



**BOARD OF SELECTMEN
MINUTES
Joseph F. Bilotta Meeting Room, Town Hall
March 8, 2016**

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**LUNENBURG TOWN
CLERK OFFICE**

Those present:

Board of Selectmen: Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Tom Alonzo, Clerk; Paula Bertram, Member; Phyllis Luck, Member

Others in attendance: Kerry Lafleur, Town Manager

Public Comment:

Mr. Ebersole announced his intent to run for reelection for Selectman this May. He read the following numbers: 60,45,33,32,3. 60 years ago his family moved to Lunenburg, 45 years ago he graduated from Lunenburg High, 33 years ago he was elected Town Clerk and Treasurer/Collector, 32 years ago he became a property owner/tax payer and 3 years ago he was elected to Selectmen. He stated he sees this Board as highly functioning and continuing to focus on bigger issues in the Town; full implementation of the Town Charter, fiscal responsibility through our policies, recognizing that we have differing positions but that we need to respect each other, focus on being open and transparency and not having any one man/woman show on committees/boards. Continuing the Open Meeting law, minutes and televising as many meetings as possible, supporting the Capital Plan and budget which lives within Proposition 2 ½. He has appreciated the three years he has worked on this board and he hopes that the community supports him for his next term.

Ms. Luck reminded all that the Lions Club pancake breakfast is tomorrow morning at Eagle House Senior Center.

Mr. Alonzo reminded all that the Lunenburg Boys and Girls Club fundraiser "Are You Smarter Than Our Six Graders?" is scheduled for this Friday, March 11th at 7:00 p.m. at Lunenburg High School. They are still looking for three teams to participate. He hoped to see a packed auditorium.

Mr. Toale announced the Citizens Party Caucus on Monday March 14th at 7:00 p.m. at Turkey Hill Middle School. Anyone interested in running for office should attend and if nominated, they will be placed on the election ballot. Those who are not nominated may pick up nomination papers from the Town Clerk office. Nomination papers must be returned to the Town Clerk office with a minimum of 42 valid registered voter signatures on or before Thursday, March 24th at 4:00 p.m. He read aloud the offices to be filled: Selectmen for Sewer Commissioners, Board of Health member, Assessor, Town Clerk, Constable, School Committee, Park Commissioner, Commissioner of Trust Funds, Cemetery Commissioner, Library Trustees, Planning Board member and Housing Authority. He added there are several vacancies on various committees in Town.

Sue Doherty, Council on Aging Director, announced she applied for an "Are You Okay? Program" grant in October 2015 and was awarded \$3000. This is a computer generated phone call system to elders and disabled people under age 60. Participants simply get a phone call at the same time every day, pick up and then hang up. Emergency dispatch is sent to the residence after two phone attempts that are not answered. The grant was issued by the Community Foundation of North Central Massachusetts via the Nashoba Valley Community Healthcare Fund for new software and computer equipment for the Nashoba Valley Regional Dispatch Center. This is for making the phone calls and a camera to photograph the residents in the program in case of anyone going missing. She added this will be a good program for our citizens. The Board thanked Ms. Doherty. Mr. Alonzo wanted to acknowledge Boy Scout Josh Herrick from Troop 1828 in the meeting audience this evening. Josh is working on his community service badge.

CURRENT BUSINESS

1. Agricultural Commission- Right to Farm Community Signs Request

Chairman Jeff Mendoza presented a request to place "Right-to-Farm Community" signs in various locations at entrance points to the town. As of August 2014, the Agricultural Commission was awarded a \$450 grant to pay for the signs from the Massachusetts Agricultural Commission Association. After discussions with various departments, the DPW Director and Jeff discussed the locations of eight signs. Ten were ordered with two kept for reserve. He presented a map showing where they will be located; both ends of 2A and Route 13; where Route 225 comes into Lunenburg, the border of Leominster and Lunenburg on Leominster Road, Leominster-Shirley Road (side facing Leominster) and Fort Pond Road. They will be purchasing the ten (18" x 24") signs at the price of \$45.00 each.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the request for placement and location of the Right to Farm Community signs

Vote: All in Favor

Mr. Mendoza asked if the Agricultural Commission could have an alternate member and if it had to go back to Town Meeting. Mr. Toale stated they would research this. The Farmers' Market will open on Sunday, June 5th: 10 am to 1 pm. They are working with the Historical Society this year to enrich the Farmers' Market further. He thanked the Board.

2. Draft MOU between Water District of Lunenburg and Town of Lancaster

Lancaster Town Administrator Ryan McNutt thanked the Board for giving him time to come in and present. The Town of Lancaster is interested providing water to their areas in the north (districts that are zoned for commercial/industrial and retail development). The districts have been limited by lack of infrastructure; they lack gas, sewer and water. Lancaster began this process by reaching out to abutting communities. Shirley and Lunenburg began discussions with Lancaster. Shirley has limiting regulatory challenges. Lunenburg does not. Last year the Lunenburg Water District voted to expand their district into Lancaster. Mr. McNutt stated he was here to have a conversation with the Board to see if there was support from this Board.

Mr. Alonzo stated he was opposed to the expansion of the water district but supported the process of a memorandum of understanding. Ms. Bertram agreed with Mr. Alonzo. They both wanted to understand the details. Ms. Bertram asked if an act of legislation would be required for a MOU. Mr. McNutt stated he believed so. Discussion on state regulatory constraints and logistics of entering a MOU ensued.

Mr. Toale stated he too was in favor of a MOU. He asked why the Lunenburg Water District Commissioners weren't here tonight with Mr. McNutt. Mr. McNutt stated the WDC wanted Mr. McNutt to make his initial presentation and the conversation could be continued if there was enough support.

Mr. Ebersole stated he was not in support of a MOU as he believed the water in Lunenburg should stay in Lunenburg. He didn't think the Town knew what they would need for the future. If there was an MOU, he had concern about the usage amount and what the ultimate demand for water would be.

Ms. Bertram stated she was also concerned with all the points that Mr. Ebersole raised. She added she did not want this to negatively impact the current water users in Lunenburg. Another concern was to understand the usage and potential limits on those uses. Is there a lack of restrictions? She also wanted to understand how the current water access would impact the infrastructure as well as any potential development.

Ms. Luck asked who would be doing the meter reading/billing. Mr. McNutt stated that still would need to be worked out. Mr. McNutt assured this would not cost the Lunenburg Water District anything. Lancaster would be undertaking the procurement. This would be a revenue generator for Lunenburg.

Mr. Ebersole and Ms. Bertram both stated they would want to see a more comprehensive IMA before making any decisions. Mr. Alonzo stated the presentation was a good starting point.

Mr. McNutt stated the lawyers usually take the first stab at the intermunicipal agreement and throughout the process keep this Board informed. Mr. Toale stated the entire Board would like to be kept informed. Mr.

Alonzo thanked Mr. McNutt for the presentation as well as the Water Commissioners.

He appreciated him coming forward. Mr. McNutt thanked the Board.

3. Request to redeem tax title property located at 425 W. Townsend Road

Attorney Sherill Gould reported she had been retained by the previous property owner's estate (Douglas Riikonen). Mr. Riikonen's son has been appointed Personal Representative of the Estate and he would like to redeem the tax title property on behalf of the estate. She requested sixty days to research if the property is redeemable for the equity of the estate. Ms Lafleur stated in April of 2014 the Town received judgement from Land Court to foreclose on the tax title. Attorney Gould requested the Board make a ruling this evening so she would not have to return to them if/when she pays the amount due in full within the 60 day period.

Motion: R. Ebersole

2nd: P. Bertram

To approve the redemption for 425 W. Townsend Road subject to payment in full to the Town on or before June 30, 2016

Vote: All in Favor

Attorney Gould thanked the Board.

CURRENT BUSINESS

1. Announcement of Ratification of Collective Bargaining Agreement with PPFM

Ms. Lafleur reported that at last week's meeting in Executive Session, the Board voted to ratify a three year agreement with the Lunenburg Professional Firefighter's Association. The contract period covered is from July 1, 2014 through June 30, 2017. She reviewed the provisions of the agreement:

- a. Outside Details and Overtime: the outside private detail rate will be increased from \$35.00 to \$42.00/hr., the Town detail rate will be \$36.00/hour. The minimum callback compensation will be increased from 2 to 3 hours for an officer-on-call on an EMS call. The adoption of a 48 hour work period for full-time employees protects the Town from claims that it failed to pay wages as required by law. Shift employees will work on a 28 day work period.
- b. Health Insurance is provided under the Public Employee Committee; if the Town ever opts out of the PEC model, it would have to bargain over health coverage changes with the union.
- c. Layoffs: this language has been clarified to define the period of recall, limiting it to two years and establishing a recall process.
- d. Sick Leave: language that is unlawful under the wage and hour law has been eliminated. A grandfather provision affecting employees hired after July 1, 2014 eliminates sick leave buyback. Both parties agreed to incorporate the Family and Medical Leave Act Policy into the agreement as required by law.
- e. Line of Duty Injury: language was revised to use legally correct terms for when an accommodation must be offered.
- f. Emergency Medical Training: an increase from 3% to 5% in the EMT stipend will be awarded to those who achieve Advanced Certification. Any employee who does not obtain the EMT-A certification will continue to receive a 3% stipend until the Fire Department moves to an Advanced level certification or the employee's certification lapses.
- g. Wages: both parties reached agreement within the Board of Selectmen's authorization of a 1.5% increase per year. The first two years will be retroactive to July 1, 2014 and July 1, 2015. The last increase will be implemented on July 1, 2016. Additionally, firefighters hired after July 1, 2014 will be required to be Firefighter I/II certified through the Massachusetts Fire Training Council or a similar national professional board qualification within 12 months after the first day of employment.

Ms. Lafleur stated this now goes to Annual Town Meeting for funding approval. Mr. Alonzo thanked Ms. Lafleur and Labor Counsel for all their work on this agreement. Mr. Ebersole thanked the firefighters.

2. Discussion of Roles & Responsibilities of Board of Selectmen

Mr. Toale stated this is a continuation of a discussion started at a workshop meeting.

He referred the Board to the below points to start the dialogue:

Role(s) and Responsibilities of a member of the Board of Selectmen

- Individually
- As a board

- When functioning as:
 - A voting member of another committee (i.e. School Building, Capital Planning, Building ReUse)
 - A liaison to an elected committee
 - A liaison to a BOS appointed committee
- What obligations (if any) exist to represent the board, report back to the board, speak for the board, when functioning in each of these roles

Mr. Ebersole stated he is liaison to the Board of Health, Sewer Commission, Public Access Cable Committee and the Library. He does attend Water District Commission meetings as a private citizen. He lets people know what capacity he is there for (Board member or private citizen). If he has an opinion, he lets them know he is speaking as an individual, not a member of the Board. Usually his role is to provide information the boards may not have; information or discussions the Board of Selectmen may have had or other Boards may have had. Sometimes he discusses in advance of a meeting with the Chair of the committee as it may not be appropriate to bring up publicly. Other times he may make a point as a private citizen.

Ms. Bertram stated she takes the same approach very often, especially at the Planning Board meetings. She views her role as liaison is to let the Board know what's happening with whatever organization she is attending. Her role is get a general sense of the meeting, what was discussed and particularly if something will eventually affect this Board. In the case of a voting member, it's important to bring back as much information as possible, either through the Town Manager or giving a general synopsis of what's going on.

Ms. Luck stated she has looked at the Town Charter and the Massachusetts Municipal Handbook for Selectmen for guidance. The handbooks stated the Board acts as a collective decision-making body. An individual member may act independently only when authorized by the Board. When she looked at the Charter, it read, "The executive powers of the town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the town."

Ms. Bertram expressed that she would like to hear more detail on other committee meetings, rather than when they are scheduled to meet or the end result of a meeting.

Ms. Luck stated as a member of the Storm Water Task Force she will be coming back to hear what the other members of this Board think on issues and bring those thoughts back to her Storm Water Task Force meetings for consideration.

Mr. Ebersole recommended that they break out committee reports with voting members of another committee separate from liaisons. He added it's good to have the charge of each committee in their packets.

Mr. Toale stated there is an art and science to this process. He personally would never vote his opinion if he knew it was not the consensus of this Board. However there is a practical side to this; the meeting might be a two hour meeting. It's very difficult to report that not only to the Board in a way that provides detail, but to the public and raises a risk of not giving the intended outcome.

Mr. Alonzo believed a liaison is supposed to be someone present to hear on behalf of the Board what the meeting was about and to summarize. If it's a three hour meeting, he did not want to feel like he was attending the three hour meeting here when he hears the summary. When it comes to a voting member of a board, they have different avenues of involvement. He stated the voting member of the Board of Selectmen as well as other boards acts as members from that committee, not of that committee. Take Capital Planning, it would take weeks before everyone from all those representative committees went back to meet their boards and return with their decisions. We are elected by our own body to be on that committee and we need to trust those representatives.

Ms. Luck stated if they all had a common understanding of their roles as a Board member, it would help.

Ms. Lafleur stated she saw four different roles; members on Board appointed committees, members on bylaw committees, liaison assignments and independently elected positions. Mr. Toale thought this topic merited further discussion. The Board concurred.

3. Minutes/Warrants/Action File Issues

An accounts payable warrant in the amount of \$368,312.81, a payroll warrant in the amount of \$747,868.73 and a deductions warrant in the amount of \$440,702.29 were signed.

Ms. Bertram requested the status of the Summer Street construction project. Ms. Lafleur stated she would get an update for the next meeting and a warrant article for temporary easements is planned for annual town meeting. Ms. Bertram also requested a status on Chase Road. Ms. Luck asked about the Town Manager's review. Mr. Toale stated he was hoping the Personnel Committee could have worked on the form but it hasn't happened yet. He stated the review process will be started soon and they will be using the same form. He added he would like to have this as a workshop topic. He also wanted to prioritize their outstanding list of agenda items.

4. Committee Reports:

Mr. Ebersole reported the Board of Health has received one application for the septic repair program. The program is available depending on income qualifications for repair/replacement of septic systems or connecting to the sewer system. Public Access Cable Committee has their first draft of a ten year business plan in coordination with the Cable Advisory Committee for license renewal negotiations. The Library Board of Trustees is working on policies. They have applied for a grant to the Green Task Force for replacement of interior lights in the Library. The lights have a payback period of four to five years. Sewer Commission continues to work on updating regulations and policies and a possible bylaw change.

Mr. Alonzo reported Cable Advisory Committee meets on March 21st. Finance Committee met last Thursday and heard a presentation from the DPW Director on pavement management and the public works department. Finance Committee meets again on Thursday to hear from Monty Tech and the Council on Aging. School Building Committee will meet again on March 23rd, location to be determined.

Ms. Bertram reported the Conservation Commission met on March 2nd, but she was not able to attend. Matt Marro, Conservation Agent, informed her that two public hearings were held, one for Unitil and the other for High Field Village. Both were continued to a later date. They also addressed an enforcement order/administrative hearing for 189 Howard Street. They worked with the property owner to develop a timeline to correct the issues. Work is expected to be complete by mid-July with a final inspection in August. Another enforcement order/administrative hearing was held for 101 Pleasant Street. The property owner did not attend the meeting. They have started fining the property owner on one count of working within the buffer zone without a Notice of Intent at \$100 per day. The property owner was requested to appear at their next meeting. A packet was sent to the Town Manager concerning the enforcement order for this property. They did discuss their requirement for notification of abutter's process is in conflict with the Wetlands Protection Act. They were also looking at the cost of notifying abutters via certified mail.

The Planning Board meets again on March 14th. MPO is meeting tomorrow. It is the start of the Transportation Improvement Program (TIP) and there will be some project presentations.

Ms. Luck reported the School Committee met a public forum on reconfiguration. The Grade 3- 5 school has been named; Turkey Hill Elementary. The FY16-17 school calendar was approved. A citizen expressed safety concerns for students before a proposed cell tower easement was voted on. The School Committee voted in favor of the easement stating they were allowing the process to proceed, but were not voting for or against the cell tower as this was not in their purview. There was a discussion on the release of custody of the Brooks House and T.C. Passios School. They will be working with the Board of Selectmen to place a warrant article on the next town meeting. The amended MART schedule for Lunenburg has been reformatted by Jo McLaughlin. The Storm Water Task Force will meet March 10th and the ZBA meets on March 23rd.

Mr. Toale had no report from the Capital Planning Committee. The Building Reuse Committee is letting departments and boards know that they are willing to meet with them about the Space and Needs Study and their presentation. The committee is working to request a market analysis versus an appraisal on the unused properties.

Town Manager Report:

Ms. Lafleur reported she did receive the information from the Conservation Commission on 101 Pleasant Street this afternoon but has not had a chance to look through it. There will be a draft of the ATM warrant articles for next week's meeting. There will also be another comprehensive pavement management presentation. This will answer some of the Board's questions since the last presentation. Regarding the T.C. Passios building, she is hoping on March 22 to have a draft for the plan on renting out that building.

Mr. Toale stated their next meeting is March 15.

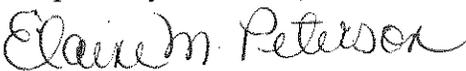
There was no further public comment.

Motion: P. Bertram

To adjourn the meeting at 8:45 p.m.

2nd: T. Alonzo
Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager