
BOARD OF SELECTMEN
MEETING MINUTES
9/15/09

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 CAFO Kerry Speidel present. Meeting opened at 7:02 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

Tim Wilkins, Turning Leaf Lettering informed the board that the signs for the Ritter Memorial Building have been completed and will be installing them this week. Chair expressed appreciation to Mr. Wilkins for his donation and noted that the sign will be up there for many years.

Paula questioned update on the presence of Unitil for the board to discuss their policies and per the CAFO, she did speak with Ray Letourneau and they will be willing to come before the board at a future meeting, believes that part of their problem is that they are still working on their vegetated management plan.

Chair mentioned that he attended the Joint Commission with members of the Utilities Task Force who provided testimony. Also represented were Ashby, Townsend and Fitchburg. All spoke basically in one voice that we really need this passed, should at least get out of this committee. Just removes an obstacle that towns cannot move beyond. Noted that it was a good showing from Lunenburg and that there was not one person that spoke against this legislation.

ANNOUNCEMENTS

1. **Household Hazardous Waste Day, 9/26/09, 9:00 AM – 1:00 PM, 520 Chase Road** - open to anyone, small business, and non-residents. Fee varies depending on volume & items, recommend that people pre-register through the web-site, www.MassToss.com or by contacting Tessa David at 978-660-6130.

2. **Yard Waste Days** – Dates will be announced next week.

APPOINTMENTS

1. **7:10 PM, Interview Planning Board Applicant, Nathan Lockwood** – resident of 91 Main Street for over four years. Excited to work and learn about what the Planning Board does and has a strong interest in what Lunenburg does, being a resident. Perspective as a resident with a family with job experience that may be different from the other members and help to round out the board. He met with the Planning Board yesterday evening and the Planning Director. Has also met with Marion today and discussed matters related with the Planning Board. Chair noted the amount of time that is involved in the position and that he is aware of the commitment and per Nathan he is aware and does not feel he'll have any problem fulfilling this.

Paula questioned Nathan's perspective as to where we should be in ten years and as Nathan expressed, this is his first attempt at town planning and a large factor in making a decision is what is in the most interest of the majority of the Town of Lunenburg. More quieter life, different sense of tradition, common values are seen in many communities, but unless people want development, in best interest of town to develop how the people want to see it developed. Doesn't mean that town has to change the same or change a lot, just to keep an open mind on how the town is going to develop moving forward. Nathan is interested in running for this position going forward if he gets nominated to fill the vacancy. Per Chair this is a joint appointment and the Planning Board will be attending next week's meeting with the Selectmen to decide upon the appointment. Expressed appreciation to Nathan and advised that we will vote next week.

2. **7:30 PM, Transfer All Alcoholic Liquor License – Shop n' Save _Mass Inc., d/b/a Hannaford Food & Drug** – Chair read the notice of Public Hearing as follows:

Store Manager Lance Bonnacati was present and informed the board that this is simplifying the legal structure of the company. Two entities transferring into one, from Hannaford to Victory Distributors. Paula moved to approve the transfer of the All Alcoholic Liquor License from Hannaford to Victory, Steve seconded, voted unanimously.

3. **7:45 PM, Lake Shirley Dam Inspection Update, Mark Mitsch** – from Weston & Sampson informed the board that we conducted a visual dam safety inspection which is required every two years on 7/16/09. Report speaks of the results of the inspection, and based upon the visual inspection make recommendations in terms of additional study and maintenance repairs. The summary of the overall assessment is that the dam is considered to be in satisfactory condition. Spoke with Dam Keeper on some issues that he felt should be done with regards to the spill over and there are no trash racks and tend to be clogged with leaves etc., and we addressed that and means of things that can be done with cost estimates. The is nothing related to the dam that related to impending failure, their view is that the conditions don't represent a threat of the integrity of the embankment. Condition that worth monitoring and gave some guidance as to how to go about monitoring. In that scale there is only one level higher and that would have no conditions.

Reviewed Paula's questions and comments as follows: (Weston & Sampson Responses, 9-15-09 responses are *italicized*) Lake Shirley Dam Inspection Questions — Paula Bertram

1. Report indicates that the upstream & downstream slopes were overgrown with frees and brush "preventing a thorough inspection of these areas". Once frees/brush are removed is additional follow-up inspection recommended? Are the trees to be removed all less than 4" in diameter? Approximation of density?

• *The overgrown areas are limited to the upstream slope right and left of the wave wall and along the downstream slope near the abutments. It looks like these areas might be private property so that issue will have to be resolved by the dam owner. Inspection following brush removal can be performed by the dam owner. Look for:*

- o *Animal burrows*
- o *Thin turf cover*
- o *Minor surface erosion*

If these maintenance level deficiencies are detected, the owner should fill animal burrows with crushed stone and plant grass seed to improve cover and limit erosion. In the event more worrisome conditions are observed (i.e. sinkholes, slope sloughing, unusual movement, etc.), contact Weston & Sampson for advice.

• *Removal of trees 4 in. or less in diameter is a standard Weston & Sampson maintenance recommendation. This is light chainsaw and brush cutting work that could be done by the dam owner. No roots should be disturbed by this work though.*

• *The DCR Policy on Trees on Dams (relatively recent policy) indicates Part A of a Chapter 253 Dam Safety Permit Application must be submitted to the Office of Dam Safety for any tree or brush removal. Generally, ODS won't require a permit if the project involves removal of brush and trees 4 in. and less in diameter but they still want Part A submitted for notification. See attached item 1.*

2. Is an Operations and Maintenance plan required or suggested?

An O&M plan is recommended.

This is a high hazard dam with valved outlet works and regular draw down procedures that should be formally documented. An operation and maintenance plan was also recommended by Dubois & King in 2007.

According to 302 CMR 10.09 (1)b., an operation and maintenance plan shall be included in the Final Design Report for any dam construction or repair permit. These regulations were updated in 2005. If repairs are done now, then an O&M Plan would be required.

3. Emergency Action Plan: - *Not in Scope of Services*

a. Did Weston & Sampson review the Emergency Action Plan completely as part of the inspection process? If so, were the evacuation procedures within the plan found to be satisfactory? Note; The draft report on file in the Selectmen's office states "Awaiting information from Town of Shirley ", was this information received and updated?

b. Report notes that signoffs of the 2007 EM are being obtained — was the EM submitted to the State? When? What signoffs have not been obtained?

e. Has the Town received correspondence from the State regarding the EM?

d. Have updates been made to identify any new buildings within the inundation areas?

4. The Dam Evaluation Summary Sheet does not appear to coincide with the findings or recommendations:

e. **E4 Seepage:** The report notes that standing water and iron staining were noted at the toe of the downstream slope (which may be due to a clogged pipe), yet the dam evaluation summary sheet was graded 5. Seepage considered minor?

Standing water and iron staining observed near the toe of the downstream slope to the left of the primary spillway channel may be related to a clog in the seepage collection system. No active seepage (flowing water) was observed. Seepage is common and not necessarily a problem unless soil particles are being washed out from the embankment with the flow. We did not observe conditions that would be considered a threat to the integrity of the embankment. Continued monitoring by the caretaker was recommended. If conditions appeared to worsen the condition should be explored and corrected.

f. **E5 Embankment Condition:** Report suggests that a turf manager be consulted to control weeds and reestablish and maintain a healthy turf on the embankment yet summary sheet grades the embankment condition as a 5, "well maintained healthy uniform grass cove?". Notation "See Note 1", but unable to locate Note 1.

The existing turf is mowed regularly and generally appears to be well maintained. However, during our inspection, we noted that there were several bare areas and areas where weeds were observed. If not cared for, bare areas could become eroded or become places for rodent activity and weeds could cause the grass cover to thin out. Consulting a turf manager regarding methods to control weeds and reestablish vegetation was recommended as a proactive maintenance measure at the dam.

"Note 1" is a reminder for the inspection checklist preparer regarding factors of safety for the embankment slopes from dam safety regulations (302 CMR 10.14 (9)). See attached item 2. It should be deleted from this form.

g. Concrete Condition: Minor cracks and spalling were observed on the weir and channel walls, catwalk surface spalled, minor outward movement and vertical cracks observed along wave wall, yet concrete condition was rated 5, "no apparent deficiencies". Notation "See Note 2", but unable to locate Note 2.

The condition of the concrete weir, channel walls, catwalk, and wave wall should be monitored for changes. No repairs are considered necessary at this time. However, repair of the spalled area on the catwalk is recommended for the personal safety of the caretaker and personnel working at the dam.

“Note 2” is another reminder for the inspection checklist preparer regarding stability of the concrete elements of the dam. See attached item 2. It should be deleted from this form.

5. Report notes that “attempted crack caulking/sealing” was done on the upstream wave walls, what is meant by “attempted”, were repairs done incorrectly?

The February 12, 2007 Phase I Inspection by Dubois & King recommended that caulking/sealing of the cracks in the upstream wave walls be conducted We observed that the cracks in the upstream wave walls were caulked above the normal water line where the repair product could be applied Separation of the caulking from the concrete was observed in some areas.

We don't think the repairs were done incorrectly. The separation is probably the result of movement caused by freeze-thaw action of undrained soil backfill behind the wall. We did not observe weep holes in the wave walls. Generally weep holes are installed in concrete retaining walls to allow water behind the wall to drain. The cracks (which may have been caused by stresses from expanding frozen ground) probably allowed some drainage. Caulking the cracks may actually have causes water to be retained behind the wall exacerbating the freeze-thaw effect Monitor the walls and the crack separations over time. If it becomes worse then repairs might be necessary.

6. 2007 Inspection recommended that the toe drain piping to the left of the primary spillway be snaked, this was not done as part of this inspection (report indicates area is monitored by the Dam Caretaker). 2009 Report indicates that this area had standing water and iron staining; has the condition of the area worsened since the 2007 report? What was the reasoning for not snaking?

The drain piping was not snaked because we were performing a visual inspection according to our scope of services. You probably want a plumbing contractor with the right equipment to do this.

On the other hand, what we observed did not indicate there was a condition that threatens the stability of the embankment See 4.e., above.

7. Budget Questions:

h. What amount is budgeted for annual dam maintenance currently? -Town of Lunenburg

i. What funds are currently available for dam work (including encumbered funds)? -Town of Lunenburg

j. Is it possible to obtain breakdown of the cost estimate for minor repairs (estimated at \$15,000-\$45,000) for budgeting purposes?

• Remove brush up to 4 in. in diameter at the right and left ends of the upstream wave walls and on the downstream slope near the left abutment (private property). Inspect these areas for any deficiencies not detected during this inspection.

Estimated Cost \$3,000 to \$5, 000

• Repair the spalled area on the concrete catwalk by removing all loose concrete and patching with cement or epoxy grout as appropriate.

Estimated Cost \$1,000 to \$2,000

• Remove loose soil and organics from the area around the right end of the right wave wall. Place a layer of 6 in. riprap bedded in crushed stone overlying filter fabric.

Estimated Cost \$3,000 to \$5,000

• Consult an Engineer to design repairs to fix the seepage collection system in the area of the standing water left of the spillway (the problem worsens based on recommended observations). Estimated Cost \$0 to \$20,000 (Based on observations and extent of deficiency)

• Install an intake structure on the upstream side of the LLO and MLO intakes to reduce the likelihood of clogging by leaves and debris.

Estimated Cost \$7,000 to \$10,000

• Consult with a turf manager regarding methods to control weeds and reestablish and maintain a healthy turf on the dam embankment

Estimated Cost \$1,000 to \$2,000

Estimated Total Cost for Budgeting Purpose: \$15,000 to \$45,000

Per Mark, there is nothing urgent that has to be done this year, they're recommendations. Paula noted that we do need to budget and get an understanding of what the costs impacts are going to be and that we need to get on top of the budgeting impact. Per Chair, full confidence that we'll put funds in the budget and per the CAFO there is \$10,000 in the current budget and \$3,000 that is encumbered and with those funds can go through and determine which is higher priority. Should be able to do everything that's on this list if we continue to budget appropriately and will continue to fund until the work is done.

Mark noted Concrete catwalk, clean up brush and small trees, but keep in mind that you may be on private property. Also speak with Earl (Dam Keeper) on the trash racks on the intake structures. How often does the fire department have to go out there and dive to clear out. Paula noted that the Emergency Action Plan noted that it was being circulated for signatures and it was her understanding that it had been sent to the state. Knowing the state has been very active the Town of Lunenburg's plan doesn't have the information that is necessary (Shirley property owners, downstream) and at some point in time we're going to have to deal with this. Per CAFO, this has been submitted to Dam Safety and they do have our plan and have advised us that they have not had the time to review it, has been in their hands for a substantial amount of time.

4. 8:00 PM, Eugene Capoccia, Pearl Brook Renovation Project Update – Also present was John Romano, Chair of the Lunenburg Housing Authority and Susan Szocik member of the Housing Authority. Gene submitted the Approval to Bid from the Department of

Housing & Community Development. Noted shortfall of approximately \$180,000 and expect some of this money from the insurance company as a result of the fire in the complex. Also need to verify whether the architects estimate is still valid, presented an email that identifies some alternates that may be considered. This brings the request that he submitted to the board to waive the permit fees and expect to save about \$15,000 which would assist the project in completing more work. Understands that the town is also strapped for funds and recognizes that the building department has been very helpful throughout this project. Average rent is just under \$300 per month, which includes all utilities that are running at about \$182 per month. Offer for the seniors a decent place to live and this \$15,000 is significant in what we would be able to do for this project. Project will be adding sprinklers to all the units, improvements to ventilation system, new water heaters and expect a reduction in the cost of utilities. Also a better emergency exit system, in which each resident will have a porch and would allow additional living space that could also be an extension of their apartment in good weather. Chair questioned if fees are not waived, this would be included with the bid in the bid proposal and per Gene, this would not be included in the bid, it would be the responsibility of the Housing Authority to make the payment. Chair questioned the estimates that were given and per Gene's past experience, architects usually will estimate higher and noted the economic factors throughout the Commonwealth as this will provide a substantial number of jobs, they anticipate good solid construction jobs at state wage rates and would like to see a contractor local to our area. Expect local suppliers will be providing some of the materials as well as the local restaurants, should all benefit from the company that will be coming in to do the work. Noted that they have utilized the Sheriff's department for painting and would readily access this opportunity. They are in the process of filing an application for the Public Housing Trust Fund, unknown as to how long this process takes, estimates 5 months.

Paula questioned whether a portion of the fees are used to pay for the services and according to Building Inspector, Mike Sauvageau the wiring and plumbing inspector receive a certain percentage of the fees, Plumbing receives 80% and Wiring 82.5% and they fund their expenses from these fees. Per the CAFO, those fees are set by agreement and would think that the town would still be responsible for paying for their services. Per Mike, spoke with Gary Williams and he receptive to doing this without a fee, but would like him to see the perspective of the job. Noted that Jim Sharkey, as wiring inspector never asked for any money to do the inspections necessary as a result of the ice storm. He will put in whatever he needs to do for the citizens of this community, look at this as an administrative decision of this board. Every dollar spent on this project are dollars wisely spent. Concerns are that do we set a precedent for waiving fees such as when the town is building the schools or the public safety complex. In this instance we're looking at grant money and do we risk cutting some departments. If board were to decide to waive the fee would recommend that the fee for the building permit be waived after you see what comes in for bids and that the board discuss this with the other inspectors before making a decision. Would recommend that you wait to bid, as this is not included in the bid specs, insures the board that he will do whatever it takes to see that this project gets completed.

