

Approved October 5, 2021

**SELECT BOARD
MINUTES
September 14, 2021
Bilotta Meeting Room, Town Hall and via Zoom**

Members present: Tom Alonzo, Chair; Michael-Ray Jeffreys, Vice Chairman; Lou Franco, Clerk; Jim Marino

Member not present: Todd Dwyer

Also Present: Heather Lemieux, Town Manager; Brent DeBraga, Sue Byrne, Christine Kumar

TCP Building Design Committee members present: Grey Roy, Chair; Dave Passios, Dave Blatt, Brian Lehtinen

Chairman Alonzo called the meeting to order at 7:00 p.m. and asked everyone to stand for the Pledge of Allegiance. He announced in accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over the Lunenburg public access channel and on Facebook Live on the Public Access Facebook page.

He noted Zoom is available for public comment only and gave the sign-in instructions.

The agenda lists all the topics which may be discussed at this meeting and are those reasonably anticipated by the Chair. Votes may be taken as a result of these discussions. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by Open Meeting Law.

PUBLIC COMMENT:

Mr. Jeffreys stated he was unable to attend the Lance May cemetery garage building dedication. Mr. May was a dedicated volunteer for many years for the Town and the community. Mr. Jeffreys stated it was important to acknowledge all the work of Mr. May.

Mr. Jeffreys also recognized the twentieth anniversary of 9/11/2001. It directly affected our community as a local resident lost his life that day. He noted sometimes a tragedy motivates us to give service to the community and gives meaning to what our community is; a combination of people from multiple walks of life working together for the common good of us all. He offered his condolences to those personally affected by 9/11 and to trust that we support you.

Mr. Alonzo concurred with Mr. Jeffreys. He stated he could not attend the cemetery building dedication because he was at a wedding in Jersey City that was directly across the Hudson River from the Freedom Tower on September 11th. It was a moving experience to be there on the anniversary. There was a lot of activity there that day as the Port Authority was conducting their ceremony.

Peter Beardmore, 282 Pleasant Street, Finance Committee Chairman, extended an invitation to the Board and public to a joint meeting that they will be hosting with the School Committee on October 28 about Chapter 70 funding.

Secondly, speaking as a resident he voiced concern about the upcoming discussion with the TC Passios Building Design Committee on whether to renovate or not renovate the TCP for town hall offices. He did not feel there was enough time between now and Special Town meeting to get all the information.

APPOINTMENTS:

Lunenburg Boys & Girls Club re: Shrieks and Krieks event (blocking off Memorial Drive October 23rd from 6:30 –9:30 PM)

Brent DeBraga, Program Director for the Boys and Girls Club, was present for the request to close down Memorial Drive on October 23rd. He thanked the DPW, Police and Fire Departments for assisting with their event. This is their sixth year running the event.

Motion: J. Marino

2nd: L. Franco

To approve blocking off Memorial Drive on October 23rd from 6:30 -9:30 p.m.

Discussion: Mr. Jeffreys stated he does not participate in Halloween so will be abstaining from the vote. Mr. DeBraga stated the rain date will be October 30th.

Vote: 3 in favor, 1 abstention (Jeffreys)

Mr. DeBraga thanked the Board and exited the meeting.

Meet with the Principal Assessor re: Special Town Meeting Warrant Article to Increase the Elderly Exemption (MGL ch.59 §5 cl. 41C)

Sue Byrne, Principal Assessor, introduced Christine Kumar, who will be replacing Ms. Byrne upon her retirement next week. Ms. Byrne reported the Board of Assessors voted to place a warrant article on the upcoming November 16th Special Town Meeting:

“To see if the Town will vote to adjust the income and asset limits for the Elderly Exemption (M.G.L. ch. 59 § 5 cl.41C) to Single person income limit \$31,500, Asset limit \$52,700, Married persons income limit \$39,600, Asset limit \$72,700 and to increase the exemption amount to \$1,000; or take any other action relative thereto. (Submitted by the Board of Assessors)”

Ms. Byrne stated this was a change to increase the exemption amount from the previous policy from \$750 to \$1000. This amount is actually raised through taxation along with all the other exemptions provided and a good portion is reimbursed to the town through the state. The Board thanked them for the information.

CURRENT BUSINESS

1. Approval of Minutes of September 7, 2021 Minutes

Motion: L. Franco

2nd: J. Marino

To approve the September 7, 2021 minutes as presented

Vote: All in Favor

2. Warrants

The board members signed an Accounts Payable warrant in the amount of 615,004.23; a Payroll warrant in the amount of \$888,578.11 and Payroll Deductions warrant in the amount of \$588,815.66.

3. Action Items

Mr. Jeffreys requested if the Board could discuss request for demolition timeline at the October 5th meeting.

4. Committee Reports

Mr. Jeffreys reported MPO has canceled their meetings two months in a row. The Council on Aging met this morning. They are working through rules and regulations as the state is going to be issuing guidance on how COAs operate. There will be more discussion related to that later.

There will be a volunteer appreciation breakfast this Monday, September 20th at the Senior Center.

Ms. Lemieux reminded all that the community outreach meeting for UMA Flowers will be on September 28.

Meet with the TC Passios Building Design Committee re: Special Town Meeting Warrant Articles

Chairman Roy called the TCP Building Design Committee meeting to order at 7:30 p.m. He stated we have been working since the spring to get a comparative estimate for construction of a new building at the site. This was versus renovating a 70 year old building. We are embarking on that study now with the architect. The committee is presenting three possible warrant articles for special town meeting.

The first article would be an update article with an emphasis on presenting the cost analysis for this \$54,000 study that we are embarking on now.

To see if the Town will vote to hear an interim report from the TCP Building Design Committee and/or from representative(s) from the design firm; or take any other action relative thereto.

The second article would be funding the original charge (TCP Bldg. renovation); there is a report on that process on the TCP Committee website page.

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the TC Passios Building Committee for renovation of the TC Passios Building to be used for town offices, school uses, and community uses, which is located on town land at 1025 Massachusetts Avenue, Lunenburg, MA 01462, to appropriate by borrowing \$23,570,000.00 and to meet this appropriation the Select Board and Town Treasurer are authorized to borrow said sum under M.G.L. chapter 44, or pursuant to any other enabling authority and further provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½); or to take any other action relative thereto.

The third article would be to fund a new construction alternative to get to the design and development phase:

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the design and engineering required to construct a new building for the consolidation of town offices, school uses, and community space at the location of the building and land known as the TC Passios, located at 1025 Massachusetts Avenue, shown on Assessor's Map 060, Lot 055, and any and all incidental and related costs, including but not limited to, site evaluation, engineering and final design services; or take any other action relative thereto.

Dave Passios, 56 Whiting Street, thanked Mr. Roy for presenting the committee's articles, adding he believed it was time to get a clear picture from the voters in what direction the committee should proceed. He stated they would have numbers for the Special Town Meeting regarding the new construction option.

Mr. Alonzo thanked the committee for coming tonight and their work. He personally believed there would not be enough time to digest those numbers, once received, before the Special Town Meeting. Once we know those numbers he was in favor of placing them on

the May 2022 Annual Town Meeting warrant as that would provide opportunity to meet with the public and get input, as well as have some internal discussions. He did not want to see both articles fail at the Special Town Meeting after all this time and investment of funding. He added if either of these pass, we need to hold an election within 90 days of them passing at an additional cost. Mr. Franco concurred with Mr. Alonzo.

Mr. Jeffreys, also a TCP Committee member, supported the approach that the committee has taken and all three articles. He believed this is long overdue and this has been before the public long enough that they are informed. Mr. Marino agreed with Mr. Jeffreys, stating this project has to advance asking how much money have we spent already?

Further discussion ensued about strategy and whether or not to present all or some of the articles at this town meeting or the annual town meeting; or if it is a new build, should it be at the TCP site? The TCP committee will meet and discuss what they have heard from the Board tonight. Mr. Alonzo thanked them for coming in tonight. The TCP Committee adjourned their meeting and exited.

TOWN MANAGER REPORT

Announcement on Existing Vacancies:

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

- Architectural Preservation District Commission (2 vacancies-1 citizen at large and 1 representative from Historical Commission)
- Bylaw Review Committee (1 vacancy)
- Capital Planning Committee (1 vacancy for Citizen At Large appointed by Town Moderator)
- Commissioner of Trust Funds (2 vacancies-joint appointment between CTF and SB until next ATE)
- Economic Development Committee (1 person recommended by the Open Space Committee, 1 citizen at large, and 1 ex-officio member that is business owner)
- Senior Work Off Program Committee (1 vacancy)
- Zoning Board of Appeals (1 Associate vacancy)

Interested persons can find application forms on the Town Website and completed forms can be sent to the Select Board's Office.

Current Employment Opportunities with the Town:

The following is a list of current employment opportunities with the Town:

- Board/Committee Clerk (Part Time Non-Benefitted)
- Digital Services Staff Librarian (Part Time Benefitted)
- Assistant to the Sewer Business Manager (Part Time Non-Benefitted)
- Seasonal Cemetery Laborer (1)
- Public Access Videographer (Part Time Non-Benefitted)

More information on each position can be found on the job postings, which are located on the town website.

DPW Updates:

- Line Striping: The line striping contractor had to push this from Sunday, September 12th to Tuesday, September 14th.
- Follow-up with MassDOT: The DPW Director followed up with MassDOT about the road markings on Mass Ave and the Right Hand Turn Lane into Lunenburg Crossing after the September 7th meeting. MassDOT will be scheduling to have the current markings restriped and expect that work to be completed fairly quickly. In regards to the Right Hand Turn Lane, they conducted the analysis at the Route 2A/Electric Ave/Lunenburg Crossing driveway with a left turn lane, a through lane, and a right turn lane on the Route 2A WB approach and found acceptable operations. However, it is not an easy striping fix as the outside lane currently accommodates the free right turn from Chase Road. Given this complexity, this change would require a review of the operations of both Route 2A/Electric Ave/Lunenburg Crossing and Route 2A/Chase Road intersections, as well as the segment of Route 2A between the two intersections. This review requires additional data collection, which they can schedule now that traffic volumes seem to be closer to normal, but will take some time. MassDOT also said they will be removing the conflicting right turn only sign.

Information Technology updates:

Remote Meeting Coordinator: The Remote Meeting Coordinator position will be filled by Heidi Spinney and this transition will begin this Thursday. An email will be sent out to all staff and board/committee members to notify them of who to contact to schedule Zoom meetings.

IT Assessment: With the departure of the IT Director, I have engaged an IT consultant to come in to provide an assessment of our IT needs. This assessment will audit our core IT infrastructure, storage of data, and capital needs. This transition will also provide an opportunity to engage with a company that specializes in security assessments and a Cyber Security Posture Review. Another component of the assessment will be the Town's phone system that was installed around 2010. I plan on having a further update next week.

Records Management:

I have engaged a consultant to come in to assess the status of our records management. This company, King Information Systems, has been in business since 1972 and has provided records management services to approximately 160 communities. Yesterday I went around with a representative to all our town buildings and meet with staff to conduct a preliminary assessment. The next step will involve the company spending 3-4 days performing a complete assessment of all our records and submitting a written report on creating a new records management system. Typically towns that implement a records management plan will eliminate up to 30% of their current records due to duplication and will catalogue all archived records for retrieval and timely disposition according to the State's Retention Schedule. This will also ensure that we utilize the appropriate amount of space for records that we are required to keep until they can be disposed of. We should have a cost estimate for this in time for the FY23 capital planning process.

Home Rule Petitions for Library Trust Funds:

Representative Kushmerek notified me last week that the bill to authorize the Library Board of Trustees to invest the library trust funds has moved to the third reading.

Authorized Change to Assessors Records on 26 Sunset Lane:

Another parcel has been corrected in the Assessors records based on the relevant town meeting and deed information. 26 Sunset Lane was identified as "Owner Unknown" under the care and custody of the Select Board but in fact is part of the bigger parcel of the Robbs Hill Conservation property. This has been now changed from "Owner Unknown" to "Town of Lunenburg/Conservation".

New Growth:

The Assessors' Office has submitted the required forms to the Department of Revenue to certify New Growth. The New Growth figure submitted was \$430,254, which is \$149,664 more than the ATM estimate for New Growth. This will eliminate the deficit of \$126,551 that was due to the final State Aid figures that was due to an increase in School Choice and Charter Assessments to the State.

Participation in LHS Civics Class Discussion:

Annually I have attended Ms. Foyle's Civics Classroom Discussion related to their Community Service Learning projects. This is an opportunity to speak with students about current issues within the community and I will be participating again this year.

State Budget and Legislative Updates:

- At a Town Administrators Association Meeting last week we heard updates from the new MMA Legislative Director David Koffman and Legislative Analyst Jackie Lavender Bird on the following:
- The State closed out the FY21 State budget with a \$4B surplus, largely due to actual tax collection exceeding estimates. The Governor has filed a Supplemental Budget Bill that includes using these funds to replenish the State's Stabilization Fund that originally was going to be drawn down and to support the Unemployment Fund. MMA has asked that the Supplemental Budget also include an additional \$200M for Chapter 90 funding.
- The State will be receiving \$5.3B in ARPA funding. The Governor has issued a short term proposal for \$2.9B of these funds to be used on housing, water and sewer infrastructure, economic development, and environmental funding. The State is currently discussing the proposal. It was noted that given the ARPA funding that is proposed to be spent on water and sewer infrastructure and environmental programs, there is a high likelihood that there will be matching funds from the State on various programs that Towns would be eligible and we should be flexible in how we in turn use our ARPA funding.
- In terms of current bills before the legislature, the State is in the midst of the redistricting process, debating the Votes Act (same day voter registration), there are several bills that could affect Host Community Agreements with Cannabis retailers, and a Sports Betting Bill.

COVID-19 Update:

The weekly update from the Board of Health on the total number of new cases reported between August 22nd and September 4th was 60. The prior two week period had a total number of 38 new cases. The current positivity rate for Lunenburg as of September 4th was 7.15%.

Meetings, Events and Other Announcements:

- The Lunenburg Farmers Market is being held on the Ritter lawn every Sunday until October 10th, 10:00 a.m. until 12:30 p.m.
- The fall Special Town Meeting will be Tuesday, November 16, 2021 at 7 p.m. Warrant articles can be submitted to the Town Manager's Office until Tuesday, September 28th at 5:00 p.m.

I. CURRENT BUSINESS

Disposition of Parcel 7 of 671 West Street

Ms. Lemieux reported as a follow-up to the last discussion on getting input from the Open Space Committee prior to rebidding the disposition of parcel 7 of 671 West Street, I reached out to Chair Brandon Kibbe. The Chair responded that the committee is aware of the prior town meeting vote that authorized conveyances to abutters and the committee has supported the idea of the town continuing to pursue conveyances of the parcels that were authorized by the prior town meeting until (and if) a new town meeting vote authorizes a change in the care and control of that land to a new permanent open space purpose. The committee also discussed making sure that any such town meeting authorization to change in the care and control in the larger parcel would give abutters one final chance to acquire a portion of the parcel under the prior authorization if the Select Board did agree to allow the town to vote on conveying this property to Open Space given the implications.

Motion: M. Jeffreys

2nd: L. Franco

To authorize the Town Manager to advertise parcel 7 as part of the disposition of 671 West Street

Vote: All in Favor

CURRENT BUSINESS

Discussion on November 16, 2021 Special Town Meeting Warrant Articles

The Board discussed the recent submission on a warrant article from the Historical Commission:

“To see if the town will vote to amend the Code of Lunenburg as it applies to Chapter 134-4-D (1), (2), and (3) and 134-5, to better define parameters and reporting responsibilities on the part of the property owner as already specified, or act anything thereon.”

PROPOSED AMENDMENTS (In italics)

D.

If the building or structure is determined to be a significant building under this bylaw, the Building Commissioner shall impose a demolition delay of 540 days from the date of notification. *The owner shall immediately, properly secure the structure from unauthorized entry, by means of boarding all windows and boarding or otherwise securing doors, to the satisfaction of the Building Commissioner and the Historical Commission, and take common preventative measures to prevent damage to said structure by repairing leaks in the roof or other existing sites allowing entry of water, or vermin. Subsequent damage or destruction of the structure at any time during the demolition delay period, which could have been avoided by these preventative and security measures, shall be considered a demolition in violation of this Bylaw.*

During the delay period the applicant must notify the Historical Commission *by means of submitting the document entitled, “DEMOLITION DELAY BI-MONTHLY REPORT” on a*

bimonthly basis, beginning with the first day of the second month following the imposition of the demolition delay, that:

(1) Bona fide, reasonable attempts have been made to sell, preserve, move, rehabilitate or restore said building or structure. Evidence shall include:

A. Listing of the building with a licensed real estate broker *experienced in old or historic homes.*

B. An estimate of rehabilitation or restoration costs of the building or structure

from a contractor experienced with the restoration of historic properties.

C. An estimate for moving the building or structure **ADD: in its present condition.**

D. **ADD: Name, address and contact information of a party or parties INSERT: that** have been located who have agreed to preserve, rehabilitate, restore or relocate the building or structure.

(2) The applicant has agreed to alternatives to demolition and/or accept conditions noted in the applicability determination.

(3) *Any person violating the aforementioned shall be subject to a fine or penalty in the amount of three hundred dollars (\$300.00,) with each day to be considered as a separate violation. The enforcing authority for purposes of this bylaw shall be the Lunenburg Building Commissioner or his/her designee.* (Subject to review by town counsel.)

(4) *At any time during the delay period, the Historical Commission may advise the Building Commissioner, in writing, to issue a demolition permit without waiting for the period to expire, if the Commission decides that:*

A, There is not a reasonable likelihood that any entity is willing to purchase, preserve, rehabilitate, restore, or move said structure.

B. For at least six months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore, or move the subject structure, and that such efforts have been unsuccessful.

§ 134-5 Emergency demolition.

Nothing in this bylaw shall restrict the Building Commissioner or the Fire Chief from ordering the demolition of a significant building determined to present a clear and present danger to the safety of the public, which only demolition can prevent. ***The Historical Commission shall be promptly notified of the decision.***

Mr. Jeffreys stated he found this article to be offensive to the concept of a democracy and obscene in its presentation. A \$300 a day fine is equal to \$9,000/month. Over the course of a year, that is outrageous. There is no other violation per day that the Town has that is close to \$300.00 per day. This also allows the Historical Commission to "vet" the vendors of who people choose to hire to work for them on their homes.

Mr. Franco also had concerns on the amount of the fine. He also did not like the idea of the Historical Commission being able to dictate who people contract with as long as objectives are met. In its current form there is no way he could support this article.

Mr. Alonzo pointed out that in D. when the applicant is coming forward for a demolition permit in its existing form, the first thing the HC is having them do is spend more money to button up something that may not be buttoned up to begin with. The prior condition of a building is something that has to be taken into account. He understood the impetus behind the modification was but felt it was overreach. More discussion will occur next week when the Historical Commission comes in to discuss this article.

Ms. Lemieux noted there is an easement article concerning the Lunenburg Crossing development

UPCOMING MEETINGS

Mr. Alonzo noted the board meets again on September 21st. Ms. Lemieux reminded all that the Community Outreach meeting for Uma Flowers for the proposed medical and adult use marijuana establishment located at 434 Summer Street will be on September 28th at 7:00 pm in Town Hall.

PUBLIC COMMENT:

Dave Passios, 56 Whiting Street, noted that the line of sight for traffic coming down Main Street while turning right onto Lancaster Avenue from Route 2A is obscured by growth on the common. Trees are blocking sight of any cars coming from Main Street if you are trying to make a right turn on red light. He suggested that although the plantings are beautiful they might be a safety hazard as they continue to get taller.

Rhonda Lizio, 181 Reservoir Road, via Zoom, wanted to reiterate she is against the TCP project, specifically funding the renovation of 5000 square feet for the school's extended day program in the building. We are not mandated to run this program and it was supposed to be self-funded.

Mr. Alonzo reported they would be entering Executive Session.

Motion: L. Franco

2nd: M. Jeffreys

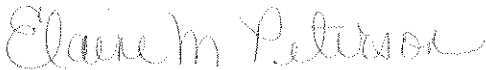
To enter into Executive Session Pursuant to M.G.L. c. 30A, § 21, Reason #6, to consider the purchase, exchange, taking, lease, or value of real property if such a discussion may have a detrimental effect on the negotiating position of the governmental body and to adjourn the meeting after exiting Executive Session (665 Mass Ave)

Vote: Mr. Marino- aye, Mr. Franco-aye, Mr. Jeffreys-aye, Mr. Alonzo-aye

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

The meeting adjourned at 9:20 p.m.

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager