



**BOARD OF SELECTMEN
MEETING MINUTES**

October 6, 2015

The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chair; Robert Ebersole, Vice Chair; Thomas Alonzo, Clerk; Paula Bertram, Member; Phyllis Luck, Member and Town Manager Kerry Lafleur. The meeting opened at 7:00 P.M with the Pledge of Allegiance.

Public Comment: Ms. Luck stated she attended the September 23rd meeting of the Lunenburg Water District at which they discussed researching how to fund a proposed \$1.2 million garage/office space on land purchased at 496 Massachusetts Avenue. They mentioned there would need to be a vote of the residents of the Water District either at the Annual Meeting in March 2016 or at a special meeting to approve the project.

Mr. Ebersole stated he was surprised that Ms. Bertram and Mr. Alonzo met only with one Water District Commissioner and Superintendent McNamara. He had a concern that the newspaper reported Bertram and Alonzo were in favor of the Intermunicipal Agreement (IMA) with Lancaster. He was apprehensive about the impact of the Board of Selectmen's involvement with the Water District in an unofficial way and the communication that is lacking as this Board has not voted officially on the IMA.

Ms. Bertram commented that the Board had received an email from Supt. McNamara looking for two Board members to meet with the Water District to discuss the feasibility of an IMA. She and Mr. Alonzo were surprised when they did meet it was only with Commissioner Mark Bursch acting as an individual. She stated any views presented at that meeting were individual not those of the Board.

Mr. Toale reported there was a good turnout at the Open Meeting Law workshop on September 30th. It was presented by Joel Bard of Kopelman & Paige, P.C. It was recorded and is available for those members of Boards/Committees who could not attend on the public access channel.

All Veterans are invited to a complimentary luncheon at Eagle House Senior Center on Veteran's Day, November 11th from Noon to 2 p.m. The event is hosted by the Lunenburg Women's Club. Pre-registration is required by signing up in person at Eagle House or by calling 978-582-4166.

Ms. Luck wanted to add something about the Open Meeting Law workshop and the correct recording of minutes. She stated Joel Bard clarified that minutes should only have the essence of the meeting and not every word. She was wondering if there could be some method to make them more consistent throughout all the boards. She also suggested every board/committee member should have their own Lunenburg online email account.

Ms. Bertram confirmed that some other people approached her on how to get an email account after the meeting. She requested Steve Malandrinos send something out to all board members on how to go about getting a "lunenburgonline" email account.

Appointments:

Meeting with Board of Health to Mutually Appoint to Vacancy

Mr. Toale asked if the Board of Health members were present. Chairman George Emond stated they were present and he called the Board of Health meeting to order. He stated the vacancy was due to the passing of David Shea, a longtime Board of Health member. He reported they had a candidate, Jim Auge, who would like to be appointed.

Mr. Toale read the vacancy posting aloud in keeping with the appointment process:

“Notice is hereby given pursuant to Sections 3-1, 7-10, and any other relevant provisions of the Town Charter, of the following vacancy: Board of Health Member

The term of appointment is immediate and until the next Annual Town Election in May 2016. The duties of the Board of Health are defined in Section 3-6 of the Town Charter, and include:

(b) Powers and Duties - The Board of Health shall be responsible for the formulation and enforcement of local rules and regulations affecting the environment and the public health and for the enforcement within the town of all state statutes and the provisions of the code of Massachusetts regulations affecting the public health. The board of health shall have all of the other powers, duties and responsibilities given to boards of health by general laws. The Board of Selectmen and Board of Health will accept applications from interested persons through September 14, 2015. Interested parties should submit an application to: Office of the Board of Selectmen, Town Hall, 17 Main Street,

Lunenburg, MA 01462. The vacancy will be filled by joint vote of the Board of Selectmen and Board of Board of Health in October, 2015. This notice was posted September 4, 2015 and expired September 14, 2015.”

Mr. Toale welcomed Mr. Auge. Mr. Auge stated he has been in the wastewater business since 1977. He is a licensed wastewater treatment operator in the state of Massachusetts. He is aware of Title V requirements and has been retired since 2003. Mr. Ebersole stated he had met Mr. Auge at one of the BOH meetings and finds him well qualified. Ms. Luck thanked him for volunteering to fill the vacancy.

Motion: P. Bertram

2nd:G. Emond

To appoint Mr. Auge to the Board Health

Vote: Emond- aye, Jewell, -aye, Passios- aye, Fortin- aye, Bertram- aye, Luck- aye, Ebersole- aye, Toale- aye, Alonzo- aye

Mr. Toale moved on to the other scheduled appointments. He asked Police Chief Marino to come forward regarding the appointment of Todd Lynch to Reserve Police Officer.

Chief Marino stated this is to fill one vacancy created due to a retirement. He has three additional candidates currently going through Reserve Academy Training. Mr. Lynch has successfully completed Reserve Intermittent Police Academy training, passed the required employee physical, physical agility test and the background check. He has trained as an intern with the Massachusetts State Police Gang Unit and the Lunenburg Police Department. He highly recommends him for the position.

Motion: R. Ebersole

2nd: P. Bertram

To ratify the appointment of Todd Lynch as Reserve Police Officer

Vote: All in Favor

Chief Marino reported the Police Department probably will receive more than seventeen thousand calls for service and he wanted to commend the Police Department on a case in the past four or five weeks where a suspect was throwing drywall screws in the road on Hemlock Drive every morning that was aimed at one person but affected many people. Many people were

inconvenienced due to flat tires. Officers came together as a team and caught the person in the act. He stated a letter will be sent to the Town Manager commending them for a job well done. Mr. Toale thanked Chief Marino.

Director of Municipal Finance Appointment

Ms. Lafleur requested the Board ratify her appointment of Town Accountant Karen Brochu as Director of Municipal Finance. In addition to her current and continued role, Ms. Brochu will also be responsible for coordination of all financial services and activities of the Town, including day-to-day oversight, supervision and management of the office of Town Accountant, Treasurer-Collector and Assessor, as defined in Section 5-3 of the Town Charter, with the exception of procurement. This will continue to be managed through the Town Manager office. Ms. Brochu does an outstanding job and is long overdue for a promotion. Mr. Alonzo stated Ms. Brochu's work and work ethic has always been exceptional. Mr. Ebersole wanted to echo Mr. Alonzo's statements. He worked with Ms. Brochu years ago and it's great to see her where she is today. Ms. Brochu stated she attends Massachusetts Municipal Auditors and Accountants School and has been a certified municipal accountant for twenty years. She maintains that certification. She has attended procurement training (MCPFA) and is close to being certified in that designation as well. Ms. Bertram stated she also has had an opportunity to work with Ms. Brochu. She is an outstanding employee and the Town is very fortunate to have her.

Motion: T. Alonzo

2nd: P. Bertram

To ratify the appointment of Karen Brochu as Director of Municipal Finance

Vote: All in Favor

The Board congratulated Ms. Brochu and she thanked them.

Cultural Council Appointments

Maryellen Letarte stated she has lived in town since 1978. She participated in the Lunenburg 250th Birthday Celebration. She volunteers at the Library. Every year since 2009 she has organized a public poetry reading. She would like to be a Council member because it's her time to give back to the community.

Motion: T. Alonzo

2nd: P. Bertram

To appoint MaryEllen Letarte to the Cultural Council with a term to expire June 30, 2018

Ms. Bertram asked Ms. Letarte what kind of events she would like to bring forward through the Cultural Council. Ms. Letarte stated a variety; she likes poetry and writing, and some theater and music programs.

Vote: All in Favor

The Board congratulated Ms. Letarte.

Sarah Coon stated she was a transplant here from Arizona. She graduated from Arizona State University with a Bachelor's Degree in Arts History. She is a huge advocate of film photography, both digital and analog. She has been a stay at home mom for five years and now has more time. Ms. Bertram thanked her for coming forward.

Motion: R. Ebersole

2nd: P. Bertram

To appoint Sarah Coon to the Cultural council with a term to expire June 30, 2018

Vote: All in Favor

The Board congratulated Ms. Coon.

Mr. Toale moved on to **Budget Revision Amendment #4**, based on Change Order #3 for School Construction. School Superintendent Loxi Calmes reviewed the items adding this has been voted on by the School Committee. They include adding mirrored glass to the weight room (\$3205), carpeting on the auditorium stairs (\$6,668), drainage work on the Main Drive and West parking lots (\$27,903), granite curb detailing (\$5,343) and wood blocking for placement of dispensers for students in science labs (\$6063). The total amount of the change is \$49,182.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the budget revision #4 based on change order #3 totaling \$49,182

Ms. Bertram stated during the plan review a question was asked if more water would discharge out on to Massachusetts Avenue; is this drain near that? Ms. Calmes stated the water was coming from Oak Avenue. Ms. Bertram asked if the water going in to the new drain will discharge into the Town stormwater system. Ms. Calmes stated it is going into the retention system that was out on the site.

Vote: All in Favor

Ms. Calmes congratulated Ms. Brochu stating she has had the opportunity to work with her since becoming School Superintendent thirteen years ago and she is an amazing individual who is approachable and helpful. She added she is so excited that she has received this promotion. Ms. Calmes wanted to remind everyone about Homecoming on October 24th. She invited all to attend one of their many events. She thanked the Board for their support.

Amend BOS Policies & Procedures, Art. 3, to add Section 3.07 Investment Policy

Statement (IPS)

Ms. Lafleur reported one of the suggestions in the auditors' management letter was to create and have the Board approve an investment policy.

Section I of the IPS applies to short term operating funds such as general funds, special revenue funds, enterprise funds, bond proceeds and capital project funds. Massachusetts General Law, Chapter 44, § 55B requires the municipal/district treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution. State law further requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking into account the acceptable levels of safety, liquidity and yield.

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to preserve capital through the mitigation of credit risk and interest rate risk.

Liquidity is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Yield is the third and last objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

There are certain investments that the Town is allowed to use: Massachusetts State pooled fund, the Massachusetts Municipal Depository Trust (MMDT), U.S. Treasuries, bank accounts or Certificates of Deposit ("CDs") up to a year, bank accounts and CDs (up to one year) insured by the F.D.I.C. up to the coverage limit, unsecured bank deposits of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at banks that do not fit the above categories and Money Market Mutual funds.

The policy addresses risk tolerance, diversification, authorization, ethics and relationships with financial institutions. There is also a quarterly reporting requirement and restrictions are addressed.

Section II addresses Investments in Trust and Stabilization Funds. This section of the IPS applies only to funds that could be invested long term, i.e. trust funds, stabilization funds and community preservation act funds. These funds include accounts that are received as scholarships and perpetual care receipts. Massachusetts General Law, Chapter 44, § 55B requires the Treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution. The policy continues with direction on where and how money should be invested as well as a list of legal investments, ethics, relationships with financial institutions, reporting requirements and legal references. Ms. Lafleur requested the Board approve the policy this evening.

Motion: P. Bertram

2nd: R. Ebersole

To amend Board of Selectmen Policies & Procedures, Article 3, and add Section 3.07

Investment Policy Statement

Vote: All in Favor

Review of Special Town Meeting (STM) Articles

Ms. Lafleur reported the Special Town Meeting warrant closed yesterday. The bulk of the articles will be reviewed next week. The first article is the Collective Bargaining Agreement for Professional Firefighters PFFM, Local 4358A. She stated they have been working on this for a number of months. No settlement has been reached yet.

The second article is to pay prior fiscal year bills. Article 3 is to adjust the FY 16 budget. There were some adjustments to state aid that were received after the annual town meeting in May. Articles 4, 5, 6 and 7 are holdovers from the annual town meeting and all rescind approved borrowing from previous town meetings. Articles 8, 9 and 10 are also Bylaw holdovers from the annual town meeting, submitted by the Police Chief for Regulating Use of Vehicles on Whalom Lake, Bylaw Restricting Public Consumption of Marijuana or Tetrahydrocannabinol and Authorizing Board of Selectmen to License Suitable Persons to Carry On the Business of Pawnbroker, etc. Chief Marino will be talking to Town Counsel before coming before the Board next week. Article 11, another holdover from town meeting, would amend the existing Bylaw, Article XXIX, Agricultural Commission, to add the charge of the Farmer's Market to them. Article 12 authorizes the Board of Selectmen to Enter into Alternative Energy Power Purchase and/or Net Metering Credit Purchase Agreements. Article 13, prepared by the Personnel Committee, amends the Salary Administration Plan. These will be presented to the Finance Committee on Thursday. Article 14 transfers funds to the Stabilization Account. Article 15 authorizes a Non-Binding Resolution Opposing the Northeast Energy Direct Project.

Ms. Lafleur began with Article 4; to rescind the sum of \$284,263.59, the remaining borrowing authorization, from Article 2 of the 11/06/2001 STM for engineering and construction of sewers and Article 5; to rescind the sum of \$28,708, the remaining borrowing authorization, from Article 4 of the 05/07/2005 STM for engineering and construction of sewers. These amounts are what remain after the completion of the projects. The only way to remove these from the books is to have Town Meeting authorize doing so. Article 6 is to rescind the sum of \$125,000, the remaining borrowing authorization, from Article 5 of the 10/01/2002 STM for the renovation of the Turkey Hill Middle School heating system and Article 7; to rescind the sum of \$56,550, the remaining borrowing authorization, from Article 4 of the 05/03/2003 STM for the construction and/or renovations of the heating system at the Thomas Passios Elementary School. These projects have been completed also and this is a cleanup of remaining funds

Motion: R. Ebersole

2nd: P. Bertram

To approve tentative warrant Articles 4, 5, 6, and 7 for the Special Town Meeting warrant

Vote: All in Favor

Article 11 was reviewed next; to see if the Town will vote to add the below bolded wording to Article XXIX Agricultural Commission, Section 1. Said Commission, once appointed shall develop a work plan to guide its activities. Such activities may include, but are limited to the following; encouraging the continued pursuit of agriculture in Lunenburg; promoting agricultural-based economic opportunities in Town; mediating, advocating, educating and/or negotiating on farming issues; working for the preservation of prime agricultural lands; **to oversee, operate or run a Farmers' Market**

Motion: T. Alonzo

2nd: R. Ebersole

To approve Article 11 as presented

Vote: All in Favor

Article 12 is worded: to authorize the Board of Selectmen to enter into alternative energy power purchase and/or net metering credit purchase agreements, including solar and wind energy and related net electricity metering credits, for terms of more than three years, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements. Ms. Lafleur stated this came about due to the recent presentation on solar net metering credits. Since this is a multi-year agreement there needs to be approval by town meeting. Authorization was also awarded in 2012, so Ms. Lafleur is reviewing this with Town Counsel in the event it is needed. This article was tabled until next week.

Article 15, suggested by a resident, would have the Town adopt a Non-Binding Resolution opposing the Northeast Energy Direct Project. Ms. Lafleur is going to double check with the current project to ensure the resolution matches the project.

Mr. Toale moved onto the **Review of the Editorial & Legal Analysis of Codification**, created by General Code of Rochester, N.Y. The purpose of the analysis is to give an overview of the codification project and to guide in making decisions as to what legislation is or is not to be included in the code and with what, if any, revisions. This analysis has been prepared on the basis of a critique of the Town's existing legislation, including comparison with statutory provisions and similar legislation from other municipalities, and to identify conflicts and ambiguities in order to bring consistency and order to the general body of the Town's bylaws. Ms. Lafleur stated this has been an extensive and lengthy process to have the bylaws, charter and committee rules and regulations reviewed to be consistent within the documents and Massachusetts General Law. She pointed to a spreadsheet that identified or recommended each of the questions posed in the legal document. She has met with the Town Clerk, DPW Director, Fire Chief, Police Chief, Director of Municipal Finance and the Land Use Director and reviewed the entire document. The end result will be to have a complete document at the 2016 Annual Town Meeting to be adopted with consistent numbering, reserved places for future similar regulations, that is readable and easily searchable. The next step in this process is to present the recommendations to the board or committee that the changes will affect. She hoped they could go through this next week. Land Use Director Burney will be present.

Ms. Lafleur moved on to the Charter Review process. According to the Charter, Section 7-7 Periodic Review, Charter and Bylaws (a), a special nine member committee shall meet at least

once in every ten years for the purpose of reviewing the charter and to make a report with recommendations to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The last report was created in 2007 and issued in 2008; so we are looking at 2017 at the latest, for that committee to regroup. Charter changes come via the charter review committee, through the town meeting vote and then state legislature vote.

Bylaw Review shall occur every five years in each year ending in 5 or in 0, with revisions or recodification of all bylaws of the town to be prepared by a special committee appointed for this purpose and shall be presented to Annual Town Meeting in the year following the year the committee was appointed. We are in the process of making proposed amendments with this analysis but not in the manner prescribed by the bylaw. Ms. Lafleur will advertise the bylaw review committee in order to appoint to it.

Amend BOS Policies & Procedures, Article 4, to add Section 4.09 (a) Jukebox Licenses

Ms. Lafleur reported this is a request from Executive Assistant Elaine Peterson who has been reviewing licensing procedures. Jukeboxes are currently licensed under automatic amusement devices, which according to the Board's policies is limited to three devices per establishment. However jukeboxes do not meet the legal definition of an automatic amusement device. Ms. Peterson's recommendation is to create a separate license for a jukebox. Ms. Lafleur added there are some establishments that currently have more than three automatic amusement devices and we are researching the rationale behind the limit.

We may be returning to request the increase of the number allowed at some point.

Motion: P. Bertram

2nd: R. Ebersole

To amend the Board of Selectmen Policies & Procedures, Automatic Amusement Devices Section 4.09 and add 4.09(a) Jukebox Licenses will be designated as a separate license from automatic amusement devices. The fee for a jukebox license would be in accordance with the automatic amusement device fee.

Vote: All in Favor

Minutes of September 15 and September 22, 2015 were presented.

An Accounts Payable in the amount of \$764,062.08, Accounts Payable Deductions warrant in the amount of \$436,599.80 and a payroll warrant of \$702,093.26 were presented for signatures.

Action Items:

Ms. Luck requested sand for residents be added to the next agenda for discussion. Ms. Bertram requested an update on Chase Road be added to a future agenda as well as the Summer Street project status. She also requested a list of pending agenda items be provided.

Ms. Luck asked about the status of the Nexamp negotiations. Ms. Lafleur stated John Londa is working on the first draft of the agreement with her. Ms. Luck worried that the first-come, first-serve rule for the residential net metering credits availability wouldn't be fair. Ms. Lafleur stated she is only negotiating the town end not the community part but she did share those concerns with Nexamp.

Committee Reports Ms. Luck reported the Zoning Board of Appeals approved the dog day care facility on Electric Avenue.

Mr. Alonzo reported Computer Advisory Committee met with P.A.C.C. to review their business plan and their budget as they pertain to the upcoming cable license renewal. One concern that

arose is the current location of the P.A.C.C. studio in the T.C. Passios Building and its future use. P.A.C.C. members are concerned about finding suitable studio space. Suggestions are welcome. The Finance Committee meets Thursday to review the proposed Salary Administration Plan. Mr. Toale reported Building Reuse Committee will review Tappe Architects' feasibility study at their next meeting. He suggested P.A.C.C let the Building Reuse Committee know what they will need for studio space. Capital Planning met last week and reviewed the long range capital plans and 20 year capital plans of the public safety departments and will meet on the 13th with the school department and DPW the week after that.

Town Manager Report

Ms. Lafleur stated she had no ACO quarterly report this evening other than what was presented at the last meeting. She had met with Police Chief Marino and Regional Dispatch Director Kenney regarding taking on the ACO calls on one of their non-emergency numbers.

Ms. Lafleur has heard back from Brian Keating of MRPC regarding a feasibility study on regional ACO services. It is expected to be completed by October 13th. Mr. Keating is meeting with some other towns and the Police Chief. Lunenburg has offered to be the host town.

The ACO is using more social media for communicating with the public. She has raised funds for dogs seriously injured in a recent auto accident. Ms. Lafleur added policies and procedures are being worked on and could be presented on November 10th.

Ms. Bertram requested an overview of the MRPC grant award and the objectives and what it covers. Ms. Lafleur stated she could provide a copy of the grant application and the award letter.

Public Comment

Mr. Ebersole stated the Lunenburg Water District is holding a workshop tomorrow. Some Water District Commission members did not want to have the terms of the IMA made public before they were given permission to proceed. Mr. Ebersole remains concerned about the transparency of the process.

Next Board meeting is October 13th.

Mr. Toale introduced a short video on Eagle House Senior Center that will air on public access following this meeting's adjournment.

Motion: T. Alonzo
To adjourn the meeting

2nd: R. Ebersole
Vote: All in Favor

Respectfully submitted,


Elaine M. Peterson

Executive Assistant to the Town Manager