

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JULY 17, 2006
SELECTMEN'S OFFICE, TOWN HALL**

The meeting began at 5:30 p.m. as duly posted. Those in attendance included Edmund and Pat Frederick, Advisory Board members, Leo Janssens, Dottie Munroe, Ed Tree and Bill Johnson; Library Trustees, Melanie Gallo, Margaret Donovan, Barbara Hallowell, and Theloise Ferrell. The topic was the renewal terms of the Piano Museum Lease.

Dennehy began by stating that at the last meeting Pat Frederick gave a very thorough presentation and this meeting was called to allow for further discussion, to include the Advisory Board as well as the Library Trustees.

He stated that each amendment to the lease pertained to rent paid, noting that the first three years rent was waived per capital improvements, the next three years, the rent was set at \$1.00 a year and the latest three it was \$250.00 per month, with negotiation. He noted that this meeting is to discuss the rent issue from July 2006 through June 30, 2010.

Pat Frederick stated that they want to go back to the \$1.00 per year with improvements of no less than \$250.00 a month. Dennehy stated that this needs to be open to discussion.

Pat Frederick then proceeded to give a short presentation showing what has been spent, what they've received as grants and donations and what still needs to be done to the building. She also noted that they have been there since September of 2000 and have paid the equivalent of 9 years of rent.

Melanie Gallo, spoke on behalf of the Library Trustees, stating that in 1997 the fair value was \$9,000 a year and that this has gone up since then. She also noted that the Library is a non-profit as well and they need the \$3,000 a year and feel it's not unreasonable. She added that it should go up in lieu of the market, to \$6,000 a year.

Pixie Brennan asked if no agreement was reached and the Frederick's left what would the Town do about the building upkeep. Dennehy stated that the town would lose money but that we could put in the upkeep as capital improvements.

Pat Frederick stated that at the Special Town Meeting in 1998, under Article 34, it was voted to keep the building as an historical site to be used for non-profit.

Dennehy listed the heating oil cost for the year at \$3,148 and the insurance cost at \$2,324. Pat Frederick stated that the bottom line costs for electricity is \$638 and water/sewer \$120. Edmund Frederick commented that there were hidden costs such as janitorial and grounds maintenance that was not listed anywhere as they took care of these themselves.

Pat Frederick listed a number of items that need repair such as: the front steps \$2,500, brick work \$2,500, the bulkhead (masonry only) \$4,000, the walkway \$3,500, the steps on Main St. \$2,500, a new asphalt apron \$8,500, and pointing brick \$1,000. Dennehy then stated that in light of all this work the Fredericks are proposing an equivalent of \$3,000 worth of improvement each year in lieu of rent. Pat stated that it could be even more.

Bill Johnson of the Advisory Board stated that he heard about fair market value but that really legally it can't be done because of the restrictions that were set.

Dennehy stated that his suggestion would be to go out to a third party and compare what the value is. He added that right now we are going in circles and until we get the base value, then we can decide what discount to give the Fredericks.

Dennehy went on to say that in his opinion, unless we do an analysis it won't be fair. He stated that there are two factors; 1) what is in the best interest of the Town and 2) what is fair to all interests. Bill Johnson asked about the timeline and Dennehy responded a few weeks time. Edmond Frederick noted that with a building like this one, if no one wants it, you can't really get a value.

Paicos produced an appraisal report from September 1995 of the building which showed \$3,200 per year net of capital improvements of \$6,000 and added this is proof that it is possible to get a professional to do this value study.

Leo Janssens, a member of the Advisory Board, stated that there could be zoning issues especially where there is no parking and added that he had concerns about where the money would come from to fix it if they moved out.

Paicos stated that it's clear that the Board of Selectmen is trying to accomplish a fair solution. He went on to say that he had some good news because it's really not as complex as imagined. He stated that M.L. Chapter 30B states that it's actually required by law and anticipates this type of situation. It allows the Board to determine cultural and economical value and the law also allows a departure point as an appraisal. He also noted that the "fair market value" is probably required legally, not just a good idea. He stated that he would call the appraiser in the morning to have the appraisal updated.

Jim Whidden noted that the Town Hall Renovation Committee is not looking at the Stevens building for the Town Hall employees during the renovation. He also noted that money could be spent to update the building and then it could be used as an annex to the Town Hall. He added that the Town should take the building back.

Bill Johnson stated that the Advisory Board's official position on this issue is that the rent be reduced to as low as possible as the money saved to the Town having them there is significant.

Melanie Gallo asked if the Board had decided to proceed with the fair market study and Dennehy responded that they are going ahead with the study. He noted that the Board wanted to meet with everyone before any action was taken. He noted that the study will be done and copies will be distributed to everyone in attendance and once it has been reviewed by all then a vote will be taken.

Carlisle noted that the museum is a great asset to the Town, and that there was no question about that. He added that there can be a happy median.

Dennehy stated that this discussion will continue at the next scheduled Board of Selectmen meeting on Monday August 7, 2006 and by that time the new appraisal will be back and distributed and reviewed by all involved parties. He noted that the discussion will be with real numbers and a proposal will be developed.

Dennehy also noted that if for some reason the new appraisal can't be done by July 31st then another meeting date will be set for the discussion. He also added that hopefully the appraisal will be in e-mail format to be distributed. He noted that it will be up to the respective boards to make the decision.

At 6:30 p.m., Dennehy thanked everyone for coming and stated that he would be in touch via e-mail. He also noted that they would take a break for 5-10 minutes so that the camera could be set up for the remainder of the meeting.

This portion of 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 once again at 6:53 p.m. and read the agenda. Carlisle moved to accept the agenda, Gagnon seconded and the motion was carried.
- II. PRESENTATIONS, REPORTS & CORRESPONDENCE
 - A. **Introduction of new Patrol Officer (Chris Conrad):** Dennehy noted that Chief Barrett was not present yet so he asked Kevin to begin his update.
 - B. **Town Administrator's Update:** Kevin Paicos began to review the items on his update, which is attached.

At 7:00 p.m. Chief Barrett and the new Patrol Officer Chris Conrad and his wife came in and the Board asked the Chief to do the introduction.

Chief Barrett stated that they had interviewed seven candidates and that it was a unanimous decision to hire Chris Conrad. He introduced Chris and his wife and the Board and Town Administrator welcomed him back to Ashburnham.

Paicos then went back to his update, stating that the a Public Hearing on the 21J Project will be held on Monday, July 24th at 6:00 p.m. upstairs at Town Hall. He stated that it looks like work will begin by August 1st and that this will generate plenty of police details this summer. Chief Barrett noted that he is working on hiring a reserve officer at this time and is looking to hire 5 in the near future.

Paicos noted that the residents of Fitchburg Road owe a debt of gratitude to Senator Brewer, Jonathan Dennehy and Mark Carlisle for all that they have done to get this water main extension project accomplished. Dennehy also noted that Kevin deserves more credit as he did a lot of work on this.

Paicos noted that the Quarterly Tax bills are going out ahead of schedule on July 26th thanks to the hard work of Carla Clifford, Donna Burton and Dick Coswell. He stated that there are a lot of good people working for the Town. Dennehy stated that this is a huge accomplishment! Paicos stated this will be a tremendous financial benefit to the Town.

Dennehy inquired as to the status of the land in South Ashburnham that has been offered for sale to the Town and Paicos stated that he has sent a memo out on this and has had no feedback yet. He noted that the owner is still willing to sell it to the Town and that it involves a huge amount of acreage. Dennehy stated that they should fully investigate this and that the Town can't let it go as this is a good opportunity. Paicos noted that the school is the logical candidate for this purchase.

Gagnon stated that the Focus Committee and the Public Safety Building Committee looked at this property and noted that the \$500k price is a good value. Paicos noted that if the school had an interest in this property, maybe the towns could come up with \$250k each to purchase. He added that the owner wants to do this for the community. Dennehy stated that they should keep this moving and that Kevin should add this to his TA Report list.

- C. **Public Safety Building Committee update:** The update was given later on in the meeting.

III. OLD BUSINESS

- A. **FY06 Department Budget Transfer Approvals:** (Jim Shanahan, the Town Accountant was present for this item) Jim Shanahan stated that the FY06 Department Budget Transfer approvals reports were distributed and that the Board needs to approve them now that the final warrant has been processed. He stated that 3 departments show a deficit on this report. He noted that the Fire Dept. installed a washer and dryer and hook up which Paicos noted had to be done because it was a liability issue. Shanahan stated that repairs had to be done on one of the trucks as well.

Shanahan noted that Paicos has good control on the budget and that the Treasurer and Collector did a great job. Paicos noted that Shanahan deserves all the credit noting that we are so far ahead since last year. He also recognized Anne Cervantes and Carla Clifford and added that we have outstanding people working here.

Shanahan stated that he would be working with Anne Cervantes more to step up revenue balances.

Carlisle motioned to approve the FY06 Budget End of Year Transfers and was seconded by Gagnon. Motion carried.

At this time Dennehy asked Gagnon to give his update on the Public Safety Building. Chris noted that the layout of rooms came in better from the Architect, noting that the estimate was \$5.7M. He went on to say that they asked him to go back and work the estimate again with the office portion of the plan to be pre-fab and the estimate was then at \$4.3 - 4.7M. He stated that the majority of the committee was pleased with the size of 21,600 sq. ft. He also stated that Rich Wright asked the committee to give a determination to consider his building for the project and it was noted that if the estimate comes back too high on the building at the present site, they would consider his building. He said that the committee would know by early August. He added that \$4.3M is what we can afford so we are waiting until we get the estimate.

Dennehy noted that he was a little dismayed that Wright had taken his building off as an option to house the Town Hall staff until a decision is made on the PSB site and added that this requires the Public Safety Committee to make a decision as soon as possible. Kevin Paicos noted that hopefully the committee will make their decision in August.

Bill Johnson stated that he heard that Wright had a restaurant set to be in there and Paicos stated that it might be true. Gagnon noted that the Committee has moved quickly and they know the urgency.

- B. Continued discussion on the Nextel Tower lease:** Paicos stated that this is the “project from hell” noting that this has been ongoing with many snags. He noted that in the interim a solution has dramatically improved communications for the police and fire however, there is still a need for an even higher tower to see a greater improvement, noting that they are looking at a 150 foot tower. Nextel would pay for the tower and it would also give money to the Town. He added that the draft lease is about 95% there so he wanted to bring it before the Selectmen for their input. Once that is accomplished, then it would go before the Zoning Board. He stated the benefits are as follows: \$2,500 a month straight lease income; 15% income from co-locaters/any other carriers; a one time lump sum of \$5,000. He added that the annual income from 3 carriers could be \$40 to \$50k a year and that \$30k would go to the municipal community for police, fire and highway radios which would be a permanent endowment during the lease term and the remaining income would go to whatever the Board decides.

Dennehy stated that the big carriers don’t really care about small towns and he questioned as to what guarantees the Town would get. Chief Barrett stated that Nextel towers are a great way to communicate on a secured line for dispatch and it would increase the safety of police and fire personnel and give them a second line of communication.

Dennehy inquired once again about a guarantee of service and Gagnon noted that the ZBA would get the guarantee and would have to do a study. Paicos noted that the \$5,000 would equal 15-16 new customers for them and that money could be gifted to the Historical Commission to improve the area of the tower. Dennehy asked about the next step stating that he would like to see an assurance of guarantee, but other than that it seemed fine and Paicos responded that a motion was not required at this time, just a consensus of the Board. The Board agreed to have Paicos proceed.

- C. Discussion and possible vote on a request to eliminate the connection fee on the Pages Beach project:** Paicos stated that the homeowners affected by the project need to pay engineering and plumbing expenses in order to reduce pressure. There is an \$80 fee for the permit to do this. He stated that he promised to bring this before the Board even though he can’t really recommend it. He added that there was an expectation of no cost to the homeowners, but early on, new service was needed, which was a cost that the homeowners didn’t anticipate. Dennehy asked about whether the Board had the power to eliminate this fee and Paicos stated that it was voted at Town Meeting for permit fee. He also noted that a waiver was made up to excuse the Town of any liability.

Pixie Brennan, who was present as an observer stated that they can’t waive this for them and not for others in the center of town with similar issues in the past.

Dennehy stated that he was uncomfortable with making this decision. Paicos stated that maybe just the income based waiver only.

Gagnon made the motion not in favor of waiving the fee, deciding that the Board doesn’t have the authority to do so. Dennehy seconded and the motion carried.

Paicos noted that he had some good news stating that paving was taken off the project. He added that they are not accepted roads but could get Chapter 90 money permanently if they were accepted roads. He also added that this would need a Town Meeting vote to accept them and that this is a great opportunity for a citizens’ petition.

- D. Continued discussion on driveway setback ownership requirements:** Dennehy stated that there have been many citizen comments asking to set driveway setback ownership requirements. He stated that his intent is to send a message to the Planning Board and Zoning Board of Appeals to include this as a zoning change by-law at the next Special Town Meeting. Gagnon stated that the Planning Board is presently working on this and Paicos agreed.

Gagnon motioned to encourage the Planning Board to develop a comprehensive zoning by-law regarding driveway setbacks and was seconded by Carlisle. Motion carried.

- E. Special Municipal Employee Status for Planning Board:** Paicos stated that this is in regards to Joe Kalagher who is a member of the Planning Board. He noted that the Board needs to vote to grant the Planning Board to have the Special Municipal Employee Status. Dennehy made the motion to approve this and was seconded by Gagnon. Motion carried.

IV. NEW BUSINESS

- A. Discussion on appointment of new Labor Counsel for the Town:** Dennehy stated that Kevin is working on this and Gagnon inquired if we had lost the present Counsel. Paicos stated that our present Labor Counsel is out of Boston and is more expensive while the proposed counsel is regional and charges Central Mass. rates.

Dennehy suggested passing over this topic until Paicos looks into it further. Paicos clarified that this is not Debbie Phillips, who does an exceptional job for the Town.

Paicos stated that the firm he is considering is Mirrick, O'Connell.

Gagnon made the motion to pass over this until the next meeting and was seconded by Dennehy. Motion carried.

- B. Request to approve several Discharge of Mortgage Liens from MRPC:** Paicos suggested one blanket motion on this. Dennehy read the list of addresses on these liens.

Carlisle motioned to approve the Discharge of Mortgage Liens listed and was seconded by Gagnon. Motion carried.

- C. Review and vote on request to expend funds from the Gordon Erickson Trust Fund by the Fire Department:** Carlisle motioned to approve this request and was seconded by Gagnon. Motion carried.

- D. Vote on recommendation of Acting Supt. Jim Zarozinski on Asphalt Products Bid:** Carlisle motioned to accept the recommendation of Acting Supt. Zarozinski and was seconded by Gagnon. Motion carried.

V. APPROVAL OF MINUTES

- A. April 18, 2006 – Executive Session**
Dennehy motioned to approve the minutes for the April 18, 2006 Executive Session and was seconded by Carlisle. (Gagnon was not present) Motion carried.

- B. April 24, 2006 – Executive Session**
Dennehy motioned to approve the minutes for the April 24, 2006 Executive Session and was seconded by Carlisle. (Gagnon was not present) Motion carried.
- C. June 14, 2006 – Special Emergency Meeting**
Gagnon motioned to approve the minutes for the June 14, 2006 Special Emergency Meeting and was seconded by Carlisle. (Carlisle was not present) Motion carried.
- D. June 19, 2006 – Regular Meeting**
Carlisle motioned to approve the minutes for the June 19, 2006, Regular Meeting and was seconded by Gagnon. Motion carried.
- E. July 7, 2006 – Special Emergency Meeting**
Carlisle motioned to approve the minutes for the July 7, 2006, Special Emergency Meeting and was seconded by Gagnon. (Dennehy was not present) Motion carried.

VI. OTHER MATTERS

Dennehy noted that the Board had to approve a short-term borrowing for the Pages Beach Project in the amount of \$100k, as a bond anticipation note. Gagnon motioned to approve this borrowing and was seconded by Carlisle. Motion carried.

Dennehy noted that a public meeting would be held on Monday, July 24th at 6:00 p.m. upstairs at Town Hall on the 21J Board Water Line Project.

Gagnon stated that the Public Safety Building Committee will meet on the following dates: Thursday, July 27th at 7:00 p.m. and Wednesday, August 9th at 7:00 p.m.

It was also noted that the Town Hall Renovation Committee will meet on Tuesday, July 18th at 6:30 p.m.

Dennehy stated that the Board of Selectmen will meet on Wednesday, July 19th at 12:00 noon and also on Wednesday, August 16th at 12:00 noon. These meeting will be to discuss policy matters, objectives and procedures for the Board. He also noted that these meetings are in addition to the regular meetings in August, on the 7th and the 21st.

Carlisle took this opportunity to state that he wanted to see a Capital Committee put together to start determining where the Town is headed with their municipal buildings and their upkeep. He stated that we should start to better care for buildings in Town. Paicos stated that he would begin to draft a charge for this committee. Dennehy agreed and stated that Paicos should put this on the radar screen. Gagnon stated that this should also include roads, as some private roads are unacceptable and he would like to see them brought to acceptable standards. Paicos noted that an easy way to accomplish this would be betterments and Gagnon suggested they produce a one-page handout to let people know about any betterments.

The subject of the sewerage agreement with Gardner was briefly discussed by Gagnon and ended with Dennehy stating that the Town would explore all options but that they are presently at the beginning stages.

VII. EXECUTIVE SESSION

At 8:54 p.m., Dennehy stated that the Board would enter into Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding strategy with respect to collective bargaining and the purchase, exchange, lease or value of real property and not to reconvene into regular session except to adjourn. Carlisle motioned to enter into Executive Session and was seconded by Gagnon. Motion carried.

VIII. ADJOURNMENT

At 10:16 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Administrative Assistant