**BOARD OF SELECTMEN**
**MINUTES**
**DECEMBER 8, 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; Paula Bertram, Member; Phyllis Luck, Member and Kerry Lafleur, Town Manager.

**Motion: R. Ebersole** **2nd: P. Luck**
**To enter into Executive Session-M.G.L. Ch. 30A, § 21A, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position, and the Chair declares so for Discussion of Retiree Health Insurance Regulations and to Update Union Negotiations and to reconvene to Open Session**
**Vote: Mr. Ebersole-aye, Ms. Luck- aye, Mr. Toale- aye**

**********Executive Session Minutes are Separate**********

The meeting opened at 7:00 P.M. with the Pledge of Allegiance.

**Public Comment:**
Mr. Toale announced the Turkey Hill Lions Club of Lunenburg will be holding a pancake breakfast at Eagle House Senior Center on Wednesday from 8:00 – 11:00 a.m. Tickets are $2.00 each.
Ms. Bertram thanked everyone who attended the Girl Scout pancake breakfast this past Saturday. Everyone had a good time. Ms. Bertram attended the Senior Center Christmas Boutique last weekend and stated it was a great event as well.
Ms. Luck reminded residents to rake the leaves off their storm drains in their neighborhoods in order for water to drain properly. She attended the COA meeting today. She encouraged seniors to check out the activities at Eagle House. The "Sand for Seniors" program is underway. She also mentioned the Senior Tax Work Off Program is still seeking applicants.
Mr. Alonzo announced the Lunenburg family gift mart is open for the season. People can donate gifts or money and eligible applicants in need can shop for Christmas. Donations can be dropped off at any Lunenburg school building, the Boys and Girls Club, Public Library, New Outlooks, Cable Salon, Senior Center and the public safety building until December 10th. For more information, go to www.lunenburggiftmart.com
Mr. Alonzo also mentioned the Boys & Girls Club Annual Fund Drive. This is the first year in its existence. Currently the club membership is at maximum capacity and not accepting any new members. There is a waiting list. Mr. Alonzo asked those who can to support the club and its work. He congratulated the Public Library on their ten year anniversary.

**Temporary License Request for 1134 Northfield Road**
Tanner Cole, 563 Massachusetts Avenue, presented his request for access to the Town's right of way in order for him to grade for the installation of a septic system at 1134 Northfield Road. The septic system must be installed in the front yard. There would be no structures in the right of way, just grading in order to meet Title V requirements. No trees or stone walls will affect the scenic road designation. Ms. Lafluer confirmed the Board can grant a temporary license but Town Meeting must grant any easement. She added we are waiting for some additional information for Town Counsel.
DPW Director Rodriquenz reported he visited the site and there was a precedent set on Rolling Acres Road and Eastern Avenue for the same reason. He saw no detrimental effect to drainage on or off the road or for snow storage. He wanted to make sure the Town is indemnified from any potential future damage.
**Motion: P. Bertram** **2nd:P. Luck**

**To approve the license with the stipulation that language be incorporated into the agreement that indemnifies the Town from any damage**

Mr. Toale pointed out the license could be approved but must be signed at a later date as it is not ready for this evening's meeting. Mr. Alonzo suggested Ms. Bertram amend her motion to say drafting the license. Ms. Bertram accepted the amendment. **To approve drafting the license with the stipulation that language be incorporated into the agreement that indemnifies the Town from any damage during construction**

**Vote: All in Favor**

**Review of the Net Metering Agreement with Nexamp**

Ms. Lafleur reported the Board had authorized her to negotiate the net metering agreement for the project that was proposed to them. She presented an agreement for consideration and announced Kopelman and Paige Attorney Rick Holland was here to review the highlights of the agreement with the Board and address any questions.

Mr. Holland stated this agreement is for twenty years and has an option to renew for two five-year terms based on both parties' agreement. The Town would be purchasing fifty percent of the net metering credits generated by the system. There is a minimum floor price of .08 cents. The overall value of each credit changes over time. There is a basic service charge that fluctuates with the market and there is a transmission/distribution charge. After reviewing the Unitil website regarding net metering credits, the anticipated rate that Unitil would charge the Town would be the small commercial rate. One good thing in the agreement is the Town is not required to pay for credits unless they show up on the invoices. The Town can elect where the credits should be applied.

Mr. Alonzo asked what the Town's methods of termination are in the agreement. Mr. Holland stated in section 2.2 there are early termination provisions. Either party may terminate on the default of the other party, such as failure to pay for the credits, or (section 4.2) a change in applicable law or a governmental authority order that materially restricts Nexamp's ability to deliver Net Metering Credits to the Town; that materially restricts the Town's ability to receive or use Net Metering Credits; that disallows the Nexamp's qualification as a Private Facility under the Private Cap, or that occurs before Nexamp secures a Private Cap allocation.

Ms. Bertram asked if the timelines have been specified. Attorney Holland stated it would be determined by section 2.2(c); the construction commencement deadline date is within 180 days from the date the agreement is signed; the mechanical completion date is within 270 days of the effective date. This does not mean it's commercially operable until the utility gives permission to commence operation.

Ms. Bertram asked for confirmation that the Town could use the percentage that they are obligated to purchase. Ms. Lafluer stated the amount they are talking about would be equivalent to what the public safety building would use. The annual value of this is around $20,000 to $25,000. The annual expense just for municipal buildings outside of the school is around $140,000.

**Motion: R. Ebersole** **2nd: P. Bertram**

**To approve the net metering agreement between the Town and Fitchburg Solar, LLC effective on this day**

Ms. Bertram noted on page 2 a reference is made to section 4.3 and there is no such section, it should be changed to section 4.2. The notation was made. **Vote: All in Favor**

**Appointments**

Mr. Toale moved on to the Storm Water Task Force recommendations for the representatives for Planning Board- Matthew Allison; Conservation Commission- John Rabbitt and DPW- Jack Rodriquenz.

Dave MacDonald has requested to be appointed as one of the members-at-large. Ms. Lafleur stated we are awaiting a recommendation from the Board of Health. Ms. Luck expressed interest in serving as the Board of Selectmen representative.

**Motion: T. Alonzo** **2nd: R. Ebersole**

**To appoint Phyllis Luck as the Board of Selectmen representative to the Storm Water Task Force**

**Vote: All in Favor**

**Motion: R. Ebersole** **2nd:T. Alonzo**

**To appoint Dave MacDonald as a member-at-large on the Storm Water Task Force**

Mr. MacDonald thanked the Board. He looks forward to working on the task force. **Vote: All in Favor**

**Motion: R. Ebersole** **2nd: T. Alonzo**
**To appoint Cullen Dwyer as the Historical Commission representative to the Architectural Preservation District Commission** **Vote: All in Favor**

The Board accepted the other nominations for the Storm Water Task Force representatives.

**CURRENT BUSINESS**

1. **2016 License Renewals:** Mr. Toale commended Executive Assistant Peterson for providing a comprehensive renewal package. Ms. Lafleur reported it is time for consideration of approval of business licenses for 2016. It is a very cumbersome process; involving varying requirements for different types of licenses. The process involves the Building Commissioner's office, Fire Department cooperation, and interactions with the Sewer Commission office and the Tax Collector's office.
We only have four businesses who hold licenses that are not ready for renewal; one of them is not renewing due to retirement. We are continuing to work with them for the next meeting. Ms. Lafelur noted Ms. Peterson was very diligent in reviewing all of the requirements for renewal and ensuring licensees complied with them; one of which was that the license must be paid for at the time of renewal. All of these license fees have been paid which has not been the case in the past. All taxes, fees, anything that is owed to the Town through June 30, 2015 has been paid. Mr. Alonzo thanked the businesses for their cooperation and making the renewal process easier for all.
Ms. Lafleur began with liquor license renewals. She read aloud the list of "doing business as."

| | |
|---|---|
| SEAN PATRICK'S | RESTAURANT ALL ALCOHOL |
| EMBERS PIZZERIA | RESTAURANT ALL ALCOHOL |
| AMERICAN GRAFFITI | RESTAURANT ALL ALCOHOL |
| DONNELLY'S TAVERN | RESTAURANT ALL ALCOHOL |
| LAKEVIEW CLUB | GENERAL ON PREMISE ALL ALCOHOL |
| LUNENBURG LIQUORS | PACKAGE STORE ALL ALCOHOL |
| CENTRE PIZZA & VARIETY | PACKAGE STORE WINE & MALT |
| HANNAFORD SUPERMARKET & PHARMACY | PACKAGE STORE ALL ALCOHOL |
| THE BOOTLEGGER | RESTAURANT ALL ALCOHOL |
| BAKER'S WHALOM VARIETY | PACKAGE STORE WINE & MALT |
| ELENA'S GOURMET GROCERY | PACKAGE STORE ALL ALCOHOL |
| ON THE ROCKS | GENERAL ON PREMISE ALL ALCOHOL |
| IXTAPA CANTINA | RESTAURANT ALL ALCOHOL |
| HADWEN MARKET | PACKAGE STORE WINE & MALT |
| ASIAN IMPERIAL | RESTAURANT ALL ALCOHOL |
| BANGKOK HILL | RESTAURANT WINE & MALT |
| DARIO'S | RESTAURANT ALL ALCOHOL |
| CENTRAL MASS GARDENS | PACKAGE STORE WINE & MALT |
| SETTLER'S PUB | GENERAL ON PREMISE ALL ALCOHOL |
| HONEY FARMS STORE #93 | PACKAGE STORE WINE & MALT |
| PRIMETIME PUB | GENERAL ON PREMISE ALL ALCOHOL |
| ZEDAS | RESTAURANT ALL ALCOHOL |
| MICKEY SHEA'S | RESTAURANT ALL ALCOHOL |
| KABOB-E-LICIOUS | RESTAURANT WINE, MALT, CORDIALS |

