

**SELECT BOARD
MINUTES
March 7, 2023**

Members present: Michael-Ray Jeffreys, Chairman; Tom Alonzo, Vice Chair; Lou Franco, Clerk; Todd Dwyer, Heather Sroka

Also Present: Heather Lemieux, Town Manager; Evan Watters, Finance Committee Chair, Carol Archambault, School Committee Chair; Senator John Cronin, Representative Mike Kushmerek, Representative Margaret Scarsdale.

Chairman Jeffreys called the meeting to order at 7:00 p.m. and asked everyone to stand for the Pledge of Allegiance. Mr. Watters opened the Finance Committee meeting at 7:04 p.m. Mr. Jeffreys announced in accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and broadcast live over the Lunenburg public access channel and Facebook Live and will be uploaded to the Lunenburg public access YouTube channel within 24 hours after the meeting.

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 the Open Meeting Law.

Mr. Jeffreys introduced and welcomed the state legislative delegation members present. He provided background information on each member.

Senator Cronin thanked the board for inviting him tonight and said it was a privilege to serve Lunenburg. He noted there were some opportunities for local economic growth. He has enjoyed working with Rep. Kushmerek and looked forward to the same with Representative Scarsdale. Representative Kushmerek stated it is a pleasure to serve a second term and was looking forward to meeting with the School Committee and Finance Committee as well. He noted education and infrastructure funding are among the most pressing needs.

Representative Scarsdale echoed the comments of Senator Cronin and Rep. Kushmerek. It is an honor to be here and to work on continuing to build a purposeful and productive partnership to help address Lunenburg's needs. I am in my sixth week at the State House and I can say with all sincerity that it has been very robust and very rewarding.

Mr. Jeffreys requested Ms. Lemieux present the Town's grant priorities.

Ms. Lemieux thanked Senator Cronin and Representatives Kushmerek and Scarsdale for coming in tonight. As the state begins their budget process for the next fiscal year, our legislators ask for a list of our budget priorities. These priorities would be any projects that we would like them to advocate for funding as earmarks to be included in the state budget. Last year the following projects were submitted as priorities (listed according to priority level):

1. \$330,000 for Flat Hill Road culvert.
2. \$371,000 for hazardous materials abatement and demolition of the old Primary School building.
3. \$100,000 for Senior Center building improvements.
4. \$232,800 for AC at the Primary School
5. \$25,000 for Marshall Park Survey
6. \$150,000 for Restroom Facility Improvements at Marshall Park

7. \$75,000 for Northfield Park Master Plan and Survey

We received the Small Bridge Grant in the amount of \$500,000 for the Flat Hill Road culvert (Item #1), which is in addition to the \$428,500 local appropriation. The Town also received a \$100,000 earmark from the state through an Infrastructure Bond Bill for 30 School Street (Item #2) and a \$100,000 earmark from the state for the Senior Center improvements for the ADA Patio (Item #3). The FY 2023 Capital Plan funded \$25,000 for the Marshall Park Survey (Item #4).

Ms. Lemieux submitted the following list of projects for consideration for FY 2024:

1. Security Upgrades at the Public Safety Building (cost TBD but estimated at \$50,000)
2. Security Upgrades identified on FY24 Capital Plan for THES and Primary School (\$160,000, \$131,000, and \$83,500, respectively for three projects)
3. Fire Alarm at THES on FY24 Capital Plan (\$287,000)
4. Marshall Park Funding
5. Cemetery Monument Restoration at North and South Cemeteries (\$38,000)

Senator Cronin noted the House would be taking up its budget in April and the Senate will debate it in May and that will be the opportunity to deliver these targeted earmarks for special projects. I feel confident speaking for the rest of the delegation that we will take these forward through the budget process and work to deliver for the Town. Rep. Kushmerek added these projects fall within the parameters for earmarks.

Mr. Alonzo inquired about the ongoing and increasing Unitil electric bills and also about a contentious 40B project in Lunenburg. Maybe it can be straightened out in the legislation about what is and isn't allowed through a 40B. There's no case history and this is going to be fought out in court and hopefully we can get that part of it straightened out. From my perspective it was designed to override policies and local bylaws, but not legislative powers of the town, or in this case the Water District.

Much discussion ensued about 40B, Unitil's high energy costs and the muni-choice bill, unfunded mandates, taxes (tax relief for senior citizens), and Chapter 70 and Chapter 90 funding. Carol Archambault, School Committee Chair, spoke on three items; the sunset of federal Esser funding. The money will be spent by September 2024. Now our kids need additional support, the money is gone, but the problem is not. Twenty percent of our children require some kind of social/emotional support at this point.

Regarding universal Pre-K; all kids need this opportunity but where are we going to put them? We don't have room in our school buildings, don't have equipment or teachers. There has to be some kind of funding at the state level to help communities.

Massachusetts School Building Authority (MSBA) has no accelerated repair program (for roofs, windows and boilers). We have an old school building that requires attention but we do not have debt capacity for a new building or to do the major renovation that is required by MSBA.

Rep. Kushmerek responded that it took 15 years to legislate Chapter 70 and it was a very arduous and deliberative process. That is why there is no appetite to go back and reevaluate it, but rather to address special education reimbursement. Chapter 90 is the opposite as it has not been updated since the 70's. The reality is c. 90 is not working for anyone. We are in favor of scrapping the whole system and basing it off of individual needs annually.

Mr. Jeffreys thanked the delegation for coming in and informed them they will be getting a final list to them next week. The delegation thanked them and exited the meeting.

ANNOUNCEMENTS

Mr. Jeffreys stated at the Select Board January 17th meeting, it was announced that the only way that residents can realize the decrease in assessed value is by going through the abatement process. Members of the Select Board and the Board of Assessors (BOA) outlined steps needed to initiate an abatement request and the Select Board voted to initiate an investigation into how the fiscal year 2023 assessments were derived. On January 24th the Select Board voted to commit \$150,000 from available ARPA funds to assist the investigation and provide additional support to the BOA. A public RFP (request for proposals) solicited professional support from tax assessing firms by February 13th. Due to no submissions, the deadline was extended to February 22, but again the town did not receive any responses. The Town Manager received a proposal for services after the deadline and met the vendor remotely with Select Board members Jeffreys and Franco to review the proposal. The Town Manager will work to bring a vendor to begin the inspection and review process for up to 49 parcels starting on March 18. If the same firm is awarded the contract, it is estimated they will be able to inspect 75 to 100 parcels per week. All residents that submitted abatement applications will have their properties inspected and most inspections will occur on Fridays and Saturdays. All residents will be contacted to set up the inspection by email and if there is no response, a follow-up will be by phone. The BOA Chair expects scheduling to be prioritized according to when the abatement requests were received. Scheduling will prioritize properties where a tax exemption is on record and in order of increasing value. The Assessor's office will work with Assessor Kevin Fish, Select Board member Lou Franco and the vendor to communicate with residents and coordinate frequent meetings of the BOA to make determinations on abatement applications. Over the next few weeks Vice Chair Tom Alonzo will conduct historical data analysis on property evaluations in town. I will work with the Town Manager to bring qualified tax assessors under contract to assist with the investigation.

PUBLIC COMMENT

June Hudson, 90 Hemlock Drive, read a statement on behalf of the Lunenburg Lakes Action Committee regarding valuations on homes in Lunenburg based on sales. She expressed dissatisfaction with the Principal Assessor and the BOA's participation in the valuations/assessments.

Joan Pease, 11 Wintergreen Court, expressed dissatisfaction about a previous Select Board meeting where allegedly an anonymous letter was read into the meeting and only identified speakers should be allowed to publicly comment. She noted public comment is not a time to initiate a discussion not listed on the agenda.

Sharon Jordan, 77 Burrage Street, heard at a Water District meeting about a plan to develop 50 acres of open space at 110 Burrage Street. A petition to extend the Water District boundary has been circulated with intent to build 25 houses and a complex for aged 55 plus seniors. The owners had a septic service business and dumped their sewage and hazardous industrial waste in 15 pits on 110 Burrage St. from the 1960's until the DEP stopped them in the 1980s. In October 2004 the cleanup started but it was stopped the same day because three buried industrial waste barrels were found. In January 2005 more barrels were found. It was May before the drums were removed. In June 2005 when 100 tons of contaminated soil were removed, two wells

on Burrage Street were contaminated; one is mine. PFAS exceeding the safe limit were discovered at 110 Burrage Street in December 2021. DEP ordered that all wells within 500 feet be tested for PFAS. My husband and I were informed that our well was contaminated and had to be filtered. I am concerned about soil disturbance and the water necessary for this construction, the impact on nearby wells, the brook and the wetlands. Tomorrow the developer will be at the Water District meeting to present the petition and ask for a special meeting of the Water District voters. The Water District voters will be asked to extend the district so the developer can bring in the water pipe. She urged voters to attend this important meeting as public comment will be allowed.

Dave MacDonald, 155 Island Road, asked if there was a deadline for additional paperwork to be submitted into the abatement forms. He was directed to inquire with the BOA. He stated there is no lawsuit being made against the town, the attorney hired was to obtain information about the current tax assessment situation.

Chris Menard, 672 Page Street, thanked the board for dealing with the difficult tax situation. He stated he has gotten anonymous comments because some people are not comfortable speaking in public. Regarding the Flat Hill Road drainage issue, he requested an update at a future Select Board meeting.

Carl Luck, 50 Sunset Lane, stated he was not aware of nor would condone a lawsuit against the town. He suggested after the tax assessment investigation update, the Select Board consider making a motion to cease obstruction of information between the Principal Assessor and the public and to schedule a workshop with the Principal Assessor to determine what the process was that created the 135% increase in the land assessment of the lakefront residences. He went into detail of the Principal Assessors' job description stating that the public is not being well informed.

Mr. Alonzo stated what the previous speaker has asked for has been something he has been asking for. I want to know as well in order to determine if anything went wrong, how the numbers were derived. I turned to the Town Manager and the Chairman at the January 17 meeting when the Principal Assessor was there without any handouts, projections, slides, without anything and just talked. Here we are six weeks later and I still as a member of the investigation team haven't gotten a report of how the numbers were done from the beginning to the end. I still don't have the land and building assessed values from at least 2019 which would be the prior five-year review. There is no investigative or historical data review without the data.

Mr. Jeffreys stated we have received several anonymous letters and have not read any of them into the record. I have responded to just about everyone who sent me an email with some exceptions. To the person who submitted the anonymous letter that Ms. Sroka referenced, I also sent a reply and stated if you'd like your letter to be read into the record, you need to provide your name and address. That resident responded that they weren't interested in doing that. We have a duty and responsibility to give you updates that we're getting, but it is incomplete information. We can't come to any conclusions. There has been a false belief that somehow we're going to be able to vote to undo all of the assessments that have been done. The state gives a very clear process, the abatement process. We've identified that we had issues with data and we do not have all the information that we're looking for. Investigations take time. I can understand that on the other side of this you want the information and you want it now. We need to be methodical and thorough in our approach.

The board recessed for five minutes before proceeding into the agenda.

INTERVIEWS/APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

Ratification of the Town Manager's Appointments:

Civilian Traffic Member Andrew Fields and Tax Collector Principal Clerk Erin Mahoney

Ms. Lemieux read a letter from Police Chief Gammel noting the road detail season is approaching and an application from Andrew Field for Civilian Traffic Member. He is retired from the Dept. of Corrections after 20 years at MCI Shirley. She requested the board ratify her appointment.

Motion: T. Alonzo

2nd: T. Dwyer

To ratify the Town Manager's appointment of Andrew Field as Civilian Traffic Member

Vote: All in Favor

The next appointment is for Principal Clerk for the Tax Collector. Erin Mahoney has 22 years of banking experience and has served as a teller financial service representative, worked in collections and as a loan servicing supervisor.

Motion: T. Alonzo

2nd: L. Franco

To ratify the Town Manager's appointment of Erin Mahoney as Tax Collector Principal Clerk

Vote: All in Favor

Ms. Lemieux noted the recent appointment of Paula Bertram to Sewer Business Manager that was ratified by the Sewer Commission. Ms. Bertram will begin on March 13th so there is an overlap before Mr. LeFebvre retires.

Fire Chief Sullivan has appointed Andrew Bolton to fill the full-time vacancy created by Jim Ricci retiring. He is a paramedic already and will start immediately.

There was no Town Manager Report this evening.

OLD BUSINESS

1. Status Update on Town Manager and Select Board Goals

Ms. Lemieux presented an update on her goals:

STATUS UPDATE -MARCH 7, 2023 Fiscal Year 2023

1. Goal #1: Continuation of the Goal to Redevelop/Reuse 925 Mass Ave:

- a. **Objective:** To address a blighted property that has been in tax title for over a decade.
 - i. **Action:** The Town Manager will perform all necessary tasks associated with the funding from the Targeted Brownfields Assessment funding that is expected by late summer. **Project is moving forward in TBA program and is anticipated to be complete by the end of the fiscal year. The EPA had a site visit on March 1, 2023 and identified that the canopy would be removed as part of the project as it is connected to those tanks that will be removed. The work is set to begin in May 2023.**
 - ii. **Action:** Identify the best method of disposition of the property by working with appropriate town boards and work with Treasurer/Collector and auction company if property will be auctioned or put together IFB/RFP if property will be disposed through. **After meeting with MassDevelopment this fiscal year, one of their programs through the One Stop for Growth application entitled Real Estate Services Technical**

Assistance would provide assistance with drafting the RFP. I plan on submitting an application through this portal by late spring.

2. Goal #2: Long Term Planning:

- a. **Objective:** To enhance the Town's long term planning in the areas of capital assets, staffing, and infrastructure plans.
 - i. **Action: Capital Planning:** Include asset inventory list and expected date of replacement of all vehicles, equipment, infrastructure (roads, culverts, bridges, sidewalks), buildings, and grounds in capital planning documents. Utilize a platform that will create greater transparency during the capital planning process. **An annual review of our insured vehicles and equipment was completed in the fall and this is our current inventory list for vehicles and equipment. A separate list is kept for bridges that details their condition based on the most recent MassDOT bridge reports. This fall started using the same software as we use for budgeting, ClearGov, for departments to submit capital planning requests.**
 - ii. **Action: Long Term Staffing:** Create a comprehensive long term staffing plan that will be updated annually and identifies additional space needs and funding sources. **In progress.**
 - iii. **Action: Roads and Bridges:** Work with the DPW Director to update the current Pavement Management Plan and create similar plan for large culverts and bridges. **Pavement Management Plan has been updated by BETA Group and presented to the Select Board on 2/28/23. We have an estimate of \$31,000 from a company that specializes in Bridge/Culvert Management Plans and the DPW Director plans on applying for a grant to fund this.**

3. Goal #3: Employee Recruitment, Recognition, and Retention

- a. **Objective:** To establish new employee recruitment methods, create formal recognition plan, and strategies for retention.
 - i. **Action: Recruitment:** Assess current recruitment methods and establish new employee recruitment strategies:
 - a. Work with area towns/cities on regional approach to recruitment. **Have approached other towns and they are open to regional approach.**
 - b. Design job postings that market the town and the position to attract greater pool of applicants. **Assistant Town Manager has drafted a template and also a QR (quick response) code that could be used for ads instead of posting entire content of postings.**
 - c. Attend college job fairs and explore internship program with local colleges. **Have reached out to Suffolk University about Job Shadowing program.**
 - ii. **Action: Create formal recognition plan:**
 - a. Create recognition program that highlights town employees at public meetings. **No update.**
 - b. Formalize annual employee appreciation event including "awards" for years of service of employees. **No update.**
 - iii. **Action: Retention:**

- a. Survey department heads and staff on topics for trainings and conduct quarterly professional development training schedule. *Surveyed department heads at department head meetings. Worcester County Retirement Benefit Seminar for employees on November 7th. Working with Suzor IT on training for staff and board/committee members for Office 365.*
- b. Conduct employee survey to assess job satisfaction. Based on results, create an action plan. *Funded at the Special Town Meeting. Engaged Culture Amp after the STM, developed the survey based on provided templates, and it was sent out and closed a couple of weeks ago. The HR Director and I had a meeting with our client services manager last week and we need to review all the results and break down by department. I will be meeting with each department head separately to discuss.*

FY2023 Lunenburg Select Board Goals

Objective 1: Continue to pursue a project acceptable to the Town regarding the property and building at 30 School Street (*a continuation of FY21 and FY22 Select Board Goal – Objective 1, with modified actions*).

- I. Action: Oversee hazardous material abatement and demolition of Old Primary School through weekly updates and timeline review with Town Manager
- II. Action: Seek public engagement to review and evaluate landscape architect plans for potential resubmission at 2023 Annual Town Meeting
- III. Action: Create working title that provides a clear unique purpose and benefit to residents
- IV. Action: Communicate funding sources, distinct from Marshall Park project.

Mr. Jeffreys noted we are moving forward with the abatement and demolition of the primary school and the other actions have been delayed in part because of our focus over the last couple of months on objective number two.

Objective 2: Work with Town Manager and Finance Director to establish a means- tested senior citizen property tax exemption or abatement.

- I. Action: Discuss the authority allowing us to pursue this program. Evaluate examples of how other towns have already adopted similar programs. *Mr. Jeffreys noted Mr., Alonzo and Mr. Franco both took on that task.*
- II. Action: Discuss and determine the eligibility criteria for seniors to be able to qualify and participate in the program. *As announced last week, that was coordinated with the Town Manager, the Principal Assessor and the Finance Director.*
- III. Action: Work with Town Manager and Finance Director to create financial models and illustrations to allow the Select Board to weigh options and to fine tune any proposal. At a minimum, these illustrations should include what the exemption and/or abatement would be to the eligible seniors and what the impact would be on all other taxpayers.

- IV. Action: Hold public hearings when necessary (but at least one) to present the proposal and get feedback from the public. **We expect this to occur within a month or so.**
- V. Action: Prepare a Town Meeting warrant article, when ready, detailing the final proposal for Town consideration. **We expect this to occur within a month or so.**

Objective 3: Review Select Board bylaws and propose updates for 2023 Annual Town Meeting

- I. Action: Review Select Board Policies and Procedures **This has been completed.**
- II. Action: Review all Select Board bylaws and prepare modifications/updates to improve clarity and consistency with the Town Charter. **This was scheduled for January 17th and it has been delayed due to the tax assessment situation.**
- III. Action: Hold public hearing to present the proposal and get feedback from the public.
- IV. Action: Prepare a Town Meeting warrant article, when ready, detailing the final proposal for Town consideration.

Mr. Franco reported he sent a draft warrant article for objective 2 to Town counsel today. Ms. Lemieux noted it was based on the Town of Wakefield's home rule petition but with Mr. Franco's criteria as outlined last meeting.

Discussion on Fiscal Year 2024 Budget, Capital Plan, and Annual Town Meeting Warrant articles

Ms. Lemieux reported the Governor's budget was released on February 23rd and the preliminary budget presented mid-February was level funded from the FY23 amounts, so there are slight changes. On the revenue side there was about a \$40,000 local aid increase and on the expenditure side we had reductions on our Cherry Sheet Offset, State & County and Choice/Charter assessments, and a change in patrolmen salaries,

For expenditures, overall there was an impact of \$235,000 in additional aid and clearly insufficient if you base it on previous year's local aid. The other adjustments made to the preliminary budget were to remove the special purpose stabilization funds that were a revenue source for three capital projects that are now being funded by ARPA funding. The Monty Tech assessment was increased from 2.5 % to 12%. That leaves a surplus of \$171,520.19.

Ms. Lemieux stated she had identified a worst case scenario for the tax assessment abatements if all were approved, including interest, minus what is available in the overlay account. The amount is \$1.5 million. That would require a warrant article for Town meeting and come out of Free Cash. Our certified Free Cash is \$2,838,550, so reducing that by \$1.5 M would leave available \$1,338,855 available. My recommendation is to add an additional \$500,000 towards the Capital Plan from Free Cash and the other revenue from Free Cash would go towards stabilization, potentially special purpose stabilization, OPEB (Other post-retirement benefits) and any monetary articles.

Ms. Lemieux presented a draft warrant for articles for the Town Meeting. She noted the standard articles and placeholders for the Sewer Department articles. There is an article from the Historical Commission for \$25,000 in funding for a matching grant to do an inventory of historical properties in town; an article for the clerical bargaining unit agreement as well as the

Fire union collective bargaining agreement. The Personnel Committee submitted a warrant article. They are currently doing a compensation and classification study with a consultant and there will be an impact for the wage schedule for fiscal FY23. The last one on this draft warrant is for a TIF (Tax Increment Financing) agreement with Luffa Farms.

CURRENT BUSINESS

1. Authorization from Select Board to Expend \$10,000 on Tax Assessment Services

Mr. Jeffreys stated based on the procurement laws the first threshold for services is \$10,000; anything below \$10,000 you can directly contract for. Anything above \$50,000 requires an RFP. This is from the \$150,000 that was already approved.

Motion: L. Franco

2nd: M. Jeffreys

That the Select Board authorize \$9999.99 for tax assessment services

Vote: All in Favor

Review Town Manager Evaluation Process and Timeline

This was tabled until the next meeting.

Minutes

Motion: T.Dwyer

2nd: H. Sroka

To approve the minutes of January 23, 2023 (Session II)

Vote: 4 in Favor, 1 abstention (Alonzo)

Action Items

Mr. Alonzo advised keeping the water district situation presented at public comment on their radar.

There were no warrants or committee reports this evening.

UPCOMING MEETING/EVENTS SCHEDULE

March 14th, March 21st

PUBLIC COMMENT

Dave MacDonald spoke about his earlier public comment and apologized for his behavior. He expressed dissatisfaction about the tax assessment investigation.

Carl Luck expressed dissatisfaction about the tax assessment investigation, particularly the 135% valuations on the lake properties.

Ms. Sroka clarified that she never read a letter aloud at a meeting as alleged by Mr. MacDonald in his public comment. She stated she referred to a letter and did not mention a person's name.

Mr. Dwyer stated based on my experience on other boards, whenever we stifle public comment, it always causes more problems than it's worth than to just let people say their piece, because it lets people let off steam even if comments are unpalatable and we disagree with them. I appreciate the Chair allowing public comment and for people to have their say at the end of this meeting. Mr. Dwyer was also curious how the Principal Assessor derived his land valuations. I would appreciate personally if he could meet with some members, whether it's the investigation team or the board as a whole to take them through the numbers. This has been a difficult situation and I appreciate all the work that's gone in from everybody on this board and within the community and I do agree with the sentiment that everyone should try and understand that. This

board's interest is trying to make sure that whatever happened with this tax assessment, if there were any errors, they're not repeated in the future.

Mr. Franco stated he would like to see a joint meeting between the Board of Assessors and the Select Board and for them to tell us what is going to happen. Secondly I will not address any particular public speaker by comment when they are not here any longer to respond, but I will say one of the speakers just called me out and asked me why I haven't taken a position. That's when I knew I was doing it right.

Mr. Alonzo stated we have to make sure that we understand what the process was and if anything can be shown to be done in a way that created this potential over-assessment is corrected. We've already unearthed some problems that are very clear; data storage and data collection at the Town level needs to be addressed. I think oversight of the Principal Assessor needs to be addressed. There was knowledge of facts that weren't known by the boards and people who should have known them that have a severe impact on people's lives. That is the focus for me long term.

Mr. Jeffreys stated we have to make sure everyone is getting good information. The Town Manager is our procurement officer, our Public Records Access Supervisor and our community relations person. For me it looks like there's a need for human resources to be a 40-hour week position and here's a need for there to be someone else who's handling Freedom of Information Act requests; someone else who's handling some of the communications that don't require that kind of higher level. I've asked the Town Manager to consider what those costs could be, if there's a way to build it into the budget or if there's a request to come to us for ARPA funding, it's been challenging for staff. Staff have fielded a lot of phone calls and spent time interacting with residents beyond average and it's difficult to get their jobs done and maintain a high level of responsiveness to residents. I encourage my colleagues to think about ways that our government can become more efficient. But also how we could have handled this situation better going forward in the event there is a crisis with another board that would result in a broad impact.

Motion: T. Alonzo
To adjourn the meeting

2nd: T. Dwyer
Vote: All in Favor

The meeting adjourned at 10:13 PM

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager

APPROVED JUNE 6, 2023