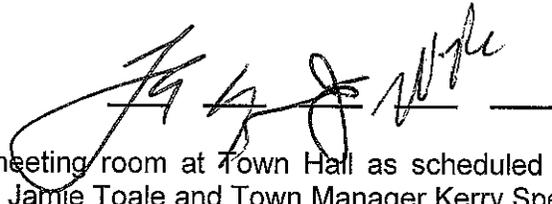


**BOARD OF SELECTMEN
MEETING MINUTES
7/9/13**



The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Tom Alonzo, Paula Bertram, David Matthews, Robert Ebersole, Jamie Toale and Town Manager Kerry Speidel. Regular Meeting opened at 7:00 PM

7:00PM PUBLIC COMMENT

Mr. Matthews thanked the Turkey Hill Garden Club for the great job they have done with the upper Town Common.

Mr. Alonzo thanked the Town Band for the wonderful concert they put on at the Gazebo and reminded all that they will be performing there every Monday at 7 p.m. until August 3rd.

Mr. Alonzo announced that the Town Beach is now open Monday – Friday from 10 a.m. – 7 p.m. and on Saturday & Sunday from 12Noon – 6 p.m. Seasonal pass information is available on the Town website.

APPOINTMENTS

7:00 p.m. Request for Common Victualler's License, Tarnum Williams d/b/a Kabob-E-Licious, 165 Mass Ave: The applicant from Kabob-E-Licious was not present this evening. Mr. Alonzo stated that he would like the applicant to be present to speak to this license before it is approved.
Request tabled until 7/16/13 BOS meeting.

7:15 p.m. Green Communities Task Force Update: Dave Blatt, Chair of the Green Communities Task Force came before the BOS to speak on the activities of this committee. He reported that the Town had voted at Town meeting to look to adopt the Stretch Code but the new Building Code, which will be coming soon, may change everything. Mr. Blatt went on to say that the committee feels they have accomplished everything that the original Charter had asked for and is looking for guidance from the BOS as to what direction they should go next or perhaps if they should change the name to something such as an Energy Task Force. He also mentioned that they have lost members from their committee and are currently looking for people with qualified experience to fill the vacancies.

Mr. Alonzo spoke to say that he would like the committee to stay together until Lunenburg becomes a Green Community. Once the Town becomes a Green Community there will be grants coming forward and this committee will be needed to decide what should be applied for and how it should be spent.

Mr. Ebersole suggested that they look towards other Green Communities charters from across the State to see if they can adopt a similar charter. He also feels that there is a lot more work that the committee will need to do in the future with other projects.

Mr. Matthews spoke to say that with all the buildings in Town, their expertise will be needed in finding ways to conserve energy and that their input would be needed with the Finance Committee to find solutions.

The BOS thanked Mr. Blatt for coming forward this evening.

CURRENT BUSINESS

1. Request for Boot Drive, Lunenburg Field Hockey, July 13, 2013: Marybeth Holtz and Tina Spadafore representing the Lunenburg Field Hockey Team spoke to the BOS concerning the need to raise money for new

uniforms and would like to hold a Boot Drive in the center of Lunenburg on July 27, 2013. They understand that there are requirements from the Police Dept. concerning safety and are willing to comply with them.

Members of the BOS recommended that anyone in the street should be over the age of 18 and that players be sign holders on the side for this event.

Mr. Toale recommended to the Chair that the BOS should develop a policy with guidelines to be followed for any other future requests such as this.

Mr. Ebersole moved to approve the request for the Boot Drive for the Lunenburg Field Hockey team on July 27, 2013 from 9 a.m. – 1 p.m. in the center of Town. Mr. Toale seconded.

On vote, motion carried, 5 in favor, 0 opposed.

2. Approve PPA and/ or PILOT Agreement with NuGen (formerly Mass PV1 project): Ms. Speidel said that she had received the final PPA this afternoon at 2 p.m. and decided not to send it to the BOS for review due to the short time frame before this evenings meeting. She mentioned that Town Counsel had previously recommended that the BOS should have the IMA signed before a PPA is signed.

Item tabled until 7/16/13 BOS meeting.

3. Approve revised PPA and/or PILOT Agreement with EPG Solar: Ms. Speidel explained that EPG has a new investor and they are still working on the PPA. The Bankruptcy Court cannot approve a lease on the property until the PPA is signed. The developer will not sign the PILOT until the lease is approved.

Item tabled until 7/16/13 BOS meeting.

4. Approve Amendment to Household Hazardous Waste IMA to include membership for Town of Ashby: Ms. Speidel gave a brief history about the Devens Household Waste program and said that the Town of Ashby is seeking membership into this cooperative. All communities paid a one-time capital assessment to join, in addition to the annual operating assessment. Lunenburg pays an annual assessment of \$5,354 which is based upon a formula which takes into account both Equalized Property Valuation (50%) and Population (50%).

Ashby will be required to pay both a capital and operating assessment, based upon the same formula. All of the member communities must agree to allow another one in, and this is a formal request to allow the Town of Ashby to participate in the program.

Mr. Alonzo questioned if by accepting them, would it lower what everyone else will be paying?

Ms. Speidel replied that it will lower the annual assessment but she does not know by how much and does not believe that it will be that significant.

Mr. Matthews moved to approve the amendment to the Household Hazardous Waste IMA to include membership for the Town of Ashby. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

5. Approve Disclosure, Determination and Consent Pursuant to MA Rules of Professional Conduct for dual representation related to IMA for Resale of Net Metering Credits to Town of Townsend: Ms. Speidel

asked the BOS to approve the Disclosure, Determination and Consent so that Town Counsel can work on the IMA with the Town of Townsend for resale of Net Metering Credits.

Mr. Toale asked if we are looking at a certain number of credits for our own needs plus whatever is developed as part of the IMA with another Town, are we considering either NuGen or EPG or both companies?

Mr. Alonzo replied both. He went on to explain that because the Unutil territory is so small, very few projects would be needed to meet their cap, and if it happened in Lunenburg we wanted to take advantage of the entire cap. The generation that would come from both of these facilities together would exceed what we would be able to use. We could bank them, but we would have to pay for them.

Ms. Speidel added that the Town of Lunenburg's usage is about 2M kw per year and Townsend is about 1M kw per year, which makes it a good fit because it will use 100% of the energy that is produced. The projects may produce more than this in their lives and we may want to partner with another entity as well. The Town of Ashby has also indicated that they also may be interested.

Ms. Bertram cautioned that if we are considering another entity to absorb any overage, there are only two opportunities that we will have to be able to add anyone else to resell to, and to keep this in mind as we move forward.

Ms. Bertram moved to approve Disclosure, Determination and Consent pursuant to MA Rules of Professional Conduct for dual representation related to IMA for the resale of net metering credits to the Town of Townsend. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

6. Minutes/Warrants/Action File Issues

Minutes: 6/18/13

<u>Warrants:</u>	6/26/13	70-13	\$75,037.59
	6/25/13	69-13	\$405,352.24
	6/28/13	1WP-13	\$32,462.59
	6/27/13	71-13	\$433,580.72
	7/1/13	1-14	\$732,393.97
	7/3/13	2-14	\$120,809.16
	7/1/13	1P-14	\$549,335.54

Action File Issues: Mr. Ebersole reminded the BOS that they need to revisit the appointment of election officials along with communicating with all of the political parties in Town concerning this matter. If the political parties do not respond, then it will be up to the Town Clerk to make sure that the appointments are balanced in regards to political affiliation.

Ms. Speidel replied that she is planning to do this at the next BOS meeting because by law, it cannot be done until after July 15th.

Ms. Bertram requested that a meeting be scheduled concerning policies in the near future.

Mr. Ebersole requested that all meetings be posted online for convenience, as well as outside on the bulletin board.

Mr. Alonzo mentioned that he had received numerous inquiries about painting a crosswalk at the rotary by Emerald Place in Whalom.

Ms. Speidel replied that this item has to do with engineering plans and that the Planning Board should report on this.

Mr. Alonzo agrees but said that this is clearly a safety problem and should be addressed.

Ms. Bertram stated that she would like to also see the DPW Director get involved and that this must be done ASAP.

Ms. Speidel responded that part of the problem is that crosswalks go from sidewalk to sidewalk and if there are no sidewalks, this could cause a liability issue. There are solid engineering reasons why it has not been done, but that doesn't mean it can't be done.

Mr. Ebersole added that there are usually different standards for crosswalks on streets vs. rotaries and you may have to put them on all of the intersections where streets enter the rotary. There are different solutions but you must make sure you are doing it correctly from the start. He questioned if this rotary was built as part of Emerald Place?

Ms. Speidel replied yes.

7. Committee Report: Board of Health; Capital Planning Committee; Finance Committee; Library Board of Trustees; MPO; Planning Board; PACC; School Committee; School Building Committee; Sewer Commission; MA Broadband:

Board of Health – Mr. Ebersole stated that there are no new topics.

Capital Planning Committee – Mr. Toale reported that this committee will be meeting tomorrow morning and that they have completed the procedures for the upcoming year and are finalizing and sending out the calendar.

Finance Committee – Mr. Toale stated that there has not been a meeting since his last report and the next one will be Thursday where they will welcome 2 new members.

Library Board of Trustees– Mr. Ebersole reported that the library has a lot of summer programs and to check the website or Lunenburg Ledger for schedules.

MPO- Ms. Bertram reported that the next meeting will be on Wednesday.

Planning Board- Ms. Bertram reported that a number of issues were discussed at last night's meeting including an extension for High Field Village, Emerald Place units becoming owned vs. leased, and Tri Town concerning finances for new construction along with the 40S application that is being applied for with the State at Tri Town and whether or not Lunenburg is eligible. She asked for input from Ms. Speidel on the 40S process.

Ms. Speidel replied we were eligible to apply in FY13. Eligibility is based on the date when the Certificate of Occupancies were issued. We are in the process of filing, the State has acknowledged that, and will accept it. What we will receive in 40S payments has to do with being able to demonstrate that we are providing education to students at Tri Town, and that we've increased our costs of education. This is a lengthy process, and essentially at the same time we will be applying for FY14.

Ms. Bertram continued her Planning Board report with the Asian Imperial parking problem, Marijuana Clinics and what other communities are doing concerning this, installation of a fence at Tri Town, charging fees for extensions and Aro estates has filed with the Conservation Commission and the hearing is on July 17th. Also discussed was the issue of the ability to view plans prior to meetings and the Planning Board would like the input from the Town Manager, IT, and the BOS as to whether or not this should be made into a policy or if a drop box in a central location should be used. The next meeting of the Planning Board will be on July 22nd where MRPC will be in attendance.

Also discussed was the ability of the Planning Board to distribute confidential emails relative to legal issues via email and Ms. Bertram asked for clarification on this.

Ms. Speidel replied that she was not aware that you can't do that.

Ms. Bertram requested that the fence issue at Tri Town be discussed/reviewed again at a future BOS meeting.

PACC- Mr. Ebersole was unable to attend the meeting but did receive information from them on how they conduct programming etc.

School Committee- Mr. Matthews reported that the committee had made some budget adjustments to close out the year, a new Special Services Director has been hired, the Primary School Music program will be reinstated, and they are returning to the Title of Vice-Principal rather than Dean of Students at the Middle School.

School Building Committee- Mr. Matthews reported that they have not met but there are interviews coming up with the four finalists for Construction Managers at Risk.

Mr. Ebersole questioned if we don't build a school or renovate will our accreditation be at risk?

Mr. Matthews replied yes, that's part of the discussion.

Sewer Commission- Mr. Ebersole reported that the approved project on Lancaster Ave is in progress, they are in the process of reviewing their RFP process for maintenance of the system, and High Field Village continues to be on their agenda which interplays with the IMA with Fitchburg concerning added capacity. Also discussed was 321 Whalom Rd. where the Sewer Dept. was asked by Zoning to forgive betterment fees for exchange of improvement of roads within the system and whether or not this would be affected by the addition of additional units. Mr. Ebersole also mentioned that the City of Fitchburg is currently reviewing the IMA and should have feedback from them fairly soon to present to the BOS.

MA Broadband- Mr. Alonzo reported that he had received an update from MA Broadband indicating the Governor's Administration is proposing an addition of \$40M in the IT Bond Fund and that there is increased

interest in the "Last Mile" plan. A meeting will be scheduled in the next few weeks with Lunenburg's IT Director and MA Broadband to finalize all plans.

Mr. Toale recommended to the Chair that the addition of the Building Re-use Committee be added to the Committee reports on the BOS Agenda and mentioned that their first meeting will be on July 15th.

5. Town Manager Reports or Department Reports: Ms. Speidel reported that we are in the process of closing out FY13 and it appears that there may be a couple of budget adjustments that will need to be made to cover things that have happened since Town Meeting. She also mentioned that the year is ending much better than she had expected and there is money available now for codification of the By Laws. One bid has been received in the amount of \$16,000, which is higher than what she had hoped. More details will follow on how the process will proceed.

A lighting upgrade is being done at the Public Safety Building which cost \$22,000, and Unutil will be paying 50% of that cost. The lighting is going from T12 – T8 which should save about 50% in usage with the payback being seen in approximately 3.5 years.

John Londa is investigating a gas line extension to the Public Safety Building which could provide potential cost savings to the Town.

The Legislature has approved the FY14 budget and it is now awaiting the Governor's approval. The net result for the Town of Lunenburg was additional revenue of an amount just under \$50,000. Chapter 70 revenue increased by approximately \$95,000 and Ms. Speidel feels that this is something that may need to be reconciled due to other cost increases. Nothing can be done with Chapter 70 funds until it is appropriated at Special Town Meeting.

A new pavement application has been implemented on four different roads in Lunenburg. Each location cost approximately \$6,000, to repair. Mulpus Rd. will be the next on the list for this application as soon as funds become available.

Ms. Bertram requested an update on the DPW's Pavement Plan. She stated that MassDOT informed her that Chase Rd. would be considered a "Book Job" which would mean that it would not have to go through the engineering process. The TIP has already been finalized and the earliest that it could be revisited would be next year.

Ms. Speidel reported that the Regional Dispatch Center was opened on June 18th and Lunenburg was the first community to go over. Aside from a few "glitches" the opening/transition went very smoothly. Ms. Speidel would like to invite the Director or the RDC along with the Lunenburg Police and Fire Chiefs to a future BOS meeting to talk about the new facility.

Ms. Speidel stated that this is something that the community should be proud of, we are a leader in the State of Massachusetts in terms of Regional Dispatch, and we should take the opportunity to celebrate our success.

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

1. Resignation: Ernie Sund from Green Communities Task Force & Memorial Day Committee – Mr. Alonzo read a resignation letter submitted by Ernie Sund. Mr. Sund will be moving out of state and will be leaving the Green Communities Task Force & Memorial Day Committee.

Mr. Alonzo said that they accept Mr. Sund's resignation with regret and requested that a letter be sent to Mr. Sund thanking him for his many years of service to the Town.

PUBLIC COMMENT

Mr. Alonzo announced the Farmer's Market has been moved from Mondays to Sundays at the Ritter Building from 10 a.m. to 1 p.m. He encouraged the public to come out and support the local farmers.

EXECUTIVE SESSION

Mr. Alonzo stated that the BOS would be going into Executive, not to return to open session, to discuss the Police Union Contract citing M.G.L. Chapter 30A, Section 21A(9), 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. Matthews moved to enter into Executive Session. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

UPCOMING MEETING SCHEDULE

July 16, 2013

July 23, 2013

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