Gene would be willing to pay for the plumbing and wiring expenses as he was not aware of their method of payment. The 1.5 million dollar estimate is relatively current. Noted that this project has not followed the normal costs of funding from the state level, have been dealing with the state for a number of years as this is outside their normal funding cycle. He has been informed that in 2011, the state will be providing funds per year for capital improvements, however has no way to guarantee that this will happen in 2011. Chair noted that they don't intend to vote on this tonight, however noted that this is a very difficult year where even however important the \$15,000 is on the project end, its equally important on the town's end. Would like to hear from the plumbing and wiring inspector as well before we make a decision on the permit fees. Chair advised that we will definitely let the Housing Authority know their decision before the bids are to be awarded in November.

Steve noted the fees that may also be associated with respect to fire inspections as this may also be a significant number.

CURRENT BUSINESS

1. CAFO Updates

- Attended Unutil's annual municipal storm meeting last week, was very well attended by emergency management officials. Told that their presentation was much more thorough than had been done in the past. Will provide a copy of the presentation that she received and they will be having a simulation this Friday, where they will be implementing their emergency response plan and our emergency management personnel will be participating. Will continue to keep the board informed.
- Group forming in the MRPC region for group purchasing, initial meeting held at the end of August and will be a subsequent meeting to discuss options, which is yet to be determined. MRPC actually conducted a survey over the summer and there are a few communities that are interested in joint purchasing.
- Edits to the Pre-disaster Plan, FEMA has already accepted our plan, so that at this point in time we are now eligible for FEMA grants and funding, waiting for their final approvals on the debris removal project.
- Jon Juhl has been in contact with the Board of Assessors and our regional Assessor to hammer out the tax issue for the Eagle Heights Senior Housing Project. Summarized, the Board of Assessor's do not believe that a Payment in Lieu of Taxes is appropriate for this type of development. Per Regional Assessor Harald Scheid, it is the Board's consensus that Massachusetts law offers few provisions for the exemption of housing not owned by a municipality regardless of the owner's federal tax exempt standing. The fact that a few communities have agreed to ignore the law and grant tax exempt status does not motivate us to follow suit. On the other hand, we recognize that your project to re-develop the old primary school into affordable senior housing is worthy of the Town's support. To that end they are willing to assist this office with determining what sort of documentation HUD would find a reasonable substitute for a PILOT agreement. They are ready to prepare a

memorandum of understanding that documents the appraisal process to be used in placing taxable values on the housing project; namely the income approach. Valuations derived through this technique would be heavily influenced by HUD rent restrictions and subsidies, leading to a stable and predictable annual tax. Also to prepare a document showing the project's estimated ten-year property tax liability. The revised agreement was sent from our counsel to Mr. Juhl's attorney and we have not heard back, Kerry will request a copy of this for the board review.

- Damages incurred to the Pleasant Street bridge guard rail and concrete have been scheduled with Barlett Consolidated, an accident recovery group for damages as a result of automobile accident. As the concrete on the other side of the bridge also needs repairs per recommendations of Bayside Engineering rehabilitation measures for this bridge, as such, the towns responsibility is approximately \$2,800 dollars which will be taken out of the General Highway budget.

2. Minutes - Selectmen Regular and Executive Session for 9/8/09 reviewed and signed.

Warrants - #13 10, 9/15/09 - \$234,932.06 and #6P 10, 9/17/09 - \$646,225.47 reviewed and signed.

Action File Issues –

- Dave questioned if there is any update on 780 West Street, flooding issues. Kerry will have an update next week.

Contracts - None

OLD BUSINESS

1. Committee Updates -

- Dave Capital Planning will begin meeting next Tuesday, School Committee discussion last week was about the school regionalization which has been put on hold. There were also discussions on the letter of intent to the MSBA. Attended the Finance Committee meeting and they have requested information on the budgets that will be presented at next weeks Selectmen's meeting. Chair would at the very least like to have what we have appropriated at this time at least as a point of where we're going to be starting.

2. CAFO Goals - tabled

3. Meadow Woods – Kerry informed the board that she asked our DPW Director and Tim Oakes, from AECOM, (formerly Earth Tech) attend the meeting to discuss the ongoing issues at Meadow Woods trailer park. Tim informed the board that the project is now 100% complete and have some punch list items of residents of the park which includes some items from the Water District that needs to be fixed. Defelice has done a fantastic job and outstandingly surprised at how well the project came out. USDA was very surprised that we didn't have overruns, currently about 6.6% over. There should be no issues with freezing of the new water services which were brought up to where the contractor could access them safely without damages to any possessions or trailers. Tried to avoid residents gardens; contractor sent out letters as did the receiver to the residents advising them of the impact to their properties.

Per Jack, received about a dozen incident reports and met with about 20 residents at the park over a three day period. Met with Defelice and submitted the list of issues to the CAFO, the contractor has agreed with most of the items and they'll be addressed by the contractor at no cost to the town. There are about 14 issues, some to relieve some of the water issues, one was a septic tank that wasn't filled completely. As far as gardens, there was one person that had a garden planted in memory of her son and has offered plants to this resident as this was a memorial garden and feels that this should be taken care of. According to Tim, Defelice should be out at the park either this Friday or Saturday to address most of these issues. Defelice has been knocking on the residents doors to advise them that they are there to perform the work issues and per Jack will be notifying the residents to advise them.

Paula questioned the water line was laid above ground and would like to understand what is happening with those particular connections. Tim advised that the residents had their water service replaced where the service went into the ground with PVC plastic water service pipe that will allow for freezing and thawing without rupturing. To remove the problem from the new water service we utilized this product, could also rap the pipe with insulation to help this problem. Discussed status of one trailer that had their water line run under the trailer and per Tim, Defelice will be providing heat trace tape for this trailer, as if he (Defelice) were to excavate to run the water line, the foundation of the trailer would be undermined and the trailer would collapse. Trailer was connected in the front of the trailer and given the decision that had to be done at the time, we all felt that it was prudent to proceed in the way that we did.

Paula's concern is the liability to the town on the lines that were installed above ground and per Tim, all these trailers had some lines that came out above ground and had to remove much of the existing plumbing to the trailers, no responsible for what they have as far as the trailers plumbing. No freeze condition will occur on the new lines, what may freeze are the existing lines, what the trailers had. There was a point where we had to say, we've completed to where the trailer was still suitable to be lived in. There was a point that we had to stop, as we couldn't try to remodel what these people had out there, the project is 100% as to what we had to do. Some people were looking for a pot of gold, and wanted more than they had in place; some issues were so far removed from the scope of work. Noted that the project was for water and sewer, followed all state and local codes.

Steve question is what responsibility will the town have if there are freezing and thawing issues if they're not properly insulated, this project didn't cover that and as a Sewer Commissioner don't want to see our time spent on this. People need to know that if the sewer or water freezes under their trailer, it's not our responsibility and don't want to be in that position come this winter.

Per Tim, the water service that we provided will not rupture, it may freeze, but will not rupture. With regards to the liability to the town, spoke with Fran McNamara (Water District Superintendent) on that and if it's a break on the trailer, it won't be the new water service, the only responsibility for the Water District is to the meter box (pit). Perhaps a letter should be sent to the residents and direct them to the receiver, and he can contact Tim as there is at least a year and on some items a two year warranty. We've advised the residents of the known issues and at some point the residents have to take some responsibility for their own trailers. Per Jack, it will be the DPW's responsibility to explain this to the residents as the issues occur. Paula reiterated that her concern is about the new lines that we installed above ground.

Per Chair, the residents need to understand that some of the issues may not be our responsibility and is in fact the responsibility of the park owner.

4. Policies & Procedures – board received numerous documents for review.

APPOINTMENTS/REAPPOINTMENTS

EXECUTIVE SESSION

1. Contract Negotiations

Being no further business board voted unanimously to adjourn Regular Session at 9:35 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen