

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JUNE 19, 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, 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. **Town Administrator's Update:** Kevin Paicos reviewed the items on his update, which is attached.

Paicos noted that there is a lot going on with the Page's Beach project and it looks like its on track for the end of August completion.

Regarding the Boutwell Garage issue, Kevin stated that the target start date is August 1st. He also added that things are falling into place with this project.

Paicos gave a quick update on the progress of the Town Hall Renovation project. He stated that the Committee has had two meetings since the last time the Board met and a copy of Plan B had been distributed to each of the Selectmen for their review and comments. He also noted that when this plan was made the Planner and the ConCom Agent had not been hired. He stated that a private office for each of them should be planned on the lower floor as land management is definitely expanding.

Kevin went on to say that in the original plan two vaults were planned but that they will be eliminating the downstairs vault which will give a lot more space to work with. He also noted that there wasn't a Board of Selectmen office in the plan but that it does provide meeting space upstairs but there is the problem of no heat and air conditioning up there. He added that it would cost a lot to heat this area.

Paicos stated that tentatively a plan is being worked on 1) putting a conference room next to the auditorium and 2) replace the vault with a meeting room which would make the room 25% bigger for meetings. He added that it would make this a true meeting room. He stated that he wants the Board's input.

Dennehy stated that he realizes the upstairs has climate control issues but would like to see us use it. He added that the number of meetings with more than 20 people is only on certain occasions but this would be a good place to meet. He noted that this would be his preference.

Gagnon noted that Land Management needs more room because they're growing. Dennehy agreed and stated that some day the Town may have a full-time Building Inspector and more room would be needed.

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Gagnon also commented that he would like to see plans that would keep the flavor of this building and all the beautiful woodwork. He also noted that he feels the building should be memorialized. Dennehy suggested that Chris attend the next Town Hall Renovation Committee meeting to give his input.

Carlisle stated that he agreed with Chris' reasoning as to preserving the woodwork and that he was also in agreement with Jonathan about using the upstairs for meetings.

Gagnon noted that the VMS building could be used for some offices which would help with the lack of office space here at Town Hall.

Kevin stated that the Boards input was the last bit of information the architect needs. Jonathan asked about public input and Kevin stated that Public Hearings were being planned. He stated that there would be minor changes from the plan that was voted on in 2004.

Dennehy stated that this is not the only municipal building in Town and that he sees moving some offices eventually to the VMS Building. Kevin stated that he would pass this along to the Committee. He also added that the next meeting of the TH Renovation Committee is on Wednesday, June 28th at 6:30 p.m.

Paicos noted that in 3-4 weeks the schematics would be available with a start date of construction of November 1st. He added that the committee is acutely sensitive to cost.

Paicos noted that the Quarterly Tax Bills are pretty much on track to implement in mid-August when the first bill will go out and then truly on track after that. Dennehy stated that the Town's cash flow situation will be much improved.

Paicos stated that he attended a Flu Pandemic conference and came back with the knowledge that there is a need to establish a response plan.

Paicos then commented on the Special Election ballot by stating that the school ballot question was worded incorrectly but it was decided to go forward with it nonetheless. He added that the School Committee felt very strongly that we should go forward. He also noted that he had a call in to the DOR and should get a response as soon as possible.

Gagnon also noted that the Board had met with the Superintendent, the president of the School Committee and the Chair of the School Committee and that they were the ones to say to go ahead with the ballot as is. He added that the Town doesn't presently have a policy regarding ballot questions but that one was needed.

Paicos also wanted to note that a resident, Mrs. Ellis of Bass Cove Rd., had questions regarding a fire hydrant issue and that she had been promised to have this repaired in March, but it never happened. He stated that he apologized to her and stated that it would be taken care of very soon and as it turned out it would be done on Wednesday of this week.

Dennehy stated that the Board needed to meet in working sessions to develop goals, evaluate Kevin, at his 1-year anniversary, etc. He stated that one meeting could be set in July to brainstorm goals and objectives for the Board. Gagnon stated that there should probably be two sessions with one in August as well.

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It was decided that the first working session would be held on Wednesday, July 19th at 12:00 noon and the second would be on Wednesday, August 16th at 12:00 noon. Dennehy noted that the working session on August 16th would be in addition to the regular BOS meetings on August 7th and August 21st.

- B. **Public Safety Building Committee update:** Chris Gagnon stated that the last Public Safety Building Committee meeting was held on June 7th and the next meeting would be on Thursday, June 22nd.

He stated that they covered alternative properties and voted to keep the site on Center Street. He added that they also sent the space needs to the architect and passed out the reduced schematics for review. He stated that this is the first attempt to come up with reduced space and that they still had some of the features but they were scaled down.

Gagnon went on to say that the original site is deteriorating, an erosion factor and that the contractor, Holden Sand & Gravel, has been asked to come and stabilize the site.

Gagnon also noted that although they are looking to keep the original site, the committee is not dismissing the alternative options. He added that the committee will have two layouts to review at the next meeting.

Chris also asked the other Selectmen for their approval to send out a thank you letter to MRPC for Bob Biagi's service and assistance at the Public Meeting held on June 1st. It was agreed unanimously to go ahead with the letter.

Gagnon also noted that the Architect and Project Manager contracts would be discussed with Kevin Paicos as there is too much flexibility for financial comfort.

III. OLD BUSINESS

- A. **Continued discussion on the purchase of Old Pump Station property:** Dennehy stated that this discussion would be moved to Executive Session.
- B. **Request from Watatic Lake Association to discuss certain resident beach lots:** (Also in attendance – members of the Watatic Lake Association, Lorraine DeSouza and Gary Howland of ConCom) Dennehy gave a brief history noting that Town Meeting voted to transfer 3 lots on Lakeshore Drive to the Board of Selectmen to decide what to do with them and this has been discussed before. He noted that the previous owner defaulted on their taxes and that's how this property was received by the town. He stated that the Town Planner has given a report on these properties, as well as ConCom thru Kevin Paicos' memo.

Lorraine DeSouza stated that they, Gary and Lorraine, went out to look at these properties the week before but that she would ask the Selectmen not to make any decision on these properties until ConCom has had a chance to meet and discuss this.

Dennehy stated that they have been pondering this for some time and that they want to resolve some of this. He added that an official opinion from ConCom is really not required. He also noted that in the Board's Policies and Procedures Manual they should make sure that the Town Website is more informative and use e-mail to communicate.

Paicos stated that he sent out a memo asking for informal input from the Land Use boards. He added that the Town Planner and some members of ConCom went to the site with Leo Collette and it was noted that the committee is not in favor of selling any land on the water.

Kevin reviewed each parcel in question noting that Parcel 53, Map 55 would provide the quickest access for emergency vehicles, adding that it would be the most logical to maintain for public access. He stated that the assessed value of this parcel is \$17,400.

Dennehy stated that the deeded access rights would not be altered in any way by any actions taken by the Board of Selectmen.

Kevin went on to Map 56, Parcel 61 with an assessed value of \$14,900. He noted that during wet weather the road was not really passable and parking wouldn't be possible. He stated that this property could be maintained as conservation land and he reiterated that this would not affect deeded beach rites.

Kevin stated that on Parcel 48, Map 56, everyone is in agreement to maintain this parcel in public ownership.

Paicos noted that his comments were mirrored in the Town Planner's report.

Dennehy then asked to hear from those in attendance and Frank Fiorentino, the President of the Lake Association was the first to comment. Fiorentino stated that the association agrees that parcel 51 is the best for emergency access. He noted that there is a sensitive stream that goes under the road and that parking would stress out the beach. He added that they want to allow only non-powered boats, canoes, kayaks etc. on the lake. He also noted that they would take care and maintain the property and that they want to see people be responsible and keep it in a natural state.

Fiorentino stated that they want signs stating that no alcoholic beverages are allowed and they want the authority to keep it as it's supposed to be. He also stated that the Association does a lot and that at one time the lake was overrun with weeds and all the individual home owners had it cleaned.

Mary, a resident in the Lake Watatic area, stated that she moved there to enjoy the lake rights and that if its opened to the public there would be trash, etc. to contend with.

Dennehy stated his concerns regarding Parcel 53. He stated that the first problem is that because it's town-owned the Board can't prevent anybody from accessing the beach. He noted that the second issue is the Town has an obligation to do what's in the best interest for all residents. He went on by stating that the Board wants to be sensitive to protect the lake and to preserve the neighborhood the best way possible, but that they can't just give the land to the Lake Association. He noted three options; 1) can maintain it as Town-owned property; 2) sell under an RFP with restrictions; or 3) sell to the Lake Association.

Mark Carlisle noted that in his opinion Parcel 48 should be left as protected property. He went on to state that parcel 53 has a lot of issues but that it is more appropriate for access to public safety aspects.

Dennehy noted that at this time Parcel 48 should be removed from discussion as the analysis of abutting property has not been completed. It was a unanimous decision by the Board to remove

Parcel 48 from discussion.

Gagnon noted that Parcel 53 is too small for a public beach, but is perfect for a neighborhood beach. He added that Parcel 61 seems more like conservation land.

Paicos stated that a viable option is to take Parcel 61 and deed it as conservation land with a Town Meeting vote and that under Chapter 40A it can't be changed and would only allow passive recreation.

Dennehy made a motion to send Parcel 48 back to the commission and to table consideration until they have done the research. Carlisle seconded and the motion carried. Dennehy added that he would like to see passive, non-motorized use to preserve the lake.

Dennehy stated that he would make a motion to put Parcel 53 in an RFP process with a contingency for easement held by the Town for purposes for access to police and fire.

Gagnon asked about the possibility of leasing this to the association and Paicos stated that an RFP could stipulate with conditions. Gagnon then noted that this parcel is barely big enough for the residents and he suggested that it could be designated for neighbors and public safety access only.

Paicos stated that this couldn't be leased to the Association but if it was sold we could put restrictions. Dennehy stated that the sale of the land is the preferable method with an established public safety easement and no construction clause.

Dennehy motioned to put Parcel 53 out as an RFP with restrictions for public safety access easement and a no construction easement. Gagnon seconded and the motion was unanimous. Dennehy also noted that they would amend the motion to include price as a factor, because the law allows the use of the assessed value of \$17,400 as the price. He also noted that the land can't be given to the Association because it can't be put out for less than the assessed value as it would be a violation. He added that it wouldn't be in the Town's best interest to sell for less than the assessed value. Paicos noted that the RFP has already been drafted. Dennehy asked that the minutes reflect that the Board wanted to detail the implementation of the motion.

Dennehy stated that he heard that Parcel 61 is not currently a beach, with only a 40 foot frontage and that he would move to employ the same process as Parcel 53 but not to reserve public safety access. He added that a general RFP should be drafted with an exclusion for building with Kevin's idea of an acceptable management plan.

Carlisle noted that he sees a problem down the road with the no building clause as he has seen buildings go up somehow even with this restriction. He suggested to amend the motion to not build nor use to support a private sewage disposal system. He added that once it's on the deed it's a safety belt.

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Dennehy motioned to issue an RFP on Parcel 61 for the sale with restrictions to not use as separate building lots and not use as site private septic system and with conservation values maintenance with the successful bidder supplying a conservation management plan. This was seconded by Carlisle and the motion carried. Unanimous vote.

IV. NEW BUSINESS

- A. Discussion on the Piano Museum Lease:** (Pat & Edmund Fredericks were present as well as Peter Anderegg of the Library Trustees) Dennehy began the discussion by stating that both the Advisory Board and the Library Trustees should be involved in this discussion and he noted that Peter Anderegg was present. Dennehy did note that Pat Frederick did make this presentation to the Trustees already. Dennehy also stated that ultimately the deal is between the Board of Selectmen and the piano museum. He then asked Pat Frederick to give a brief history as well as plans for the future of the relationship and feedback on repairs.

Pat Frederick proceeded to give a brief presentation on the history, outlining the expenses and income, as well as repairs that have been made to the structure through the years. She emphasized that the piano museum attracts many visitors to Ashburnham and that it is the only place in the United States where people can come and play the instruments to compare the sounds.

Pat stated that she is respectfully requesting the arrangement with the Town of \$1.00 a year as in the first 3 years of the lease.

Dennehy suggested that all involved parties should review the material. He went on to say that this is an asset to the Town as it brings cultural value but that the Board has an obligation to manage this in the best interest of the Town. He stated that it's the recognition of value versus the obligation to the Town. He added that his thoughts would be to meet all competing concerns and recognize their contribution with consideration for capital items and then discuss the rent amount.

Pat stated that the Town neglected to upkeep the building so it was catch-up maintenance that had to be done.

Peter Anderegg commented that he feels the relationship between the Library and the Piano Museum should be clarified. He also noted that if they are not there, the Library would be burdened with the expense.

Dennehy stated that two things should be considered to establish what is the market value and that would be 1) non-profit – keep in town and 2) alleviates burden to Library.

Carlisle suggested that another meeting be scheduled with the Library Trustees and Dennehy agreed.

Gagnon noted that he sees this as a liability to the Town if the Piano Museum is not there and the building is left to deteriorate. He added that the more information that gets out the better.

Dennehy agreed but stated that the goal is to say that the Board of Selectmen looked at this with all the facts in order to be thorough.

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Pat Frederick went into more detail as to the repairs that have been done through the years. Gagnon asked if in four years when the lease is up, if they were planning on retirement and Edmond Frederick responded that it could go to a higher level of non-profit in the next 2 or 3 years and Pat noted that no salary was ever paid to them.

Dennehy thanked the Frederick's and made a suggestion that for the next meeting, they should prepare a detailed understanding of the maintenance to be done in the next 4 years. He added that Sylvia will work to set up a date and time for a meeting of the Library Trustees, Advisory Board, the Frederick's and the Board of Selectmen to meet and hash out the details. He also noted that

the lease would continue on the existing terms until this is resolved.

At this time it was noted by Dennehy that due to the lateness of the hour, they would cancel the Executive Session for this evening.

- B. Discussion and vote on a conservation restriction on Bush Hill property:** (Gary Howland and Lorraine DeSouza were present) Gary Howland began by stating that this would finish the deal when this property was purchased. He noted that this involves Parcel 3 which encompasses 460 acres. Dennehy stated that they were coming before the Board to get a vote on this and he added that this would need to go to Town Counsel first for review.

Howland stated that they intend to do a Forest Legacy Stewardship plan which would put a higher restriction and that it could grow significantly.

Carlisle stated that the Town owes the Conservation Trust a huge thanks for all their hard work and diligence and the entire Board unanimously agreed.

Dennehy motioned to approve their request subject to Town Counsel review and was seconded by Carlisle. Motion carried.

- C. Review and vote by the Board on their FY07 Appointments:** Dennehy stated that it's that time of year to issue appointments for the new fiscal year.

Dennehy motioned to approve the Board of Selectmen appointment list, with three corrections as noted (see list attached) and was seconded by Carlisle.

V. APPROVAL OF MINUTES

A. June 5, 2006 – Regular Meeting

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

VI. OTHER MATTERS

Dennehy noted that a Discharge of Lien needed to be approved by the Selectmen for 42 South Main Street. Carlisle motioned to approve and Gagnon seconded. Motion carried.

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Dennehy also noted that the Board had to vote to approve the Interim Highway/Water/Sewer Supt., Jim Zarozinski's recommendation to purchase a backhoe from Schmidt Equipment, Inc. Carlisle motioned to approve the recommendation and was seconded by Gagnon. Motion carried.

Dennehy stated that once again the Brian's Gift Road Race, in memory of Brian Simmons, is being planned for September 30, 2006 and a request for the Board's approval has been submitted, adding that this is the second year for this race. Carlisle motioned to approve this request and Gagnon seconded. Motion carried.

Dennehy announced that the Special Town Election is the following day, Tuesday, June 20th and that the residents will be faced with 4 ballot questions.

He also noted that Downtown Days is the following Saturday, June 24th.

Dennehy stated that the next meeting of the Board of Selectmen will be on Monday, July 17th. He also noted that next Monday, June 26th, there will be a meeting at 12 Pine Street for residents to get information on the Pages Beach project.

It was also noted that the Town Hall Renovation Committee will meet on Wednesday, June 28th at 6:30 p.m. and the Public Safety Building Committee will meet on Thursday, June 23rd at 7:00 p.m.

VII. EXECUTIVE SESSION

Dennehy noted that the Executive Session was officially canceled.

VIII. ADJOURNMENT

At 11:17 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant