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# BOARD OF SELECTMEN

## MEETING MINUTES

### 11/17/09

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:01 P.M. with the Pledge of Allegiance

#### **PUBLIC DISCUSSION**

#### **ANNOUNCEMENTS**

**1. Yard Waste Days: Saturdays/October 17<sup>th</sup> thru November 21<sup>st</sup> from 8:00 AM to 4:00 PM** – At the Lunenburg Landfill, Youngs Road. Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches, unlimited length). Shrubbery and plantings; with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. Open to Lunenburg residents only.

**National Hospice & Home Health Month** – Notice received from Nashoba Associated Boards of Health to recognize and celebrate November as National Hospice and Home Health Month. Nashoba Associated Boards of Health have been serving member towns with exemplary home and hospice care for 78 years. The agency has been named as one of the top 500 home health agencies in the country for the second year in a row. They continue to strive to be the Home Care and Hospice agency of choice for citizens of our member towns. They also provide Public Health programs such as flu clinics, communicable disease investigation and follow-up, dental care at schools and environmental services for septic and water, they also have a full service home health and hospice program that provides: skilled nursing, physical, occupational and speech therapy, home care and hospice aides, medical social services, with the addition of spiritual support, bereavement support, homemakers and volunteers in the hospice program.

**Announcement** from the Town Clerk that the last day to register to vote in the State Primary that is scheduled for December 8, 2009 will be tomorrow, November 18, 2009. The clerk's office will remain opened until 8:00 PM for all who wish to register.

Chair expressed appreciation to all those who attended the ceremony of Governor Patrick signing the legislation that strengthens consumer protections, provides the necessary tools to the Department of Public Utilities (DPU) to levy financial penalties if utilities do not follow approved storm plans, and puts into law existing requirements for utility storm restoration plans...

#### **APPOINTMENTS**

**1. 7:10 PM, Classification Hearing** - Chair opened the public hearing as follows: Town of Lunenburg, Public Hearing Notice, The Board of Selectmen for the Town of Lunenburg will hold a Public Hearing as required by M.G.L. Chapter 40 §6, on the issue of allocating the local property tax levy among the four classes of real and personal property for FY'10. This hearing will be held on November 17, 2009 @ 7:10 PM in the Joseph F. Bilotta Conference Room, 2<sup>nd</sup> floor, Town Hall, 17 Main Street, Lunenburg MA., Tom Alonzo, Chairman, Board of Selectmen. Present was Regional Assessor, Harald Scheid and Assessor Carl (Ernie) Sund and presented the Tax Rate Option sheet for the board to review. The Board of Assessor's recommends that the Board of Selectmen adopt a single tax rate option as we have a relatively small industrial/commercial base. Decided to hold the classification hearing earlier this year due to the scheduling of a special town meeting in December and if the board is considering a dual tax rate would recommend you hold off on this until after town meeting. Explained that there are basically two tax bases residential and then "everything else" roughly 10% of the everything else (commercial & industrial) is in the tax base the remaining 90% is residential. Noted that a 1% reduction on residential side produces an increase of 9% on the CIP (Commercial Industrial Personal Property) rate. Steve motioned to adopt a single uniform tax rate, Paula seconded, voted unanimously.

**2. 7:20 PM, One Day Liquor License Application, Trudies Treats, 3 Lancaster Ave. 12/10/09, 6:00 PM - 8:00 PM** – Board reviewed application submitted by Judith Comeau for a one day beer wine liquor license for an Open House on December 10, 2009. Paula motion to approve pending approval of the Police Chief, Steve seconded, voted unanimously.

**3. 7:30 PM, Common Victualler License Application, Bengals Convenience, 21 Main Street** - Board reviewed application submitted by Amani Shaker, d/b/a Bengals Convenience @ 21 Main Street for a Common Victualler License. Amani was present and informed the board that this will be a small grocery type store, and as she owns a pizza shop in Leominster all of the food will be

prepared offsite and brought in. The hours of operation will be 6:00 AM – 8:00 PM, seven days a week. Will not have a seating area as there is no room, but has a couple of chairs available for patrons, will be serving prepared sandwiches and hotdogs, hoping to open next Monday. Tom M., motion to approve the Common Victualler License for Bengals Convenienc, Paula added that this is contingent upon notification of a building use permit from the Building Official, Steve seconded voted unanimously.

#### 4. 8:15 PM, Interview Sandra Flanagan, Council on Aging – tabled to 12/8/09 meeting.

### **CURRENT BUSINESS**

#### 1. Manager Updates

- **Regional Household Hazardous Waste Site** – Board has received the draft copy of the agreement; which Kerry noted that slide labled Program Operation Cost Allocations identifies the cost implications for Lunenburg and the participating communities. As the IMA is still in draft form (still waiting for commitments from other communities) and if there is anything substantially changed within the final document, Kerry will bring back before the board.
- **H1N1 Update** – Update provided from the Lunenburg Board of Health – They will be conducting an H1N1 Clinic on November 1 from 3:30 to 7:00PM at the Thomas C. Passios Elementary School, Lunenburg. The clinic will be opened to Lunenburg residents and residents of the communities that belong to the Nashoba Associated Boards of Health. They have received limited doses of vaccine and have been directed to prioritize the vaccine for the following groups:
  - All children 6 months to 18 years of age;
  - Pregnant women, up to 2 weeks post partum (including after pregnancy loss);
  - Household contacts of infants younger than 6 months of age;
  - Household contacts of pregnant women in their third trimester to ensure their newborns go home to a safe environment; and
  - Healthcare personnel with direct patient contact.

Due to the limited supply at this time we ask for your cooperation to insure those at greatest risk have access to the vaccine.

Information necessary to familiarize yourself and family with the vaccine and required paperwork can be downloaded from the Town website ( Forms to be completed and brought to the clinic to expedite the vaccination process including a vaccine registration form and questionnaire. If you do not have internet access the information and forms will be sent to you upon written request (see below).

Once at the clinic you will be greeted, the forms will be reviewed and we can answer any questions you may have before the vaccination occurs, Once you have been vaccinated, we will complete your vaccine record card while you sit in the waiting area. With your cooperation we expect the process to run smoothly. Since school will be getting out; and the buses need to leave, we ask that you don't arrive at the clinic early in an effort to minimize traffic concerns. No appointment will be made.

To Review: 1.) The clinic will be at Thomas C. Passios Elementary School in Lunenburg on November 19 from 3:30 - 7:00PM. 2.) Download, read and complete the H1N1 Vaccine Administration Record and screening forms, or complete and return the tear-off below (attached to notice). 3.) Bring the completed forms to the clinic (forms will be available at the clinic). 4.) Please don't arrive early or call for appointments.

- **PEC Letter** – Kerry informed the board that by the PEC agreement in place the employee/retiree percentage shift would occur July, 2011 and she wanted to see if the PEC would entertain the thought of moving up the date to July 1, 2010 or some point before the agreed upon implementation of July 2011. The town could realize a savings of about \$150,000 to \$200,000 if you looked at all active and retired employees. She had not requested a vote but, did receive the attached letter from the Chair of the PEC and has responded informally to this. She will forward a formal response, basically they are stating that they are not in agreement to any changes at this time, which is unfortunate as I wanted them to keep an open mind. Noted that we've handled the current changes very well even though there were bumps they were handled appropriately. Chair questioned if it was ever discussed to adopt the change in incremental changes and Kerry did speak on this with the committee as any adjustment would produce a savings and this vote was taken after she left the meeting.

**2. Acceptance of Gift** - Kerry informed the board that as required by law gifts to the town must be accepted by the board and noted that Michelle Harvey, Richard Bursch of Lakeview Nurseries and Mark Bursch of Lakeview Landscaping generously donated the plants, mulch and labor to enhance the front of the Ritter Memorial Building. The plants include: a fir, variegated forsythia, rhododendrums, mountain laurel, lilies, rose bushes, etc. Steve motion to accept the gift, Tom M. seconded Dave expressed appreciation, voted unanimously.

Steve also noted that the sign in front of the building is partially blocked and would like to get the shrubs cut and other signs are not placed in front of this sign.

**3. Robert Rand, Personnel Board – STM Article** – Mr. Rand informed the board that the Personnel Board put this article forward. Our rationale is that the unionized employee contracts have nothing but step ranges and thus all will be getting a step increase with the exception of those at the maximum of the grade. Everyone that is under the salary admin plan, and in steps will be getting a step

increase. That leaves only those under the salary admin plan in the Merit portion of the grade, not receiving an increase. This article seeks to rectify this. They recognize that the State and Towns are experiencing serious financial difficulties but the pain should be borne by all, not just a few. The 4% is the amount that currently differentiates steps under the salary admin plan. It is the feeling of the majority of the committee that they will present an article at the next Annual Town meeting to eliminate the merit portion and convert the current salary admin plan grid to all steps. This will require careful consideration and more time than they have before the fall town meeting. They do understand that this article may be voted down, amended etc. at town meeting. Chair questioned if they've done any research as to costs and according to Mr. Rand this would amount to \$13,373.15. Chair noted that he is in favor of updating the plan and reclassifying, and it is his understanding that all those who currently remain under the Salary Administration Plan who remain in the Merit range this is the only mechanism to receive an increase and this action would give those a step increase as all the others within the step range. Robert informed the board that the last cost adjustment to this group occurred two years ago.

Paula noted that merit was originally intended to be based upon merit performance and the only way to move the entire group is by Town Meeting vote. Per Robert those left under the Salary Admin plan are required to show performance to get an increase whereas the person next to them is not required. We're in the situation where they just move through steps, should be adjusted so that these people are treated the same way, there's no provision for those in merit to get an increase unless we go to town meeting. Acknowledge the need to update the plan as it is way out of date. They are working to do what they can and change what they can to bring things more in line. The change between the steps is 4% and this is the reason why the article is for 4%. Dave noted that looking at the total amount of the contracts, we're not seeing the 4% but rather 2 to 3% over the two years. Kerry questioned in the event someone has been in merit a long time and are near the end of the merit range, is it their intent to put them above the top and according to Robert that is not the boards intent, but rather to bring them up to the top although there's one person beyond the top and this person wasn't included as they're beyond the maximum range. Kerry believes that whatever salary ranges are established within that plan are what they are until they get changed by town meeting, her preference is to make the fix and do everything at once. If we make the salary adjustment now without the other changes and it makes more sense to change as a whole and is concerning as this would be another \$13,000 that she would have to find within the budget. Per Chair, would like to see the plan corrected but, more importantly it's the timing of the article when we're trying to cover a deficit that's sizable, initial reaction is to put this off until the annual as it would seem a more appropriate time; when we're trying to establish the new budget. Steve doesn't believe that it's right to put this (deficit issue) on the backs of the employees that don't have a union contract, this board's already authorized three union contracts. Doesn't seem right that these employees have to go 2 years as they already went a year without a raise, if you look at it overall it's a 2% increase. The board didn't put it off for the Police, the Clerical or the Fire, it's just that in fairness these employees should be treated in the same way. Chair noted that we're not balancing our budget on the backs of these people, we're trying to keep the unit together to weather the storm. Tom M. questioned if this were presented at the annual town meeting when would it go into effect and per Kerry, it would depend upon how the article is written. Dave would prefer putting this off until July 2010 to be effective and this would be his recommendation.

**4. STM – Motion Sheet** – Paula questioned if the Finance Committee is required to hold a public hearing on the budget issues, this will be checked into with the Finance Committee. Board will meet before the Special Town Meeting @ 5:45 PM, to go over what the Manager's Plan B would mostly likely be. Kerry informed the board that the budget working group is meeting this Thursday and anticipates that we should be able to finalize an alternative plan which she could email to the board on Friday.

Board reviewed the draft motion sheet. Dave questioned Article 7 and how it's to be worded and whether town counsel has looked at this, per Kerry this article was written by counsel. Steve's concern is that if we're out of the Quinn Bill, we're out of it and should the state come through then we wouldn't be eligible to receive any funding. Tom A., noted that we are legally bound to fund whether or not the state funds, it doesn't matter what is written in their contract. There are a number of questions that still need to be answered, it's there as a place holder.

**5. Minutes** - Board of Selectmen regular and executive session for 11/10/09 reviewed and signed.

**Warrants** - #2010 Water Commission, 2<sup>nd</sup> Commitment, 11/17/09 - \$363.02 and #28 10, 11/17/09 - \$9,240.00 reviewed and signed.

#### **Action File Issues –**

Dave noted that there was no follow up response from the DPW on a complaint in the action file on Prospect Street, October 22<sup>nd</sup>. Steve also questioned if the Brown Ave. situation has been straightened out and Kerry will need to check with the DPW Director on this as sections of the road are private and public. Chair noted that public safety is involved and needs to be considered, Kerry will follow up on this. Steve questioned the pavement schedule and had noted when the presentation was done we had money to only do Hollis Road and Leominster Shirley Road and questioned that a section of Northfield Road has been done. Chair noted that in the presentation this area was identified. Kerry confirmed that there were funds available to do this section of the road. Paula questioned if we've heard anything from Unitil on a vegetated management plan for the entire town as there are a number of areas that need to be addressed and we had asked for this several months ago. Chair would like to know how the progress of the vegetated management plan is to date, and would like answers to these questions to come from Unitil and not Asplund. Per Kerry the Unitil rep did say that

they did not have a plan beyond the six miles and will contact Unitil to get a status of where the actual plan is. Board's concern is to know long term what their strategic plan is.

Chair presented a letter to the board the he drafted to the Governor, DPU Commissioners and the Joint Telecommunications Committee in response to the DPU decision, Paula motion to approve the letter as written, Tom M., seconded voted unanimously.

**Contracts** - None

## **OLD BUSINESS**

### **1. Committee Updates**

- Tom M., informed the board that Lunenburg presently has two cable stations, Channel 8 is the government station and Channel 9 public access and education channel and would advise people to contact either him or PACC Chair, Kevin O'Hara to provide content.

## **APPOINTMENTS/REAPPOINTMENTS**

1. Resignation letter from Anthony Caiozzo on the School Regionalization Committee submitted to the board by Town Moderator. Board expressed appreciation and will forward a letter.
2. Ethics Commission Liaison – Kerry did speak with the Town Clerk and she is willing to serve as the Town Liaison to the Ethics Commission. Voted unanimously to approve.

## **EXECUTIVE SESSION**

None

Being no further business board voted unanimously to adjourn Regular Session at 8:36 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen