



**BOARD OF SELECTMEN
MINUTES
NOVEMBER 17, 2015**

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

Public Comment

Mr. Toale thanked the town residents who attended the Special Town Meeting last night. He encouraged more residents to get involved. He stated the Cable Advisory Committee is seeking two more members, the Public Access Advisory Committee is also seeking two members; the Architectural Preservation District Commission is seeking two members; specifically one member at large and one member with design experience. The Bylaw Review Committee is seeking one member. The Senior Property Tax Work Off Committee is also seeking one member.

The Lunenburg Turkey Hill Family Lion's Club is holding Meat Bingo on November 21st from 7 – 9 pm at the Eastman Club in Fitchburg. All benefits go to the various charities the Lions' Club sponsors. Mr. Alonzo thanked everyone who attended and supported the Lunenburg Boys & Girls Club Rockin' Auction two weeks ago. It was a very successful event.

Ms. Luck stated Boy Scout Logan Marshall is still seeking funding for his Eagle Scout project of building a handicapped accessible ramp and walkway connecting the Senior Center to the Teen Center. She encouraged others to contribute to the project. She also attended a conference titled "Elevating Municipal Partnerships," at Holy Cross last week. She reported on some of the informative workshops she attended.

Eagle Scout Project Proposal

Mr. Toale reported the 6:00 pm Executive Session was postponed to a future date. He moved on to the Eagle Scout project proposal from Steven Hoffmann of Troop 1728. Mr. Hoffmann reported his project is to build a garden and install spotlights for the flagpole at the gazebo. Protocol dictates lighting any flag being flown at night. He also believed a garden around the flagpole would enhance the beauty of the common. He has obtained approval from the Building Department and Parks Commission to date. Mr. Hoffmann has spoken to the Building Inspector and he will need an electrical permit to run power underground to the flagpole for ground mounted lighting. A licensed electrician will obtain the permit and install the wiring. He will use landscaping stone for the garden bed around the flagpole. The garden will be raised around the flagpole and planted with perennials.

Motion: P. Bertram

2nd: T. Alonzo

To approve the Eagle Scout project as presented by Steven Hoffmann

Vote: All in Favor

The Board thanked Mr. Hoffmann for coming forward with this project. Mr. Toale offered to be the beneficiary for the project. Mr. Hoffmann will drop off the paperwork for Mr. Toale's signature.

Bylaw Review Committee Appointments

Mr. Toale moved to the Bylaw Review Committee applicants. Cathy Hennessey, 30 Clifton Road, came forward and reported she was asked to serve on the committee. Ms. Lafleur expanded on this by stating the four candidates coming in tonight were recruited by the Town Moderator. Nancy Gray, 45 Rangeley Road, stated she was asked by Tim Murphy to serve on the committee and she thought it was time she did something like that. Her occupation is as an attorney. Ms. Lafleur reported that Michelle Smith of 19 Redwood Road could not make it in this evening and Rob Bowen, a former selectmen and attorney was coming in later this evening. Two of the five members are appointed by the Moderator. Two members are appointed by the Board of Selectmen.

Mr. Ebersole noted the fifth member serving on the committee is the Town Clerk, who shall serve by virtue of office.

Motion: R. Ebersole

2nd:T. Alonzo

To appoint Nancy Gray and Cathy Hennessey as the Board's designees for the Bylaw Review Committee

Vote: All in Favor

The Board thanked Ms. Gray and Ms. Hennessey for coming in.

Transfer of All Alcohol License for The Bootlegger to Fifty Mass Ave. LLC

Mr. Toale read the hearing notice aloud, "*The Lunenburg Licensing Authority will hold a public hearing on November 17, 2015 at 7:15 PM in the Town Hall, Joseph Bilotta Meeting Room, 2nd Floor, 17 Main St. Lunenburg, on the application submitted by FIFTY MASS AVE. LLC, for a transfer of an All Alcohol Restaurant license from Cosimi Corp. d/b/a The Bootlegger, 50 Massachusetts Avenue, Lunenburg, MA. The premises are described as a 1 1/2 story building with function room in the downstairs area. 1st Floor has 1 main dining room, bar and lounge and kitchen area; 2nd floor has 1 dining room and outside deck.*" Mr. Toale opened the hearing.

Applicants Sean Morrison and Lance Dellogono came forward and stated they were purchasing the business. Ms. Lafleur stated the application was in order but wanted to note as part of the application process a CORI check had come back that contained information that could result in an adverse finding. In accordance with the Town CORI policy, the applicant was notified and provided a copy of the CORI and the CORI policy. The applicant has the right to dispute the finding and was notified in writing on November 10th, but has yet to respond. If no dispute is filed, the record will be deemed to be accurate and provided to the Local Licensing Authority in Executive Session with the required prior notice being provided to the applicant. At this time it is recommended the Board hear the transfer request and provide the applicant with a date certain by which he should respond to the accuracy of the record. If the applicant seeks a more immediate decision relative to the transfer request, the applicant may consent to the release of the information to the Board and the Board may discuss the record as part of the transfer request during tonight's public hearing. The applicant stated he did not receive a letter. Ms. Lafluer reported Executive Assistant Elaine Peterson sent a copy of the letter via email and attempted to contact the applicant by phone. Mr. Toale suggested continuing the hearing to December 1st. Ms. Lafleur stated the Board was free to ask any other questions related to the application. Mr. Alonzo asked if there would be any changes to the business. Mr. Morrison stated he planned on keeping all the policies the same and planned on running it the same as the current owner has for twenty years.

Mr. Ebersole asked Mr. Morrison and Mr. Dellogono about their experience in running restaurants and liquor establishments. Mr. Dellogono stated they are keeping the current staff and Mr. Cosimi is staying onboard as a consultant. Mr. Dellogono stated he managed Destare in Fitchburg from its opening for four years. There were no violations or issues with that license. He added ten years ago he had a café called Mocha Alley which he ran for five years.

Mr. Toale asked if there was anyone present who wished to speak for or against this application. Alan Cosimi, 24 Field Road, Leominster, and present owner of The Bootlegger, came forward and confirmed that he was staying on to consult and they are keeping everything the same. He stated he had faith that they would do a good job and keep the current systems in place.

Discussion ensued on continuing the hearing and the common victualer license application. Ms. Lafleur offered to show the letter to the applicants during a brief recess. The applicants exited the meeting to review the letter sent to Mr. Dellogono.

Mr. Toale reported the Conservation Commission members who filed Disclosures by Non-elected Municipal Employees of Financial Interest, were not yet prepared to present tonight, so this will be rescheduled to another meeting.

Tax Classification Hearing

Mr. Toale read aloud, "*The Board of Selectmen will hold a public hearing on November 17, 2015 at 7:30 P.M. as required by M.G.L. Ch. 40 §56 on the issue of allocating the local property tax levy among the four*

classes of real and personal property for Fiscal Year 2016. The hearing will be held in the Town Hall, 2nd Floor, Joseph Bilotta Meeting Room, at 17 Main Street, Lunenburg, MA. Jamie Toale, Chairman Board of Selectmen."

Rebecca Boucher, Associate Regional Assessor of Regional Resource Group, stated she was here to present the Assessors' recommendation to set a single tax rate to be applied to all classes of property in Lunenburg. The levy to be raised for fiscal year 2016 is \$23,536,237.82. There is still some final data to be entered into the recap. The Board of Assessors has calculated the following tax rates needed to raise the tax levy: Residential, Commercial, Industrial and Personal Property at \$19.62 per thousand. Values increased 3% in residential classes for single family homes, condominiums, and land; a positive sign of the real estate market's recovery. Commercial and industrial assessments did not show evidence of a market value increase.

The average single family home value increased from \$246,347 in fiscal year 2015 to \$256,969 for fiscal year 2016 and the average tax bill increased by 11.7% from \$4,513.08 in fiscal year 2015 to \$5041.73 in fiscal year 2016. Of this \$528.65 increase, 66% results from the debt repayment for the Lunenburg Middle/High School project, amounting to \$349.48 on the average tax bill. Ms. Bertram asked if the entire school project debt is reflected in the tax rate increase now. Ms. Boucher stated this is for this year's payment of the debt; she has not seen the full schedule. Ms. Lafleur reported the Town has one additional borrowing to do, sometime in January 2016, ranging between four and six million dollars. This will be the bulk of the project less what is being held in contingency. The contingency may not end up being spent. About 75% of the project is reflected in the fiscal year 2016 tax bills. Ms. Boucher stated that on the preliminary tax bills there was a percentage increase in addition to last year's taxes so that the increase will be spread out over the fiscal year.

Motion: T. Alonzo

2nd: R. Ebersole

To adopt the uniform tax rate as recommended by the Regional Assessors office

Mr. Toale asked for any further comment. There was none. He closed the hearing.

Vote: All in Favor

Ms. Boucher thanked the Board and exited the meeting.

Mr. Toale recognized Robert Bowen, who requested to be appointed to the Bylaw Review Committee. Mr. Bowen, 1686 Massachusetts Avenue, stated he was a former town official and former member of the Charter Review Commission as well as being a lawyer and was familiar with the process. The Moderator had asked him if he would volunteer on the committee and he stated he would. Discussion about Special Municipal Employee status for the Bylaw Review Committee members ensued. Mr. Bowen stated he is currently representing the Town in litigation and for that reason and others who could be represented by him in front of the Town, he would not be able to serve if the members of the Bylaw Review Committee were not designated as Special Municipal Employees.

Motion: R. Ebersole

2nd: P. Bertram

To designate the Bylaw Review Committee as Special Municipal Employees

Vote: All in Favor

Mr. Bowen will be appointed by the Town Moderator accordingly. Mr. Bowen stated he would look forward to hearing from Mr. Murphy.

Change of Manager on Alcohol License for Ixtapa Cantina

Attorney Nicholas Felici stated he represented Ixtapa Cantina and introduced proposed manager, Marco Gonzalez and owner Jaime Brambila. Mr. Felici stated Mr. Camacho, the current manager, is moving on and Mr. Gonzalez has been working as Assistant Manager for the past year. He also had restaurant experience while living in Colorado and is TIPS certified.

Motion: P. Bertram

2nd: T. Alonzo

To approve Marco Gonzalez as Manager for the Ixtapa Cantina

Vote: All in Favor

The applicant thanked the Board and exited the meeting.

The Board signed an accounts payable warrant in the amount of \$338,946.13; school construction warrant for \$2,976,960.20; payroll warrant in the amount of \$722,184.63 and payroll deductions warrant in the amount of \$152,581.81. The Board signed the minutes of October 20, 2015.

Mr. Dellogono, Mr. Morrison and Mr. Cosimi returned to the meeting. Mr. Dellogono apologized stating he did receive the email with the attachment and had read it but did not see any urgency in replying to it. He was aware of the CORI but figured the notification was a formality. As Mr. Dellogono started to address the CORI report, Ms. Lafleur interrupted and stated the Board was not aware of the CORI results and if Mr. Dellogono wanted to speak about it, he would be waiving his rights to confidentiality. If he did, she would distribute it to the Board so they could review it. Mr. Dellogono stated he was fine with that. The Board members reviewed the CORI. Mr. Dellogono stated his OUI case has been open since 2012. He has legal representation from Fitchburg attorney Steve Panagiotis. Mr. Dellogono stated he did take a breathalyzer test and it read .08, but believes his case will be dismissed within 3 or 4 months due to faulty machinery readings. The details of the faulty breathalyzer machines have been documented and reported in The Fitchburg Sentinel and Enterprise. Five months ago he and Mr. Morrison were approved for a liquor license elsewhere and there was not an issue at that time so he did think this would be an issue. As far as his reputation at Destare for four years, there were not any incidents under his management and it is a rowdier crowd than at The Bootlegger. On this application, Sean Morrison is the manager on the alcohol license. He is a partner.

Mr. Ebersole noted the Town's CORI Policy reads, "Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulations."

Mr. Alonzo noted some address discrepancies on the Certificate of Organization for Fifty Mass. Ave. LLC; under item #5, Sean Morrison's address is listed as 227 Lunenburg St. Fitchburg, MA 01462 (the Lunenburg zip code), and on item #6 it lists the same and on #7, it lists the same address with the right address. On #8 it lists 227 Lunenburg St, Lunenburg, MA 01462. So there are three different addresses. Mr. Morrison stated his office is located at 227 Lunenburg St. Fitchburg, MA 01420. He added it was the law office that filed that paperwork. Mr. Alonzo suggested getting it corrected since it is a legal document.

