

**BOARD OF SELECTMEN
MEETING MINUTES
8/7/12**

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with David Matthews, Steven M. deBettencourt, Paula Bertram, Tom Alonzo, Carl "Ernie" Sund and Town Manager Kerry Speidel present. Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

7:00PM PUBLIC COMMENT

ANNOUNCEMENTS

1. Fire Chief's Employment Contract *(Taken out of order after the MSBA Contract Feasibility Study)* – Ms. Speidel announced on behalf of the BOS that the Town has entered into a 3 year agreement with Patrick Sullivan to serve as Fire Chief for the Town of Lunenburg. Salary for this position for FY13 is \$80,000, FY14 \$82,000, and for FY15 \$84,000.

Mr. Matthews said that this contract was voted on at the last meeting in Executive Session and that it was a unanimous vote to support.

APPOINTMENTS

7:00 PM Joint Meeting with School Committee to appoint person to School Committee Vacancy – *(Taken out of order before Announcements)*

School Committee members called their meeting to order for the joint meeting with the BOS to appoint a person to the School Committee vacancy. Present from the School Committee were: Michael Mackin, Colleen Shapiro, Gregory Berthiaume, and participating via Remote Participation was Brendan Grady. Superintendent Loxi Calmes was also present at the meeting.

Mr. Matthews opened the floor for nominations for the open seat. Mr. Mackin nominated Todd Blake for the open position on the School Committee. Mr. Berthiaume seconded the nomination.

Discussion: Mr. Alonzo said that all three candidates had great qualities and thanked everyone for coming forward during difficult times. He stated that whenever there is more than one candidate that comes forward it is always difficult to make the decision.

Mr. Sund nominated Anthony Caiozzo for the School Committee position. Mr. deBettencourt seconded the nomination.

Mr. Matthews called for a roll call vote to appoint Mr. Todd Blake to the School Committee.

Mackin – Aye	Berthiaume – Aye	Grady – Aye	Shapiro – Aye
Matthews – Aye	Alonzo – Aye	Bertram – Aye	

Being that the majority of School Committee and BOS members present voted to appoint Mr. Blake, it was deemed not necessary to call for a vote for Mr. Caiozzo.

Mr. Berthiaume said that the School Committee will be resuming their meeting at the Brooks House.

Mr. Matthews thanked all three candidates for coming forward, reminded them that there will be an election in May and encouraged Mr. Caiozzo and Mr. Meek La Veck to seek other volunteer opportunities within the town government.

Mr. Mackin said that there will be more opportunities to serve and that there were other offices in town available for appointment including a seat on the BOS that will be up for election next year. He encouraged Mr. Caiozzo and Mr. Meek La Veck to stay involved.

CURRENT BUSINESS

1. EPG Solar, Offer to Purchase Net Metering Credits – Ms. Speidel stated that Mike Borkowski from EPG Solar will be giving a presentation to the BOS regarding the Town's purchasing of Net Metering Credits from this project. EPG Solar's project was approved by Special Use Permit by the Planning Board. Ms. Speidel stated that EPG Solar made a number of concessions in order to meet the requirements of the new Bylaw, specifically with regard to Setbacks, and in order to be able to meet those requirements the size of the project has been reduced. The project is now at 1.2MW which will produce approximately 1.5M KW of power per year. Because of the reduced size of the project, it is now a "Net Metering" project. Unitil, under current State Law, is required to purchase 2% of its maximum load as "Green Energy" and that may be increasing to 3% overall if legislation changes. EPG Solar is limited to selling their credits to a Unitil customer and because the project is in Lunenburg and because there are benefits to selling to a Municipality EPG Solar has brought this proposal to the Town. Ms. Speidel and Director of Facilities John Londa, have reviewed this proposal and both agree there is a lot of benefit to enter into this contract with EPG Solar specifically because the proposal will save the town approximately \$80K - \$100K annually in utility costs.

Mr. Borkowski distributed a presentation to the BOS and went on to say that he commends the Planning Board and Conservation Commission for their efforts in working with EPG Solar and the abutters to get the project down to a manageable size. He explained that it has been switched from a whole sale arrangement to a net meter arrangement which will allow them to take advantage of a State incentive.

Mr. Matthews congratulated the neighbors who "made their voices heard" and basically helped to write the Bylaw. He also thanked EPG Solar for seeing the value of seeing within the special permit range so that there would not be more battles going down the road.

Mr. Borkowski gave a lengthy presentation to the BOS which included an explanation of Net Meter Credits, how it works and the cost savings to the customer. He explained that the Unitil territory is a very small load zone and 2% of their electric at this point which only allows for Net Metering at approximately 1.8 MW, which potentially could double when new legislation is passed. Once 1.8MW per facility have been installed, nobody will receive those Net Meter Credits anymore, and it will work on a first-come, first-served basis. He stressed that there is only about a 2 month window that is open to get the 1.8MW for this project and that there is a limited amount of Net Meter Credits available. He requested a Pilot agreement that EPG's tax payments to the Town be straight lined over a period of time in order to make a more even cash flow rather than wild fluctuations and uncertainty. Mr. Borkowski stated that the proposal is for EPG Solar to sell the Town of Lunenburg approximately 1.5M KWH per year at an initial price of \$0.12882 which would represent a little over a 30% discount. If this project is moved on quickly, delivery could begin in December, savings could be seen in January and EPG is ready to go forward now.

Ms. Speidel stated that the Power Purchase agreement is a 20 year agreement and any contract over 3 years needs Town Meeting approval. Although the BOS can negotiate a Pilot Agreement, it would also need approval at Town Meeting. She is investigating if there is an interim step which could be taken in order to get this moving and said that EPG had indicated that they would pay for the cost of a Special Town Meeting. Ms. Speidel also assured the Board that by entering into this project, it would not interfere with the progress of the solar project at the landfill. Ms. Speidel stated that she feels that if we don't take advantage of this opportunity then another community will. Ms. Speidel will ask the Assessors office to provide an updated estimated Assessed Valuation Calculation.

Mr. Alonzo asked if this would jeopardize any of the aggregation plans the town has with the municipal buildings to which Ms. Speidel replied no.

Mr. Sund asked if the solar panels on the school are Net Metering to which Ms. Speidel replied yes and they are already factored in.

Ms. Bertram said that she supported this project but has concerns with the timelines and the set up of Special Town Meeting. She would also like to hear from the Assessors on the real estate tax impact. She questioned the exit strategy and said that she has some technical questions on the contract. She asked Mr. Borkowski what he was looking for in a time frame to have this settled. Mr. Borkowski replied that they would like to hear from the Town when the earliest possibility for a Town Meeting could be and if they got an affirmed date which falls within acceptable timelines then they will be able to "keep the window open".

Discussion ensued about a September Special Town Meeting and that there would be two questions, one relating to the Power Purchase and the other concerning the Pilot Agreement.

Ms. Bertram asked Mr. Borkowski what if the Town were not willing to go into a Pilot Agreement would it affect the Net Metering Agreement. Mr. Borkowski replied that he did not think it would and at the end of the day they are going to pay the taxes.

Mr. Alonzo said that he would like to make sure that the rates for the Net Metering were fair. Ms. Speidel replied that Mr. Londa has done all of that analysis and independent verifications.

Mr. Matthews stated that he was comfortable with going forward with this project now. Mr. Matthews said that he would like to entertain a vote to start the process toward a Town Meeting, commit that we will go to Town Meeting, but not to commit to any agreements yet until we get the numbers. Mr. deBettencourt moved the vote. Mr. Sund seconded. On vote, motion carried, 5 in favor, 0 opposed.

2. State Primary Posting, Sign Warrant – Ms. Speidel presented a warrant for the State Primary posting which requires the BOS signature. Mr. Matthews read the warrant into the record and it was signed by the board.

3. FY12 Year End Budget Transfers – Ms. Speidel made a request to the board under MGL C. 44, Section 33B, to transfer \$220.53 from the Treasurer’s Administration to the Administrative Fee/Loans and a transfer of \$21,152.82 from Health Insurance to Central Purchasing. These transfers had previously been approved by the Finance Committee at their July 26, 2012 meeting.

Mr. deBettencourt moved to approve the transfers as identified by the Town Manager. Mr. Sund seconded. On vote, motion carried, 5 in favor, 0 opposed.

4. MSBA Contract, Feasibility Study (*Taken out of order after Appointments*) – School Superintendent, Loxi Calmes updated the BOS on the timeline for returning the MSBA Contract/Feasibility study to the State which is 30 days from the time that it was submitted to the School Building Committee, which she believes they are approximately 2 weeks into now. It is currently being reviewed by Town Counsel and Ms. Calmes will forward it to the BOS for review.

Ms. Speidel stated that Counsel has not completed the review, a draft copy will be sent to the BOS for review, and this item will be on the agenda for next weeks BOS meeting.

Mr. Matthews updated the public that the BOS had met at 6PM for a Work Session on updating Policies & Procedures.

5. Minutes/Warrants/Action File Issues

<u>Minutes:</u>	9/13/11	6/5/12	7/10/12	Workshop 7/10/12	7/24/12
<u>Warrants :</u>	8/1/12	W 7-13	\$316,612.55		
	8/7/12	W 8-13	\$616,156.60		
	7/31/12	W 6-13	\$96,543.34		
	7/25/12	W5A-13	\$7.54		
	7/31/12	W/3P-13	\$520,363.30		

Action File Issues : Mr. Sund asked about the project list from DPW, to which Ms. Speidel replied that she had just received it today, has not had a chance to review it yet, and should have it for the next meeting.

Mr. Alonzo thanked the DPW for helping with the Eagle Scout Project in replacing the damaged bench at the lower common.

Ms. Bertram requested copies of correspondence from Town Counsel concerning the Open Meeting Law. She would also like Ms. Speidel to contact Kopelman & Page on scheduling a Workshop concerning the Open

Meeting Law. Ms. Speidel replied that the Town Clerk is working on a scheduling one with them either in September or October.

Mr. Matthews reported that a neighbor of the N. Leominster Rod & Gun Club on Lancaster Ave had complained to the State Representative, who in turn passed the information on to the BOS, concerning gun fire/explosions happening after their operating hours. Ms. Speidel stated that she referred the complaint to the Building Inspector who has met with the neighbor and has scheduled a meeting with a representative from the club. Ms. Speidel explained that the use has been in existence for a long time, pre-dates Lunenburg Zoning, and is a "Grandfathered" use, although it still would be subject to Lunenburg's Noise Ordinance. She will provide the BOS with updates when she receives them.

Board members discussed this issue in saying that the shooting area has been expanded dramatically over the years, the loss of wooded area has added to the increased noise, and the weapons being fired include more than guns.

3. Committee Reports – Mr. Alonzo reported that the Finance Committee met a couple of weeks ago and discussed the FY12 year-end budget transfers. Also discussed was a list which was compiled consisting of Town owned properties that are being used and others that are, or will be vacant, so that the Town can have a good handle on where these properties are located. The next meeting of the Finance Committee will be this Thursday at 7PM, in Town Hall.

Mr. Matthews asked if the developers who are interested in the Primary School Building have come back with the changes in their agreement to help with their funding for the project. Ms. Speidel will follow up with them.

Mr. deBettencourt told the board that he had discovered a Lunenburg/Fitchburg town line sign which had been damaged. He requested that the City of Fitchburg be contacted about a joint replacement of the sign and cleanup of that area. Ms. Speidel will investigate this matter.

Mr. Matthews reported that the School Building Committee had met and are in the process of working with the MSBA regarding approval of the RFS for a Project Manager and they hope to move forward with this soon.

4. Department Reports – None

5. Town Manager Reports – Ms. Speidel mentioned that she had received the contracts back from MEMA in regards to the October 2011 Ice Storm reimbursement. Several different requests had been submitted for approximately \$607,000. The contracts received yesterday from the State totaled \$447,000, were signed and returned to EMA. Reimbursement should be received shortly.

Mr. Alonzo mentioned that in the 2008 Ice storm the Town of Lunenburg, had appealed to the State for payment of the 25% remainder of the reimbursement, which was not reimbursed from FEMA. He asked about the letter, which was signed off on by other communities, to be sent to the Governor and the State Reps. to see if we could do the same with this. Ms. Speidel told him that the letter had been sent but there has been no reply.

Ms. Speidel said that the State Transportation Bond Bill was approved by the Legislature. This includes the remainder of the design money for the Summer St. project, which will cover 80% of the design. The bill is now waiting for the Governor's signature. Ms. Speidel thanked Senator Flanagan, Representative Benson, Representative DiNatale, and Representative Rosa for continuing to push this project forward.

OLD BUSINESS - None

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS - None

Mr. Sund mentioned that he saw a survey concerning tax rates within the State and Lunenburg was ranked as the 56th highest rate in the State out of 352 towns and communities.

Mr. Matthews pointed out that it was only half of the equation and that the other half is the valuation, which Lunenburg is currently taxed at 10% below the State average.

Mr. Alonzo cautioned the public that tax rates are not indicative but rather tax bills are whats indicative of how much you pay. Tax rates are based on what the valuation of your home is and the same home placed in different parts of the state fluctuate wildly.

EXECUTIVE SESSION – None

Being no further business Mr. deBettencourt motioned to adjourn the meeting. Ms. Bertram seconded. The board voted unanimously to adjourn regular session at 8:20PM.

UPCOMING MEETING SCHEDULE

August 14, 2012

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