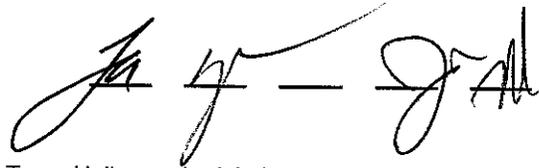


**BOARD OF SELECTMEN
MEETING MINUTES
3/11/2014**



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, & Town Manager Kerry Speidel.

Regular Meeting opened at 7:00 PM

ANNOUNCEMENTS

Mr. Alonzo thanked all who came out to support the Lunenburg Boys and Girls Club "Are You Smarter Than a 6th Grader" fundraiser and said that it was a successful event.

1. Committee Vacancies: Historical Commission: Mr. Alonzo announced that the Personnel Committee and the Historical Commission are looking for board members.

2. Citizens Party Caucus, Monday, 3/17/2013 at 7:00 p.m.: Mr. Alonzo announced the date and time of the Citizens Party Caucus and reviewed the offices that need to be filled this year.

7:00PM PUBLIC COMMENT – Troy Daniels, 94 Main St. read to the board a letter which he had written concerning his dismay of how the BOS along with Public Access Cable Commission (PACC) appointees have handled current and past alleged Open Meeting Law violations, to which he cited many. He also made mention of what he believes is a lack of transparency in the Town's government accusing a current BOS member of violating the "Conflict of Interest" law in a past Town issue concerning employee "bumping" of a relative and also added that a former BOS member had made a statement with reference to "getting rid of trouble makers". Mr. Daniels said that he was not seeking thanks for his volunteer time, would like for the BOS to do their job, and he will continue to complain about officials who persistently trample the rights of citizens and disrespect the law.

Ms. Bertram responded that she takes offense to Mr. Daniels statement concerning violating the "Conflict of Interest" law and explained that as soon as she had found out that there could be a conflict of interest with that item, she immediately recused herself from all discussions relative to that matter. She suggested to Mr. Daniels that he should check his facts before he makes accusations and said that to get things done you need to work together as a community and not blatantly attack people.

Mr. Ebersole spoke to say that Mr. Daniels is not the only person to notice Open Meeting Law violations and that he will be recommending that the BOS meet with the Park Commission, which is another board that has agenda and minutes issues. He went on to say that Lunenburg has a problem with how we operate, how we recognize volunteers, and how we comply with the law.

Mr. Matthews noted that concerning quorum issues with the PACC they appointed Mr. Daniels to that committee to help bring that board closer to a quorum. Immediately there were attacks to point out all the past and present issues with the PACC as opposed to any effort, on the part of Mr. Daniels, to move that committee forward. Currently the PACC doesn't exist and is being run by the BOS, which is entirely legal and we are looking forward to hearing from the Attorney General, and from the Secretary of State concerning the the election issues, and we'll see where this takes us. We will continue to serve this Town with transparency as best as we can, find fault where you can, but you will not dissuade us from serving this community.

Mr. Ebersole noted that it would have been impossible for Mr. Daniels to continue with the PACC with the violations that were going on. Although the PACC may have accomplished many things they did not adopt policies, have left us open for lawsuits, and for violations of the First Amendment and Discrimination Clauses.

Mr. Daniels spoke to say that his issue is not with the people who run the programming at PACC but rather with the committee. He went on to say that the Vice Chair was refusing to be sworn in and meetings were still be scheduled even after he told them they had no quorum and could not meet. He attempted to work with these people but they did not want to work with him.

Michelle Belleza, Director of the Boys & Girls Club of Lunenburg spoke to ask the board for their support in proclaiming March 23, 2014 to March 29, 2014 Boys & Girls Club Week.

Mr. Alonzo stated that they will not vote on it this week, but it will be placed on next weeks agenda for signing.

Ms. Belleza thanked the BOS and everyone in the community for all of their support.

APPOINTMENTS

7:00 PM – Request for BYOB, Kabob-E-Licious, 165 Mass Avenue: Tarrnum Williams owner of Kabob-E-Licious came before the board to request a BYOB permit. Ms. Williams has read the Lunenburg Policies & Procedures required for a BYOB permit and is TIPS certified.

Mr. Alonzo noted that the policies & procedures state that application for this permit shall be made at the time of the initial or renewal application. He believes that this Bylaw should be changed and that a business should be able to apply any time that a Common Victualler's license is in force.

Mr. Matthews moved to approve the request for the BYOB license. Ms. Bertram seconded.

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

CURRENT BUSINESS

1. Request for Voluntary Toll, Lion's Club, 5/17/2014, 8:00 AM- 2:00 PM, both locations: Ms. Bertram recused herself from this discussion because she is a member of the Lion's Club. There were no representatives present from the Lion's club present this evening so Mr. Alonzo explained that this request was for 5/17/2014 from 8AM – 2PM in the center of Town and at the intersection of Electric Avenue & Whalom Rd. This organization is aware of the safety procedures that are required to run a voluntary toll.

Mr. Ebersole moved to approve the request for a voluntary toll for the Lion's Club to be held on 5/17/2014, 8AM-2PM in the center of Town and at the intersection of Electric Avenue and Whalom Road. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed.

Mr. Matthews applauded the Lion's Club for the great work that they do in the community.

The School Department will be the entity to determine if a Lion's Club Bake Sale could be held on the school grounds on election day.

2. Request to Amend BOS Policies & Procedures, Section 2.07, Appointments of the Board of Selectmen: Mr. Ebersole proposed to the BOS that an addition to Section 2.07 Appointments of the Board of Selectmen's Policies and Procedures be as follows: "Upon the resignation of or end of term of office for appointees, the Board of Selectmen will send a letter of appreciation for the appointee's service. This shall not apply to appointees whose appointment was terminated by the Board".

Discussion ensued among the board members which included the following:

- Thank you's should be heartfelt, sincere and spontaneous and having language that enforces a thank you, devalues the thank you
- It should be the option of the board or the Chair as to who receives a thank you
- This request is more of a directive than a policy

Mr. Ebersole spoke to say that a letter of thanks will be sent to a member of a committee with violations and not to one who pointed out those violations. He went on to say that this is a directive, because we want to thank the volunteers who have worked and that he was very disappointed.

No action was taken by the board concerning this request.

3. Approve amendment to PEC Agreement; Distribution of Mitigation Fund: Ms. Speidel reviewed the amendment to the PEC agreement concerning the distribution of mitigation fund. The language submitted by PEC is as follows:

"The Town and the PEC agree to strike the language in paragraph 7 and paragraph 8 of the amendment dated May 14, 2013. The Town and the PEC agree that the Town, with the mitigation fund of \$51,406.00, will provide a premium holiday or a one-deduction premium reduction (based on the calculations) for subscribers enrolled in the Town of Lunenburg's health plans as of June 30, 2013."

Ms. Speidel explained that individual subscribers would receive a one time payment of \$88.60 and family subscribers would receive a one time payment of \$177.26. These payments will be distributed this fiscal year and after these payments are made, the fund will be exhausted, and there will no longer be a mitigation fund for this agreement.

Mr. Ebersole moved to approve the amendment to the revised PEC agreement; Distribution of Mitigation funds. Mr. Matthews seconded. On vote, motion carried, 5 in favor, 0 opposed.

4. Discussion of list of Legislative Priorities to forward to Legislative Delegation: Mr. Matthews had prepared a draft list of Legislative Priorities which will be forwarded to the Legislative Delegation. Board members discussed the following to be included:

- Discontinuing the deflection of lottery fund money
- Releasing any funds such as Chapter 90 funds which were allocated by the Governor
- Inclusion of the IT Bond Bill

Mr. Ebersole moved to authorize that Mr. Matthews complete the draft with the addition of the IT bond. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

Ms. Speidel added that the Special Education costs for FY14 in Lunenburg were \$2.2m and the Circuit Breaker payment is \$700k and she requested that this be added into the Legislative Priorities list.

5. Discussion regarding Peer Review of MS/HS Building Project: Mr. Matthews reported that the School Building Committee had met with several regulatory groups from Lunenburg and they discussed whether or not the school project needed to go through a plan review with the Planning Board or the Zoning Board of Appeals. At that meeting the Building Inspector noted that school projects are exempt from any plan reviews. Board members discussed the following concerns and thoughts concerning the Peer Review:

- The risk of paying an engineer to review the plans of the engineer that is already getting paid
- The project being too large to ask to have reviewed "Pro bono"
- If this is to be done then we would risk the possibility of establishing a debt
- Review the process which was followed for construction of the Primary School
- Obtaining opinion from Town Council concerning this matter
- Possibility of having the Planning Board or MRPC review the project
- The size of the roadway/driveway and its impact on the Passios Building concerning possible future business use

Mr. Alonzo requested that this item be carried again on next weeks agenda after Town Counsel's opinion is received and other information is gathered.

6. Status Update on Acquisition of Lane Property (Discussed out of order after 7PM Appointment) : Brandon Kibbe, Member of the Open Space Committee came before the board and reported the following concerning the acquisition of the Lane property:

- They are looking to purchase approximately 168 acres of land off of Holman Street
- This land will provide the only meaningful access to the existing Town forest land that is currently inaccessible by Town residents
- This is eligible for funding which will come from a State Grant program at a 62% reimbursement rate
- Total acquisition cost is capped at \$400k
- They have negotiated a Purchase & Sale price of \$3200 per acre or appraised value, or which ever is less
- They are currently finalizing the sale with the seller and are in the process of soliciting bids for appraisals
- All cost information will be final before this goes to Town Meeting

The board thanked Mr. Kibbe and the committee for their work on this project. This purchase will be decided at Town Meeting by the voters and the bulk of the purchase will come from State Grant funding.

7. Review /Discussion FY2015 Town Manager's Recommended Budget: Not discussed

8. Review/Discussion of Warrant Articles for Annual Town Meeting: Mr. Alonzo read the Warrant Articles for Annual Town Meeting as follows:

- Revolving Funds
- Prior Bills
- Union Contracts
- Stabilization Fund Transfer
- Capital Plan
- 3 Enterprise Funds
- Operating Budget
- Sewer Map Amendments/Extension
- Lane Property
- Amend PACC Bylaw
- Appropriation from Sale of Cemetery Lot Receipts
- Amendment of Zoning Bylaw Concerning Medical Marijuana Dispensaries
- School Transportation Fee
- Offset Accounts
- Monty Tech Stabilization Account
- Changes in Conservation Property
- Establishment of Conservation Revolving Fund

Ms. Bertram mentioned the Elmwood Rd. development regarding the earth removal permit. Article 9 Section 9 #12 of the General Town Bylaw basically exempts a project that is associated with a sub-division from an earth removal permit. The amount of gravel being removed from this project is significant (50,000 cubic yards) and is going to be sold for a profit which makes this a true earth removal project. Ms. Bertram would like clarification from Town Counsel regarding the wording of this Bylaw and placing this as an Article on the Warrant for Annual Town Meeting.

Ms. Speidel reminded all that the Warrant will remain open until 4PM on March 24, 2014.

9. Minutes/Warrants/Action File Issues

Minutes: 3/4/2014

<u>Warrants:</u>	W#19P-14	\$678,033.26
	W#46-14	\$370,788.15
	W#47-14	\$513,932.39

Action File Issues: A letter was received by a disabled citizen who is finding transportation to his place of employment difficult due to lack of public transportation in Lunenburg. He requested that the BOS investigate an extension of MART (Montachusett Regional Transit Authority) services for disabled persons.

Ms. Speidel will look into this matter further and Ms. Bertram will discuss this at the next MPO meeting with the MART representative.

Ms. Bertram mentioned that she could not find the Warrant on the Town website and would like all information concerning the Warrant posted for citizens to see. She would also like to see board members names corrected on the Selectmen's page and would like the link to the "2010" Selectmen's minutes removed from this page.

Board members discussed forming a committee to monitor the website for needed changes.

Ms. Speidel mentioned that one of the items in the FY15 budget is to restore hours to the IT department that had been cut over the years which has made it difficult to keep up with IT items such as the website.

Mr. Ebersole requested that the status of the gas station on Mass Ave be kept as an agenda item.

10. 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 – Mr. Toale reported that they have not met but asked for people with appropriate experience, who are interested in joining this committee to come forward.

Capital Planning Committee- Mr. Toale reported that this committee will be reporting at the Finance Committee meeting this Thursday.

Finance Committee – Mr. Toale reported that this committee will be meeting every Thursday evening to continue review of various Town budget items.

Library Board of Trustees– Mr. Ebersole reported that this committee is in the process of evaluating the Library Director and they are using a “360 Degree” review process.

MPO- No Report

Planning Board- Ms. Bertram reported that this board discussed the following:

- Marijuana Bylaw along with components relating to it
- PDF Media Distribution
- Storm water management costs
- Scheduling of a meeting between the BOS and this committee before their next public hearing
- Acceptance of public road at White Tail Crossing

PACC- No Report

School Advisory Committee on Acceptance & Diversity- Mr. Ebersole reported that this committee is meeting twice monthly until May and have discussed additional training costs. They also have been working on a summary which reads “To encourage and elicit socially responsible behavior that reflects acceptance of all people.”

School Committee- Mr. Matthews reported that this committee met last week and discussed budget line transfers. Their televised Budget Hearing is scheduled for 4/2/2014.

School Building Committee- Mr. Matthews reported the following:

- Building bid packages will be going out in September
- Construction on upgrading the field in front of the Passios building will begin in July
- Construction behind the school to begin after field is complete

Sewer Commission – Mr. Ebersole reported that this commission is meeting this evening and they are discussing:

- Infiltration & Inflow reduction
- Looking at the Whalom area which has some of the oldest pipes
- Place holders in the Warrant for Sunset and possibly Rennie St.

MA Broadband- Mr. Alonzo reported that he along with the IT Director participated in a conference call with MA Broadband concerning the high cost of connection. He asked them to review the numbers and to also provide the wholesale prices which are being offered.

11. Town Manager Reports or Department Reports: Ms. Speidel reported that in regards to “snow & ice” the DPW has suspended the free sand & salt program, which was available to the public, because the supply has run very low. Appropriation for the current fiscal year is \$250,500, to date we have expended \$340,687, and we have another \$120,712 of expenses which have not yet been incurred. This is of concern and Ms. Speidel does not believe that there will be money left in the current appropriation to pay for the overage. There is certified free cash that is available in FY15 and she would like to put a place holder on the warrant for a FY14 budget adjustment.

Mr. Toale asked if this would affect the Sand for Seniors program which is a collaborative effort between the Council on Aging and Fire Department.

Ms. Speidel replied that we will try to cover hardship cases but the suspension is meant to cover all of the materials we give out free of charge.

Board members discussed establishing guidelines for public sand pick up but would like to continue the program for senior citizens.

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS: None

PUBLIC COMMENT:

Mr. Ebersole would like copies of Talent Bank forms in the BOS packets for review.

Ms. Speidel said that they will be provided prior to upcoming interviews.

Mr. Ebersole mentioned that he had received an email from a Town citizen who was having difficulty contacting the Park Department to reserve field time for soccer games for the upcoming season. After looking into this it was discovered the Park Department has not been meeting on a regular basis and although this department comes under the DPW, there is a problem with finding out who is responsible for which property. He would like clarification on who is in charge of the Track & Field and which department (DPW, Park Dept. or Schools) will be taking care of the fields in the future. He is concerned that the citizens are not being served with the taxes that they pay.

Ms. Speidel stated that she believes that the Park Dept. intended for the track and field to be turned over to the Town, she does not believe that it was, and will investigate this further. She added that the Parks Dept. schedules the fields and the DPW maintains them.

Mr. Alonzo added that this has been an issue for a while now and that we need to resolve this.

Ms. Bertram spoke to say that she would like to know more about how the fees are collected and what the fees are used for.

Mr. Ebersole also said that if the Parks Dept. has been meeting with out an agenda or minutes then they would be violating the Open Meeting Law.

The BOS will schedule a work shop meeting with the Park Dept., School Dept, & DPW to discuss these concerns.

Mr. Daniels spoke again his concerns about the Open Meeting Law complaint regarding PACC. He said that the complaint had gone to the board in question and has not gone anywhere since. He asked Mr. Matthews to comment on his previous statement that the PACC does not exist anymore.

Mr. Matthews replied that the BOS had a public meeting and at that meeting it was established that the PACC did not have a quorum and without one they cannot operate legally, so they would cease to function, and their duties would fall back to the BOS. The goal of this board is to "reboot" the PACC.

Mr. Alonzo added that the BOS did not "dis-appoint" anybody, 2 people have resigned and one person's resignation is in question.

Ms. Speidel spoke to clarify that the person in question, of whether or not she has resigned, has not made a decision on that yet, and she has the right to decide on whether she resigns or not. She also did not refuse to be sworn into office.

Mr. Daniels responded that he disagrees with that and he has it in writing.

Mr. Alonzo added that the current state of this situation is that whatever members are remaining, there is not a quorum, this board has decided that we would not appoint anybody until such time that the proposed amendment to the PACC Bylaw has been approved by Town Meeting.

Mr. Daniels stated that the violations have to stop, that's the goal.

Ms. Bertram spoke to say that if the question is whether or not the violations would continue she would have to say no. Errors did occur but this was a group of individuals who were trying to do the best they could but they made mistakes. She went on to say that she does not believe that this will continue once the BOS have addressed these issues. The goal is to have these issues corrected.

Being no further business Ms. Bertram moved to end the regular scheduled meeting. Mr. Matthews seconded.

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

Regular Scheduled Meeting adjourned at 8:55PM

UPCOMING MEETING SCHEDULE

March 18, 2014

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