

RECEIVED & FILED

JUN 07 2017

LUNENBURG TOWN
CLERK OFFICE

**BOARD OF SELECTMEN
MINUTES**

**Joseph F. Bilotta Meeting Room, Town Hall
May 2, 2017**

The Board of Selectmen met in the Bilotta Meeting Room, with Jamie Toale, Chairman; Tom Alonzo, Clerk; Paula Bertram, Member; Phyllis Luck, Member and Town Manager Heather Lemieux.
Not present: Robert Ebersole, Vice Chairman

The meeting commenced at 7:00 p.m.

Public Comment:

Mr. Alonzo announced the May 18th 7:00 p.m. public hearing for the renewal of the Comcast cable license renewal. Mr. Toale announced Annual Town Meeting is this Saturday at the Middle/High School at 9:00 a.m. Memorial Day Observance will be Monday, May 29th at 10:00 a.m. at Veterans' Memorial Park, weather permitting. If it rains, they will move inside the Senior Center.

Mr. Toale announced he attended a regional firefighter training exercise at Devens at the invitation of the Fire Chief Sullivan. The topic was building collapses. He commended them for staying abreast of these topics. DPW Director Rodriquez stated he wanted to take the opportunity on behalf of the DPW family to thank Mr. Alonzo for his years of dedicated service to the Town. Mr. Alonzo thanked him.

Katie Adams, 25 Williams Drive, stated she is opposed to Annual Town Meeting Articles 22-25. She believed they were undemocratic as they will take away the townspeople's ability to vote on what will be some big decisions on historic municipal space.

7:05 PM Entertainment License – 300 Holman Street; Jason Cohen d/b/a Forest Dance

Applicant Jason Cohen presented with Production Manager Gregory Jones. Mr. Cohen stated they are in their fourth year of the Unifier Roots Gathering. They have created an LLC and plan on purchasing land in Tolland, Massachusetts but because nothing is under a contract yet, they need to find a location for this year. The property owner, Mr. Massey, 300 Holman Street has granted premission for them to use his land. Unifier brings together educators and artists; a combination yoga festival, sacred world music festival and a dance festival. It is also a live art show, place for interfaith ceremony, Permaculture, sculptural works and circus arts. It is a place to care for the land and to eat organic food and to be inspired and to inspire our children and elders.

We are looking at a smaller gathering of a core group of people. Mr. Jones presented a video showing some of the events from previous gatherings. Mr. Cohen stated there has been concern expressed about the event. He noted there is a lot prayer and ceremony at the gathering with no alcohol or drugs. They eat organic food and support local farmers. They compost all of their food. They also have programming for children.

Mr. Jones stated he is the production coordinator for the Springfield Jazz and Roots Festival and the Greenfield Green River Festival. What distinguishes this event from others is this is an 8 to 80 age type of event, very unique and family oriented.

Ms. Bertram stated she would like to hear from the Police and Fire Chiefs. She was concerned about the number of attendees and possible sanitation issues; mainly a potable water supply for sanitation washing. Also the potential parking concerns and fire access. She asked have you contacted the Board of Health yet and are all of the vendors you have contacted licensed through Nashoba Associated Boards of Health? She wanted to know about the event times, any noise ordinance and to make sure this event addresses past concerns from abutters about camping on the Holman Street property.

Mr. Cohen stated they do have Tolland Board of Health inspector Valerie Byrd's contact information and her contact information for a reference. All of their vendors are SafeServ certified and have individual liability

coverage. Ms. Bertram reiterated that her understanding was that they need to be licensed so he would have to check with the Nashoba Board of Health.

As far as parking, two acres are planned to accommodate that. There is a space for emergency vehicles to access. They are waiving the fee for Thursday to encourage participants to come early and alleviate some of the traffic flow. They are prepared to hire a traffic detail for Friday and Sunday. Mr. Jones stated they are providing a portasam with water for handwashing and there will also be a water buffalo for water for other uses. Ms. Bertram noted those portasams also need to be permitted. Mr. Jones acknowledged that. Mr. Cohen stated we are not having a big bonfire, we have a small fire with three foot lengths of wood and it is monitored the entire time. It is located in a place surrounded by water on three sides.

Darren Massey stated his property has 140 acres. There are eight acres of open fields. Mr. Massey stated as the property owner he is ensuring his property is safe for the event and he has done due diligence in checking on the applicant's past events and references as he wants to remain in good standing with the Town.

Ms. Luck asked how much land was dedicated for the event. Mr. Cohen stated five acres. He added they used Google Earth to find a location for the stage that will not affect abutters and they are setting up a hotline that people can call into if they do hear noise so speakers could be adjusted accordingly. Camping will be on the west side of Mulpus Brook away from the conservation land. No swimming will be allowed in the pond and people will be asked to sign agreeing to not do so.

Chief Marino did have public safety concerns with such a large group of attendees. He was also concerned about parking. Mr. Cohen stated they will have parking attendants with walkie talkies and orange safety vests. He asked if people were coming or going during the event. Mr. Jones stated some come for one day but the majority come for the weekend. Mr. Cohen stated they are capping attendance at 500. People start coming in Thursday afternoon but no events occur with a sound system speaker until Friday except some announcements. Chief Marino stated another concern is vehicles coming in and out on Chase Road especially on Sunday. Mr. Cohen stated people leave on different times on Sunday and some will leave on Monday morning. Chief Marino stated he would probably require some type of police presence with respect to the traffic. They would need to go over a traffic plan. Another concern was noise levels between 7:00 p.m. and 7:00 a.m. He added if there is a noise complaint we have to come down and this could increase service calls on the weekend. We may require a detail officer to address those concerns. Mr. Jones stated because there are so many things going on there could be a small percentage of people in front of the stage.

Mr. Toale recommended delaying a decision until May 16th so they can meet with the appropriate departments to work out the finer details. Mr. Toale welcomed any public comment on this topic. Bill Kenerson from South Row Road stated he and his wife have both attended the Unifier Gathering in Tolland. He went for the day and she went for the weekend. He stated he has never attended such a well-organized event with so many respectful people. The place was spotless and people were very friendly. Staff was attentive to make sure everything was going well. Betsy Kenerson attended the festival. She is a nurse and was impressed by the cleanliness. It is an incredible event for all; a beautiful spiritual family event.

Ms. Bertram agreed with Mr. Toale on not being ready to make a decision tonight. She requested feedback from the two Chiefs, Conservation Commission, Board of Health and the Land Use Director. Mr. Alonzo stated he was not certain as to what they are applying for as a weekday entertainment license. These usually are single day events. We need to look at what our authority is and what is the landowners' authority, public safety notwithstanding. As far as our licensing goes, this type of event has never happened before in town. Do we have the authority to offer these licenses for what they are seeking? Also, what is the Town's and the property owner's insurance liability? Mr. Cohen stated he already has spoken to Executive Assistant Peterson regarding the insurance coverage and we definitely have to protect ourselves as well. We have already named the Town of Lunenburg on our coverage. Mr. Jones stated every town's entertainment license is never precise to any event and you almost have to make them original for each event.

Land Use Director Burney stated the entertainment license falls under the Board of Selectmen and this is something zoning would not concern itself with because it's not a use of the land but rather an event on the land. We have checked with legal counsel and it's a one time event. There is a commercial component to this that warrants a license. Mr. Cohen wanted to mention that they are applying for non-profit status as a 501(c)(3). Mr. Toale suggested coming back on the 16th after talking to the pertinent departments. Mr. Jones stated this event is open to the public. Ms. Luck asked about waste removal. Mr. Cohen stated they have staff that handle

that. We recycle to separate all the materials and compost the garbage. We like to leave the land cleaner than how we found it. The Board thanked them for coming this evening.

Police Association Car Show

Police Chief Jim Marino presented on behalf of the Lunenburg Police Relief Association to hold a Cruise Night on Wednesday, June 14, 2017 (rain date June 21) from 4 - 8 p.m. on Memorial Drive. We have checked with the School Department, the Council on Aging and the Teen Center and asked if they would be opposed to this event on Memorial Drive. We have invited members of the antique/classic/ hot rod car community. The purpose is to invite as many of the local businesses to come and promote their services in the center of town. Some of the local auto dealers will display new cars. We will have food vendors. We want to see how it goes and if it takes off to do something bigger next year. Mr. Alonzo asked if he talked to some of the local residents. Chief Marino stated he was waiting to get permission first. People would park at the school. We will have a local DJ playing music. A police officer (name unknown) stated he checked with the school and there are no events scheduled that night. We will direct traffic to enter through the school on Mass. Ave. and park there.

Motion: P. Bertram

2nd: T. Alonzo

To approve the Cruise Night event on June 14th with a rain date of June 21st from 4 – 8 p.m. with the stipulation the residents have no objections to the road being closed during that time Vote: All in Favor

Annual Town Meeting Warrant

Articles 22- 25

Mr. Toale reported the four articles grant to the Board of Selectmen care, custody and control of the four municipal buildings for general municipal purposes and for the purpose of conveyance. The four properties are the Ritter Building, Town Hall, old Primary School and Brooks House. The warrants add the words “conveyance.” The Building Reuse Committee feels very strongly that our ability as a town to market, negotiate, utilize buildings that are or may become surplus is enhanced by the ability of people who are responsible for that and who have a knowledge of all the associated data to be able to make that decision. That does not preclude in any way from involving the town; having public and marketing sessions, charrettes, etc. The Building Reuse Committee believes the Selectmen should have the ability to convey these properties if it becomes appropriate. The reason for revisiting it tonight prior to town meeting is the concern that not enough safeguards were in place.

Building Reuse Committee member Damon McQuaid, 49 Brookview Terrace, reviewed the Village District and Architectural Preservation District (APD) bylaws as they pertain to the articles and the center of town. He stated the goal is not to take this out of the hands of townspeople. Town Meeting floor is a difficult place to design by committee what the residents want to see in the center of the town. The Planning Board and Architectural Preservation District Commission (APDC) would be the appropriate boards that decide that initially and get peoples’ feedback on what they want rather than at the mad rush of Town Meeting floor.

The Village Center bylaw uses allowed are retail with a maximum 5,000 square feet floor area, professional office space, personal services, artist space, restaurant, bed and breakfast, mixed use containing less than 5,000 square feet per individual proposed use, and civic uses.

Uses allowed by Special Permit are single and two-family homes, multi-family homes, apartment complexes, movie house/theater(two screens maximum), liquor stores, outdoor markets subject to applicable licensing requirements, private clubs, drive through use for banks, retail use greater than 5,000 square feet and uses allowed by right with a floor area greater than 5,000 square feet included in a multiple commercial use or mixed use development.

Special criteria provisions, prohibited uses and design standards were reviewed. He stated they spent over a year and a half holding public hearings, charrettes and doing research with the Historical Commission and Historical Society as to what’s appropriate in the town center. Site design includes interior streets, walkways, and access, parking and loading areas, sidewalks, landscaping and street furniture.

Moving on to the APD bylaw, he stated this is a second level of protection. Design standards are under “binding review” currently. This commission will be reviewing any demolition or alteration of a historic building in the center of town as well as any materials that are going to be used on the building. Height and proportion, relation

of structures and spaces, shape, scale, directional expression, garages and accessory buildings and materials and methods of construction will be addressed by the regulations. The APDC will be holding public hearings on these criteria. He added he didn't see these ATM articles taking away anyone's voice.

Mr. Toale stated the Building Reuse Committee will dissolve at Town Meeting and from that point on whatever we do/vote, becomes the responsibility of the Town. We propose that each building be taken as a separate building. Land Use Director Burney reported the APDC has forwarded their draft regulations to Town Counsel for review. They have scheduled a public hearing for those regulations for May 16th.

Mr. Alonzo asked if all four buildings were in the Village District and Architectural Preservation District. Mr. Burney stated yes. Mr. Alonzo stated the old Primary School Building was already conveyed to the Selectmen. He was initially against doing this initially because the APD guidelines were not ready. He was much more comfortable with this at this time.

Ms. Bertram thanked Mr. McQuaid for coming forward stating it was helpful to hear. She still had concerns specific to the Ritter Memorial Building and Town Hall. She wasn't as concerned about the old Primary School but was about the parking availability for the Historical Society. She believed before they convey that building they should carve out a parking area for them. Ms. Bertram continued about Town Hall and Ritter Building; we talked about potentially adding onto this building and modifying it. We talked about the T.C. Passios Building and dividing it and using for municipal and other rental purposes. However she didn't know if it was ever presented to the town to get their comments and feedback. Second, she didn't know if an official decision has been made by this Board and did not know if we have identified the potential cost of that. She would like to have all of that answered before conveying our municipal buildings.

Mr. Toale stated the plan to consolidate the municipal offices into T.C. Passios was approved by this Board and at town meeting. The result was that Town Hall and Ritter Building would become under-utilized or vacant. If we change direction, then Passios becomes excess space. We are most likely losing some of our Passios tenants. Our proposal that was approved at town meeting was to consolidate into Passios. There is an estimated cost of \$4.7 million, which has no funding currently. We would need around 20,000 to 25,000 square feet which includes the PACC studio and the only building that can accommodate us is T.C. Passios. The original approved plan was to demolish one wing of the Passios to make it the size we were looking for and we have since said maybe we want to wait on that in order to generate rent during the transition period.

Mr. Alonzo noted the Lunenburg Boys and Girls Club is outgrowing their building and property and might have some interest in using Passios also. That would free up the current Teen Center building.

Further discussion ensued about what was approved previously and going forward. Ms. Bertram stated she would be opposed to Articles 22 and 25 at this point and Article 24 concerning the parking at the old Primary School. Mr. Toale stated if 24 passes the Board can convey the parking space as they see fit and stated he did not believe Town Meeting floor was the place to decide such things. Ms. Bertram stated they could agree that they disagreed. Mr. Toale stated this is a very complex issue with a lot of data and variables. Our objective was to broaden our opportunities.

Articles 34-35

Ms. Lemieux reported Mr. Ebersole drafted the bylaw articles handout based on the bylaw review committee's recommendations.

Article 34:

ARTICLE II TOWN ADMINISTRATION

Add new bolded language to SECTION 1:

SECTION 1. All Boards, standing committees and officers of the Town, shall keep proper records of all their doings and accounts. The records and vouchers of such boards, committees and officers shall be kept in their respective offices and shall not be removed therefrom; such records and vouchers shall be open to the inspection of the citizens of the town, the said records and vouchers remaining under the supervision of the board, committee or officer having charge thereof.

Minutes of all town boards and committees must be approved in 30 days and periodic review of executive session quarterly. The minutes of all town boards and committees' meetings shall be filed with the Town Clerk within two (2)

weeks after those minutes are approved by the board, and the minutes of all executive sessions of those boards and committees shall be filed with the Town Clerk within two (2) weeks of those minutes being made public. Minutes shall include the material substance of the discussions, including votes, and need not be a verbatim record unless otherwise required by law.

ARTICLE 35. To see if the Town will vote to amend the Town By-laws to address substantive changes to Article II, Town Administration, Article V, Article VI, Article IX, Article XII, Article XXII, Article XXVI, and Article XXVII; or take any other action relative thereto.

Discussion about the deadline for minutes ensued. Concern was expressed about the frequency of some committee's meetings and discouraging volunteers. Also who would enforce this? The Board took no action.

CURRENT BUSINESS

Tax Title and Foreclosure discussion (cont.)

Ms. Lemieux presented an update from the previous discussion in March. A list of 63 tax title properties that might go to foreclosure or tax lien sale was presented by Treasurer/Collector Mallari.

Ms. Lemieux stated a tax title assignment sale is the sale of tax liens that have gone through the tax-taking process but have not been foreclosed. Selling the lien does not transfer ownership. Under M.G.L. Chapter 60, § 52, the Treasurer has the authority to assign and transfer tax title(s), individually or bundled to the highest bidder. At the time of tax title sale, the Town recoups all the delinquent taxes, interest and all associated costs (legal, recording costs, advertising).

Ms. Lemieux noted the Treasurer/Collector has committed to send a letter to the property owners 30 days in advance of the sale so they have the opportunity to pay the delinquent taxes. The average minimum cost to move a property through the Land Court foreclosure process is \$3,500. Currently the Town only budgets \$8,000 per year for tax title foreclosures (approximately two properties).

Based on the list of properties the Conservation Commission has expressed interest in, it would cost the Town \$56,000 to foreclose, create a deficit of approximately \$180,000 in abated taxes and reduction of \$1,208,400 from our Tax Levy. Foreclosure can take up to two years in Land Court. The original owner has a one year redemption period after final court ruling to pay the amount owed on the property. Land Court protects owners by allowing all available options to set up payment agreement(s). During the foreclosure process, it is not accruing the 16% interest. The percentage of Tax Titles that actually end up foreclosed is .2%.

The public auction will attempt to recoup the value of all delinquent taxes and get them back on the tax rolls. Auctioning off foreclosed properties does not cost the Town money. The auctioneer adds a percentage of the sale on top of the auctioned price that the buyer is responsible for paying.

Ms. Lemieux stated if a tax title company bought all the delinquent properties, they would bring all the taxes owed to the Town up to date.

Currently the Town owns four foreclosed properties:

- 1162 Mass Ave.-taxes owed dating back to 1983 = \$119,111
- 98 Youngs Road- taxes owed dating back to 1990 = \$65,684
- 425 W. Townsend Road –taxes owed dating back to 1993 = \$70,114
- 485 Townsend Harbor Road –taxes owed dating back to 1988 = \$83,029

Discussion centered on the assessed values of land and ability to recoup taxes owed and to foreclose on some more valuable properties and sell them off for a profit. It was suggested to hold a workshop on the tax title property list to divide which should go to foreclosure or to auction. Ms. Lemieux recommended postponing the traffic rules and regulations workshop scheduled for the 9th and holding it on this topic. Ms. Lemieux thanked Ms. Mallari for all her work on this.

CURRENT BUSINESS (CONT.)

Review of Motions on Annual Town Meeting Articles

Ms. Lemieux reviewed the motions for Annual Town Meeting with the Board. She reported Article 1 will be passed over as there are no reports to be heard. Article 5 requires a majority vote not a 2/3rds. The tentative amounts for Article 12 and Article 14 are \$3,496.90 and \$26,500 respectively. DPW Director Rodriquenz will read Article 18 for the Cemetery Commission. Articles 37 and 39 might be passed over if there are no substantive changes.

Minutes/ Warrants/ Action File Issues

Minutes of April 4 and April 11, 2017 were approved and signed. The Board signed a payroll deductions warrant in the amount of \$517,670.97, a payroll warrant in the amount of \$690,311.68 and an accounts payable warrant in the amount of \$881,422.04.

The Board signed a thank you letter to the members of the Architectural Preservation District Commission.

Committee Reports:

Ms. Luck reported the School Committee met on April 26th. There was a transfer from the surplus in the school electricity line account of \$45,000 to the capital improvement line account to be used for security equipment at the Primary School. They adopted a school lunch insufficient funds policy against school lunch debts and have already begun collecting money. They accepted \$1600 in donations from Hannaford's and Fitchburg State University's professors. They meet again tomorrow.

Ms. Luck attended the Central MA Stormwater Coalition Steering Committee meeting on April 24th. They are up to 33 community members and Natick, Fitchburg and Marlborough are joining. There was discussion about the state taking over the Ms4 permitting. The coalition is not in favor of this because they don't believe the state will be as stringent as the EPA. Due to the current change in the federal administration, it is still up in the air. There was discussion around the need for each community to have its own flood plan survey and flood plan mitigation plan in place and it to be updated every five years. They meet again on June 26th in Auburn.

The Storm Water Task Force met April 27th. We needed to decide which Ms4 permit activity would be used for the Community Compact best practice. They decided on four different items. Land Use Director Burney will be drafting that recommendation and presenting it following a vote at their next meeting.

Ms. Bertram reported the MPO met on April 19th. They are working on the 2018-2022 Transportation Improvement Plan. They do not have enough projects to meet the available target funding. They are proposing a special meeting on May 10th at 6:00 p.m. to solicit proposals from member communities. There is a draft plan out now for public comment. She requested an update on the Chase Road project regarding the project's potential advertising date prior to the October 1st deadline. There is a draft Critical Urban Freight Corridors out for public comment.

Mr. Alonzo reported Cable Advisory meets on May 15th, three days before the public hearing on the cable license renewal. School Building Committee is scheduled to meet on May 10th. Finance Committee met last Thursday but he was unable to attend.

Town Manager Report

Ms. Lemieux reported on what's been accomplished and set in motion since she began in January; FY 2018 Budget, Community Compact Program, Complete Streets Program, Town Counsel Request for Proposals (RFP) and Sale of Municipal Buildings RFP. She stated she looked forward to making progress on other projects.

Ms. Lemieux reported the DPW Director contracted a cleaning company for bird waste remediation in the Town Hall attic. Our office contacted the Secretary of State office to find out what our options are regarding records in the basement that are beyond repair. As long as we keep a record of permanent records that were destroyed, we can destroy them. DPW will set up an area in the parking lot at a future date for departments to determine what is to be destroyed or retained and cleaned. The next step will be to solicit quotes on making the basement waterproof.

Ms. Lemieux received notification from the Lieutenant Governor's office that the Community Compact signing will be May 4th at 2:00 p.m. in the Public Library Community Room. This event will be open to the public. She announced National Grid will be installing a gas pipeline this week from the Whalom area rotary to the Electric Avenue intersection, turning north on Electric Avenue to the new Unutil Building site. National Grid

will be providing gas service to Unitil because it is outside of the Unitil service area. It is unclear whether area residents will be able to tie into the gas pipeline.

Mr. Toale announced tonight's Executive Session will be postponed to a later date. The next Board meeting is Tuesday, May 9th. It will not be televised but is open to the public.

There was no public comment other than Mr. Alonzo commending an attendee for sitting through the entire meeting this evening. Ms. Lemieux asked if the Board needed to meet before the town meeting. A fifteen minute meeting will be scheduled prior to it.

Motion: P. Bertram

To adjourn the meeting at 10:04 p.m.

2nd: T. Alonzo

Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager