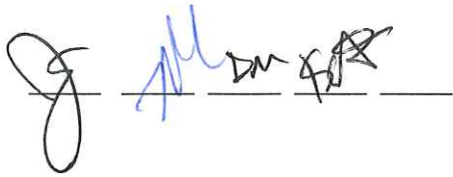


NOV 27 2018

LUNENBURG TOWN
CLERK OFFICE**BOARD OF SELECTMEN
MINUTES****Joseph F. Bilotta Meeting Room, Town Hall
October 2, 2018**

Board of Selectmen: Jamie Toale, Chairman; Robert Ebersole, Vice Chairman; Damon McQuaid, Clerk; Phyllis Luck, Member; Katey Adams, Member

Also Present: Heather Lemieux, Town Manager; James Marino, Police Chief; Adam Burney, Land Use Director

The meeting opened at 7:00 p.m. with the Pledge of Allegiance.

Mr. Toale stated in accordance with the requirements of Open Meeting Law, the meeting was being recorded and broadcast over the Lunenburg Public Access channel.

PUBLIC COMMENT

Ms. Luck stated she was dropping juice off at the Boys and Girls Club/Teen Center and a young man stated what a nice community this is. They wanted to thank the community for being so supportive. Lynne Man, 463 Burrage Street, representing a group of concerned people that either abut conservation land or use these resources, was concerned about the forest stewardship plan and felt selective harvesting is akin to logging. Logging creates many large roads, skidder trails and creates silt, leaves uncollected wood chips etc. which can severely limit the recreation value of the land for many people. The stewardship plan for Robbs Hill appears to be consistent with the MA Forestry Best Management Practices manual. However, what we see on the ground months after the Small Town Forest harvest does not reflect the spirit of conservation in which the forestry proposal was presented. We ask the Board of Selectmen to help us to ensure that our treasured conservation areas are preserved the way that is acceptable to all Lunenburg residents. We are asking for a moratorium on all forestry stewardship projects until the following things are accomplished:

First, we would like to do a walk to the end of the Small Town Forest with the Conservation Commission, Gary Goldrup, the Forestry consultant and the Board of Selectmen, so we can understand what appears to us as a very poorly executed implementation, is in fact okay and will be okay in the long run.

We request the Town complete all cleanup and rehabilitation work at the Small Town Forest and allow time for it to recover prior to undertaking another selective harvesting project.

We would like the Conservation Commission to provide examples of similar projects that were completed five to ten years ago with detailed directions (maps preferred) to very specific sites that were previously logged so that we can go out and see for ourselves what it looks like.

Finally, we request the appointment of a special task force by the Board of Selectmen for us to do the following; evaluate alternative options to the existing cutting plans that might also achieve forest stewardship goals of maintaining forest health while minimizing the collateral damage that we see in the forest. This should include options that do not require selective cutting. It is vital to develop a plan to improve effective communication with citizens regarding any proposed forestry management and cutting. We have talked to over 100 Lunenburg residents and not a single person was aware of any proposals for cutting in the Small Town Forest. The process to cut in Robbs Hill Forest is well underway. We need to

allow time to inform citizens of any proposed plans and alternative options to evaluate costs and consequences of each and invite residents to participate in the process.

We would like to be on the next Selectmen meeting agenda to discuss how we can work together and collaborate on the above points. She thanked the Board for taking their comments tonight.

Ingrid Cruse-Helmer, 141 Canterbury Drive, informed the Board of *Lunenburg ROAR*, which stands for Resources for Opiate Awareness and Recovery. We are a grassroots organization whose mission is to increase awareness about substance abuse and addiction, to provide fact-based information, to encourage safe and healthy choices and to provide information about support and resources to addicted persons, their families and members of the community at large. Our members include educators, medical and mental health professionals, public safety personnel, clergy, family members of the addicted persons and members of the community. We formed in the spring of 2017 in response to the rising tide of opiate addiction and we have attended a number of community events. She presented a history of their programs to date. Their next event is November 1st with Dr. Ruth Potee at 6:30 p.m. at the Lunenburg High School auditorium. We will be hosting a fundraiser at the Outback Steakhouse on November 8th. Further details are on Facebook.

APPOINTMENTS

Police Chief Marino recommended two officers to be appointed to full-time. One officer will fill the vacancy that was created by the departure of Lt. Luth. The second is an addition to the Police Department which was budgeted for this fiscal year.

