. Hebert continued speaking with Lecuyer about having patrons in the bar consuming alcohol, having them in the bar after closing and giving over-served patrons a ride home; in this case, three over-served patrons. Sgt. Hebert stated by the time he entered the bar it was 2:25 a.m. Mr. Ebersole asked if the door had been locked when he arrived. Sgt. Hebert stated yes. Ms. Bertram asked again what the time was when Hebert entered the bar. Sgt. Hebert stated 2:25 a.m. Ms. Bertram asked if he saw the man at the bar drinking at that time. Sgt. Hebert responded no, but the bartender did confirm he had been drinking.

John Donnelly identified himself as the manager. He stated he had never been before this board for violations. Mr. Donnelly stated he had read Sgt. Hebert's report and while he was not present, he did interview the four people that were there. Although the accounts are slightly different, the men were in fact there after closing. He did confirm a violation occurred and he did not take this lightly. The regulations are posted behind the bar for all employees. Closing duties are clearly established and employees are reminded constantly about them. Mr. Donnelly stated since this incident the bartender has been terminated. He hoped they could go forward and use this as a learning experience, not only for employees but for patrons.

Ms. Bertram asked if Sgt. Hebert has observed any other issues with this establishment since April. Sgt. Hebert stated he continues to patrol and has not seen any other issues since the night of the violation.

Mr. Ebersole stated the door had been locked and although it wasn't in the report Lunenburg regulations state the door shall not be locked until patrons have exited from the premises. Mr. Toale closed the hearing and opened discussion. Mr. Ebersole stated he appreciated the owner's statements and would recommend a warning based on past practices with other establishments.

Mr. Alonzo thanked the owner for his statements and agreed with Mr. Ebersole's suggestion of a warning.

Motion: R. Ebersole

2nd: T. Alonzo

To issue a written warning for the violations as outlined in the hearing notice to Donnelly's Tavern in

Vote: All in Favor

Current Business

1. Nashoba Valley Regional District Dispatch Agreement

Ms. Lafleur referred the Board to the intermunicipal agreement in their packets, this intermunicipal agreement replaces the one that was approved in 2011. State legislation for a regional dispatch district was finally approved on January 5, 2015 under Chapter 500 of the Acts of 2014. This agreement is the existing IMA updated to reflect the state law. There are a few items that are required that are part of the state law that weren't part of the IMA. Operations are not going to change significantly. She added the Town is part of the district that includes Devens, Lancaster and Harvard. The term of this agreement is through June 30, 2016. The second term shall begin on July 1, 2016 and end on June 30, 2017. Thereafter it shall automatically renew for additional terms of one year each for up to twenty-five years, or until terminated by mutual agreement, superseded by a subsequent agreement or terminated sooner.

Governance shall consist of a District Board (Administration Board), an Operations Committee, and a Finance Advisory Committee (Finance Committee). The Finance Committee is newly formed with this agreement. The Board of Selectmen and the MassDevelopment Board of Directors shall each appoint one person to serve as its representative on the Administration Board. The chief administrative officer for each community shall appoint one person who shall serve as its representative on the Operations Committee. Fire Chief Sullivan is that representative with Police Chief Marino as the alternate. The Finance Committee representative cannot be the same person as the representative on the Administration Board or the Operations Committee. The Board will need to make an appointment to that Committee.

Another change to the agreement is the Provision of Services to Other Entities. The Town of Bolton is in the process of becoming a provisional member. We are in the process of identifying them as a provisional member. They do not have voting privileges.

Up until this agreement being finalized, dispatch employees have not been able to participate in the Commonwealth of Massachusetts' retirement system. They will now be employees of the district dispatch and will be able to apply their OBRA contributions to the retirement plan which will be administered by Worcester County Retirement System rather than the Town of Lunenburg.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the revised Regional 911 Emergency Communication District Agreement as presented

Vote: All in Favor

2. Lunenburg Water District- Lancaster Expansion; Request for 2 Lunenburg Members

Ms. Lafleur reported Fran McNamara, Lunenburg Water District Supervisor, has informed her that the Lunenburg Water District is still considering supplying water to the north part of Lancaster. They are looking to form a committee composed of two members of Lunenburg, one commissioner, the supervisor and one representative from the Town of Lancaster. Mr. McNamara would prefer the two Board members be Lunenburg Water District members. Ms. Bertram and Mr. Alonzo expressed interest but wanted to know more about the time commitment. Mr. Ebersole requested this committee also look at the water needs of the Town of Lunenburg. Mr. Ebersole stated he had contacted the Attorney General's office and this would be considered a subcommittee which would fall under the Open Meeting Law.

3. Special Town Meeting Date

Ms. Lafleur reported she is looking at a Monday in November for a Special Town Meeting, specifically November 16 or 23. The 23rd is the Monday before Thanksgiving and the Board preferred the 16th, rather than the holiday week. Ms. Lafleur will present a timeline leading up to the Special Town Meeting on the 22nd. The Board will also open the Special Town Meeting warrant on the 22nd.

4. Committee Reports:

Planning Board- Ms. Bertram reported the majority of the meeting focused on High Field Village. It was continued to November 9th.

School Committee- Ms. Luck reported Facilities Director John Londa presented a 10 year Capital Plan for Turkey Hill Middle School on September 2nd. This included asbestos removal, roof repairs, new

HVAC system, windows and electrical work. The cost by 2024 will be close to \$22 million. The Lunenburg public schools received \$882,000 in grant funding for fiscal year 2016, with federal grants increasing by \$200,023 due to the number of students living below the poverty level. Class size has increased in grades two and three; grade two has between 26- 27 students per class and grade three has 24- 25 students per classroom.

ZBA- approved the proposed dog day care facility, it now goes before the Planning Board.

MART Advisory- ridership numbers for the month of August are in the Board's packet. MART stated it was impossible to determine how many Lunenburg residents use all the buses, but could report on how much activity there is at the two Lunenburg stops.

Cable Advisory Committee- meets Monday,

Finance Committee- no report, there are still two vacancies on the committee,

School Building Committee- the school construction project is at 52% of completion; 55% completion of the building; there was another change order in the amount of \$49,182; the majority for an added drain under the parking lot and granite curb detail due to water flow. Also for mirrors in the weight room and carpeting in the upper part of auditorium and placing around 70 paper towel dispensers.

PACC- they are continuing work on the business plan with the Cable Advisory Committee as well as updating their policies and procedures

Board of Health-a vacancy remains on this Board

Building Reuse Committee-the RFQ award is almost completed, we are negotiating the wording of agreement and the notice to proceed is expected next week which according to the timeline will give us our final deliverables in December

Capital Planning Committee- has scheduled three meetings with the various departments; Public Safety (9/29/15) , Schools (10/13/15), and DPW (10/27/15) for long term capital needs.

Interviews for Appointment:

Mr. Toale asked if any of the applicants for the Achitectural Preservation District6 Commission were present. None were. The Attorney General's office has not notified the Town of approval of the APD bylaw to date. Residents are encouraged to apply for this commission. He stated Amory Phelps has been recommended by the Historical Commission as their representative on that commission.

Town Manager Report

Ms. Lafleur announced new rates for the municipal electric aggregation program effective November 1, 2015. There is a contract covering the upcoming year in two six month increments. The new rate will be 11.98 cents for the first six months. This is a decrease of 2.01 cents from the rate in November 2014. For the period from May 1, 2016 through November 1, 2016, the rate will 8.9 cents. The current rate right now is 11.3 cents, a decrease of 2.4 cents. The town will continue with ConEdison Solutions.

Ms. Lafleur reported the Town is working on a potential re-funding of the Municipal Purpose Loan of 2004. We met with our financial advisor today and it looks like we can re-fund this with a present value savings of \$113,000 over the nine remaining years. \$97,000 of this is exempt debt and \$16,000 is non-exempt debt. To property owners, the \$97,000 represents a penny on the tax bills. We will also be looking at a potential re-funding of our 2007 issue next year. She did request the financial advisor to perform an analysis on what Lunenburg could do to increase its credit rating from "AA+" to "AAA." However it might not be things we want to do. One item that would help our credit rating is to increase our stabilization fund. One of our areas of weakness identified is the increased amount of debt; this is due to the school construction project. There are only three "AAA" rated communities in Worcester County; Southboro, Westborough, and Harvard, and it is because of the overall wealth of those communities.

Ms. Lafleur stated there will be an Open Meetings Law workshop presented by Kopelman & Paige on Wednesday, September 30th at 6:30 p.m. at the Eagle House Senior Center. She will modify the flyer to

state attendance is strongly recommended. We will send this flyer out tomorrow to all members of boards.

Public Comment:

Troy Daniels, 94 Main Street, asked about the status on the Animal Control Officer complaint. He also wanted to know whether we as a community would approve setting animals loose in the community at the peril of the animal and/or the people in the community. Ms. Lafleur stated next week's agenda will cover ACO Services. She has met with the ACO and the Police Chief since the complaints. They put together an outline of the current services provided and identified some potential weaknesses in process. This will be a good opportunity to talk about services that we don't provide and see if the community is interested in a different level of services and the associated costs. We have some statistics of the number and types of calls over the last year. The Police Chief and the Animal Control Officer will be present at that meeting. Mr. Alonzo and Ms. Bertram wanted more information regarding the ACO responsibilities and to see the presentation next week before responding to Mr. Daniels' question. Mr. Ebersole added he wanted to hear what the Board of Selectmen's responsibilities are regarding this.

Greg Bittner, 129 Pleasant Street, had some questions regarding the community solar project proposal. He asked if the third circuit would be affected. He was wondering if the Town would enter into another agreement with Unitil. He also wondered why Fitchburg was not interested in the solar project. Can we find out why? Would we have to go to town meeting to enter into the agreement with Nexamp?

Ms. Lafleur stated she would have to look into that. Mr. Alonzo stated regarding the first question, you would have to ask Unitil as they are the only people who would answer that. As far as the location, it should be a matter of public record in Fitchburg if it went before their Planning Board. As far as an agreement, it would be with Nexamp not Unitil.

David Prokowiew, 733 West Street, also wanted to know about the third circuit. He asked Mr. Toale about the Board's goals; storm water management, traffic management and economic development. He suggested surveying residents about these topics to see where we want to go as a town.

Are the Selectmen's workshops open to the public? Mr. Toale stated all the meetings are open to the public. He encouraged input from residents. Ms. Bertram added years ago the Planning Board held envision sessions and they are going to be an important part of the process. Mr. Prokowiew suggested they should work together across boards. He thought it was a great idea. Is the information on the solar project going to be available online? Ms. Lafleur stated she would put it on the website tomorrow. He asked about the Special Town Meeting, is it going to be explosive? Ms. Lafleur hoped not. There are a few things that might be controversial. There are some budget adjustments, personnel committee articles, etc. Mr. Toale announced the next meeting is September 22nd.

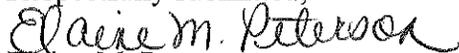
Motion: P. Bertram

To adjourn the meeting at 9:15 p.m.

2nd: P. Luck

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager