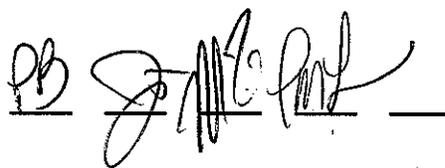


**BOARD OF SELECTMEN
MEETING MINUTES
9/9/2014**



The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Vice Chair Paula Bertram, Jamie Toale, Robert Ebersole, Phyllis Luck & Town Manager Kerry Speidel.
Absent was Chairperson Tom Alonzo
Regular Meeting opened at 7:00PM

7:00PM PUBLIC COMMENT: Ms. Luck mentioned that there will be a meeting of "Stop the Pipeline" in Bolton this coming Thursday.

Ms. Luck reminded all of the Lunenburg Turkey Hill Family Lions Club Pancake Breakfast to be held in the morning at the senior center. Ms. Luck mentioned that she had gone to the Lunenburg Farmer's Market and thought it was great. Ms. Luck thanked the LSIC (Lake Shirley Improvement Committee) for their continuous posting/updates regarding the water issues at Lake Shirley. The lake continues to be tested weekly and the last test showed that the bacteria count is now at 410,000 parts per milliliter, which is not good, and it is still imperative to avoid contact with the water in the lake.

Dave Rodgers and David Berthiaume, representing the Lunenburg Turkey Hill Family Lions Club, informed the board and the public that Lunenburg Food Pantry is in need of donations. 75 families were fed in July and 85 families were fed in August. If donors wish, they can purchase gift cards from local grocery stores so that Mr. Berthiaume can purchase what is necessary for the pantry. The Lion's also prepare food baskets at Thanksgiving for those who are in need. Ms. Bertram thanked Mr. Rodgers and Mr. Berthiaume for all of their efforts with this cause.

ANNOUNCEMENTS: None

APPOINTMENTS

7:00 PM Joint meeting with Planning Board to consider ratification of Town Manager's appointment of Land Use Director: The Planning Board opened their joint meeting with the BOS and present were Joanna Bilotta Simeone, Ken Chenis, & Nathan Lockwood. Ms. Speidel stated that the request before both boards this evening is to ratify the Town Manager's appointment of Adam R. Burney to Land Use Director. She gave a synopsis of the search process and how this position was developed. If approved, this appointment will become effective on 9/19/2014.

Ms. Bilotta Simeone spoke and thanked all who had applied and said that she was very excited about this appointment.

Mr. Toale moved to ratify the Town Manager's appointment of Adam R. Burney to the Land Use Director position.

Mr. Ebersole seconded. On vote, motion carried, 7 in favor, 0 opposed.

Mr. Burney spoke to thank everyone for the appointment and stated that he is thrilled to be here.

7:30PM Hearing on Alcoholic Beverages License #063600031, JK Waterfront d/b/a On the Rocks, 96 Lakefront Avenue, for alleged violation of 204 CMR §2.01 (2), [permitting any disorder, disturbance or illegality of any kind in or on the licensed premises]; Section 1.04 (a) of the License Regulations of the Lunenburg License Commission [operating and allowing drinks to be consumed after mandatory closing hour]; and Section 1.10 (d) of the Regulations [consumption of alcoholic beverages on licensed premises by manager or employee]. Ms. Bertram read the hearing notice into record and all parties, Officer Ayles, Ken Ricker, and Sarah Henry were duly sworn in.