John "Jack" M. Wagner was selected as a finalist from a pool of applicants through a hiring process that included an application and pre-screening component and an oral board. He is currently employed by the Police Department as a Reserve Police Officer. He is a graduate of Lunenburg High School, has an Associates of Science degree in Criminal Justice from Mount Wachusett Community College and a Bachelor of Science degree in Criminal Justice from Fitchburg State University. He served two internships with the Lunenburg Police Department. Jack has completed the Municipal Police Training Committee, 345 ½ hour Reserve Intermittent Police Academy at West Boylston and has passed the required employee physical, Physical Agility Test, and an extensive background investigation. Jack has been participating in a field training program after being hired as a reserve police officer. From the onset, the staff found Jack to be an honest individual of high intellect with excellent communication skills and a remarkable work ethic. If you decide to appoint Jack to full-time status, he will be enrolled in the first available Police Academy commencing on October 15th in field school at the MPTC Western Mass Police Academy. I respectfully request that if you do ratify the appointment, you make it effective on Thursday, October 11, 2018, the week day before the academy start date.

He recommended Gage R. Russell to the position of full-time Police Officer. Gage was selected as a finalist from a pool of applicants through a hiring process that included an application and pre-screening component, and an oral board. Gage is a graduate of Wachusett Regional High School and he holds a Bachelor of Science degree in Criminal Justice. He has worked as a Worcester State University Public Safety Dispatcher and as a Public Safety Dispatcher for the Leicester and Princeton Police Departments. Gage has completed the Municipal Police Training Committee, 345 ½ hour Reserve Intermittent Police Academy at West Boylston and passed the required employee physical, Physical Agility Test and an extensive background investigation.

Gage has dedicated an enormous amount of time participating in a field training program after being

hired as a reserve police officer. Staff has had ample opportunity to evaluate him. From the onset of his employment we found Gage to be an honest individual of high intellect with excellent communication skills and a remarkable work ethic. If you decide to appoint Gage to full-time status, I will enroll him in the first available Police Academy which I anticipate will commence on October 15th in field school at the MPTC Western Mass Police Academy. I respectfully request that if you do ratify the appointment that you make it effective on Friday, October 12, 2018.

Motion: R. Ebersole

2nd: D. McQuaid

To ratify the appointment of Jack Wagner to full-time police officer effective October 11, 2018 and the appointment of Gage Russell as full-time police officer effective October 12, 2018

Vote: All in Favor

The Board congratulated the officers.

Ms. Lemieux moved on to the re-appointment of Interim Building Commissioner Garry Rhodes. It is a formality because his resignation was received, but he is staying on until a new Building Commissioner is appointed.

Motion: R. Ebersole

2nd: D. McQuaid

To ratify the appointment of Garry Rhodes as Interim Building Commissioner **Vote: All in Favor**

Presentation of Conceptual Designs and Budget Cost Statements for Consolidated Municipal Offices at the TC Passios Building by Paul Lieneck of Haynes, Lieneck & Smith

Mr. Lieneck referred the Board to the conceptual construction budgets document first. He determined a cost of \$11/square foot for the hazardous materials abatement based on the study by The Vertex Companies, Inc. study. He arrived at \$9/square foot for the building demolition and this was based on the Vertex Companies quote of \$6.20/square foot for the entire building demolition in 2018 and \$8.5/square foot by the Tappe Architects study for demolition of 22,500 square feet. The cost per square foot is greater for lesser area demolished. He took the alteration cost from 2016 and added a two-year escalator and scope of work increase as follows: \$20/square foot for roofing, \$8/square foot for plumbing systems, \$18/square foot for mechanical systems and \$11/square foot for electrical systems.

Those numbers aside from the roofing are not totally what will be put into those subsystems because the Tappe Architects price included some money for it, but not to the level of a renovation for the long term. \$168/square foot is what that calculated out to and includes 5% for design and pricing contingency, 10% for general conditions, 5% for overhead and profit and 3% for bonds, insurance and permits.

That includes any site work such as adding surface parking, site accessibility modifications, walkways and surface improvement directly related to the size of the building and does not include underground electric service or developing recreation space.

Project costs are incremental costs added to the construction budget for costs beyond the construction. The budgets do not include the following: professional services fees (estimated at 8-10%), abatement monitoring (estimated at 15-20%), Clerk of the Works (estimated at \$12,000-\$15,000/month), administrative costs, financing and other miscellaneous costs.

He moved on to the options. There is a site and floor plan for each of the options.

Option Evaluation:

Option 1: Building with Rental Space and Expansion Space

Option 1 includes demolishing the 1,610 square foot 1970's addition to the westerly end of the rear wing and retaining the remaining entire 49,850 square foot structure that was constructed in 1952.

Approximately 42,790 square feet is dedicated to municipal offices and approximately 7,060 square feet remains as potential income generating space. There is expansion built into the office wing because the classroom spaces are assigned to the office functions without adjusting wall locations. Accordingly, the spaces are larger than is needed to meet the program resulting in additional space within each department. The classroom access to the gymnasium is past spaces with limited access by municipal employees and with access prohibited to supervised access only by the public.

Construction Budget:

Cost	Component
\$ 16,100	Hazardous materials abatement,
14,400	pre-demolition
	Building demolition
549,850	Hazardous materials abatement,
	pre-alterations
8,374,800	Alterations
<u>\$ 500,000</u>	Site Work
\$ 9,455,150	Construction

Option 2: Building with Expansion Space

Option 2 includes demolishing the 1,610 square foot 1970's addition to the westerly end of the rear wing, demolishing 7,060 square feet of the rear wing, and retaining the remaining 42,790 square feet of building.

Approximately 42,790 square feet is dedicated to municipal offices. There is expansion built in to the office wing because the classroom spaces are assigned to the office functions without adjusting wall locations. Accordingly, the spaces are larger than is needed to meet the program resulting in additional space within each department. The classroom access to the gymnasium is past spaces with limited access by municipal employees and with access prohibited to supervised access only by the public.

Construction Budget:

Cost	Component
\$ 86,700	Hazardous materials abatement,
78,030	pre-demolition
	Building demolition
479,250	Hazardous materials abatement,
	pre-alterations
7,188,720	Alterations
<u>\$ 350,000</u>	Site Work
\$ 8,182,700	Construction

Option 3: Building to Space Program

Option 3 includes demolishing the 1970's addition to the westerly end of the rear wing, demolishing the 11,860 square foot rear wing which was originally designed as an addition, and retaining the remaining 37,980 square feet of building. Approximately 37,980 square feet is dedicated to municipal offices. The spaces in the municipal wing are adjusted to meet the space program requirements. The difference between the original Tappe Architects space program and the Option 3 space program is the Record Retention Room, the larger television studio, and the two classrooms in the school district area. The classroom access to the gymnasium is direct with limited access by municipal employees and with access prohibited to the public. Toilets for students are retained within the student corridor.

Construction Budget:	Component
Cost	
\$ 130,460	Hazardous materials abatement,
106,740	pre-demolition
	Building demolition
435,490	Hazardous materials abatement,
	pre-alterations
6,380,640	Alterations
<u>\$ 350,000</u>	Site Work
\$ 7,403,330	Construction

Ms. Lemieux asked Mr. Lieneck to explain for all three options how many square feet there are for Town offices and whether that includes cable and how many square feet for school and community because the total was 42,790 square feet in Option 1 and 2, and Option 3 was 37,980 square feet. Mr. Lieneck explained the difference between Option 1 and 2 is the space in the back; it is part of the Superintendent's area and the two classrooms and the additional municipal space that is in the municipal wing. The rest of it stays the same. He did not have the area of the gymnasium handy. A gym that size is approximately 8000 square feet and that would include probably ten percent of corridor space. Kitchen space is counted as community space also. The difference between Option 2 and 3 is that we are essentially taking off the back portion, amounting to about 4000 square feet. That square footage is recovered by adjusting the size of the office spaces.

Ms. Lemieux asked if he used the Turkey Hill Elementary asbestos abatement project to come to his figures of \$11/square foot for the Passios, He replied no, because it was a different scope of work, Turkey Hill was more labor intensive.

Ms. Adams asked if this project included new windows. Mr. Lieneck stated it included some new windows as some work has already been done. He used Tappe Architects' numbers on that.

Discussion ensued about security and safety concerns as well as parking space availability near the Passios Building.

Mr. McQuaid asked Mr. Lieneck at the square foot cost what level of finish is included in these figures?

Mr. Lieneck stated Tappe Architects study had a fairly comprehensive interior finish package so he believed it would be upgraded to a fairly new building. Ms. Luck inquired what the cost of demolishing the entire building would cost. Mr. Lieneck stated it was around \$1.2 million. Mr. Ebersole stated he would like to discuss having students in the building further with the School Department because that adds a whole different dynamic.

Ms. Adams stated she would like to consider the renovation of this building as potentially accommodating school growth. Ms. Adams asked Mr. Leineck if it was less expensive converting a building to what it was originally intended for than to convert it for municipal use. Mr. Lieneck stated most likely yes, but you still have to deal with the flooring which has asbestos and the replacement of the doors, so it is a limited amount of net difference. You still have to replace the archaic building systems in the building. Regardless of how you use the building there is a level of work to be done just to occupy the building again.

Mr. Leineck stated there has been a lot of testing done, there is a list of contaminated items, mostly inside the building. He believed the 55,000 square feet number originally included the temporary classrooms so that is not a good number to use for the actual building itself. 51,500 square feet is more accurate.

Mr. Toale stated further discussion is needed before presenting to Town Meeting. He did not believe the Board should change direction until all the work is done for this site.

Motion: K. Adams

2nd: P. Luck

That the Board offers the Town more than one conceptual pathway for the future of Town Hall

Discussion: Mr. McQuaid stated the Tappe Architects study did much greater detail on the Passios Building than the other buildings because they did a blanket study of all of them and Passios was their recommended choice; we agreed with their recommendation and they took it to the next level themselves. We do not have the line item, cost per square foot information that we have for TC Passios for any of the other buildings.

Mr. Toale noted the Tappe Architects study used 13 criteria that the Building Reuse Committee gave them to use. The Passios building met 13 out of 13, the Ritter Building met 2 out of 13, the old Primary School and Town Hall renovations combined, met 4 out of 13 criteria, the old Primary School custom-built met 6 out of 13 and the Primary School as a renovation met 4 out of 13. Then they added the cost of each of them and the Passios was the least expensive. That is the reason why we have been driving it as our proposed plan, until we discern it is not our proposed plan anymore. Mr. Leineck added what we were doing is taking that and having an expanded program but putting it on the same option that they recommended.

Ms. Adams stated she read all the minutes of Building Reuse meetings and they never studied Lunenburg's land needs, they did not look at the school department needs, they just very specifically looked at these buildings in what looked like an arbitrary way. She stated she would like to form a new Building Reuse Committee and call it the Municipal Building and Land Use Committee because they really look at specific things, rippling it out and looking at the long term consequences of different things.

Mr. McQuaid noted the Building Reuse Committee had members from nearly every board and committee in town, including the School Department, Finance Committee; we even had the Historical Commission on it. We did a lot of work. You can't catch up on all the work that went into it by reading minutes. T C Passios was recommended by a third party, an independent person, who looked at what is the best decision for the Town and then we as individuals from all those boards agreed with them and chose to move forward with this. Mr. Ebersole moved the question.

Vote: 1 in favor (Adams), Opposed- 4

The Board thanked Mr. Lieneck for his work.

TOWN MANAGER REPORT

Update about the Town Hall weathervane:

At the August 7, 2018 Board of Selectmen's meeting I reported that the Town Hall weathervane was last seen on top of the large safe in the Town Hall basement this past spring. I will restate that previous accounts that it may be at the DPW Building or at the Fire Department are inaccurate. There were two companies that did work related to the mold remediation project in the basement and both confirmed that they did not move or remove the weathervane.

In July the Town Manager's Office contacted the Chairman of the Historical Commission to request assistance from them in finding a company to make a replacement and provide pictures of the old weather vane. The insurance company had been contacted at this time about filing a property loss claim. We are awaiting a recommendation from the Historical Commission on a company to make the replacement and the replacement cost, which is needed prior to submitting a property loss claim.

If anyone has any new information about the missing weathervane, please contact the Town Manager at hlemieux@lunenburgonline.com or (978) 582-4130.

American Disabilities Act (ADA) Self-Evaluation and Transition Plan and Project Grant:

ADA Planning Grant and ADA Project Grant requests were submitted to the Massachusetts Office on Disability. The planning grant requests funding to pay Montachusett Regional Planning Commission staff to update our 2009 Self-Evaluation and Transition Plan. The 2009 Self-Evaluation and Transition Plan only encompassed the municipal and school buildings that were occupied at that time. The planning grant that I submitted requests funding to update our current facilities, parking lots, parks, and public access to buildings/parks.

The project grants included ADA improvements at Turkey Hill Elementary, the Ritter Building, Town Hall, the Eagle House Senior/Community Center, TC Passios, North Cemetery, the Lane Conservation Trail and parking area improvements, the Cowdrey trail and parking area improvements, and improvements to the trail at the Small Town Forest.

The total funding request for both the ADA Planning and Project Grants is \$130,485. Applications will be reviewed from now until December and we will receive notification of award or denial by December 3, 2018.

Complete Streets Tier 3 Grant Application: The Complete Streets Tier 3 project application and supporting documents were successfully uploaded through MassDOT's Complete Streets portal. The total request for funding was \$375,602 for the projects as outlined at the September 18 Selectmen's meeting. Representative Benson's office provided a letter of support that was also included in the application.

Regional Animal Control Facility:

The architect is currently accepting proposals from geotechnical engineers to perform test borings and a written report on the findings for the site identified as the optimal location for a future Regional Animal Control Facility (behind the Public Safety Building).

Summer Street Project Update:

Pavement reclamation began on Monday, September 24th on the Fitchburg end of the project. The Contractor will be pulverizing from "Rocky's Plaza" to the Baker's Brook Bridge. The Contractor will then remove excess material and shape the road over the course of the next two or so weeks. It is anticipated that they will be paving this end of the project to intermediate grade during mid to late October. Drainage structures will be raised to intermediate grade for the winter. Installation of the drainage main in Lunenburg was expected to be finished by September 28th. Installation of the catch basins tying into the new main will begin in mid to late October. The Contractor is anticipating having a crew begin doing the work on the Baker's Brook Bridge in October.

Chase Road Update:

Since reporting on the completion of the Chase Road project at the August 21st meeting, imperfections were noticed by the DPW Director and others. The DPW Director has been corresponding with MassDOT to complain about the final product and advocate for fixing it. MassDOT did a ride-ability test in one of their trucks designed to calibrate the smoothness of the road and found a section of the road did not meet the standard. This section of road is being re-milled and re-paved this week.

"Get Connected" Communications Questionnaire:

As part of the new website's "Get Connected" component and the goal of outreach, I created a communications questionnaire accessed through the "Get Connected" portion of the website and shared it on the Town Facebook Page to ascertain the primary sources of communication people currently receive

their news about town government and the type of town government information people are most interested in receiving. We have received a total of 70 responses so far. In response to question one about how people receive information about town government, 54% of respondents receive information through town social media accounts, 45% of respondents receive information through the Lunenburg Ledger, 31% of respondents receive information through the Town website, 15% of respondents receive information through Public Access, and 15% of respondents receive information through Discussing Lunenburg. My goal would be to use this information to create further surveys on new ways to engage with the public and increase the number of people we are reaching through our communication tools.

Capital Planning Committee:

The Capital Planning Committee met tonight and discussed the status of the FY 2019 Capital Plan projects. To date the Police Department boat, ATV, and cruisers have been purchased, the two DPW vehicles have been ordered, the Turkey Hill Asbestos Abatement project is complete, the modular trailer behind the TC Passios has been demolished, the Primary School phone system installation is complete, and the Ladder Truck has been ordered. The CPC has set a schedule of meetings and will begin meeting with departments on November 6th and wrap up by the beginning of December. At their next meeting on October 16th they will discuss a list of priorities for use of the funds appropriated towards the Turkey Hill Elementary School Asbestos Abatement project that can be re-appropriated towards another capital project.

Department Head Meeting Update:

Here are some highlights from the Department Head meeting on September 25th:

Assessors:

- The Regional Assessor met with the Department of Revenue last week to finalize valuations as part of the recertification of assessments required by the Department of Revenue done every five years to certify we are assessing at full and fair cash valuation.
- Motor Vehicle commitments will be sent out October 4th totaling \$79,779.

Cable:

- The Cable Coordinator reported they are currently working with Comcast on a third channel that will be for Education including the School Committee meetings but they are looking for additional content for this channel.
- Staff is currently receiving training on the remote wireless system and programming that includes a botany series and a program with the Superintendent.

Council on Aging:

- The COA Director announced the action group for becoming a Dementia Friendly Community has been established and will have their first meeting on October 10th. The first "Memory Café" will be on Friday, September 24th. Note: Ms. Lemieux spoke with the COA Director following the first Memory Café and it was a success.
- In other news the Senior Tax Work-Off Program will be ending in November and the Senior Tax Work-Off Program Committee will be accepting applications for the commencement of the program in January. Applications can be obtained at the Senior Center and we will work on putting them on the website.

DPW:

- The DPW Director has been involved in the Summer Street project and following up with MassDOT on the Chase Road project.
- The DPW is still significantly understaffed right now with five vacancies, three of which we are currently being advertised.

Police:

- The Police Chief continues to work on their accreditation.
- Officer LaChance graduated from the academy on September 14th; another officer is in the academy right now and two more officers appointed tonight will be going in October 15th.

Land Use Director:

- The Planning Board has begun having workshops on permitting adult use recreational marijuana.
- The Settlers Solar Special Permit Hearing has been continued again until October 22nd.

Fire:

- The Ladder Truck has been ordered and has a 300-day lead time.
- Currently one Firefighter is in Paramedic school.

Treasurer/Collector:

- The Treasurer/Collector has finalized all the end of the year reports that are submitted to the Department of Revenue and is now working tax takings.

Finance Director:

- Last week the Finance Director reported that she was finalizing the end of the year reports to the Department of Revenue to certify Free Cash and has since submitted with a balance of \$1.53M to be certified as Free Cash.

IT Director:

- The IT Director is working with a company to assess the town's toner usage and getting a proposal to move to managed print services that would cover all our toner purchases.

The next department head meeting will be a management training through the Town's Employee Assistance Program on October 29th.

Announcements:**Town Counsel Office Hours:**

Tuesday, October 16th 2-6 pm

Tuesday, November 27th 12-4 pm

Monday, December 17th 8 am-12 pm

Vacancies:

The following paid positions are currently posted:

- Building Commissioner
- Local Building Inspector
- Town Mechanic

- Assistant Town Mechanic
- Heavy Equipment Operator/Laborer

The following is a list of vacancies on the following committees:

- Agricultural Commission (2 regular vacancies, 2 alternate member vacancies)
- Architectural Preservation District Commission (1 vacancy for a design professional/craftsperson)
- Cultural Council (multiple vacancies)
- Public Access Committee (2 vacancies)
- Zoning Board of Appeals (2 Associate vacancies)

OLD BUSINESS

1. Discussion about Proposed Town-wide Noise Bylaw

Police Chief Marino reviewed the draft bylaw with Town Counsel and Attorney Costa had some suggestions for necessary changes. This article will be placed on the special town meeting warrant. Discussion ensued on different instances that a major financial cost could occur.

Ms. Luck stated the prohibited hours (10 p.m. and 6 a.m.) seemed excessive. Chief Marino pointed out landscapers and contractors start early in the day. Mr. Ebersole stated hours could be discussed further at Town Meeting.

2. Discussion about Entertainment License and proposed Special Event Permit

Land Use Director Burney referred the Board to the second draft of the Special Events permits.

He reviewed the guideline changes he made from previous suggestions, such as what constitutes a special event, timing and drug/alcohol use on town property, accessibility and insurance coverage.

Mr. Ebersole asked if the Board had the ability to limit two week long events, such as a fairground type event. After discussing Bring Your Own Bottle permits, which according to policy, can only be given to common victualler licensees, the question arose what happens if you did not have a permit- can people bring their own alcohol to a special event on private property? Mr. Burney was also planning on asking the same question but concerning recreational marijuana use. Suggestion was made to add additional wording to fireworks events requiring a license. Mr. Burney added the word "campground" to the last paragraph. He stated having the applicant meet with the necessary department heads tends to make the application process go smoother.

Mr. Ebersole suggested adding something about indicating the locations of buffer zones and a site plan might also be needed for guidance. Suggestion was made to be consistent with the proposed noise bylaw hours, 10 pm to 6 am. The Board invited Mr. Burney back to their workshop in two weeks to finalize it.

Discussion about Police Mutual Aid Agreement with Middlesex

Police Chief Marino stated this was a new agreement and he was in favor of this mutual aid agreement in the present form.

He noted wording was added due to Chapter 40, §8g following enactment of Chapter 124, Acts of 2003.

"SECTION 1. Section 8G of chapter 40 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word "towns", in line 2, the following words:- including cities and towns in states contiguous to the commonwealth.

SECTION 2. Said section 8G of said chapter 40, as so appearing, is hereby further amended by adding the following sentence: When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities that employ them, including, but not limited to, powers of arrest."

The following italicized words were added in April, 2004 to C. 40, section 8G:

Mutual police aid programs; agreements

Section 8G. A city or town which accepts this section may enter into an agreement with another city or town, or other cities and towns including cities *and towns* in states contiguous to the commonwealth, to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement. Said agreement may include the furnishing of personal services, supplies, materials, contractual services, and equipment when the resources normally available to any municipality in the agreement are not sufficient to cope with a situation which requires police action. When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities that employ them, including, but not limited to, powers of arrest.

While in transit to, returning from, and during a mutual aid response for another city or town, a participating police officer shall maintain the right of indemnification granted by law, or by his home city or town, or both, for all claims arising out of any action within the scope of his employment in accordance with a valid mutual aid agreement. *A mutual aid agreement may provide for methods of activation or requesting and responding to mutual aid requests. The agreement may also address issues such as pay and benefits for officers, insurance, indemnification, injury compensation and other operational matters related to police services provided for a mutual aid response. Nothing in this paragraph shall be construed to expand or otherwise modify existing police powers as provided by law or any existing mutual aid agreement or both.*

Chief Marino stated these changes were prompted due to court decisions such as Commonwealth v. LeBlanc. Prior to the changes to c. 40, § 8g, the only way to present a successful legal challenge to an arrest made in another jurisdiction by an assenting department was to have all the signatory communities appoint the other communities' officers as Special Officers. That is why every year two police officer lists come to the Board of Selectmen for appointment, one of which isn't necessary. Townsend and Shirley Police Departments send us annual appointment lists. We do not have a mutual aid agreement with Shirley, which is in Middlesex County. We do have a mutual aid agreement with Townsend; there is no need for us to get sworn in in Townsend. Since the changes to c.40, § 8g, a new case, Commonwealth v. Gregory Bartlett, affirmed the authority of the police to take territorial action under a mutual aid agreement. Chief Marino stated the agreement before you tonight grants the Police Department full powers in jurisdictions when circumstances arise dictating an immediate response or action for the good of public safety. He cited several Lunenburg roads that you can't get to unless you go through another town. We are placing ourselves in a libelous situation by not having these agreements.

Mr. Ebersole stated he supported the Lunenburg Police Department but his issue with this was if any Middlesex County police officer happened to be in Lunenburg, how do we know that they know they have to call you as opposed to off duty, on duty. He had less issue if they were on duty and taking action. He was concerned with a rogue cop from four towns over being in our town and doing this action. Ms. Adams asked if your neighbor was a Townsend police officer, could he pull you over on your road? Chief Marino replied no, they are not going to pull you over because they can't really. Technically it could happen, but that is the exception to the rule. Chief Marino stated the rogue cop situation is rare. That just puts all of us in peril. Police for the most part don't want to get involved in other police officers' problems but they are going to and should act when it is a threat to public safety.

Mr. Ebersole asked how is this policy trained beyond our borders so any outside police officer coming in town knows what how to act. Chief Marino stated we have to have faith that their department is training them. Mr. Toale stated we all agree action should be taken when it is a safety issue, but we are concerned about the gray areas. Chief Marino said there is a lot of training in policy for this. Mr. Ebersole requested more information on one Middlesex County town, specifically on how they train their officers for dealing

with self-activation per the mutual aid agreement. Mr. McQuaid stated he was comfortable with the agreement as presented. Chief Marino stated in all his years in town, he has never seen another police officer come in from another community and make an arrest. Further discussion ensued and the Board took no action.

4. Revote Closing Date of Special Town Meeting Warrant until October 11, 2018 at 5:00 PM

Ms. Lemieux reported Executive Assistant Peterson received notice from the Lunenburg Ledger that the legal notice that was supposed to be in last Friday's paper was not published. Subsequently the notice was run in today's Sentinel & Enterprise with an extension of the date/time to submit warrant articles in order to meet the legal requirement.

Motion: R. Ebersole

2nd: D. McQuaid

To amend the closing date of the Special Town Meeting warrant until 5:00 p.m. on October 11, 2018

Vote: All in Favor

CURRENT BUSINESS

1. Discussion about scheduling a workshop meeting with the School Committee and topics to discuss at that meeting

Mr. Toale stated the recommendation from the School Committee was to meet jointly at their scheduled meeting on Wednesday, November 7th at Town Hall at 7:00 PM. It will be televised. Discussion ensued on what to discuss. Suggestions made were future school dates for facilities, what their planning process is, feedback on the TC Passios proposal before this Board, the future of Turkey Hill Elementary School and projected costs, inclusion of a town representative to participate in union negotiations, school population projections, opportunities for joint planning (events, outreach, communication) and the role of liaisons.

2. Authorize Chairman to sign Disclosure Statement for Disposition of Gilchrest Street Property

Ms. Lemieux stated this was related to the disposition requirement; to have the Chairman sign the disclosure statement that is filed with the Dept. of Capital Asset Management. This would occur after the purchase and sale agreements have been signed in order to make them valid.

Motion: R. Ebersole

2nd: D. McQuaid

To authorize the Chair to sign the disclosure statement for disposition of the Gilchrist Street property

Vote: 4 in Favor, 1 Opposed (Adams)

3. Sign Union Contract with Public Employees Local 39 Union Laborers International of North America (DPW Unit)

Ms. Lemieux presented the union agreement for signatures. The Board had signed the Memorandum of Agreement back in July. All the terms of that were incorporated into the final document.

Motion: R. Ebersole

2nd: D. McQuaid

To sign the union contract with the Public Employees Local 39 Union

Vote: All in Favor

4. Discussion about Special Town Meeting Warrant articles including articles the Board may add to the warrant; votes may be taken

Ms. Lemieux presented a draft of the Special Town Meeting warrant. We still have until October 11th for people to submit warrant articles. Currently there are 13 articles including the noise control bylaw.

Article 1 is to adjust the FY2019 budget. This will address any unexpected decreases or increases in the current fiscal year.

Article 2 was part of a motion at the last Special Town Meeting under the budget adjustment article to

separate out the Special Stabilization Fund; this allows any excess funding to be placed there.

Article 3 funds the first year of the collective bargaining agreement that you signed tonight and authorizes a salary reserve fund transfer to pay for that.

Article 4 appropriates a portion of a net premium paid to the Town upon the sale of the Town's \$3,685,000 General Obligation Municipal Purpose Loan of 2018 Bonds dated April 25, 2018, to pay costs of the capital projects financed by such bonds and to reduce the amount authorized to be borrowed for such projects by a like amount, and/or to reserve all or a portion of the net premium to be appropriated for future capital projects.

Article 5 is to hear an interim report from the Charter Review Committee.

Article 6 amends the Code of Lunenburg, Chapter 70 entitled "Salary Administration Plan" as follows: to amend §70.17, 70.21, and 70.28, as shown on a document entitled "Amendments to the Salary Administration Plan Bylaw" dated October 22, 2018. This addresses vacation accrual, the definition of a part-time employee and the Family Medical Leave Act section which reflects the Town's policy.

Article 7 raises and appropriates, borrows, or transfers from available funds, a sum of money to fund a salary survey for positions within the Salary Administration Plan. The bylaw states every three years a compensation review shall be performed.

Article 8 extends the moratorium on the sale and distribution of recreational marijuana

Article 9 amends the Code of Lunenburg, Chapter 250, entitled "Zoning", to modify §250-2.1

Article 10 amends the Code of Lunenburg, Chapter 250, entitled "Zoning", to modify §250-4.1.G

Article 11 amends the Code of Lunenburg, Chapter 250, entitled "Zoning", to modify §250-6.5.E(1) and §250-6.5.F

Article 12 amends the Code of Lunenburg, Chapter 250, entitled "Zoning", to modify §250-8.3.C (1)

Article 13 amends the Town Bylaws by adding a Bylaw for the reduction of plastic bags. The only discussion was to ask for additional funding for a schematic design for the T C Passios Building. It was decided to wait until Annual Town Meeting in May 2019.

5. Citation for Heroism

The Board signed a letter of commendation and a citation to Lunenburg resident John Hazelrigg, to recognize his heroic actions on the evening of January 3, 2018; rescuing Revath Tran from drowning in the Merrimack River. The Board signed the letter and citation.

6. Minutes/ Warrants/ Action File Issues

The Board approved Minutes of August 14 and September 4, 2018. Edits were made to the September 26, 2018 minutes.

Motion: R. Ebersole

2nd: P. Luck

To approve the September 26, 2018 with the corrections

Vote: All in Favor

Mr. Toale read a synopsis of the Board's meeting with the Water Commissioners. The Water District would like to enter into an intermunicipal agreement (IMA) with the Town of Lancaster to sell water to help defray capital costs of the water district. Although not required, they were seeking the Town's support through the Board of Selectmen. We discussed general support of the idea but felt the actual language of the agreement needs to be crafted to better protect Lunenburg water users. Also, maximum water usage, daily pumping restrictions imposed by the Dept. of Environmental Protection (DEP) need to be understood so that an increase in pumping to supply Lancaster's needs does not negatively impact

Lunenburg pumping restrictions. We agreed to communicate with the water district as they negotiate the IMA and possibly have them join us in a future televised Board of Selectmen meeting in order to better communicate with the public.

Minutes/ Warrants/ Action File Issues

The Board signed Minutes of August 14, 2018 and September 4, 2018. The Board signed an accounts payable warrant in the amount of \$525,503.32, a payroll warrant in the amount of \$815,997.24 and a payroll deductions warrant in the amount of \$589,132.13.

Action File Issues:

Ms. Lemieux requested the Board review all their license fees at a future meeting.

Department Reports-ACO QUARTERLY REPORT

The Board had no comments on the report other than it was interesting.

Upcoming Meeting Schedule:

The Board will be meeting October 9 and 16 and hold a joint meeting with the Finance Committee on October 11th. They will meet on November 6 and possibly the 7th with the School Committee. Special Town Meeting is November 13.

Committee Reports:

Ms. Adams reported she has been attending the Planning Board meetings and the proposed temporary moratorium on sales and distribution of marijuana would go until May of 2019. During that time, the Town will undertake a planning process to address the potential impact of recreational marijuana in Town, consider the Cannabis Control Commission regulations and determine whether the town will prohibit on-site consumption of marijuana at recreational establishments and retailers and consider adopting new provisions of the Zoning bylaw to address the impact and operation of recreational marijuana establishments and retailers and related use.

Ms. Luck attended the MART meeting on September 26th; they are hoping to have a balanced budget this year. The School Committee met on September 19th. They announced a \$2295 donation from the Stillman Fair and a \$450 donation from the Cooneys' for a Nature's Classroom scholarship. They are working on increasing communication and outreach to the community.

Ms. Luck attended the Central Mass Stormwater Coalition Steering Committee meeting earlier today. They planned the Annual Meeting which will be held November 14th at the Massachusetts Fish & Wildlife Headquarters in Westborough.

PUBLIC COMMENT:

Daron Massey, 300 Holman Street, stated there was a group working on increasing community engagement, business development and maintaining open space. In reference to the earlier discussion on the special event permit and the noise control ordinance, he was disheartened. He requested the Board allow the public to engage in co-crafting those two documents with the Police Chief and Land Use Director and to form a task force on each of those prior to going to Town Meeting.

He added there have been previous requests for the town to have a Business Development Manager position. That person would be encouraging people to provide the feedback on documents such as these. Mr. Toale responded that there will be a point for public feedback during other meetings on the noise control bylaw and special event permit.

Motion: R. Ebersole
To adjourn the meeting

2nd: D. McQuaid
Vote: All in Favor

The meeting adjourned at 10:12 p.m.

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager