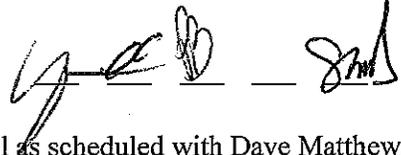


## BOARD OF SELECTMEN

### MEETING MINUTES

2/19/13



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

Regular Meeting opened at 7:00 PM

#### 7:00PM PUBLIC COMMENT

Mr. Alonzo started the meeting with a public comment from the board in regards to the Boys and Girls Club of Lunenburg having a game show fundraiser in the high school auditorium called "Are You Smarter Than Our Sixth Graders?". Admission is by donation at the door.

Mr. Sund continued the public comments from the board by referencing the previous week's discussion regarding the Aro Farm property and why he chose to vote no to buying the property. Mr. Sund stated that he did not have a compiled list of reasons why he voted against the purchase of the farm prepared and ready to show the public during the previous week but he had compiled a list since the last meeting. Mr. Sund continued by reading his reasons for voting against acquiring the property which included the property being very complex and cannot be commented on without a recent review, the property is assessed by the Town as being valued at \$1.1 million dollars and we would not want to spend \$2.1 million to purchase it. There are 13 sheds, a barn, 2 commercial structures and one residence that the Town would be responsible to remove. The property may have contaminated substances or soil that the Town would be responsible to remove and all additional costs of cleanup would fall on the Town of Lunenburg.

Additionally Mr. Sund cited the Jones House that the Town had owned which despite being appraised at \$250,000.00, the Town sold it at only \$10,000.00.

Mr. Matthews responded to Mr. Sund by thanking him for the information but stating the board's vote was whether or not the issue should go to the townspeople at Town Meeting to vote on and that the information he presented would have been good information for the townspeople to know if the issue went to Town Meeting.

Ms. Bertram responded by echoing Mr. Matthews statement. Ms. Bertram spoke specifically to the issue of contamination on the property stating she had attended all the Planning Board meetings regarding the property and had met with the Board of Health that day to discuss it. Ms. Bertram stated that there had been extensive testing of the soil on the property including perk rates and ground water and no contamination has been found. This is the first time any concern of contamination had been heard. Ms. Bertram said that Board of Health agent Jim Gariffy has visited the property several times over the past couple of years and has not brought forth any concern of contamination on the property to the Planning Board.

Carl Luck, 50 Sunset Lane, spoke to the BOS concerning last week's vote. Mr. Luck respectfully requested that the two members of the board who voted against allowing the issue to go to Town Meeting reverse their vote and allow the board to again vote to send the issue to Town Meeting. Mr. Luck requested that each Selectmen explain why they decided to vote against sending the issue to Town Meeting and not the reasons they had for not wanting to acquire the property. Mr. Luck stated that the information provided by Mr. deBettencourt and Mr. Sund in regards to why they did not want to purchase the land was good information, but that it was not relevant to why they voted against letting the issue go to Town Meeting to allow the people to make a decision on the matter themselves. Mr. Luck finished his public comments by stating the Town's Conservation Committee and Planning Board support purchasing the property and that the two Selectmen who prevented this issue from going in front of the townspeople had abused their powers.

Mr. Sund replied that he was not trying to deny anyone the vote. Other members of the board wanted to purchase the property, and he was voting not to acquire the property through excluded borrowing. Mr. Sund apologized to anyone who was offended by this but he was not going to be hypocritical and go back to change his vote.

Mr. Matthews reminded Mr. Sund and the public that no one on the board had ever voted for or against purchasing the land but that the vote Mr. Sund was referring to was whether or not to send the issue to Town Meeting for the people to decide.

Dave MacDonald, Island Road, started his comments to the BOS by extending his condolences to the people of Ashby and particularly their Fire Department for the tragic death of two of their members this past week. Mr. MacDonald continued by reading a quote of Mr. Sund's from the paper where Mr. Sund was quoted as not wanting to lose his vote on the issue of acquiring the Aro Farm property. Mr. MacDonald asked Mr. Sund again why he was denying the people the right to vote on the issue of Aro Farm at Town Meeting.

Phyllis Luck, 50 Sunset Lane, spoke to the BOS concerning her deep concern regarding the fact that two members of the BOS took it upon themselves to deny Lunenburg citizens the right to vote on the acquisition of the Aro Farm property. Ms. Luck implored Mr. Sund and Mr. deBettencourt to reverse their votes and allow the citizens of Lunenburg to vote for themselves on this issue.

Jane Denike, 347 Highland Street, spoke to the BOS in defense of Mr. Sund stating that the citizens of the Town elected Mr. Sund and that he along with Mr. deBettencourt reflect different opinions in our community. She felt that regarding the Aro Farm property issue, they had every right to vote the way that they did. Ms. Denike suggested that in the future we should have a firm policy for what issues should be brought to Town Meeting regardless of what the BOS chooses to do.

Mr. Matthews responded to Ms. Denike by thanking her for her comments and explained that State Laws supersede Municipal Laws making her suggestion of having a firm policy in place for similar issues in the future moot.

Mr. Alonzo responded by saying that the two Selectmen who voted against this either stayed silent or misstated what the issue they were voting on was. Mr. Alonzo stated that in misstating what they were voting on clearly represented a misunderstanding by the Selectmen of what their vote was meant to accomplish. Mr. Alonzo continued by saying that nothing Mr. deBettencourt or Mr. Sund did was illegal, but that all the reasons that Mr. Sund provided were only done in the past week and were not reasons espoused in the original vote. Mr. Alonzo stated that the reasons for Mr. deBettencourt and Mr. Sund to keep the vote from going to Town Meeting was unconscionable.

## **APPOINTMENTS**

**7:00 p.m. – Introduction of Reserve Officer Peter Lekaditis by Lunenburg Police Chief Marino-** Chief Marino introduced Mr. Lekaditis to the BOS. The BOS welcomed Mr. Lekaditis to the police force.

**7:00 p.m.- Weekday Entertainment License, Bootlegger Restaurant** -- Pam French spoke to represent Alex Cosimi, owner of The Bootlegger. Ms. French explained that the restaurant was looking to have more music at the restaurant including live musicians, karaoke, etc. on Saturday nights. In the future the restaurant might also try to have outdoor entertainment on Fridays and Sundays.

Ms. Speidel pointed out that the paperwork in front of the BOS was for a weekday license, not a weekend license, and that the Bootlegger already had a license for weekend entertainment.

Ms. French moved forward to talk about having a weekday license for entertainment at the restaurant both in and outside during the week.

Ms. Speidel informed Ms. French that the license was only for inside the restaurant, not outside which would need to be separate.

Ms. French responded by stating that Mr. Cosimi of the Bootlegger might have been confused about what was needed.

Ms. French asked if there would have to be a third process for requesting an outdoor weekday license.  
Ms. Spediel stated that we they would have to go back and see what the restaurant was licensed for outside.

Ms. Bertram added in that it would be under the Zoning Board of Appeals to what was needed for the license.  
Ms. French said that it was discussed at the initial meeting of the Zoning Board of Appeals and the board felt that if there were no immediate objections from the neighbors they saw no initial concerns with allowing the entertainment at the restaurant.

Mr. Alonzo stated that volume would be the big issue with outdoor entertainment as well as the hours that the entertainment played.

Ms. French agreed and said that the restaurant would be very conscious of that.

Mr. Matthews said they would have to circle back to the issue of outdoor weekday licensing later and they should just focus on weekday license.

Mr. Alonzo moved to approve the indoor weekday entertainment license for the Cosimi Corporation d/b/a as the Bootlegger Restaurant. Mr. Sund seconded. On vote motion carried, 5 in favor, 0 opposed.

**7:30 p.m.- Update on Summer Street Project, Trish Domigan, VHB Engineering-** Ms. Domigan began by addressing the BOS with an update that all three communities of Lunenburg, Leominster and Fitchburg have signed off on the Summer Street Project. The next step in the process would be to do field reconnaissance but the snow prevents that from happening immediately. Once the surveyors are able to check out the premises it should be about a month until all the proper data has been collected and the Ms. Domigan could come back and discuss the different options for the project. Once that happens it would take 6-8 months to go over the preliminary design. Once the preliminary design is completed it will be submitted to the Massachusetts Department of Transportation at which point a 6 week notice needs to go out before MassDot can schedule a design public hearing for the winter of 2014.

Ms Bertram questioned the timing of the project asking what year Ms. Domigan thought the year could start.

Ms. Domigan responded by stating there was a lot of that needed to happen and that she was waiting to hear from Senator Flanagan's office on whether bond money would be released for the project. Ms. Domigan believed it would be a couple years before the project could start, specifically 2015-2016.

Ms. Bertram stated that she was the MPO Representative for Sub Region 3 and mentioned that she had a meeting 2 weeks ago, this project was moving forward and Arthur Frost at MassDot was aware of that.

Ms. Domigan stated that Ms. Bertram should push for a specific TIP year to get the project moving faster. MassDot was very busy and that if a TIP year was established MassDot would work fast on it.

Mr. Matthews asked whether there would be more public forums and discussions once the design was submitted for the project.

Ms. Domigan said there could be as many meetings and forums as the BOS wanted. She stated that transparency for projects like this was very important and that it would be good for this project so that the public would support it and not question it. Ms. Domigan also suggested that the three communities involved have working sessions so that the designs for Summer Street matched what each community was trying to accomplish.

Mr. deBettencourt asked what was happening with the Summer Street intersection.

Ms. Domigan responded by saying there was a lot of work and research regarding how many lanes could be added but that the space was tight and the options were few for immediate changes. Ms. Domigan stated she would be back once the snow melted, hopefully by April, to discuss the project further.

Ms. Bertram encouraged Ms. Domigan to inform everyone she could to push for an early TIP year so that they project could be started faster.

Ms. Speidel said that the BOS meeting at the beginning of April should be the time to bring in property owners and townspeople to discuss the project.

## **CURRENT BUSINESS**

**1. Establishment of Stabilization Fund, Monty Tech Vocational School District-** Ms. Speidel informed the BOS that she had received a letter from the Superintendent of Monty Tech and followed up with a meeting with Barbara Reynolds, Lunenburg's Representative on the Monty Tech School Board. Monty Tech is interested in establishing a Stabilization Fund and needs member communities to vote on and approve the establishment of it. Ms. Speidel suggested that a Monty Tech representative come and explain that situation for the Stabilization Fund. Ms. Speidel stated that Monty Tech wants to establish the fund so that they could set money aside to maintain capital items. Monty Tech is looking to establish the fund this year but not looking to put anything into it immediately. This is an issue that would have to be voted on at Town Meeting.

**2. Request from Board of Registrars to Move the Date of the Annual Town Meeting-** Ms. Speidel informed the BOS that with the appointment of former Senator John Kerry to Secretary of State the Commonwealth is holding Primary Elections on April 30th to start the process of replacing Secretary Kerry's Senate seat. The Board of Registrars recommends that the Annual Town Elections be moved up to April 30th date from the third Saturday in May for cost saving reasons as well as convenience reasons.

Mr. Alonzo stated that he posed the question last week to the Town Manager regarding when newly elected officials would be sworn in since the elections would be held early.

Mr. Matthews stated that he was not sure but he did not view it as a problem and it could be worked through.

Ms. Speidel informed the BOS that the Board of Registrars would like the decision made this evening.

Ms. Bertram motioned to move the elections to April 30<sup>th</sup>. Mr. deBettencourt seconded. On vote motion carried, 5 in favor, 0 opposed.

**3. Update on the School Building Committee Activities –** Mike Mackin 26 Cortland Circle, updated the BOS on where the School Building Committee was with the Feasibility Study on new schools. Mr. Mackin stated that last fall after review of almost a dozen firms the committee chose Joslin Lesser as the Project Manager. Working with the Project Manager, a request was sent out for design services in December and 14 proposals were returned. The Massachusetts School Building Authority Design Selection Panel and the Lunenburg School Building Committee then met to recommend an architect for hiring. Mr. Mackin stated that the Lunenburg School Building Committee did not have final say on the architect but was one of 15 votes on a panel to choose the final architect. The two groups reviewed 10 groups and 3 finalists were identified. The two groups met again on Feb. 2nd to interview the three finalists. Tappe Associates was designated as the designer. The LSBC met with Tappe last week to discuss the groups approach and design. Mr. Mackin stated that they were in the very beginning stages of the Feasibility Study. The study will look at options that will provide the most educationally sound and cost effective solutions which included renovating the High School, renovating and expanding the High School into a Middle/High School, construct a new High School, construct a new Middle/High School and also what grade combinations would be best for the schools. The whole process must be finished with preliminary designs by September 2013 to go to the MSBA for their approval and then to the voters of Lunenburg in a Special Town Meeting for their approval. Mr. Mackin said that a series of meetings would be set up with the firm's Educational Consultant for educational vision and planning. These meetings would include interviews with current students, parents, teachers, administrators, local officials, & townspeople, on March 6th, 7th and 13th 9-3 at the Thomas C. Passios School. Mr. Mackin stated that the new school should not be considered just school buildings but rather community buildings.

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

**Minutes:** 2/5/13

**Warrants:** 2/19/13 W 45-13 \$16,370.41

Quarterly Water commissioners water usage billing in the amount of \$4,540.74

**Action File Issues:** None

**5. Committee Reports** -Ms. Bertram stated that the Planning Board held public meetings on the Aro Farm property that were continued until February 27th and that the Planning Board was awaiting the drainage calculations for the property. Town Counsel was able to obtain an agreement in writing from the developer of the Aro Farm property to extend a deadline for the Planning Board to make a decision until the end of April. No interviews have been scheduled for prospective Planning Board members.

Mr. Alonzo reminded all that the Town Manager would be presenting the FY2014 budget at the Finance Committee hearing on Thursday, February 28th.

Mr. Matthews stated that he had invited State Representatives Benson and DiNatale as well as Senator Flanagan to attend a BOS meeting on either March 5th or 12th.

**6. Town Manager Report or Department Reports-** Ms. Speidel said that the Mass Municipal Association is hosting a series of spring Legislative Breakfast Meetings. The one closest to Lunenburg was scheduled in Pepperell at the Pepperell Town Hall on Friday March 1st with the topic of discussion being the Governor's budget. Another series of meetings will happen in Andover on March 8th and Acton on March 15th. Ms. Speidel stated she would be happy to register any BOS member who wished to attend.

Ms. Speidel also noted that the Planning Department/Board will be submitting a District Local Technical Assistance grant application to MRPC to look for funding to investigate and research a Mixed Use Village District Bylaw in the downtown area in Lunenburg.

**APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS** – None

**PUBLIC COMMENT** – Ms. Bertram asked that the board members who voted against sending the Aro Farm acquisition to Town Meeting, to reconsider bringing it to a vote of the people at Town Meeting.

Mr. deBettencourt stated that he would not change his vote.

Mr. Matthews stated that it would be too tight a window to squeeze in the property acquisition vote into Town Meeting and that the issue is moot.

**EXECUTIVE SESSION** – None

Being no further business Mr. deBettencourt moved to adjourn the meeting. Ms. Alonzo seconded.

On vote motion carried, 4 in favor, 0 opposed.

Meeting ended at 8:12 PM.

**UPCOMING MEETING SCHEDULE**

Thursday February 28, 2013 – Presentation of Town Manager's FY14 Recommended Budget

March 5, 2013

March 12, 2013

March 19, 2013

Respectfully Submitted,  
Susan Doherty, Recording Secretary Board of Selectmen