Mr. Ebersole stated he assumed for Mr. Dellogono this is a first offense and considering the discussion this evening, he was not opposed to granting this transfer. However he would like to be informed of the final findings of the pending case. Mr. Alonzo and Mr. Bertram stated the same. Mr. Toale agreed. Ms. Lafleur stated it was her understanding that Mr. Cosimi was pledging the license transfer application and if this was the case, it needs to be entered into the record. Mr. Cosimi stated he was not.

Motion: R. Ebersole

2nd: T. Alonzo

To approve transfer of the all alcohol license from Cosimi Corp. to Fifty Mass Ave. LLC

Vote: All in Favor

Mr. Toale moved on to the Common Victualer License application.

Motion: R. Ebersole

2nd: T. Alonzo

To approve the Common Victualer license for Fifty Mass Ave. LLC d/b/a The Bootlegger

Vote: All in Favor

Mr. Dellogono and Mr. Morrison thanked the Board and exited the meeting.

Committee Reports:

Ms. Luck reported the School Committee met on November 4th. There was a presentation by Eric Short on his Master Teacher projects. He runs SAT prep courses in the fall and spring and he facilitates a student leadership course for students in grades 9- 12. One of their goals is to create a virtual tour of the new middle/high school. They are working with P.A.C.C. on this.

The Lunenburg MART bus loop had 34 riders in September which is up from the past couple of months. The majority of riders were picked up at White Street, CVS, Emerald Place and Hannaford's. She has asked MART to look at the most used time frames because she is hoping to add a 6:00 p.m. route from the Boys and Girls Club up Mass. Ave. Use of the intermodal transfer option was discontinued due to no one using it.

Ms. Bertram reported the November 9th Planning Board meeting had an ANR plan presented for 238 Fire Road 16. There were some access issues, so it was tabled pending more information. The public hearing on High Field Village was continued until December. The Planning Board continues to work on their bylaw updates, focusing on parking. The Conservation Commission met on the 4th and held a Determination of Applicability hearing for Sunset Lane. An update was provided by the Chair on the Disclosures of Conflict of Financial Interest. It was continued to tomorrow night's meeting.

Mr. Alonzo reported the Finance Committee met last Thursday and held their public hearing on the upcoming Special Town Meeting. The Cable Advisory Committee will be meeting on the 30th. There is a town-wide questionnaire out and some are coming in. The School Building Committee met on Thursday. Construction is proceeding well. There are now two out of four buildings that are weatherproof and that will enhance finish work progress. The other buildings will be weather proof by the end of the month. There was a change order (#5) for auditorium grading and bollards installation at the main gas service entrance. Total change order is around \$8200.00 bringing the running total of change orders to \$170,000 out of the 4 million dollar contingency fund.

Mr. Ebersole reported the Board of Health held a workshop regarding the septic system repair loan program guidelines. They would like to get the program going forward in the spring of 2016. PACC has two vacancies on its committee. Sewer Commission continues to update its policies and regulations.

Mr. Toale had no new reports for Building Reuse and Capital Planning.

Ms. Lafleur reported she would be touring the new middle/high school project tomorrow at 3:00 p.m. and invited the Board members to join her.

She stated she received drafts of the fiscal year 2015 financial audit today and will be reviewing it for errors and distributing these to the Board in the coming weeks. She thanked the Town Accountant/Finance Director and her team for their good work. We do expect to complete our tax rate recertification paperwork by the end of this week. She also planned to present the financial forecast on December 3rd and kicking off the budget process on December 7th.

Mr. Toale presented Rhonda Lisio's resignation letter effective November 3rd from P.A.C.C. and Cable Advisory Committee.

Motion: T. Alonzo

2nd: R. Ebersole

To accept Ms. Lisio's resignation with regrets and to thank her for her service to the Town

Vote: All in Favor

Public Comment:

Ms. Alonzo announced the Lunenburg Public Library is celebrating their ten year anniversary on December 5th from 3:00 – 6:00 p.m. in the community room. It will be preceded by children's' activities beforehand.

Mr. Toale announced the Board's next meeting is on December 1st. He wished everyone a happy and safe Thanksgiving.

Motion: P. Bertram

2nd: T. Alonzo

To adjourn the meeting at 8:12 p.m.

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager