

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
NOVEMBER 6, 2006
SELECTMEN'S OFFICE, TOWN HALL**

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

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Chris Gagnon, Paul Boushell, Interim Town Administrator and Sylvia Turcotte, Administrative Assistant. Also present were members of the Advisory Board, Bill Johnson, Leo Janssens, Dottie Munroe, Belden DiVito, Ed Tree and James Piedrafite. Town Accountant, Jim Shanahan and Town Hall Renovation Committee Chair, Dave Sargent were also in attendance.

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 with an amendment that the approval of the Nextel lease would be discussed in Executive Session, Gagnon seconded and the motion was carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Correspondence:** Dennehy stated that they had quite a bit of correspondence to discuss. He began by stating that they had some good news noting that they received a letter from the Executive Office of Environmental Affairs congratulating the Town on a Smart Growth Grant award in the amount of \$7,100 which would be applied to the town barn relocation.

Dennehy stated that a letter was received from Comcast with the access fee payment check in the amount of \$13,833.46 which is money the Town uses to run our cable access. Gagnon noted that they are short on volunteers and Dennehy stated that they do a great job and he thanked all those responsible.

Dennehy stated that they have received letters from all over the country in support of the Piano Museum and he added that he can assure everyone that they won't close it down.

Dennehy then noted that they received a letter from George and Judy Simmons thanking the Board for allowing the Simmons Family to hold the 2nd annual Brian's Gift Road Race on September 30th. He added that they have raised enough money to provide 20,000 meals for hungry children in this country and around the world.

Dennehy then stated that they received a letter from Scott Bingham and John Rahaim voicing their concerns regarding the proposed Nextel tower. He stated that he would share their concerns with the Zoning Board of Appeals.

He then noted that he received a memo from Town Planner, Eric Smith stating that the Affordable Housing Committee would like to present their draft plan at the Board's meeting on November 20th. He stated that they would be put on the agenda and he also added his thanks for the hard work of the committee.

Dennehy stated that on October 24th he received a call from Senator Brewer's office as well as a letter from the Dept. of Environmental Affairs advising that ConCom had been awarded the Self-Help grant of \$200,000 on the Russell Hill Project. Dennehy noted this was good news for the Town.

B. **Town Administrator's update:** Dennehy introduced the Interim Town Administrator, Paul Boushell and welcomed him.

Boushell thanked the Board for their welcome. He stated that he has been communicating with Town Counsel on the Pages Beach project. He noted that there are still 35% to 40% of homeowners there who haven't taken advantage of the grant that is available to tie in to the new water line. He also noted that Town Counsel will render her opinion on whether the water should be shut off on the old line by the end of the week.

Dennehy noted that for the past 6 or 7 years the Town has been trying to get this new water line and now some homeowners are not tying in. He urged them to do so. Carlisle added that he discussed this issue with Paicos and they noted that they can't do much more than send out certified letters to these residents. Dennehy stated that he discussed this with Ron Reed who said that a similar situation occurred with the Symonds project. He noted that grant money is available.

Boushell stated that they did get 5 more signed up last week and that all residents eligible should tie in to prevent the pipes from freezing.

Boushell stated that he talked to Paicos regarding the RFP for the lease of office space for the Town Hall employees while the Town Hall renovations are completed. He noted that Paicos instructed him to put the RFP out again and he has done so.

Boushell also noted that he has been working with the Town's Webmaster and that the site will be user friendly with the updated zoning by-laws loaded as well as a disclaimer. He added that Ken Dolder is working very hard for us.

Boushell wanted to announce that we are still looking to adopt the pit bull at the dog pound here in Town to a good home if anyone is interested.

Dennehy noted that Ken Dolder is the one who created our website and he has updated it religiously. He added that Ken is paid a small stipend for all his hard work.

Dennehy continued by stating that the Fitchburg Road Project is underway and still under budget. He added that we need to look for funding to pave this road and that Boushell should talk to Senator Brewer's office regarding this issue.

Dennehy stated that there is a problem with this project where the contractors have done the work and are now looking to be paid. He added that the 21J Board stated that they won't be paid until the job is complete as they are taking claims in the order they were received. He noted that he is not pleased with this and that he will work with Rep. Rice and Sen. Brewer to get this expedited. He also noted that this will not affect the work being done and Rice and Brewer are working hard for us on this issue.

- C. **Public Safety Building Committee update:** Chris Gagnon stated that there was a small breach at the back of the site and after reviewing the situation, the engineer determined that they should install the plumbing system and the parking lot which would cease the water damage once it's done. He added that this would cost approximately \$73k which includes manholes. Gagnon also noted that the money for this would be done through a change order with Holden Sand & Gravel and they are shooting for the work to be done before Thanksgiving and that at that point the site would be secure.

Gagnon then noted that the basic floor plan has been finalized by the committee and they have asked the architect for a new cost analysis. He added that it looks like they will have a spring groundbreaking but that there could be a half a million dollar shortfall when all is said and done but that at this time they are going forward.

- D. Town Hall Renovation Committee update:** Dennehy asked Dave Sargent, the Chair of the Committee to present the update. Sargent stated that they now have a timeline and that the original plan was that the Town Hall staff would be moving in the fall but that it has been moved back 5 or 6 months.

Sargent went on to state that the Committee has spent a lot of time on moving the Town Hall staff. He noted that the structural engineering has been done and the testing is done as well.

He stated that at their next meeting on Wednesday of this week, the architect will bring in the final drawings for their approval. He noted that he is confident that they will stay within the budget and that once the final drawings are approved they will go out for cost estimates and then go out to bid in early January, with the staff moving in February and construction to start in March.

Sargent stated that the trailers were off the boards as they came in too expensive so there remains only 2 options: 1) to use separate spaces and split up the town offices or 2) the Ashburnham Hardware Store building. He noted that the Committee is scheduled on Wednesday to go and look at both sites and they would know better in a few weeks time.

Dennehy noted that the Board will go with whatever the Committee recommends.

Sargent then stated that once the Committee gets to the point of spending money, they will need someone at Town Hall to review the expenses. Jim Shanahan stated that by law he would be the one to review all expenses and he also noted that per Ropes & Gray's opinion the lease and moving expenses can come out of the \$2.7m budget. Dennehy also noted that the Treasurer will also be involved and Shanahan agreed stating that she will need a timeline for borrowing. Shanahan stated that he would be glad to go to some of their meetings to discuss expenses.

Dennehy stated that periodic reporting to the Board of Selectmen, the Advisory Board and the Town Administrator would be a good check and balance exercise. Shanahan stated that he had no problem doing this.

Sargent stated that if the Board wanted a Committee member to report on the status of the project every month they could do it. Dennehy responded that a report every six weeks would be fine. Sargent added that the Committee is planning a public hearing in December sometime and the Project Manager would be there as well.

Sargent ended by stating that hopefully construction would begin in March and the Town Hall staff move will take place in February.

Dennehy expressed his thanks to the Committee for all their hard work.

A. Continued discussion on the Frederick's Piano Museum Lease: Dennehy gave the background to this situation as well as the results from conversations and deliberations.

He stated that the Board's proposal is based on analysis based on: 1) in the best interest of the Town; 2) protecting the Town's assets; and 3) their duty to the community, cultural, educational and economic benefits of the museum to the Town.

He went on to say that the Board decided to take the appraised value into consideration and to give the Frederick's every benefit possible.

He noted that currently the Frederick's are paying \$250 a month and maintenance. He added that they have done good quality maintenance through the years. Dennehy noted that it is the duty of the Board to preserve and maintain the building.

Dennehy stated that their proposal was to continue the \$250 a month rent with maintenance and upkeep and capital improvements. He said it is divided with \$3k a year in rent for the remaining 4 years of the lease and \$3k in capital and maintenance upkeep items on the property. He added that they would work with the Frederick's with a written schedule of specific items to be taken care of. He also noted that lawn mowing would take certain value as well as plowing. He stated that the following items needed to be taken care of: dehumidifying of the basement and bat removal from the attic and he noted that the list would add up to \$12k. He also noted there was talk of a cost of living increase of 3% a year being added.

Dennehy stated that the benefits to the Fredericks are built in to the proposal and that the savings to them would include the \$900 a year that was listed as part of the appraisal. He also noted that the retail value to the items to be repaired would be quite a bit less because they could get the work done a lot cheaper.

Dennehy also noted that the Board had consulted with the Library Trustees and the Advisory Board. Bill Johnson, the Advisory Board Chair, stated that fundamentally they are in agreement with the Selectmen but that they want to see the proposal in writing and would then meet to vote on it at that time.

Gagnon stated that he would like to see the 3% annual increase dropped from the proposal and Carlisle agreed. Carlisle stated that he saw all the letters from all over the country in support of the Piano Museum and noted that he would like to see these same people "put some money where their mouth is" and support the museum monetarily.

Dennehy agreed but noted that they can't make that happen. He added that the Board is not opposed to the museum but is bound by their prime directive to act in the Town's best interest.

Dennehy also stated that the Board hopes that the proposal will meet all the concerns and see the building preserved and added that this should be put in writing. He noted that he needed a vote to instruct the Interim to put this in writing without the 3% escalator.

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On the motion of Carlisle and seconded by Gagnon, it was voted to instruct Boushell to put together a written proposal to the Fredericks with what was discussed at this meeting.
Unanimous vote.

B. Approval of Nextel lease: Dennehy stated that this agenda item was moved to Executive

Session.

IV. NEW BUSINESS

- A. Approval of Rock Salt & Winter Sand bid recommendation:** Dennehy read the recommendation of Steve Nims (copy attached) and asked for a motion to approve.

Carlisle motioned to approve the recommendation and was seconded by Gagnon. Motion carried.

- B. Presentation by Town Accountant on Revenue & Appropriation Expenditures thru October 2006:** Dennehy gave the floor to Jim Shanahan, Town Accountant.

Shanahan began by referencing the memo and Revenue & Expense Reports he distributed to both the Board of Selectmen and the Advisory Board. He noted that this reflects the quarterly tax billing and he added that the collections may not meet the revenue projections and the Town needs to come up with an aggressive program for collections.

Dennehy noted that this was a problem when Katie Nunez was here as well and that he saw a lot of tax title being paid after a study was done by Coppola & Coppola. Shanahan stated that he is looking for the Treasurer to analyze these and he would work with her. He noted that this is a joint venture with the Collector, the Treasurer and the Accountant to send out notifications to property owners. He also noted that the Town has a good collection ratio, however.

Dennehy stated that this problem has been noted on our audit for many years and we need to take action on this. Shanahan agreed and stated that if it stays the same we would see a deficit and added that the \$600k to \$700k has been sitting there since he has been with the Town. He also noted that some people don't realize that they have a lien on their property and he noted that some people are paying their bills but that a specific procedure was needed, including setting up agreements with the property owners.

Dennehy stated that they need to ask the Town Administrator, Kevin Paicos to work with the Treasurer, the Collector, the Assessor's office and the Accountant to resolve this. He also noted that this is property that the Town has already put a lien on but not foreclosed.

Shanahan stated that they could put a special article on the Annual Town Meeting warrant to have money for related costs to foreclose and roll-over from year to year.

Carlisle inquired what the oldest property in tax title was and Shanahan responded some go back to 1998. Carlisle stated that these have probably "gone to the wind".

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Shanahan stated that going forward a procedure should be set up to take care of outstanding amounts. Dennehy stated that they would probably have to write-off the older ones because time has passed. He stated that Boushell should inform Paicos to work with the Town Accountant, Collector, Assessors and Treasurer to get this resolved as soon as possible. Shanahan agreed and added that the financial team should write a policy on this. He also noted that notices haven't been sent out but some are uncollectible.

Johnson stated that the Advisory Board needs a specific timeline on this issue and that it should

be a priority and that a letter should be issued. Shanahan stated that they should develop a standard form and send it out and see what reaction it gets.

Dennehy stated that the people involved need to work on this and give them a progress report. Shanahan stated that the Treasurer is already working hard on this.

Dennehy stated that Shanahan should come back in a month and give an update. Shanahan stated that a letter would be sent out and Johnson wanted assurance that it would.

Dennehy stated that the Board is asking Paicos to make this a priority with an update in a month stating that they want something done on this issue.

Gagnon stated that they would ask for a report at their December 4th meeting. Shanahan stated that on December 4th he would be presenting the FY05 and FY06 Audits.

Dennehy stated that they need more information and updates and they need to know that progress has been made. He added that they want to hear from Shanahan once a month with an update.

Shanahan went on with his report stating that he had comments on the Water/Sewer collection problems which could result in a deficit. He added that collections need to be more efficient.

Dennehy stated that they are working with them and the rates have been increased and Shanahan stated that the rate study is underway.

Shanahan went on to state that the FY07 budget report shows projected deficits and that he set this report so that he can drop the actual numbers in each month and it would automatically update the numbers. Dennehy stated that they appreciate seeing these numbers finally.

Dennehy asked what the savings were now that the Town has quarterly billing and Shanahan responded that the Town saved \$64k so far.

Dennehy inquired about the School District deficit and Shanahan stated that when the budget was put together our share was missed in error. He noted that it would be brought up in the Special Town Meeting for a vote and Paicos knows about this and will take care of it when he gets back. He added that the bottom line is that they are dealing with a one-line budget now and that he needs to post the numbers each month and then he would send the reports out to the Board of Selectmen and the Advisory Board.

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It was also decided that he would e-mail the reports to them each month. Dennehy stated that they want to see this report each month so that they can perform their duties.

V. APPROVAL OF MINUTES
A. **October 20, 2006 – Special Meeting**

Gagnon motioned to approve the minutes of the October 20, 2006 Special Meeting and was seconded by Carlisle. Motion carried

VI. OTHER MATTERS

Dennehy reminded everyone about the Silent and Live Auction put on by the Conservation Trust on Sunday, November 19th from 1:00 to 4:00 p.m. at the Cushing Academy Dining Hall.

Dennehy announced that Veterans Day was Saturday, November 11th and that traditional ceremonies would be held in front of Town Hall starting at 11:00 a.m. Boushell added that the Town Hall would be closed on Thursday at 1:00 p.m. and all day Friday in observance of the Veterans Day holiday.

He also stated that the Police Department has sent out a notice regarding the winter all night parking ban.

Dennehy stated that the next meeting would be on Monday, November 20th.

He also reminded everyone that they should get out and vote on Tuesday, November 7th and that it was very important as it is a State Election and is critical as this will determine the financial status of this Town as the next governor would have a direct impact.

VII. EXECUTIVE SESSION

At 9:18 p.m., Carlisle 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 purchase, exchange, lease or value of real property and not to reconvene into open session. Gagnon seconded and the motion carried.

VIII. ADJOURNMENT

At 9:45 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant