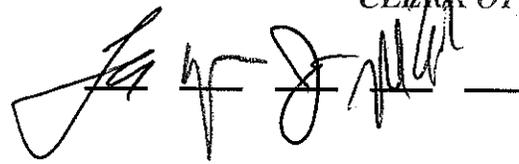


FEB 12 2014

LUNENBURG TOWN  
CLERK OFFICEBOARD OF SELECTMEN  
MEETING MINUTES  
2/4/2014


**6:00PM JOINT EXECUTIVE SESSION:** A. M.G.L. Chapter 30A, Section 21A (9), to discuss strategy with respect to collective bargaining or litigation if an open may have a detrimental effect on the government's bargaining or litigating position, and the Chair so declares. Joint Session with Planning Board and Conservation Commission to discuss O'Brien Homes Litigation. 2. M.G.L. Chapter 30A, Section 21A (6), to consider the purchase, exchange, lease or value of real property, if the Chair declares that an open session may have a detrimental effect on the negotiating position of the public body. Discussion of Lane Property.

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, Robert Ebersole, and Town Manager Kerry Speidel. Regular Meeting opened at 7:20 PM

**7:00PM PUBLIC COMMENT** - None

**ANNOUNCEMENTS**

Mr. Alonzo wished the City of Fitchburg a Happy 250<sup>th</sup> Anniversary.

Mr. Alonzo announced that the Boys & Girls Club will be having a fundraiser called "Are You Smarter Then a Sixth Grader" on 3/7/2014 and that they were looking for sponsors.

**APPOINTMENTS**

**7:00 PM Acknowledgement of Heroic Efforts of FF Austin Flagg:** Fire Chief Patrick Sullivan came before the board this evening to recognize FF Austin Flagg and David Spadafore for their heroic efforts on their attempts to rescue a victim of a house fire on 1/9 /2014. Although the victim ultimately succumbed to his injuries, FF Flagg's & Mr. Spadafore's efforts gave the victim the best possible chance for survival under the circumstances.

FF Austin Flagg & David Spadafore came forward, were recognized, and then thanked by the Fire Chief and the BOS.

**7:15 PM Report on Grant Application from Green Communities Task Force:** Chairperson of the Green Communities Task Force, David Blatt came before the board this evening to ask for approval and to review the completed grant application for a Five Year Energy Reduction Plan. Total project cost will be \$175,750.00 & grant funding will be \$154,510.00

Mr. Blatt's report included information on costs and proposed solutions to make Town buildings more energy efficient with items such as:

- LED Lighting replacements
- Insulation & Envelope Tightening
- Air Compressor Replacements
- Waste Oil Burner
- Feasibility Study to convert from Oil to Natural Gas
- VFD /drives for circulation pumps
- Datalogger to Test and Analyze present equipment

Other items that were clarified through discussion were as follows:

- Work on the outside of the Town Hall will be done first before insulating the building.
- The Vehicle idling policy will not include Police and Fire vehicles that are on duty or the DPW plow trucks.
- The Waste Oil Burner will not be available to the public and will be for municipal vehicle use only.

Mr. Ebersole moved to ratify the Grant Application from the Green Communities Task force. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

**CURRENT BUSINESS**

**1. Review & Approve Open Space Land Acquisition Criteria:** Sharon Jordan, Representative from the Open Space Advisory Committee & Conservation Commission came before the BOS to review and seek approval for the Open Space Land Acquisition Criteria. Ms. Jordan explained that the parcel of land must meet any 3 of the following 6 criteria to be considered of open space value for acquisition:

1. The size is 50 acres or more
2. It contains important natural core habitat resources, provides a wildlife corridor, and/or protects rare/endangered species

3. It contains important open space resources, such as meaningful public access and other factors consistent with our Open Space Plan and the management of open space
4. It supports the scenic natural landscape or community character
5. It is contiguous to existing, planned or potential open space parcels
6. It supports Lunenburg's agricultural viability

The criteria are of equal importance, and detailed data to support the determination will be analyzed by the Open Space Committee and the Conservation Commission. Parcels that meet less than 3 of the criteria would not be considered of open space value for funding acquisition by the town, although would be eligible for acceptance as a donation (gift).

Ms. Bertram moved to approve the Open Space Land Acquisition Criteria. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

**2. Review & Approve Conservation Land Valuation Criteria:** Sharon Jordon, Representing the Conservation Commission came before the BOS to review and seek approval for the Conservation Land Valuation Criteria. On occasion the Conservation Commission has an opportunity to accept or acquire land in Lunenburg. The Conservation Commission meets the regulatory responsibilities of the Commission to acquire, maintain, improve, protect and limit the future use of open land and water spaces for conservation. The Commission has developed the following criteria which parcels must meet to become of importance to the Commission:

1. Wetlands are present on the property or otherwise unprotected on a portion of the property
2. There are no dwellings on the property
3. It is contiguous or accessible to existing, planned or potential open space or conservation parcels
4. The acquisition will be gifted as a donation
5. The parcel may be of any size, but larger parcels are more highly valued
6. Prior uses support or do not preclude conservation goals

A parcel which meets all of the criteria will be of significant importance to the Commission. Parcels which meet a similar number may still be of interest, but would not be as highly valued. These criteria are equally weighed.

Items that were clarified through discussion were as follows:

- Conservation is currently working on other criteria which would address Chapter 61 and how to acquire that.
- Conservation should consider that all items within the criteria are equally weighed.

Ms. Speidel pointed out that any donations accepted under the criteria would need to be accepted by the BOS and a vote by the board would be appropriate here.

Mr. Matthews moved to endorse the Conservation Land Valuation Criteria. Mr. Ebersole seconded. On vote, motion carried, 5 in favor, 0 opposed.

**3. Accept Donation of Land for Conservation Purposes:** Sharon Jordon, Representing the Conservation Commission came before the BOS to ask their acceptance of the following parcels of land for conservation purposes.

- 801 Northfield Road
- 781 Page Street
- 30 Rennie Street

Ms. Jordon explained the following regarding all properties:

- Conservation criteria has been met on all
- Wetlands are present on all that are not otherwise protected
- All are donations to the Town
- There are no issues with prior use of any of the properties
- All are contiguous if not very close to existing open space/conservation land
- Tax information is in hand and Conservation is looking for an abatement to acquire them

Discussion: The approximate \$2600 in abatements does not pose a problem to the Town Manager's budget but due to the age of the tax delinquency on 781 Page St. the Town would need to apply to the Department of Revenue for abatement.

The abatement process would go through the Board of Assessors up until a certain time and then it would need to go to the State. Board members thanked the Conservation Committee for their efforts, and encouraged citizens who do not know about this process to donate land to the Town that meets the criteria.

Ms. Bertram moved to accept the donation of Land located at 801 Northfield Road, 781 Page Street, and 30 Rennie Street for Conservation purposes. Mr. Matthews seconded. On vote, vote motion carried, 5 in favor, 0 opposed.

**4. Update on Status of Eagle Heights Project, RCAP Solutions & JNJUHL:** Jonathan Juhl Representative from JNJUHL & Paul Teixeira Representative from RCAP Solutions came before the board to give a status report on the Eagle Heights Project. Mr. Juhl reported that they have been finding it difficult to procure funding but have been actively researching multiple financing sources for this project. Recently North Middlesex Savings Bank and along with an Insurance fund have shown interest in underwriting this project and they have been working with them over the last several months to get this done.

Over the next 6-8 months they will be working on applications for the State and Federal Historic Tax Credit, working with Mass Housing Partnership on the permanent financing, and working with Mass Development on the bonds. They hope to have this project completely funded sometime in the year 2015.

Discussion: Ms. Bertram asked for a specific list of concessions that they would be looking for from the Town. Although she supports this project she is concerned with how long the building has stood vacant, how long it will remain vacant, the value of the building decreasing and the fact that the Regional Assessor had stated that this project does not qualify for a PILOT (Payment in Lieu of Taxes). Concerns were raised regarding sewer concessions and that the residents who are currently paying sewer fees will also be paying for this connection. She was not sure that the board had previously given any concessions and before moving forward with this project would like all of this information finalized with the Assessor.

Mr. Juhl said that they should have all of the answers that they need from the different lenders later in this spring. The base minimum is that the building has to be donated to the project. Beyond that, it will not be full valued for taxes because it cannot support that.

Mr. Ebersole recommended that Mr. Juhl contact the Assessor for PILOT information as soon as possible and would like to have information concerning local preference for local senior citizens.

Mr. Juhl said that it would be 70% local preference.

Board members determined that the current agreement has expired and will not extend anything until more information is received.

**5. Open Warrant for Annual Town Meeting & Review Schedule:** Ms. Speidel reviewed the proposed schedule for the 2014 Annual Town Meeting with the board and stated that if the Warrant was opened this evening it would remain open until 4PM on 3/24/2014.

Ms. Bertram moved to open the warrant for Annual Town Meeting on 2/4/2014, and to close the warrant at 4PM on 3/24/2014.

Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

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

Minutes: 1/21/2014

Warrants:

3 <sup>rd</sup> Quarter Water Dept. Bills		
12/31 #33A14		\$1155.09
1/29 #40-14		\$532,341.60
1/27 #16-P14		\$627,320.08
2/4 #39-14		\$432,836.13

Action File Issues: Mr. Ebersole mentioned the Planning Boards Information Technology Platform by which they share plans among themselves. The developer submits plans electronically to a file and members can upload information from that. He would like to look into the possibility of being able to share this technology with other boards/departments. A gravel removal item came up at the Planning Board meeting and if the BOS had access to those plans they would have known about that sooner. We should have a discussion on how we share our information within the Town.

Ms. Bertram added there was a proposal regarding the removal of 50,000 cubic yards of gravel on Elmwood Rd. for a development of 6 residential homes and that would require an Earth Removal Permit, which the Planning Board may not have been aware of. The gravel would have been removed prior to the issuance of building permits. Should the Planning Board approve that plan it would have been endorsed, the project would have gone forward, and we would not have picked up on that. If these plans are made available online other Land Use Depts. and elected officials will be able to review them.

Ms. Speidel commented and said that she strongly advocates that the Land Use Departments are going to have to make the Selectmen aware of when that issue comes up.

Ms. Bertram added that there is a project on Whalom Rd. where there are Storm Water Structures being discussed that will require a great deal of maintenance and expense by the Town and the DPW Director was not aware of this. After he had done research and attended some meetings he said that these structures would need to be maintained by the developer.

There are 2 oversized storm receptors at the Elmwood Rd. project that will require vacuuming by Storm Water Vac. Trucks, at least 4 times a year, and it is unsure if the Town will be able to maintain these structures.

Ms. Bertram believes there is a disconnect with the sharing of this type of information and is concerned.

Mr. Alonzo said that he believes that the Town can develop a format where developers submit their proposals in a form that is shared. We should look to our IT Director on how to house this information and we should take steps towards this. Although his greater concern is who is getting notified, when in the whole Planning process are they being notified, and that its not the BOS responsibility to review a shared email to determine if an Earth Removal permit is necessary. We need to discuss with the Land Depts. and Tech meetings a check list for proposals that they receive. He would also like to have a meeting with the Land Use Depts. regarding this subject.

Ms. Speidel stated that somebody has to take the primary responsibility and we are at the point where we need a Senior Staff Person in Land Use.

Mr. Ebersole also mentioned the possibility of creating an Economic Development Committee for the Town.

Mr. Ebersole mentioned that he had attended the Mass Municipal Association meeting and while there he visited the Broadband booth. There are approximately 15 providers who are going to be able to utilize the Broadband line and give the service. It's up to each community to pick which firm to use. He requested that the process, for which we would recommend our buildings choose to pick from, be included on a future BOS agenda.

Mr. Alonzo spoke to say that he agrees and that this process should be left up to the IT Director and he should be invited to that meeting.

Ms. Speidel mentioned that she had discussed this with the IT Director, he has been researching this, and the pricing that he has seen is not better then what we are currently receiving from Comcast.

**7. Committee Report: Board of Health; Building Reuse Committee; Capital Planning Committee; Finance Committee; Library Board of Trustees; MPO; Planning Board; PACC; School Advisory Committee on Acceptance & Diversity; School Committee; School Building Committee; Sewer Commission; MA Broadband:**

Board of Health – No Report

Building Reuse Committee – No report but Mr. Ebersole asked if there was a plan for the future of this committee and requested that this be put on a future BOS agenda. Mr. Toale suggested that considering the school project is now moving forward, a discussion be held on what the skill sets be for members on this committee.

Capital Planning Committee – No Report

Finance Committee – Mr. Toale reported that this committee has worked out their schedule and will begin the process of meeting with department heads.

Library Board of Trustees– No Report

MPO- Ms. Bertram will not be attending next weeks meeting but will update MRPC (Montachusett Regional Planning Commission) on Chase Rd.

Planning Board- Ms. Bertram stated that we had already discussed under action files what went on at that meeting and added that the this board also discussed the following items at their meeting:

- Chief Marino talked about recommendations regarding marijuana clinics
- Highfield Village sewer allocation agreement, wetlands issues, and final approval dates
- Elmwood Rd. earth removal issues
- School Building Site Plan Review
- White Tail Crossing road acceptance for warrant at May Town Meeting
- 305 Leominster Shirley Rd/Force Corp site lines and pavement issues

PACC- Mr. Ebersole reported that PACC is going through Quorum, Open Meeting, Minutes and Leadership issues and this will be before the BOS at a later meeting.

Mr. Alonzo requested that a place holder be put on the warrant for Town Meeting for PACC Bylaw revisions.

School Advisory Committee on Acceptance & Diversity- Mr. Ebersole reported that this committee will be working with Fitchburg State University, free of charge, to develop research, surveys, & scorecards. This committee will end at the end of the school year.

School Committee- No report

School Building Committee- No report

Sewer Commission- Mr. Ebersole reported that this commission is almost done with the sewer plan for Highfield Village. Also noted was that the Sewer Commission has once again come up with a balanced budget.

MA Broadband- Discussed under Action files

**6. Town Manager Reports or Department Reports:**

\* **Q2 Financial Reports:** Ms. Speidel reported that the Town is in very good shape ending the second quarter and reviewed the report with the board as follows:

**Revenues**

Local Receipts

- We have collected \$6,590 more than the estimate of \$28,000 for Fines, majority due to motor vehicle infractions
- Local Option Meals Tax is trending higher than the estimate of \$66,625. Based on amounts collected to date we should exceed the estimate by approximately \$13k.
- We have collected 70.29% of the estimated amount for Licenses and Permits. Building Permits were issued for the solar farms on Chase Rd. & Pleasant St in the amount of \$77,862.55
- We have collected 70.29% of the Miscellaneous Non-Recurring Revenue estimate as of 12/31/13. Received was a \$99,000 zoning incentive payment for Tri-Town development & a payment in the amount of \$47,742.56 for the federal portion of the Feb. 2013 snow storm.

Taxes & State Aid

- At this time we have collected 47.72% of our Tax Levy and 49.45% of our State Aid estimate

**Expenditures**

- Injury Leave: This account is over expended by \$13k due to one officer on injury leave in FY14.
- Radio Watch: We have expended 75% of the appropriated amount for payroll as of 12/31/13 for Public Safety Building Coverage. If spending continues at this level there is a potential for a deficit of approximately \$15k.
- Weights & Measures: Based on expenditures to date there will be a deficit of approximated \$1k at year end due to purchase of new weights etc.
- Highway Overtime: As of 12/31/13 there is a balance of \$409.51 remaining in the overtime line. Based on actual expenditures to date there will be a deficit of approximately \$2k at year end.
- Snow Removal: The current deficit with open purchase orders is \$24k
- Veterans Benefits: Account is over expended by \$14k. As of 12/31/13 there are several open claims for benefits. If claims remain open through year end there is a potential for a deficit of approximately \$42k.
- Workers Compensation: There is a surplus in this account of \$2,523.
- Liability Insurance: There is a surplus in this account of \$17,049.
- Health Insurance: Due to changes in health insurance for retirees effective 1/1/14, there will be a surplus of approximately \$150k in this approximately \$150k in this appropriation.

**APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS:** None

**PUBLIC COMMENT**

Mr. Matthews commented to say that Senator Flanagan will be fighting to increase State Aid to the Towns. This year the Governor has decided to marginally increase Chapter 70 School funding while flat lining unrestricted government aid. He suggested that the BOS thank Senator Flanagan for her help.

Mr. Alonzo added that the Transportation Bond Bill had been added back into the State budget and hopes that this is dispersed to communities also.

Mr. Matthews acknowledged the sudden passing of Bob Meek-Laveck saying that he was involved with the Schools and his contributions will be a big loss for the Town.

Board members expressed their condolences to his family.

Being no further business Ms. Bertram moved to end the regularly scheduled meeting. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

Regular Scheduled Meeting adjourned at 9:41PM

**UPCOMING MEETING SCHEDULE**

February 11, 2014

February 18, 2014

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