

AUG 21 2013

LUNENBURG TOWN  
CLERK OFFICE

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

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 7:00 PM

**7:00PM PUBLIC COMMENT**

Mr. Alonzo began the meeting by thanking everyone who was involved with the previous evenings "Spytones" concert which was held at the gazebo. This even was a fundraiser for the Boys & Girls Club and was a great success.

**ANNOUNCEMENTS - None**

**APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS**

1. Candidates for Election Officers – Warden, Deputy Warden, Clerk, Deputy Clerk, 2 Inspectors, and 2 Deputy Inspectors- Mr. Ebersole stated that due to the compensation paid for the Warden position he will need to recuse himself from this discussion and asked if this appointment could be separated out from the other appointments.

The Chair agreed to separate the Warden appointment and potentially the Deputy Warden appointment from the others. Mr. Ebersole then recused himself from the discussion to return after the board's action is taken.

Ms. Speidel reviewed the process of how she had contacted the Chairs of the Lunenburg Democratic and Republican committees requesting nominations for these appointments. She had received one nomination from the Chair of the Democratic and that was Troy Daniels for the position of Warden.

The Republican Committee Chair's response was that there was a list of candidates on file at the Town Clerks office, they are the same people who were previously in those positions, and that he would like those people be given consideration for appointment. That list reads as follows:

Warden:	Janice Carrier	R
Deputy Warden:	Edward Harriman	R
Clerk:	Kathleen Pliska	D
Clerk:	Darleen Steele	D
Inspector:	Ellen Aubuchon	D
Deputy Inspector:	Ernest Aubuchon	D
Inspector:	L. Grace Harriman	R
Deputy Inspector:	Anne Shattuck	R

Ms. Speidel had invited all candidates to this evenings meeting but noted that Mr. & Mrs. Harriman are on vacation and are unable to attend.

Mr. Alonzo stated that they will be interviewing candidates for Warden, Janice Carrier & Troy Daniels and asked Ms. Carrier to come forward.

Janice Carrier, Candidate for Warden, spoke to the BOS about her work experience with the Town and stated that she has worked at the polls for 49 years.

Mr. Matthews questioned Ms. Carrier about the issues that have been raised on how the elections are run, how she would address any specifics that may come forth from the Secretary of State, and if there was anything different that needed to be done at the elections.

Ms. Carrier responded that they just follow the rules, and if any questions come up they refer to M.G.L. Chapters 50-58. She went on to say that they follow things very closely and keep an eye on people as they have always done.

Mr. Toale asked Ms Carrier to explain what the role of Warden is.

Ms. Carrier responded that she is in charge of the voting lists and election ballots. The Town Clerk oversees everything but if there is a problem it is addressed with the Warden.

Ms. Bertram asked Ms. Carrier if she thought any violation had occurred at the last election and if she sees any changes at the polls moving forward.

Ms. Carrier responded that she could not see any violations according to the laws. She believes that the Secretary of State has contacted the Town Clerk but was unaware of any outcome. She does not believe that they would do anything different except to be more aware of the law and rules, which they follow now. They have been doing it the same way ever since she has been there.

Troy Daniels, candidate for Warden, spoke to the BOS stating that he had served on the Board of Health and recently had run for the Town Clerks position. He has lived in Lunenburg for 4 years and studied Under Grad at Suffolk University. Mr. Daniels stated that he feels that justice, fairness, and equity are all important and that's what he believes in. One of the things that became apparent to him during the last election was that there were issues with challenges that were brought to Town officials and he believed they were not dealt with appropriately. He reported the violations and they are still under investigation. He stated that unless someone steps forward to offer themselves for these positions then we do not have a choice and he is here tonight to offer the Town a choice.

Ms. Bertram asked Mr. Daniels to highlight what he sees as issues and what changes he would make moving forward at the polls.

Mr. Daniels replied that there is an ongoing investigation with the Secretary of States office and with the State Ethics Commission and he can't comment on what the outcome will be. His perception is that things need to be done differently from what is written in the law and what happened. The law has changed in the last 49 years and there are reasons why those laws are put into place. The conduct that took place in the past is perceived to be wrong and needs to be avoided, which goes back to the justice, fairness, and equity in elections and that's how I would change that.

