

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
MARCH 20, 2006
SELECTMEN'S OFFICE, TOWN HALL**

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

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

I. APPROVAL OF AGENDA: Dennehy called the meeting to order at 7:02 p.m. and read the agenda. Carlisle moved to accept the agenda, Reed seconded and the motion was carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

Dennehy stated that until Rep. Rice arrived they would start with the Town Administrator's update.

C. **Town Administrator's Update:** A copy of the update is attached to these minutes.

Paicos began with the Boutwell Garage issue by stating that he has started working on the RFB for the 21J Board meeting in April. He stated that this is a huge job to undertake as no one has ever done one before. He added that it should be on time for the April 27th meeting with the 21J Board.

Paicos then stated that Mark Dymek filed his Chapter 40B Proposal today in the Land Use office.

A. **Introduction and Discussion with new State Rep Robert Rice:** (At 7:06 Rep. Rice and his aide Alan Agnelli entered for the meeting) Dennehy proceeded to welcome Rep. Rice and his aide Agnelli to Ashburnham. He stated that he wanted to discuss the priorities in the Town and to work together with them.

Dennehy began the discussion with the Boutwell Garage situation stating that they are working towards extending the waterline to that area. Rep. Rice stated that he had spoken with Mrs. Boutwell a few weeks ago and that he was eager to work with the 21J Board to get this expedited. He stated that he would do all he could to help with this issue.

Dennehy stated that Senator Brewer has been very helpful and Rep. Rice should work with him on this issue. Rep. Rice stated that he would attend the 21J Board meeting on April 27th.

Dennehy then went to the next topic which was the repair of Factory Pond Dam. Dennehy noted that a sink hole was noticed at the dam and that the Board became concerned. He added that the Board feels it's necessary to see to the safety of the town residents. He also noted that the state has given some assurance that they would fund the repair. Rep. Rice asked if all seven dams in Ashburnham were owned by the Town and Dennehy responded that only 3 or 4 were town-owned. Rep. Rice stated that they would touch base with the Mayor of Taunton to see how to go about getting the repairs done.

Dennehy then brought up Public Safety Personnel by stating that the goal that was set by the

Town was to have 2 officers on patrol 24 hours a day, 7 days a week. He stated that we're not there yet, being 1 full-time officer short to reach the goal. He went on to say that any help the State could give the Town to fund this would be great. Dennehy added that a firefighter was needed as well as the majority of firefighters in town are on-call. He stated that the town only has 5 full-time firefighters right now and that this is an ongoing long-term need. Rep. Rice stated that he would look into this.

Dennehy went on to state that another issue is the sewer system agreement with Gardner which is a 20 year agreement. He stated that he wanted to schedule a meeting with Gardner due to the possible expansion. He added that we are looking at the future and that it was found to be more cost effective to continue with Gardner as this is already in place.

Rep. Rice stated that capacity will be an issue for both communities.

Dennehy stated that another issue was the Chapter 90 road repairs. He stated that it was an ongoing need for the town. He asked Rep. Rice not to let this fall to the wayside.

Kevin Paicos stated that although it's been timely for the past two years, the state always seems to wait until October but we need to know in the spring.

Dennehy noted that we are still waiting for the resurfacing of Route 101 to Ashby Road which needs to be done. He added that it is on the list and has been for several years. Rep. Rice stated that he would follow up on this.

Dennehy stated that School Building Assistance Funding is another issue that the Town is concerned about. Rep. Rice stated that he has been in touch with Superintendent Zapantis regarding Briggs and had a lengthy discussion. He added that they would do everything they can to help us out. Dennehy asked Rep. Rice to notify the Town immediately about anything that he hears about that we would need to do to be at the front of the line when the funding is available.

Reed brought up his "pet project" regarding the MBTA Assessment to the Town of Ashburnham. He stated that the concern is that they will expand and that the town would be assessed even more. Reed asked Rep. Rice to file the legislation to get Ashburnham off the list. He stated that we are assessed \$25k now and that it could increase. He added that there are no contiguous roads to Fitchburg and we shouldn't be assessed.

Rep. Rice inquired as to whether Senator Brewer had filed this and Reed responded that he believed he had. Rice asked Reed if he could get a copy of the filing. Reed stated that he would.

Dennehy inquired about the state budget and what the discussion was right now. Rep. Rice stated that discussion would start in April. Dennehy stated that the Governor's proposed budget would add \$216k to Ashburnham's local aid. He asked if there was a possibility we wouldn't get this and added that the town would be in trouble if we don't. He added that this is really essential to our town.

Rep. Rice responded that he told the chairman that this was very essential in our cities and towns. Reed stated that he urged Rice to support the elimination of the lottery cap and to restore what was taken away. Paicos added that there's no excuse to continue to divert the lottery funds and even if it's done, we would still not be where we were 5 years ago.

Rep. Rice stated that he would file a supplemental letter on snow and ice deficits as well.

Dennehy stressed that timeliness is important. He added that the Annual Town Meeting used to be the first Saturday in April and that it was moved to the first Saturday in May because the legislature was late with the numbers every year. He stated that the sooner the better to get the hard fact numbers. Rep. Rice responded that the town probably wouldn't have the numbers for the Annual Town Meeting. Dennehy stated that this was an annual problem for the town. He also stated that the school budget is also important, stating that besides the capital needs, they have other expenses in excess of what the towns can give them. He stated that they may need to have an operational override every other year to keep them solvent. He added that the legislature has to help the town with this by giving us what we need and that he asked Rep. Rice to keep this in mind.

Rep. Rice stated that in his budget letter he requested no less than what the governor proposed. He added that he is confident that there would be more money under Chapter 70. Dennehy stated that other communities have the same concerns that we have.

Rep. Rice stated that the town's priorities were all in order and that most of what was said this evening was included in his letter to the chairman. He added that he would keep the Board posted.

Dennehy asked whether Rep. Rice would have regular office hours at the Library and if so, they should let the Board know so that it can be publicized.

Dennehy thanked Rep. Rice and his aide for their attendance at this meeting.

Dennehy then stated that the schedule of events on the agenda would be changed in order to accommodate Shelly Hatch and Bob Biagi of MRPC who had been waiting patiently.

III. OLD BUSINESS

- A. Continued discussion on CDBG Application Action Items:** (Bob Biagi and Shelly Hatch of MRPC were present, as well as John MacMillan, Joe Kalagher and other members of the Planning Board) Dennehy began the discussion by stating that Eric Smith, the Town Planner, did some good work along with the Planning Board to determine the action item priorities for Ashburnham. He stated that he had a question about one issue, why is the soft second loan program not listed as a priority? Kevin Paicos responded that there is no one to administer it. Dennehy asked how other towns did this and Shelly Hatch stated that they use outside agencies, such as MRPC. Dennehy asked if this could be delegated to the Affordable Housing Committee to look at what is involved in doing this. Paicos stated that it could be done if MRPC could send someone to the meetings to explain what is involved.

**Board of Selectmen
March 20, 2006**

Page 4 of 7

Dennehy had a number of questions on zoning items and MacMillan stated that more work needed to be done on these issues.

Hatch stated that this application needed to be numbered by section and she was told to number each section as they are listed as priority.

Reed motioned to follow the recommendation of MRPC to number as listed and was seconded by Carlisle. Motion carried.

Hatch stated that letters of support are also needed from each department.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

- B. Discussion and vote on Gardner's possible sewer system expansion:** Dennehy began by stating that there are a number of proposed developments in Ashburnham and a meeting with Gardner regarding the Intermunicipal Sewer Agreement will have to be set. He stated that a study was done through Tighe & Bond on other options for Ashburnham as far as the sewerage is concerned, showed that it made sense financially to continue to work with Gardner.

Dennehy stated that the discussion came up at an Advisory Board meeting. He added that a meeting will be set up with Gardner to discuss the agreement and the needs of the future. He stated that the question is do we really want to expand to other properties.

Carlisle stated that this is a double-edge sword as the original intent was to tie in the center of town. He stated that it's not an easy decision on whether to expand. He said that his opinion is that if everything was in place then it's inevitable.

Dennehy stated that we need to come up with a plan. Paicos stated that the "practical face" is that a project plan of 106 units was submitted today and this would include an extension of this system. He added that not every home is tied-in right now and if we allow an extension, then we have potentially deprived them of the ability to tie-in.

Paicos continued by stating that developers have asked for clarity on whether we will go to Gardner to ask for the tie-in. He added that this is a high-level policy decision.

John MacMillan, Planning Board Chair, stated that no matter what is done, there will be growth and if we don't expand our tie-in we'll have sparse growth. He added that in order to bring affordable housing to town we need to allow the tie-in and some developers have even offered to help financially. He stated that it's important to upgrade the system.

Carlisle asked what percent is the town heading towards in relation to letting development come in and MacMillan responded less than 50%.

Joe Kalagher, Planning Board member, stated that the agreement with Gardner was only approved at the first phase and added that it is in the best interest of the town to get a backbone and get studies done. He also stated that we should get going on the plans that are needed for the state.

**Board of Selectmen
March 20, 2006**

Page 5 of 7

Paicos stated that the Water/Sewer Commissioners just finished an analysis on the sewer system and the comprehensive needs program will say where it is needed and where it isn't. He added that the water supply is inadequate as well. He stated that revenue is available to get the expensive studies done that are needed.

Gary Howland, of ConCom was present and stated that we should look at ground water recharge and we should not be wasting our water because it's a great resource. He went on to state that they should use tight tanks and he also stated that he would caution the Board on moving the sewer tie-ins any more north than it is. Paicos agreed with Howland and stated that if one million gallons of water leaves our town, we'll never get it back and we need a comprehensive study, as being passive is not an option.

Dennehy stated that there should be a warrant article for the spring Town Meeting.

Paicos stated that the study takes about a year. He said the studies are very labor intensive and that he will write an article for the Town Meeting. MacMillan clarified by stating that when he said improve and expand he meant just in the area now, not anymore north. He asked the Board what the next step should be.

Dennehy stated that the study would be included as a warrant article and that there would be discussions with Gardner. He added that this would ensure that the Town will get what it needs out of this system. He noted that the Board has initiated the discussion and that they look forward to working with all the boards on this issue.

Joe Kalagher noted that the Planning Board is submitting two zoning revisions in the general by-laws as warrant articles on driveways. He added that they will be short, one paragraph, not the long revisions of previous years.

- C. Town Administrator's Update: (continued)** Paicos commented on the Water/Sewer Fund Deficit stating that the Water Department will have a deficit again this year and that the Bureau of Accounts has noticed and this is why the tax rate has not been set yet. He stated that he has called them.

Paicos stated that the Water/Sewer Commissioners approved 3 rate increases for sewer and 1 increase was approved for the water. He added that the downside is, it won't help the tax rate for this year and that it depends on what statute we're operating under as to whether they will make us set a STM which in turn would delay setting the tax rate another 3 or 4 weeks. He stated that he is trying to talk the Bureau out of doing this but it is very difficult.

Reed asked how much of a deficit there was and what number the state would be happy with and Paicos stated that the amount doesn't matter it's that it wasn't fixed in a timely manner. Reed stated that he wanted to know why this happened so that it won't happen again. Paicos stated that it was because a water/sewer rate study was never conducted.

Paicos stated that there was a \$170k deficit last year and in order to avoid this, a study should be done every year. Reed asked about the timeline to get this done and Paicos said he'd get it resolved one way or another the following day.

**Board of Selectmen
March 20, 2006**

Page 6 of 7

Paicos then suggested that a committee be set on the move of the Highway Garage relocation. Carlisle commented that we need 100% effort on the Highway relocation. He added that in his opinion the Focus Committee isn't really needed now because we have a Town Planner. Paicos stated that the Focus Committee's charge could be the Highway relocation. Carlisle added that they would meet with other boards and act as an intermediate committee between the other boards and committees.

Dennehy commented on the budget and that a part time person should be hired to strictly take minutes for boards and committees because of the many requests for copies of minutes that have been made recently. He stated that minutes should be readily available to citizens. He stated that a person to take minutes would make it better for the community and various committee members. He noted the difficulties on the ZBA as an example. He stated that he would send an e-mail to the Advisory Board to consider putting something in the budget for this purpose.

Reed suggested that because of the volunteer nature of our community it might be a better idea to have the Town Administrator send out a memo to all our boards and committees instructing them to send all the minutes to the Town Clerk's office in a timely manner. Paicos stated that this was a good idea, as right now the minutes are not stored in a central place. He added that this was the first town that he knew of that the minutes weren't stored in the Town Clerk's office. Dennehy reiterated that documents should be immediately available no matter who is asking. Carlisle agreed that they should be filed with the Town Clerk.

Paicos stated that this would not be a quick fix and that the Town Clerk would need to follow-up if the minutes are not submitted in a timely fashion. Carlisle stated that he realizes that this is a problem but that we should work to get them posted thru the Town Clerk's office. Reed stated that going forward we will fix it, but we can't fix it for past minutes.

Dennehy stated that he suggests this will be revisited.

III. OLD BUSINESS

- B. Discussion and vote by the Board on the Annual Town Meeting Warrant close date:** Paicos suggested April 7th as the close date. Reed motioned to approve April 7th by noon and Carlisle seconded. Motion carried.

IV. NEW BUSINESS

- A. Vote on nomination of Inspector of Animals:** Reed motioned to approve the nomination of Maggie Bennett as Inspector of Animals and was seconded by Carlisle. Motion carried.
- B. Review and vote on the revised Ambulance Billing Collection Policy:** Paicos stated that he revised the policy to give the fire chief the right to waive bills of up to \$100 and anything over \$100 would be up to the Board of Selectmen.

Reed motioned to approve the revised Ambulance Billing Collection Policy and was seconded by Carlisle. Motion carried.

**Board of Selectmen
March 20, 2006**

Page 7 of 7

V. APPROVAL OF MINUTES

- A. March 6, 2006 – Regular Meeting**
Carlisle motioned to approve these minutes and was seconded by Reed. Motion carried.
- B. March 6, 2006 – Executive Session**
Carlisle motioned to approve these minutes and was seconded by Reed. Motion carried.

VI. OTHER MATTERS

- A. ConCom Agent:** Paicos stated that a memo, dated Tuesday, March 14 from ConCom stated that they voted to transfer \$3,000 to a special account for the ConCom Agent salary. Carlisle motioned to approve the transfer and Reed seconded. Motion carried.
- B. Petition of Public Safety Building:** Dennehy stated that the Town Clerk's office was presented with a petition on Thursday which was in turn given to Sylvia. He stated that normally the Town Clerk certifies signatures but in this case it was a mute point. He stated that there were roughly 260 signatures in support of the revote. Paicos stated that nothing needs to be done with this and the signatures don't have to be certified.

Dennehy stated that the election is tomorrow from 9:00 a.m. to 8:00 p.m. at J.R. Briggs Elementary School and that he encouraged everyone to please vote.

Paicos stated that he wanted to clarify statements in letters to the editor which stated that all required permits were not secured for this project. He said that this is a false statement as they were all secured. Carlisle also added that there was a question about the sub-service drainage system, but that it wouldn't be put in until the building is put up. He added that those who have questions should get the information from people who know.

Dennehy announced the Rabies Clinic which is being held on Saturday, March 25th from 2:00 to 3:30 p.m. at the Highway Garage. He also mentioned that residents should get their dogs licensed as the deadline is May 1st.

VII. EXECUTIVE SESSION

At 10:00 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 collective bargaining and not to reconvene into regular session.

VIII. ADJOURNMENT

At 10:40 p.m., Reed motioned to adjourn the meeting and was seconded by Carlisle. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant