

AUG 19 2013

LUNENBURG TOWN
CLERK OFFICE

**BOARD OF SELECTMEN
MEETING MINUTES
8/6/13**

6:15 PM EXECUTIVE SESSION M.G.L. Chapter 30A, Section 1 A (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. Discussion of proposed settlement of IBPO Contract and/ or Town Manager's Employment Contract.

The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Tom Alonzo, David Matthews, Robert Ebersole, Jamie Toale and Town Manager Kerry Speidel. Absent was Paula Bertram

Regular Meeting opened at 7:07 PM

Mr. Alonzo began the meeting by stating that the BOS had just returned from Executive Session where they voted in favor of International Brotherhood of Police Officers Local 353 contract.

Town Labor Counsel Attorney Mark Terry spoke to explain the IBPO contract negotiation process and stated that the agreement was ratified earlier by the IBPO. He highlighted the changes of the agreement as follows:

- The elimination of sick leave "Buy Back" for any employee hired after 7/1/2009
- Increase in education incentive
- Newly negotiated base wage package which confines increases to less than 2% per year
- Improvements to the Managerial prerogatives of the Town, which will allow the Chief of Police and the Town to make numerous changes with out additional bargaining with the Union

The BOS thanked the IBPO for their efficiency in bringing this contract to fruition.

Mr. Matthews moved to ratify the contract for the IBPO Local 353. Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed.

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

1. Reserve Police Officers: Bradley McNamara; Deven O'Brien; Quinn Smith: Lunenburg Police Chief Marino came before the BOS to recommend Bradley McNamara, Deven O'Brien, and Quinn Smith be appointed as Reserve Police Officers for the LPD and gave brief background histories on each candidate.

Ms. Speidel recommended that the BOS ratify the candidate's appointments.

Mr. Ebersole moved to recommend approval for the appointments of Bradley McNamara, Deven O'Brien, & Quinn Smith as Reserve Police Officers to the Lunenburg Police Department. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

The BOS thanked the Chief and welcomed the Officers.

Chief Marino spoke again to inform the BOS that on July 25th there was a report made by a citizen of a suspicious person knocking on the door at 564 Goodrich St. Officer Zrate responded to the report and observed the vehicle parked at another residence on Goodrich St. Officer Zrate noticed the front door of this residence was open and was then joined by Sargeant Gammel, Detective Thiboudeau, Sargeant Peter Violette of the Shirley Police Dept., and the State Police for assistance. They entered the residence and found that it had been burglarized and subsequently apprehended the suspects after a search of the surrounding area. While in the process of apprehending the suspects, two more burglaries were reported in that area, which were later linked to the suspects in custody. A large amount of stolen items were recovered and it was also

discovered that these suspects were involved in numerous past break-ins in Lunenburg as well as in surrounding communities

Chief Marino stated that it is an honor and pleasure to serve with these officers and commended the actions of all officers involved in the apprehension and arrest of the suspects. He also added his thanks to the resident who initially reported the incident at 565 Goodrich St.

Mr. Alonzo thanked the Chief for the report and added that it was a great group effort of the community and the Police that worked very well.

ANNOUNCEMENTS

Mr. Alonzo announced that the last Band Town Band Concert was held last night and thanked all who were involved over the course of the summer concerts for this wonderful community event. He went on to say that there will be an additional concert to be held with music by a local band called the Spy Tones which will be a fundraiser for the Boys & Girls Club on August 12th.

7:00PM PUBLIC COMMENT

Mr. Toale stated that he had attended the Eagle House Volunteer Recognition Cookout this afternoon. The Lunenburg Police & Fire Depts. cooked for this event. Several Eagle House volunteers were recognized with certificates and tokens of appreciation for their hours of service over the past year.

Mr. Matthews commented on an incident that happened on the Leominster side of lakefront, on Whalom Lake, where a motor vehicle homicide had occurred after a bar fight. He stated that as the licensing authority for the Town, the BOS need to get to a place where Lunenburg and Leominster are talking more concerning the activities that happen in this area. He would also like to see more data on the number of incidences that are happening at the establishments located there. He would like to meet with the establishment owners, along with the Lunenburg & Leominster Police to look at the licensing procedures to get in front of this before another tragedy happens.

Mr. Ebersole spoke and said that in light of the Secretary of State investigation of the Annual Town Election, he would like to recommend that candidates who are recommended to the BOS as Election Officers be subject to an interview process even if there is only one candidate for each position. He said that this will be the board's opportunity to speak to them to make sure that what happened at the last election does not happen again.

A representative of the Fundraising Committee for the Boys & Girls Club came before the BOS to request permission for a Boot Drive on September 7th in the intersection in the center of Lunenburg and on Whalom/Electric Ave.

