TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
SPECIAL EMERGENCY MEETING - JUNE 14, 2006 – 1:30 PM
SELECTMEN'S OFFICE, TOWN HALL

PRESENT: Jonathan Dennehy, Chair, Chris Gagnon, Clerk, Kevin Paicos, Town Administrator and Sylvia Turcotte, Administrative Assistant. Also present – Dave Christiansen and Keith Glenny of the School Committee and Mike Zapantis, School Superintendent. Mark Carlisle was absent. Wes Landry came in at 1:50 p.m.

Jonathan called the meeting to order at 1:36 p.m. and noted that he had called Wes Landry and left a voice mail requesting his presence. He added that he was disappointed that he wasn't available.

He went on to state that the options are seriously time sensitive and he thanked the school people for attending on such short notice.

Dave Christiansen stated that this was incredibly serious to the school and that they needed a vote if at all possible on Tuesday. Jonathan apologized and stated that it shouldn't have happened and that as a Town it should have checks and balances in place. He went on to say that they had known about this since Friday and have been looking for a rational solution. He added that he holds Kevin Paicos and Wes Landry responsible for this.

Jonathan stated that they need to find a way to resolve this 1) legally and by the book and 2) limiting in detrimental effect.

Chris Gagnon stated that it might have been an easy fix until the 20 absentee ballots were put in the mix. He went on to say that there is a potential to get this done and keep the date. He noted that the $150k question was worded as a permanent levy increase in error. Dave asked if it is pure legal technicalities and Chris responded that it was.

Jonathan stated that we've always been consistent, not an override but a capital exclusion (1 time). He added that the public knows but it was written incorrectly.

Kevin Paicos stated that he made a mistake and he publicly apologized to the Board, the School Committee, Supt. Zapantis as well as the residents of Ashburnham and added that he was supposed to check it before it was printed.

Kevin then stated that there are three possible ways to correct this. The first would be to keep the ballot as is. He stated that three questions are correct and the posting is done. He added that only four words are incorrect in question 2, but there is a risk that the DOR might say that this is not a lawful vote. He noted that this is a risk but that only an expert would see this. Kevin stated that he did have a call into DOR but has not had an answer yet.

Kevin stated that the second option is to file a dispensation with the legislature but that they may not approve it. The third option would be to re-schedule. The minor imperfections could be fixed and we could go forward with another date for the election. He added that they would have until September 15th and that there would be no real procedural downside and that the practical procedure is the problem.

Kevin also noted that procedural violations could only be challenged by experts. He also noted that Wes Landry had serious concerns and he checked with the election officials. Wes stated that he found that it's not legal to change text in questions and posting procedures.

Dave Christianson stated that in his opinion there is a reasonable risk but from the timing and impact perspective it needs to get before the voters. He emphasized that the timeline is critical.

Chris Gagnon added that the School Committee had stated that they would need a decision on this by July. Dave stated that they would be looking at a years delay if not voted now so it's probably worth running the risk.

Keith Glenny agreed that it should go forward as is but if it doesn't pass would there be another vote later in the

year? Dave reiterated that he feels it's worth the risk. Mike Zapantis inquired as to question 4 on the ballot and whether there were any issues and he was told that it was correct.

Mike inquired of Wes Landry whether he would have any issues with using the present ballot and Wes responded that he would not.

Dave stated that assuming it is a positive vote would we file legislature and Kevin responded yes, and that he would call Senator Brewer's office to spearhead this with the DOR. He added that he would ask Brewer if this could be fixed after the fact.

Mike Zapantis stated that his thought is that it's a reasonable risk, but if the DOR throws out the question do we postpone? Dave stated that we would have an obligation to bring it back to the voters. He added that he would hope that the DOR would review this with a reasonable eye.

Keith Glenny stated that he would want to see a press release from the Board of Selectmen on this and Dave added that we would rely on the press to have voters see this as a technical error only.

Chris Gagnon motioned to have the Town Administrator, Town Counsel, Town Clerk and the Board of Selectmen format a policy to process ballot questions. He noted that it's very easy to make mistakes because the subject is so complicated. Jonathan Dennehy seconded and the motion passed unanimously.
Jonathan noted that the Board would have a meeting to talk about policies and procedures.

Jonathan then stated that it sounded like a concensus and that the public shouldn't be concerned. He added that Wes stated it's no longer a practical possibility and that they agree it's not a viable option to change the ballot at this time. He noted his disappointment that this was not possible.

Chris stated that a press release would be issued to explain to the public and Dave added that it shouldn't be overemphasized, just that it's not a Proposition 2½ but just an FY07 item. Chris also made note that all the questions on the ballot are not blank checks and they have limits.

Dave stated that the School Committee has agreed to go ahead with the original ballot and Jonathan stated that it was the concensus of the Board of Selectmen to continue with the original ballots also.

At 2:30 p.m. Chris motioned to adjourn the meeting and was seconded by Dennehy. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant