



**BOARD OF SELECTMEN
MINUTES
Via zoom
May 12, 2020**

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

Also Present: Heather Lemieux, Town Manager; Karen Brochu, Finance Director; Jim Marino, Police Chief

Chairman Alonzo called the meeting to order at 7:00 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.

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

PUBLIC COMMENT:

Ms. Adams was thinking of all the parents and students during this time. She inquired about bringing the Pledge of Allegiance to their Zoom meetings. Mr. Alonzo offered to place it on the next agenda. Mr. McQuaid thanked everyone for their patience while he was absent from meetings. Mr. Alonzo responding to an anonymous letter sent stated he believed the Town was in very good hands with the Town Manager and Finance Director and their staff. The Board does not spend money, Town Meeting approves spending. He stated the letter was not true or helpful and if the person had concerns they should come forward in public to ask them.

Dave Passios, 56 Whiting Street, as a citizen who is also on the Finance Committee, suggested using Free Cash as a funding source for the Annual Town Meeting warrant article that addresses purchasing street lights.

ANNOUNCEMENTS

Resignation: Ms. Lemieux announced Marissa Thompson resigned from the Planning Board effective immediately as she is relocating out of state for her job. Discussion ensued about how to let the public know who is interested in being elected this year.

I. CURRENT BUSINESS

Vote to sign Bond for MS/HS and Pavement Management

Ms. Brochu reported the \$1,695,000 bond is comprised of two projects; the final payment for the pavement management plan and the final bond for the Middle/High School project. Of that, \$1,020,000 is for pavement management and \$675,000 is for the final borrowing for the Middle/High School project. In summary the total authorization for the pavement management plan was \$4 million. Total premiums received on the project are \$155,000. The total authorization for the school was \$72,975,321; actual expenditures were \$68,106,474. Total reimbursements received from the Massachusetts School Building Authority was \$33,924,327. Total premiums applied to this project were \$170,832. Unexpended articles applied were \$30,000 and the total amount of the project that we did not spend was \$4,868,846. The true interest cost for this 15 year bond issue is 1.99%.

Motion: D. McQuaid

I, the Clerk of the Board of Selectmen of the Town of Lunenburg, Massachusetts (the "Town"), certify that at a meeting of the board held May 12, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$1,695,000 General Obligation Municipal Purpose Loan of 2020 Bonds of the Town dated May 21, 2020 (the "Bonds"), to Robert W. Baird & Co., Inc., at the price of \$1,775,850.76 and accrued

interest, if any, is hereby approved and confirmed. The Bonds shall be payable on January 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2021	\$100,000	5.00%	2026	\$105,000	5.00%
2022	85,000	5.00	2027	110,000	5.00
2023	90,000	5.00	2029	235,000	2.00
2024	100,000	5.00	2032	375,000	2.00
2025	100,000	5.00	2035	395,000	2.125

Further Voted: that the Bonds maturing on January 15, 2029, January 15, 2032 and January 15, 2035 (each, a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due January 15, 2029

<u>Year</u>	<u>Amount</u>
2028	\$115,000
2029*	120,000

*Final Maturity

Term Bond due January 15, 2032

<u>Year</u>	<u>Amount</u>
2030	\$125,000
2031	125,000
2032*	125,000

*Final Maturity

Term Bond due January 15, 2035

<u>Year</u>	<u>Amount</u>
2033	\$130,000
2034	130,000
2035*	135,000

*Final Maturity]

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 28, 2020, and a final Official Statement dated May 6, 2020 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel

deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, and all as further amended, suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020. Clerk of the Board of Selectmen

Ms. Luck seconded the motion

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

Mr. Alonzo thanked all concerned for putting this all together.

I. OLD BUSINESS

1. Fiscal Year 2021 Budget

Ms. Lemieux reported two updates to the budget, the final figures for excludable debt for pavement management and the MS/HS project, as well as the Saliba property and ladder truck debt. Those are final figures that are included on both the revenue side and the expenditure sides. The other updates are the PEG Access Enterprise figure, as well as on the expenditure side. Surplus now is at \$1,055,949.20. Ms. Luck stated she would not be supporting the budget as presented.

2. Review of Annual Town Meeting warrant articles

The Board reviewed warrant Article D. (amending FY20 budget)

Motion: M. Jeffreys

2nd: D. McQuaid

To defer making a recommendation on Article D until Town Meeting

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

Motion: M. Jeffreys

2nd: P. Luck

To defer making a recommendation on Article F until Town Meeting

Mr. Alonzo was not in favor of deferring it as there is a final monetary amount.

**Vote: Ms. Adams-nay, Mr. McQuaid- nay, Mr. Jeffreys -aye, Ms. Luck -aye, Mr. Alonzo - nay
(Motion failed)**

Motion: D. McQuaid

2nd: K. Adams

To support the Capital Plan warrant article as presented

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

Article G is the FY21 budget.

Motion: M. Jeffreys

2nd: D. McQuaid

To recommend approval of Article G as presented

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

Article J transfers \$210,000 to Stabilization

Motion: M. Jeffreys

2nd: D. McQuaid

To recommend approval of Article J as presented

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

Article L is for the Sewer Enterprise Fund

Motion: M. Jeffreys

2nd: P. Luck

To defer making a recommendation on Article L until Town Meeting

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

Article U authorizes the Board of Selectmen to solicit demolition and a future design estimate for the old Primary School. Mr. Alonzo noted Town Counsel has stated Town Meeting action is not needed to do this.

Motion: M. Jeffreys

To remove this article from the warrant

Discussion ensued about whether to leave it on the warrant.

2nd: D. McQuaid

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

Article X updates the Dog kennel bylaw.

Motion: P. Luck

2nd: M. Jeffreys

To recommend approval of Article X

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

Article Y amends Chapter 1, § 1-3 of the Town's General bylaws "General Provisions" by adding Chapter 100, §3, dog kennels

Motion: P. Luck

2nd: M. Jeffreys

To recommend approval of Article Y

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

Article Z accepts the Community Preservation Act bylaw

Motion: P. Luck

2nd: M. Jeffreys

To remove Article Z from the warrant

Discussion ensued about adding the bylaw during this time.

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

Article CC adds the Planning Board as the issuing authority for earth removal permits.

Motion: K. Adams

2nd:P. Luck

To recommend approval of Article CC

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

Article BB amends the Earth Removal Permit bylaw.

Motion: K. Adams

To recommend approval of Article BB

Mr. McQuaid stated he was not up to date on the wording so would be abstaining. After discussion Ms. Adams withdrew her motion.

Motion: M. Jeffreys

2nd: D. McQuaid

To defer any recommendation on Article BB until Town Meeting

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

Article II is a citizen petition asking the State to petition an additional retail all alcohol license for Jaxx Country Variety store.

Ms. Lemieux stated Town counsel believed it would be difficult to amend the article at Town Meeting because Home rule petitions are very specific in their language that the legislature may not be satisfied with wording of the original article. Town Moderator would allow it.

Motion: M. Jeffreys

2nd: P. Luck

To defer making a recommendation until Town Meeting

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

Article AA recommends funding to purchase and convert existing street lights to energy efficient LED fixtures. Ms. Lemieux confirmed that she had mentioned using FY20 free cash to the Finance Committee. Green Community grant money would be available once the Town owns the street lights. Discussion ensued about future unknown maintenance costs and additional staff hours. Ms. Lemieux stated the PowerPoint presentation noted an annual savings of \$26,500 for maintenance and another document had the cost of the conversion and that savings was \$24,315. Peter Beardmore, 282 Pleasant St, speaking as a citizen, stated yes there is some additional work but not substantial for the DPW. He noted the extraordinary amount of volunteer hours to get to this point for the Town to save money.

Motion: D. McQuaid

2nd: T. Alonzo

To recommend approval of the article

After some discussion, Mr. McQuaid withdrew his motion. Mr. Alonzo withdrew his second.

Motion: M. Jeffreys

2nd: P. Luck

To defer recommendation on article AA until Town Meeting

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

Motion: D. McQuaid

2nd: K. Adams

To sign the Annual Town Meeting and Annual Election warrants

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

3. Discussion on G.L. c. 150E, Section 1: Town Manager participation as voting member on school collective bargaining agreements.

Ms. Luck had requested this for discussion and had brought up in the past that the Town should consider changing labor counsel. Ms. Luck asked how Ms. Lemieux would be participating in the school negotiations. Ms. Lemieux stated the involvement would be the actual vote on the agreement just as a School Committee member. Mr. Alonzo requested Ms. Lemieux contact the Superintendent office and request to be informed of any upcoming negotiation meeting dates. Further discussion ensued on how involved the Town Manager should be in the school teacher contract negotiation process versus the School Committee members.

4. Minutes of March 10, 2020

Motion: P. Luck

2nd: M. Jeffreys

To approve the Minutes of March 10, 2020.

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

Action Items: Ms. Luck had asked the Chair this week about revising the agenda but had gotten a response that it was too late to revise due to the 48 hour posting requirement. She requested clarification from the Town Clerk office regarding rules for revising agendas. Ms. Luck also requested clarification on hunting on Town conservation land. Mr. Alonzo stated a clear rule is that there is no hunting on town conservation land. Ms. Adams stated even if hunting is allowed we should not allow parking for hunters in the Lane Property parking lot. Chief Marino stated there is no police jurisdiction on hunting on private property unless they are within 500 feet of a development. This situation is confusing because two conservation areas abut each other. Signage on town land was suggested. Ms. Adams requested having an agenda item for the Pledge of Allegiance at their meetings.

TOWN MANAGER COVID-19 AND REGULAR REPORT

COVID-19 in Lunenburg and Board of Health Notices:

The Board of Health issued their weekly update dated May 8th and it has been put on the COVID-19 Information Center page on the town website under News & Announcements on the homepage. As of May 11th, there are 44 confirmed positive cases in Lunenburg, 21 of which have recovered and one death.

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

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. Playgrounds will be closed until further notice and will follow the guidance of the State.

The Town Beach will remain closed until further notice.

Re-Opening Task Force:

The Re-opening Task Force, which consists of department heads and staff, met last week to discuss what re-opening will require and address unique concerns of each of the main departments. We discussed the necessary supplies, increased cleaning requirements, and protocols for both employees and public that would need to be in place to re-open safely. As I stated last week, re-opening to the public will look different for different departments and there will be certain town departments that will come back to town offices prior to others based on a number of factors including the availability of supplies, being able to maintain social distancing of six feet, and meet all the state's Orders regarding gatherings and public health guidance requirements. We will not be re-opening on May 18th as we do not have sufficient supplies on hand, need to address the workplace standards that include posters, and when we do re-open to the public, it will be by appointment only at first.

Our re-opening will be a slow, phased approach that will be determined by having the necessary protocols, supplies, and protections in place to do so safely. The Governor released information on the four phased approach to reopening the Massachusetts economy along with mandatory workplace safety standards. These standards will be incorporated into the re-opening plan for our town facilities. The Governor's appointed Re-opening Advisory Committee will be issuing their full report on May 18th so we will have more guidance to inform our re-opening plan at that time. More information on the four phased approach is included in this report under updates from the state and federal government.

Senior Center Updates:

On Monday, May 4th Van Transportation Service resumed limited transportation to routine medical appointments and pharmacy prescription pick-ups only. Since March 13, 2020, the staff has made 493 wellness/telephone reassurance calls to check on seniors, have delivered 1,291 meals on wheels to 44 clients, distributed 41 food boxes to 37 people, and 56 facemasks to 52 people.

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

Absentee and Early Voting:

Please contact the Town Clerk Kathy Herrick at kherrick@lunenburgonline.com or (978) 582-4130 x 131 to request more information on absentee ballots or early voting.

Discussion about being prepared for Town meeting ensued and will be an upcoming agenda item.

COVID-19 in Massachusetts (as of 5/11/20):

As of May 11th there are 78,462 COVID-19 cases and 5,108 deaths 394,728 patients have been tested to date by the MA State Public Health Laboratory, hospitals and commercial laboratories.

Governor Baker's May 11th Guidance on Re-Opening:

On Monday, May 11th the Baker-Polito Administration announced a four-phase approach to reopening the Massachusetts economy amidst the COVID-19 pandemic, and published Mandatory Workplace Safety Standards that will apply across all sectors and industries once reopening begins.

The goal of the phased reopening, based on public health guidance, is to methodically allow certain businesses, services, and activities to resume, while protecting public health and limiting a resurgence of new COVID-19 cases.

- ☐ Phase 1 will be "Start:" limited industries resume operations with severe restrictions.
- ☐ Phase 2 will be "Cautious:" additional industries resume operations with restrictions and capacity limits.
- ☐ Phase 3 will be "Vigilant:" additional industries resume operations with guidance.
- ☐ Phase 4 will be the "New Normal:" development of vaccine and/or therapy enables resumption of new normal.

Unemployment Assistance:

The Department of Unemployment Assistance (DUA) has released helpful new resources and guidance to support individuals seeking to claim unemployment benefits.

New Guidance for Fulfillment of Remote Orders by Retail Businesses:

Earlier this week, the Administration provided new guidance for retail businesses. Under this guidance, non-essential businesses are allowed to bring in a small number of employees in order to remotely fulfill online or phone orders, provided they can meet safety protocols.

US Department of Commerce's Economic Development Administration Funding: Economic Adjustment Assistance Program:

On May 10th, the U.S. Department of Commerce's Economic Development Administration announced the availability of \$1.5B in funding through an Economic Adjustment Assistance program. This funding will support communities in economic recovery through planning and technical assistance grants, grants for recovery and resilience strategies, capitalizing or recapitalizing revolving loan funds, and innovation grants. Ms. Luck suggested having a Selectman and other community oriented personnel on the reopening task force. She also suggested opening the town offices on Fridays.

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; crafts person 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 (2 positions 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.

Municipal Vulnerability Preparedness Planning Grant:

The Municipal Vulnerability Preparedness Core team met with the consultant hired through the Planning Grant we received and reviewed questions relative to our environmental vulnerabilities and the format that the workshop would take. The workshop is scheduled for May 21st; 8:30 a.m. until 12:30 p.m. via Zoom.

CARES Act Funding:

The Town has begun to receive some relief funds from the CARES Act Relief Fund; we received \$7,035.89 from the Department of Health and Human Services Emergency Relief Fund. These funds have restrictions on use but can be used to prevent, prepare for and respond to coronavirus for health care related expenses or lost revenues attributable to the coronavirus. The Superintendent was notified by the Department of Elementary and Secondary Education on Friday that emergency relief funds for school districts (ESSER Fund under CARES Act) will be provided in the form of a grant totaling \$198,000. Funds may be used for FY20 or FY21 COVID-related costs. The Federal Grants Office will be holding webinars to provide more detailed information in the next few weeks so until then the School won't have a clear idea as to how exactly we will be able to use the funds.

Request for Proposals for Tax Assessment Services and Principal Assessor Position:

The Board of Assessors met on Monday to discuss how to proceed with the lack of responses to the Request for Proposals for Tax Assessment Services and how to proceed with the applications for the Principle Assessor position. The firm that currently provides Tax assessment Services, RRG, replied that they would not be responding to the RFP that requests a full-time Assessor, as their firm is not structured that way and it would be cost prohibitive. The HR Director, the Chairman of the Board of Assessors and I will proceed with interviewing the applicants in the next couple of weeks and in the meantime get a proposal from both Tyler Technologies and RRG to provide a quote to provide services for up to six months. RRG will be asked to provide a quote that would continue the method they have been providing services to date and this would allow us to not have any disruption in deadlines for interim value adjustments and other assessing services until a decision is made regarding whether we will proceed with hiring a full time Principal Assessor or continuing to outsource this function.

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 Finance Committee has a meeting this Thursday, May 14th at 7:00 p.m. via Zoom.

Mr. Alonzo reviewed the upcoming meeting schedule.

PUBLIC COMMENT:

Chief Marino stated he believed the current Town labor counsel was probably one of the most brilliant lawyers he has worked with having dealt with him on both sides of the negotiating table. He added that he has saved the Town a lot of money.

Mr. Alonzo stated the Memorial Day celebration will be virtual this year via a video recording. It will be on Monday May 25th at 10:00 a.m. It will be broadcast on public access. Ms. Adams noted some residents had been gotten the wrong size trash bags when they purchased them. She added there had been an accident on Leominster Road near the gazebo and some people had been concerned.

Motion: P. Luck

2nd: M. Jeffreys

To adjourn the meeting at 10:09 a.m.

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

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager