

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
OCTOBER 2, 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 7:23 p.m. and read the agenda. Carlisle moved to accept the agenda, Gagnon seconded and the motion was carried.

II. **PRESENTATIONS, REPORTS & CORRESPONDENCE**

Dennehy stated that there has been a request for an additional agenda item for tonight's meeting. He noted that the Selectmen have a new policy in place that states any agenda items are to be received by Tuesday before a scheduled meeting.

At this time he acknowledged Jim Whidden who wanted to suggest something to the Board and Gagnon stated that if there was time Whidden could be heard at the end of the meeting.

Carlisle stated that he was concerned if the public was notified of the policy. He then suggested that Whidden could be heard under "Other Matters" and Dennehy agreed.

Dennehy stated that they would now continue the Public Hearing on the Chapter 61 issue. At 7:30 p.m. Gagnon motioned to reopen the public hearing and was seconded by Carlisle.

Dennehy stated that they left off trying to ascertain if they used their right of first refusal is the contract still in place. He stated that a letter from the Thibert's Attorney dated 9/29/06 was received and stated a notice of withdrawal. He also stated that the Thiberts are not adverse to the Conservation Trust purchasing the property. He added that their attorney has also stated that he can no longer represent the Thiberts due to a conflict of interest.

Paicos stated that he spoke with Town Counsel on this and that if no action is taken by the next day then it's off the table, but that if another offer is made, the clock starts again giving them another 120 days.

Dennehy stated that they don't have to do anything at this point and he encouraged the Conservation Trust and Mt. Grace to continue discussions.

Paicos stated that he recommends the Board do nothing and that it is a conservation action. Gary Howland stated that he recommends they just let it pass. He added that the Conservation Trust still has an interest and is working towards a purchase.

At 7:48 p.m. Gagnon moved to close the Public Hearing and was seconded by Carlisle.

A. **Correspondence:** Dennehy stated that he had no correspondence to discuss at this time.

B. **Town Administrator's update:** Kevin Paicos gave a quick update from his report (copy attached). He reviewed the status of the Fitchburg Road Water Main Extension Project noting that Senator Brewer was coming to Ashburnham on Tuesday to tour this site as well as the Pages Beach project.

Paicos then touched on the Health Insurance item stating that we are looking at a 16-17% increase this year and that once he has more info he will discuss this further at their meeting on October 16th.

Paicos took a moment to announce that they had some sad news today. Anne Munroe had passed away. He went on to say that she had served on the Board of Assessors for 21 years and just recently resigned due to her health. He stated that no details were available at this time. Dennehy agreed that it was very sad news for the Town and that we should honor her for her many years of service as an Assessor, an Election Warden and her service on the Historical Society. He added that she will be missed.

Gagnon took a moment to say that he was very impressed with the speech that Paicos gave at the Cushing event on Saturday. Paicos stated that he truly enjoyed being a part of the event.

- C. **Public Safety Building Committee update:** Chris Gagnon gave his update beginning by stating that the Committee will no longer be bringing options to the Special Town Meeting. He added that the architect came up with a great plan. He stated that the latest estimate came in at \$5,395,000 which came down by the change in construction to wood.

Gagnon went on to state that by not finishing off some sections it brought the cost down to under \$5m. He stated that only one holding cell for the police would be finished. He also stated that his ball-park with this estimate is between \$300k and \$400k over estimate and that there was the potential to make it on budget. He noted that they will assign the construction drawings to the Architect and they should be done by February or March. He stated that they are moving forward with the original plan.

Dennehy stated that the critical side is the holding cells. He stated that we spend a substantial sum of money each year to house prisoners until their court date. He also noted that they have to transport the prisoners and have an officer act as custodian while this is happening. Gagnon added that they are hoping to install all three holding cells.

Chief Barrett noted that the space will still be there for 3 holding cells to be used in the future. Dennehy stated that the most critical point is that an officer is gone when this happens and that leaves the Town without coverage.

Dennehy inquired about the Hardware Store as a possible site and Gagnon stated that they looked at both and which one would go over budget the most but now with the architect's new drawings it was taken off the table.

III. OLD BUSINESS

- A. **Discussion and vote on sale of Lakeshore property:** Dennehy stated that they had two proposals in response to the RFP. He then asked Paicos to give them an update.

Paicos stated that the two bidders were the Watatic Lake Association and Attorney Aveni. He stated that there were minimum items to be submitted which had to be met and the Lake Association didn't meet these and didn't submit a price, only a lease proposal which he stated wasn't an option.

Paicos stated that Attorney Aveni offered \$17,400 and met all the criteria. He also noted that there was no indication it was for a client.

At this point Dennehy noted that he was a tenant in Attorney Aveni's office and that he needed to recuse himself from this discussion. Paicos suggested that he leave the room.

Paicos stated that with only one response proposal he recommends to award the bid to Aveni. Gagnon asked if they should review the proposal first before they make a decision and Paicos stated that it was their choice. Carlisle motioned to defer their decision until the next meeting and Gagnon seconded. Motion carried.

Dennehy returned to the meeting and stated that he never saw the proposal before this meeting and didn't even know about it.

IV. NEW BUSINESS

- A. Recognition of Police Department personnel for all their grant work:** Paicos stated that he wanted to continue recognizing the employees and to say thank you. He noted that Chief Barrett and the officers, since January of this year had applied and received \$97k in grant funding. He noted that this is a remarkable accomplishment.

Chief Barrett stated that this was a team effort, noting that his staff is excellent. He added that a lot has been accomplished in his first year and hopefully it will continue. The Chief touched on a number of the grants that they received (copy attached).

Dennehy thanked the Chief for coming to the meeting and for all the work they have done on the grants. He noted that he is proud of the community for hiring him and that he has done a great job. He added that it has been a good fit. Barrett stated that it has been a team effort and that the officers and dispatchers have done a great job.

At this time Dennehy announced that Trick or Treat has been scheduled for Tuesday, October 31st from 5:00 to 7:00 p.m. Chief Barrett stated that they scheduled this to try and mirror the other surrounding towns with the same night. He added that flyers went to the papers and that it will be posted on the website.

- B. Request from Oakmont Student Council to approve Homecoming Parade:** Dennehy stated that the Board has received a request from Julia Ham, of the Oakmont Regional Student Council, for permission to hold their Annual Homecoming Parade on Friday, November 3, 2006 at 6:00 p.m.

Carlisle motioned to approve the request and Gagnon seconded. Motion carried. It was noted that on the request Williams Road should have been Westminster Street and the motion was amended to reflect this.

- C. Review and vote by the Board on Discharges of Mortgage:** Dennehy stated that there were two Discharges to approve, one for 21 Chapel Street and the other for 62 So. Main Street. Carlisle motioned to approve the two Discharges of Mortgage and was seconded by Gagnon. Motion carried.

- D. Review and vote by the Board on the draft Special Town Meeting warrant:** Dennehy stated that there are 17 articles. Paicos stated that he has a concern that there's a good chance that another town meeting may be needed. He stated that he is worried without any pressing items it won't bring out a quorum. He noted that it is a given fact that as they progress deeper into the fiscal year they will probably need another town meeting. He added that a town meeting is a lot of work for this office as well as costly.

Paicos went on to say that he really wants to have a STM but that most articles on the warrant can wait. He noted that when the override passed on the fire truck, \$68k became available to hire a police officer or a fire employee. He added that if the budget can handle it one of each could be hired.

Gagnon noted that the Public Safety Building bids may not warrant another Town Meeting and in May it could be brought to the Annual Town Meeting. Paicos added that they might not need it at all.

Gagnon stated that some articles are controversial, citing articles 6 and 7, water/sewer user issue-big ticket items and what is the impact. Paicos stated that he did discuss these with Leo Collette who stated that maybe Jim Zarozinski might have jumped the gun on these. He added that the Water/Sewer Commission may not be ready for this.

Gagnon noted that the taxpayers would want to know the tax rate impact on things already voted on and Paicos stated that they wouldn't be able to nail this down by November. Gagnon added that they should start to figure this out soon.

Dennehy noted that Article 8 can't wait until January or February and Gagnon agreed stating that they should get clarification on this. Paicos stated that he would ask Senator Brewer the next day.

Paicos noted that he can't get all the research done on these issues before November and if he had more time he could give them all the answers by January or February.

Gagnon stated that he had two questions 1) the site test and 2) question on 2½ and that most of these need more research. He added that if nothing more comes up they could have all the research done by May.

Paicos stated that he still had more articles that were not on the list that he didn't anticipate and he was not prepared to give the Board advice.

Dennehy stated that when the policy is drafted they will need more than 6 weeks to put the Special Town Meeting together. He noted that once the budget is set and things happen mid-year the reserve fund is used for these instances. He added that capital items are the charge of the Advisory Board under the Town Charter and that they don't usually put these items on a Special Town Meeting.

Paicos stated that the problem for the revenue source, prior to setting the tax rate, they can raise and appropriate. He added that he anticipates not as much free cash available as previous years and they don't have a big reserve fund, only \$50k and approximately \$200k in free cash. He noted that he wouldn't recommend it to the Board.

Gagnon asked if Jim Shanahan could put together a report to show where the fluctuations are. Dennehy added that they could have him attend the Board of Selectmen meetings once a month to

report on this. Paicos noted that Shanahan had GASB reports to do so the closing of the books was delayed but that once this happens the current budget will then be looked into.

Bill Johnson stated that the Advisory Board is looking for flow information the same as the Selectmen.

Chief Barrett stated that to hire the officer on the warrant would put two officers pretty much around the clock. He added that an officer is needed as one officer on the 11-7 shift is a safety issue. Dennehy noted that this has been a topic of discussion for the past seven years and the Board is sensitive to this issue. Paicos stated that this is a huge priority for the community and he also noted that fire fighters and paramedics are needed as well. He noted that before he would recommend to add an officer, he wants to be sure that we can keep the officer if we get one.

Gagnon motioned to postpone the Special Town Meeting until things are understood further. Carlisle stated that when this was started it was due to the Public Safety Building issues, and that it is clear that they need to do all the homework before the meeting is set. Carlisle seconded the motion to postpone the Special Town Meeting.

Paicos stated that January would be just about the right time to have the Special Town Meeting. Dennehy asked for a vote by the Board members on postponing the STM. Carlisle, aye, Gagnon, aye and Dennehy, nay. Motion carried.

Dennehy stated that Paicos should come up with a timeframe at the next meeting. Paicos stated that he is working with Dave Uminski on the use of Oakmont and what needs to be done through the legislation for the meeting in January.

Ellen Holmes, who is a School Committee member, noted that the legislation will be filed on the issue with the school ballot question. Dennehy asked about the input on the level 1 environmental assessment for Briggs and Paicos stated that he had informed Mike Zapantis that he would get this done as soon as possible using MRPC. He added that a grant would be available in January but that Zapantis stated it would be too late and that it needs to be done now, noting that it's not a huge expense.

- E. Review and first vote on Policy Regarding Drafting, Approval & Printing of Ballot Questions:** Dennehy noted that they wanted the procedure to be in writing in order to increase the potential of having the ballot questions written correctly. He then read the proposed policy (copy attached). Dennehy also noted that the Town Administrator should be the responsible party to draft or revise all ballot questions.

Paicos noted that the Town has a situation with the Regional School submitting ballot questions and Dennehy noted that they should add another paragraph to the policy enabling the Regional School District to forward ballot questions but still leaving the Town Administrator to review them with Town Counsel.

Paicos stated that they would add a sentence stating that in the case of the Regional School District it would be noted that the ballot questions submitted would require the Town Administrator to review. Some other changes to the policy were discussed.

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Dennehy noted that a second reading to revise and finalize the policy would be scheduled for the next meeting.

- F. Review and vote on DPW reorganization:** Dennehy noted that at this time the DPW Director/Town Engineer position money is currently in our budget and all that's left is the hiring.

Paicos stated that he had a very productive meeting of which the memo presented to them was a result and added that a lot of minds went into this. He added that it creates the framework to promote efficiency. Paicos also noted that Jim Zarozinski and Steve Nims have worked well together and have done an excellent job but that problems could come up in the future. He added that right now we don't have engineering capabilities or building maintenance capability and an Engineer/DPW Director will run both sections. He also stated that Water/Sewer is where the bulk of the growth will be and also suggested that Dams & Water be under the Water/Sewer Commission, but just specific dams.

Paicos stated that he has had many requests to hire the DPW Director as soon as possible as there is a tremendous need and he can't advertise until the reorganization is set.

Dave Berger, Water/Sewer Commission Chair, was present and had some comments. He noted that there was no place for the Water/Sewer Commission in the proposed structure. He added that the DPW Engineer is desperately needed and they require some real expertise. He also mentioned the Dams and Waterway Management.

Gagnon stated that he was concerned about the structure asking if it could be a "proposed" structure and then once he/she is hired, let he/she set the structure at that point. Paicos responded that they can't hire him without a structure set and voted on. Carlisle agreed stating that it wouldn't vary that much and he would need an idea of what he's being hired for. Gagnon stated that his concern is about personnel issues and that the Director should have a chance to change the structure if needed.

Dennehy stated that they need to approve this as proposed as the employees are concerned about this. He added that a happy median would be to present the structure to the DPW Director and get his input. Paicos stated that it wasn't cast in stone.

Berger stated that the Water/Sewer Commission needed to review the structure at their meeting on October 10th and Dennehy stated that this would be a good basis to work from.

Paicos stated that the Board shouldn't vote on it yet, maybe at their next meeting or in November to adopt.

V. APPROVAL OF MINUTES

A. **September 5, 2006 – Executive Session**

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

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B. **September 13, 2006 – Executive Session**

Carlisle motioned to approve the minutes for the September 13, 2006 Executive Session with an amendment and was seconded by Gagnon. Motion carried.

C. **September 18, 2006 – Regular Meeting**

Carlisle motioned to approve the minutes for the September 18, 2006 Regular Meeting and was seconded by Gagnon. Motion carried.

D. September 18, 2006 – Executive Session

Gagnon motioned to approve the minutes for the September 18, 2006 Executive Session and was seconded by Dennehy. Motion carried.

VI. OTHER MATTERS

Gagnon stated that he would like to request to extend the deadline on the Community Preservation Act Study Committee as he has two interested parties and more are needed. Dennehy motioned to extend the deadline to the November 20th Selectmen meeting and if enough are received then it would be closed. Carlisle seconded and it was a unanimous vote.

Dennehy noted that Jim Whidden had patiently waited so he gave him the floor. Whidden began by stating that he has a unique opportunity for the Town. He stated that he is a member of the Town Hall Renovation Committee and that they are trying to stay within the budget but that the addition to Town Hall is expensive. He went on to say that they need a temporary relocation for the Town Hall employees and right now the only option is trailers. He noted that if the total cost of the trailers is \$40k it would be spent with nothing to show for it. The addition planned for the Town Hall would cost about \$180k and with the trailer cost it would total approximately \$220k. He stated that they should put this money towards repair of the Stevens Building – and preclude the addition to the Town Hall.

Whidden went on to state that the building is worth saving and that it is one of three buildings in the Town that is worth saving and they include the Town Hall, the Library and the Stevens Building. He added that they have a chance to preserve it for the future and that it is time sensitive.

Whidden stated that he is asking for a joint meeting with the Town Hall Renovation Committee, the Board of Selectmen and the Library Trustees to discuss this option. He noted that the Fredericks could have the piano museum in their home as they had done previously. He also noted that the Stevens building would basically need the boiler to be replaced, some masonry work and a few minor things for it to be habitable by the Town Hall staff while renovations are completed.

Gagnon inquired as if this had been discussed by the Committee and Whidden responded that it would be at the next meeting. He added that he was not speaking for the Committee at this time. Gagnon stated that the joint meeting would be a great brain-storming idea.

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Dennehy stated that the VMS building would be vacated and should be considered as part of the overall plan. He agreed that they should get all the committees together and see what they have to say. He noted that we can't de-possess the Fredericks lightly. He added that the Fredericks should be invited as well to this meeting where they can advise what their long-term plans are.

Whidden stated that the Fredericks want the building for another three years and he's afraid that in three years the Town will have an empty building with an expensive addition on the side of Town Hall and at that point it will be a tough challenge to get the tax payers to repair the building. He stated that his idea would be a sure way to preserve the building.

Dennehy stated that he is not opposed to a joint meeting and noted that the Advisory Board

should also be invited.

Whidden reiterated that this is time sensitive so they don't want to delay and that they need to fast-track it. Gagnon stated that the Town Hall Renovation Committee should spearhead to get everyone together for this meeting. Whidden stated that he would be willing to do that and added that the Library Trustees were in agreement to go ahead.

Dennehy asked that Whidden keep them informed.

Dennehy announced that the next meeting of the Board is Monday, October 16th. He also noted that the deadline for voter registration for the upcoming election is on or before October 18th and that the hours on that day for registration are 8:00 a.m. to 8:00 p.m.

Dennehy announced that Trick or Treat this year would be held on Tuesday, October 31st from 5:00 – 7:00 p.m.

He also noted that on Friday, November 3rd the annual Homecoming Parade would be held at 6:00 p.m. at the corner of Route 101 and So. Main Street at Roy Bros.

VII. EXECUTIVE SESSION - No Executive Session

VIII. ADJOURNMENT

At 10:40 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant