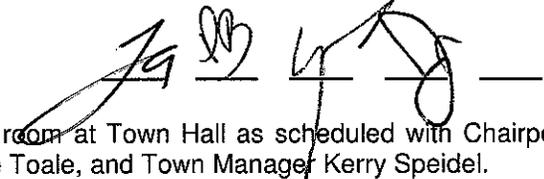


**BOARD OF SELECTMEN
MEETING MINUTES
12/17/2013**



The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Chairperson Tom Alonzo, Vice Chairperson Paula Bertram, Dave Matthews, Jamie Toale, and Town Manager Kerry Speidel.
Not present: Robert Ebersole

Regular Meeting opened at 7:01 PM

7:00PM PUBLIC COMMENT: Mr. Matthews read a written statement, which he had prepared, regarding the upcoming Special Town Meeting and Special Election concerning the proposed Middle/High School Building project. He reviewed the history and the course of which the School Building Committee has taken in order to get to where the project is right now. If this project does not move forward then repair costs to the existing buildings would be exorbitant and building a new facility is the most fiscally sound option. He reminded people that this is the only opportunity to have the MSBA work with Lunenburg on this project and urged all Townspeople to support this project.

Board members all spoke in support of Mr. Matthews statement and urged people to educate themselves as much as they could about the project before casting their votes.

ANNOUNCEMENTS

Board & Committee Vacancies: Mr. Alonzo announced that there are still vacancies on the Personnel Committee and on the Public Access Cable Committee (PACC).

APPOINTMENTS : None

CURRENT BUSINESS

1. Review & Approval Annual Business Licenses: Ms. Speidel presented the following licenses for approval as follows:

Weekday Entertainment License:

- | | | |
|---|----------------------------|---------------|
| • Blackhorse 2 d/b/a R.G. Scooters Inc. | 84 Lakefront Avenue | Lunenburg, MA |
| • American Graffiti | 113 Summer Street | Lunenburg, MA |
| • B & H Corp. d/b/a Mickey Sheas | 324 Electric Avenue Unit 4 | Lunenburg, MA |
| • The Bootlegger Restaurant | 50 Massachusetts Avenue | Lunenburg, MA |

Mr. Matthews moved to approve the Weekday Entertainment Licenses as presented. Ms. Bertram seconded.
On vote, motion carried, 4 in favor, 0 opposed.

Peddler's License:

- | | | |
|------------------------------------|-----------------|---------------|
| • Scott D. Lowe d/b/a Scott's Dogs | 579 Page Street | Lunenburg, MA |
|------------------------------------|-----------------|---------------|

Mr. Matthews moved to approve the Peddler's License as presented. Ms. Bertram seconded.
On vote, motion carried, 4 in favor, 0 opposed.

Limousine License:

- | | | |
|---|----------------|---------------|
| • 1 st Choice Limousine & Transportation Service | 555 Chase Road | Lunenburg, MA |
|---|----------------|---------------|

Ms. Bertram moved to approve the Limousine License as presented. Mr. Matthews seconded.
On vote, motion carried, 4 in favor, 0 opposed.

Common Victualler All Alcohol License:

- | | | |
|---|--------------------------|---------------|
| • American Graffiti Inc. | 113 Summer Street | Lunenburg, MA |
| • Asian Imperial Inc. d/b/a Asian Imperial Garden | 5 Electric Avenue | Lunenburg, MA |
| • R.N.D.C. Corp. d/b/a R.G. Scooters | 84 Lakefront Avenue | Lunenburg, MA |
| • Cosimi Corp. d/b/a The Bootlegger Restaurant | 50 Massachusetts Avenue | Lunenburg, MA |
| • Red Pepper Inc. d/b/a Ixtappa Mexican Cantina | 308 Massachusetts Avenue | Lunenburg, MA |

- Se-Flan Inc. d/b/a Sean Patrick's 494 Electric Avenue Lunenburg, MA
- B & H Corp. d/b/a Mickey Sheas 324 Electric Avenue Unit 4 Lunenburg, MA
- Melendez Magana d/b/a Darios 310 Massachusetts Avenue Lunenburg, MA

Mr. Matthews moved to approve the Common Victualler All Alcohol Licenses as presented. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed.

General on Premises All Alcohol License:

- 449 Corportation d/b/a Lakeview Club 449 Whalom Road Lunenburg, MA
- Mary L. Padula d/b/a The Harley House 909 Massachusetts Avenue Lunenburg, MA
- J. K. Waterfront d/b/a On the Rocks 96 Lakefront Avenue Lunenburg, MA
- Donald E. Lyons d/b/a Settler's Pub 994 Northfield Road Lunenburg, MA

Ms. Bertram moved to approve the General on Premises All Alcohol Licenses as presented. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

Common Victualler Wine & Malt Beverage License:

- PP Group LLC d/b/a Bangkok Hill 177 Massachusetts Avenue Lunenburg, MA

Ms. Bertram moved to approve the Common Victualler Wine & Malt License as presented. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

Retail Package Goods Store License:

- Victory Distributors d/b/a Hannaford Food & Drug 301 Massachusetts Avenue Lunenburg, MA
- Vasta Inc. 433 Electric Avenue Lunenburg, MA
- Elena's Gourmet Grocery Inc. 1 Main Street Lunenburg, MA

Mr. Matthews moved to approve the Retail Package Goods Store Licenses as presented. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed.

Retail Package Goods Store Wine & Malt Beverages License:

- Carol A. Baker & Henry A. Baker d/b/a Bakers Whalom Variety 423 Electric Avenue Lunenburg, MA
- Kahn Mohideen d/b/a Hadwen Park Market 1 Main Street Lunenburg, MA
- Genghis Inc. d/b/a Centre Pizza & Variety 1353 Massachusetts Avenue Lunenburg, MA
- Central Mass Garden Center 621 Chase Road Lunenburg, MA
- Honey Farms Inc. d/b/a Honey Farms Store #93 134 Leominster/Shirley Road Lunenburg, MA

Ms. Bertram moved to approve the Retail Package Goods Store Wine & Malt Beverages Licenses as presented. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

Ms. Speidel explained that Donnelly's Tavern located at 43 Summer St., Lunenburg, MA, has a Common Victualler All Alcohol License and a Weekday Entertainment License for which outstanding taxes have yet to be paid.

Letters were sent to all who owed any outstanding taxes or fees to the Town in November 2013 informing them of amounts owed and instructions on who to contact to correct their situations.

Ms. Speidel had spoken to Mr. Donnelly today and he indicated that he could not pay this today but would be able to pay on 12/30/2013. Mr. Donnelly understands that this is past the deadline and is asking the BOS for consideration due to the number of years that he has operated his business in Lunenburg.

Ms. Speidel said that she informed Mr. Donnelly that the BOS are very clear that they will not be issuing any conditional licenses.

After due and diligent discussion board members were all in agreement that these licenses would not be signed for Donnelly's Tavern until payment is received and the licenses will not be signed until the 1/7/2014 BOS meeting which will be held before the Special Town Meeting.

Ms. Bertram questioned if the business will remain closed until the establishment receives the signed licenses.

Ms. Speidel replied that the business would not need to remain closed, but the activities associated with these licenses will not be able to occur, which would make it difficult to operate this establishment, and essentially it would need to close.

2. IMA with Town of Townsend for Sale of Net Metering Credits: Miss Speidel explained that although Townsend has signed the IMA, this will be continued to a future Lunenburg BOS meeting until information from Unitil & Town Counsel is received. Date of meeting to be determined.

3. Amend Surrounding Communities Agreement with the Cordish Company: Ms. Speidel explained Lunenburg's involvement regarding the Surrounding Communities Agreement with the Cordish Company. Lunenburg, Townsend, Lancaster, and Westminster had entered into this agreement in October of 2013. The Towns of Bolton, Sterling and the City of Fitchburg did not enter into this agreement and chose to petition the Gaming Commission to secure Surrounding Community status. The Town of Bolton was granted Surrounding Community status by the Gaming Commission and Sterling and Fitchburg were denied.

The developer, Cordish Co., has proposed a Surrounding Community Agreement to Bolton which that Town is interested in accepting.

According to Town Counsel, Lunenburg for originally accepting the agreement in October, has "Favored Nation" status which means that the developer cannot enter into an agreement with another community which gives them better benefits than what Lunenburg is getting.

The agreement negotiated with Bolton provides the Town of Bolton with an annual fee of \$35k per year and the agreement with Lunenburg provides an annual payment of \$5k per year. It was determined that traffic impacts to Bolton via Rt. 117 will be significant. Attempts to negotiate a higher annual payment to Lunenburg were unsuccessful however the Cordish Co. has agreed to offer a one-time payment to Lunenburg of \$35k, plus the annual \$5k, to amend the agreement.

Mr. Alonzo spoke to say that after hearing this information, it seems fair, and by entering into the original agreement it gave Lunenburg the opportunity to be able to access funds through the Gaming Commission if unforeseen things/impacts should arise.

Ms. Bertram commented that she was concerned with the clause which states that no other community can receive a benefit higher than Lunenburg and the reality is that Bolton has. If they reach another agreement with another community, then say no we're not going to honor that, why would they have executed this agreement in the first place.

Mr. Alonzo explained that the Cordish Co. is asking the Town of Lunenburg for permission to do this and if Lunenburg does not sign this amendment tonight, Cordish Co. will have to go into arbitration with Bolton.

Ms. Speidel added that Bolton had proven their case for traffic impact which would cost \$35k. This is essentially a way for Lunenburg to accept a one-time payment of \$35k that we would not otherwise get. Although the developer is not obligated to enter into a Surrounding Communities agreement with Fitchburg or Sterling, they would if need be, but they would not receive anything more than what Lunenburg is receiving. There are no other communities outstanding at this point.

Mr. Toale moved to accept the modification to the Surrounding Communities Agreement with the Cordish Co. as written. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

4. Minutes/Warrants/Action File Issues

Minutes: 6/12/2012 - Ms. Speidel explained that these minutes were approved by the BOS but there wasn't a signed copy in the folder and the Town Clerk does not have these on the Town Website.

12/3/2013 12/10/2013

Warrants:

| | | |
|------------|-----------|--------------|
| 12/18/2013 | W# 32-14 | \$283,689.62 |
| 12/16/2013 | W# 13P-14 | \$709,894.92 |
| 12/17/2013 | W# 31-14 | \$708,655.67 |

Action File Issues: None

5. 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 – No Report

Capital Planning Committee – Mr. Toale reported that they will meet tomorrow to present their Prioritization plan to the Town Manager.

Ms. Bertram requested that a list of all Department requests be circulated to the BOS for comparison with the Capital Planning Committee's prioritization list.

Mr. Toale replied that everything on the list has been prioritized and whether a request makes the cut or not will be up for discussion.

Mr. Alonzo suggested that the BOS should discuss establishing a policy for what would qualify as a capital purchase.

Finance Committee – Mr. Toale reported that they will meet this Thursday where part of the meeting will be a Public Hearing regarding the Special Town Meeting Warrant.

Library Board of Trustees– No Report

MPO- No Report

Planning Board- Ms. Bertram reported that the meeting focused on the new Village Bylaw and MRPC came in to do a presentation. A lot of the work was delineated to what the Village boundaries would be & where the district would be established. MRPC had prepared a draft Bylaw for the Planning Board to review concerning what uses would be allowed by right. The main focus is to allow mixed uses and right now our Bylaw prohibits that.

Originally all of the School property was in the district and after discussion the consensus was to take it out of the district, and eventually come up with a Building Reuse Bylaw. MRPC provided a couple of sample Bylaws for the Planning Board to review and they are hopeful to be bringing these to Town Meeting in May.

Ms. Bertram stated that she had, as an individual and not as a member of the BOS, expressed concern with the Passios Building not being in the Village District because she wants it to be easy to repurpose that building should that become a reality.

There was a discussion on the school itself where Nathan Lockwood asked the Planning Board to support the project and ultimately they voted 3-2 in support.

Mr. Alonzo asked if there were any indication why the 2 no votes were voted that way.

Mr. Matthews replied that one gentleman was concerned with the cost to the taxpayers and the challenge in finding affordable housing in Lunenburg. The individual felt that we should forego the State money, do it ourselves through ongoing renovations without adhering to the current specs of the MSBA while not worrying about accreditation.

Mr. Matthews went on to say that he believed the other gentleman thought that people move to town, use the buildings, then move away and as a life long resident he did not think it was something people should be responsible for or rather people who have children in the schools should have to pay for these types of things.

Ms. Bertram added that the first individual believes that the High School can be renovated, can meet the standards, and that we can go back with a different plan.

PACC- No Report

School Committee- Mr. Matthews reported that at their last meeting they started the budget process concerning the non-personnel items. Each of the Principals along with Technology presented as well. They will be meeting tomorrow night where they will be voting on the findings of the Building Reuse Committee and if the Middle/High School is approved at Town Meeting they will vote on the Passios Building and the Brooks House as surplus. This will be pending a positive vote on the building project.

School Building Committee- Mr. Matthews reported that they will be presenting this Thursday to the Finance Committee and the public is invited.

Sewer Commission- No Report

MA Broadband- No Report

6.Town Manager Reports or Department Reports: No Report

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS: None

PUBLIC COMMENT

Mr. Alonzo announced that this is the last BOS meeting until the new year. They will be meeting briefly prior to the Special Town Meeting on 1/7/2014.

He then wished all a Merry Christmas, safe, healthy & happy New Year, reminded all about the Finance Committee Public Meeting this Thursday, and asked all residents to attend the Special Town Meeting and vote at the Town Election.

EXECUTIVE SESSION: None

Being no further business, Ms. Bertram moved to adjourn the meeting. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

Meeting adjourned at 7:46PM

UPCOMING MEETING SCHEDULE

January 7, 2014 – Special Town Meeting

January 14, 2014

January 21, 2014

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