

**BOARD OF SELECTMEN  
MEETING MINUTES  
11/6/12**

*h. J. B. — S.M.S.*

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

Not present were Carl "Ernie" Sund, & Steven M. deBettencourt

Regular Meeting opened at 7:00 PM

**7:00PM PUBLIC COMMENT**

**RECEIVED & FILED**

**DEC 13 2012**

**LUNENBURG TOWN  
CLERK OFFICE**

Mr. Matthews reminded the public that there was approximately one more hour to vote this evening.

Ms. Bertram stated that she had been contacted by a concerned person that they could not hear what the BOS was saying on the television and reminded the board to speak directly into the microphone.

Mr. Alonzo publicly thanked all of the Poll workers and the Town Clerk's office for their participation in today's election.

Mr. Alonzo spoke about Hurricane Sandy which has devastated parts of NY & NJ and made a plea for the public to donate to the Red Cross to help out in this situation.

Mr. Matthews thanked the Police Chief and the Fire Chief on their efforts in preparing for the recent hurricane.

John Rabbit, 314 Townsend Harbor Road, came before the BOS to speak on an accident that had happened earlier today on Townsend Harbor Road due to speed, where the car landed in his front yard. Numerous accidents have happened at the intersection of Townsend Harbor/Mulpus Roads in the past and he implored the BOS to continue to investigate the matter of placing stop signs and reconfiguring this intersection.

Ms. Bertram stated that she lives on that corner and it is a significant safety concern. She stated that there is Federal Aid available for road work such as this which Lunenburg is eligible for and suggested that the BOS become more involved with this matter.

Mr. Matthews announced that the Eagle House Senior Center will be hosting "Veteran's Appreciation Day" tomorrow where all Vets can come up and enjoy complimentary coffee, cider, and donuts

**ANNOUNCEMENTS**

- 1. Request for Fall Roadblock, Turkey Hill Lions Club, 11/10/12** – Mr. Matthews read the request from the Turkey Hill Lions Club for a Roadblock in the Town Center and at the intersection of Electric Ave & Whalom Rd to be held on 11/10/12 between the hours of 8AM-2PM.

Mr. Alonzo moved to approve the Turkey Hill Lions Club Fall Roadblock on November 10, 2012 between the hours of 8AM-2PM. Ms. Bertram disclosed that she is a member of the Turkey Hill Lions Club, a non-profit organization, and normally she would abstain from voting on this matter but if she did so this evening, there would be no quorum for a vote. Mr. Alonzo stated for the record that this event happens every year. Ms. Bertram seconded the motion. On vote motion carried, 3 in favor, 0 opposed.

- 2. Request for Voluntary Toll Booth, The Salvation Army, 12/01/12** – Mr. Matthews read the request for a Voluntary Toll Booth to be held by the Salvation Army on 12/01/12 at the Town Center and at the intersection of Electric Ave & Whalom Rd.

Mr. Alonzo moved to approve the Salvation Army request to hold a Voluntary Toll Booth on 12/01/12 at the Town Center and the intersection of Electric Ave and Whalom Rd. Ms. Bertram seconded. On vote, motion carried, 3 in favor, 0 opposed.

## APPOINTMENTS - none

### CURRENT BUSINESS

**1. Review and/or Execute Power Purchase Agreement and PILOT Agreement for Solar for Mass PV1 and/or PILOT Agreement for EPG Solar- continue to 11/13/12** – Ms. Speidel requested confirmation from the three board members present this evening that they will be available on 11/13/12 at 6PM for this discussion. All board members confirmed that they will be there.

**3. Review Letter from RCAP Solutions regarding potential in-kind contributions for Eagle Heights Housing Project** – Mr. Matthews explained to the public who RCAP Solutions was and what its purpose is. They are currently trying to procure HUD funding to develop the old Primary School into senior housing. A follow-up letter was sent by RCAP Solutions to the BOS detailing “In- Kind” donations which the Town of Townsend had given to them for the Townsend Woods project, which HUD considers important in order to maximize a future application submittal. RCAP stated in this letter that the donation of the building and land as well as an In-Lieu-of-Tax Agreement (PILOT) would have a significant impact on the viability of the Eagle Heights development in HUD’s eyes and in the application in a number of scoring categories, particularly those related to leveraging resources.

Mr. Matthews stated that this has been an ongoing process for a couple of years and that a large contingency of Lunenburg senior citizens have voiced their desire to have this project built in the center of town, to which the BOS gives their full support.

Ms. Speidel stated that there is no deadline date set for the next round of grant funding through HUD and this matter does not need to be decided on this evening.

Ms. Bertram said that the BOS and community have fully supported this project but there is a cost associated with this type of development in regards to infrastructure and she would like more information from RCAP on what they are looking for in terms of a PILOT.

Ms. Speidel stated that the Board of Assessor’s has stated that they do not believe that there is any legal basis for providing a PILOT for this type of development even though this company has negotiated PILOT agreements with other communities for similar projects.

The BOS discussed that there was no mention in the RCAP’s letter of a PILOT agreement with Townsend and agreed that they could provide the same concessions that Townsend did which are as follows:

- Donation of nearly 6 acres of prime building land valued conservatively at \$250K.
- Unitil waived hookup fees as well as installation of electric and gas lines a not cost to project.
- Townsend Zoning Board wavier of 40B Filing Fees.
- Townsend Fire Dept. and other town entities wavier of various inspection fees.
- Extension of the Land Disposition Agreement to provide HUD/Lenders underlining Town’s support of project.

Mr. Alonzo stated that the BOS could also ask the Sewer and Water Departments to waive fees also.

Ms. Speidel will update all information pertaining to the Eagle Heights project to be discussed again at a future BOS meeting and will contact the Sewer and Water Departments so that discussions can begin with them also.

**3. Vote authorizing Emergency Spending under MGL Chapter 44, Section 31 for October 31, 2011 Storm** – Ms. Speidel explained that the town is just concluding closing out FY12 with the Department of Revenue, the Department of Revenue is becoming increasingly particular with different items, and as part of the Free Cash Certification the Town needs to submit documentation that the BOS voted to authorize emergency spending under MGL Chapter 44, Section 31 for the October 31, 2011 storm. If the Town does not provide this information the State will reduce the Town’s Free Cash in the amount of money that the Town is still waiting for MEMA to reimburse, which is approximately \$157K.

As we go to set our tax rate in 2013, if that deficit still exists, the Town will have to fund the deficit temporarily until the reimbursement is received. All expenses were charged to the Town's Snow & Ice account and when we got to the point that we were going to over-expend because of this storm, the Finance Committee voted in accordance with Chapter 44 Section 31. The Department of Revenue said that the Town should have followed Section 31.

Mr. Alonzo moved that the BOS authorize emergency spending under MGL Chapter 44, Section 31 for the October 31, 2011 storm event. Ms. Bertram seconded. On vote, motion carried, 3 in favor, 0 opposed.

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

Minutes: None

<u>Warrants:</u>	11/6/12	25-13	\$159,844.63
	11/7	26-13	\$154,053.49

Action File Issues: None

#### 5. Committee Reports – Mr. Alonzo announced the Finance Committee will be meeting Thursday at 7PM.

Mr. Matthews reported that the MSBA has approved the School Building Committee's choice for the OPM for the school building project and it is Joslin Lesser & Associates.

Mr. Matthews reported that he had spoken with the Finance Committee Chairperson and he would like to know if they will be organizing a Budget Working Committee /Service Levels Group again this year. Mr. Matthews stated that every year when they go through the budget process there seems to be some concern with the BOS that there is not enough information flow or not enough involvement by all members and do they want to continue with this. He said that the Finance Committee Chairperson suggested that the BOS meet along with the Finance Committee when they are going through the budget process with the departments so that everyone is fully informed of what's going on. Mr. Matthews would like the BOS to think about this process and discuss it again at a later date.

#### 7. Town Manager Reports or Department Reports – Ms. Speidel reported that Dave MacDonald and Mike Nault are requesting permission from the BOS to solicit donations for decorating the upper common for the holidays. Board members were in agreement that they support this effort as long as they work in conjunction with the DPW, Public Safety, and with the neighbors.

- **Regional E911 Emergency Dispatch District** – Ms. Speidel reported on the of the Regional 911 Emergency Dispatch District. The Administrative Board and the Operations Committee meet regularly to move the project forward and they are focusing on hiring an Executive Director for the facility. The Director's salary will be paid through an E911 Grant. There is a concern that their enabling legislation has not been approved yet and it sits in the House Committee on Third Readings. Efforts were stalled when a second bill was filed, which would change state law to allow the formation of Regional Dispatch Districts. This bill has not been approved yet either. The Town of Lancaster has offered to hire the Executive Director on a temporary basis, knowing that the person would eventually be transferring to the district and the salary would be paid for through the grant. The Operations board has been focusing on working with IT, processing the application for the radio tower, and overseeing building renovations.

Currently they are \$210,031 short of the total need for capital expenses. A grant through Homeland Security has been applied for in the amount of \$405,517. Another E911 Grant will be applied for in the Spring.

Ms. Speidel stated that E911 is very supportive of Regional Dispatch Centers and has said that if no other grant sources come through for this project, they will fund the \$210,031 short fall.

Ms. Speidel would like this to become a monthly agenda item at the BOS meetings.

- **Tax Title Accounts** – Ms. Speidel provided the BOS with an updated copy of the FY2013 Tax Title Budget and reviewed it with them. She explained that Tax Title Accounts are managed by the Treasurers Office and there are currently 86 Title Accounts which are secured by a tax lien. FY2011 has been processed and they are now going through the accounts from FY2012. Currently the Town of Lunenburg charges a 16% interest rate on Tax Title

Accounts which is required by law and there is no room for negotiation. The budget in FY2103 is \$6500. for legal fees and if the Town wants to foreclose on an account it must go through Land Court. At this point in time the Town is not looking to foreclose on any of the liens.

As of November 5, 2012 the total owed on all accounts is \$1,388,758.09.

Discussion ensued among the BOS on how to get these properties back on the tax roll and all agreed this should be discussed on a yearly basis. The top 26 properties on the Tax Title Account list will be dealt with first.

Ms. Bertram questioned the last account listed as Town of Lunenburg with an outstanding bill of \$32.36. Ms. Speidel explained that sometimes there is a situation where the owner is unknown and the property will be recorded in the Towns name.

Mr. Matthews asked about a sub-committee being formed to look at these types of properties. Ms. Speidel replied that the Building Inspector had given her a report on inspections that he had done on abandoned properties which she will review and share with the BOS.

Ms. Speidel stated that a list of Town owned properties which the Town may be interested in putting on the market is almost complete. She also said that the Park Commission had sent a letter to her declaring their West St. property surplus.

### **OLD BUSINESS -**

### **APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

### **PUBLIC COMMENT**

**EXECUTIVE SESSION** – Mr. Matthews stated that they will be going into Executive Session, not to return, per MGL 30A Section 18- 25 to discuss strategy with respect to collective bargaining or litigation.

Mr. Alonzo moved to go into Executive Session. Ms. Bertram seconded. The board voted unanimously to adjourn regular session at 8:13PM.

### **UPCOMING MEETING SCHEDULE**

November 13, 2012

November 20, 2012

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