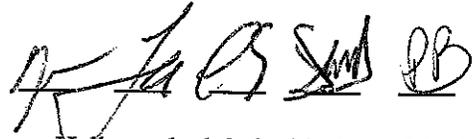


**BOARD OF SELECTMEN
MEETING MINUTES
12/4/12**



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 7:00 PM

7:00PM PUBLIC COMMENT

Mark Cappadona, representing Colonial Power Group Inc., came before the BOS to provide an update on the Municipal Aggregation Program. Due to current market conditions the group is unable to attain a rate that is lower than Unitil's Basic Service rate, so the program will be suspended until market conditions improve and they can deliver a lower rate to the community. In the 12 months that the program has been running the participants in Lunenburg have saved approximately between \$120,000 and \$150,000. The final numbers from Unitil have not been received yet but it is estimated to be about \$30.00 per household. Each household participating in the program will be notified through the mail of this situation. When the program begins again, it will be automatically done and participants will not need to sign up again.

The current rate which the residents are paying is \$0.0585 which will be increasing to Unitil's rate of \$0.07023. Currently the best Colonial Power Group could do was approximately \$0.0760. It could possibly be within a month that the rates go down again but at this time there are no suppliers that can supply a rate lower than Unitil. The change to Unitil's Basic Service will take effect with the December meter reading for all participating customers. Colonial Power Group will continue to monitor rates over the course of the winter and the Town will resume the program once it is able to obtain rates that offer residents and businesses cost savings.

ANNOUNCEMENTS

Mr. Alonzo announced that there will be a "Lunenburg Family Gift Mart". Donations are being accepted of new & unwrapped items along with gift cards and checks which will be used to support over 100 Lunenburg families in need this holiday season.

Mr. Matthews announced that there is a drop box located at the Eagle House Senior Center for the "Toys for Tots" program.

Mr. Matthews announced that the Tree Lighting Ceremony at the Lower Common will be on Thursday at 6PM followed by refreshments at T.C. Passios. Also noted are the decorations and lights at the Upper Common that was organized by Dave MacDonald and Mike Nault who solicited donations to make this happen. This Upper Common will be lit at approximately the same time as the lower. Mr. Matthew thanked everyone involved in this project.

Mr. Alonzo added that there is a "Letters to Santa" mailbox on the Upper Common where children can drop their letters and the Lunenburg Ledger will pick them up for publication.

APPOINTMENTS

CURRENT BUSINESS

1. Common Victualler License, Dippin' Donuts, 455 Massachusetts Avenue— Paul Karapatsas, 122 Cross St spoke to request a Common Victualler License for Dippin' Donuts located at 455 Mass Ave in Lunenburg. Hours of operation will be from 5AM-9PM. The building will have a drive-through area and will offer takeout only.

Mr. Alonzo voiced his concerns about traffic backing up onto Mass Ave due to the drive-through feature. Mr. Karapatsas replied that on a busy day you could have 3 or 4 cars but the intercom system allows for the order to be put in ahead of time which keeps the traffic moving.

Ms. Bertram moved to approve the Common Victualler License for Dippin' Donuts located at 455 Massachusetts Avenue. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

Sam Ramondelli, formerly of "Showroom Sammy's", which is the location of the new Dippin' Donuts, spoke about the 27 years that he was in business and that he had left because of health reasons. He wished Mr. Karapatsas luck in his business and said that he knows that he won't let the people of Lunenburg down. On behalf of Mr. Karapatsas and himself, Mr. Ramondelli thanked the Boards in Town for making this a smooth transition for the new business.

2. Review and/or Execute Power Purchase Agreement and PILOT Agreement for Solar for Mass PV1 and/or PILOT Agreement for EPG Solar— Ms. Speidel stated that there were no PILOT's or PPA's for discussion but gave the BOS an update on existing projects. Town Counsel informed Ms. Speidel that they are still awaiting a PILOT on the EPG project which is delayed due to an agreement not being reached yet between the property owner and EPG.

In regards to MASS PV1, the Attorney for MASS PV1 was supposed to have the proper documents for a PPA and PILOT to Town Counsel approximately 3 weeks ago and they have not been submitted yet.

In regards to the Borrego project, there is no definitive answer yet. They are waiting for results from an "Anti-Islanding" study which is due next Tuesday and they will give an answer whether or not they will be continuing with the project at the landfill.

Ms. Speidel met with the Water District concerning the possibility of them purchasing Net Metering Credits. Although the meeting was productive it was decided that it would not make sense for the Water District to purchase Net Metering Credits due to the fact that they currently have a better deal in terms of what electricity cost because they cycle everything "off peak".

The Town of Townsend is interested in learning more about purchasing Net Metering Credits, but Mass PV1 has already contacted them about doing this and Ms. Speidel feels that it does not make sense for the BOS to try and negotiate something when they appear to be willing to do it themselves.

Ms. Speidel stated that this is a long process and hopes to have a better update for the BOS at the next meeting. There is a huge financial benefit to the Town through these projects and she would like to bring these projects to conclusion because the Town could use the savings in FY14.

Ms. Bertram requested that a draft copy of the PILOT that is currently before EPG be distributed to the BOS for review before next weeks meeting.

3. Notice of Commonwealth's Proposed Acquisition of Agricultural Preservation Restriction (APR) on Property in Lunenburg
a. 294 Chase Road, Lanni Orchards
b. 490 Chase Road, Pierce Farm

Ms. Speidel explained that Mario Lanni from Lanni Orchards and Daniel & Kathleen Pierce from Pierce Farm have filed applications for APR with the State on their respective properties. They are looking to sell their development rights on the properties to the State in exchange for a sum of money which would help them maintain their farms.

The State will come out to look at their properties and determine the value of the development rights. If the development rights are purchased a lien is placed on the property which is filed at the Registrar of Deeds and it cannot be removed. If the properties go into this program they are required to continue to farm the property in the manner that it is currently being farmed.

Ms. Speidel explained that there are many steps to this process but two in particular are of concern this evening. The Board first needs to read into record that there is an application for APR on the Lanni Orchards property which will begin a 120 day clock. The Pierce Farm property application was already read into a record at a prior BOS meeting.

The second action is that the State would like for the Town to be a partner in the purchase of the APR. The way that the State determines the amount that they would seek from the community is based on an evaluation of how "farm friendly" the community is. Generally they are looking for a 20% commitment from the Town but there are a series of evaluations that are made and if the Town is undertaking activities that make the community "farm friendly" there would be a reduction in the contribution. Ms. Speidel was advised that the reduction would be to 10%.

If the Town chooses not to be a partner it would be called a "bargained sale" and the property owner would receive 10% less in the sale. If the Town chooses to partner with the State, this matter would need to go to Town Meeting for a vote. Currently the State is looking to see if the Town is interested in beginning this process.

Ms. Speidel stated that this is difficult time to be considering making any type of contribution to purchase development rights. She feels that for a reasonable amount of money the Town can ensure the protection of these two properties as farmland and that it deserves some serious consideration.

Mr. Matthews read into record the Notice of the APR on Property in the Town of Lunenburg owned by Lanni Orchards, 292 Chase Rd. and then signed it.

4. Right of First Refusal, Land Plan, Book 10, page 10, currently owned by City of Fitchburg (taken out of order after Item #1) – Dan Curley, representing Fitchburg Redevelopment Authority spoke to the BOS regarding Right of First Refusal on Land Plan, Book 10, page 10. Mr. Curley feels that if the Town of Lunenburg exercised their Right of First Refusal, the FRA could begin to move forward on marketing this property, knowing that no official action could occur until after March 19, 2013.

Mr. Matthews clarified that this property is owned by the City of Fitchburg and that this is a bureaucratic method to free it up so it could go to the FRA and be sold for redevelopment for commercial purposes. Currently Lunenburg receives no tax benefits from this "land locked" property which has no access from Lunenburg. This would help to move along the process of bringing business in, creating jobs, and then it would contribute to the tax base in Lunenburg.

Ms. Bertram motioned that the BOS not exercise Right of First Refusal on the portion of land in Lunenburg that consists of 19.9 acres approximately as identified on the map. Mr. Alonzo seconded. On vote, motion carried, 5 in favor, 0 opposed.

5. Authorize Emergency Appropriations Borrowing relative to 10/31/11 Storm Event – Ms. Speidel explained that this item concerns the October 2011 storm. All applications for reimbursement were filed in a timely manner, have been reviewed, and approved. All reimbursements have been received except for \$115K. The efforts that have been made by the Town to move the \$115K out of MEMA to record on our books before the tax rate recap is submitted, have been unsuccessful. At this point in time there is a deficit and the only way to cover it and to have the tax rate certified for FY13 is either to make an appropriation by Town meeting or to borrow the money on a short term basis to fill the gap. Ms. Speidel would like to propose short term borrowing of approximately \$2K.

The borrowing will be done through the State House Note Program through the Department of Revenue, which will be less expensive.

Mr. Sund read the motion to Authorize Emergency Appropriations Borrowing relative to 10/31/11 Storm Event into record. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

6. Minutes/Warrants/Action File Issues

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|------------------|----------------------------------|---------|--------------|
| <u>Minutes:</u> | 10/16/12 | 11/6/12 | 11/13/12 |
| <u>Warrants:</u> | 12/6/12 | 12P 13 | \$636,238.06 |
| | 12/4/12 | 32-15 | \$151,422.95 |
| | 12/4/12 | 31-13 | \$508,819.86 |
| | Quarterly Water Dept. Commitment | | \$4680.78 |

Action File Issues: None

7. Committee Reports – Mr. Alonzo reported that the Finance Committee met last Thursday where the new Finance Committee members met with the Chief of Police, Fire Chief & DPW Director to familiarize themselves with the budget procedure and what each department is facing.

Mr. Alonzo reported that he will have an update next Tuesday on the Mass Broadband Institute's progress with installing fiber optics throughout the western and central part of the State.

Mr. Sund reported that the PACC met last evening and discussed the relocating of their offices to the T.C. Passios School building.

Mr. Sund reported that the Capital Planning Committee met last week and stated that the initial requests from Town Departments came in at approximately \$2M. These requests will be "whittled" down and the committee will be making visits to different departments to discuss their needs.

Mr. Sund requested that the new State Rep. Stephen DiNatale along with State Rep. Jennifer Benson be invited to a BOS meeting to introduce Mr. DiNatale to the constituents.

Mr. Matthews reported that the School Committee has started their budget process and will be ratifying the latest Teacher's contract.

The School Building Committee has sent out the RFS (Request for Services) for design services for the new project. They expect responses at the end of this month and then will be able to work with the MSA to receive approval for whomever they choose. The schedule is to have the schematic design and feasibility to be completed by June of 2013 and if everything goes as expected to hold a Special Town Meeting in the Fall of 2013 to discuss funding of either renovating the existing school or building a new one. Long term projection is to have this project completed by the Fall of 2016.

Mr. Matthews explained what the Budget Working Group was and who participates in this group. This group consists of an informal group of people from the School Committee, Finance Committee and the Board of Selectmen. He stated that there has been some resentment from the BOS and from other places that enough information was not being relayed and that other people wanted to get involved. This has put an impact on the Town Manager's Annual Evaluations, even though she is not directly responsible for what that group is doing.

Mr. Matthews had discussed with the Chair of the Finance Committee if it was prudent to continue to have this group, should participants be reorganized, or if it should be done away with. Another thought was that the BOS get together with the Finance Committee on Thursday evenings as they do the budget process so that they are all on the same page and fully informed when it comes to Town Meeting.

Discussion ensued among the BOS on the pros and cons of continuing with the Budget Working Group, what the best ways of staying informed about the budget procedure are and whether or not another layer of town government is needed in the process.

Ms. Bertram asked the Town Manager if there is a "value add" to her with the budget process by having the Budget Working Group. Ms. Speidel replied that the Budget Working Group, the BOS, and the Finance Committee have only ever reviewed her recommended budget. There is no other group that helps her put the budget together. She has worked with Budget Working Groups in other communities and they are helpful because you can work with people "off line" but the Open Meeting Laws have changed and these meetings are not closed anymore. It is very difficult when you're working on the budget to add another meeting to the schedule and it will become more difficult this year. Five years ago there were three full-time employees in the Selectmen's and Town Manager's office, now there is only one person who works 36 hours per week. This has impacted the workload in the office and she is not sure how having another meeting, unless it's productive, will have the right benefit. She makes many presentations throughout the year regarding the budget and it is frustrating to come back to the BOS to hear that they have not received enough information. She is happy to continue the process if the BOS as a whole want the process. Ms. Speidel added that this year she will be asking the BOS to have some serious discussions about Health Insurance and the BOS will be directly involved with that issue.

Mr. Matthews stated that based on the Town Manager's statements, they need to walk away from the Budget Working Group for this year. He also recommend that the entire Board needs to spend as much time as possible with the Finance Committee along with the School Committee to be kept fully up to date as to what's going on. As a side note, Mr. Matthews said that the Finance Committee always referred to the Budget Working Group as the Service Level Group.

Mr. Matthews added that in regards to Capital Planning, he quickly reviewed requests that came in and he hopes that the Department Heads are reminded that we are laying people off every year, every year there are fewer services and he was very surprised at some of their requests.

Ms. Bertram asked that the BOS receive an overview of the Capital Plan list of requests for review.

8. Town Manager Reports or Department Reports— Ms. Speidel informed the BOS that due to inclement weather the previously approved Salvation Army Voluntary Toll which was scheduled for December 1st was shut down by the Police Department for obvious safety reasons. This group would like to request a new date for their toll on December 15th. Board members agreed that the group could go ahead and plan for this date but it could not be voted on tonight because it was not on the agenda. This matter will be voted on at the December 11th BOS meeting.

Ms. Speidel reported that there is a problem with a gear mechanism on one of the valves at the Lake Shirley Dam. Although it needs to be fixed, it poses no imminent danger to the integrity of the dam. DPW has contacted the manufacturer for a recommendation for repairs but they have not been able to provide a whole lot of assistance. The Water District has also been assisting with the repairs. The valve will either have to be repaired or replaced.

The Town carries \$10K in the budget for repairs at the dam but to date there is no information as to how much this will cost to repair.

The next inspection of the dam will be in January 2013 and Ms. Bertram requested information as to how much the inspection and the repairs will be.

Ms. Speidel reported that the broken glass at the abandoned gas station on Mass Ave posed such a safety problem that the Town took matters into their own hands and sent someone over to board up the door. This was done without the property owners permission.

The Building Inspector has updated the Town Manager on the status of abandoned properties in Town which he has inventoried. The Building Inspector is on vacation and this will be discussed at a future BOS meeting.

The Summer St. Project is waiting for all three communities to sign the Design Contract. Leominster is the only community which has not signed the contract. Ms. Speidel spoke to Mayor Mazzarella who informed her that Leominster does not have their appropriation for their share yet, which is \$24K. The Mayor will be taking the appropriation to the City Council next week.

Ms. Speidel read a copy of a letter which Police Chief Marino had sent to Officer Jeff Thibodeau commending him on his service for resolving a case which involved an elder resident who was a victim of a phone scam which resulted in \$2500 being stolen from this person. Officer Thibodeau was successful in his investigation of the case and was able to return the money to the resident.

Ms. Speidel added that there is a lot of work that the Lunenburg Police does that makes a huge difference in the lives of the residents of Lunenburg and she feels that it is important to point this out.

a. Nashoba Valley Regional Dispatch District – Ms. Speidel updated the BOS on the Nashoba Valley Regional Dispatch District. Everything is moving along smoothly. When Ms. Speidel last updated the BOS there was a shortfall in capital costs of \$213K. The Executive Board reviewed again the outstanding contracts and were able to negotiate out some items that they did not think were necessary and the shortfall in capital at this point is approximately \$155K. Some of the grants that are still outstanding far exceed the shortfall in capital and they are moving along in the right direction.

Nathan Kenny has been hired to be the Executive Director of the Nashoba Valley Regional Dispatch Center. Mr. Kenny currently works for the Rutland Regional Dispatch Center and comes with an incredible amount of experience. Mr.

Kenny will be hired on a temporary basis by the Town of Lancaster until the Legislation is in place and will begin work on January 2nd.

The Special Legislation to form the district is still hung up in House Committee 3rd readings due to the fact that there is no Chair for that committee. Currently they are following the Inter-Municipal Agreement and are not an independent legal entity yet. They have been operating under the ospasis of Mass Development.

The intent is to have the building up and running by July 1, 2013 and Lunenburg will be the first district to transfer over.

Ms. Speidel reported that Governor Patrick has announced that there will be \$540M shortfall in the State Budget for FY13. Although it includes \$28.75M in cuts to school aide and municipal programs, there is not a lot in these cuts that will have a direct impact to the Town of Lunenburg. The biggest cut will be \$11.5M from the Special Education Circuit Breaker program which translates to approximately a \$10-\$20K cut to the Lunenburg Public Schools. Ms. Speidel and the School Superintendent feel that they will be closer to the \$10K amount.

The Governor is looking to take approximately \$200M out of the State Stabilization fund which would bring the total draw in FY13 to \$550M which will leave a balance in that fund of \$1.2B.

Ms. Speidel feels that the only other cuts that could affect the Town will be enhanced 9C cuts. This means that the Governor is looking for the Legislature to give him more authority then he already has under M.G.L. which would enable him to cut Unrestricted General Government Aid by 1%. This would represent just under \$9K to the town.

The Mass Municipal League would like support in calling Representatives and Senators to oppose the Governor's \$9M cut to Municipal Aid. Ms. Speidel stated that she is not compelled to call and ask them to oppose the 1% cut. She feels that we are lucky that it is only 1%, we will be seeing more and when you look at what is being cut on the State level it does not seem fair to expend any political capital to oppose the low 1% number.

Mr. Matthews spoke and reminded everyone that at the last Special Town Meeting people thought we had \$120K more than what the Town had budgeted for. The BOS and Finance Committee expressed caution to everyone to leave that money alone because it was early in the year and that it probably won't be there at the end of the year. Some people spoke in support of spending the money on the Library and now that money is fleeting. We don't know what will happen in the next several months and we really need to be cautious with the money that is in hand. We cannot take a spending item out of context like we did at Town Meeting, even if it is a small number, because you're not considering the impact of where it is coming from.

OLD BUSINESS -

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

PUBLIC COMMENT

EXECUTIVE SESSION

Mr. Matthews moved to adjourn regular scheduled meeting to go into Executive Session citing MGL Chapter 30A, Section 21 (a) 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, and the Chair so declares.

Mr. deBettencourt seconded. The board voted unanimously to adjourn regular session at 8:52PM.

UPCOMING MEETING SCHEDULE

December 11, 2012

December 18, 2012

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