



**BOARD OF SELECTMEN
MINUTES
DECEMBER 15, 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; Paula Bertram, Member; Phyllis Luck, Member and Kerry Lafleur, Town Manager. Member Tom Alonzo was not present.

Motion: R. Ebersole

2nd:P. Bertram

**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. Discussion of Lunenburg v. Hollis Hills, LLC and HAC
Vote: Ms. Luck-aye, Ms. Bertram- aye, Mr. Ebersole- aye, Mr. toale- aye**

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

The meeting opened at 7:00 P.M. with the Pledge of Allegiance.

Public Comment:

Ms. Luck wanted to thank those who worked and contributed to the Salvation Army tollbooth fundraiser on Saturday. They ended up collecting over \$5000. She attended a meeting of the Lunenburg Water District Commission. They are working on an Intermunicipal Agreement (IMA) with the Town of Lancaster. She appreciated the transparency and spirit of cooperation at the meeting.

Ms. Luck attended the School Building Committee meeting last Wednesday. Those present were informed the MSBA will not fund items that were not included in the original proposal. The committee voted to approve several items including engineering for the possible inclusion of air conditioning of classrooms, a 60-inch touchscreen for digital display of archived awards and a sight digital sign. Ms. Luck asked Ms. Lafleur for an update on the approval process for spending the contingency funding. Ms. Lafleur stated she had a conference call with Bond Counsel today and they are working on obtaining a legal opinion. Ms. Lafleur has also scheduled a conference call with the MSBA to discuss the change order approval process. Ms. Bertram again requested these meetings be televised for the taxpayers.

Appointments:

7:00 PM Conflict of Interest Disclosure/Outline-Conservation Comm. Members: J. Rabbitt, C. Luck, T. Bertram, B. Kennedy

Ms. Bertam and Ms. Luck recused themselves due to being related to one of the conservation commission members. Richard Bursch, Conservation Commission Chair, came forward and asked if there were any questions on the outline presented to them. Mr. Toale asked about buffer zones. Mr. Bursch stated the commissioners wanted to leave the buffers in place and simply tighten up language concerning them. Mr. Ebersole asked each of the affected Conservation Commission members what it is they wish to do. Commissioner Brad Kennedy stated they are trying to make the application process more open. They have been dealing with indistinct regulations and want to make them more clear. They presented an outline of what they would like to amend. Mr. Ebersole and Mr. Toale stated they wanted to wait for Selectman Alonzo to be present when they vote. Mr. Toale stated he would be most interested in the areas where the Town regulations differ from state law. Mr. Kennedy stated in general the Town wetland regulations are more restrictive than the state but less restrictive than some of the surrounding communities. He added a large percentage of the town (residences) are on water. He stated there is a possible exemption outlined on the Conflict of Interest website that could be applied to this scenario. This exemption permits elected state officials to participate in particular matters that involve determinations of general policy when a financial interest is shared with a substantial segment of the public it reads, "An elected state official does not violate M.G.L. c. 268A, § 6 by participating in

a particular matter in which the official, or the official's immediate family member, has a financial interest, if the particular matter involves a determination of general policy, and the financial interest of the elected official or immediate family member is shared with at least 10% of the population of the entire geographic area represented by the official and is the same in nature as the constituents' financial interests. "

Commissioner Tom Bertam stated he still was seeking a blanket exemption because the commission talked about almost every section in the regulations. Mr. Toale stated the Board would vote on January 12th on this matter when Mr. Alonzo was present.

7:30 PM Tollbooth Fundraiser Request –Twin City Paws-December 19; Snow day Dec. 20th

Maureen Cormier stated she was with Twin City Paws, an organization that helps fund animals in need. They coordinate rabies clinics, microchipping, four pet food pantries, educational programs and work with therapy pets. They are trying to get a little fundraiser kickoff for the upcoming year. They work with the Pat Brody Shelter for Cats, Fitchburg Friends of Felines, and other local animal shelters. They are seeking approval to hold a tollbooth fundraiser on Main St. and Mass. Ave. on December 19th, with a snow day of December 20th from 10 a.m. to 2 p.m. Mr. Toale asked if they had contacted the DPW and Police. Ms. Cormier stated they had.

Motion: R. Ebersole **2nd:P.Bertram**
To approve the tollbooth fundraiser for Twin City Paws on December 19th from 10 a.m. to 2 p.m., with a snowdate of December 20th.

Discussion of possibility of inclement weather on the snow day occurred. Ms. Cormier stated they would postpone if Sunday's weather was not good. **Vote: All in Favor**

Current Business:

1. License Renewals (continued)

Ms. Lafleur stated there were four license renewal corrections; one for Hannaford's to correct the d/b/a name, one to correct Settler's Pub's Sunday hours of operation and a corrected address for Lanni Orchards. These will not need to be voted upon as they were approved at the December 8th meeting.

For annual renewals; a common victualer license for Conrad's Drive-In was presented along with a Class II auto dealer license for Premium Motors and a change of corporate name for Import Domestic Auto Sales, another class II auto dealer license. Paperwork for these had not been finalized for the December 8th meeting.

Motion: R. Ebersole **2nd: P. Bertram**
To approve the common victualer license for Conrad's Drive-In **Vote: All in Favor**

Motion: R. Ebersole **2nd: P. Bertram**
To approve the Class II Auto Dealer license for Premium Motors **Vote: All in Favor**

Ms. Lafleur reported one of the partners of Double Down Sales has moved on to another occupation. The other partner Scott Sanford has requested the parent company be changed to Nutting's Body and Frame Company; Mr. Sanford's other business in Acton.

Motion: R. Ebersole **2nd: P. Bertram**
To approve the Class II Auto Dealer license for Import Domestic Auto Sales **Vote: All in Favor**

2. Worcester County Selectmen's Association

Ms. Lafleur reported the Board had been provided a description of this organization. They were founded in Gardner in 1920. The mission is to unite Worcester County Selectboards to encourage the sharing of ideas and the betterment of the commonwealth. They meet four times a year. Meeting topics include state and local guest speakers and round table discussions. Meeting locations are rotated to allow variation in driving distances for members. Membership is \$50 annually. Ms. Luck stated she was willing to attend the meetings.

Motion: P. Bertram **2nd:R. Ebersole**
To join the WCSA and appoint Ms. Luck as a voting member and Mr. Toale as the alternate member

3. Warrants

The Board signed a payroll warrant in the amount of \$715,747.96; payroll deductions warrant in the amount of \$426,496.73; a school construction warrant in the amount of \$2,734,937.29 and an accounts payable warrant in the amount of \$237,105.54.

Committee Reports:

Mr. Ebersole reported the Board of Health met last night and continues to work on their septic loan program guidelines.

Ms. Bertram reported the Planning Board met last night and held two hearings. The first was a continuation on 274 Prospect Street and was continued to January 11th. The second hearing was informational for 357 Electric Avenue (Unitil). There was a presentation by Unitil. Several people present expressed concerns about the outdoor storage of transformers and proximity to the wetlands. The applicant will provide more information at the continued hearing on January 11th.

Ms. Luck reported the Finance Committee invited the School Committee to participate in a workshop last week and to informally begin budget discussion. The School Committee meets tomorrow night. The School Superintendent will present her annual FLLAC annual report.

ZBA met on the 9th, applicant Jill Normandin requested a use permit for an automotive repair shop at the rear of 321 Electric Avenue. The request was approved.

Mr. Toale reported the Building Reuse Committee will meet on the 21st and will review their final recommendations. Capital Planning will start their meetings on the 29th and will meet with various departments regarding their requests.

Ms. Lafleur presented the license agreement for 1134 Northfield Road which was approved at the December 8th meeting but was not ready for review or signatures. There is proper indemnification for the Town in the license agreement as requested.

She reported there was a request from the Finance Committee meeting to hold a Chapter 70 (school funding) workshop. It will be scheduled for early February.

Appointments

Ryan Clark & Joseph Poirier Jr. to position of DPW Laborer/Equipment Operator

Ms. Lafleur reported there are three openings in DPW. She met the two individuals being appointed and is impressed with their experience. Mr. Clark currently works for Powell Stone & Gravel and holds a CDL.

Mr. Poirier Jr. has prior mechanical experience and has a CDL also. She requested the Board ratify the appointments this evening.

Motion: P. Bertram

2nd: R. Ebersole

To ratify the appointment of Ryan Clark and Joseph Poirier, Jr. to the position of DPW Laborer/Equipment Operator

Vote: All in Favor

Mr. Toale presented the resignation of Kiirja Paananen from the Cultural Council.

Motion: R. Ebersole

2nd:P. Bertram

To accept the resignation of Kiirja Paananen from the Cultural Council effective December 1st and to thank her for her work

Vote: All in Favor

Public Comment:

Dave Rodgers, 82 Highland Street, thanked the Town Manager for her five year financial forecast presentation. He moved on to the contingency fund for the school construction project. He asked her to share what her understanding of that account is and the uses of it. Ms. Lafleur stated the fund is available to be used to outfit, furnish or provide for the use of the school building. Bond counsel has requested a description of what each of those contingency items are and how they will be used. We will provide a list to him and he will provide a legal opinion on what is in or outside the scope. She believed the legal opinion will clarify alot. Ms. Bertram requested the School Committee be asked to hold off on any further approvals until we received the written opinion of what is and is not allowed. Mr. Rodgers agreed with Ms. Bertram. He stated he believed a contingency fund was for something that is forgotten or overlooked by an architect/engineer. He requested the

Board send a letter to the School Committee and the School Building Committee and request they withhold making any commitments relative to the contingency fund until it can be transparent and people can understand what the use is for. We should be very careful how we spend that money. Ms. Bertram requested a meeting of the Board with the School Building Committee to discuss these types of issues. She added the School Building Committee meetings need to be transparent and televised.

Mr. Ebersole stated it's important the school contingency process needs to be understandable for all. Ms. Bertram asked if a memo could be sent to the School Building Committee highlighting our concerns and to tell them a legal opinion has been requested? Ms.Lafleur stated the committee is aware an opinion is coming because they requested the opinion.

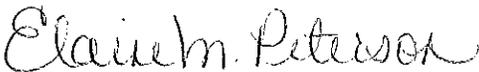
Mr. Toale stated as a citizen he shares the concerns of all that were mentioned tonight. It is important to remember that the School Committee is a seperately elected board and agrees it should be more transparent than it is. He also agrees the School Building Committee should take the recommendation to televise their meetings but that is the forum to have those discussions. He added the Board of Selectmen needs to understand their role in this process. He would like to invite the School Committee to a workshop to discuss this process further.

Mr. Toale reported the next meeting for the Board is January 5, 2016.

Motion: P. Bertram
To adjourn the meeting at 8:14 p.m.

2nd:R. Ebersole
Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager