

---

# BOARD OF SELECTMEN

## MEETING MINUTES

### 1/20/09

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 7:01 P.M. with the Pledge of Allegiance

#### **PUBLIC DISCUSSION**

Dave commented on the tax presentation and as each abatement is processed he is requesting that the Board of Assessor's inform the board of what happens, and the impact of approved abatements.

Ernie Sund, expressed appreciation to this board and believes that many issues will be resolved on a one on one basis, always a burden. Sometimes it hits one group and not another group, there may be some individual cases to be looked at and reviewed. Assessor's will review each and every case individually. As it is now, have access via internet to view the properties and will still be heavily involved. Look forward to reviewing each and every one and this is why we've asked them to fill out the abatement forms as this is the first step.

#### **ANNOUNCEMENTS**

Chair congratulated President Elect Barack Obama, and the Obama family and wish them well on this historic day.

Local meetings; DPU Public Hearings regarding Unutil's performance, January 27<sup>th</sup> @ 4:00 PM to 10:00 PM at Memorial Middle School, Fitchburg and the second is scheduled for Feb 3<sup>rd</sup> @ 4:00 PM to 10:00 PM at the Lunenburg High School Auditorium. Specific examples should be given during the testimony and also presented in writing. Feb 3<sup>rd</sup> is a normal Selectmen's meeting, which will be cancelled for that day and rescheduled for a later date.

Legislative breakfast scheduled for Friday, Jan 30<sup>th</sup> 8:00 AM – 9:00 AM, to be held at Lunenburg Public Library, RSVP to Amy Sadkin.

#### **APPOINTMENTS**

1. **7:15 PM – Regional Assessor – Harald Scheid** – Regional Assessor, Harald Scheid and Assessor, Ernie Sund were present. Harald presented the attached PowerPoint Presentation. Noted that residents, should not be taking the number in the lower right hand corner of their bill and multiplying it by 4 as this is an adjustment that shows on the last two quarters of your tax bill.

Bob Montemerlo of 362 Townsend Harbor Road, questioned the redistricting of land as he has two different parcels on each side of the road, billed separately, asked for justification on increasing both when only one is actually lakefront property.

Per Harald the whole objective is to get to a number that is fair market value, there is an abatement process that we can go through for each individual property. The goal is to come up with an aggregate that is fair market value. The office can mail or people can stop by the office to pick up the applications, the deadline for filing is February 2<sup>nd</sup>.

Perry Jewel, 22 Sunset Lane noted that there have been a number of homes that have sold over the past few years and in most cases a new septic and in some cases a new well has been installed. This cost has often times been paid by the seller.

Per Harald, problem with Title V issues, without someone going in, we cannot determine who has a functioning Title V system.

Ernie Sund, the Board of Assessor's are required by law to follow the deeded property values, have no choice.

Pat Lawlor, Oak Ridge Road resident of 24 years, spoke with regards to status of his septic system and if he were to put house on market would cost an additional 50K because of the septic issues. Property values have dropped and my house is going up 20%, just isn't logical. Went through this in the 80's and the values never went down, never reflected property values.

Robert Saia of 32 Sandy Cove, seems to be taxation without representation.

Per Harald the Assessor's respond to the market and the properties are assessed on the same basis. The rule is no different dependant upon the property.

Ernie would recommend that people file for an abatement if they feel that they were improperly assessed.

Joanna Bilotta, 362 Sunset Lane, 2 years ago Board of Health shut Lake Shirley down, as President of LSIC noted her concern that when the algae comes the last time it took the town 14 days to act and cost was \$42,000 dollars that the association paid for. We'll be 240 people coming here in the summer asking the town to give us weed control. Previously the people donated their money and we'll be looking to the town to cover this, if we as an Association can't afford the weed control, we're going to be coming to you. People have come to us already stating that they are not going to be able to pay for the weed control this year because of the increases in taxes.

Paula also has issues, as she is impacted by this increase, noted the large percentage that taxes have gone up. It would have been appropriate that this information was presented to the board when the tax classification was discussed. The lack of information that was provided is what's making this a much more difficult forum.

According to Harald unfortunately the window is so small and there is such a tight timeline, even if we were to send out notices we can't come to the classification hearing with all that being cast in stone. Noted that small properties in town were appreciating more than

higher-end homes; thereby driving up the values of those low-end properties. This drove up the rate of the whole and now those same properties are depreciating. If the market shows that lakefront properties are depreciating we will respond through the assessments. DOR Guidelines are such that all properties are to be treated on the same basis; they are more stringent upon their certifications to assess valuations upon all classes of property equitably. All three lakes are valued on the same land schedule. The Board of Assessor's have heard all of the arguments, from speed boats, to motor size restrictions, it goes back and forth, don't know which is right, the intent is equity across the town.

Ernie informed the Selectmen that the Board of Assessor's meet on a monthly basis and will be able to meet as often as weekly; generally on Tuesday's and welcome abatement applications and discussions with property owners.

Jim Shearer 455 Townsend Harbor Road stated that his assessment was increased about 20% and seems to be some inequity; would like to have some statistics.

Perry Jewell questioned if there are more than two classifications in town, lakefront and non lakefront.

Harald there are a number of cross effects, new, old, not the only two classifications, some areas in town are less desirable than others. Types of homes on properties, low pocket neighborhoods with larger homes may be valued differently than 50's, 60's ranches. Noted that the Board of Assessor's have 90 days from date that application is filed to make a determination.

Recessed Board of Selectmen at 8:45 PM, reconvened @ 8:50 PM.

## **2. 7:35 PM – Green Energy Task Force – Charge & Committee Appts., Marion Benson -**

Marion presented the following PRESENTATION OF GREEN COMMUNITY TASK FORCE...

"Several weeks ago I presented to you a summary of the Green Community Act. I suggested, that although small "green happenings" have been going on in our Town, we need to address the Greening of Lunenburg in an active resourceful fashion. Therefore I suggested a Green Community Task Force."

She outlined the make-up of such a Task Force, defined a mission and prepared a tentative Goals and Action plan format and went over this so the people at home will know what she is talking about.

Green will assist with our economy, all reports are challenging towns in implementing significant and innovative energy efficiency measures and renewable energy projects to create a cleaner sustainable energy future in our environment. We will be looking at "green housing" that will affect all economic levels. A recent motto for a Smart Growth meeting was *think green, educate and engage*. "To me this is the basis of a task force."

Currently working on the updating of our Master Plan—green energy, environmental/ preservation combine with open space planning will be a new element in the Master Plan. The element will be entitled National Resources, Environmental, and Energy Element. This Element will tie in with the Open Space Element. As we are researching and writing, this element we will include physical and natural resource protective guidelines, energy conservation measures town wide, creating or sustaining private and public energy, greening of community landscapes, reduction of hard topping and looking at growth centers with "greening" measures to preserve the character of this community.

The MMA Policy Committee on Energy and Environment is recommending that the association include a new section addressing the vital issue of energy. Summarizing that new section, it will be asking that cities and town be progressive contributors to environmentally safe and financially sound energy policies and practices through the process of review and siting of energy producing facilities and procurement and management of energy resources. The Policy Committee is recommending that the association adopt a proposed resolution on a progressive energy plan for cities and towns. I have attached that resolution.

Further, she will attend the workshops at MMA that will address The Green Community Act and all facets of Greening our Community and will also have sharp ears for the incentives and grant availability.

Noted that the new Master Plan Element will tie in with the Open Space Plan. The AdHoc Open Space Committee will remain an active committee and will work toward the implementation of that plan and will be part of the Master Plan and will have tomorrow the complete re-write of the Master Plan and send this forward to the state.

*Recommends the following Lunenburg Green Community Task Force Outline*

Nine (9) person membership: under the direction of the CAFO

Suggested membership: DPW Director, Conservation Commission Representative, Finance Committee Representative , Planning Director , School Facility Director , Building Official, 3 Citizens at large (recommends at least on be an architect.)

*The Task Force should have the ability to reach out to expertise, including other Lunenburg Department Heads and private citizens..*

**Mission Statement: To create ways and means under the Green Communities Act to benefit the environment of our Community relative to health and general welfare; the economy, cost effectiveness of Governmental business and cost of living for the general public.**

### **GOALS:**

Preparation and Implementation of a five-year strategic plan for the Town of Lunenburg which include the following:

1. Analysis and Implementation of the Green Communities Act
2. Reduction of Energy Use
3. Study of Alternative Energy Sources

4. Education Program for Green Techniques

5. Study of Funding Sources

Additional tasks may be added to the above list

#### **ACTION PLANS:**

1. Analysis of the Green Communities Act

General study by the Task Force of the regulations proposed by the State. Defining of same in regard to Lunenburg's Five Year Strategic Plan.

2. Reduction of Energy Use

Electrical and heating audits of all Town owned buildings

Research competitive purchasing of electricity and heating fuel

Cost effectiveness of energy saving renovation measures, (windows, insulation )

Research vehicles cost of energy saving type

3. Study of Alternative Energy Sources

Wind Energy

Solar

Outside Wood Burners

Geo-thermal Systems

Others

4. Education Program for Green Techniques

Preparation of informational booklet on the following:

Heating, Electricity, Insulation; Windows, others

Seminars on Green Techniques

Dissemination of information through town technical systems, schools and civic organizations

5. Study of Funding Sources

Research grants under the Green Communities Act

Research grants from Utility Companies

Others

The Task Force is to be appointed to address the above. Input from members can be added to the goals and actions plans. The Task Force may be interested in forming small groups, inviting others to work on assigned project with them.

#### **The Green Communities Act**

On July 2, 2008 Governor Deval Patrick signed into law the Green Communities Act.

This act will affect everyone. Its purpose is to promote clean energy development, increase the use of energy efficient technology, reduce energy consumption and promote renewable energy development.

The Act requires that the Department of Energy Resources (DOER) complete the tasks that the bill lays out. The Act creates three new divisions under DOER

1. Division of Energy Efficiency,

2. Division of Renewable and Alternative Energy Development

3. Division of Green Communities Program

The Division of Energy Efficiency will work with the department of public utilities regarding energy efficient programs.

The Division of Renewable and Alternative Energy Development will oversee and coordinate activities that seek to maximize the installation of renewable and alternate energy generating sources. This division will advance the production and use of biofuels and other alternative fuels which the division may define by regulations. They will administer the renewable standard and the alternative standards. These regulations will benefit the rate payers.

The Division of Green Communities shall serve as the principal point of contact for municipalities and other governmental bodies concerning all matters under the jurisdiction of department of energy resources.

Each of the above divisions (departments) will be headed by a Director who will be appointed by the new Commissioner of Energy Resources. Each Director will have a staff.

This act will encompass explainable terms as follows:

Alternative energy development shall include solar energy, wood, alcohol, hydroelectric, biomass systems renewable non-depletable and recyclable energy.

Alternative energy property is termed as any property powered in whole or in part by the sun, wind, water, biomass, alcohol, wood or any renewable, non-depletable or recyclable fuel and property related to the exploration, development, processing, transportation and distribution of the above energy resources.

Energy audit is the determination of the energy consumption characteristic of a building or facility which identifies the type, size and rate of energy consumption and major energy using systems of such building. An audit will determine the appropriate energy conservation, maintenance and operating procedures. The audit will also indicate the need for the acquisition and installation of energy conservation measures or alternative energy property.

Energy Conservation shall include modifications of or changes in the operation of real or personal property that will likely improve the efficiency of energy use and include energy conservation measures and any process to audit or identify and specify energy and cost savings.

Energy Conservation projects will include energy conserving modification to windows, doors, caulking, weather-stripping, insulation, automatic energy control systems, hot water systems, hydraulic and ventilating system, re-placement of burners, furnaces, boilers, devices for modifying fuel openings, electrical and mechanical furnaces, utility plant systems conversions, replacement or modification of lighting fixtures, energy recovery systems, onsite electrical generation systems or equipment. The complete criteria for municipal participants will be available on November 15, 2008.

The Division of Green Communities Program shall assist the Commonwealth's municipalities and other local governmental bodies to reduce energy consumption and costs, reduce pollution, facilitate the development of renewable and alternative energy resources and create local jobs related to the building of renewable and alternative energy facilities and the installation of energy efficient equipment. The Director of the Division shall be responsible for the administration and oversight of the Green Communities Program and shall apply and disburse monies and revenues as provided under this division.

The division will establish a Green Communities Program. The program will provide technical and financial assistance in the form of grants and loans to qualifying applicants. These loans and grants shall be used to finance all or a portion of the costs of studying, designing, constructing and implementing energy efficiency activities, including energy conservation measures and projects, procurement of energy management services, installation of energy management systems, adoption of energy efficiency policies. Grants and loans can be used for municipal owned land.

A city or town can qualify by:

Filing an application as prescribed by the division (haven't located one). Providing data for as of right siting of energy renewable or saving facility. Adopting an expedited application and permitting process which the siting of the above shall not exceed one year from the date of initial application.

Purchasing only fuel efficient vehicles for municipal use.

Requiring all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize the life cycle cost of the facility by utilizing energy efficiency, water conservation and other energy technologies.

The above is a "nutshell" version of the basis of this act focusing on the Green Community.

What has Lunenburg done concerning energy?

Lunenburg has incorporated a Wind Energy Bylaw in their Zoning Bylaw. The School Department has been active in securing grants with the goal of energy efficiency in mind. They received a rebate for high efficiency in design from KeySpan (National Grid). The department received rebates from Unitil based on energy efficient equipment and design at the Primary School. They are in a three party purchasing plan for electricity. The HVAC systems at the Turkey Hill Middle School and High School have been improved. School Facilities Director John Londa is working diligently on energy reduction and consumption. The Library had as their goal the use of high efficiency lighting throughout their building. They have a dual fuel computer-controlled furnace, high efficiency roof, wall and floor insulation, radiant heat in the children's area, windows with Argon gas and radian heat barriers and a high efficiency HVAC system, and humidity controls for the entire library.

What has Groton done?

Groton is blessed with its own Town Municipal Electric Company. They had a meeting with ETA, developed a plan and became a Star Community. Energy measures have been taken at their Public Library. Work has been done at Laurence Academy with a GEO well and conversion of oil burner with a bio-mass system at the Groton School. They are continuing to work on new measures.

What has Lancaster done?

The town was awarded a grant by Mass Division of Energy Resources to audit municipal buildings, identify capital projects and increase operating efficiencies to reduce consumption. The National Grid Business program provided the utility company with replacement fixtures to reduce electric usage, and received an additional 15% off the already discounted price. This fixture replacement program paid for itself after one year. The Town is having an ESCO Company (Johnson Controls) determine if they meet the criteria for performance contracting. This will pay for itself via savings in energy efficiency. Example: if the town installs a geothermal heating system in a building, the system must be paid for with the savings from not having to use oil. Lancaster is hosting an energy forum on October 8 to educate local residents and school and town officials on alternative energy options that may soon be fixtures in buildings.

Lancaster has requested and will request yearly, \$25,000 in their Capital Plan to purchase efficient systems. These monies will be used as matching funds for grants from funding sources such as Mass Technology Collaborative.

What has Townsend done?

The Townsend Conservation Commission received a community grant from UMASS Lowell's Turi award for \$4,000 to raise awareness of the hazards of pesticides on lawns lead use in fishing, toxics in cleaning products, home building and renovations and more. The total grant of \$64,000 was awarded to nine different projects, such as the Northeast Organic Farmers Association and the Lowell Green Building Commission.

What has Leominster done?

The Leominster City Council is looking at possibility of building a solar energy park, similar to one in Brockton, the country's largest municipally owned solar energy park located on a brownfield, or formally contaminated site, and which opened in 2006. The capped landfill on Mechanic Street or Sholan Farms would be possible sites for a 500-kilowatt solar energy park.

Recommendations

1. Lunenburg should concentrate on the Division of the Act entitled "Green Communities."
2. Lunenburg should await the Green Communities regulations and criteria to be released on November 15, 2008 in order to ascertain the Town's direction.
3. The Board of Selectman should form a working group under the CAFO. The group should include the School Facilities Director, the DPW Director, FinCom/Capital Planning representation and Planning representation. After studying, specific projects should be identified with specific funding sources. Their findings should then be presented to the Board of Selectman. Responsibility for application of grants and loans should fall under the direction of the CAFO.
4. Lunenburg should have representation at pertinent regional meetings as an educational tool for our Town.

In summary, there is a lot to absorb in this Act. More and more information will be forthcoming. It has been declared an emergency law and there will be mandates. For example, the way municipal buildings, including schools, will be built. An obvious task for Lunenburg is to be proactive and begin to become a Green Community by utilizing energy conserving measures, alternative sources, etc. Most of all, we should start preparing and planning for ways to fund these measures.

Paula's concern is wood burners and other areas that may overlap Board of Health authority and that it may be appropriate to include a member of the Board of Health and would like to be sure that the Committee is cognizant of this. Questioned reasoning and rational behind an architect. Involving some of the board's makes sense, but don't know that someone from the Finance Committee is going to have the knowledge, some of the positions identified would be appropriate.

Marion informed the board that this is what is meant by bringing in other expertise in, if we can use our local talent to lay the ground work. Would recommend bringing in an architect because of the scope involved in reviewing the buildings.

Kerry, a lot of the information that we've seen coming from the state is focusing towards buildings.

Marion a nine member task force would have everyone working in a sub area, looking at other things. Nine member would just come back to report, this would give the committee enough people to make it a working body. Everything would be focused on a specific element.

Kerry commented that we do have a tendency to appoint staff to committees and task forces, certainly don't need to put a task force together to bring department heads together. Will discuss further with Marion and bring back to the board.

Chair agrees there should be a task force appointed and see what the potential applicant pool would be. Not discounting anybody, for membership would like a reason why a person should be on the taskforce and what particulars they are doing. Who should be on the committee and who acts as advisors to the committee.

Marion's concern is that the people need to be able to stay aboard and not wait six months to a year to do this.

Paula would like to understand what the charge of this taskforce is, think that an implementation plan should be added. Also to understand what the role of the Planning Board is to be, how will this work.

Marion at the Planning Board level; after the study, if there is a need for a bylaw, this will go to the Planning Board. The final word is the CAFO reports to the Board of Selectmen, when it comes to whether this is a zoning bylaw. Working for the greening of this community is to the Board of Selectmen.

Chair this outline is a good starting point, need to come up with the membership to fill out the outline, to say where and how they're going to do this.

Board expressed appreciation to Marion for her input.

Paula would like to have something put on the scroll and if they are interested to come in and fill out a talent bank form to advertise long enough to get the right people involved.

## **CURRENT BUSINESS**

### **1. CAFO Updates**

- Office received a letter from the State Committee on Post Audit and Oversight, requesting a meeting with Lunenburg staff regarding loss of power and impact on the community attributed to the December ice storm. Need to speak with Mr. Lattanzi (State) and will let board know of an opportunity for broader participation.
- Expended to date on 12/11/08 storm \$209,892.39 expect costs to be \$350,000 as there is still a lot of debris to be picked up or taken down (hangers over the rights of way). Hearing that the town will be required to pay 12.5% of that costs, have not however heard from the state as to whether they will in fact pick up the additional 12.5% over the FEMA 75%. MEMA came up with an estimate of footage of cleanup when they came out, we were at 70 to 75% of removal and are now working on the overhead clean up, we are still learning the submittal process.
- Snow and Ice have expended \$ decided to purchase all of the sand and salt up front this year. At Thursday's Finance Committee meeting will ask them to allow us to deficit spend, which we are allowed to do under MGL.
- Governor 9C budget cutting authority, the expanded authority will allow him to cut State Aid. Total shortfall is 2.5 billion for FY09, 1.1 billion was identified in the fall. We won't know until as late as January 28<sup>th</sup>, hope to hear something from the Governor on the 23<sup>rd</sup> at the MMA Annual Mtg., rumor is a 10% cut, but no one has heard, 10% of what. 10% in lottery would in effect cut the town about \$114,000. Several months ago implemented a hiring and spending freeze on non-essential expenditures, may be potentially 100's of thousands of dollars in deficit for '09, could come in layoffs and not appropriate to be speaking about at this time.

## 2. Minutes - Board of Selectmen for 1/13/09 reviewed and signed.

**Warrants** - #14V 09, 1/5/09 – (\$216.13), #14M 09, 1/5/09 - \$54.25, 14Mb 09, 1/13/09 - \$263.70, 15M 09, 1/22/09 - \$2,013.00, #15P 09, 1/22/09 - \$625,866.14 and #38 09, 1/20/09 – \$345,170.05 reviewed and signed.

## 3. Action File Issues

Chair handed out the attached letter from MCAH and proposed legislation for the board's review.

Paula commented on a letter to DPU articulating our concerns and recommend strongly that we get the letter out, prior to the hearing here in Lunenburg would be appropriate.

Also, in reference to Lake Shirley the issue came up back in 2007 on who actually owned the lake, and we had commissioned a title search be done. It's very clear that the town accepted the dam in a prior town meeting, some ambiguity on whether the town does in fact own the lake. Do recall seeing bill's associated with title search, questioned if in fact that title search was done, and whether we need to move forward with that. There may also be a liability aspect with owning the body of water, would be prudent to at least check with town counsel, at least to the liability issue.

Chair concurred that this should be resolved, there has to be factual evidence that we do or do not own the lake.

Paula would like the board to endorse the H3319,

Dave just to have ability to do it, is important. Steve concurred with board, at least given the options and contact our legislators to let them know how we feel.

Chair, Mr. Mehr's presentation brought out information and an incentive of what's in place today.

Paula motioned to endorse the bill previously known as H3319 that would allow municipalities to become their own municipal electric company, voted unanimously.

Also discussed reaching out to the other communities that were affected and see if they would be amicable to doing this jointly.

Dave would like to have the board take a vote to support this petition, purely symbolic, when people get together and want to make their voices heard, applauds them that and would like to see the board support that effort. Motion to support the petition and the goal of it, Paula seconded, voted unanimously.

Chair stressed that this is going to be a long process..

## OLD BUSINESS

### 1. Committee Updates -

- School Committee met last week, Superintendent submitted recommend budget which is a 1.2% increase. She has made some tough decision and taken a conservative approach. Looking at options, based upon 4 positions being eliminated and kindergarten going to full day. Chair voiced concern that the budgets with a 5% and 10% decrease were not submitted by the school department as had been requested by the CAFO. There will be severe cutbacks throughout town and any department shouldn't be looking for a potential increase.
- Finance Committee is meeting Thursday and School Committee tomorrow.
- Sewer Commission has come up with a draft bylaw, will circulate to Wright Pierce and Town Counsel, then to town boards for submittal at town meeting for special legislation. Also still working on the CWMP.

- **2. Whalom 40B – Lunenburg Estates** – the board wanted to put together a letter sent to the Zoning Board of Appeals and we've received comments from one selectman, we can send a letter based upon the comments we've received. Zoning Board of Appeals still has yet to receive a definitive plan. As the board does want to submit a letter, comments need to be sent in so that one can be drafted.

**3. Open Space Committee Goals & Objectives** – completed previously

**4. Bring Your Own Bottle (BYOB) Regulations** – Board reviewed the attached revised regulation. The establishment of this requires people to obtain a BYOB permit.

Steve doesn't believe that TIPS certification is necessary, Paula feels that they should be required to attend TIPS certification, incumbent upon us to make sure that individuals are TIPS certified.

Dave would rather prohibit BYOB and move on, if we're going to move ahead, then we should require TIPS as we're going to have trouble down the road.

Tom A., would rather see as a recommendation and we should have a BYOB policy that allows it. With one caveat that all common victuallers must have this permit to operate a BYOB, and that they're TIPS certified or have full acknowledgment that this is their responsibility.

**5. Chapter 61B – Town's Right of First Refusal – 90 West Townsend Road** – no action

## **APPOINTMENTS/REAPPOINTMENTS**

Appeal to public to fill out talent bank form for vacancies.

## **EXECUTIVE SESSION**

### **1. Contract Deliberations -**

Being no further business board voted unanimously to adjourn Regular Session at 10:05 P.M. to go into Executive Session, for the purpose of contract deliberations and not return to regular session.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen