

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
APRIL 24, 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 and Leo Janssens.

Dennehy read the agenda and Carlisle motioned to approve it and was seconded by Reed. Motion carried.

I. PERSONNEL BY-LAW

Paicos commented that the ConCom by-law article was moved to Article 12 so that it would be followed by the article to offset the receipt account article.

Paicos stated that the first article for discussion would be the Non-Union Personnel By-law, Article 20. Paicos began by stating that when he was hired he was asked to look into wages and benefits of the Town employees, as different employees get different benefits. He stated that he is trying to standardize the benefits. He went on to say that the non-union employees' policy had not been reviewed since 1990 and that the only changes made were 3 days personal time and sick leave buy back. He stated that in some cases, the supervisors get less benefits than the employees they supervise and that's not a good thing. He stated that now we have a policy and the by-law has binding control over all non-union employees. He added that the committee has done a great job.

Paicos then went over the most important changes stating that there were many minor changes as well. He said that the first change was longevity, stating that currently there is no longevity. He stated that this would be an inducement and incentive for the current employees to remain here. He went on to say that he put in an increase for the tuition reimbursement program from \$500 to \$1,000. He also stated that he added one (1) floating holiday. He stated that he also made the following changes:

Sick leave – 15 days a year – sick leave buyback eliminated for new hires.

Bereavement was extended with the ability to use personal time if needed.

Maternity leave was updated and paternity leave of one (1) week was added. (He added that this gives us the opportunity to recruit younger people.)

Paid military leave changed from 10 days to 15 days.

Paicos stated that every non-union employee had a chance to review this new policy and they are all 100% behind it and endorse it.

Dennehy asked if Town Counsel had reviewed the policy and Paicos stated that he has not heard from her as of this date but would confirm with her before Town Meeting. Dennehy stated that if any changes were made it would have to go back to Town Meeting and Paicos stated that now it would be a by-law which is a significant improvement and that he tried to word it so that it wouldn't have to be brought to town meeting.

Carlisle asked if the majority of towns operated this way and Paicos responded that most of them did or the unions came in.

Reed thanked the committee and stated that it was a great document, but that he had a few comments. He noted that section 2.23 on the review of job descriptions, he would like to add the following "at discretion

of Board of Selectmen and Town Administrator”, and Paicos added “subject to Town Administrator approval and budget restraints”.

Reed then stated that he questioned how many employees would be covered under the longevity clause. Paicos stated that he would have a list for Town Meeting. Dennehy stated that people will want to know this at Town Meeting. Reed stated that this may be costly.

Reed also noted that the new vacation policy is very generous, and that between 5 years and 20 years, it was overly generous. Paicos stated that he basically added 1 week and that the trend generally in government is to add vacation. He noted that the Police union has higher vacations now as well as the Light Department. Paicos noted that it is a productivity issue only and does not impact dollars.

Reed stated that he agrees that all benefits should be the same and Carlisle added that we shouldn't penalize the employees for being non-union. He noted that corporations and government are two different entities and that we should bring up the non-union benefits.

Steve Nims, Municipal Grounds Superintendent, who was present to support this by-law, stated that this policy is driven by watching union benefits go up with no change in 15 years for the non-union employees. He added that we all work for the Town.

Dennehy asked about the added vacation and if it would have a significant impact and Paicos responded not at the Town Hall as the employees cover for one another with no drop in productivity. He added that the Highway is the same way and that the employees are appreciative and there is a gain in morale and productivity.

Advisory Board member Leo Janssens inquired as to how it compares with other towns and Paicos stated that he didn't have the time to do a comparison but that it would probably be better than the neighboring communities, adding that this is a good thing for us when we are recruiting.

Reed motioned to accept the Personnel By-Laws and was seconded by Carlisle. Motion carried. The Advisory Board also voted to recommend this article.

## II. PLANNING AND ZONING BY-LAWS

(Present were Eric Smith, Town Planner, John MacMillan, Joe Kalagher and Bruce Whitney of the Planning Board)

Dennehy stated that Article 33 was a citizens' petition. Eric Smith noted that a map should be included in the warrant for this article. MacMillan stated that the Planning Board hasn't had the hearings yet to do with this article. Paicos stated that they have had informal meetings and the consensus (not unanimous) and conclusion was that we may not hear as much opposition as at the fall town meeting. MacMillan stated that they are still discussing this with Mr. Sisson and still working on it.

Dennehy stated that his feeling is (1) never act because of the threat of 40B and (2) we shouldn't ignore that the town had zoned as industrial in the 60's. He stated that he is in favor of trying to plan industrial development as we have reached over 97% residential taxable land in Town and it is very likely if we take this off the books, then we won't reclaim it elsewhere.

Reed stated that we have to rely on the experts, the Planning Board, and that he hates to give up industrial land because we never get it back. He added that he felt uncomfortable to make a decision at this time.

Carlisle stated that when he was on the Focus Committee they had issues at that time regarding this area and he added that the land was on the market for 15-20 years and the best thing would be to leave this as a mix.

Dennehy stated that this article will be on the warrant whether the Board wants it or not because it is a citizen's petition. He added that he will grudgingly support it as the residents want it as a residential zone. He noted that we need to create a commercial district elsewhere in Town.

Dennehy stated that the article is moving forward and asked for a vote. Reed stated that he was not in favor of this article. Carlisle motioned to recommend and Dennehy seconded. The Advisory Board did not vote on this article.

Dennehy then went on to Article 34. Paicos stated that Town Counsel says this article needs changes and that he would be working with Joe Kalagher, Eric Smith, Jim Zarozinski and Debbie Phillips to amend this article and bring it to the next Town Meeting. John MacMillan stated that they could proceed to keep it on this warrant and amend it at the meeting. Paicos stated that the Planning Board should work with Town Counsel on this.

Dennehy stated that the Board can't recommend this article without the amendments and Reed stated that it should be left blank until the changes are in and at that point the Board will determine their recommendation at Town Meeting. Dennehy noted that this article is to regulate sidewalk and curb cuts and driveway permits and that there is a public need for this. Paicos suggested that they get the by-law written clean on a separate sheet of paper and hand it out at Town Meeting.

Dennehy stated that a joint meeting would be posted for Saturday, May 6<sup>th</sup> at 9:00 a.m. and this would be discussed then. The Advisory Board concurred.

Dennehy stated that the next article was number 35 and MacMillan stated that this article is the result of the Murray Road zoning comments. Paicos stated that the study would cost \$10,000 and Eric Smith added that we need to get as much as possible done in this study.

Reed motioned to recommend and Carlisle seconded. The Advisory Board recommended.

Eric Smith stated that Article 36 on Affordable Housing was important. He stated that the committee has had 3 meetings so far and their target is to create an Affordable Housing Project and this study would get a consultant to help get this plan and an analysis.

Carlisle inquired as to how long this study would take and the cost and Smith responded that it would take no longer than a year and the cost would be \$10,000. Dennehy stated that the significance of this study is that where it is inevitable that Chapter 40B will come in, this study would help to achieve 10% affordable housing stock. Smith reiterated that this is needed.

Carlisle motioned to recommend and Reed seconded. The Advisory Board voted to recommend.

Article 37 was next on the warrant and John MacMillan stated that this article deals with open space residential development which is needed to maintain the character of Ashburnham and discourages developers from cookie cutter projects.

Eric Smith noted that there is a change in section 5.15.2 Item B and that it should read, "Results in the creation of five (5) or greater residential lots, or" and that he would work on some other changes to the preliminary plan and would give the amended article to the Town Administrator.

Reed motioned to recommend this article with the amendments and Carlisle seconded. Dennehy voted against. The Advisory Board recommended.

Article 38 was next and MacMillan stated that this article is just to correct a grammatical error. Carlisle motioned to recommend and Reed seconded. The Advisory Board voted to recommend.

Dennehy stated that Article 39 would amend the common driveways by-law allowing up to 3 driveways by opening this to any zoning districts. MacMillan stated that the goal is safety issues. The Fire Chief who was also present stated that they have been working with the Planning Board and there were no issues.

Reed motioned to recommend and Carlisle seconded. The Advisory Board voted to recommend.

Dennehy stated that Article 40 was an amendment to the Open Space Residential Development in the green district. MacMillan stated that ConCom is supporting this amendment. Eric Smith stated that he would make a few changes in the wording.

Reed motioned to recommend as revised and Carlisle seconded. The Advisory Board voted to recommend.

Article 41 – John MacMillan stated that this article is needed as work is being done before permits are actually issued, after the fact. Paicos stated that the hardware store is an example of this. Eric Smith stated that one, we could do nothing, or two this would be middle ground. Paicos stated that this would result in betterment for the public good. Smith also noted that this would only apply to site plan special permits. Dennehy stated that he wants this by-law to be clear, so there are no misunderstandings.

Carlisle stated that we are waiting for Town Counsel's opinion. Paicos stated that it could be done with an amendment at Town Meeting and Carlisle stated that he wants clarification from Town Counsel.

MacMillan stated that the intention of this by-law is so that land can't be stripped before a permit is issued. Carlisle stated that he wants this written properly so that it is legal and clear. Paicos stated that he would call Town Counsel the next day. He added that this by-law would make the developers do the right thing, and that lacking this by-law we can't do anything. Dennehy stated that he understood and knew what they were trying to prevent.

Reed motioned to recommend but Carlisle stated that they need the feedback from Town Counsel so they should hold off and decide at Town Meeting. The Advisory Board voted to recommend this article.

Article 42 – A change was noted under the V-C section to not allow the self storage facilities. Reed motioned to recommend as revised and Dennehy seconded. Carlisle voted not to recommend. The Advisory Board voted to recommend.

Article 43 – MacMillan noted that this is another controversial article regarding parking issues and needs. Carlisle stated that this does need to be corrected as there are too many loopholes. Carlisle motioned to recommend and Reed seconded. The Advisory Board voted to recommend.

Reed motioned to recommend Articles 44, 45 and 46 if we have money and was seconded by Carlisle. The Advisory Board voted to recommend.

III. CONCOM BY-LAW REVIEW

(Present were ConCom members Gary Howland and Tim Driskell.)

Driskell stated that Article 12 is Wetland Protection By-laws which most towns have in effect. He stated that this gives the Conservation Commission local control. He added that right now if there is a violation it takes 90 days to expedite the problem. He also noted that they have hired a part-time ConCom Agent to help to expedite problems and violations and that DEP has advised that this by-law is needed.

Carlisle stated that this would give ConCom more authority to enforce the DEP laws. Reed commented that the more regulations we put out there, the less chance they will read them. Paicos stated that it all references state laws and will close the loophole. He added that it gives the commission firm control and additional filing fee income. Paicos also noted that in Section 5.4 the 53G account should be changed to 53E. Carlisle motioned to recommend and Reed seconded. The Advisory Board voted to recommend.

Dennehy stated that the warrant will be posted the next day and out in the mail by the end of the week. Paicos stated that they may have to pass over Article 30 as it is very expensive. He noted that they could pass over and then get a small group together to put it together properly.

Dennehy announced dates to remember:

April 25<sup>th</sup> - Municipal Election – to elect a new Selectman - Polls are open from 9:00 a.m. to 8:00 p.m.

May 1<sup>st</sup> – Next Board of Selectmen meeting

May 6<sup>th</sup> – Annual Town Meeting – 10:00 a.m.

Reed took a moment to thank the residents for allowing him to serve the Town for the past 10 years. He added that he would urge citizens to serve the town as it has been fun.

Dennehy thanked Ron Reed for all his service.

At 9:45 p.m., Reed moved to enter into Executive Session and not to reconvene into regular session.

Respectfully submitted,

Sylvia Turcotte, Administrative Assistant