

Board of Selectmen Meeting
Minutes

Date: December 5, 2012

Time: 7:02 p.m.

Members present: Peter McMurray, Dan Meunier and Mike McCallum

2) Motion to approve minutes of November 15, 2012 as recorded.

Motion: Mike McCallum Seconded: Peter McMurray Vote: MM/PM - Aye
DM - Abstain

3) Motion to approve minutes of November 20, 2012 as recorded.

Motion: Dan Meunier Seconded: Peter McMurray Vote: DM/PM - Aye
MM/Abstain

4) Warrant # W21P approve and sign on Payroll Warrant in the amount of \$49,642.55 subject to further review. (MM abstain from line with Jean Lindquist)

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

5) Warrant # W22B approve and sign on Vendor Warrant in the amount of \$99,146.55 subject to further review.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Federal Program (Forest Legacy) Money goes to town then landowner. (MM Explained)

6) Warrant # W22B-1 approve and sign on Vendor Warrant in the amount of \$592,500.00 subject to further review.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

7) Warrant # W22B-2 approve and sign on Vendor Warrant in the amount of \$3,379.16 subject to further review.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Selectmen briefing on Net Metering (Alan Pease):

Mark Camp and Jim. Rules have now changed. Looking at a possible project in Lunenburg. Town would be purchasing credits and selling to other towns. He is looking for input from Selectmen as to whether we should proceed.

DM – Is the town incurring any expense with this?

AP – No

Profit for the Town for first year would be approximately \$10,000.00. Agreement would be for 20 years and each year the profits would increase.

There are 2 facilities in Lunenburg at this time.

Credits are limited to Unitil and its Massachusetts territories.

20% discount if Town is host.

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There are several entities that are interested in this project.

Private developer will build the farm.

AP would like to talk to other entities to see if they are interested in being the Host and discuss the financial aspects of the farm.

AP states this is a potential opportunity and he would like to pursue this.

If Town decided to not be host but join the farm it would amount to about \$4,200.00 savings the first year.

Selectmen directed Alan Pease to go forward with working on the project and to bring back information at one of the future meetings.

- 8) Motion to continue License Application Hearing at 7:35 p.m. pursuant to MGL Chapter 148 Section 13 for Flammable and Combustible Liquids for property located at 603 Fitchburg State Rd.

Motion: Dan Meunier

Seconded: Mike McCallum

Vote: Unan

Attorney Peter Campobasso represented the Taylors.

Fire Dept. and Police Dept were involved in inspections and radar to monitor traffic complaints. Representative for potential owners asked what restrictions might be asked for.

Question from citizen – Is there anything in the by-laws regarding this License?

MM – No. The Selectmen are not part of the zoning and it is not illegal for a business of this type to be in the location. He states that the Selectmen also have to think about how to enforce any conditions that would be attached to permit.

Question from citizen – Will he be allowed to store fuel at this facility with this permit?

Answer – Nothing can be used or stored on premises without a license granted to the “land”.

This is what the owners of the company need to proceed with their business.

PM read a portion of the comments from the Town Counsel to the Selectmen.

Lillian Whitney asked what would happen if something were to happen at this facility. She states many residents of town are concerned. She also quoted a new law from last year stating that oil stored in a private home must be inspected.

Answer - There are several inspections that have to be done both with the owners of the business and the drivers of the trucks.

PM said he drove by the existing business and found it to be very well taken care of and he was impressed.

Citizen – Who would be responsible for a contamination from the property?

Answer – MM – It would be the business owner and the property owner.

Citizen – How long would license be good for?

Answer – License will run with the land forever, unless the property was abandoned.

License is transferable if property is sold.

Question: Could license be suspended if proper procedure was not followed?

Answer: Yes by the Fire Chief and the State Fire Marshall.

MM read the suggested conditions for the permit.

Present owner of the property spoke on behalf of the potential owners and how his business was received by the Town and that there were no problems or complaints.

Lawyer states that owners would not be able to do Condition 4. (Hours of Operation) If this is a part of the permit then they would like to withdraw their request.

Paul Frederickson states that there are no hours of operation restrictions placed on his business.

Discussion between Selectmen as to the number of gallons of fuel that the permit would allow.

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PM states the Selectmen concern is for the Town and neighborhood. He would like to see a 6-month trial period for the noise level and hours of operation. He states that most of the business is run during the week and very little on the weekend. He feels that this is a good fit for the neighborhood and a good fit for the property.

Lawyer states they cannot agree to a trial period for hours of operation or the restriction of hours of operation. After meeting with his clients he respectfully asked that the request for the license be withdrawn. He thanked the board for their work on this matter.

Lawyer states that Condition 1 & 2 would not be a problem.

Condition 3 – Would like to increase the number of trucks on premises at 1 time.

Condition 4 – Will not agree to

Condition 6 – Would not be a problem.

Condition 7 - Would not be a problem

Condition 8 – Would not be a problem.

PM suggested that the hearing be continued until December 6, 2012. The Board of Selectmen is having a work session tomorrow. Mike will check out Article 2 and 8 with Town Counsel.

9) Motion to continue the hearing until Thursday December 6, 2012 at 7:00 p.m.

Motion: Dan Meunier

Seconded: Mike McCallum

Vote: Unan

Selectmen discuss Liquor License Fees for Calendar Year 2013:

PM explained the history of what is usually done with this.

10) Motion to leave the fees for the Liquor Licenses at the same amount for another year.

Motion: Mike McCallum

Seconded: Dan Meunier

Vote: Unan.

Alan Pease has a problem with a lighted sign at the Ashby Market which does not comply with the zoning laws. Owner has not complied with zoning laws. PM will see that a letter is sent to the store. AP wants the license renewal denied. Building inspector told owner he could keep light on until he could check on laws on signs being there before ordinance was put in place.

11) Motion to approve and sign on ABCC Liquor License Renewal Form for Holmes-Curran-Bennett Post #361 the American Legion, Inc.

Motion: Dan Meunier

Seconded: Mike McCallum

Vote: Unan

12) Motion to approve and sign on ABCC Liquor License Renewal Form for Ashby Market, Inc.

Motion: Mike McCallum

Seconded: Peter McMurray

Vote: PM/MM - Aye
DM: Abstain

13) Motion to approve and sign on ABCC Liquor License Renewal Form for E.C. 31 Inc. d/b/a 31 Store.

Motion: Dan Meunier

Seconded: Mike McCallum

Vote: Unan

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14) Motion to sign on ABCC Liquor License Renewal Forms.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

15) Motion to approve and sign on State Contractor Authorized Signatory Form for Bulletproof Vest Reimbursement. (Chairman only to sign)

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Any other business not reasonable anticipated by the Chairman:

Request for Selectmen's approval of mailing insert for Tree Warden. (Allan Dawson).

16) Motion to approve on Mailing Insert regarding wire-down safety.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Request for Selectmen's approval of mailing insert for Tax Collector. (Beth Ann Scheid)

17) Motion to approve on Mailing Insert regarding on-line tax payment fee.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Lillian Whitney asked about cutting the funding to towns. PM told her until they come out with the final totals and figures he would not address this.

MM talked to Police Chief, Fire Chief and Highway Superintendent as to the radio reception within the town. Problem can be fixed with approximately \$5,000.00. He would like to go ahead with this and would like it on the next warrant as an article.

Jack Pankowsky asked about a Cable Advisory hearing that was originally scheduled for Feb 6, 2013. It has now been changed to February 13, 2013.

Assistant to the Board of Selectmen's Report.

Read by Peter McMurray

Public Comments (if any)

None

18) Motion to adjourn at 10:05 p.m.

Motion: Dan Meunier Seconded: Mike McCallum Vote: Unan

Signed by: _____

Dates Minutes Approved by Board of Selectmen: _____