

APR 10 2013

**BOARD OF SELECTMEN  
MEETING MINUTES  
4/2/13**

LUNENBURG TOWN  
CLERK OFFICE

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, Steven M. deBettencourt, Paula Bertram and Town Manager Kerry Speidel.

Regular Meeting opened at 7:25PM

**6:00 PM EXECUTIVE SESSION**

**7:25PM PUBLIC COMMENT**

Mr. Matthews began by apologizing to the audience and viewers for the late start to the meeting. The late start was due to an extended Executive Session of the BOS before the meeting.

Katrina Sweitzer, Lunenburg Town Civic Forum, stated that there will be a Selectmen Candidates debate on Friday, April 19th at 7PM at Town Hall.

Mr. Matthews read a proclamation making April 8-12, 2013 National Boys and Girls Club Week in Lunenburg.

**APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS** – (Taken out of order)

**1. Sean Connery, Acting Police Sergeant**

**2. Jack Hebert, Acting Police Sergeant**

Police Chief Marino spoke to the BOS in regards to filling two vacancies on the Lunenburg Police Force. Officer Sean Connery was recommended by the Police Chief for the position of Police Sergeant noting that he was highly trained, experienced with supervisory experience and would be an asset to the police department.

Chief Marino also recommended Jack Hebert for the position of Acting Police Sergeant noting that Officer Hebert was highly qualified, very productive and highly trained. Officer Connery would be the supervisor for the 3-11 shift and Officer Hebert would be the supervisor for the 11-7 shift.

Mr. Sund motioned to ratify the Town Manager's appointment of Officer Connery and Officer Hebert to the positions of Acting Police Sergeant. Ms. Bertram seconded. On vote motion carried, 5 in favor, 0 opposed.

**APPOINTMENTS**

**7:25 p.m. – Lion's Club, Request for Spring Roadblock, April 27, 2013:** Lisa Normandin, representing the Lion's Club, asked the BOS to approve a road block in the center of town at the intersection of Mass. Ave and Main St./Leominster Rd. as well as a roadblock at the intersection of Electric Ave. and Whalom Road on April 27, 2013 from 8:00am-2:00pm for a fundraiser to help support the Lion's Club.

Mr. Alonzo motioned to approve the request for a Road Block on April, 27, 2013 to help support the Lion's Club. Mr. Sund seconded the motion. On vote motion carried, 4 in favor, 0 opposed. Ms. Bertram abstained as a member of the Lion's Club.

**7:30 p.m. – Memorial Fund, Request for a Sign at Ritter Memorial Building:** Dawn Johnson, President of the Lunenburg Memorial Fund spoke to the BOS and explained the purpose of the Lunenburg Memorial Fund. This group was created over 50 years ago and people donate money in lieu of flowers in

people's memory upon their passing. Ms. Johnson stated that the Lunenburg Memorial Fund would like to purchase a sign in memory of Nance Ware to place on the lawn in front of the Ritter Memorial Building.

Mr. Matthews stated that the BOS had a letter from the Building Inspector in support of the sign.

Mr. Alonzo asked if the top of the sign was reserved for Town announcements.

Lisa Normandin, Lunenburg Memorial Fund, stated that the blank space at the top of the board was meant for Town announcements.

Mr. Alonzo motioned to approve the new sign in memory of Nance Ware in front of the Ritter Memorial Building. Ms. Bertram seconded. On vote motion carried, 5 in favor, 0 opposed.

**7:40 p.m. – School Building Committee, CM at Risk: Project Time Table, Related Matters:** Jeff Luxenberg and Greg Cohen representing Joslin, Lesser and Assoc., stated that they were attending the meeting tonight to give the BOS an update on the school building project and the CM at Risk method of construction in regards to the new school building.

Mr. Luxenberg began by stating the CM at Risk delivery method was part of the 2004 Construction Reform. CM at Risk is an approach where the Town submits an application to the Office of the Inspector General, with the assistance of Joslin, Lesser and Assoc. if the Town requests it.

If the town requests the assistance of the firm there is a certification attached to the application that the Town's Legal Counsel must approve on behalf of the BOS or School Building Committee before the firm can submit the CM at Risk application to the Inspector General. Mr. Luxenberg stated that the traditional approach is called Design Bid Build which is a linear process where a building is designed, put out for bid, and then the building is built. Under Design Bid Build the owner, with the help of the owner's Project Manager, Architect and School Building Committee reviews the design, advertises the design publicly, and then people can come in to review and bid on them.

Two weeks before general bids are due, filed sub-bids that take up about half of the project and include 16 various trades including electric, plumbing, etc. will be tabulated and sent out to those who have bid on the design.

Two weeks after that the general contractor takes those bids, includes the ones that they want in their bid, and submits those bids to the Town. Whoever the lowest bidder is the Town is required to select that general contractor so long as they have a certification from the Division of Capital Asset Management and Maintenance and are pre-qualified.

Mr. Luxenberg stated that this process works well if you get a good general contractor and does not go well if you do not get a good general contractor. There are often scope changes from unforeseen events that will increase the final cost of the building, however under the Design Bid Build process the general contractor will often look for holes in the contract to increase their funds, regardless of the initial bid put in.

The concept of CM at Risk came out of the 2004 Construction Reform Law and the idea is to bring in a Construction Manager early during the design process of the job. This position will be similar to a general contractor, but will help review the drawings and cost estimating so that when the review is finally done they cannot tack on additional costs if unforeseen circumstances increase the cost of the project after building begins.

First a Construction Manager will be selected based upon qualifications before the building is fully designed and they provide a fee for what they would charge for overhead and profit. Then they give you an estimate on what they would charge for general conditions or general requirements.

There is a Selection Committee which consists of a representative(s) of the Building Committee, the Architect and the Owners Project Manager. The Committee will oversee two phases, the request for

qualifications and the request for proposals. In the qualifications the Committee must make sure the building firm is qualified for the job, and those that are qualified are able to send a proposal.

In the proposal there is a section for a fee and a non-fee section. The Committee reviews the non-fee proposal first and then the fee proposal, combines the two proposals together, and selects a proposal that best suits the job, but isn't necessarily the least expensive proposal.

The CM at Risk method then uses an "Open Book Process", which means the Construction Manager will review with the Town all the costs of building and negotiate a Guaranteed Maximum Price (GMP). The GMP then becomes the limit, where if the final cost of the project comes in less than the GMP, the money goes back to the Town.

If the price of the project exceeds the GMP, the over costs are the responsibility of the firm. All of the construction numbers are audited and submitted to the MSBA. There will be Change Orders added onto the GMP to cover changes in site conditions, etc., but room for a Construction Manager to tack on extra costs at the end is severely diminished.

The advantages of going the route of the CM at Risk method include: the MSBA will provide a 1% additional reimbursement if you use the CM approach, contractor is able to be selected based on qualifications and the overall fee, the Town is able to proceed with early phases of the building while still finishing the design of the building, minimize disruption to students by giving advanced warning on how the construction of the building will proceed, the Construction Manager will have advanced knowledge of who the trade contractors will be and will be able to develop a better relationship with them.

The Construction Manager sits with the town and de-scopes non-trade contracts, and if a GMP can't be agreed upon the Town can go back and change to the General Contracting approach.

Some of the down sides to the CM at Risk method include: less competition from non-trade contractors, up front pre-construction costs that could cost the Town .5%, coordination issues with the early release packages, the GMP is not executed until after initial construction begins, which limits the Town's options, and first day hiring cost would be slightly higher.

Ultimately, Joslin, Lesser and Assoc. recommend the CM at Risk process to build the new school building and is looking for the BOS concurrence.

Mr. deBettencourt stated that past construction projects that used the General Contractor method has produced many problems because the Town was unable to pre-qualify contractors. He stated that he likes the pre-qualification method used in CM at Risk and prefers the CM at Risk method.

Mr. Alonzo also stated that he believes the CM at Risk method is better than the General Contractor method but asked if the CM at Risk bids still require the town to choose the lowest bidder.

Mr. Luxenberg stated that that the Town would have to choose the lowest bidder but the Town would be able to prequalify them. This only affects the trade contractor and not the non-trade contracts.

Ms. Bertram agreed that the overall concept of CM at Risk makes sense but questioned the funding component of starting to build the building before agreeing on a GMP.

Mr. Luxenberg stated that the firm was trying to get someone on board with the project early so that they can review the cost. The 1% that the MSBA will return to the Town for choosing the CM at Risk project should cover all the costs of any early building projects.

Ms. Bertram asked from a timeline perspective when the project could start.

Mr. Luxenberg stated that on August 8th the firm would be submitting the schematic design submission to the MSBA and a cost estimate would be needed between 2-4 weeks before the schematic design submission. The MSBA will then approve the project in a "Scope and Budget Agreement" on October 2nd. Local approval would be needed after MSBA approval and once local approval was had then the

project would be put into a design process that would take one year. By October 2014 the building would be fully designed with the possibility of some construction having started in the summer of 2014 but with the main construction project starting in the fall of 2014. The GMP would be agreed upon in October-November 2014.

Mr. Matthews stated that a winter 2014 Special Town Meeting to approve the funding for a school would be needed.

Mr. Alonzo motioned to recommend the CM at Risk method as the construction method for a new school to the School Building Committee. Mr. Sund seconded the motion. On vote motion carried, 5 in favor, 0 opposed.

### **CURRENT BUSINESS**

#### **1.2013 Annual Town Meeting, Vote on Warrant Articles**

Ms. Speidel stated that she had provided the BOS a paper with the warrants in the correct order as they would appear at the Town Meeting. She said that the only thing that may be changed is some of the dollar amounts attached to the warrants but that these dollar amounts would not be significantly altered from what was currently listed and she would have the firm numbers for the next BOS meeting.

Mr. Matthews continued by reading through the order in which the warrants needed to be approved.

**ARTICLE 7**, To see if the Town will vote to hear and/or accept the regular written reports of the Town Officers and Committees.

Mr. Alonzo motioned to approve the position of ARTICLE 7. Ms. Bertram seconded the motion. On vote motion carried, 5 in favor, 0 opposed.

**ARTICLE 8**, To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for payment of prior year expenses; or take any other action thereto.

Ms. Speidel stated that at the moment no prior expenses were held by the town and that ARTICLE 8 may be passed over.

**ARTICLE 9**, To see if the Town will vote to appropriate from available funds all sums of money necessary to amend the amounts voted for the Town's FY2013 Budget, under Article 8 of the May 5, 2012 Annual Town Meeting; or take any other action relative thereto.

Ms. Speidel stated she did not have the final budget adjustments ready for ARTICLE 9. Ms. Speidel continued by stating any other articles involving budget numbers should be held until the following week.

#### **2. Declaration of Support for FY2014 Mosquito Control Budget.**

Ms. Speidel stated that the Board of Health was looking for support from the BOS to designate the Board of Health or the Chair of the Board of Health as the final voice of approval for the FY2014 Mosquito Control Budget which they support.

Ms. Speidel also stated that she had been in contact with the Executive Director of the Mosquito Control District and that the assessment they provide comes from a formula developed by the Revenue Department that is based on land area and equalized value. Three-quarters of the assessment comes from land area and one quarter of the assessment comes from equalized value. She also stated that the Mosquito Control District also provides services for larva spraying, source reduction, wetlands restoration, surveillance, public education, adulticiding, research and geographic information systems. Ms. Speidel also stated that if the community were to withdraw from the district and decide to rejoin later

on, there would be no waiting period for the community to rejoin the district but that admission to the district would be based on the discretion of the Executive Director of the Mosquito Control District. Mr. Alonzo asked Ms. Speidel that in her professional opinion was there any issue or problem with designating the Board of Health as the final voice of approval for the Mosquito Control Budget.

Ms. Speidel stated that she did not have any problem with the designation of the Board of Health to make final approval.

Mr. Sund motioned that the BOS designate the Board of Health to be the main contact and the final approval for the Mosquito Control Budget. Ms. Bertram seconded. On vote motion carried, 5 in favor, 0 opposed.

**3. FY2014 Budget Discussion** - Ms. Speidel said that the Budget Committee had their Public Hearing on the budget the previous week and that she had made another presentation to the Finance Committee. Ms. Speidel said that based on what she heard from the Mass Municipal Association and from the Town's Legislative Delegation she does believe there will be a minimum increase in aid for Chapter 70 of \$25 per student that would result in an increase of Chapter 70 funding to the Town of Lunenburg in the amount of \$40,200.00 and that she had revised her estimate in the town budget to reflect the Chapter 70 funding. Ms. Speidel continued the budget discussion by providing the BOS with the status of the Town's free cash. The last free cash certification was \$572,129.00, and Ms. Speidel recommended that the Town transfer the amount of \$286,958.00 to the stabilization fund to bring the balance of the stabilization fund to 5% which is the minimum required to remain in the fund in order to meet the Town's financial policy. Ms. Speidel also recommended in her budget that an additional \$139,000.00 of capital items be funded and that that funding would come from free cash. The two deductions from free cash would leave a balance of \$146,171.00.

Ms. Speidel is not recommending at this time that any appropriation be made out of the remaining balance in free cash. Ms. Speidel stated that she expected the deficit in the budget to be around \$80,000.00 and she is not sure if the Town can cover the deficit in the budget as has been done in years passed.

Dave Passios, 56 Whiting Street, asked Ms. Speidel if the information passed out to the BOS include the slide with the budget numbers for School Choice and Charter Schools. The cost to the Town of Lunenburg to allow students in town to choose to attend other schools has significantly increased in the past few years.

Ms. Speidel confirmed that it did.

Mr. Passios asked Ms. Speidel to discuss the figures with the BOS.

Ms. Speidel thanked Mr. Passios for bringing this issue to her attention. She said that over the last 5 years the Town's choice and charter assessments have increased significantly. This is a result of a growing number of students choosing to leave the school district to attend other schools due the public schools budget cuts, increase in student to teacher ratio, cuts to student services, etc. The increase in the assessment for the students to be educated elsewhere is taking money away from both the school and the town. The second thing that Ms. Speidel brought to the attention of the BOS is that the students who live in the Tri-Town and Emerald Place developments are choosing not to attend school in Lunenburg. Ms. Speidel stated that she believes that the increase in Lunenburg students to go elsewhere to be educated has a direct connection with the choices in funding the town has made for the Lunenburg Public Schools.

Mr. Alonzo had Ms. Speidel clarify the title of one of the charts regarding choice and charter students.

Ms. Speidel clarified that the chart reflected the total number of students in Lunenburg who chose to go to schools regardless of if it was another public school or a charter school.

Mr. deBettencourt asked if the cost of sending a student to be educated outside of town was a flat cost.

Ms. Speidel stated that choice was based on \$5,000 per student and that charter was based on actual tuition at the school.

Ms. Bertram stated that there should be more specific information on who the students leaving the schools are and what their reason for not attending Lunenburg Public Schools were.

Joanna Bilotta Simeone, 266 Sunset Lane, asked if there was a way to start saving for a new school now to reduce the burden on the Town taxpayer later on.

Mr. Matthews stated that saving any money would be very hard to plan for and would result in large changes to the current budget.

Ms. Speidel clarified that what Ms. Billotta Simeone was asking was whether the Town could raise a tax now that would go directly to the schools as opposed to sticking the Town with a larger bill 5 years from now to pay the building costs.

Mr. Matthews stated that it was an interesting idea but that it would be tough to get people to support it.

Ms. Billotta Simone stated that the School Building Committee meetings should be televised.

Dave Passios brought to the attention of the BOS that the long term debt service is dragging on the Town's available funds within the budget. Mr. Passios asked the BOS if there was a way to accelerate the long term debt payment to help reduce the burden on the taxpayer once the larger additional debt from the school would be brought on.

Ms. Speidel stated that over the next two fiscal years the Town will be paying about \$2.9 million in debt service. All but \$611,000.00 this year and \$678,000 next year has a dedicated funding source. At present the non-exempt debt increase will not dip significantly until 2017-2018.

Mr. Matthews stated that this year there is no new borrowing in the budget.

Ms. Speidel stated there is not a lot of opportunity to accelerate debt payment.

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

**Minutes:** 3/26/2013

**Warrants:** Accounts Payable 53-13 \$28,829.69

**Action File Issues:** Ms. Bertram stated that she wanted to bring up the Hollis Hills Project at the next BOS meeting.

Ms. Speidel stated that representatives from the ZBA, the Sewer Commission and Town Counsel should be present during the meeting to discuss the Hollis Hills Project. This item will be discussed at Executive Session at 6PM before the regular BOS meeting on April 9<sup>th</sup>.

**5. Committee Reports-** Mr. Matthews stated that the School Building Committee will be voting on the best route to proceed for a new school on April 9th. He stated that the SBC started by looking at 5 building options and whittled the options down to 2. More detail into the options would be discussed at

the next BOS meeting but that the option to renovate the existing high school as a 9-12 school is not really an option as it would not meet any of the standards of the MSBA.

Mr. Alonzo announced that the Finance Committee heard from all the departments regarding the budget last week and the Finance Committee will make their decisions regarding their recommendations on Thursday.

**6. Town Manager Reports or Department Reports-** Ms. Speidel updated the BOS on the issue regarding the Town purchasing street lights from Unitil. She stated that she spoke with the consultant who did the free analysis on the issue and he believes that if the Town purchased the lights, after the initial cost of purchase and maintenance on the lights was deducted, the Town could be saving about \$25,000.00 per year. If the Town decided to convert to LED lights the conversion project would cost between \$125k-\$150k.

Unitil provides a grant for the conversion but the amount of the grant is unclear. Assuming no grant was offered, the payback on that expenditure would be from 4 to 4.5 years.

Ms. Speidel said she asked the consultant if he could analyze the light fixtures themselves to make sure the Town wasn't buying outdated fixtures and that the service contract that the Town would have would cover general maintenance. A typical light fixture lasts about 50 years.

If the town can stay within the budget then the purchasing of the streetlights would not need to be voted on at Town Meeting.

Ms. Bertram asked for a savings estimate after the initial costs of the LED lighting was paid.

Ms. Speidel stated that it would be an additional 40% savings.

**OLD BUSINESS** - None

**PUBLIC COMMENT** - None.

**EXECUTIVE SESSION** - Conducted at 6PM

1. M.G.L. Chapter 30A, Section 21A (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 and/or Section 21A (5) to investigate charges of criminal misconduct or to consider the filing of criminal complaints.

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 9:05 pm.

**UPCOMING MEETING SCHEDULE**

April 16, 2013

April 23, 2016

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