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LUNENBURG TOWN CLERK OFFICE

BOARD OF SELECTMEN MEETING MINUTES

4/1/2014

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

7:00PM PUBLIC COMMENT None

ANNOUNCEMENTS

Mr. Alonzo announced that Loxi Calmes, School Superintendent has announced that 4/2/2014 is World Autism Awareness Day and requested that all should wear the color blue to show their support for students with Autism.

Mr. Alonzo thanked and applauded the Lunenburg Public Library for their recent Scandinavian Singing Group performance.

APPOINTMENTS

7:00 PM – Pedlar's License for Stephen Gravelle d/b/a Vivant Solar: Stephen Gravelle, representing Vivant Solar, came before the board to request a Pedlar's License to enable him to go door to door in Lunenburg to inform residents about the Massachusetts Green Community Act. Mr. Gravelle will be doing this Monday – Saturday between the hours of 10AM-6PM.

Ms. Bertram moved to approve the Pedlar's License for Stephen Gravelle d/b/a Vivant Solar. Mr. Ebersole seconded.

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

CURRENT BUSINESS

1. Order 2014 Annual Town Meeting Warrant: Ordering was previously done. Board reviewed order under Item 5 in Current Business.

2. Review & Approve Purchase & Sale Agreement; Lane Property (taken out of order after 7PM appt.): Brandon Kibbe representing the Open Space Acquisition Advisory Committee came before the board to seek approval for the Purchase & Sale Agreement for the Lane Property and gave a brief review/history of this item which touched on the following:

- Purchase & Sales Agreement has been finalized and is ready to sign
- This property will provide meaningful public access to the existing Town Forest which will create a 450 acre block of Conservation Land
- A Land Grant from the State will be applied for with a reimbursement rate to the Town of 64% or \$400k (which ever comes first) for expenditures
- Vote at Annual Town Meeting will be contingent upon the success of the Land Grant application
- Earliest closing date on this property would be between December 31, 2014 and February 15, 2015
- Project has met 5 out of 6 of the required criteria for acquisition
- Site visits on this property are scheduled for April 19th and April 26th at 10AM

Ms. Speidel pointed out that here has been one change made to the Purchase & Sale agreement on page 7, section 20, which all parties have agreed to. Paragraph (a) had been previously eliminated but has been reinserted with a change of verbage which reads: "BUYER and Seller agree that upon the consummation of the Closing, BUYER will be acquiring the Premises in its "AS IS" condition, except as expressly provided in this agreement, with all faults, if any, and without any warranty, express or implied, except as set forth herein."

Ms. Bertram was excused from the remainder of the meeting at this time.

The board commended and thanked Mr. Kibbe, the Lane Family, and all who were in involved in this project.

Mr. Matthews moved to approve the Purchase and Sale Agreement for the Lane Property located on Holman Street.

Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed.

3. Review/Recommend PACC Bylaw Amendment: Mr. Toale recused himself from this discussion.

The board reviewed the changes to the PACC Bylaw as follows:

- **Article 3. Office:** Discussion on whether or not to remove this article or renumber the Bylaws, no decision.
- **Article 2. Mission Statement** - Addition of "The PACC shall be responsible for the formulation and promulgation of policy directives and guidelines for the operation of the PACC; provided, however, that nothing in this section shall be construed to authorize any member of the PACC, nor a majority of such members, to become involved in the day-to-day administration of the Lunenburg Public Access Television
- **Article 4. Membership**
Section 1. Number of Members - Change membership from 7 to 5.

Mr. Ebersole mentioned that he believes that students would be more interested in working with the staff at the PACC rather than being a board member.

Section 8. Vacancies - Change to "Vacancies shall be filled by the Board of Selectmen."

Mr. Alonzo stated that PACC could make recommendations to the BOS for appointment.

• **Article 5. Meetings**

Section 1. Regular Meetings – Change to Regular meetings will be held as determined by the PACC with the time and place to be posted at Town Hall.

Section 4. Open Meeting Law – Strike the word "the" before Chapter 39.

Change the last sentence to read "The meeting agenda shall be posted in accordance with the Massachusetts Open Meeting Law and all other applicable Town Bylaws".

Section 5. Quorum – Change first sentence to "The presence of a simple majority of the total membership (as defined in Article 4 Section 1) shall be necessary and sufficient to constitute a quorum."

Strike the last sentence "Votes shall be cast only by members in attendance".

• **Article 6. Officers**

Section 3. Terms of Office – Strike "except as it pertains to the Term Limits Policy."

Section 4. Vacancy – Strike "with the approval of the Lunenburg Board of Selectmen."

Section 5. Duties of Officers – Change last sentence to read "He/ She shall post the meeting agenda in accordance with the Massachusetts Open Meeting Law and all other applicable Town Bylaws".

• **Article 7. Amendments**- Change 5th sentence to read "It will then be sent to the Lunenburg Board of Selectmen for approval, and if so approved, for insertion in the warrant and be submitted to the next Town Meeting for approval."

• **Article 8. Staff** – Strike "PACC shall appoint or hire staff, as is necessary, to meet programming, content and/or operational requirements. All appointments and/ or hires shall be approved by a majority of PACC prior to service being executed." New language to read "The Town Manager shall appoint or hire staff as is necessary, to meet programming, content and/ or operational requirements. The Town Manager will consult with the PACC and Program Director for their input prior to making such appointments."

• **Article 9. Other Provisions**

Section 2. Possible Conflict – Change to read "If any part of these Bylaws are in conflict with Town Bylaws, those of the Town shall have preference.

Section 3. Annual Budget – Change 2nd sentence to read "It shall be due when all other Town Department budgets are required to be submitted to the Town Manager either by request and/ or Charter requirement.

Mr. Matthews moved for the BOS to recommend approval at Town Meeting based on the discussion and changes made at the 4/1/2014 BOS meeting. Mr. Ebersole seconded. On vote, motion carried, 3 in favor, 0 opposed, 1 recused (Toale).

4. Review/Discussion FY2015 Town Manager's Recommended Budget: Ms. Speidel reviewed her recommended budget with the board which included the following:

• FY2015 Projected Revenues	\$32,047,625
• Projected Revenues	\$ 713,456
• FY2015 Projected Expenses	\$31,931,525
• FY2015 Proposed Budget	\$ 116,100

Ms. Speidel noted that there is a one time charge in the Monty Tech Assessment of \$49,244 which might be able to be covered in FY2014 with a free cash supplemental appropriation, if the board so chooses.

Above Target Requests:

1. Purchase of Lane property, est. of local share is \$230k	
10 – year acquisition cost (per year)	\$ 27,025.00
5 – year acquisition cost (per year)	\$ 50,625.00
2. Pavement Management Plan	\$800,000.00
3. Lunenburg Public Schools	\$450,250.00
4. Police Department, 3 Officers	\$210,000.00
Employee benefits	\$ 41,839.00
5. Fire Department, 24/7 coverage w/ per diem	\$210,000.00
6. Land Use Director increase in salary** (reduce Legal Services)	\$ 12,500.00
7. Street Sweeper	\$180,000.00

Ms. Speidel stated that she was successful in putting this budget together because there was a 0% increase in health insurance, followed by a less than 1% increase last year. She would recommend against funding for any new positions in the budget because it is not assured that it can be sustainable at this point in time.

Discussion ensued among the board members with reference to:

- BOS feel that all requests are valid
- The \$116,100 is not sustainable and the BOS would like to spend as little of it as possible
- BOS Support for purchasing of the Lane Property
- BOS Support for paying a competitive salary for a Land Use Director

- Possibility of using monies obtained from fines/fees through the Police Dept. budget to fund positions
- Placing the \$116,100 into the Reserve Fund and revisiting requests at the Fall Special Town Meeting
- BOS will wait for Finance Committee recommendations before making final decision

Ms. Speidel reviewed the projected debt service for the school building project. This is not yet included in this budget. She distributed two documents to the board, one entitled Maintain Bank Qualifications State House Notes, the other called Maintain Bank Qualifications.

Bank Qualification means any year that the Town issues \$10m worth of debt or less we are able to maintain bank qualification. By maintaining bank qualification we are issuing tax exempt notes. Once we go over \$10m we are issuing taxable notes. One way that we keep our costs as low as possible is to split the borrowing into \$10m or less chunks. We are able to do this in this project based on the cash flow analysis in each year except for FY2016.

State House Notes is a mechanism through the Dept. of Revenue to issue debt. If we are at \$3m or less we can be competitive in the State House Note program or we can go through the traditional financing method. The difference is that if we go through the State House Notes program our expenses are a little bit less. Ideally we will be using State House Notes to keep costs as low as possible but this decision will be made by the BOS at a later date.

Maintain Bank Qualifications State House Notes Estimated Tax Impacts:

FY2015	\$36.43
FY2016	\$146.83
FY2017	\$457.92
FY2018	\$487.79

Maintain Bank Qualifications Estimated Tax Impacts:

FY2015	\$42.92
FY2016	\$218.05
FY2017	\$458.69
FY2018	\$477.50

5. Review/Discussion Recommendations of Warrant Articles for Annual Town Meeting: Ms. Speidel read the following Warrant Articles in their entirety for board recommendations:

Consent Calendar/Revolving Funds:

- Article 1. Ambulance Revolving Fund**
- Article 2. Timber Rights Revolving Fund**
- Article 3. Custodial Special Detail Revolving Fund**
- Article 4. Green Thumb Revolving Fund**
- Article 5. Library Revolving Fund**
- Article 6. MART Revolving Fund**

Mr. Ebersole moved for BOS to recommend approval on Articles 1 through 6. Mr. Matthews seconded. On vote motion carried, 4 in favor 0 opposed.

Article 7. Hear Reports : Discussion-No schedule for this as of tonight's meeting

Article 8. Prior Year Bills: Discussion - No prior year bills are expected to be put forward at Annual Town Meeting

Article 9. FY14 Budget Amendment: Discussion - To be discussed at next BOS meeting

Collective Bargaining Agreements:

- Article 10. CBA, Firefighter's Union**
- Article 11. CBA, DPW Laborer's Union**
- Article 12. CBA, Middle Manager's Union**
- Article 13. CBA, AFSCME Municipal Employees Union**

Discussion: Town Manager recommends hold on Articles 10 – 13 due to no agreements having been reached as of tonight's meeting.

Article 14. FY2015 Capital Plan: Discussion -Hold to be discussed under Item 4 of Current Business

Article 15. FY2015 Solid Waste Disposal Program Enterprise Fund: Mr. Matthews moved for BOS to recommend approval. Mr. Ebersole seconded. On vote, motion carried, 4 in favor, 0 opposed

Article 16. FY2015 Lunenburg Water Department/Enterprise Fund: Mr. Ebersole moved for BOS to recommend approval. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed

Article 17. FY2015 Lunenburg Sewer Department/Enterprise Fund : Discussion - Hold until further review by the BOS

Article 18. FY2015 Operating Budget: Discussion - Hold to be discussed under Item 4 of Current Business

Article 19. Stabilization Fund: Mr. Matthews moved for BOS to recommend approval. Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed

Article 20. Amend Sewer Service Map: Mr. Ebersole moved for BOS to recommend approval. Mr. Matthews seconded. On vote, motion carried, 4 in favor, 0 opposed

Article 21. Sewer Construction Project: Discussion-Hold pending further information from the Sewer Commission

Article 22. Purchase of Land, Lane Property: Discussion-Ms. Speidel recommended that short term financing be procured on this project through FY15 and then after grant funding has been received procure permanent financing in FY16. Going forward the BOS will determine what the term of the financing will be and will need to include it into the Capital Plan.

Mr. Ebersole moved for BOS to recommend approval. Mr. Matthews seconded.

Discussion: Mr. Toale questioned whether or not we should make this decision now or wait until we have the budget discussion.

Mr. Alonzo stated that he is willing to vote on this now outside of the budget.

Mr. Matthews said that he would like to have the financing term finalized before Annual Town Meeting

Motion on the floor was for BOS approval. On vote, motion carried, 4 in favor, 0 opposed

Article 23. Amend PACC Bylaw: Hold to be discussed under Item 3 of Current Business

Article 24. Appropriation from Sale of Cemetery Lots Receipts: Discussion- Hold until next BOS meeting pending further information from the Finance Committee.

Article 25. Amend Zoning Bylaw, Medical Marijuana: Discussion- Schedule the Planning Board to present their final information at the 4/22/2014 BOS meeting.

Mr. Ebersole moved for BOS to make recommendation at Annual Town Meeting. Mr. Matthews seconded.

On vote motion carried 4 in favor, 0 opposed.

Article 26. Authorize/Establish School Transportation Fee Offset Account: Discussion – Hold until further information is received concerning Offset Receipt Accounts from Finance Committee and Town Accountant.

Article 27. Authorize Establishment of Monty Tech Stabilization Fund: Discussion- Hold pending further information from Barbara Reynolds, Lunenburg's Monty Tech School Committee Representative.

Article 28. Right to Farm Bylaw: Discussion: Hold pending further review by the BOS and further discussion from the Agricultural Commission with the BOS.

Article 29. Road Acceptance, White Tail Crossing: Discussion – Hold until Public Hearing is set for discussion with the BOS at end of month.

Article 30. Approval of Administrative Reorganization: Discussion – Hold until written proposal is received from Town Manager at a future BOS meeting.

Article 31. By Petition: Vote to accept MGL Chapter 138, Section 12, relative to sale of liquors: Discussion – Hold pending further review by the BOS.

6. Minutes/Warrants/Action File Issues

Minutes: None

<u>Warrants:</u>	4/1/2014	W#49-14	\$229,723.45
	3/24/2014	W#50-14	\$262,188.04
	4/2/2104	W#51-14	\$25,547.68
	4/3/2014	W#51-A14	\$51,405.40
	3/27/2014	W#20P-14	\$622,537.62

Action File Issues: Mr. Matthews requested that another meeting be set between the BOS and the Planning Board regarding standardizing drainage systems for developments in town.

Mr. Ebersole requested that BOS Goals reviews be put on the agenda and asked for a status update on the Secretary of States investigation.

Mr. Alonzo asked that the Town Manager Review/Evaluation sheets be distributed to the board at the next meeting.

5. 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 their next meeting will be on 4/7/2014. This board currently has 8 out of the 9 members, they will make a proposal for a citizen at large and are still looking for people with the appropriate background to join this committee.

Capital Planning Committee- No Report

Finance Committee – Mr. Toale reported that they will meet this Thursday evening.

Library Board of Trustees- Mr. Ebersole reported that this board has reported that their utilization is same and stable and their budget has met the standards for the State. Also noted was that they are still purchasing books but eBooks seem to be trending.

MPO- No Report

Planning Board- Mr. Alonzo reported that this boards Public Hearing concerning Medical Marijuana Bylaws was continued to 4/14/2014.

PACC- No Report

School Advisory Committee on Acceptance & Diversity- Mr. Ebersole reported that the School Committee had asked for an estimated figure of what the SACAD would need to accomplish their goals. The sum presented was up to \$30k and it is hoped that most of that would come from grants and donations with the possibility of utilizing some of the school budget based on available funds.

School Committee- Mr. Matthews reported that they will be meeting tomorrow evening for their Budget Hearing.

School Building Committee- No Report

Sewer Commission – Mr. Ebersole reported that inspections have begun on properties that are connected to sewer starting with infiltration and inflow process. Weston & Sampson will be used to inspect the homes to make sure that there are no sump pumps on the property draining into the sewers and the DPW will help with this also. This commission will be meeting with the Board of Health concerning assisting people with failing septic systems outside of the sewer district. There will be 1 vacancy on the commission, nobody was nominated at the caucus, and nobody has taken out papers which could create an opportunity for a "write in" to fill this vacancy.

MA Broadband- Mr. Alonzo will contact Ma Broadband about the pricing issue.

6.Town Manager Reports or Department Reports: PNo Report

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS: None

PUBLIC COMMENT:

ADJOURNMENT: 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 9:10PM

UPCOMING MEETING SCHEDULE

April 8, 2014

April 15, 2014

April 22, 2014

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