

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
SEPTEMBER 18, 2006
SELECTMEN'S OFFICE, TOWN HALL**

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

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Chris Gagnon, Kevin Paicos, Town Administrator and Sylvia Turcotte, Administrative Assistant.

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

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Correspondence:** Dennehy noted that the Board received a letter from the District Committee of Monty Tech which stated at their meeting that they have reduced the Town's assessment on the FY07 Budget by \$5,470, which is always good news.

Dennehy stated that the School Committee and the Superintendent have requested the Board to name one member to the J.R. Briggs Building Committee and Chris Gagnon has stated that he would be willing to serve on this committee. Carlisle motioned to name Chris Gagnon as the member of the Board of Selectmen to serve on the J.R. Briggs Building Committee and was seconded by Dennehy. Motion carried.

Dennehy then noted that he conversed with Senator Brewer regarding the proposed legislation for the Capital Exclusion on the school ballot. He stated the vote was passed successfully but that they have found out it's not legal as Capital Exclusions are not allowed for Regional School Districts. He went on to say that the intent was not a yearly thing. He stated that this needs to be on the warrant for the Special Town Meeting to certify the vote.

B. **Dog Hearing - Smeltekop:** Present was Wes Landry, Town Clerk and Maggie Bennett, Animal Control Officer. Mr. Mike Smeltekop was not in attendance.

At 8:15 p.m. Carlisle made the motion to open the Dog Hearing and was seconded by Gagnon. Wes Landry proceeded to swear in Maggie Bennett. Dennehy stated that this issue has been ongoing for about two years and that the dog is not licensed and is unrestrained.

Maggie Bennett then was asked by Dennehy to give a short summary of the complaint. Bennett stated that she has received many complaints and had spoken to Mr. Smeltekop as well as his wife a number of times but was basically ignored. She added that she also sent 3 fines to the Smeltekop residence and the dog is still loose. Bennett also noted that the fines were never paid.

Dennehy stated that the Board will have to take action on this without hearing from the owner of the dog. He stated that Bennett should send the fines to the District Court. Bennett stated that she recommends the Board send a letter to order the Smeltekop's to keep their dog tied or penned and also licensed. And that if she gets any more complaints the dog would be subject to seizure. Carlisle motioned to approve Bennett's recommendation and was seconded by Gagnon. Motion carried.

Bennett added that it will cost the Smeltekop's \$150 in fines and \$21 to license their dog.

At 8:23 p.m. Carlisle motioned to close the dog hearing and was seconded by Gagnon. Motion carried.

- C. Town Administrator's Update:** Kevin Paicos went over his update report which is attached. He noted that the Public Safety Building site had some issues with clean-up and a crew from Sheriff Glodis had been scheduled to do this clean up. He added that unfortunately there was a problem that arose with this.

Paicos noted the Employee Group Health Insurance rates are going up and in the memo he distributed it gave some ideas on how to proceed. He went on to say that we are now paying \$44k a year for broker services when we should be paying \$20k which is less than half. He added that he has put together an RFP for services to get this process going.

Paicos stated that he had received two proposals on the sale of the Lake Shore Drive parcels. He added that he would review the proposals and make his recommendations by the end of the week or the beginning of next week.

Paicos stated that the bids for trailers to house the Town Hall staff during the renovation would be opened October 2nd. He noted that he would prepare a memo at that time with the pros and cons to the Town Hall Renovation Committee and would copy the Board as well.

Paicos noted that he had put together a draft of his Goals & Objectives to present to the Board. He also noted that he was meeting with the Department Heads the next day and would have them use the same format.

Paicos also mentioned that he was working on the policy for ballots which he would have ready for the next meeting. He stated that the calendar of events that the Board requested is in the works as well.

Paicos stated that recently there was an issue about Center Street parking and that he would propose that they consider an article on the STM warrant for a downtown sidewalk/parking analysis at a cost of approximately \$10k to \$20k. He also noted that Stan Herriott stated that he would be putting in underground electrical maybe in the next year. Gagnon suggested that they might use MRPC for this study and Paicos stated that that would be a good idea to pursue grants through them and maybe even Chapter 90 money. He added that this would be a great opportunity to beautify the Town.

- D. Public Safety Building Committee update:** Gagnon began his update by stating that he had not attended the last meeting but that Larry Barrett had chaired the meeting in his absence. He stated that the Committee discussed space use, 17k vs. 21k square feet and also went with option C-2 which is a wood frame office structure with a steel garage. Gagnon continued by stating that the Engineer, Curtis Edgin, was aware of the timeline but that it wasn't quite ready yet. He also noted that this option was pretty much agreed upon with the bay structure staying the same with 21,400 sq. ft. of space.

Gagnon also noted the site problems were being resolved and that a meeting is scheduled for Thursday, September 21st with another possibly on the following Wednesday.

Dennehy inquired as to whether there was a plan with a price tag within the budget and Gagnon responded that he was not aware of one.

Dennehy stated that he is concerned that they need a definitive plan by September 29th and Gagnon

responded that they would have a plan by then.

Dennehy then asked Gagnon to give a short update on the MRPC Transportation Meeting that he attended. Gagnon stated that the topics included Route 101 and the bridge rebuilding, "Cares & Concerns on Road Rebuilding". He went on to say that the presentation covered safety issues, the effect of traffic in town/city centers and also the Rail Trails in the area. He noted that representatives from the Towns of Ashby, Groton and Ashburnham were in attendance and that it was a good meeting. He also noted that MRPC is working very hard for us. Dennehy thanked him for attending this meeting.

Paicos noted that once the Town Engineer is on board, they would have him attend the MRPC meetings. He also noted that Ashburnham has been awarded the biggest grant in the state for \$2m for the Ashby Road repaving.

III. OLD BUSINESS

- A. Second vote on Selectmen's Agenda Policy:** Dennehy noted that the Board had reviewed and approved the Agenda Policy at the last meeting and that this is the second reading of this policy. He noted that the policy was needed to set a timeline to participate and get on the agenda, stating that these requests should be submitted before Tuesday of the week before the meeting. Gagnon motioned to approve the second reading and the final adoption of the Selectmen's Agenda Policy and was seconded by Mark Carlisle. Motion carried.

Gail Dumont who was present at this meeting requested that the agenda be placed on the website. Paicos noted that Ken Dolder is still our webmaster and the he would encourage everyone to use the site more.

Dennehy inquired as to how to best utilize the website and Paicos stated that it could be done with a central point depository. Dennehy asked if Sylvia could send the agenda when she posts it at Town Hall and Paicos stated that it would be done. He went to say that they should make the Town Clerk the central depository and that until we do have a central depository it may be difficult to get everything posted on the website.

Dennehy stated that they should have the clerk of each Committee or Board send the minutes directly to Ken Dolder to be posted. Bill Johnson, Advisory Board Chair stated that he would have their clerk send the minutes to Ken.

Paicos reiterated that the Town Clerk should become the "minutes clerk" for the Town.

IV. NEW BUSINESS

- A. Recognition of Fire Department personnel for their grant work:** Paicos stated that he wanted to recognize the hard work that our departments have put in on applying for grants for the Town. He stated that at this meeting he wanted to recognize the Fire Department and at the next meeting the Police for their efforts. He stated that Chief Zbikowski had received over \$300k in grants in the past year. Paicos asked the Chief to say a few words.

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Chief Zbikowski proceeded to state that their department had submitted for every grant possible including the firefighter grant, the emergency executive office public safety grant, etc. He noted that because of being awarded certain grants, the Town only had to contribute \$5,200 for the new tanker, and \$21,000 towards funds for breathing apparatus. Zbikowski also wanted to note that

Bob Salo as well as Skip Nolan have helped with the grant work.

The Chief stated that it has been a lot of work but that they have been pretty successful. He stated that from the year 2001 through 2004 they applied for and were awarded 16 grants, only being turned down for eight. He added that they have 3 grants that they are waiting to hear the results. He noted that they have applied for 3 firefighter grants noting that it's \$100k per person and that it's a 5-year grant. He added that actually the grant is for 4 years and in the 5th year the Town picks it up. He also stated that the cost to the Town for the first year would be \$16,148.

The Chief also stated that if they are awarded this grant they are not obliged to accept it.

Carlisle asked Zbikowski what had been done regarding the dry stand pipes on the various bodies of water in Town which he had asked about in the spring. The Chief stated that they were working on this and that it would be in the capital plan.

Dennehy thanked the Chief for all their hard work for the Town.

- B. Vote by the Board to proclaim October 24th as United Nations Day:** Dennehy stated that this proclamation has been an annual agenda item. He then proceeded to read the proclamation (copy attached). Dennehy made the motion to approve the proclamation and was seconded by Gagnon. Motion carried.
- C. Discussion on the Russell Hill Project:** Kevin Paicos stated that this issue involves Chapter 61A and whether the Board wants to assign the right of first refusal in open session. He noted that this does require a public hearing and he also noted that the deadline to get this done is October 3rd.

Dennehy stated that he would brief the public on the circumstances involved in this matter. He stated that the background information is that on June 5, 2006 the Town received a letter from the counsel for the owner of 179-195 Russell Hill Road stating his intent to sell the property. Dennehy also noted that this property is in 61A and in order to change, sell or transfer the title the owner must give the Town 120 days notice which began on June 5, 2006 with the deadline being October 3, 2006.

He stated that they had options as followed:

1. Do nothing – at the end of the 120 days, the Board of Selectmen would waive the right.
2. Specifically waive rights.
3. Exercise their right of first refusal.
 - a. Assign to a third party.

Paicos stated that they will want to advertise this on the next agenda as a Public Hearing. He stated that they could discuss this tonight in executive session.

After some discussion, it was stated by Gagnon that they would have a special meeting on Tuesday, September 26th at 6:00 p.m. and that it would be posted as a Public Hearing.

At this time Gary Howland, stated that the Town was awarded a grant in the amount of \$1,000 from the Mt. Grace Conservation Trust. He then introduced Dan Laroche, the Director of Land Protection for Mt. Grace. Laroche stated that they were approached by the Ashburnham Land Conservation Trust regarding the Chapter 61A right of first refusal. He added that they "facilitate protection of land". Dennehy thanked Laroche as well as Lorraine Desouza and Gary Howland

for their work so far, stating that it is greatly appreciated.

V. APPROVAL OF MINUTES

A. **September 5, 2006 – Regular Meeting**

Carlisle motioned to approve the minutes for the September 5, 2006 Regular Meeting and was seconded by Gagnon. Motion carried.

VI. OTHER MATTERS

Dennehy stated that the next meeting of the Board of Selectmen will be Monday, October 2, 2006 at 7:00 p.m.

Dennehy noted that the deadline to submit articles for the November 14th Special Town Meeting is Friday, September 29th at 1:00 p.m. so that a draft warrant can be reviewed by the Board on October 2nd at their meeting.

Dennehy also announced that a Public Hearing is scheduled for next Tuesday, September 26th at 6:00 p.m. in the Selectmen's meeting room on the Chapter 61A issue.

Dennehy reminded everyone that the State Primary was the next day from 7:00 a.m. to 8:00 p.m. at the J.R. Briggs School and he encouraged everyone to get out and vote.

Gagnon wanted to note that the cable letter that he had asked the Board's permission to write was never written because it turned out to be too time consuming and detailed.

Gagnon also stated that he wanted to post something on Channel 8 on the Community Preservation Act and was asking the Board for permission to do this. The members approved this request unanimously.

Dennehy noted that at the last Board meeting they requested anyone interested to send in a letter of interest to serve on the Community Preservation Act Committee. He also noted that the deadline to send in a letter is September 29th at 1:00 p.m.

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 strategy with respect to the purchase, exchange, lease or value of real property and contract negotiations for non-union employees and not to reconvene into regular session except to adjourn. Gagnon motioned to enter into Executive Session and was seconded by Carlisle. Motion carried.

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VIII. ADJOURNMENT

At 11:10 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte

Administrative Assistant