Mr. Alonzo stated that we are under State obligation to appoint by August 15<sup>th</sup> and we will be appointing people under that statute. What ever comes of the Secretary of State's investigation we will treat on the other side.

After due and diligent discussion among the board on the process of how and who the names being submitted by Town parties were, Mr. Alonzo asked for a motion for appointment to Warden.

Mr. Matthews stated that if the Secretary of State comes back with a finding that's negative to the operations of the Town's last election he fully expects that Janice Carrier will implement whatever comes back as being proven, as what should happen, and based on that and his faith in her, he would recommend to nominate Janice Carrier to the Warden position. Ms. Bertram seconded.

Mr. Alonzo thanked both candidates for coming forward and said that it is always beneficial to the Town when multiple people come forward to apply for positions. He then called for a vote to re-appoint Janice Carrier as Warden.

On vote, motion carried, 3 in favor, 0 opposed, 1 not voting (Alonzo).

Mr. Matthews spoke and said that he would like to see Mr. Daniels be nominated for Deputy Warden.

Mr. Alonzo replied that it was not clear as to who was appointed to what and he wanted people who are involved, to want to be involved. The responses from the Town Committee Chairs were vague and nebulas at best which is not helpful. He then asked Mr. Daniels if he was interested in applying for Deputy Warden. Mr. Daniels replied yes.

Ms. Bertram spoke and said that she is disappointed by the lack of response from both of the Town Committee's. She believes that we need to have a slate and for them to say it's simply on file or to give one name, is not sufficient. We do have a candidate for Deputy Warden and she is willing to entertain Mr. Daniels nomination but feels that we need to give the current Deputy Warden, Mr. Harriman an opportunity to speak. She is aware of the time constraints for these appointments but is concerned about the process. She asked if all individuals who are slated were advised of this meeting this evening.

Ms. Speidel replied yes, they are all here except for Mr. & Mrs. Harriman who are on vacation.

Ms. Carrier spoke to remind the BOS that the Deputy Warden needs to be from the opposite party than the Warden.

Mr. Alonzo stated that he was glad she said that because clearly this has not been true. Currently they are both from the same party and it makes sense to have them come from opposite parties.

Ms. Carrier spoke to Mr. Daniels and said that she did not think that he was registered as a Democrat.

Mr. Daniels replied that he believes he is registered as un-enrolled and has voted Democrat.

Ms. Carrier said that the M.G.L. is confusing because it states that two election officers can be un-enrolled. After reviewing M.G.L. it was revealed that the Warden & Deputy Warden can be from the same party, but different than that of the Clerk & Deputy Clerk. No more than half of the inspectors may be from the same party. Party representation requirements apply only if the Chairman of the City or Town Committee of each political party or the Chairman of the State Committee of such party files the Registrars list of enrolled members of the party who desire appointment as election officers.

Mr. Matthews stated that based on this information he would nominate Edward Harriman as Deputy Warden.

Ms. Bertram seconded. On vote, motion carried, 3 in favor, 0 opposed, 1 not voting (Alonzo).

At this time Mr. Ebersole returned to the meeting and stated that he was ending his recusal.

Kathleen Pliska, candidate for Clerk, spoke to the BOS about her prior work experience and the various boards she has served on and volunteering she has done within the Town. She currently works at the polls and has done so for approximately 8 years.

Ms. Bertram moved to appoint Kathleen Pliska as Clerk. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

Darleen Steele, candidate for Deputy Clerk, was not present this evening.

Mr. Matthews moved to appoint Darleen Steele as Deputy Clerk. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

Ellen Aubuchon, candidate for Inspector, spoke to the BOS about her work experience and stated that she has worked at the polls for approximately 8 years.

Ms. Bertram moved to appoint Ellen Aubuchon as Inspector. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

Ernest Aubuchon, candidate for Deputy Inspector, spoke to the BOS about his work experience and stated that he has worked at the polls or approximately 4 years.

Mr. Matthews moved to appoint Ernest Aubuchon as Deputy Inspector. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

L. Grace Harriman, candidate for Inspector was not present this evening.

Mr. Matthews moved to appoint L. Grace Harriman as Inspector. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

Anne Shattuck, candidate for Deputy Inspector, spoke to the BOS about her work experience and the organizations that she belongs to.

Ms. Bertram moved to appoint Anne Shattuck as Deputy Inspector. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 not voting (Alonzo).

Mr. Matthews thanked all who work at the polls and the candidates that came forward this evening.

Mr. Alonzo noted that these positions have not been appointed before. This was brought to the BOS attention, and this is why they are coming in at such a late hour. He said that next year this will be much further forward so they can engage the Town Committee Chairs so they can get nominations within the designated dead line. He apologized for any confusion this may have caused and thanked the candidates.

Mr. Ebersole wanted verification that the appointments were for a 1 year term.

Mr. Alonzo replied yes.

Mr. Matthews requested that moving forward, the BOS fully investigate how to involve un-enrolled candidates for these types of positions.

### **APPOINTMENTS**

#### **7:15 PM Loxi Calmes, Superintendent of Schools, Architect, OPM – Update on School Building Project:**

School Superintendent Loxi Calmes reported that this School Building Project update was originally supposed to be televised at the last School Committee meeting but due to lack of PACC staffing it was not and had asked the BOS if she could present the update in its entirety at this evenings BOS meeting. She stated that it is important that the public view the plans/progress of this project and they can also be updated via You-Tube and on the School's website.

Ms. Calmes introduced the people who will be taking part in tonight's presentation as School Building Committee/School Committee member, Colleen Shapiro, Director of Facilities, John Londa, Representative from Tappe & Associates, Charles Hay, and Representative from Joslin Lesser & Associates, Greg Cohan, then proceeded with her presentation.

During the presentation given by various persons involved with the project, BOS members voiced concerns regarding verifying the Planning Board projected enrollment vs. what could potentially happen with new building projects within the Town, capacity of the new school building, cost, timelines with MSBA, and the need of public involvement.

The School Building Committee will hold their next open meeting on 8/28/2013 at 7PM at T.C. Passios.

The School Superintendent, Architect, and OPM will have a presentation regarding total project costs for the Finance Committee at an open meeting to be held on 9/26/2013.

**8:15 PM Change of Manager, B&H Corporation d/b/a Mickey Shea's, 324 Electric Avenue:** Ms. Speidel informed the BOS that the application for change of Manager is complete and is included in their packets.

Mr. Alonzo asked the applicant when the last approved Manager stopped working for him.

Mr. Herrick replied 2010.

Mr. Alonzo asked Mr. Herrick if he was aware that this is potentially 3 years later.

Mr. Herrick replied correct.

Mr. Alonzo stated that tonight is only about the change of Manager and that the discussion on how long it's been that there has not been a manager will be discussed at a future BOS meeting.

Mickey Shea's new Manager, Lindsey Achilla, came before the BOS to answer questions from them. Ms. Achilla stated that she has bussied table since the age of 13 while employed by her father, Robert Herrick, and at the age of 18 she began working as the bartender.

Mr. Ebersole asked Ms. Speidel who reviews the CORI requests on these applications.

Ms. Speidel replied that in the Selectmen's office Linda Douglas along with herself are certified to run the CORI checks depending upon their availability. They only report back to the BOS if there is a record found. In this case the CORI came back as "No CORI Available" which means that there was no record found.

Mr. Toale asked Ms. Achilla if she has gone through the required trainings.

Ms. Achilla replied yes, she had been re-certified with the TIPS course last Wednesday and she is also researching enrolling in other Management courses.

Ms. Bertram moved to approve the change of Manager for B & H Corporation doing business as Mickey Shea's, 324 Electric Ave, as requested. Mr. Ebersole seconded. On vote, motion carried, 5 in favor, 0 opposed.

Mr. Alonzo reminded Mr. Herrick that because of the lapse in Manager over the past 3 years during which there were subsequent renewal licenses where the previous Manager's name was on the applications, the BOS will be holding a Public Hearing about this issue. It will all be properly formatted and Mr. Herrick will receive a notice via the mail as required by law.

### **CURRENT BUSINESS**

**1. Approve PILOT Agreement with NuGen (formerly Mass PV1 project):** Attorney Rick Holland spoke to the BOS and reviewed the PILOT agreement with NuGen with them. This PILOT agreement is for a term of 20 years and is equal in term with the PPA which the BOS had recently signed. The PILOT is for personal property taxes only. The real estate will be taxed as it would be normally in the absence of a PILOT. The amount as set forward in the Town Meeting vote is \$18,818. per Mega Watt, per year. The PPA contemplates a 3 Mega Watt facility, it may be smaller than that. If it is built out to 3.1 it will be approximately \$58,336. per year under the PILOT. This agreement has been negotiated and is before the BOS for approval.

Mr. Matthews moved to approve the PILOT agreement with NuGen as written. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

Ms. Bertram stated that she supports the PILOT and knows they are moving forward with the IMA, but remains concerned with when the IMA will be executed.

Ms. Speidel replied that there is a draft IMA which has been reviewed with the Town of Townsend and she has been advised that the Townsend BOS does not meet in the month of August. Ms. Speidel expects that this item will be taken up again in the beginning of September.

Mr. Matthews questioned the assessed real estate taxes on the 10 acres of the prime solar site. He said that it states that it is \$25,000 per acre, which is the same if it is a developed solar site, or if it's Chapter 61 B or 61, which does not make sense to him.

Ms. Speidel replied that the site itself is 110 acres. Ten acres of the site are being developed and those developed acres are not eligible to have Chapter designation.

Mr. Matthews said that this seems like very low value which will produce some significant revenue for the developer and is much lower than what the similar acreage would be for residential.

Ms. Speidel responded that for commercial properties the valuation is based upon the income that is produced and she will ask the Assessor to come to a BOS meeting for clarification.

**2. Renewal of Base License for Lakeview Driving Range:** Ms. Speidel informed the BOS that Base Licenses are issued for general operation of establishments such as bowling alleys, golf driving ranges, drive-in theaters and amusement centers. They are authorized under M.G.L. Chapter 140, Section 181. Traditionally we have issued Base Licenses based upon a calendar year of May 1 – April 30, which had to do the season at Whalom Park. We do not require an applicant for license renewal to submit a new application. There isn't any reason why this can't be on a calendar year but just for the convenience of the original applicants this is what we did.

Mr. Alonzo stated that for convenience he would like to have this license put back on the calendar year.

Mr. Ebersole recommended that with the idea of approval of this license we have the applicant re-apply again in December and prorate the fee for that portion so that they are not paying additional funds.

Mr. Toale moved to approve the Base License for Lakeview Driving Range as it exists. Mr. Ebersole seconded.

Mr. Ebersole stated that historically, a lot of these licenses were put in place as a way to regulate River City Pool Halls and it was a way to make sure that entertainment at the establishments was appropriate for the community. This is a throwback to the 1800's but it continues on to make sure that people are doing their business properly.

Mr. Toale modified his motion to approve the Base License for Lakeview Driving Range until 12/31/2013 and to prorate the fee for the applicant. Mr. Ebersole seconded. On vote, motion carried, 5 in favor, 0 opposed.

**3. Unutil Rate Case:** Ms. Speidel stated that the BOS had reviewed the Unutil Rate Case at a previous meeting and there was a question concerning whether or not the Town should file as an intervener. This would mean that we are an official party to the process and would receive all official notifications. Yesterday was the last day to file as an intervener and Ms. Speidel spoke to the Hearings Officer and asked her to hold this open. The Hearings Officer told her that you would need to file a petition in order to ask for an extension. The only other entities that have filed as an intervener are the Attorney General, the Department of Energy, and an Advocacy Agency that files on behalf of low income rate payers. There are no other communities within the service area that have filed. The process is cumbersome and the last time Lunenburg participated we had Town Counsel follow the case which cost the Town thousands of dollars.

After a brief discussion among the board members it was decided that they would not file for an extension.

Mr. Ebersole noted that there would be a hearing at Fitchburg Memorial Middle School on September 23<sup>rd</sup>.

Ms. Bertram encouraged the BOS to and public to attend these hearings so their comments can be heard and remain engaged in this matter as the process moves forward. She requested that this item be added to a future agenda.

**4. Further Discussion on BOS Policies & Procedures:** Mr. Matthews mentioned that regarding vehicle use policies, he had an old policy from Littleton which he preferred because it was easy to understand. This item was tabled until the 8/20/2013 BOS meeting.

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

Minutes: 8/6/2013

<u>Warrants:</u>	8/13/2013	#8-14	\$635,380.39
	8/14/2013	#9-14	\$264,444.31

Action File Issues: No discussion

**6. Committee Report: Board of Health; Building Reuse Committee; 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

Building Reuse Committee – Mr. Toale reported that they will meet Monday at 6:30PM at T.C. Passios.

Capital Planning Committee – Mr. Toale reported they will meet tomorrow at 10AM at the Ritter Building.

Finance Committee – No Report

Library Board of Trustees – Mr. Ebersole reported that there is no meeting until next month.

MPO- Ms. Bertram reported there is no meeting until next month.

Planning Board- Ms. Bertram reported that the Planning Board discussed Highfield Village, which was extended to 10/21/2013, Force Corp Development Plan review at 305 Leominster/Shirley Rd, White Tail Crossing road acceptance, Master Planning survey on Survey Monkey, and Tri Town, according to the Planning Director, does not qualify for 40S funding this year.  
Ms. Speidel clarified that this is for FY2013 not FY2014

PACC- Mr. Ebersole reported that they will meet next week.

School Committee- Mr. Matthews reported that they met last week and reviewed the update on the school building project.

School Building Committee- No Report

MA Broadband- No Report

Sewer Commission- Mr. Ebersole reported that the commission meets the same time as the BOS and they continue to look at the Amnesty program, Lancaster Ave extension, & Highfield Estates.

Mr. Matthews mentioned the fact that an important meeting was not televised last week due to staffing issues. He stated that we have issues getting PACC fully staffed so that they can do more things and we have no reports on budgets and all of this should be coming to the BOS. Mr. Matthews would like to have a joint meeting with PACC to hear updates on their status.

Mr. Alonzo agreed with Mr. Matthews and requested that the BOS Administrative Assistant schedule a meeting with them.

**7. Town Manager Reports or Department Reports:** Ms. Speidel gave an update on the Capital Projects for the current fiscal year specifically the Library project. There was \$40,000 budgeted for this project and facilities had reason to believe that we are looking at something substantially less. Three written quotes were requested for this project and the lowest bidder came in at approximately \$21,000. Ms. Speidel believes that they will be awarding the job to that contractor.

## **PUBLIC COMMENT**

Mr. Ebersole asked Ms. Speidel if there was additional information received from the Assessors in regards to the old Primary School concerning valuation.

Ms. Speidel replied that we were going to try to do an "In House" appraisal and it is still in process.

Troy Daniels spoke to the BOS and volunteered to become involved with PACC if the BOS were interested. He has experience in communications and was involved with a television program on Cape Cod.

The BOS welcomed the offer and will place this item on next weeks agenda.

**EXECUTIVE SESSION** Mr. Alonzo stated that the board will be going into Executive session citing 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 Town Manager's Employment Contract renewal.

Mr. Ebersole moved to go into Executive Session. Mr. Matthews seconded. Roll Call vote: Ebersole- Aye, Toale – Aye, Matthews – Aye, Bertram – Aye, Alonzo – Aye.

Regular Scheduled Meeting adjourned at 10:11PM

**UPCOMING MEETING SCHEDULE**

August 20, 2013

August 27, 2013 Work Session

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