

**BOARD OF SELECTMEN
MINUTES
Via zoom
May 5, 2020**

Members present: Tom Alonzo, Chairman; Phyllis Luck, Vice Chairman; Katey Adams, Michael-Ray Jeffreys

Not Present: Damon McQuaid, Clerk

Also Present: Heather Lemieux, Town Manager; Fire Chief Patrick Sullivan, Attorney Jeff Aveni, Mohammed A. Mohammed, Randy Grosser, Lena Grosser, Ken Ricker, DPW Director Jack Rodriquez, Police Chief Jim Marino, Amanda Moore, Brian Marchetti

Conservation Commission Members: Richard Bursch, Bob Pease, Ken Jones, Jack Rabbitt, Carl Luck

Chairman Alonzo called the meeting to order at 7:02 p.m. and announced in accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over YouTube Live. Look under the Lunenburg Access YouTube Channel.

Mr. Alonzo read the remote meeting information and everyone was present and could be heard.

PUBLIC COMMENT

Ms. Adams stated she was thinking of everyone during the pandemic, particularly students and teachers and the Class of 2020. Ms. Luck wanted to make sure voters were aware they could apply for absentee ballots for any of the 2020 elections due to the pandemic. Contact the Town Clerk office for details.

ANNOUNCEMENTS

Mr. Alonzo stated due to the Governor's Order being extended to May 17th, the Town caucus has been canceled. Ms. Lemieux reported six people submitted nomination papers for six different seats. The rest are open so the only way to be elected is to have a write-in or a sticker campaign.

APPOINTMENTS

Public Hearing for Transfer of All Alcohol Restaurant License from SE-Flan Inc. to Il Forno Lunenburg Bar, Inc. 494 Electric Avenue

Mr. Alonzo read aloud the hearing notice:

"The Lunenburg Licensing Authority will hold a public hearing on May 5, 2020 at 7:05 PM in Town Hall, 17 Main St., 2nd Floor, Lunenburg, MA on the application submitted by Il Forno Lunenburg Bar, Inc., for a transfer of an All Alcohol Restaurant license (§12) from SE-Flan, Inc. located at 494 Electric Ave., Lunenburg, MA. The premises is described as a one-story concrete building with two entrances/exits on Electric Ave., one entrance/exit on Pierce Ave., containing a dining room, kitchen, storage room and boiler room."

Attorney Jeff Aveni was representing his client, Mohammed "Mike" A. Mohammed. Mr. Alonzo asked if everything was in order and Ms. Lemieux confirmed. She noted the license was being pledged to the bank so the Board would have to vote to approve the pledge as well. Aveni explained that as part of the finance package with the bank there is an obligation to place a pledge on the license. Mr. Alonzo asked if anyone was present to comment on the application. Since there was no comment other than the discussion about the pledge, Mr. Alonzo closed the hearing.

Motion: K. Adams

2nd: M. Jeffreys

To approve the transfer of the all alcohol license from Sean Flan Inc. to Il Forno for the 494 Electric Avenue

Vote: Ms. Adams- aye, Mr. Jeffreys- aye, Ms. Luck- aye, Mr. Alonzo-aye

Mr. Jeffreys thanked the applicant for the well written alcohol service policy. Mr. Mohammed thanked the Board.

Meeting with Randy and Lena Grosser regarding vote to return Embers Pizzeria, Inc. under Randy and Lena Grossers license to Embers Pizzeria, Inc. (owner Ken Ricker)

Lena and Randy Grosser and Ken Ricker were present. Ms. Lemieux reported this license transfer was approved in December but now both parties are requesting to return the license to Mr. Ricker. The Grossers were unable to purchase the business due to the Covid-19 crisis.

Mr. Jeffreys asked about the timeline; my understanding is now that we are six months into this and both of you are in agreement to transfer this license back to Mr. Ricker. Mr. Grosser stated there was no 3-year lease but yes that is a fair assessment.

Motion: K. Adams

2nd:P. Luck

To transfer the alcohol license from Randy and Lena Grosser back to Embers Pizzeria

Vote: Ms. Adams- aye, Mr. Jeffreys- aye, Ms. Luck-aye, Mr. Alonzo- aye

Meeting with DPW Director, Police Chief, and Fire Chief regarding Town Fuel Tanks

Ms. Lemieux stated there were questions about the location of the Town fuel tanks and had invited all concerned to this discussion. The Conservation Commission opened their meeting.

DPW Director Rodriquez has followed this through the Capital Planning Committee process. The project funding was approved at last year's Town meeting. We provided a Notice of Intent to the Conservation Commission. We are in the process of providing more information.

Mr. Alonzo asked the DPW Director, Fire and Police Chiefs if they were comfortable with where these tanks are to be located. All three stated they were.

Mr. Jeffreys watched the video of last year's Annual Town Meeting (ATM) and there was 45 minutes of discussion. It was stated at ATM that the old tanks would be removed and the new ones located elsewhere.

Mr. Alonzo also watched the video and some environmental concerns were mentioned briefly. He requested the department heads address why the tanks are being put where they are. Chief Marino recalled a discussion about alternate locations for the tanks and the engineer had stated it was not feasible to move the tanks to the other side of the building. Chief Sullivan confirmed Chief Marino's recollection. Chief Sullivan stated he had also expressed concern then about putting the tanks farther away due to security issues and having to run additional utilities. Mr. Marchetti from McCarty Engineering was contacted by the DPW to file the Notice of Intent. He stated the location of these tanks has to be based on input from the end users. Mr. Rodriquez stated the other engineer couldn't make it tonight. Another location suggested at the rear of the public safety building was not an optimal location having only one means of egress. Another location was to the southerly side of the DPW garage. There are a number of reasons it is not feasible.

Mr. Alonzo asked Mr. Marchetti for the chosen location, can it be properly engineered and safely installed and operated? Mr. Marchetti said yes, it can certainly be designed to work.

Carl Luck's concern was that there wasn't any further investigation into alternate sites. Mitigation costs money.

Jack Rabbitt cited the Wetlands Protection Act criteria as they relate to the tanks' location. If there is no alternative location you have to cite the reasons why and be prepared for a hard analysis.

Mr. Jeffreys asked why no one talked to the Conservation Agent in advance; it just seems prudent that we do everything to avoid being in the buffer zone.

Mr. Pease stated at the Conservation Commission meeting it became clear the Town was going to have to file a N.O.I.

Ms. Adams asked what is under our jurisdiction? Mr. Alonzo stated Town meeting approved a project.

Conservation has a job to do. The chiefs have made a decision and I am not here to question their choice.

Further discussion ensued about the project's location. Mr. Alonzo thanked everyone for their participation. The Conservation Commission adjourned their meeting.

Mr. Alonzo took discussion of the citizen petition warrant article requesting the Town petition the state for an additional All Alcohol retail license for 1353 Massachusetts Avenue. There was comment from Town counsel regarding the wording of the petition:

“Recognizing that Article II is a citizen’s petition, it is improper in both form and substance. There is no process whereby the Town can apply to the Commonwealth for a liquor license. What I believe Article II seeks to do is authorize the filing of a Home Rule Petition for special legislation. But it does not do so. It makes no reference to the Legislature or General Court; nor does it provide the text of the Petition.”

Mr. Alonzo noted we cannot change the wording and even if this passed at Town Meeting, it would not authorize the Board to request Home Rule Petition. Ms. Adams asked if Mr. Wernick could amend it on the Town Meeting floor. Ms. Lemieux stated she could check with Town counsel. Ms. Lemieux asked if the wording can’t be changed on the Town Meeting floor, would Mr. Wernick be willing to try again at the fall Town Meeting. Ms. Lemieux will report back after talking to Town counsel.

I. CURRENT BUSINESS

1. Town Manager COVID-19 Report

COVID-19 in Lunenburg and Board of Health Notices:

The Board of Health issued their weekly update dated May 2nd and it has been put on the COVID-19 Information Center page on the town website under News & Announcements on the homepage.

Closure of Town Facilities, Schools, Town/School Playgrounds and School Fields:

All school buildings will be closed for the remainder of the school year and all school fields and school playgrounds are closed until further notice.

Per the Governor’s most recent order extending the prohibition of gatherings of 10 or more people, the stay at home advisory, and extension of closure of non-essential businesses, all town facilities and town playgrounds are currently closed to the public until May 18th.

Re-Opening Task Force:

I have put together a Re-opening Task Force that consists of our Board of Health agent from Nashoba Associated Boards of Health, the Police and Fire Chiefs, the DPW Director, our Facilities Director, the Town Clerk, the Council on Aging Director, the Library Director, and myself. This group will formulate a plan to address the unique concerns of the various departments and how to re-open that protects both our employees and the public. Our first meeting will be May 6th. Re-opening to the public will look different for different departments and we continue to ask for the public’s patience as we deal with these challenges.

Information and Resources for Businesses due to COVID-19:

Relevant information and resources for our local businesses is posted on the COVID-19 Information Center page on the town website. A new list on the local businesses that are currently open that is being updated by the Lunenburg Business Association has been posted on the town website and on the Town Facebook page. Any businesses that are open and want to be included on this list can contact the LBA President Wendy Drennan at wendydrennan487@gmail.com. To see a list of the businesses open in the Lunenburg area go to: https://www.lunenburgma.gov/sites/default/files/field/files-docs/businesses_open_for_takeout_in_lunenburg_area.pdf

Board/Committee/Commission Meetings:

I have assisted all the committees and boards that have needed to hold Zoom meetings by providing the necessary documents to run an entirely remote participation meeting, practice Zoom meetings upon request and signing on at the beginning of all meetings to transfer the host to the Chair. Currently boards and committees or paid staff in those departments need to contact me to schedule these meetings as we cannot overbook timeslots as having two zoom accounts equates to only being able to hold two Zoom meetings simultaneously.

Persons interested in the meeting schedule should visit the town website calendar for the schedule of meetings at <https://www.lunenburgma.gov> and can also subscribe to get notifications of meetings of boards and committees they are interested in attending.

Senior Center News: On Monday, May 4th Van Transportation Service resumed limited transportation to routine medical appointments and pharmacy prescription pick-ups only. Social distancing and other safety practices will be strictly enforced for both the drivers and clients utilizing the van transportation service. Since March 13, 2020, the staff has made 443 wellness/telephone reassurance calls to check on seniors, have delivered 1,067 meals on wheels to 42 clients, distributed 39

food boxes to 35 people, and 35 facemasks to 34 people. Please contact the COA Director Sue Doherty at (978) 582-4166 or sdoherty@lunenburgonline.com to inquire about receiving a food box, a facemask, or Meals on Wheels.

Information on Town Meeting and Town Elections:

The Special State Election will be held on Tuesday, June 2, 2020.

The Annual Town Meeting will be held on Saturday, June 13th beginning at 9 a.m.

Due to the extension of the Governor's Order prohibiting gatherings of more than 10 people, the Town Caucus that had been rescheduled for May 13th is now cancelled. Town caucuses must be held at least 38 days prior to the Annual Election and May 13th was therefore the last possible date.

The Annual Town Election will be held starting at 7 a.m. on Saturday, June 20th at the TC Passios.

Absentee and Early Voting: Chapter 45 of the Acts of 2020, the special legislation that allowed the Town to postpone the 2020 election and increase voting options in response to the declaration of emergency to respond to COVID-19, expands the reasoning for voting absentee because of a physical disability to include that any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

COVID-19 in Massachusetts (as of 4/20/20):

As of May 4th there are 69,087 COVID-19 cases and 4,090 deaths 324,268 patients have been tested to date by the MA State Public Health Laboratory, hospitals and commercial laboratories.

This information is now posted on the Department of Public Health COVID-19 website, with a breakdown of coronavirus cases by city and town. The page can be accessed by going to: <https://www.mass.gov/info-details/covid-19-response-reporting#covid-19-cases-by-city/town->. The Department of Public Health has created a dashboard as well with comprehensive, detailed COVID-19 data, including trend data, case rates, testing, and breakdowns by age, sex, race, ethnicity and geography. <https://www.mass.gov/doc/covid-19-dashboard->

Governor Baker's May 1st Order Requiring Face Coverings in Public Places Where Social Distancing Is Not Possible:

On May 1st Governor Baker issued COVID-19 Order No. 31 requiring any person over age two who is in a place open to the public, whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering, except where a person is unable to wear a mask or face covering due to a medical condition or is otherwise exempted by Department of Public Health guidance. This includes wearing a mask at all times inside grocery stores, pharmacies, and other retail stores and transportation services. This Order goes into effect on Wednesday, May 6th and violation of the terms of the order or Department of Public Health Guidance may result in a civil fine of up to \$300 per violation.

Congress and the President signed a new stimulus and relief bill on April 26th. This legislation is a \$484B package which will replenish the dollars in the Small Business Administration's Paycheck Protection Program and EIDL programs, as well as provide additional funding for hospitals and coronavirus testing.

The **Paycheck Protection Program** will receive an additional \$310B to offer relief to small businesses. Of this total, \$60B will be set aside to fund PPP loans made by small and community financial institutions to reach underbanked communities.

Ms. Luck asked about procedure for previously approved events and wondered how these would be handled. Ms. Lemieux stated as long as the Governor's order is still in effect, those events would not be able to be held. Ms. Adams asked who would be enforcing the mandatory wearing of face masks. Ms. Lemieux stated the Board of Health would be the entity enforcing it as it is a public health issue.

2. Minutes of February 18, 2020 and March 3, 2020

Motion: P. Luck

2nd: M. Jeffreys

To approve the minutes of February 18 and March 3, 2020 as presented

Vote: Ms. Luck –aye, Ms. Adams- aye, Mr. Jeffreys- aye, Mr. Alonzo –aye

3. **Warrants:** Deduction Warrant #56 20, dated 4/29/2020, \$261,092.71
Accounts Payable Warrant #55 20, dated 4/28/2020, \$287, 242,79
Payroll Warrant #22P 20, dated 4/30/2020, \$808,982.85

Mr. Alonzo announced he signed the above warrants last week.

4. **Action File Issues**

Ms. Luck requested an update on the Saliba property LAND and PARC grants and asked if the Town was still on track for a closing in May. She also requested an update on the tax assessment services search as reported in an April Town Manager report. She requested updates on the Principal Assessor and the Recycling and Enforcement Coordinator positions as discussed at the March 3rd meeting. Ms. Luck requested contract negotiations with the teachers union be placed on the next agenda for a discussion. This topic is especially timely due to the ongoing teacher's union contract negotiations as well as the uncertainty and the potential cost of reopening school in the fall.

Ms. Lemieux stated the Saliba property closing will be in a couple of weeks. As far as the tax assessment services, there is a Request for Proposals (RFP) out right now for those services as well as the job posting for the principal assessor. The Board of Assessors wanted to do a dual track for both.

The Recycling Education and Enforcement Coordinator position has been put on hold due to Covid-19. The Board of Health would have to update their trash hauler regulations but that has been put on hold also.

5. **Committee Reports**-there were none this evening.

OLD BUSINESS

1. **Fiscal Year 2021 Budget**

Ms. Lemieux referred the Board to the adjustments to revenues reflective of the final enterprise numbers for the Sewer Department budget as well as the operation for the solid waste and water enterprise.

The expenditures reflect a reduction in the Technology Dept. budget for software and the Sewer, Solid Waste and Water enterprise funds. We also have two prior year bills totaling \$476.21 that will have to be approved at town meeting. This brings the surplus (deficit) amount to \$998,492.11.

She moved on to the Revenues/ Expenditures FY21 Budget Worksheet which showed debt exclusions for the estimated cost for the Middle/High school project and Pavement Management (\$2,864,738.45). Sewer Enterprise Retained Earnings, which includes capital reserve and their contribution for Other Post Employment Benefits (OPEB) that totaled \$230,656.00 and Enterprise Funds for Solid Waste (\$302,000), Water (\$25,000) and total budget for Sewer (\$1,820,203.44).

She pointed on the right hand side of the worksheet under Expenditures was Maturing Debt in the amount of \$3,229,642.07, Interest Costs on Debt in the amount of \$1,508,618.12, and General Government in the amount of \$1,590,980.65, which are inclusive of the estimated Middle/High School debt and Pavement Management project. We should have final figures for those by next week. General Government reflects the reduction from the Technology Dept. budget of \$18,063. Further down reflects the Sewer Capital Reserve transfer (\$30,000) as well as the Sewer OPEB Liability transfer (\$656.00), the prior year expense of \$476.21 and the Solid Waste (\$302,000), Water (\$25,000) and Sewer enterprise (\$943,191.54) budgets. Different from last week is \$110,000 transferred to the OPEB Liability. I am going to recommend that this article be deferred to the fall Town Meeting but that amount be placed in Stabilization Fund so we can access at a later date.

2. **Review of Annual Town Meeting warrant articles**

The Board reviewed the draft warrant articles and discussed.

Motion: K. Adams

2nd: P. Luck

To remove articles "H" and "I" from the warrant

Ms. Adams-aye, Ms. Luck- aye, Mr. Jeffreys- aye, Mr. Alonzo- aye

Motion: P. Luck

2nd: K. Adams

To remove article "K" from the warrant

Ms. Adams-aye, Ms. Luck- aye, Mr. Jeffreys- aye, Mr. Alonzo- aye

Motion: P. Luck
To remove article "S" from the warrant

2nd: K. Adams

Ms. Adams-aye, Ms. Luck- aye, Mr. Jeffreys- aye, Mr. Alonzo- aye

Motion: P. Luck
To remove article "U" from the warrant

Discussion ensued about the intent of the article regarding getting estimates for demolishing the old Primary School. It was decided to leave it on the warrant until the next meeting.

Mr. Alonzo presented the list of articles that the Board would recommend approval of on the warrant:
A, B, C, E, M, N, O, P, Q, R, T, V, W.

Motion: M. Jeffreys **2nd: P. Luck**
To recommend approval of the following articles for the Annual Town Meeting: A, B, C, E, M, N,
O, P, Q, R, T, V, W **Ms. Adams-aye, Ms. Luck- aye, Mr. Jeffreys- aye, Mr. Alonzo-aye**

Articles D, F, G, J, L, U, X, Y, Z, AA, BB, CC and II will be discussed at the next meeting.

TOWN MANAGER REPORT

Announcement on Existing Vacancies:

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

- Agricultural Commission (2 alternate vacancies)
- Americans with Disabilities Act Commission (1 vacancy)
- Architectural Preservation District Commission (1 design professional; craftsperson or building contractor familiar with historic renovation)
- Finance Committee (1 position appointed by the Finance Committee Appointing Committee)
- Open Space Committee (1 vacancy-citizen at large)
- Planning Board (1 position appointed by the remaining members of the Planning Board and the Board of Selectmen until the next Annual Town Election in May)
- Zoning Board of Appeals (2 Associate vacancies)

Talent bank forms can be obtained on the Town Website and forwarded to the Board of Selectmen's Office.

TC Passios Building Design Project:

The TC Passios Building Committee met last night with the architects and we are proceeding with tasks that do not require access to the building nor in person contact, including of review of all relevant building and planning documents, building code for architectural and structural issues triggered by renovation concepts, assess existing building systems, and performing the civil/land survey that will also locate storm water drainage and site utilities. The next meeting of the TC Passios Building Design Committee is Monday, June 1st to check-in with the architects.

Town Hall Handicapped Ramp Project (TM Goal #3):

Bids for the Town Hall Handicapped Ramp were received last week and the project was awarded to Cornerstone Builders of Holyoke for a total of \$46,619. Twenty-seven thousand dollars of this project are being paid for through an earmark from the State and the remainder is being paid out of the Facilities budget.

DPW Roof Project Update:

The DPW Roof Project is now complete and the final cost came in \$7,200 less than the allotted total of \$84,000 due to less replacement roof decking than was provided for in the bid. The project went smoothly and the contractor did a good job on the final product.

Route 2A and Route 13 Intersection Update:

I reached out to MassDOT again to check on the status of whether they were able to access their program required to complete their evaluation of making changes to the traffic signals at the Route 2A and Route 13 intersection and was told that one of their engineers went into the office last week to analyze the traffic signal system and prepared

the necessary work order. It will now be up to their electrical contractor to conduct the necessary work. I would expect a response in the next few weeks on the status of when this work will be scheduled.

Municipal Vulnerability Preparedness Planning Grant:

Due to the extension of closure of town facilities, the Land Use Director has worked with the State on ways we can move forward on the Municipal Vulnerability Preparedness Workshop given the current social distancing procedures. The MVP core team has a meeting tomorrow over Zoom and public workshop will be scheduled over Zoom at a later date. The goal is to conclude this by the end of June.

Green Communities Competitive Grant Submission:

On Friday, May 1st we submitted a Green Communities Competitive Grant application. The grant request includes a LED lighting project at the Middle School, a hot water conservation project at the Primary School, retro-commissioning repairs at the Public Safety Building, replacement of appliances with energy efficient appliances at Turkey Hill, replacement of appliances at various town buildings with energy efficient appliances, and funds towards the purchase of hybrid police cruisers. The total grant and utility incentives applied for \$108,962.75.

Community Compact Grant Awards:

At the April 14th meeting I had reported there were still funds in FY20 for Community Compact Grants. The program allows submitting up to two best practices to implement and I submitted a grant request to implement a Continuity of Operations Plan and implement a Financial Trend Monitoring System modeled after the International City Management Association's Financial Trend Monitoring System. I was contacted this week by the Department of Revenue and both applications were approved, totaling a \$50,000 grant award. The DOR representative did say they thought the two projects would be very useful to the Town given the current situation.

Meetings, Events and Other Announcements:

- Town Counsel office hours in May will be on May 20th 12-4 p.m.
- Disposal of Yard Waste at the old landfill off of Youngs Road is occurring each Saturday until May 16th and is open 9 a.m. until 4 p.m.
- The Conservation Commission will have a meeting Wednesday, May 6th at 7:00 p.m. via Zoom.
- The Finance Committee is holding their public hearing on the budget and ATM articles on Thursday, May 7th at 6:30 p.m. via Zoom.

Ms. Lemieux reported a few weeks ago the Board had offered to postpone her evaluation and she would like to take the BOS' offer to do it after the election.

UPCOMING MEETING/EVENTS SCHEDULE

May 12, May 19

May 7 (Finance Committee Public Hearing)

PUBLIC COMMENT: there was none by the public.

Mr. Jeffreys in reference to the earlier discussion about the town fuel tanks, stated people need to have confidence we are making the best decisions that are as economical as possible and for any expense we make, we should be able to justify. Before a staff member makes a decision that is going to cost the Town tens of thousands of dollars, there needs to be some form of diligence that says this is a necessary decision for these kinds of reasons. He was disappointed that this was not the process followed with the fuel tanks. Ms. Luck agreed with Mr. Jeffreys' comment and appreciated the Town Manager's decision to postpone the OPEB funding until the fall town meeting and place the money in stabilization.

Mr. Alonzo advised if the pandemic situation remains prolonged, he urged people to be patient, remain calm and understand that while there may be different opinions as to what is going on; it's okay to have an opinion and to voice them. Being violent does not help anybody.

Motion: K. Adams

2nd: P. Luck

To enter into Executive Session Pursuant to M.G.L. c. 30A, § 21, Reason #3, to discuss strategy with respect to pending litigation and the Chair so declares that an open meeting may have a detrimental effect on the negotiating position of the governmental body and to adjourn the meeting after exiting Executive Session (Elizabeth Guglietti, Dangerous Dogs)

Vote: Ms. Adams-aye, Ms. Luck- aye, Mr. Jeffreys- aye, Mr. Alonzo- aye

The meeting adjourned at 10:05 PM

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

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager