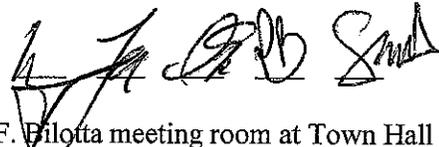


MAR 13 2013

LUNENBURG TOWN
CLERK OFFICE

**BOARD OF SELECTMEN
MEETING MINUTES
3/5/13**



The Board of Selectmen met in the Joseph F. Pilotta meeting room at Town Hall as scheduled with Dave Matthews, Tom Alonzo, Carl (Ernie) Sund, Paula Bertram and Steven M. deBettencourt. Absent was Town Manager Kerry Speidel. Regular Meeting opened at 7:00 PM

7:00PM PUBLIC COMMENT

Mr. Matthews began the meeting by requesting from the public a picture of Lunenburg be submitted for the cover of the town report. The photo should be sent to Linda Douglas at ldouglas@lunenburgonline.com.

Mr. Alonzo started the public discussion from the board by congratulating the Boys and Girls Club for their successful fundraiser titled "Are You Smarter than a Sixth Grader" the previous Friday night.

Mr. Sund stated that Joanne McQuiad from the Green Communities Task Force has negotiated for paper and cardboard recycling bins to be available to the public at each of the four Lunenburg Public School buildings receiving areas. The Director of Facilities John Londa expects the schools to recycle about 15 tons of paper and cardboard which will generate a small revenue of about \$120.00 for the town. KLT Industries pays the town \$8.00 per ton and the proceeds go into the Town's general fund.

Mr. Sund continued his public comments by announcing he will not be seeking another term as a member of the BOS. Mr. Sund stated that he enjoyed his time serving the town since 1987 and that he will miss the people and that the town of Lunenburg has some of the most dedicated employees.

Mr. Matthews thanked Mr. Sund for his term on the BOS. Those sentiments were echoed by Mr. Alonzo, Mrs. Bertram and Mr. deBettencourt.

Mr. deBettencourt continued the public comments from the Board and also announced that he will not be seeking another term on the BOS. Mr. deBettencourt thanked the people of Lunenburg for their support during his 22 years on the board.

Mr. Matthews thanked Mr. deBettencourt for his time and service on the BOS. Mrs. Bertram, Mr. Alonzo and Mr. Sund echoed the sentiments of Mr. Matthews.

Mr. Matthews reminded the citizens of Lunenburg that there was a Town Caucus Monday, March 11th and the election for the two empty seats on the BOS would be held on April 30th.

Rob Bowen spoke thanking Mr. deBettencourt and Mr. Sund for their time on the BOS. Mr. Bowen also congratulated the Lunenburg/Leominster High School Girls combined ski team for winning the State Championship.

APPOINTMENTS

7:00 p.m. – Common Victualer License for Bangkok Hill Restaurant- Mr. Rob Bowen spoke on behalf of the Bangkok Hill Restaurant stating that although they are not in possession of a liquor license, Bangkok Hill

still intends to go forward with their purchase and sale agreement so that they could still serve food.

Mr. Matthews asked Mr. Bowen if Bangkok Hill had obtained a Food Permit through the Board of Health. Mr. Bowen responded by saying that he already had a food permit and provided a copy of it to the BOS.

Mr. Alonzo questioned the differences between the new owner and the old owner of Bangkok Hill. Mr. Bowen responded by saying the new owners intended to keep the restaurant exactly as it had been purchased.

Mr. Alonzo made a motion to approve the Common Victualer License for PP Group LLC. d/b/a s Bangkok Hill. Mr. Sund seconded. On vote motion carried, 5 in favor, 0 opposed.

7:15 PM- Request for Permit to Ride on Whalom Lake- Police Chief Marino spoke to say that there was confusion about the Bylaw that anyone can apply for a permit to ride on Whalom Lake and that the BOS can issue permits. The original intent of the Bylaw was to help control the ice races that were once held on the lake with cars on Sundays. He also mentioned that they did not want you to be able to enter the lake unless it was from the Leominster side.

The problem is that if you allow individual people to ride snowmobiles or any other vehicles on the lake the Town has to be made aware if the ice is safe because since they issue the permits they are liable for any accidents. Currently no one reports on if the ice is safe or not.

Mr. Matthews asked Chief Marino if the preference was to not issue permits to individuals because the permits have never really been enforced.

Chief Marino responded by saying that they have enforced the permit rule in the past, including within the past few weeks, but only if they have the manpower to enforce it on duty. Ultimately the concern is that people will fall through the ice if the ice is not safe.

Ms. Bertram stated that as a member of a local snowmobile club she would question why the Bylaw exists. She understood the point about groups of people on a lake requiring a permit but she questions why the Town of Lunenburg regulates just the one body of water at Lake Whalom and not any of the other lakes in the town. Chief Marino stated that the Town does have a Bylaw concerning Lake Shirley as well.

Mrs. Bertram reiterated her questioning of a Bylaw that regulates access to the lakes of Lunenburg by residents who live on the lakes in question.

Chief Marino stated that it is difficult for the law to be enforced. What concerns him is the safety of the ice, there is no good way to judge the safety of the ice or inform the citizens of the town of the safety of the ice, and that the original intent of the Bylaw was to regulate the ice racing activity.

Mr. Alonzo stated that he would personally check with Town Counsel to see if they could either cease issuing individual permits or add language to the permit stating that the Town is not liable for any accidents that happen on the Town's lakes in regards to the safety of the ice.

Mrs. Bertam agreed with Mr. Alonzo that the liability of the Town when issuing a permit is a concern and that the town of Lunenburg should not be regulating what the residents of the Town does on their lakes.

Mr. Sund stated that his concern was if an accident did happen and a life was lost or the Town had to do a rescue and recovery mission who would be responsible for paying for that.

Mrs. Bertram stated that the responsibility fell on the owner in those situations.

Mr. Matthews stated that we don't have a history of major issues with the activities on the lakes and that the Town does not employ any experts on ice so we have to defer to the residents of the Town participating in the activities using common sense. Ultimately we need to update or eliminate the Bylaw so that we don't have liability if any accidents happen.

Mr. Alonzo stated that he isn't necessarily in favor of removing the Bylaw but that he would be in favor of removing the special permit for use of the ice.

Mr. deBettencourt stated that the last time this was an issue was in 1991.

Ms. Bertram stated that it was time to revisit rewriting the Bylaw by consulting Town Counsel and addressing it at Town Meeting in May but that the Bylaw should not be enforced until the issue was revisited.

CURRENT BUSINESS

1. FY2014 Budget Discussion – Ms. Bertram stated that she had many questions about specific line items but would e-mail them directly to the Town Manager and the Finance Committee. Ms. Bertram asked Mr. Sund why the purchase of a new street sweeper was left out of the Capital Plan request. She said that the DPW Director has concerns about the current machine running for another year.

Mr. Sund replied that the Capital Planning Committee had worked out a figure of approximately \$500k for Capital Planning and that adding in a new street sweeper was not going to work out financially. If one was purchased it could potentially drive the Capital Plan up to \$700k. The Capital Planning Committee inspected the current street sweeper and found that it had low mileage, low usage and there was an opportunity to outsource street sweeping opposed to purchasing a new street sweeper at the possible cost of \$185,000.00.

Mrs. Bertram asked Mr. Sund if they had quotes or looked at other Towns with street sweepers.

Mr. Sund responded that he had looked at other Towns and the initial assessment was that outsourcing the problem would be the best choice financially. He mentioned that getting quotes on expenses was the responsibility of the DPW Director.

Mr. Matthews stated that the time for the citizens of the Town to come forth with issues and concerns about the budget was at the upcoming Finance Committee meeting. Mr. Matthews also said that the budget was a balanced budget as enforced by law.

Ms. Bertram stated that she wanted to recognize Fire Chief Sullivan's creative thinking on ways to offset costs at the Public Safety Building and for his ideas on Fire Fighter Education.

2. Minutes/Warrants/Action File Issues

Minutes: 2/12/13 2/19/13

Warrants: 47-13 \$433,487.36 46-13 \$249,004.67 18P-13 \$591,581.55

Action File Issues: None

Committee Reports -Ms. Bertram stated that she could not attend the last Planning Board meeting but she did want to announce that they did receive a Local Technical Assistance Grant from MRPC to look at the Town center via the master plan.

The next MPO meeting is on Wednesday the 16th. Trish Domigan from VHP reached out to Brad Harris from MRPC and they are aware of the project. The earliest the Summer Street project could be plugged into the TIP would be FY16.

Mr. Alonzo stated that at the last Finance Committee meeting, the Town Manager presented the FY13 budget and beginning this Thursday Department Heads would be consulted on an individual basis concerning their budgets.

Mr. Alonzo stated that he was able to attend the Planning Board meeting and that there were two agenda items, one regarding the proposed development for Aro Farm, and the other was Findings and potential Directives for a sawmill on 35 Leominster Road.

OLD BUSINESS - None

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None.

PUBLIC COMMENT

Mr. Matthews stated that the next BOS meeting the State Delegation of Senator Flanagan and Representative Benson would be in attendance.

Mr. Alonzo reminded the public about the Town Caucus on Monday March 11th.

Members of Boy Scout Troop 1728 came forward and said that they are attending this evenings meeting as part of their requirements to obtain a merit badge.

EXECUTIVE SESSION – None

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

Meeting ended at 7:52 pm.

UPCOMING MEETING SCHEDULE

March 12, 2013

March 19, 2013

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