Officer Ayles testified that on Saturday May 31, 2014 at approximately 2:20AM he observed lights on in the establishment and saw 2 males seated at the bar and a female cleaning behind the bar. He also observed what appeared to be a beer bottle on the counter in front of one of the males. Officer Ayles was allowed entrance to the establishment by the doorman and as he entered he observed the second male party push the bottle from in front of him, to the back side of the bar top and moved a Keno ticket holder in front of it in an attempt to hide it. Officer Ayles questioned the person who identified himself as Kevin Sullivan and as an employee of the establishment. Mr. Sullivan said that he had just finished work and was having his first beer of the night. Officer Ayles stated that Mr. Sullivan's smelled strongly of alcohol, his eyes were bloodshot, and he was speaking in an argumentative manner with him. Officer Ayles asked the female (bartender) if she knew there was a person there still consuming alcohol and after hesitating admitted that she knew he was there and drinking a beer. Officer Ayles advised Mr. Sullivan that he would be filing a report and told the bartender to remove the bottle, finish cleaning, and make sure they exit the building as soon as they were done.

Mr. Ricker testified that there are cameras in this establishment and according to the cameras it was 2:02AM. He confirmed that Kevin Sullivan & Sarah Henry were working that evening and according to the cameras they had everyone out of the building by 1:40AM, which is the time that clean up began and usually ends between 2-2:30AM. He stated that it is not uncommon for employees to have an "after work" beer when all customers have left and according to the cameras it was 2-2:02AM and Mr. Sullivan still had a beer. He said that Mr. Sullivan and Ms. Henry called him immediately after the incident and that Ms. Henry had told him that Mr. Sullivan was not drinking during working hours. Mr. Ricker then said that the cameras were on Mr. Sullivan while he was working the door and did not show that he was drinking.

Ms. Luck mentioned that employees are not allowed to drink on the premises while they are working and Mr. Sullivan was there as an employee and not as a patron. She also reminded Mr. Ricker that he had previously mentioned that the employees have a beer after work and she stated that regulations state that you cannot do that and it is illegal to do so.

Mr. Ricker stated that he was not aware of that.

Ms. Bertram spoke to clarify the regulation which states "No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour".

Mr. Ricker replied that he understands and if that is the case they will not be doing it anymore.

Ms. Bertram pointed out that this is the first time Mr. Ricker has been before the BOS but there have been two additional actions against this establishment by the ABCC (Alcohol Beverages Control Commission) in the past.

Ms. Bertram asked if there were any other statements or discussions that anyone would like to bring forth.

There was no more discussion.

Mr. Ebersole moved to close the hearing at 7:50PM. Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed.

Discussion for the purpose of deliberation was then opened to the board.

Ms. Bertram reviewed the Town's Regulations recommendations of discipline which may be applied if the board so chooses as follows:

1. First offense warning to 7 days suspension
2. Second offense warning to 21 days suspension
3. Third offense warning to revocation

Only offenses which have occurred within the 2 years preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines. The sentencing guidelines are only a guide. The licensing authority may use its discretion in determining on whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines. The sentencing guidelines shall not be construed so as to limit the licensing authority's authority to consider alternative dispositions or further conditions on a license or even alternate penalties (i.e. roll back of operating hours).

After due diligent discussion among the board members concerning past offenses with the ABCC it was determined that a warning and employee training on the rules and regulations regarding this license was sufficient.

Mr. Ebersole moved that the Board of Selectmen issue a warning to JK Waterfront, Inc., d/b/a "On the Rocks" and ask that the license holder provide training to the employees, then report back to the Board of Selectmen when completed. Mr. Toale seconded.

Discussion: Ms. Bertram commented to say that she agrees with the motion but wants to make clear that if there is a second offense she would look for a minimum of a 2 day suspension.

On vote, motion carried, 4 in favor, 0 opposed.

Ms. Speidel requested that the board, as the licensing commission, direct her to send a letter to all of the license holders reminding them of the local regulations.

Mr. Toale moved to authorize the Town Manager's request. Ms. Luck seconded. On vote, motion carried, 4 in favor, 0 opposed.

CURRENT BUSINESS

1. Update on Municipal Electric Aggregation Plan, Colonial Power Group: Brian Murphy, representative from the Colonial Power Group came before the board to give an update concerning the municipal aggregation plan. He explained that there will be large rate hikes coming this winter and they recommend that the Town execute a 1 year contract which would mitigate the increase. Mr. Murphy expects the increases to be somewhere above .13 cents per kilowatt hour. Currently the market is so volatile that prices change constantly daily. We are working with the Town Manager to try to get the best rate for the residents.

Ms. Bertram questioned how the residents will know what our rate would be vs. what Unital's would be.

Mr. Murphy replied that the Town's rate will be on their bill but the consumer will need investigate, on their own, what Unital's rate will be.

Mr. Murphy believes that the rate that Colonial Power will bring will be substantially less than what the utility will bring.

Ms. Bertram stated that the consumer could opt out at anytime but asked if they could opt in at anytime also.

Mr. Murphy replied that consumers who made an affirmative choice not to participate in the program may petition the supplier to join it and usually the request is never denied.

After due diligent discussion the board members were in agreement to authorize the Town Manager to execute a 1 year contract with Colonial Power Group, while at the same time providing all information concerning the rates and changes within this plan, to the consumers through various media outlets and postings at public buildings.

2. FY2015 Board & Committee Appointments & Reappointments-Interview Candidates & Review Request for Reappointment Forms; Make Board & Committee Appointments: Ms. Bertram disclosed that one of the candidates for appointment to the Conservation Commission is her son and she recused herself from the Conservation appointment procedure. She then turned the meeting over to Jamie Toale, Clerk, to preside over the meeting during her absence. She then left the meeting room during the interviews.

Mark Murphy, candidate for Conservation Commission re-appointment, came before the board and gave a history of his education and work experience which included his past with civil engineering and current employment with Raytheon.

Mr. Ebersole mentioned that the Conservation Commission has spoken of updating their rules and regulations and asked Mr. Murphy if he had any thoughts on what areas they should specifically work on.

Mr. Murphy replied that this commission has recently updated certain things such as fees. They meet monthly and discuss many different items that could be updated.

Tom Bertram, candidate for Conservation Commission appointment, came before the board and gave a history of his education/work experience which included his passion for outdoor activities, interest in conservation issues and his eagerness to serve the community.

Mr. Ebersole asked Mr. Bertram if there was anything he could see that the commission could do to improve its operations.

Mr. Bertram replied that he thinks that this commission is doing a good job especially with land acquisition for preservation.

Sheila Holt, candidate for the Conservation Commission came before the board and gave a history of her education and work experience as an environmental engineer and with storm water management.

Mr. Ebersole asked Ms. Holt if she has had the opportunity to observe the commission and if she had any recommendations on how they could improve.

Ms. Holt replied that she has not had the opportunity to see the commission work.

Mr. Toale thanked all 3 candidates for coming forward and mentioned the fact that they have more candidates than vacancies on this commission.

Discussion: Mr. Ebersole stated that although all 3 candidates are good ones he was concerned that Ms. Holt has not had any interaction with the Conservation Commission and would like to see her involved with the storm water issues. We are in a situation where we have more than one qualified candidate. Giving credit to being on the commission as well as looking at what new things people would be doing, at this point he is leaning towards Mr. Bertram with his recommended actions for some of the items he has talked about that he has done.

Ms. Luck stated that she agrees with Mr. Ebersole.

Mr. Toale stated that in regards to experience and asking people who are currently on the board to express their interest in reappointment, he had not heard anything that would make me think that Mr. Murphy wouldn't be a reasonable re-appointment and he would like for the BOS to consider that. He asked all 3 candidates to consider other opportunities that may exist in the town.

Mr. Ebersole clarified his comment about reappointment/new appointment positions saying that this is an opportunity to effectively see what skills we need in the committee and asked if comments had been received from the Conservation Committee.

Ms. Speidel replied no.

Mr. Ebersole moved to appoint Thomas Bertram to the Conservation Commission. Ms. Luck seconded.

On vote, motion carried, 2 in favor, 1 opposed (Toale).

Mr. Ebersole thanked Mr. Murphy for his service on the Conservation Commission and stated that he hoped he would consider serving on another commission.

Ms. Bertram returned to the meeting room and resumed presiding over the meeting.

Ms. Bertram stated that there are 2 candidates for the PACC, Jeffrey Bajko and Steven Walker, for terms that will expire in 2017.

Ms. Speidel mentioned that with these 2 appointments, there would still be 2 vacancies remaining on the PACC.

Mr. Toale spoke to say that he remains concerned with quorum issues with the PACC.

Ms. Speidel stated that there are still 2 other individuals who have shown interest in the PACC. One individual was interested in numerous other committees, including the PACC, and the other has already been interviewed. Ms. Speidel will contact that person to see if the interest is still there.

Mr. Ebersole moved to appoint Jeffrey Bajko and Steven Walker to the Public Access Cable Committee. Ms. Luck seconded.

On vote, motion carried, 4 in favor, 0 opposed.

3. Request to Change Hours of Operation, KJ Waterfront d/b/a Embers Pizzeria, 84 Lakefront Avenue: Mr. Ricker spoke to say that he had requested a change of hours for both of his establishments, Embers Pizzeria & On the Rocks.

Ms. Speidel replied that the only request received was for Embers Pizzeria and the request for On the Rocks would need to be placed on another agenda.

Ms. Bertram informed Mr. Ricker that the board can only take action on what's on the agenda, but he could give an overview of what he is asking for and would not need to attend the other meeting.

Mr. Ricker explained that they have been receiving requests from the public to hold functions/fundraisers at his establishments that would begin before noon. He would like to have his hours increased at both establishments from 8AM – Closing, 7 days per week, saying that there will be a motorcycle run registration event to be held at Embers this coming Sunday.

Ms. Bertram stated that there is no written request from Mr. Ricker but rather a verbal request. She suggested that the BOS make a ruling for the upcoming event this Sunday and then take this issue up again after the board has reviewed Mr. Ricker's specific request along with the rules and regulations.

Mr. Ricker voiced his frustration over the paperwork process involved and would like to have all proper information given to him on how to apply when he makes the initial request.

Mr. Ebersole spoke to say that he would like to look at the process of how to legally change the license, review the rules & regulations, and inform the abutters of the establishment that the hours will be changed. He suggested that the board approve, for this Sunday only, an earlier license, similar to a one day beer & wine license.

Ms. Bertram reviewed the current license for Embers Pizzeria which state that alcohol can be served beginning at 8AM Monday-Saturday.

Mr. Ebersole moved to approve the change of hours for KJ Waterfront d/b/a Embers Pizzeria, 84 Lakefront Avenue to 8AM for Sunday September 14, 2014. Ms. Luck seconded. On vote, motion carried, 4 in favor, 0 opposed.

Ms. Bertram requested to Mr. Ricker that he submit a letter to the BOS specifically stating what it is that he is looking for at both establishments and that the letter would be the application. The BOS will be reviewing the Mass General laws and rules & regulations concerning this issue further and this will be tabled to a future BOS meeting.

4. Reestablishment of ADA Committee: Mr. Ebersole commented to say that the Town Bylaws say that we have an ADA (American's with Disabilities Act) committee comprised of 5 members, a member of the Board of Selectmen, the Building Inspector, Superintendent of the Building & Grounds for the School, and 2 at large members. In light of the building changes slated for the town center, Mr. Ebersole would like to reestablish this committee and would be willing to serve on it. He would also like to see the 2 at large members be comprised of a person with an active disability and a person from the senior citizen population.

Ms. Speidel mentioned that the ADA Committee has not been in existence since she has been here and after research she has found that this has transformed from being a "committee" to being a "coordinator". There is a staff member who is the coordinator but currently deals more with employment issues. The ADA was updated in "2009" and we could put forth an amendment at the next Town Meeting so that the charge matches what you want the committee to do.

Mr. Ebersole said that he will review the updated ADA act to prepare for Town Meeting and urged anyone who is interested in working on this to fill out a talent bank form.

5. Minutes/Warrants/Contracts

Minutes: 7/8/2014

Warrants: 9/9/2014	W#16-15	\$400,009.61
9/9/2014	W#17-15	\$507,313.11
9/11/2014	W#6P-15	\$665,194.11

Action File Issues: Ms. Bertram read an announcement stating that Representative Benson has been invited to a home owners meeting concerning the propose Pipe Line on 9/24/2014 at 7PM at the Pepperell Senior Center.

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:

Board of Health: No Report

Building Reuse Committee: Next meeting will be held on 9/16/2014

Capital Planning Committee: Mr. Toale reported that this committee is preparing for next years Capital Planning process and will begin again in September or October.

Finance Committee: No Report

Library Board of Trustees: This committee will be meeting next week.

MPO: Tomorrow's meeting has been cancelled until October. Ms. Speidel will confirm with the Police Chief that the requested crash data will be sent to George Snow at MRPC (Montachusett Regional Planning Commission)

Planning Board: Ms. Bertram reported recent activities/discussions with this board which included the following:

- Highfield Village received another extension to 11/24/2014
- 909 Mass Ave is looking for a sign approval
- White Woods 10" modification request
- Emerald Place construction update
- Glow Chiropractor Findings & Directives have been endorsed
- There will be an Economic Development meeting on 10/20/2014 that the BOS are invited to
- There will be a Village Bylaw workshop on 9/15/2014
- The Housing Production Plan is in draft format and is under review
- Stonefarm ZBA hearing/development plan review
- Scenic Road and Parking Bylaw reviews

PACC: No Report

School Committee: Ms. Luck reported that at the 9/3/2014 meeting this committee discussed the following:

Enrollment figures for the school year

There will be a School Policy Committee meeting on 9/11/2014

Superintendent goals which included personal computer devices for students

School Building Committee: Ms. Luck reported that there was a landscape meeting last Thursday with approximately 6 abutters in attendance.

Mr. Ebersole added that they announced that there will be a contact person on site to address any questions that may arise.

This committee will meet again tomorrow evening at 6:30PM.

Sewer Commission: No Report

7. Town Manager Reports or Department Reports: Ms. Speidel presented a Form 43 from the ABCC to be signed for Ka Bob A Licious.

APPOINTMENTS/ RE-APPOINTMENTS/ RESIGNATIONS

1. Ratify Appointment: Adam R. Burney to position of Land Use Director: Completed under 7PM appointment.

PUBLIC COMMENT: Mr. Ebersole asked in regards to the liquor license hearing which was held earlier, when the ABCC takes action he would like it to be brought to the attention of the BOS.

Ana Lockwood, 91 Main St., came before the board to voice her concerns with the intersections/crosswalk at Main St., Oak Ave, and Highland St.. She believes that the traffic coming from Highland St. poses the biggest safety problem and would like the Town to get an action plan in place such as a traffic study to take care of this problem.

Ms. Bertram concurred with Ms. Lockwood and would like to put this on a future agenda and discuss this with the Chief of Police and Highway Director.

Ms. Speidel replied that the Chief of Police has put forward a request for a stop sign at that area. We are also reviewing our traffic rules and orders and this was being held so it could be brought forward to the BOS at the same time.

Ms. Bertram stated that she would like not to wait for the traffic rules and regulations and would like to try to move forward with some kind of solution due to the higher foot traffic from students due to the construction of the new school.

Mr. Ebersole stated that he believes that the biggest issue is with speed and visibility and would like to ask the school about the possibility of installing some type of walkway.

Mr. Toale would like to see the Town Manager bring this to the board as an entire package.

ADJOURNMENT: Being no further business Mr. Toale moved to adjourn the meeting. Mr. Ebersole seconded.

On vote, motion carried 4 in favor, 0 opposed.

Meeting adjourned at 9:05PM

UPCOMING MEETING SCHEDULE

September 16, 2014 September 23, 2014

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