

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
OCTOBER 17, 2005  
SELECTMEN'S OFFICE, TOWN HALL**

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Clerk, Ron Reed, Member, Kevin Paicos, Town Administrator and Sylvia Turcotte, Administrative Assistant.

This meeting was aired live on local cable television Channel 8.

- I. **APPROVAL OF AGENDA:** Dennehy called the meeting to order at 7:00 p.m. and read the agenda. Reed moved to accept the agenda, Carlisle seconded and the motion was carried.

Dennehy stated that before the dog hearing, Paul Pollastri, the Town Treasurer/Collector had a borrowing to bring before the Board. Pollastri stated that he went out to bid for the \$600k borrowing for the Public Safety Building and five banks responded with interest rates ranging from 3.48 – 3.80%. He stated that the Bank of Western Massachusetts gave us the 3.48% interest rate and that we should go with them. He asked the Board to sign the paperwork.

Carlisle inquired as to how much of the Cushing money had been spent to date and Pollastri stated that \$400k so far for the architect and the project manager. He added that this \$600k would be for the engineering work.

Reed motioned to authorize the Town Treasurer to borrow \$600k for a bond anticipation note. Carlisle seconded and the motion carried.

- II. **PRESENTATIONS, REPORTS & CORRESPONDENCE**

Dennehy stated that the persons called for the dog hearing had not arrived so, to give them time, he stated that the Town Administrator should go ahead and give his update first.

- B. Town Administrator's Update:** The update report that was presented to the Board is attached.

Paicos went over his update and mentioned that he is pushing hard to get the Pages Beach Project done before winter.

Paicos stated that the Factory Pond Dam was in good shape but that on Friday night at about 10:00 p.m. the water came up to approximately 1" of the bottom of the sandbags. He added that they filled the gaps and that it's fine now but will need to be dealt with eventually. Paicos added that the dam's core is already breached and because it is privately-owned, we can only remind them of the deterioration.

Reed questioned if we had a drought in August, could we repair the dam? Paicos responded that we could, but that it's a massive structure. Reed stated that we should make a note to look into this sometime in July.

Paicos stated that he met with the Water/Sewer Commissioners and he was told that they need fencing around the water tank at a cost of \$10,000, which was mandated by Homeland Security.

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Carlisle inquired as to whether the collections have been the same as in past years and Paicos responded that they are running normal, but that at the last Annual Town Meeting the \$100k transfer which was approved, has caused a deficit. He added that he has faith that the Commissioners will use their good judgment to fix this and that there was no need for the Board of Selectmen to meet with them. He went on to say that he has suggested a rate study be done to help get this under control.

Paicos stated that Jim Shanahan, the Town Accountant, has done an outstanding job on fixed assets and the bottom line on free cash is \$447,581.

Paicos stated that he had a request from the Advisory Board to look into the transfer station and the fact that there is no contract. He stated he contacted Waste Management and was told that they have no site assignment and he advised them to contact the DEP, which in turn, called and ordered the transfer station closed. Paicos stated that he spoke to a contact in the Worcester DEP office who has given the Town a 90-day reprieve and no fine. He added that the Town will get an enforcement order in the next few days. Paicos said that he is looking at the cost of getting a permit which will be expensive.

Carlisle stated that just before Katie Nunez left and he was still on the Board of Health, he was working with her on this but that it never was resolved. Reed stated that this will probably mean the Town will have to spend the \$30k twice a year for landfill testing which he feels is a little ridiculous. He asked about testing it ourselves and Carlisle mentioned that we could get the equipment to do this from Nashoba. Paicos stated that he will be sure to negotiate and that it will all work out fine in the end.

**A. Dog Hearing – Halfkenny:** (Maggie Bennett and Wes Landry were in attendance)

At 7:45 p.m., Reed motioned to open the dog hearing and was seconded by Carlisle. Motion carried.

Reed stated that a certified letter was sent and the receipt was signed by the Halfkennys and that they were not present at this hearing.

Dennehy stated that they would hear from the Animal Control Officer and she was sworn in by the Town Clerk, Wes Landry.

Bennett stated that two years ago a hearing was held by the Board on the same dogs and that nothing had been done that they were told to do. She went on to say that she has received numerous complaints, in particular, from the Fullers and the Fagans of Chapel Street. She added that she has sent fines to the Halfkennys for not licensing their dogs and that she is waiting for new fine books in order to send them more.

Reed asked how many calls she had received and Bennett stated that it's been in the last two months. She added that the owners are not around much of the time and the dogs are loose. Reed stated that under her jurisdiction she can pick up the dogs if they are loose.

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Bennett stated that the dogs have not been licensed since the last dog hearing two years ago.

Dennehy stated that it is the Board's job to issue an order to be served upon them. Reed motioned to have the Town Administrator write a letter to inform the Halfkenny's of the complaints and to get their dogs licensed, and have them come to a hearing and if this is not met, then a summons will be issued. Carlisle seconded and the motion carried. Reed stated that the dog hearing should be scheduled for the second meeting in November, on the 21<sup>st</sup>, in order to give them adequate time to respond. Dennehy wanted it noted that they were given half an hour to be present before the dog hearing was opened.

At 7:50 p.m., Reed motioned to adjourn the dog hearing and was seconded by Carlisle. Motion carried.

### III. OLD BUSINESS

- A. Follow up on the Central Street Traffic issue:** Dennehy stated that the Board has received recommendations from the Fire Chief, Police Chief and the Acting Highway Superintendent regarding the safety issues brought up by the residents. Chief Murray had Officer Thomann do a 10-day study and it recorded 47,827 vehicles passed over that road, and they were all within ten miles over the speed limit. Dennehy added that all three department heads issued a recommendation not to change the speed limit. He added that they should not petition MA Highway because to do so could result in increasing the speed limit.

Paicos stated that there are three options to pursue:

- 1) fog lines along the sides of the road
- 2) a stop sign at the end of Pleasant St.
- 3) signage to show playground or school

Carlisle asked if this was a school zone because of Cushing and Paicos stated that he would look into this. Carlisle stated that he has seen increased speeding in roads in the center of Town and once the new Police Chief is settled in he wants to see the presence of a cruiser in the center. He added that there are a lot more people in town now and it's a safety issue.

Reed motioned to place a yield sign at Pleasant Street and was seconded by Carlisle. Motion carried.

Reed stated that the Board has always been approached to put a sidewalk from the Post Office to the center and Carlisle stated that the Public Safety Building Committee is already looking into this. Reed added that they should maybe talk to Cushing as well.

- B. Further discussion of the Special Town Meeting Warrant:** Dennehy stated that at the last meeting they worked with the draft warrant and that the Board had stated they would not give their recommendation at that time.

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Paicos stated that he has all the figures and how they will be funded and a summary will be available at the door the night of the STM.

Each article was then discussed and voted on as follows:

Article 1 – The question was how to fund the overage? Paicos stated that this was a concern but that MRPC is helping as they have agreed to take \$5,000 off their administrative services

contract. He added that there are three options: 1) take out of water surplus which has a balance right now of \$170k, but if the rate increase isn't approved, this would put them in a fund deficit. He added that he did not advise this and that he did not see an advantage in going out to re-bid. He noted that both MRPC and Peter Valinski of Tighe & Bond agreed as they feel we would not get a lower bid. Option 2) could take out of free cash, but he noted that the Briggs School project is also being taken out of this fund and it would leave the town with too little with the energy costs rising and the 3) is a betterment with a cost per household on average of \$100.

Carlisle stated that it clearly has to be done, but he asked why they would be charged to upgrade the water system and if this was the norm to charge people for any work on water lines and is this a precedent we are going to set? Paicos responded that under Chapter 80 this is clearly in the betterment category and this is a classic example of what the betterment law is for.

Carlisle stated that if it had been done correctly in the beginning, this might not need to be done but if we go with the betterment then maybe if a grant becomes available we could look into that.

Reed stated that this can't be taken out of free cash and that we should take \$30k from the Water Surplus and the balance as a betterment. He added that those residents who were at the last meeting seemed to think it was a reasonable solution. Carlisle agreed with this concept.

Reed recommended to take \$30k from the water surplus and the remaining \$100k as a betterment. Dennehy stated that he commends that but is worried about the deficit.

Paicos stated that they could do this as he is reasonably certain that there will be a rate increase. He added that \$30k is a small amount and is a good compromise. Reed agreed stating that this would affect 75 households out of approximately 800 total in the town.

Dennehy asked what the water surplus had been used for historically and Reed stated that it was used for the pump station, water mains and capital items only. Reed also stated that we have aging water tanks and the filtration plant was a big issue.

Carlisle stated that in a perfect world we would take care of this, but that's not going to happen and we can't have another year of deficit.

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Dennehy inquired as to whether the topic of surplus came up when they met with the Water/Sewer Commissioners and if they offered any feedback and Paicos stated that the Chair, Val Daigle had suggested re-bidding the project. Reed stated that they should look at the past 10 years and how many days were spent at the Page's Beach area trying to patch the problems.

Reed motioned to take \$30k from the water surplus and the remaining \$100k in betterments and was seconded by Carlisle. Motion carried. BOS recommend.

Article 2 - \$34,253 from Chapter 90 money which is the first of three 1-year payments. Reed

stated that the balance for FY05 and FY06 is approximately \$290k.

Reed motioned to approve article 2 as written and was seconded by Carlisle. Motion carried. BOS recommend.

Article 3 – IT plan - \$13k from free cash. Reed motioned to approve this article and was seconded by Carlisle. Motion carried. BOS recommend.

Reed stated that we should ask for IT people to serve on a committee.

Article 4 – Assessor's computer system replacement \$26,219 from free cash. Paicos stated that the amount could change because he is checking into leasing the equipment.

Reed motioned to approve article 4 and was seconded by Carlisle. Motion carried. BOS recommend.

Article 5 – Replacing and upgrading the computer switch at Town Hall to accommodate 40 users, \$7,145 from free cash.

Reed motioned to approve this article and Carlisle seconded. Motion carried. BOS recommend.

Article 6 – Paicos stated that there is no money involved in this article. BOS recommend.

Article 7 – Temporary classrooms at Briggs \$160k from free cash. Paicos stated that these classrooms are moveable – could make offices for the Highway down the road.

Reed motioned to approve this article and Carlisle seconded. Motion carried. BOS recommend.

Article 8 – Municipal Light Plant article. Paicos stated that he recommends that they keep this on the warrant. Reed motioned to approve and Carlisle seconded. Motion carried. BOS recommend.

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Article 9 – Paicos stated that he recommends to pass over this article.

Article 10 – Conservation Agent – Paicos stated that ConCom desperately needs this agent. Westminster has one now who is a contractor and most communities have one. He stated that they are talking 20 hours, part time, \$30k range for salary. He added that it would only be a half year salary and that ConCom has this money already to cover the cost.

Paicos stated that it would be a transfer of \$10k from ConCom fees to fund the conservation agent.

Reed motioned to recommend and was seconded by Carlisle. BOS recommend.

Article 11 -\$12k funded from free cash to update the Non-Union Wage/Classification Plan

and Personnel Policy.

Reed motioned to approve this article and was seconded by Carlisle. Motion carried. BOS recommend.

Reed stated that he calculated that the town will have spent \$219,364 from free cash if all the articles are approved at STM and that the balance will be \$226,217.

Reed stated that the teacher's contract is coming up and that we will need the balance of free cash for the FY07 budget.

#### IV. NEW BUSINESS

- A. Request for approval of Discharge of Mortgage for property located at 23 Winchendon Road:** Reed motioned to approve the Discharge of Mortgage for 23 Winchendon Road and was seconded by Carlisle. Motion carried.
- B. Vote on Rock Salt & Winter Sand Bid recommendation by Interim Highway Superintendent:** Dennehy read the recommendation as noted by the Highway Superintendent. Reed motioned to approve the recommendation as presented and Carlisle seconded. Motion carried.

#### V. APPROVAL OF MINUTES

##### A. October 3, 2005 – Regular Meeting

Reed motioned to approve the minutes of October 3, 2005 and was seconded by Carlisle. Motion carried.

#### VI. OTHER MATTERS

Dennehy stated that the Special Town Meeting is on Thursday, October 20, 2005 at 7:00 p.m. and that 75 residents are needed to attend in order to have a quorum.

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#### VII. EXECUTIVE SESSION

At 9:00 p.m., Dennehy stated that the Board would enter into Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding contract negotiations with non-union personnel and not to reconvene into regular session.

#### VIII. ADJOURNMENT

At 10:44 p.m., Reed motioned to adjourn the meeting and was seconded by Carlisle. Motion carried.

Respectfully submitted,

Sylvia Turcotte  
Administrative Assistant