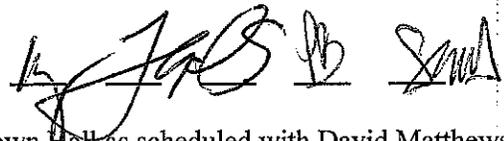


**BOARD OF SELECTMEN  
MEETING MINUTES  
7/12/11**



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

Regular Meeting opened at 7:01 PM

**7:00PM PUBLIC COMMENT**

Mr. Alonzo announced that yesterday was the start of the Summer Band Concerts at the Town Gazebo and it will run for approximately four more Mondays. He thanked Steve Archambault for conducting, all of the band members for playing, and all of the sponsors for their help.

Mr. Alonzo announced that the Lunenburg Library will be holding their Cardboard Boat race on August 6<sup>th</sup> at Lake Whalom and encouraged all to participate.

Mr. Alonzo acknowledged that Mike Barney, Lunenburg High School Principle has given his resignation to take employment elsewhere. He thanked Mr. Barney and wished him well in his new position.

Mr. Sund announced that the Public Access Committee is looking for volunteers to do filming for events.

**ANNOUNCEMENTS**

**APPOINTMENTS**

**1. 7:00 p.m. Alan Parker, Troop 1728, Eagle Scout Project Presentation:** Alan Parker, Troop 1728 came before the BOS to present his Eagle Scout Project request. Mr. Parker would like to remove the wooden posts on the Mass Ave side of Veterans Memorial Park and replace them with granite posts. He would also be sending the chain that runs between them off to be cleaned and galvanized. The cost for this project would be approximately \$1200 to which Mr. Parker has already had doners come forward with offers of over \$600 in donations to help this project along. Mr. Parker will contact Dig Safe, the DPW and has the blessing of the American Legion Post 283. Any donations for this project can be sent to the Selectmen's Office at Town Hall.

The BOS were in agreement that this is a worth wile project and thanked Mr. Parker for volunteering to do this.

Ms. Bertram motioned to approve the Eagle Scout Project as presented by Alan Parker. Mr. deBettencourt seconded.

Mr. Alonzo questioned what the time line would be. Mr. Parker responded that with the BOS approval, he would then bring it to the Nashua Valley Boy Scout Council for approval after which he would start immediately and have completed before the snow falls.

On vote, motion carried, 5 in favor, 0 opposed.

**2. 7:15 p.m. Michael Roy, Auctioneer's Permit Application:** Ms. Speidel explained that this is a request for an Annual Auctioneers License that would be good through December 31<sup>st</sup>. The Building Official asked Mr. Roy to take care of some issues at the location before a Certificate of Inspection was issued and Mr. Roy has met all of the requirements of the Building Inspector and the Fire Dept. and the building is now ready to be used for this purpose.

Mr. Alonzo moved to approve the Auctioneer's Permit Application for Michael Roy. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

**CURRENT BUSINESS**

**1. Lunenburg Farmer's Market--** Ms. Speidel explained that the BOS approved last year the use of the grounds of the Ritter Memorial Building for the purpose of a Farmers Market on Mondays from 3-7PM. She went on to say that there was not anything in that approval to limit it to last season and the same group of individuals are interested in having

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a Farmer's Market again. Ms. Speidel felt that this should be brought before the BOS to make it a permanent authorization on Mondays during the growing season for the purpose of a Farmer's Market.

Ms. Speidel stated that there were some questions that have arisen because an individual wanted to participate by selling meat products which was not done last year. Ms. Speidel researched this matter and found that there is no regulatory definition of a Farmer's Market, though DAR defines them as "public markets for the primary purpose of connecting and mutually benefitting MA farmers, communities and shoppers while promoting and selling products grown and raised by participating farmers, including: fresh produce (fresh uncut fruits & vegetables); unprocessed honey; maple syrup; and farm fresh eggs." Some Farmer's Markets have expanded to sell processed foods, such as pies, cakes, breads, jams and jellies. Vendors who sell these products must be licensed as a retail food operation and inspected by the local BOH. The local BOH can determine which products it will allow for retail sale.

This product (meat) is not one that was sold at the Market last year, not one that falls under the DAR definition of a Farmer's Market, and not one that can be sold without proper licenses. It is up to the BOH to determine licensing of food products and Ms. Speidel has encouraged this farmer to work through this issue with the BOH.

Ms. Speidel has asked the BOS to consider creating a permit for a Farmer's Market and formally adopt Rules and Regulations to use going forward, which they will take up at their next meeting in July. There may also be a request to have another Market on a different day of the week. If there is, Ms. Speidel would suggest that the Board limit its role to approving use of public property for this purpose.

Ms. Bertram stated that she had been contacted by a local farmer who said that he was prevented from participating at the Farmer's Market and he had concerns on how the organization of this happens. Ms. Bertram said that the individual wants to sell meat at the market and has the necessary permits to do so. Ms. Bertram would like clarification from the BOH on how it is determined on what goods can be sold and how they are marketed.

Andrea Schnepf, Board of Health Administrative Assistant spoke and said it is the BOS that determines what can be sold at the market and they have made the determination that "meat" is not something they want at the market and that its not just limited to this individual but to everybody.

Ms. Bertram suggested that this policy be distributed to all vendors in writing.

Ms. Speidel added that the BOH will be taking action on procedures for the Farmer's Market and anything that is finalized will be available to view on the website. She said that all of the Farmer's Markets have Market Managers who have the ability to limit what is sold in order to keep the market competitive.

Mr. Sund suggested that a notice be posted at the Farmer's Market with the proper permits attached and stating the rules and regulations of this particular market.

Mr. deBettencourt questioned how the decision is made to regulate the number of vendors that participate. Ms. Schnepf replied that she does not regulate the number of vendors and that not many people participate as vendors in this particular market. She said that the community needs to support this and without the support you can't add more farmers.

Mr. Matthews spoke and said that if there were more items sold at the market, it may generate more interest and if a local farmer had all of the permits needed to sell his items, then he should be allowed to do so. Ms. Schnepf replied that this issue needs to be taken up with the BOH.

James Lattanzi spoke and said that he is in favor of the Farmer's Market and that he is the person who would like to sell meat at this market. He is concerned that the reasons why you cannot sell meat at the market are not clear and that he has the proper permits to do so. His product is processed at Blood Farm in Groton, labeled with his own farm name which is in compliance for selling meat at a Farmer's Market, the product is picked up frozen from the processor and put into a generator powered freezer for transportation then brought to the market frozen never losing temperature. His concern is that there are over 100 Farmer's Markets in the state that sell meat and why not Lunenburg rather than a vague description that the BOH does not want it.

Ms. Speidel stated that she has asked the BOH to formally adopt some rules and regulations regarding the market because the current ones, along with the DPH rules and regulations, don't specifically prohibit the sale of meat.

Ms. Schnepf asked the BOS if as a board, if they were asking that the BOH add the sale of meat to the rules and regulations. Mr. Matthews replied that as a board they cannot determine that.

The BOS were in agreement that in their personal opinions, if any Lunenburg farmer wants to sell their product at the Lunenburg Farmer's Market that is in compliance with all handling and health regulations they should be able to.

**2. FY2012 Annual Appointments**– Ms. Speidel informed the board that there were no Annual Appointments ready for them this evening but would like to remind them that there are a couple of Appointments that still need to be made and she hopes to have them ready for the board by the next meeting.

**3. FY2011 Budget Adjustments**– Ms. Speidel had distributed FY11 Year End Budget adjustments to the BOS and reviewed it with them. M.G.L. Chapter 44, Section 33B allows for the transfer of budget appropriations from one function to another upon the approval of the BOS and Finance Committee so long as the transfer does not exceed \$5000 or 3% of department budget from where the transfer is made, whichever is greater. These transfers are necessary to cover overages in the Police Dept., Fire Dept., and Public Buildings – Utilities. The Finance Committee reviewed and approved these transfers at their meeting held on June 30, 2011. In order to close FY2011, a request is being made for transfers as follows:

<u>APPROPRIATION FUNDS ARE TRANSFERRED FROM</u>	<u>AMOUNT</u>	<u>APPROPRIATION FUNDS ARE TRANSFERRED TO</u>
Health Insurance	\$10,000.00	Police Lock Up, Salaries
Health Insurance	\$2,500.00	Police/Fire Injury Leave, Salaries
Health Insurance	\$10,000.00	Fire, Salaries
Health Insurance	\$2,500.00	Police/Fire Medical, Expenses
Health Insurance	\$8,500.00	Veteran's Benefits
Medicare Expense	\$10,000.00	Public Buildings Utilities

Discussion ensued regarding the fact that the same department's line items need transfers every year, specifically lock up, and the BOS would like comparison data from the last five years to see what can be done to limit expenses. Ms. Speidel feels that the BOS are not budgeting less than in prior years but rather not budgeting what they should.

Ms. Bertram motioned to approve the transfers as submitted by the Town Manager. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

#### **4. Minutes/Warrants/Action File Issues**

Minutes: 7/20/10

Warrants: #2-12 \$528,081.86  
\$541,113.10

Action File Issues: Mr. Sund requested an update on the abandoned gas station on Mass Ave. Ms. Speidel reported that the Town does have a Tax Title on the property. A grant had been applied for to DEP and was approved for approximately \$50-60K, for clean up at the property. There is no known contamination at this property and the issue is that there are underground storage tanks that were relined approximately 10 years ago and now they are at the end of the life of those liners and it is believed that there is material in the tanks, which may pose a threat. In order for DEP to move forward with the cleanup they need permission from the property owner to enter the property to do the work, and to date the property owner has not provided that permission. The Fire Chief worked with Town Counsel to see if there was some way to enter the property and Counsel was not able to provide any authorization. The Fire Chief presented this issue to Representative Benson and she filed General Legislation that would allow municipalities to be able to enter properties when there is a threat of contamination. As of this meeting the Legislation did go through Committee Hearing and Chief Glennly testified at that hearing. It has not been reported out of Committee yet but since it was taken up so quickly by the Committee that is a favorable sign. Unless the property owner gives permission to enter the property to do the work, it cannot be done by the Town.

Ms. Betram stated that at last night's Planning Board meeting, Tom Bodkin, had put together a report which includes all the information about this property and she requested that the BOS receive a copy of it for review.

Mr. Alonzo spoke in saying that he believes that a business like this should be required to put up a bond up for the removal of hazardous waste material should they bankrupt or default so that the Town is not left with a potential hazardous site with no rights to go onto the property unless the Town assumes total liability.

Mr. deBettencourt requested that a copy of the grant which was received to clean up the gas station property along with a copy of the costs incurred to remove the tank from the old Primary School be circulated to the BOS.

**5. Committee Reports** – Mr. Alonzo reported that Mass Broadband will begin site work over the next two weeks in this general region for where the wiring will be laid.

Mr. deBettencourt reported on the status of the DPW building project. Changes have been made in the plans in order to come in on budget but they are still approximately \$200K short. Mr. deBettencourt feels that building is too small and outdated and will be supporting the article at Town Meeting for an increase for this project.

Ms. Speidel reminded the BOS that the Finance Committee will be holding a Public Hearing regarding this warrant article on Thursday and it will be televised. The Building Committee will be making a presentation at this meeting and she encouraged people to "tune in" and to also review the warrant article which explains the significant cost increases in materials that need to be used for this project.

Mr. Matthews spoke in support of the article for the DPW building.

Ms. Bertram moved to recommend approval of the article at Town Meeting. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

Mr. Matthews reported that the School Committee met last evening where they discussed hiring an interim Principal, implementing parking fees at the High School for the students, and reorganizing the schools.

## **6. Department Updates -**

**7. Town Manager Updates** – Ms. Speidel reported that the new trash pickup company, Cassella, began pickups on July 1<sup>st</sup>. There have been some problems and she encouraged people with issues to contact the BOS office. There are no changes with the service other than the change in the Company, private collections are on Mondays and the Towns collection is done Tuesday through Friday. Single stream recycling will remain the same but Cassella will not pick up trash/recyclables that are in a Waste Management trash receptacle. Arrangements can be made to have a Cassella trash receptacle delivered to individual residents for rental and if there was a previous contract made with Waste Management for a rental, concessions will be made for that.

Ms. Speidel will post information on the Towns Black Board Connect and via town wide telephone message informing residents of the change and asking that they do not use the Waste Management trash receptacle for their trash.

Ms. Speidel mentioned that the new Town Web Site, [www.lunenburg.ma.gov](http://www.lunenburg.ma.gov), is up and running. Google has not picked it up yet but if you go to the old web site it will direct you to the new one.

Ms. Speidel informed the board that the Governor did sign the FY12 Budget and she believes that one of the best things that came out of this budget process was Health Insurance Reform. Ms. Speidel received a bulletin from MMA that she will make available to the board to review at their leisure.

There were no changes in State aid but there was language included that would allow for redistribution of any unspent State appropriations which are approximately \$65M which will come back to cities and towns in the form of local aid. This is meant to replace the 7% reduction in unrestricted general government aid that was included in the original FY12 budget appropriation. Ms. Speidel spoke with Representative Benson's office and they do not know when that money will be coming to the Town.

Ms. Speidel reported that MRPC is looking to submit a grant for funding to update pre-disaster mitigation plans for their member communities and would like Lunenburg to support their grant application

Mr. Alonzo moved to support the MRPC grant application for pre-disaster mitigation funding. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

Ms. Speidel stated that the DPW is working with the Green Team from MCI Shirley and they will be providing community service work to the Town on Mondays and Tuesdays from 8AM-1PM at the cemeteries. Ms. Speidel said that she is very grateful to have this free labor to do a lot of clean up that we have not been able to do.

Ms. Speidel reported that the contract for line painting has been let and we are at the end of our line painting project.

Mr. Alonzo asked when the renovations at Town Hall will be completed. Ms. Speidel replied by the end of the summer but hopefully sooner than that.

Mr. deBettencourt suggested to have Lunenburg's Green Team remove the brush from the fence at the lake front in Whalom and also to clean up the basketball court and playground on Whalom Rd.

### **OLD BUSINESS -**

**APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS** – Mr. Matthews stated that Pat Slattery, a member of the Green Task Force will be stepping down and they will be looking for a new member with some experience with green energy.

Mr. Matthews also stated that there are two openings on the Finance Committee.

Mr. Sund reported that the Cable Access Committee has four openings.

### **PUBLIC COMMENT** - None

### **EXECUTIVE SESSION** -- Beginning at 6:00 p.m.

1. M.G.L Chapter 39, Section 23B (3), 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 litigating position.
2. M.G.L. Chapter 39, Section 23B (6), to consider the purchase, exchange, taking, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

Being no further business, Mr. deBettencourt moved to adjourn the meeting. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

Meeting adjourned at 8:55PM

### **UPCOMING MEETING SCHEDULE**

July 19, 2011	August 2, 2011
August 9, 2011	August 16, 2011
August 23, 2011	

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