

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
APRIL 18, 2006
SELECTMEN'S OFFICE, TOWN HALL**

This meeting was aired live on local cable television Channel 8 and was posted as a Joint Meeting with the Advisory Board.

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Clerk, Ron Reed, Member, Kevin Paicos, Town Administrator and Sylvia Turcotte, Administrative Assistant. Also present, Advisory Board members, Belden DiVito, Chair, Bill Johnson, Dottie Munroe, Leo Janssens and Carleton Hall.

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, Reed seconded and the motion was carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Newell Dog Hearing:** At 7:02 p.m. Reed motioned to open the dog hearing and was seconded by Carlisle. Motion carried.

Dennehy asked Town Clerk, Wes Landry to swear in the persons who would be testifying at the dog hearing. Landry swore in Maggie Bennett, Animal Control Officer and Joseph Von Deck. Dennehy began the discussion by stating that this isn't the first hearing on the Newell dog. The first hearing was on November 7, 2005 and at that time the Selectmen had set conditions that if the dog was loose again, the Animal Control Officer would pick up the dog.

Dennehy asked Bennett to give the details as to what occurred. Bennett stated that the dog, Tuesday, attacked the Von Deck's dogs on March 24th and she took the dog from Mrs. Newell. She stated that Newell's ex-husband took the dog from the pound to his home in Fitchburg where it has been ever since. She added that a certified letter was sent to Mrs. Newell to advise her of this hearing, but she is not present.

Mr. Von Deck stated that Tuesday, the Newell dog only attacks dogs not people. He stated that on March 24th, Tuesday came on his property and attacked both his dogs viciously, but that it didn't result in any injuries or vet bills.

Bennett stated that it is much quieter in the neighborhood since she picked up the Newell dog. Dennehy recommended to continue the existing order and add to it that the dog be banned from Town.

Paicos stated that he believed that the statute no longer allows towns to ban dogs. He suggested that a certified letter be sent to both Newell's stating that there was a restraint plan in place and then once this is done then it is possible to ban the dog from the town. He added that we also need to notify the other town that the dog is coming.

Reed motioned to accept the Town Administrator's recommendation and Carlisle seconded. Motion carried.

At 7:14 p.m. Reed motioned to close the dog hearing. Carlisle seconded. Motion carried.

B. **Town Administrator's Update:** Kevin Paicos stated that he didn't have the time to put together an update for this meeting due to the budget and ATM warrant.

Paicos stated that he had a few items to touch on. The first was the FY07 Budget which he stated changes memos 1 through 11 had been made and that it was ready to go. The second was the warrant for the ATM which he said was just about finalized. He added that he had 2 articles that he was waiting to hear on from bond counsel.

Paicos stated that the Town Hall Renovation Committee is working really hard to get this done this summer. Dennehy asked when he thought the work would begin and Reed stated that in September once the RFP's are sent out, etc.

Paicos commented that the Pages Beach project should be underway and he noted that Shelly Hatch of MRPC has done a great job with this project.

Paicos also touched on the Ashby Road (Rt. 119) paving which he said was set to be paved in 2007. Carlisle inquired about the sidewalks as well, and Paicos stated that they would be paved but not by the state. He noted that funds for this work would come out of Chapter 90 money.

Paicos stated that the RFQ is out for bids for the Fitchburg Road water main extension and the bid opening would be on April 26th. He stated that he had planned this to be held before the 21J meeting on the 27th but that the meeting was moved to the 25th and that he had a call in to the state to find out what happened. Dennehy stated that he was very impressed with the work Paicos had done to get this in place before the deadline.

Paicos stated that he had met with Senator Brewer and Jonathan Dennehy with the State DEP who offered the town a \$55k-60k grant to add the new water line but not to work on the existing line and added that with luck both could be done this summer.

III. OLD BUSINESS

Appointment of new Public Safety Building Committee members: Dennehy stated that the Selectmen had disbanded the old Public Safety Building Committee and they were now ready to vote on the new committee. He then read the list of members: Chief Barrett, Josh Bergeron, Chris Gagnon, Charlie Packard, Jeff Brooks, Gail Dumont, Al Rickheit, Phil Esposito and Mary Neal. The Board voted unanimously on these appointments.

Reed stated "let the work begin". Carlisle said that it was wonderful that there were so many interested citizens. He added that Cushing has been very patient, and hopefully they will continue to be patient and work with us.

Dennehy went on to say that he hopes the new committee will try to learn from the old committee but not dwell on the past. The new committee's charge is to bring back a design for a building within the perimeters and that a timeline should be set, establishing a deadline to report back with the design ready to go out for bid so that the work could begin by the winter. He mentioned September 1st as the date. Paicos stated that they wouldn't have the design by then because they need to hire a project manager and an architect and that takes time. He added that the design could take 4 to 6 months to prepare. Dennehy reiterated that he thought the public was owed a timeline on this.

Paicos said realistically the construction would begin around the beginning of next year. Carlisle stated that the first thing the committee has to decide is whether to keep the architect and the second is to look at the possibility of building a facility to house the vehicles for now.

Reed stated that when the committee members are appointed they should then set perimeters at their first meeting. Dennehy stated that the committee has a lot of decisions to make and the Selectmen have a responsibility to monitor their progress closely. He added that they are accountable to the Board of Selectmen as well as the community. He noted that the committee should report to the Selectmen at least once a month to keep the community informed and asked if there was time to have their first meeting before May 6th.

Linc Stiles, who had submitted his name for consideration to be appointed to this committee asked why he wasn't chosen. Dennehy responded that the clear intent was to appoint a committee that was not too small or too large with representatives from the fire, police, contractors and other persons who have served on other building committees, as well as concerned residents, a committee that would work well together. Stiles asked if anyone was notified before this meeting that they were chosen and Dennehy responded that they weren't and that the Selectmen would be voting this evening on the appointments.

Reed stated that the meetings would be open to the public and that the Board could appoint Stiles as a first alternate to this committee.

Reed motioned to appoint the committee as presented with the addition of Linc Stiles as first alternate. Carlisle seconded and the motion carried.

Reed noted that Sylvia should call to set up the first meeting and Paicos stated that a day of the week could be chosen that is most convenient. He added that he would meet with them and give them their charge.

- B. Discussion and vote on the adoption by the Board of the "revised" Town Vehicle Safety Policy:** Paicos stated that the only revision was that the chiefs were allowed to use the Town Vehicle for personal use. Carlisle motioned to approve the policy as revised and was seconded by Dennehy. Motion carried.

IV. NEW BUSINESS

- A. Vote to approve request from the William J. Bresnahan Scouting and Community Center Committee:** Dennehy stated that Dennis Driscoll sent a letter asking permission to put up a sign on behalf of the committee at the intersection of River Street and Water Street. Carlisle stated that this would be exempt from zoning. Reed motioned to approve this request and Carlisle seconded. Motion carried.
- B. Discussion and vote on Planning Board member's request to be appointed Special Municipal Employees:** Dennehy read an e-mail from Joe Kalagher on his request to be appointed a Special Municipal Employee. Paicos recommended that they do so case by case, not as a blanket. He added that we will start recording and keep a close watch, with a year as a normal timeframe.

Dennehy asked if this would just pertain to the Library and Paicos stated that it would be for any committee except the Planning Board because Kalagher is a member.

Carlisle motioned to approve this request for one year's time and was seconded by Dennehy. Motion carried.

- C. **Vote on Annual Town Meeting Warrant/Budget:** Dennehy stated that members of the Advisory Board were also present for the purpose of reviewing the draft and that it is subject to change until it is finalized.

Dennehy began the review and comments and the votes were as follows:

Article 1: Dennehy noted this is a customary article.

Selectmen: Yes Advisory: Yes

Article 2: Dennehy noted that this is usually the budget article. Paicos stated that there were 3 shortfalls that need to be voted on at Town Meeting. He stated that it is critical to be voted so we know it's there and to get this money tied up right away. He added that it's legal either way.

Selectmen: Yes Advisory: Yes

Article 3: Reed questioned why a new method was used for the budget and Paicos stated that he is recommending a 1 line budget for each department. He added that if there's a deficit this gives the Department Head the ability to move money from other accounts, otherwise it would have to go to Town Meeting to fix it. He also stated that the Department Heads would not be able to change payroll accounts. Reed suggested that each line be numbered and that the FY05 and FY06 numbers for the schools should be added. He also noted that under the transfers, the line items should be changed to coincide with the budget number line items.

Dennehy noted that it should be made clear that the \$370k is contingent on state money to the school under Chapter 70 and that the Legislature has cut this as it stands right now. He added that he urges residents to write, call or email their legislature to keep this money. He also stated that we will need a fall town meeting to correct this. Reed also mentioned that the budget items should be checked with the Town Clerk.

Selectmen: Yes Advisory: Yes

Article 4: Paicos stated that this was a customary article generously given to the Town by the Light Department.

Selectmen: Yes Advisory: Yes

Articles 5, 6 and 7: It was noted by Dennehy that these three articles are usual and customary and could be voted on at the same time.

Selectmen: Yes Advisory: Yes

Article 8: Paicos stated that last year the amount of this article was \$150k but due to inflation, he has increased it to \$170k. He added that the tax rate impact would be approximately \$.264 per thousand. Reed stated that Jim Zarozinski should give the Board a list of roads for Town Meeting and that he should get up and announce a few roads that will be paved.

Selectmen: Yes Advisory: Yes

Articles 9, 10 and 11: Dennehy stated that these are all customary articles.

Selectmen: Yes Advisory: Yes

Article 12: It was discussed and decided that someone would move to pass on this article at Town Meeting until Article 44 is voted on because it depends on the wetlands by-law being passed.

Selectmen: Yes Advisory: Yes

Article 13: Paicos stated that our half of this money is \$4,000.

Selectmen: Yes Advisory: Yes

Article 14: Selectmen: Yes Advisory: Yes

Article 15: Paicos stated that right now we don't supply standardized equipment to our police officers and it is a liability issue. Reed asked if we would retain ownership and Paicos responded that we would.

Selectmen: Yes Advisory: Yes

Article 16: Paicos stated that this is an off-year for the revaluation of property.

Selectmen: Yes Advisory: Yes

Article 17: Dennehy stated that the Town does have a mutual aid agreement with the Town of Ashby and that at one time was working on one with Rindge, NH.

Selectmen: Yes Advisory: Yes

Article 18: Reed stated that the balance on the Central Street Fire Station was \$143k.

Selectmen: Yes Advisory: Yes

Article 19: Dennehy stated that they would pass over this article for now because they haven't had a chance to read the new policy.

Article 20: Selectmen: Yes Advisory: Yes

Article 21: Selectmen: Yes Advisory: Yes

Article 22: Paicos stated that the school just received a \$1m grant re: Overlook and this is \$63k in annual excluded taxes that there is no need to raise. He added that this is a wash dollar for dollar and will go to the ballot. He stated that the tax rate impact would be approximately \$.211 per \$1,000.

Selectmen: Yes Advisory: Yes

Article 23: Paicos stated that this is part of a five-year plan.

Selectmen: Yes Advisory: Yes

Article 24: Paicos stated that both Chiefs cars need to be replaced at this time. He noted that these capital items could be funded with existing revenues but it would wipe out our cash. Reed stated that he recommends a 3 year lease for Chapter 90 money for the backhoe and that it doesn't need a Town Meeting vote. Reed also asked why two vehicles for the fire department and added that he had no problem replacing the chief's car but not adding another vehicle. Carlisle agreed with Reed. It was also noted by Bill

Johnson that they should look into pricing vehicles other than the Crown Vics. Paicos stated that they would look at alternatives and report back.

Reed also questioned the IT expenses for Town Hall. Paicos stated that the phone system is bad and needs to be replaced and will run thru the computer system and that the savings would be substantial. He also noted that a wide-area network is needed to connect all Town buildings on the same network. He stated that additionally the 3 servers are off warranty in September and that the Assessors server will be replaced and maybe one more this year with the other one replaced next year. He also stated that he is looking at leasing and will have the numbers by Town Meeting.

Reed inquired as to whether this would have to go to ballot and Paicos stated that it would not. He added that it would be absorbed in FY08 as debt service paid by a 5-year bond. Reed suggested that they approve some now with available funds and Paicos responded that the Town has a light debt load so it shouldn't be a problem. Reed stated that he wanted to be prudent on how the money is spent. Paicos stated that there won't be a lot in free cash and that should be used only as an emergency fund.

Dennehy stated that he wanted to make a point that he is not 100% comfortable with this and that he would rather do it with free cash and he wanted to express his reservations. Carlisle noted that they should refer to Kevin's expertise and that it's not good to eat at our reserves. Dennehy stated that he wanted Kevin to check other alternatives before Town Meeting and Paicos stated that he would.

Selectmen: Yes Advisory: Yes

Article 25: Selectmen: Yes Advisory: Yes

Article 26 & 27: Selectmen: Yes Advisory: Yes

Article 28: Paicos stated that the rate study had to be done and that the cost would be \$24k transferred from their surplus. He added that the Bureau of Accounts wants this done.

Selectmen: Yes Advisory: Yes

Article 29: Paicos stated that the wastewater management study may cost between \$50k to \$60k.

Selectmen: Yes Advisory: Yes

Article 30: Paicos stated that we may need the state grant for the repair of existing pipes but that no town money would be needed. Reed asked to have grant language in this article and Paicos stated that he would put it in.

Selectmen: Yes Advisory: Yes

Article 31: Paicos stated that this citizen's petition article would have to be turned down due to unavailability of funds. Dennehy stated that the Boutwell's don't support this and that this article has legal problems as well by asking to file notice of lien. He added that this would involve legal or civil action and the Town shouldn't get involved in this. He noted that the Town's concern is to provide drinking water for our citizens and that he strongly advises to vote to not recommend.

Selectmen: No Advisory: No

Paicos noted that at this point it was a convenient place to break because all the other articles are pertaining to zoning issues.

Article 48: Paicos stated that there is a prior year bill that needs to be paid.

Selectmen: Yes

Advisory: Yes

Dennehy stated that the other articles 32-44 would be reviewed on Monday, April 24th at 7:00 p.m. and will be posted as a joint meeting of the Board of Selectmen and the Advisory Board. Dennehy also noted that they would defer the vote on the Personnel By-Law to Monday's meeting as well.

V. APPROVAL OF MINUTES

A. April 3, 2006 – Regular Meeting

It was mentioned by Reed that he was not present for this meeting which was not noted in the minutes. Carlisle motioned to approve the minutes as revised and was seconded by Dennehy. Motion carried.

VI. OTHER MATTERS

Dennehy stated that the Municipal Election is on Tuesday, April 25th from 9:00 a.m. to 8:00 p.m. at the J.R. Briggs Elementary School.

Dennehy also announced that the Ashburnham Downtown Days will be held on Saturday June 24th this year.

He also announced that April 22nd is Earth Day Clean-up and anyone interested can contact either Dennis Driscoll or Ron Skaife.

Dennehy stated that the next Board of Selectmen meeting would be posted as a joint meeting with the Advisory Board as well as the Planning Board, Zoning Board of Appeals and the Conservation Commission on Monday, April 24th to go over the remainder of the Annual Town Meeting warrant articles. He added that the next regularly scheduled meeting of the Selectmen would be on May 1st.

VII. EXECUTIVE SESSION

At 10:06 p.m. Reed 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 collective bargaining and not to reconvene into regular session. Carlisle seconded and the motion carried.

VIII. ADJOURNMENT

At 10:37 p.m., Carlisle motioned to adjourn the meeting and was seconded by Reed. Motion carried.

Respectfully submitted,

Sylvia Turcotte, Administrative Assistant