

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
OCTOBER 16, 2006  
SELECTMEN'S OFFICE, TOWN HALL**

This meeting took place in the upstairs meeting room at Town Hall and was taped for local cable television Channel 8.

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Chris Gagnon, Kevin Paicos, Town Administrator and Sylvia Turcotte, Administrative Assistant. Also present were members of the Advisory Board, the Town Hall Renovation Committee, the Library Trustees, Mr. & Mrs. Fredericks, Steve Nims, Jim Zarozinski, Gary Howland and many other interested parties and residents.

Dennehy began the meeting by asking for a moment of silence to remember Sue Dembek, the Land Use Administrator at the Town Hall for many years, who passed away on October 9<sup>th</sup>. He noted that Sue did a fine job and was a wonderful person who will be missed by all.

- I. **APPROVAL OF AGENDA:** Dennehy called the meeting to order at 7:05 p.m. and read the agenda. Carlisle moved to accept the agenda, Gagnon seconded and the motion was carried.

At 7:15, Dennehy noted that Gary Howland asked to be on the agenda regarding Map 29, Parcel 1 which is owned by Richie Wright. He noted that this property is located on Rt. 119 across from Mt. Watatic and that Wright wants to sell it for construction purposes. Howland noted that DCR wants to purchase this property and added that they tried three years ago but it didn't happen so they are trying again. He noted that the Board needs to sign to waive the 120 day notice and make it 60 days. Paicos noted that the statute requires that the state notify municipalities.

Dennehy asked if this property was near Old Pierce Road and Howland responded that it was and Gagnon added that it abuts Steele Road. Howland stated that the property in question has the best view of Watatic in Town.

Carlisle made the motion to modify the 120 days to 60 days and was seconded by Gagnon. Motion carried.

Howland stated that a letter would follow but that this needed to be announced at a public meeting and Paicos added that only Dennehy's signature would be needed.

II. **PRESENTATIONS, REPORTS & CORRESPONDENCE**

- A. **Correspondence:** Dennehy noted that they had received many letters and emails on the support for the Fredericks and their Piano Museum.

Paicos noted that he had sent a response to each email with a memo on the analysis on the possible use of the Stevens Building.

- B. **Town Administrator's update:** Kevin Paicos gave a quick update from his report (copy attached). He touched briefly on the Page's Beach project and stated that grading may start as early as this week or next.

Paicos stated that the zoning enforcement re: the Victorian Stables is proceeding. He noted that Town Counsel will put together a memo once she receives responses from each department or board involved.

Paicos noted that the Water/Sewer rate study is moving forward. He added that they signed the contract with Tighe & Bond and the rate study would be done in 3 or 4 weeks.

Paicos noted that after meeting with the Department Heads the consensus on the Special Town Meeting date is mid to late January or early February and that this would give them more time to prioritize items for the warrant. Dennehy noted that they need a timetable for the STM and Paicos stated that he would have one by the second meeting in November.

Dennehy also inquired about a breakdown of the Chapter 90 expenditures. Paicos noted that they were wrapping up work by the end of November and the breakdown would be finalized then and at that time they would get a full report on everything finished. He also assured the Board that it would show how it compares with what we had stated would be done.

Gagnon inquired about the mid-year financial reports and Paicos responded that the audits for FY05 and FY06 were almost complete and added that they would be submitted to the Board at their first meeting in November. He added that the Town Accountant would give them a complete report and that the auditor would also be present.

Paicos noted that his office gets citizens complaints and to make this process more efficient he came up with a form that would be posted on the web so that anyone could see the status of their complaint or concern and what had been done.

- C. **Public Safety Building Committee update:** Chris Gagnon stated that the next meeting of the Committee would be on Thursday of this week. He noted that they have an anticipated timeline and are still getting organized.

Dennehy noted that the Treasurer recommends against the entire borrowing on the Public Safety Building, B.A.N., and that she is looking to borrow \$400k from TD BankNorth at 3.88% interest with a due date of 7/13/07. Paicos noted that the Board needs to motion to approve this borrowing as this is cash that is needed right now.

Gagnon asked if it would be wise to borrow the full \$5m at this time and Paicos responded that the IRS says no as it would be an illegal arbitrage. He added that if it was borrowed now, by March we would have had to spend at least 10% and that probably won't happen.

Carlisle motioned to approve the B.A.N. and Gagnon seconded. The vote was unanimous.

### III. OLD BUSINESS

- A. **Roundtable discussion on the use of Stevens Building:** Dennehy noted that members were in attendance from the Advisory Board, the Library Trustees and the Town Hall Renovation Committee. He stated that before the discussion began he wanted to establish ground rules to keep the discussion limited to the topic at hand. He added that they should raise their hands when they want to speak and that hopefully this will be a discussion that is polite and orderly.

Pixie Brennan was the first to be heard stating that the taxpayers are burdened with the VMS and the Town Hall buildings and should be allowed to vote on this decision. Dennehy responded that the Selectmen have the power to decide. Brennan added that they should allow citizens to have input and the right to vote and Dennehy responded that the citizens did vote on the non-binding

plans.

Dennehy stated that “the Town’s best interest is what we hold most dear”.

Dennehy stated that they would start the discussion by hearing from the Town Hall Committee. Dave Sargent, the Chair of this committee stepped up to the podium and stated that any money to repair the Stevens Building would have to come from another funding source. He noted that on October 3<sup>rd</sup>, the Committee voted to agree there’s some value to the idea of using the Stevens Building for the Town Hall employees while the renovations are made. He added that the renovations are now at least a year behind schedule.

Sargent noted that the issues in using the Stevens Building include: 1) access for 10-12 months; 2) the building is undersized; and 3) it is close to the construction area. He added that it didn’t make sense to him but also noted that if all the pieces fell together it could work, but that is wasn’t a reality.

Dennehy noted that this is the first real meeting to be held on this issue and that no vast decisions would be made at this time. He added that this is a forum to ask questions.

At this point Jim Whidden asked to be heard. He stated that he was on the Town Hall Building Committee. He stated that the square footage at the Stevens Building was probably close to 2,300 sq. feet. Whidden stated that he measured the Town Hall usage at 2,002 square feet. He noted that there is a potential for the Town to save over \$300k and that it would save the Stevens building as well.

Whidden continued by giving a brief history of the Stevens Building noting the provisions of the gift which included using the building as a Library. He added that this was not practical and a judge ruled that it would be used for municipal purposes. He noted that the building was empty for 12 years before another judge allowed the Frederick’s to lease the building. He stated that it seemed like the best solution at the time.

Whidden stated that he was asking that everyone keep an open mind to his idea and that he believes it is in the best interest of the Town.

He noted that the Fredericks had proposed that they might retire by around the year 2010.

Whidden also stated that this was a way to save the building and keep the committee within their budget to renovate the Town Hall without an addition. He added that the Stevens building as an annex would give us more room to grow. He noted that the renovations to Town Hall would meet the space needs for right now but that we would need more space eventually.

Dennehy stated that before they get into questions, he wanted Kevin Paicos to go thru the nuts and bolts of numbers on this and added that copies were available of this analysis.

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Paicos began by giving a cost benefit analysis noting that he was not asked to evaluate anything but the financial aspect. He went on to say that the analysis of cost over a 10 year period didn’t apply to cost increase over time.

Paicos stated that the “picture is overwhelmingly conclusive”, (memo attached). He noted that the staff cannot stay in the building while construction is going on. He noted that it would cost \$101,660 to repair the Stevens Building for the Town Hall employees.

Paicos stated that they have three options right now: 1) the white building across the street from Town Hall which is inadequate but is still on the back burner; 2) rent trailers, noting that the proposals came in with a low cost of \$204,180 which would include delivery and set-up, rent and removal and 3) the Stevens building.

Paicos stated that if they occupied the Stevens building the savings would allow us to take out the addition in the plans which would be a significant savings of about \$75k according to the architect. He stated that the Owners Manager stated that a conservative savings would be about \$200k which would save the Town a approximately \$296k. He noted that this makes financial sense.

Mr. Frederick asked about the VMS building as an option and Paicos responded that the reason this wasn't looked into was because the Police and Fire departments are there and there is no room for the Town Hall staff. Frederick stated that this is an option and that they should look at delaying the renovation of Town Hall. He also noted that parking is a problem with the Stevens building and it seems relatively meaningless.

Dennehy stated that it's not because they hadn't thought about the VMS building but that there was the concern to get the Town Hall renovation started as quickly as possible and the VMS building is not available right now. He added that the concern is where we want to spend the Town's money.

Ron Reed stated that he thought this was a good idea as the committee is looking at the \$2.7m that is available for the renovations. He noted that they should issue an RFP to get the official independent needs of the building as well as a feasibility study. He added that they need to find a place for the Town Hall employees and once the numbers come in then look at this.

Brennan noted that she had two concerns: 1) the space available in the Stevens Building and 2) minimal damage to the building as it is also an historical building. She added that once you cut into a building it destroys the value. She reiterated her earlier comment that this is a large, emotional and monetary issue and the voters should decide.

Christina Sargent stated that the purpose is to stick to the point and added that the committee has spent months hashing over all the points. She added that the sticking point is the possible addition which would be for the vault. She stated that she agrees with Reed on the feasibility on the Stevens building but that this would delay this work and could cost more making it a major derailment of the project.

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A resident who didn't give his name inquired why the Town Hall renovation wasn't put off until the Public Safety Building project was completed. Dave Sargent responded that the committee was told that cost-inflation was the issue for urgency. Paicos added that both the architect and the owner's manager prepared the cost estimates in the fall of 2005 and construction costs were growing rapidly. He also noted that the construction costs were escalating ½% per month and that once the Public Safety Building was delayed, at the rate of inflation, it didn't make sense to put this off.

Paicos stated that he was told by the architect that costs were still escalating and that you can't

guess on inflation.

A participant inquired as to how this whole issue was allowed to be brought up at the Selectmen's meeting and Dennehy responded that the Board has a policy on setting the agenda for meetings and it has been broken twice now, which will not happen again. He noted that his philosophy is that everyone has a right to participate and that the Town has a good democracy.

Gagnon noted that "Other Matters" on the agenda is used for everyone if they have a really important issue to bring before the Board of Selectmen. He added that Jim Whidden had to go to the committee for permission to go forward with this joint meeting.

Jim Whidden again stated that they should keep an open mind as to what is in the best interest of the Town. He also noted that the building cannot be rented out to other than non-profit as this is under historical preservation.

Janice Roy inquired as to whether Whidden had been in the Stevens building and she added that she had over 325 signatures in support of the Fredericks and that she could get more.

Joe Kalagher stated that a site plan review would need to be done before the Stevens Building could be considered as this is zoned as village center and it would be a change from a museum to an office building.

Bill Johnson of the Advisory Board stated that he had seen the building before the Fredericks moved in and that they added a lot of value to the building and they have been good stewards.

Pat Frederick spoke up stating that they have had many visitors from all over and that many educational groups have visited the museum. Dennehy stated that there was no doubt about that and it wasn't really an issue.

Rev. Dale Proulx stated that he didn't see how it would be close to the original owner's intent of the use of the building. He added that the Town should keep the commitment of the lease as the Fredericks have made a commitment to this.

Mary Coswell stated that the Town Hall is a 100 year old building and when it was built it wasn't used as much as it is today. She added that the Town is growing and we now have a bigger staff. She stated that in the future we will need more people and more space. She noted that her suggestion would be to let the committee go back to work and come up with the best solution and then come back to the residents.

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Melanie Gallo stated that she wanted to clarify that she agrees with Whidden's opinion about the current tenants that they can't put in the repairs needed to this building. Pat Frederick responded that they can either look for rent money or repairs to the building. Bill Johnson, chair of the Advisory Board, noted that they haven't taken a position yet on the lease agreement terms proposed by the Board of Selectmen for the Piano Museum.

Dennehy stated that what has to happen and how long it will take are the things that have been discussed for a Special Town Meeting in January. He noted that as Reed and Coswell have stated, let the committee do their work. He added that they need to compare the cost to renovate the VMS building against the cost to renovate the Stevens building and that this is the job of the committee.

Gagnon stated that he commends Whidden's care of this building but by delaying it will even out

the cost. He added that an RFP is needed on the Stevens and the VMS buildings for a feasibility study.

Carlisle stated that no one denies that the museum is an asset to the Town. But he added that when they are told that they could save \$300k it is the responsibility of the Board to explore the options.

Dennehy stated that they are asking the committee to ponder the pros and cons and get the money to do the feasibility study. He added that he believes that they do have to take in account the commitment to the Fredericks and that they have to go a long way to justify this. He stated that they need to go back to the drawing board.

Dennehy thanked everyone for coming to this meeting and for their input. At 9:38 p.m. a brief recess was taken so that everyone that wanted to leave could do so.

- B. Final Review and vote on Policy Regarding Drafting, Approval & Printing of Ballot Questions:** Paicos stated that all the changes requested by the Board at the last meeting had been made. Gagnon stated that the final product looked good. Carlisle motioned to approve the policy as amended and was seconded by Gagnon. Unanimous vote.

- C. Continued discussion and vote on DPW reorganization structure:** Dennehy began by apologizing to Steve Nims and all the employees impacted, for the previous hesitation on approving the proposed structure, as he thought it would help the employees.

Paicos stated that the Water/Sewer Commissioners asked for a few changes to the structure and they have been made per their request. Gagnon asked if the new person would make up the structure and Carlisle stated that the new hire needs something to start with. Dennehy noted that Steve Nims had no comments.

Carlisle motioned to accept the proposed organizational structure realizing that some aspects may change and was seconded by Gagnon. Unanimous vote.

Paicos stated that he is hoping to meet with Jim Zarozinski and Steve Nims this week. He also stated that he would get the ad posted in a couple of weeks and hopes to have the new person appointed by the beginning of the year. He noted that the implementation of this structure wouldn't be done until the new director comes in. He noted that the roads and snow removal are the key right now and the critical part is to get this person hired. Dennehy added that the structure is not carved in stone.

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- D. Lake Watatic land sale:** Dennehy stated that he had a conflict of interest with this issue and left the room. Paicos asked if Gagnon and Carlisle had looked over the proposal and Gagnon responded that it looked like all the bases were covered. Paicos stated that he needed a motion to award.

Gagnon motioned to award the sale of the property to Aveni and was seconded by Carlisle. Motion carried.

- E. Approval of Nextel lease:** It was decided to pass over this agenda item as the lease wasn't available for this meeting.

**IV. NEW BUSINESS**

- A. Request from Ashburnham Conservation Trust for Special One-Day Liquor License:**

Dennehy stated that the one-day liquor license request is for November 19<sup>th</sup> and would be held at the Cushing Academy Dining Hall from 1:00 to 5:00 p.m. He added that they have done this in the past. At this time Gagnon noted that he would abstain from voting on this as there was a conflict of interest.

Carlisle motioned to approve the one-day liquor license and was seconded by Dennehy. Motion carried.

- B. Regional Conservation Agent Intermunicipal Agreement:** Paicos stated that Westminster has asked for a number of amendments to the agreement so it was not ready but would be on the next agenda. Dennehy explained what this agreement entails and that the draft contract would be changing.

#### V. APPROVAL OF MINUTES

Gagnon noted at this time that the Board should review Executive Session minutes in Executive Session, not in Open Session. He then asked to wait to approve the listed Executive Session minutes starting this evening. Paicos added that they could accept the minutes in either but they can't make any changes so the better practice would be in Executive Session where there is an opportunity to release them. Carlisle stated that they would only approve Item B.

- A. September 27, 2006 – Executive Session**

- B. October 2, 2006 – Regular Meeting**

Carlisle motioned to approve the minutes for the October 2, 2006 regular meeting with an amendment and was seconded by Gagnon. Motion carried.

- C. October 2, 2006 – Executive Session**

#### VI. OTHER MATTERS

Dennehy noted that a retirement party for Wes Landry would be held on Sunday, October 22<sup>nd</sup> from 3:00-5:00 p.m. upstairs in the Town Hall to honor him as a long-serving Town Clerk.

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Dennehy announced the State Election on Tuesday, November 7<sup>th</sup> and that the polls are open from 7:00 a.m. to 8:00 p.m. at J.R. Briggs School. He added that this is an important election so everyone should get out and vote.

Dennehy announced that Halloween would be held on Tuesday, October 31<sup>st</sup> from 5:00 – 7:00 p.m.

Dennehy stated that the next scheduled Board of Selectmen meeting would be held on Monday, November 6, 2006 at 7:00 p.m.

#### VII. EXECUTIVE SESSION

At 10:07 Gagnon motioned to enter into Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding the contract negotiations with non-union personnel and not to reconvene into open session. Carlisle seconded and the motion carried.

VIII. ADJOURNMENT

At 10:38 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte  
Administrative Assistant