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LUNENBURG TOWN
CLERK OFFICE

BOARD OF SELECTMEN
MINUTES
NOVEMBER 3, 2015



The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Tom Alonzo, Clerk; Paul Bertram, Member; Phyllis Luck, Member and Kerry Lafleur, Town Manager. The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

Public Comment:

Ms. Luck reported she had attended a meeting of the Lunenburg Water District and they had discussed the intermunicipal agreement with Lancaster. It was noted that the negotiations with Lancaster for the IMA may require a vote of district members. Another discussion item was the proposed new building at the Massachusetts Avenue property; a survey, drainage plan, location of the building is needed.

The Lions' Club Pancake Breakfast at Eagle House is tomorrow since Veterans Day is next week.

Mr. Alonzo thanked Mrs. McCullah and her civics class students for coming to Town Hall to hear him speak about town government. They had lots of great questions.

He announced the Lunenburg Boys & Girls Club Rockin' Auction fundraiser at the Eagles Club in Leominster on November 7th. It starts at 7:00 p.m. and features a silent auction, Chinese auction, 50/50 raffle and more.

Mr. Toale announced November 5th is the last day to register to vote at the Special Town Meeting on November 16. The Town Clerk office will be open from 8 a.m. to 8 p.m. that day.

Eagle Scout Project

Owen Parker presented his Eagle Scout project proposal to the Board. He would like to add a new plaque in memory of all veterans to a blank rock in the Veterans Memorial Park. The plaque could be for the War on Terrorism. He would like to refurbish the park benches and add mulch and edgers around all the memorials. The work would start in the spring of 2016. Total cost would run around \$1200- \$1300 and would require 32 man hours.

Motion: T. Alonzo

2nd: P. Bertram

To approve the Eagle Scout project as presented and authorize Owen Parker to remove the park benches to be refurbished

Vote: All in Favor

The Board thanked Owen for his presentation.

Disclosures by Non-Elected Municipal Employees of Financial Interest under G.L. c. 268A, §19

Conservation Commission members Tom Bertram, Jack Rabbitt, Brad Kennedy and Carl Luck presented regarding their disclosures. Ms. Luck and Ms. Bertram recused themselves due to being related to Carl Luck (husband) and Tom Bertram (son) respectively.

Jack Rabbitt, Vice Chair of the Conservation Commission, spoke first. He stated the commission members were filing these in an effort to be open and honest. He sincerely wants to protect the environment. Over the past year it has become apparent the wetland regulations need updating, specifically the buffer zone definitions and what constitutes being a structure. Four of the seven commission members live on lakes and would be affected by the changes. They contacted the State Ethics Commission and were informed there was a conflict and to file the disclosures. If four out of seven are in conflict, the commission could not discuss changing regulations. They are looking for guidance from the Board. Mr. Ebersole stated he was okay with the request with the understanding that if an issue affects the members' properties they would need to recuse themselves versus rulings that affect all residents. He advised the discussions be televised and proposed regulations be published in the newspaper, and a reporter is invited to the meeting.

Tom Bertram, 225 Island Road, has been a member for one year. He stated the bylaws and regulations need updating and Massachusetts law has been updated this year so new revisions are needed. They would like to clean up the discrepancies between both.

Richard Bursch, Chairman, stated his comments are directed at the process not the integrity of the individuals involved. As it stands now, they have a bylaw that was enacted in 1997 and regulations that were updated in 2014 whose general terms and procedures need to be aligned. Ethics has deemed that there are financial impacts to these members that merit exemption. He did not believe the Board should act on a broad exemption. If they do, theoretically four members who live on lakes could abolish the buffer zone. He did not believe they would do so but that would be the reality. Speaking as the Chairman, he would like to see a discussion only.

Carl Luck, 50 Sunset Lane, echoed the same request as Mr. Bertram and Mr. Rabbitt. One reason he came on the commission was to review and implement policies. He stated we certainly would recuse ourselves if our properties were affected. He hoped the Board would support the request for determination so they could continue on and do their jobs.

Brad Kennedy, 17 Crocker Ave, wanted to make clear the reason that he joined the commission was to make lakes healthier.

Mr. Toale stated it is important to note that he also owns property on a lake and considered whether he should recuse himself on this decision. However listening to the statements, he felt comfortable working with the commission regarding cleaning up the regulations and bylaw. He was not comfortable with a blanket exemption. He suggested the Board take this under advisement. Mr. Ebersole asked about the affected commission members using the Rule of Necessity. Ms. Lafleur stated this only applies to elected officials. Mr. Alonzo stated the Conservation Chair said it best when what they are doing is to protect the process. It is not an issue of trust; it has to do with setting precedent and giving power beyond what you should when a conflict arises. He stated he would like to see a narrower definition of the conflict of interest.

Motion: B. Ebersole

2nd: T. Alonzo

To approve the determination that financial interest in making regulations conforms to the bylaws and not include any discussion regarding changing substantially either of those items for this purpose

Discussion: Mr. Ebersole believed it is important the regulations be consistent with the bylaws. He supported a limited process and additional discussion going forward.

Mr. Bertram stated the commission would be discussing updating the bylaws over the winter when things quiet down. He suggested placing the buffer zone definitions into the bylaw. Mr. Alonzo stated he would be more comfortable with a town meeting vote about the buffer zone. Land Use Director Adam Burney stated there is no conflict in the bylaw and regulations; the two are separate. He suggested the four affected commission members grant permission for the Board to discuss this with the Ethics Commission attorney. They could hash out the details of the case and get a perspective on individual circumstances to add clarity to how this might play out. Each member has a different potential financial interest depending on where they live and how much land they own. Mr. Alonzo stated he has done this in the past and Ethics has already determined there is a conflict and it's up to the Board to decide.

Mr. Rabbitt stated he was also on the stormwater subcommittee; should he resign? Mr. Alonzo stated anything related to stormwater would be placed into a bylaw, so no, he did not need to.

Mr. Ebersole requested to withdraw his motion and ask the four parties to resubmit revised requests that limit their participation as it relates to them and the comments presented tonight. Mr. Alonzo proposed the commission members discuss this among themselves and present an outlined document of what they are looking to change. The Board could then proceed from those documents. Mr. Rabbitt asked for clarification. Mr. Alonzo stated one thing preventing the Board's decision is there is not enough information on the parts of the bylaw and regulations that you intend to amend.

Mr. Ebersole withdrew his motion and Mr. Alonzo withdrew his second.

Motion: T. Alonzo

Second: P. Bertram

To allow a narrow exemption to discuss for purposes of presenting an outline of those sections of regulations and bylaw that they are looking to adjust for presentation to the Board

Vote: Mr. Alonzo- yes, Mr. Toale- yes, Mr. Ebersole- yes

Vote: Mr. Alonzo- yes, Mr. Toale- yes, Mr. Ebersole- yes

Ms. Luck and Ms. Bertram returned to the meeting.

Parks Commissioner Appointment

Ms. Lafleur reported the Parks Commission consists of three members and there is currently one vacancy. Dennis Mannone, 635 Goodrich Street, has requested to be appointed to the Parks Commission. He has worked in the public sector for twenty years. Paul Scheipers, Park Commissioner, welcomed Mr. Mannone's request to be appointed. Parks Commissioner Bob Robuccio could not be present this evening due to a family emergency. Ms. Lafleur checked the Town Charter and it reads the majority of those members eligible to appoint are required. Four members are required and there were more than that tonight so the appointment can be made. Mr. Ebersole asked Mr. Mannone if he intended to run for election in May. He stated he would.

Motion: P. Bertram

2nd: B. Ebersole

To appoint Dennis Mannone to the Parks Commission until the next election

Discussion: Mr. Toale supported the nomination as he has worked with Mr. Mannone on the Capital Improvement Planning Committee. Ms. Luck thanked him for his interest.

Vote: Mr. Toale- yes, Mr. Ebersole- yes, Mr. Alonzo- yes, Ms. Bertram – yes, Ms. Luck- yes, Mr. Scheipers- yes

Appointments to Architectural Preservation District Commission

Mr. Toale asked if the applicants for the APDC were present.

Motion: T. Alonzo

2nd: P. Bertram

To appoint Amory Phelps to the APDC as the Historical Commission Representative Vote: All in Favor

Resident Jim Laveck, 33 Lancaster Ave., stated he owned a historical home in the APD and thought it was important to be involved. He thought downtown was quaint and he wanted to keep that look for the town. Ms. Bertram asked him his thoughts about mixed use for buildings while maintaining their integrity. Mr. Laveck stated he had a home business when he first moved to town and he believed he had maintained the integrity of that structure while doing so. Mr. Ebersole corrected the mixed use referred to the Historical District.

The Board reviewed the composition of the commission. It is a five member board with one member from the Historical Commission, a design professional, a craftsperson or building contractor familiar with historical restoration, one resident of the APD and one member at large. Terms are staggered.

Mr. Laveck stated he could be the resident member of the APD.

Brian Corcoran, 9 Lancaster Ave., stated he has been involved with the meetings regarding the APDC bylaw from its inception and fits into the resident member designation. He understands the meaning of the bylaw and would like to keep the character of the town as is.

Cullen Dwyer, 76 Main Street, Historical Commission member, also lives in the APD. He helped draft the APDC bylaw and wording. He offered to fill the resident designation or the member at large position.

Mr. Alonzo stated he is not speaking as a reflection on the people coming forward for the APDC but the process and wanted to keep the Historical Commission separate from this commission. Mr. Toale agreed.

Richard McGrath, 22 Cushing Lane, Historical Commission member, stated he could fill the craftsperson category as he is a third generation master stone mason/bricklayer. He likes the idea of making the town accessible; those homes are anchors of the community. He added he is not opposed to development.

Motion: B. Ebersole

2nd: T. Alonzo

To appoint Richard McGrath as the craftsperson member on the APDC with a term ending June 30, 2016

Vote: All in Favor

Motion: T. Alonzo

2nd: B. Ebersole

To appoint Jim Laveck as the resident member on the APDC with a term to expire June 30, 2017

Vote: All in Favor

Discussion ensued about advertising for more applicants before appointing Mr. Dwyer and Mr. Corcoran. Mr. Toale stated he did not want to appoint more Historical Commission members as they have their own charge.

Mr. Corcoran and Mr. Dwyer could serve as alternates if there are more applicants or could be appointed if no further applicants come forward. In the meantime, the APDC now has a quorum and can begin their work. The Board is seeking people with design skills and a member at large of the community. Mr. Toale assured the current applicants that this decision is not a reflection on them personally.

Mr. Ebersole requested more clear maps of the Historical and Architectural Districts for the May 2016 annual town meeting. Mr. Toale thanked the applicants and asked them to wait a little longer. The Board will get back to them regarding whether the appointments would be as members or alternates.

The Minutes of October 13, 2015 were approved and signed.

The 2nd Quarter Water Bill Warrant in the amount of \$6271.05 was presented. An accounts payable warrant in the amount of \$456,236.64; a payroll warrant in the amount of \$702,596.59 and a payroll deductions warrant in the amount of \$448,468.20 were presented for signatures.

Committee Reports:

Ms. Luck attended a School Committee meeting on October 21st and the Financial Report for 2014- 2015 was presented. Supt. Calmes mentioned in the discussion that at the Capital Planning meeting about sharing facilities management capability with the town. The next meeting is tomorrow.

At a ZBA meeting on the 28th, a special permit to build a home on a non-conforming lot at 1381 Mass. Avenue was denied. There is a twenty day appeal period.

Ms. Bertram reported the Planning Board held a hearing on the 274 Prospect Street development on October 26th. Residents expressed concerns about bylaws and lack of architectural character of the proposed metal buildings. The hearing was continued to December 14. The majority of the meeting focused on bylaw changes relative to the parking section. The Conservation Commission met on October 28th and held a special meeting onsite at the Lane Property parking lot. Work is commencing shortly. The Lunenburg Snow Riders will be doing the work funded by a grant through the Recreational Trails Program. They are awaiting state approval of the funding.

Mr. Alonzo reported Cable Advisory Committee is preparing a survey for residents regarding future uses of the cable resources.

Mr. Ebersole reported the Board of Health has a workshop meeting scheduled for November 9th to review the Septic System Loan Program. The Sewer Commission met last week. The Pratt Street/Lakeview Avenue sewer project has five applicants to connect to the sewer as of October 27th. There is a workshop scheduled for tonight on grease traps and compliance.

Mr. Toale reported the Building Reuse Committee met and reviewed the first pass assessment for the feasibility study performed by Tappe Architects. They have completed a review of the space and conditions of the four buildings under review. The committee is now working on a criteria matrix comparing potential recommendations based on fit, cost, meeting expectations and marketability. They are also compiling a list of frequently asked questions and will begin to review possible choices with plus and minuses in the next month. Capital Planning met on the 27th and reviewed long range capital needs of the DPW Department, Pavement Management Plan and Town Building capital needs. The committee will integrate and present the long range requests/trend analysis to the Finance Committee, Town Manager and Board of Selectmen for use in budget discussions.

Ms. Lafleur reported the Town received an additional amount of 40S funding in the amount of \$44,000 via a late amendment filed with the state. She will be sending more information out tomorrow. It is \$20,000 under what the town received in fiscal year 2015. She will be looking for an additional appropriation or a reduction in revenue. Ms. Lafleur stated in consulting with Town Accountant Brochu, we could slightly reduce some of our local receipt estimates.

Mr. Toale asked for further public comment. There was none.

He stated the next Board meeting on November 10th will be a workshop and will not be televised, but it is open to the public. The next televised Board meeting will be on November 17th. He reminded all of the Special Town Meeting on Monday, November 16th.

Mr. Ebersole wanted to mention the passing of Mary Padula on October 29th at the age of 89. She was a lifetime resident of Lunenburg. She served as Town Clerk, Tax Collector and Treasurer for many years. She also served in the Senate for 8 years and served as Secretary of Housing & Community for 5 years as part of Governor Weld's cabinet.

Motion: T. Alonzo

2nd: P. Bertram

To enter into Executive Session under M.G.L. c. 138, §21, and not return to Open Session, to discuss strategy in preparation for negotiation with non-union personnel or to conduct contract negotiations with non-union personnel if an Open Meeting may have detrimental effect on the government's bargaining or litigating position and the Chair declares so; Police Chief Contract

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

*****Executive Session Minutes are Separate*****

The meeting adjourned at 8:36 p.m.

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager

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