The BOS requested that they check with the Police for rules and informed him that this could not be voted on this evening due to the fact that it was not on the agenda. This item will be placed on the 8/13/2013 BOS agenda for a vote.

APPOINTMENTS

7:00 PM Change of Manager, B&H Corporation d/b/a Mckey Shea's, 324 Electric Avenue: Ms. Speidel explained that it was her understanding that the applicant had been advised that a representative from B & H Corporation needed to be present at this meeting to speak to this application. She stressed that it is important to have someone present for this application because currently there is no valid Manager on record for this establishment. Ms. Speidel recommended that this be continued to the next BOS agenda, but if the applicant does not show, then she will be requesting that the BOS take action against this license.

Mr. Alonzo questioned how long it has been, that they have not had a Manager.

Ms. Speidel replied that she was not sure but that it has been a substantial period of time, potentially in excess of 1 year. She had spoken with Town Counsel concerning licenses and asked if the Town will need to ask for documentation regarding Managers on an annual basis to which Town Counsel said no, it is the responsibility of the applicant.

Mr. Alonzo asked if the current Manager is listed in the Annual Renewal.

Ms. Speidel responded that the current Manager of record has been listed, but based on a letter that she had received, that person has not been the Manager of Record, or part of that business for quite sometime.

Discussion ensued among the board concerning inaccurate information being listed year after year by the applicant and the fact that they did not show this evening for this application.

Mr. Matthews stated that he would like to see the License Applications for the last 3 years for this establishment at the next BOS meeting. He also requested advice be sought from Town Counsel concerning anything illegal the applicant may be doing on his application.

It was decided that no further action could be taken this evening since it was not posted on tonight's agenda. The applicant will be notified that he, along with the Manager, be present at the next BOS meeting. This item will be continued to the 8/13/2013 BOS meeting.

Ms. Speidel will confer with Town Counsel regarding taking any adverse action on this License, explaining that there are time restraints for that process, and the BOS will not be inside of that time frame to take any action at the next BOS meeting.

7:15 PM Class II, Used Car Dealer's License, Discount Auto & Marine d/b/a Fitchburg Marine & Auto:

Mr. Alonzo read into record the Notice of Public Hearing concerning the application submitted by Discount Auto & Marine, d/b/a Fitchburg Marine & Auto for a Class II License to be exercised at 27 Massachusetts Avenue, Lunenburg and opened the public hearing

Rick Cuddy owner of Fitchburg Marine & Auto spoke to his request saying that this business has been there for over 25 years and that they are trying to supplement their income with the addition of selling used vehicles. There is room on the property for approximately 10 vehicles, and there will be no changes in the hours of operation.

Mr. Matthews commented that they are in possession of a ZBA Special Permit and that there were no negative comments from any abutters.

Mr. Alonzo asked if there were any abutters present to speak in favor or against the applicant and there were none.

Mr. Matthews moved to approve the request for a Class II, Used Car Dealer's License for Discount Auto & Marine d/b/a Fitchburg Marine & Auto. Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed.

7:30 PM Request from Lunenburg Firefighters Association to have Bonfire on August 24, 2013: Rick Howard, President of the Lunenburg Firefighters Association came before the BOS to request permission to hold a Bonfire on 8/24/2013 on the grounds of Lunenburg High School from 4 – 9PM. They have already received approval from the High School and the Fire & Police Chiefs and now need approval from the BOS for this event.

Mr. Matthews moved to approve the request for a Bonfire to be held by the Lunenburg Firefighters Association on August 24, 2013 from 4-9PM. Mr. Ebersole seconded. On vote, motion carried, 4 in favor, 0 opposed.

CURRENT BUSINESS

1. Approve PILOT Agreement with NuGen (formerly Mass PV1 project): Ms. Speidel reported that NuGen had met with the Assessor and the Assessor had put together a Pro former for NuGen on what the real estate taxes would be based upon the valuation of the property. The NuGen property is 110 acres but only 10 acres will be developed for the solar facility. This included the highest valuation for the 10 acres that will be developed. Some of this land is un-developable and some of it is excess land. The developer has agreed with the methodology from the Assessor but would like to address the language in the PILOT. The developer would like to have the PILOT jut address the personal property and the real estate be assessed separately on an annual basis. Ms. Speidel feels that this is the best way to do this, so that the Town is capturing 2.5%. The current PILOT references both the personal property and real estate, these references need to be taken out of

the document, and the Towns Attorney has not had a chance to clean up this document. She made the request to the Town's Attorney that it is imperative that this document be ready for next weeks BOS meeting. Mr. Toale questioned if the real estate was the entire plot or just the 10 acres. Ms. Speidel replied that it is on the entire property but the developer has expressed an interest in filing for Chapter 61B on the un-developable and excess land. The real estate taxes on the 10 acres are approximately \$6500.

2. Approve PILOT Agreement with EPG Solar: Ms. Speidel spoke with the developer this week and there seems to be a difference of opinion between the developer and the property owner on the status of the land lease and/ or purchase and sale for that property. Ms. Speidel informed the developer that until someone gives her a document stating whether or not there is an agreement, the Town is not going to expend any more resources to negotiate this.

3. Renewal of Base License for Lakeview Driving Range: Ms. Speidel explained that this is an annual license that the BOS typically approves in the calendar year but due to the nature of the business they are only open in the spring, summer, and fall. This is the only base license that the Town has and it is effective through April 30, 2014.

After discussion concerning gathering more information regarding the definition of base license, the BOS decided to continue this item to the next BOS meeting.

4. Further Discussion on BOS Policies & Procedures: A Workshop date was set for August 27th at 6PM to discuss BOS Policies & Procedures.

5. Minutes/Warrants/Action File Issues

Minutes: 7/23/2013

Warrants: 8/6/2013 #7-14 \$419,254.91

Action File Issues: No discussion

6. 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 – No Report

Capital Planning Committee – No Report

Finance Committee – Mr. Toale reported that the committee began work on their fiscal policies and the next meeting is this coming Thursday.

Library Board of Trustees– Mr. Ebersole reported that the next meeting will be in September.

MPO- No report.

Planning Board- No report.

PACC- Mr. Ebersole said that there was no report and that they have finished their end of year process and are looking at programming for the future.

School Committee- Mr. Matthews reported that the committee will be holding a joint meeting with the School Building Committee tomorrow night to review the school building project update.

School Building Committee- Mr. Matthews reminded all that there is a vacancy on the committee. He said that the MSBA voted to approve our preferred schematic design which will be a Middle/High School building. The

building will accommodate 820 students for grades 6-12. The committee voted to hire Shawmut Construction as the Construction Manager at Risk. The public can see the plans for the building at the School Website.

MA Broadband- Mr. Alonzo reported that 95% of the construction is complete and there is approximately 50 miles of cable left to run. The "Go Live" date should be in December of this year. Once the fiber is lit in our area and the community anchor institutions are hooked up, we will need to have someone to connect and manage the last part which is to connect the rest of the community to the internet. The Governor has put approximately \$40M into the IT Bond Bill that has gone through the House Committee and is now before the House who have not voted on it yet. Mr. Alonzo hopes that the entire community will be hooked up by next spring.

Sewer Commission- Mr. Ebersole reported that the commission is working with residents around the extensions of the sewer in the district and they have an "Amnesty Fee" where they will waive the \$5000 fee to residents that have an illegal connection. These people need to contact the Sewer Commission in order to have this fee waived. If not done they will be liable for the \$5000 penalty fee.

Building Reuse Committee – Mr. Toale noted that this committee's report had been left off of the agenda and reported that they had met last evening and developed "Task Teams" to draft and review 4 possible building reuse options. The next meeting will be on August 19th at T.C. Passios which will include a tour of the building.

5. Town Manager Reports or Department Reports:

Capital Projects Update: Ms. Speidel provided the board with a spreadsheet of Capital items which were approved on the Capital Planning Article at the past spring Town Meeting and reviewed the status of the items as follows for FY14:

- Town Hall Chimney Repair -\$18,500. Ms. Speidel noted that there is an "informal" hold on this item while awaiting feedback from the Building Reuse Committee but if it goes on too long they will move forward with the repairs.
- Police Dept. -\$45,000 for marked cruisers which are on order
- Police Dept. - \$20,583 for 40 sets of pistols & holsters which are on order.
- Cemetery & Parks - \$39,000 for demolition of Cemetery & Parks building. The Parks building had a Phase 1 Environmental Analysis performed on it but Ms. Speidel has not reviewed the results yet. The demolition of the Cemetery building needs to be approved by the Historical Commission. If the Town decides to tear down the building on Flat Hill Rd., it will also be scheduled for demolition with the others.
- School – No update.
- Technology -\$45,000 to be used for town wide Technology.
- Fire Dept. -\$215,000 for ambulance. The bid package is currently being put together by Ms. Speidel for a new ambulance and is currently on hold.
- Fire Dept. - \$37,000 for 35 sets of turn out gear. The Fire Dept. received a grant for some equipment and this will be reviewed again at the next Capital Plan meeting.
- Police Dept. - \$40,000 for an un-marked cruiser which is on order.
- Intersection of Townsend Harbor/Mulpus Rd. - \$30,000 for improvements. A contract has been executed with the engineer for a "minor" design at a cost of approximately \$4,000.
- Library - \$40,000 for exterior improvements to the Library. The Facilities Director is currently putting together the specs to go out to bid for this project.

Ms. Speidel noted that there is one item left in FY13 Capital Plan which is roof repairs to the Ritter Building. The contractor that was originally hired has decided to not do the job. The job was re-bid, another contractor hired, and the work should be completed by the end of September. Funds to pay for this project will be re-appropriated from FY13.

Mr. Matthews questioned if there was grant money available for identifying building repairs to Town buildings. Ms. Speidel replied that traditionally there is not a lot of grant money available and that Pat Slattery, from the Montachusett Regional Historical Commission, is the best resource to get this information from.

Household Hazardous Waste Program Update: Ms. Speidel reported that FY13 marked the 2nd year of operation for Household Hazardous Waste Program in Devens and gave a brief history of this programs inception and current operation schedule. FY13 closed with an operating surplus of approximately \$10,500. The busiest month was June which saw 120 people from various communities attend. Through out the year there are 7-120 people who attend during the 3 hours that it is open during the day. Out of those who used the program last year, 64 individuals were from Lunenburg and she would like to get the word out about this program to make people more aware of its existence. Fees to use the facility are \$20 for 5 gallons/5 lbs and \$40 for up to 10 gallons/10 lbs of material to dispose of. The facility is open on twice per month on the 1st Wednesday and the following Saturday from 9AM-12Noon and is located at 9 Cook St. in Devens. You can also visit the website at www.devenshhw.com. Ms. Speidel encouraged residents of Lunenburg to use this program.

Ms. Speidel stated that the rate case for Unitil will be discussed at the next BOS meeting.

PUBLIC COMMENT

John Whalen, 526 W. Townsend Rd. spoke to say that he had missed the Town Meeting in the spring and asked what was on the warrants for the solar projects.

Ms. Speidel replied that there were place holders on the warrant in the event that the developers requested modification, which they did not.

Mr. Whalen said that he was not sure if there had been modifications made at that time and thought the numbers have changed to the PPA's. He said that he thinks the numbers that are being used now for the credits are less favorable then they were at the time when approved at Town Meeting. He was concerned if it was OK that the numbers are less favorable now, than what were presented at Town Meeting, and was this going to be an issue.

Ms. Speidel replied that what was presented at the time was essentially a Pro Forma based on what the offer was at the time. The vote at Town Meeting was specific to the dollar amount for personal property per MW for the PILOT agreement and in terms of the PPA it was the length of time that the PPA would extend, which is 20 years.

Mr. Whalen stated that he believed it was the terms of the PPA which was "cost" as well as "length of". He thought that at the time that it was proposed, it wouldn't be worse than this deal that was presented at that time was, and he just wanted to know if this was an issue or not.

Mr. Whalen also questioned the PILOT numbers. He believed that if this was a business opening on Chase Rd. that the tax rate would have been higher than a personal tax rate to run a business on residential land and thought the numbers were higher than \$18,000 per MW.

Mr. Matthews replied that this is what they always were and it is purely the personal property.

Mr. Whalen asked if there was another way to re-calculate that, other than personal property at \$18,000 per MW, and then actually to tax them at a business tax rate?

Ms. Speidel replied that we have a single tax rate in Town. We had a significant amount of discussion on how to value that enterprise and the Department of Revenue weighed in on that also. We came up with the standard valuation after we came up with the \$18,000 per MW.

Mr. Alonzo spoke and said that there was a lot of talk about different numbers before that and when it came to the warrant the \$18,000 was agreed on by everybody.

Mr. Whalen asked that instead of 110 acres, is it only going to be 10 acres that's included in the real estate taxes?

Mr. Alonzo replied no, the whole parcel is, but the non-building lot, with the 10 acres excluded, will be put into Chapter.

Mr. Whalen asked when that happens, doesn't that give the Town Right of Refusal?

Ms. Speidel replied that if they take it out, or change the use, the Town has 1st Right of Refusal.

Mr. Whalen asked if there are any other changes to the project that we have not heard of?

Ms. Speidel replied in terms of the size of the project, no there are no changes.

Mr. Whalen asked if perhaps the Town would purchase the land where the EPG Project is proposed?

Mr. Alonzo replied that there has been no discussion of that.

Being no further business Mr. Toale moved to adjourn the meeting. Mr. Matthews seconded. On vote motion carried, 4 in favor, 0 opposed.
Meeting adjourned at 8:27PM

UPCOMING MEETING SCHEDULE

August 13, 2013

August 20, 2013

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