**Motion: R. Ebersole** **2nd: T. Alonzo**
**To approve the 2016 liquor license renewals as read by the Town Manager Vote: All in Favor**

Ms. Lafleur moved on to Common Victualer license renewals. She read aloud the following list.

SEAN PATRICK'S
EMBERS PIZZERIA
AMERICAN GRAFFITI
DONNELLY'S TAVERN
LAKEVIEW CLUB
CENTRE PIZZA & VARIETY
HANNAFORD SUPERMARKET & PHARMACY
THE BOOTLEGGER
BAKER'S WHALOM VARIETY
ON THE ROCKS
IXTAPA CANTINA
HADWEN MARKET
ASIAN IMPERIAL
BANGKOK HILL
DARIO'S
SETTLER'S PUB
HONEY FARMS STORE #93
PRIMETIME PUB
ZEDAS
MICKEY SHEA'S
MR. MIKE'S
PRESTO PIZZA
SHADY POINT BEACH & CAMPGROUND
DUNKIN DONUTS
LUNENBURG EXXON
LANNI ORCHARDS
STELLA'S COFFEE SHOP
WHALOM GAS SERVICE
THE LUNCH BOX
CHERRY HILL ICE CREAM
KABOB-E-LICIOUS
DIPPIN DONUTS
THE UGLY OMELET

**Motion:P. Bertram** **2nd: T. Alonzo**
**To approve the common victualer license renewals as read by the Town Manager**
**Vote: All in Favor**

The next renewals were for Auto Dealer licenses. Ms. Lafleur read the list aloud.

| | |
|---|---|
| CENTRAL MASS POWER SPORTS | CLASS I |
| CHAPDELAINE TRUCK CENTER, INC. | CLASS I |
| DAEWOO NORTH | CLASS I |
| NORTH END MAZDA | CLASS I |
| NORTH END SUBARU | CLASS I |
| PMK MOTOR SALES | CLASS II |
| P & S TRUCKS AND PARTS INC. | CLASS II |
| NORTH END SUBARU | CLASS II |
| MASS AVE. MOTORS INC. | CLASS II |
| P & S TRUCKS AND PARTS INC. | CLASS III |
| CHAPDELAINE AUTO SALVAGE | CLASS III |

**Motion: T. Alonzo** **2nd: P. Bertram**
**To approve the auto dealer license renewals as read by the Town Manager** **Vote: All in Favor**

Ms. Lafleur read aloud the automatic amusement device license renewals.

AMERICAN GRAFFITI
DONNELLY'S TAVERN
LAKEVIEW CLUB
BAKER'S WHALOM VARIETY
ZEDAS
MICKEY SHEA'S
WHALOM GAS SERVICE
LINEAGE VAPORS

**Motion: R. Ebersole** **2nd: T. Alonzo**
**To approve the automatic amusement device license renewals as read by the Town Manager**
**Vote: All in Favor**

The next licenses up for renewal were the weekday entertainment licenses. Ms. Lafleur read the list aloud.

AMERICAN GRAFFITI
DONNELLY'S TAVERN
PRIMETIME PUB
MICKEY SHEA'S

**Motion: P. Bertram** **2nd: T. Alonzo**
**To approve the weekday entertainment licenses as presented** **Vote: All in Favor**

Ms. Lafleur read the jukebox licenses up for renewal aloud.

AMERICAN GRAFFITI
DONNELLY'S TAVERN
LAKEVIEW CLUB
ON THE ROCKS
PRIMETIME PUB
MICKEY SHEA'S

**Motion: T. Alonzo** **2nd:P. Bertram**
**To approve the jukebox licenses as read by the Town Manager** **Vote: All in Favor**

Ms. Lafleur read aloud the miscellaneous license renewals.

LAKEVIEW DRIVING RANGE BASE-GOLF DRIVING RANGE

FIRST CHOICE LIMOUSINE LIMOUSINE LICENSE

**Motion: P. Bertram** **2nd: T. Alonzo**
**To approve the miscellaneous license renewals as presented.** **Vote: All in Favor**

Ms. Bertram inquired if the Town's license fees were up to par with other communities of similar size. She requested license fees be reviewed over the next year.

Ms. Lafleur reported ZEDA's has applied for a jukebox license for 2016; this is a new license application.
**Motion: P. Bertram** **2nd: T. Alonzo**
**To approve the jukebox license for Lunenburg Zeda's Inc.** **Vote: All in Favor**

**Warrants/ Action File Issues**
The Board signed an Accounts Payable warrant in the amount of $376,237.80.

Ms. Luck referred to a November 17th memo from School Superintendent Calmes to the Town Manager and the Chairman about budget revision requests/change orders for the Middle/High School construction project. She asked about Ms. Calmes' notation that the project manager stated the Board of Selectmen receives notification of the changes as an acknowledgment that funds were moved from one line item in the budget and not for approval. Is this correct? Ms. Lafleur stated she has requested Supt. Calmes to get clarification from the MSBA on what role the Board of Selectmen takes in that process. Ms. Luck also wanted to know how contingency funds can be expended and on what contingency funds can be used. Ms. Lafleur encouraged Ms. Luck to attend the School Building Committee meeting tomorrow night. One of the agenda items will be what the process is for contingency requests. She added the Town Meeting vote was to authorize the School Building Committee to expend the project budget. Discussion about contingency spending and possible expenditures ensued.

Mr. Ebersole suggested holding a workshop with the Zoning Board of Appeals and the Building Commissioner relative to a prior ZBA decision allowing ground mounted solar panels close to property lines.

**Committee Reports:**
Ms. Luck reported the School Committee met on December 2nd; the three school principals shared their budget requests. They are scheduled for a budget meeting with the Finance Committee this Thursday.
Facilities Director Londa requested $228,000 for facilities improvement which included a used pickup truck.
Heather Sroka and Wendy Bertram will be meeting with the Clerks and Secretaries Association to begin negotiations. ZBA is meeting tomorrow to consider an auto repair shop at 321 Electric Avenue.
Ms. Bertram reported Conservation Commission met on December 2nd. There were several hearings scheduled that evening. When she arrived they were discussing 155 Reservoir Road, lots 1-9, which had been rescheduled from November 18th. Abutters appeared with concerns about runoff and debris. All nine lots were approved with conditions. A violation order was issued on 101 Pleasant Street. Further investigation is required as work within the 100 foot buffer zone and a town easement is involved. It was suggested Conservation Commission do some public education about what is required for filing when working near wetlands. They continue to work on their regulations amendments outline for the Board. It was suggested to research a state law exemption that if more than 10% of the population are involved that it is a significant portion of the population and an exemption may not be necessary.

Mr. Alonzo reported Town Manager presented her Five Year Financial Forecast to the Finance Committee last week. Finance Committee is meeting with the School Committee this Thursday. School Building Committee meets tomorrow. No report for Cable Advisory Committee.
Mr. Ebersole reported PACC continues to work on their strategic plan as well as their business plan and budget for next year. Sewer Commission meets tonight.
Mr. Toale reported Building Reuse will be reporting on the Building Feasibility Study in January. Capital Planning requests are due on the 11th.
Ms. Lafleur reported she attended the Northeast Municipal Pipeline Coalition meeting yesterday. There were about fifteen communities attending. Lunenburg will be hosting the next meeting at the Public Library on January 11th at 10:00 AM. The Attorney General issued a report on the pipeline project which basically says under any scenario increased gas capacity is not needed to meet the state's electric reliability needs. Kinder Morgan did file its official application. There are more detailed pipeline maps available but she is not sure who created them. There are 701 newly impacted property owners on the entire length of the pipeline that are not yet notified.For any change in the pipeline routes after the FERC approval, eminent domain taking of property is not an option for Kinder Morgan. The official docket number is CP16-21. A helpful website is nofrackedgasinmass.org. She was impressed by the level of knowledge present at the meeting. DEP is taking the position that the permitting process goes through impacted local conservation commissions. There was a strong sense that municipalities should not cede that right to the state even due to the lengthy undertaking.
Ms. Lafleur was unable to attend the Governor's announcement of his Act to Modernize Municipal Finance and Government. It is a lengthy bill to modernize the interactions between state and local government. More information will follow at a later date.

Mr. Ebersole noted the Lunenburg Water District Commission is meeting tomorrow night to continue discussion on potential IMA with the Town of Lancaster and to hear a report from their engineers regarding that expansion.

Mr. Toale stated the next meeting is December 15th.

**Motion: P. Bertram** **2nd:T. Alonzo**
**To adjourn the meeting at 8:38 PM** **Vote: All in Favor**

Respectfully submitted,

Elaine M. Peterson

Elaine M. Peterson
Executive Assistant to the Town Manager