

Approved October 5, 2021

**SELECT BOARD
MINUTES
September 21, 2021
Bilotta Meeting Room, Town Hall and via Zoom**

Members present: Tom Alonzo, Chair; Lou Franco, Clerk; Todd Dwyer, Jim Marino

Member not present: Michael-Ray Jeffreys, Vice Chairman

Also Present: Heather Lemieux, Town Manager; Tom Gammel, Police Chief, Matthew Pingitore, Richard McGrath, Bill Laakso

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. Marino corrected a word he had used at last week's meeting during a discussion about the TCP Building Design warrant article from "malevolent" to "ambivalent."

Mr. Alonzo noted there had been a volunteer appreciation breakfast yesterday at the Eagle House Senior Center. He was unable to attend but wanted to acknowledge the event and all the people who did attend. So much of what we do in town is volunteer driven. He thanked everyone who has participated either directly or as a group as they make a huge difference in town on behalf of the Select Board. You are all very much appreciated.

He stated the Board has been asked to attend the Lunenburg Little League team's event Friday at 6:30 at the turf field. They have advanced to the state championship round. He requested everyone who could to attend. They have also been invited to a future Select Board meeting.

Ms. Lemieux reminded all about the Community Outreach meeting for UMA Flowers here on September 28th at 7:00 p.m. It can also be attended via Zoom. More info is published in the Lunenburg Ledger, public access cable bulletin board and the town website.

INTERVIEWS/APPOINTMENTS/ RE-APPOINTMENTS/ RESIGNATIONS

Ratification of the Town Manager's Appointment of Full Time Police Officer

Matthew Pingitore

Chief Gammel read from his letter of recommendation:

"Matthew is a lifelong resident of Rutland, and graduated from Wachusett Regional High School in 2016. Matthew holds a Bachelor of Science Degree in Criminal Justice, graduating from Fitchburg State University (FSU) in 2020. Matthew maintained a GPA of 3.69 while playing collegiate baseball for FSU. He received several awards while attending FSU, including Athletic Honor Society, and 2020 Athletic Leadership Award. Matthew was also a National Strength and Conditioning All American.

Matthew has successfully completed the Background Investigation, the Pre-employment Physical, and the Psychological Examination.

Matthew previously served as an intern for the Department, and was well thought of, described by our Public Safety Coordinator as "one of the best interns we have had." Matthew worked very hard while with us, needed very little direction, and was able to work independently. By all accounts through his background investigation the same theme was found, hard worker, great leader, great person, and would make a good police officer.

One statement that stood out was from a Matthew's Strength and Conditioning Coach at FSU. He told the background investigator "if my two year old grows up to be anything like what Pingitore exhibits, then I know my wife and I did a great job." That statement itself encompasses how Matthew is perceived and thought of. In the short time that I have gotten to know Matthew I would have to agree with everything that has been said about him.

Matthew continues to volunteer his time as a youth and AAU baseball coach, and has been doing so since 2019. He has volunteered for several events such as Community Youth Group (Rutland), Team Impact, and was a bell ringer for the Salvation Army. As Matthew becomes acclimated to the community I would expect to see him volunteering for various events.

As can be seen throughout this letter, Matthew is an outstanding young man, and will be great for our Department, and would be an asset to our community. I can see Matthew growing with the community as he matures in his career.

I respectfully request that Matthew R. Pingitore be appointed as a Full Time Officer effective December 5, 2021, the day prior to the start of the Boylston Recruit Officer Training Class."

Mr. Pingitore thanked the Chief for his comments and the opportunity to be here tonight to be appointed. Two years ago he had the opportunity to intern in Lunenburg. Everyone was great at the department; former Chief Marino was there at the time. Following that internship, he knew that Lunenburg was a town that he would like to work in. He looked forward to getting to know the community as much as possible. He thanked Ms. Lemieux and the Select Board members.

Mr. Marino confirmed that Pingitore was a great intern and he was pleased to see him before us today. Mr. Dwyer and Mr. Franco welcomed him as well. Mr. Alonzo noted that Pingitore had a prepared statement for this evening, which no one has ever done before and added nowadays part of police work is public relations.

Motion: J. Marino

2nd: T. Dwyer

To ratify the Town Manager's appointment of Matthew Pingitore as Full-time police officer effective December 5, 2021

Vote: All in Favor

APPOINTMENTS:

Meeting with Historical Commission regarding Special Town Meeting Warrant Article

Mr. McGrath, Chair of the Historical Commission, stated during his 22 years on the Historical Commission, eleven historical homes have been torn down during the demolition delay process; three from before 1730 that were in good shape. He provided a brief history of the evolution of the changes to the demolition delay bylaw. The current proposed article is for the commission to be more engaged and to enhance better communication with the applicant. He stated Vice Chairman Laakso had drafted the article and they would be willing to answer any questions. Mr. Laakso thanked Ms. Lemieux for guiding them through this process.

He presented the proposed article:

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, as follows:

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 appropriate 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 *in its present condition.*
- D. *Name, address and contact information of* a party or parties *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.*

(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 appropriate commission shall be promptly notified of the decision.*

Mr. Laakso pointed out currently applicants fill out the demolition delay application and then we don't hear from them until the time period has or is about to lapse.

Mr. Dwyer asked what would trigger the issuance of fines. Mr. Laakso stated we are very flexible. The Building Commissioner would enforce through the court system to collect the fine(s), when applicable. Mr. Franco appreciated the spirit of what they were trying to achieve but believed there was a lot of overreach in the amendments. He had issue with the provisions A and B under #1 that dictates how and with whom private parties can contract. As long as an objective is met he didn't know why it had to be a contractor experienced with historic homes. He believed a lesser penalty that is actually enforced would be more effective. The flexibility, the word flexibility that you used, could be unconstitutionally vague. People wouldn't know what constitutes a violation and what wouldn't. In its current form he could not support the article. Mr. McGrath stated often times people would use a friend who is a real estate agent but had no experience with historic homes.

Ms. Lemieux asked if there was any consideration of hardship. Mr. McGrath stated definitely. Suggestion was made to add a provision for addressing that.

Mr. Alonzo agreed with #4, but had issue with #3, the monetary fine, because he did not believe it would achieve what they wanted and it was problematic for the town. He suggested not using money as a fine but recommended "stopping the clock," until you receive the bi-monthly report. Similarly Section D also has to do with money and I am not in support of that. You are telling them to spend money on a building that they are requesting to tear down. He suggested the applicant should do what they need to do to make sure the building envelope doesn't further deteriorate. So as it is written, I would not support it. He suggested returning to the commission and discussing further and submitting as soon as possible.

Dave Passios, 56 Whiting Street, researched online and found the towns of Norton and Mendon had the \$300 fine in their demolition delay bylaws. He believed resetting the clock would impact people more.

Interview and Appointment of regular member to Bylaw Review Committee- Deborah Christen, 100 Boucher Road

Ms. Christen was participating via Zoom this evening. Mr. Alonzo thanked Ms. Christen for coming forward for the committee. Ms. Christen stated she was on the Personnel Committee for many years, elected to the Housing Authority, and other committees in town as well as volunteering for sports groups.

Motion: J. Marino

2nd: L. Franco

To appoint Deborah Christen to the By-law Review Committee

Vote: All in Favor

Ratification of the Town Manager's Appointment of Seasonal Cemetery Laborer Alexis Dimond and Public Access Videographer Madeline Ross

Ms. Lemieux noted both women come on recommendations from the department heads and HR Director. Both are experienced in their fields and will be great additions to the town.

Motion: T. Dwyer

2nd: L. Franco

To ratify the Town Manager appointments of Alexis Dimond to seasonal cemetery worker and Madeline Ross as public access videographer

Vote: All in Favor

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)
- 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:

- Assistant to the Sewer Business Manager (Part Time Non-Benefitted)
- Board Committee Clerk (Part Time Non-Benefitted)
- Digital Services Staff Librarian (Part Time Benefitted)
- Trash and Recycling Coordinator (Grant Funded, Part Time Non-Benefitted)

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

925 Mass Ave (TM Goal #1):

I received correspondence from MassDEP's LUST Coordinator regarding the outcome of the September 14th meeting regarding possible federal funding for the LUST program. He relayed unfortunately for now it does not appear additional funds will be available for site specific activities. The EPA did inform him that the IS Senate Version of the Infrastructure Bill had funds for the program but the House version does not. He will keep us posted if anything changes.

In the meantime, our Environmental Site Assessment consultant has reached back out to MassDevelopment about whether this site could be competitive for any funding opportunities through MassDevelopment, and the response was yes, but the new "Community One Stop for Growth" funding will not be released until next year. We will need to work on a scope of work for the project to send to MassDevelopment in the near future and they will work with us on any other potential avenues.

Information Technology Update:

As I relayed last week I have engaged an IT consultant to come in and provide an assessment of our IT needs. My plan is to utilize the services of this consultant in place of an IT Director for the remainder of FY22. This will provide us the opportunity to assess all of our needs and whether outsourcing this management level position is better suited to our needs on a trial basis.

COVID-19 Update:

The weekly update from the Board of Health on the total number of new cases reported between September 5th and 18th was 56. The current positivity rate for Lunenburg as of September 18th was 6.11%.

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.

CURRENT BUSINESS**1. FY 2023 Budget Priorities**

Ms. Lemieux stated annually she provides an update to the board as far as budget priorities. She read her memo aloud:

“Although the FY 2023 budget process is not fully underway, I have had preliminary meetings with various department heads to discuss their needs for next fiscal year. I will need to have more thorough discussions and a broader review of the requests and resources before I would suggest that certain requests will be included in the budget.

In terms of needs that have been previously vetted and discussed, my budget recommendation will continue to include the 10 year staffing plan for the Police Department and the 5 year Fire/EMS plan to get to a full time Paramedic Level Service. Last year I addressed the need for additional IT assistance, which still is a high priority. Another high priority will be to separate out Facilities from the Department of Public Works and create a managerial position that can manage all the capital projects and long term planning for our facilities.

Outside of staffing needs that have been already expressed, there is also a continual need to address the maintenance of our aging buildings, including the Brooks House, Public Safety Building, and Town Hall. The Brooks House is in need of a new roof and gutters, the Public Safety Building needs an assessment of the windows and HVAC system due to loss of heat through the windows and consistent malfunctions of the HVAC System, and the exposed wiring in the Town Hall basement will be a substantial undertaking.

Another area I will be recommending resources be allocated to is to address IT infrastructure, training, and preventative measures that will protect the Town.

It is still very early in the budget process and there are many moving parts that become known later in the fiscal year. As budget developments come about or needs are identified, I will keep the Board updated.”

2. Discussion on Senior Work off Program Committee and creation of a policy

Ms. Lemieux presented a draft policy for the program. A lot of it is what we currently follow. Right now the committee is composed of staff and one citizen. We have reviewed a number of other towns and with most towns it is an internal function of reviewing the applications. The Board will read it and vote on it at their October 5th meeting.

3. Minutes/Warrants/Action Items- there were none this evening.

4. Committee Reports

Mr. Franco reported the Economic Development Committee has rescheduled for September 23rd at 6 p.m. in the Ritter Building.

Mr. Alonzo reported Capital Planning Committee met earlier today and reorganized. Mr. Lehtinen is the Chairman, Mr. Passios is the Vice Chair and Ms. Bertram is the Clerk. There is a vacancy for a Member at Large, who would be appointed by the Town Moderator. We got an update from the Town Manager on the FY21 and FY22 projects and where they stand as we go into the new budget cycle. We will be sending out the request forms to the departments and they will need to be submitted by October 14th. We will meet with the departments on their requests individually. Finance Committee meets this Thursday.

I. OLD BUSINESS

1. Discussion on November 16, 2021 Special Town Meeting Warrant Articles

Ms. Lemieux reported the Sewer Commission submitted two warrant articles. The warrant article wording for the donation of the easement for Leominster-Shirley Road development project has been finalized.

The Personnel Committee has submitted an article for amendments to the Salary Administration Plan, Schedule A.

UPCOMING MEETING/EVENTS SCHEDULE

Mr. Alonzo reported this board does not meet again until October 5th. Next week September 28, the Community Outreach Meeting for UMA Flowers will be here at 7:00 p.m.

Regular board meetings will on October 12 and October 19. On October 28th, the Finance Committee will be cohosting a workshop with the School Committee on Chapter 70 funding.

PUBLIC COMMENT- there was none.

Mr. Alonzo reported they would be entering Executive Session.

Motion: L. Franco

2nd: T. Dwyer

To enter into Executive Session Pursuant to M.G.L. c. 30A, § 21, Reason #5, 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 (North County Land Trust Forestry Legacy Application)

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

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

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Elaine M. Peterson

Elaine M. Peterson

Executive Assistant to the Town Manager

TOWN OF LUNENBURG
SENIOR PROPERTY TAX WORK-OFF PROGRAM POLICY

I. Introduction

The Town of Lunenburg voted to accept the provisions of Massachusetts General Laws Chapter 59, §5K authorizing the Select Board to create a Senior Property Tax Work-Off Program at the May 13, 2000 Annual Town Meeting. The purpose of the program is to provide eligible seniors that are taxpayers a reduction in their property tax bill in exchange for volunteering their services to the Town of Lunenburg.

II. Statutory Authority

Massachusetts General Laws Chapter 59, §5K provides for the establishment of a program to allow persons over the age of 60 to volunteer to provide services to a town. In exchange for such volunteer services, the town shall reduce the real property tax obligations of such person and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled. Per the statute, no such person shall receive a rate of, or be credited with, more than the current minimum wage of the Commonwealth per hour for services nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year. It shall be the responsibility of the town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the Assessor's Office in order that the actual tax bill reflects the reduced rate.

III. Administration

This policy/procedure shall be implemented and administered by the Assistant Town Manager/HR Director. The Assistant Town Manager/HR Director will coordinate with the Council on Aging Director, the Treasurer/Collector's Office, the Assessor's Office, and Finance Department in order to effectively administer and process all applications and process tax credits to participating seniors.

IV. Eligibility Guidelines

1. Applicants must be 60 years of age or older as of January 1st for the relevant year they are participating in the program;
2. Only one (1) applicant per real estate tax paying household may apply;
3. Applicant must be the assessed owner and occupy the property for which Town of Lunenburg taxes are paid. If the property is subject to a trust, the senior must have legal title (i.e. be one of the trustees);
4. Meet the income guidelines of gross household income not exceeding \$50,000 for a single person or \$75,000 for married person;
5. Meet the minimum skills required for the assigned position;
6. Successfully pass a Criminal Offender Record Information (CORI) check;
7. Submit to all applicable Town of Lunenburg policies; and

8. Applicant must complete an application and provide all necessary verification.

V. Program Limitations

1. Currently, pursuant to M.G.L. Chapter 59 §5K, the hourly payment cannot exceed the state minimum wage and the maximum amount each participant can earn is fixed at \$1,500 for the Senior Tax Work-Off Program. The Town will pay the current state minimum wage and if the state minimum wage increases, the hourly rate for all participating seniors will increase as well.
2. The maximum number of hours of work time cannot exceed the maximum allowed amount of credit a participating senior can receive.
3. Hours worked cannot be shared.
4. The actual credit received will be net of any federal withholdings, medicare withholdings and OBRA withholdings according to state rules. The net credit received will be applied to the 3rd quarter real estate tax bill.

VI. Procedure

A. Program Notification

1. Applications will be made available on the Town's website and at the Town Hall and Senior Center for eligible Town residents.
2. Posting for the program will be placed on the Town's website, local access cable, local newspapers, and flyers in prominent locations throughout the Town.
3. All Town departments will be contacted annually and asked to submit a request for workers and job skills required.

B. Application Process

1. Completed applications must be submitted by close of business on the second (2nd) Thursday in December.
2. The Assistant Town Manager/HR Director will determine which department that the applicant may be assigned based on the type of work the applicant is interested in and qualified to perform.
3. All applicants will be scheduled for an interview with the relevant department head.
4. Approved applicants will complete the following with the Assistant Town Manager/HR Director upon hire:
 - Information sheet
 - Confidentiality Agreement Form
 - CORI
 - Form W-4 - Employee's Withholding Certificate
 - I-9 Employment Eligibility Verification
 - SSA-1945
 - Activities Release Form

C. Selection of Candidates

If there are more qualified applicants than authorized positions in a particular year, positions will be filled on a first come, first served basis.

D. Completion and Documentation of Hours

1. The time period for the Program runs between January 1st and November 1st of each year. The hours may be completed in a short timeframe or over the entire course of the program between January 1st and November 1st.
2. All hours worked must be documented and signed off by the designated supervisor in the Town department.
3. The designated supervisor will return the signed timesheet at the end of the term to the Assistant Town Manager/HR Director.
4. The Assistant Town Manager/HR Director will be responsible for submitting all necessary documentation to the Assessor's Office for the proper accounting of tax abatement.
5. Earnings are not subject to state tax withholdings but are subject to Federal and Medicare tax withholdings and are also subject to OBRA (7.5%) of earnings, if the participant is not receiving a pension from Worcester Regional Retirement or Massachusetts State Teachers Retirement. Participating senior will receive a W2.

VII. Exemption Related to Senior Tax Abatement Programs

1. The State Ethics Commission allows an exemption related to senior tax abatement programs under 930 CMR 6.17 in order to allow participants in senior tax abatement programs to hold additional municipal positions and to have financial interests in municipal contracts and vice versa.
2. A participant in a senior tax abatement program may hold additional municipal positions and have financial interests in municipal contracts without violating M.G.L. c. 268A, §20, provided that the employee does not participate in or have official responsibility for the administration of such program or decision-making with respect to the award of benefits or relief under such program.

VIII. Program Benefit Limits and Amendments

The Town Manager shall, from time to time, propose and the Select Board may adopt amendments to this policy based on changes to applicable laws and/or changes to program limitations.

IX. Adoption by the Select Board

This policy was adopted by a vote of the Select Board on _____, 2021.