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**BOARD OF SELECTMEN
MEETING MINUTES
5/3/11**

NOV 20 2012

LUNENBURG TOWN
CLERK OFFICE

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with Paula Bertram, Tom Alonzo, David Matthews, Steven M. deBettencourt, Carl "Ernie" Sund and Town Manager Kerry Speidel present.

Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Ms. Bertram thanked the participants of "Project 582" which was coordinated by the High School students over the past weekend. Approximately 32 volunteers were able to perform grounds work at the High School and assist senior citizens with their yard work as well.

Mr. Sund quoted Mark Twain "I have never wished death upon a man, but I have certainly enjoyed a number of obituaries."

ANNOUNCEMENTS

1. Yard Waste Days – Saturdays, 8AM-4PM, April 23rd – May 28th, Landfill – Youngs Road – Ms. Bertram announced the particulars for the Lunenburg Yard Waste Days. More information is available by calling the Selectmen's office or by visiting the Town website.

Town Meeting will be held on Saturday May 7th at 9AM at the High School.

Town Elections will be held on May 21st at T.C. Passios. Polls will be open from 7AM – 5PM.

APPOINTMENTS

CURRENT BUSINESS

1. Town Meeting Preparation/Warrant Articles:

Article 15, Solid Waste Contract – Ms. Speidel stated that they had recently went out requesting proposals on the Solid Waste Contract which expires on June 30th. Six bids were received which was encouraging. In addition to the normal 3 year proposal, proposals of 5 and 10 years were also asked for because they thought this would be the time to do so because of the decline in tipping fees that are paid.

Tessa Davis, representing MassToss was present to report on the findings which she gave through a matrix chart that she had formulated. Eligible bids that Ms. Davis listed were received from Waste Management, Casella, Central Mass Disposal, G.W. Shaw, & Fiore Trucking. The lowest bid came from Casella at \$257,000 that included a 10 year plan which they agreed to lock in prices for the next 10 years. This bid is \$58,000 lower than the current contract and the pick up schedule in the town would remain the same.

Ms. Speidel stated that if the town was interested in doing a contract with the company for more than 3 years it would need town meeting approval and she would like the board to consider entering into a longer term contract.

Mr. Alonzo moved to approve Article 15 request for Town Meeting approval of a 10 year contract for solid waste. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

Article 13, Solid Waste Enterprise Budget -Ms. Speidel explained Article 13 to the Board which would be to establish the expenditure for the solid waste fund. No action was taken on the article at this time.

Article 14, FY2012 Budget - Robert Ebersole, Chairperson of the Sewer Commission spoke to the board about the Sewer Commission budget. He explained that this budget was originally developed by the Sewer Commission's Business Manager and was presented to the Sewer Commission at a televised meeting on February 22nd where it was reviewed and voted on. Mr. Ebersole explained that last year the rates had risen 20% and they are not proposing any increase in rates for this year. Mr. Ebersole stated that they are looking for an increase of \$10K to add an additional part-time Technician that will work out of the DPW. It is hoped that with the addition of the Technician that overtime hours will be reduced. They would also like to add a part-time assistant to the Business Manager at a cost of \$10K. He went on to say that other items on expense are infrastructure and making sure that they are not sending more water to Fitchburg and Leominster then is reasonably possibly able to be controlled. Permanent meters have been installed on the Fitchburg & Leominster lines along with temporary meters within the town so they can isolate where extra water is getting into the system. Replacing older clay pipes in the Whalom area will also be looked at. Mr. Ebersole said that there is a 3.67% increase in expenses that will include increases in water use fees, and infrastructure improvements and proposed that approximately \$85K be taken from retained earnings to balance the budget. He believes that more users are needed to support the system.

Ms. Bertram voiced her apprehension with the salary line item in saying that she has trouble seeing two people working in a small department and is concerned about adding a position when they are cutting in so many other places.

Mr. Sund stated that he thought the real issue is that there aren't enough users on the system and said that he couldn't disagree with the \$21K increase, but couldn't agree with it either.

Mr. Alonzo questioned if the Commission has projected out what the number of customers are needed so they did not have to take from retained earnings and when did Mr. Ebersole see this happening. Mr. Ebersole replied that they would need between 800-900 customers to cover regular expenses and to start funding some capital.

Discussion ensued regarding how to get more customers connected to the sewer, how to keep the costs at a minimum, outsourcing rather than hiring more employees for this department, and the \$7K fee for data sharing from the Water Dept.

The Board thanked Mr. Ebersole for coming forward.

Ms. Speidel produced a spread sheet for the final State Aid numbers for FY12 which will net an additional \$108,030 in State Aid to the Town.

Two other budget adjustments are as follows:

1. Reduction in the Monty Tech Assessment of \$20,379.
 2. State Aid had zeroed out the Quinn Bill payment of \$6,114 which has resulted in a net available amount of \$134,523.
- Ms. Speidel proposed that this be added to the schools appropriation to help reduce the gap between the Superintendent's budget and the Town Managers budget.

Mr. Sund suggested that a portion of the \$134,523 be used towards road repair.

There being no further comments concerning FY12 State Aid numbers, Ms. Speidel went on to explain that the next several sheets contained the Town Accountant's reconciliation of the budget. The total recommendation for FY12 is \$26,582,575, which is \$134,000 higher than the original recommendation the Town Manager made back in February.

Ms. Speidel continued FY12 budget discussion by saying that she has been advised by Superintendent Calmes that the anticipated unemployment costs associated with the layoffs which will need to occur in FY12 are \$53,310. This will include the layoff of one teacher and five aides. The Superintendent along with the School Committee has requested a draw upon the Stabilization Fund to cover these costs. The estimated unemployment liability that began in FY11 and will continue to FY12 is \$38,403.

Ms. Speidel said that they will not expend the full amount of their FY11 appropriation, so it will not be able to be carried forward. This unexpended amount will fall to the bottom line and become a part of free cash. Ms. Speidel feels that rather than make an additional appropriation for ongoing expenses for FY11 out of the FY12 Stabilization, they should

wait until Fall Town Meeting where they will have the free cash certified and will have a better idea on what the expenses will actually be.

Mr. Alonzo said that he would like to make it clear that it is the Town's intention to fund this, but at a later date.

Ms. Speidel stated that the remaining articles which the Board has not taken a position on include the Zoning items which they are waiting on the Planning Board's presentation.

Ms. Bertram mentioned that she had attended the last Planning Board meeting where the Zoning items were a topic of discussion. The Planning Board has heard a number of concerns from residents regarding the proposed warrant article as written and they discussed possibly amending that article and will be contacting Town Counsel on that matter to make sure they can make modifications on Town Meeting floor.

No decision will be made on Article 22 until after the Planning Boards presentation.

The Collective Bargaining articles will be discussed in Executive Session.

c. FY11 Budget Adjustments- Ms. Speidel stated that she proposes that Town Meeting approve two budget adjustments as follows, STM Article 3:

1. Police/Fire Injury: \$31,037 – the original appropriation was \$5,000, but in late May 2010, a Police Officer was seriously injured on duty. This injury resulted in a nine- month absence. The officer returned to duty on March 1, 2011. Later that week, another officer was injured on duty. He remains on leave and his return-to-duty date is undetermined.
2. Snow & Ice Deficit: \$68,963 – the original appropriation for the Snow & Ice Account was \$50,000. Actual expenditures were \$318,963, leaving a deficit of \$68,963. By funding this deficit in the current fiscal year, we will not have to account for it while setting the FY2012 Tax Rate.

The funds to cover these two overages will come from:

1. Reserve Fund: \$50,000 – the original appropriation was \$50,000 and there have been no draws on this account this fiscal year. Based upon a thorough review of the FY11 Budget, she does not see a need to keep this funding set aside.
2. Legal Expenses: \$50,000 – the original appropriation for legal fees was \$150,000. Through March 31, 2011 we have accrued and paid \$70,000. Prior to the start of the fiscal year, the Board was able to negotiate a not-to-exceed monthly fee for general legal services. That combined with the reduced number of lawsuits has limited legal expenses in FY11.

Ms. Speidel also mentioned that the prior year bill that was on STM Article 1 will be expensed by Unitil so there is no need to take this to STM.

Ms. Speidel stated that there will be no request for a draw on the stabilization fund under the STM warrant.

d. Going Places Revolving Fund (Taken out of order)– Ms. Speidel stated that this would be Article 16 and reviewed it with the Board. The Council on Aging is asking Town Meeting to authorize the establishment of a new Revolving Fund (MGL Chapter 44, S 53E ½) for the Eagle House Senior Center to be called the "Going Places Van." Ms. Speidel said that she will ask Doreen Noble, Director of the Lunenburg Council on Aging to speak about the concept of this van but after all is said and done they will be passing over this article because there have been some changes and she suggested that this be placed under the existing revolving fund for MART.

Ms. Speidel explained that this type of revolving fund does not require "seed" money and that the only money that can be spent out of this fund, are from monies that come into it. Originally it was thought that a \$5K authorization was needed to fund the Going Places Van but after further research it was determined that more expenditures would be needed in order to operate the van. She went on to explain that currently the Council on Aging uses a van provided through Montachusett Area Regional Transit Authority (MART) but it is limited to where it can travel. The Going Places Van was obtained through a grant from the Department of Transportation Mobility Assistance Program (MAP) and will be used to augment the COA's current transportation system, which is provided through MART. This van will be coming to the town, through MART, and MART has claimed ownership to the van. MART will be paying for the insurance, registration and insurance of the vehicle and the Town of Lunenburg will be responsible for paying for a driver and the fuel. Because it is

coming to the Town through MAP it will not have the same restrictions on it that the primary van has. Ms. Noble has put together an anticipated fee schedule along with revenue and expense report showing what will be expected to be taken in and expended each month. The fee schedule is based upon what is currently used for the primary van and can be amended based upon a recommendation from the Director to the Council on Aging.

Ms. Bertram questioned why this article was going to be passed over. Ms. Speidel replied that it does not have to be passed over. The reason the COA put forth this additional revolving fund article was because it was not expected that this vehicle was going to be owned by MART and they wanted to be able to account for the expenses/revenue for this vehicle, which originally was going to be a Town owned vehicle. Now that this is a MART vehicle the need for an additional revolving fund is no longer needed, and it can run through the existing revolving fund.

Ms. Bertram stated her concerns with the additional expense of running a second van. Ms. Speidel explained that any additional expenses that the van may incur will be invoiced to MART for payment.

Ms. Noble addressed the BOS and publicly apologized to the COA and Finance Committee for not informing them about the MART ownership of the van before this meeting. She said that based upon her conversations with the Dept. of Transportation she was under the impression that this would be a Town owned vehicle. It is a "win win" situation for the town because MART will be responsible for registration, maintenance, and insurance on the vehicle. She explained that this is not a revenue generating prospect and with the help of Ms. Speidel came up with a rate structure. Ms. Noble stated that the idea of getting this van was to make it easier for seniors to access and to make it affordable. She went on to explain the anticipated fee schedule which she had developed, and explained possible sources of funding/donations which could be deposited into the revolving fund for this van which included advertising from private businesses, funding from the Friends of the Eagle House Inc., and rental fees.

Mr. Matthews stated that this is a needed service but cautioned that the accounting on it would need to be watched and said that as the van ages future funding sources would need to be looked at also.

Mr. Sund stated that this is an excellent program which he supports but questioned some of the fees associated with the vehicle. His concern was with this program running in the "red" and would like to revisit the fee structure. Ms. Noble replied that she fully understands that and her goal of bringing this van to the Town of Lunenburg was not to make it a burden on the backs of the seniors. She stated that there is great dedication from the Friends of the Eagle House Inc. and other benefactors with fundraising and if they did not have the Friends of the Eagle House Inc. the COA operating budget would not be able to sustain many of the programs that are done at the senior center. Mr. Sund went on to say that we as a community have to support our seniors but we can't do everything that we want to do.

Ms. Speidel said she would like to make a point of clarification. She said that this is a revolving fund and the difference between the actual cost and cost that is charged through a fare is not picked up by anything other than revolving fund revenue. The fee schedule proposed by Ms. Noble is based upon hefty funding through advertising revenue and that's what will make the fee structure work.

Ms. Bertram questioned the advertising and asked Ms. Noble to explain how it will work and whether or not vendors have been contacted yet. Ms. Noble replied that there has been some "feelers" put out and they have come up with approximately 32 potential advertisers to reach out to but requested that Ms. Speidel not make that list public. She also explained the concept of sign advertising on the van and how that would work.

Mr. Alonzo questioned whether or not MART would approve of advertising signs on their vehicles. Ms. Noble replied that she had received an email from MART confirming approval of the signs.

Ms. Bertram asked Ms. Noble if she thought an additional revolving fund would be needed to keep expenses separate. Ms. Noble replied that she would recommend having a revolving fund with the \$5k based upon the fact that numerous people will be making donations and they will want to make sure that their donations do not end up in the General Fund. She said that having a second revolving fund would ensure those people that their donations are being used for the 2nd van and yes she would recommend having this along with the original revolving fund. She clarified that she is not here asking for any money from the Town but only for another account for the donations to be put into.

Ms. Bertram questioned whether or not \$5K would be sufficient. Ms. Noble replied that if the second \$5K revolving account needed to be changed it would not require a vote at town meeting but rather by a vote of the BOS.

Mr. Alonzo recommended that the focus be on sustainability and believes that the fees would have to be flexible. He would like to see Ms. Noble fit into the fee schedule raising more funds in order to be able to replace the van in the future. He stated that if you do not have funds to replace the vehicle when the time comes, it's worse losing something, then to have never had it at all.

Mr. Alonzo asked Ms. Speidel that if a revolving fund was set up specifically for this purpose with a cap of \$5K, and a donation was made that exceeded the cap, what would happen to the money, would it go into the general fund. Ms. Speidel replied that it stays in the revolving fund but cannot be expended until the authorization has been increased. Mr. Alonzo then asked that if the two funds were combined, and the same scenario occurred, could the cap be raised on the existing revolving fund also. Ms. Speidel replied that if the two accounts were combined then the cap would definitely need to be raised. Ms. Speidel also stated that having two separate accounts gives potential donors more of a sense of security. She went onto explain that if the two were combined, and a donation was made specifically for the Going Places Van, it could be used for anything within that revolving fund.

Discussion ensued among the board members and Town Manager regarding the revolving fund accounts where it was agreed upon, that two separate accounts would be the cleaner way to go.

Mr. Sund commented and said that although he does support the idea of the second van, he believes that the fee structure needs to be watched.

Pete Lincoln, Chairman of the COA, spoke and said that the Eagle House Senior Center is the biggest bargain in the town. Potentially in a few years we will be servicing 25% of town members for a small fraction of the overall town budget and part of the reason they are able to do this is because the Friends of the Eagle House Inc. are providing services and monies to the senior center. He also stated that they have a "fire ball" of a Director who has the initiative and tenacity to stay with the programs when they are being challenged by various town groups and they are lucky to have her. Mr. Lincoln then informed the public that a couple of months ago Ruth Green was awarded the Boston Post Cane as the oldest citizen in the town, and she has also been chosen to throw out the first ball at Fenway Park on Thursday afternoon. He said that the happiest person on the field will be Tim Wakefield because there will be someone on the field older than him.

2. Lion's Club Roadblock Request – Saturday May 7th, 8AM-2PM – Ms. Bertram recused herself from this item and turned the discussion over to Mr. deBettencourt due to the fact that she is a member of the Lion's Club. Mr. deBettencourt explained the locations and times of the Lion's Club Roadblock request and asked for a motion.

Mr. Alonzo moved to approve the Lion's Club request for a roadblock on Saturday May 7th, 8AM-2PM in the Town Center and on the corner of Whalom Rd./Rt. 13. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

3. Auctioneer's License Application, Michael G. Roy, d/b/a "Got Stuff?, May 6, 2011 (Taken out of order)– Ms. Speidel informed the board that the date of the auction has been changed to May 14, 2011 and that all of the required paperwork has been received.

Mr. Roy introduced himself to the board, described his auctioneer background and what his intent was with the current auction that he is applying for. The auction will be held at 555 Chase Rd in Lunenburg. This will be a one time event and if it goes well, he may be back to apply again.

Ms. Bertram questioned the parking situation and whether or not this request had been circulated to the Police Chief to which Ms. Speidel replied no, but she would do so tomorrow.

Mr. Sund spoke in favor of this license.

Mr. Matthews motioned to approve the Auctioneer's License Application for Michael G. Roy doing business as "Got Stuff", pending the Police Chiefs approval on May 14, 2011. Mr. Alonzo seconded. On vote, motion carried, 5 in favor 0 opposed.

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4. Minutes/Warrants/Action File Issues

Minutes - None

<u>Warrants</u> -	4/28/11	22P-11	\$584,328.68
	4/26/11	58-11	\$190,699.11
	5/3/11	59-11	\$247,298.12
	5/4/11	60-11	\$88,492.61

Ms. Speidel informed the board that there are 2 weeks worth of Accounts Payables this week due to the fact that some departments enter in their own accounts payable which generates additional warrants.

Ms. Bertram requested that warrants be received in advance of the meetings so as the BOS has time to review.

Action File Issues – Ms. Bertram is concerned with a letter from Kopleman & Paige regarding the new interstate requirements for the new “NPDES Permit” which pertains to Storm Water Management. If the regulations are adopted as written by the EPA it will require testing and sampling of 25% of the outfalls, to which Lunenburg has many, and the cost for that will be astronomical. She stated that there are many other requirements and the town has been appropriating approximately \$25K per year for storm water management to meet the requirements of the previous NIPTY permit but feels that this one is much more restrictive. Ms. Bertram is concerned that when and if these regulations are adopted, the town will need to watch for potential financial repercussions that could be faced due to the fact that the regulations are extreme.

Mr. Alonzo asked the Town Manager if the new Town Website would be up and running for Town Meeting. Ms. Speidel replied that the launch date has been pushed back to June 30th. Online training is required and has not been scheduled yet.

Mr. Alonzo inquired about an old building on Flat Hill Rd that has been abandoned for quite sometime. He feels that this is a safety issue and that it needs to be taken care of.

Ms. Bertram suggested getting an update from the Building Inspector regarding the condemnation process and where it stands with this property.

Ms. Speidel replied that she has spoken with the Building Inspector along with the DPW Director and they will be providing a plan of action for that property.

Mr. deBettencourt stated that he has received phone calls regarding pot holes in town and wants to make sure that they are being taken care of. Ms. Speidel replied that they will be expanding every penny in the budget that has been set aside for this issue by the end of the fiscal year.

5. Committee Updates – Mr. Matthews reported that he had attended the DPW Building Committee meeting last Tuesday. He said that a local newspaper had reported that a contract had been awarded for this project which is untrue because the bids exceeded the budget. Currently the committee is working with the architect to scale things down so it could meet the budget. The committee had voted not to come back to the town for more money. Hopefully they will go back out to bid within the next couple of weeks with a revised plan.

Ms. Bertram requested that before the Building Committee goes to bid again that they come before the BOS with what the revisions are. She also voiced her concerns about the septic system and the need for a new one should the DPW add more personnel to the building. She would like the Board of Health’s input on the issue to make sure that Title 5 will not come into play with the project.

Mr. Alonzo reported that Mass Broadband had another conference call update where they have finalized maps. They will be routing a spur up Lancaster Ave to catch the center of town, all the way to the Public Safety Building. They are continuing the contracting work on counting the number of poles they need to touch along with contacting the owners of those poles and are now actively going out to bid on contractors. All municipal buildings, with the exception of the DPW will be attached to fiber when it is completed which is estimated to be in the Fall of 2013.

Mr. Sund reported that PACC met last night and they are looking for new board members along with volunteers to do filming/editing.

6. Department Updates – None

7. Town Manager Updates – None

OLD BUSINESS – None

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None

EXECUTIVE SESSION

1. Ms. Bertram asked for a motion to go into Executive Session, not to reconvene under M.G.L. Chapter 39, S 23B to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position.

Mr. Sund moved to adjourn the regular scheduled meeting. Mr. deBettencourt seconded.
The board voted unanimously to adjourn the regular scheduled meeting at 9:47PM.

UPCOMING MEETING SCHEDULE

May 7, 2011
May 10, 2011
May 17, 2011

*Respectfully submitted,
Susan Doherty, Recording Secretary
Board of Selectmen*

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