

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
MARCH 14, 2007
SELECTMEN'S OFFICE, TOWN HALL**

This meeting was aired live on local cable television Channel 8.

PRESENT: Jonathan Dennehy, Chair, Mark Carlisle, Member, Chris Gagnon, Clerk, Kevin Paicos, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator.

Others in attendance: Bill Johnson, Advisory Board Chair, Gary Howland, John MacMillan, Joe Kalagher, Eric Smith, Lori Capone, Lorraine DeSouza and Colin Balogh, to name a few.

I. APPROVAL OF AGENDA: At 7:07 p.m., Dennehy read the agenda. Carlisle moved to accept the agenda and was seconded by Gagnon. Motion carried.

Kevin Paicos began by noting that the Ashburnham-Westminster Rotary was hosting their first annual Employee of the Year dinner on Wednesday, March 21st at 6:30 at the Wachusett Village Inn. He noted the nominee from Ashburnham was Sylvia Turcotte and he encouraged everyone to attend to show their support.

Paicos noted that the Fire Department was asking for the Board's approval on a Trust Fund request from the Gordon Ericson Trust Fund for equipment totaling \$4,000 which includes \$2,000 thru a grant and \$2,000 from DCR. Gagnon motioned to approve the purchase of forestry fire-fighting equipment and to accept the grant from DCR. Carlisle seconded and the motion carried.

II. OLD BUSINESS

A. Annual Town Meeting Warrant Article Discussion

Paicos began by stating that he would go over three articles that he would add to the warrant:

- 1) Open Space and Recreation Plan
He stated that this needs to be updated and \$7k is needed to get this done.
- 2) He noted that an article had to be added along with Article 20 which refers to the Employee Retiree Health Insurance. This additional article is relative to Section 19 of 32b which states that once an employee reaches the age of 65, he/she is eligible for Medicare and they can come off the Town's health insurance.
- 3) The School Street right-of-way – He stated that he met with Cushing to discuss this issue. He noted that this has been an ongoing issue since the 2004 Annual Town Meeting. He stated that he recommends this article to take the land in question by eminent domain in order to clear the title. He stated that he asked Cushing to prepare the land.

Dennehy asked for a motion to include the three articles mentioned in the warrant. Carlisle motioned to approve and was seconded by Gagnon. Motion carried.

Chris Gagnon gave a brief update on the status of the Public Safety Building Project stating that the bids were opened and that the base bid came in within \$12k. He noted that the committee may ask to discuss including an article to increase borrowing for this project for the ATM warrant. He went on to say that it could be built without the 5 alternates but we should keep this open to see about an increase in borrowing to get the 5 alternates done as well. He noted that they include: 1) police locker and shower, for male and female at \$140k; 2) fire locker and shower, for male and female; 3) additional 2 holding cells; 4) finishing off the training room; and 5) brick on the outside of the building for a total of \$477k in alternates. Gagnon also noted that there was no new furniture or window treatments included in the basic price.

Gagnon also noted that there would be 18-20 finished office spaces and that plumbing would be put in without the showers, etc. He added that there would be one functioning holding cell, no brick finishing on the outside, and an 8 bay garage. He stated that the building would be functional without the 5 alternates.

Dennehy noted that a spot should be reserved for an article because it makes sense to include this. He added that the closer we get to May 5th, the more we'll know. He stated that a similar article should also be reserved for the Town Hall if needed. Gagnon noted that this would only be a bonding increase, not an override.

Dennehy motioned to include two articles, one for the Public Safety Building and the other for the Town Hall Renovation to put before the voters to round out project needs. Carlisle seconded and the motion carried.

- **LID Committee and Affordable Housing**

Present was Tom Ruble representing the LID Committee as well as Debra Shriver of the Mass Watershed Coalition. Dennehy noted the members of the committee: Lori Capone, Glenn Hathaway, Gary Howland, Bob MacLeod, Steve Nims, Tom Ruble, Eric Smith, Colin Balogh, Mark Dymek and Bob Gingras.

Shriver explained the aspect of this proposed article stating that the LID By-Law is a method to control the impact from water runoff in our drinking water. Dennehy had some questions on the article in Section 3.0 scope and applicability and a short discussion followed.

Ruble stated that the Committee wants to stay together after the June appointment in order to follow this through. He added that they planned on meeting with all boards on this and then put this on the fall town meeting warrant once it's researched fully.

Dennehy stated that some activities would require LID permit which may be problematic. He added that we need to sharpen our focus as to what people can be allowed to do with their own property. He also noted that there is a need for this. Ruble stated that common sense would prevail. Gary Howland noted that this would help to protect our resources.

Paicos stated that examples of this repetitive theme at Holt Road, Hay Road, Puffer Street etc., would be evidence that this by-law could resolve some issues. He added that once the committee is ready and explains it to the voters, "I feel it will be embraced".

Paicos inquired why this would be considered a general by-law and not zoning and Shriver stated that it allows the by-law to apply to a number of issues.

Carlisle stated that he had concerns as to who would handle this and Joe Kalagher responded that it would reduce the Planning Board complaints. He noted that this is only an enabling document.

Eric Smith stated that the Committee's purpose is to propose a draft at Town Meeting. Gagnon noted that the state forestry practice is a major cause of run-off.

Dennehy stated that the committee would present this by-law for the fall Special Town Meeting and Ruble stated that they would. He also added that they would take into consideration what had been discussed at this meeting and then present it in the fall.

Eric Smith noted that there was a lot of information available and on the website. Carlisle stated that the Committee obviously got a lot done in a short amount of time.

Dennehy then stated that they would discuss the Affordable Housing Article. Present for this portion of the meeting were: Donna Brooks, Dale Proulx, John MacMillan, Pat Dennehy and Eric Smith.

Brooks represented the committee as their spokesperson. Brooks stated that the purpose of this trust was to help keep our people here. She noted that a majority vote is needed to set up this trust. She added that they need this to go forward and set up the account and then will need another vote to set up the charter. She noted that the Baltimore project is going on now and is very successful and that it's a way to bring more money in. Brooks also stated that she realizes that the warrant article presented was too detailed and that they want the voters to give permission to go forward one step at a time.

Dennehy questioned how many other towns in Massachusetts adopted this and Brooks stated that about 20 as it is relatively newly adopted. Smith stated that he knew that Sudbury and Mashpee have done this successfully.

Brooks stated that this would not involve tax dollars but allows them to get funding. She also stated that they would have to be very proactive. Gagnon stated that it's like a small non-profit organization. Brooks added that it would take a while to develop and that there's a lot of work involved.

Dennehy stated that under Section 55 b and c this would include a Board of Trustees which would include a chief executive officer, also no less than 5 other members. He added that the Town Administrator would be the CEO and the appointments would be for no less than 2 years. Brooks stated that there should be staggered terms of appointment. Dennehy read the section and noted what they would be empowered to do, with the ability to hold assets and sell assets.

Dennehy noted his concerns regarding the power to purchase and retain property and to borrow money and added that this troubled him.

Proulx stated that the intent is not to have to go to Town Meeting for approval for each step. Dennehy stated that Town Meeting gives the citizens a chance to say how they want things done. Proulx noted that the goal is affordable housing and that this is a specific mission.

Brooks stated that if there is no trust, then they won't get the money. Carlisle noted that borrowing etc. should have voters at Town Meeting make decisions.

Dennehy stated that this statute is what their asking for and it can't be amended. He also noted that we would be creating a town government bureaucracy agency that would be granted significant powers.

Paicos noted that the fundamental issue is that it is accepted in its entirety or not. He added that the authority to borrow does concern him and with so much authority conveyed, there is the potential to what it could do. He noted that he is not opposed but that he recommends that the Selectmen learn more about it.

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Paicos stated that his fear is that if it's put in front of Town Meeting they would crucify it and added that there isn't a chance of passing this.

Gagnon stated that once this is adopted the Board could then make changes. He asked who would put in the effort to run this, noting that it takes a lot of work and we would need some talented people.

He also noted that the overhead could eat up a lot of money. Brooks stated that it is self sustaining and very successful. Paicos stated that if the article passed this would be putting the cart before the horse. He added that they should have the statute and by-law more thought out before it's submitted as an article and if they are serious then they should do both together.

Carlisle stated that he shares Dennehy's concerns about the mechanism we would be held to.

Dennehy noted his concerns as follows: 1) taking the authority from Town Meeting; 2) creating bureaucracies; 3) "Trojan horse vehicle" how to fund? Adopting CPA's and involving raising taxes.

Smith suggested that it could be a private non-profit trust. Paicos noted that there is substantial government money around but it's not available to a private trust.

Proux stated that the committee didn't anticipate this and the discussion was good and helpful at this meeting. He noted that this should have been discussed much earlier.

Dennehy noted that they were so focused on putting together a calendar to not pressure the Board of Selectmen and the Advisory Board that they left an important part of the process out. He added that they should have had a warrant closure date and then a public hearing on each article. He apologized and stated that they would learn from this and would give more time for discussion for the next town meeting.

Joe Kalagher noted that the 40B process would be discussed at the next Planning Board meeting and suggested that the Selectmen appear at this meeting to see the process. He added that it's not an easy process and it's very lengthy.

Proulx stated that they appreciate the decision after this discussion and no apology was needed. Dennehy thanked them for their comments and stated that they would continue to work on this. He noted that the important goal is affordable housing and that they want to address the concerns.

- **Planning Board – Zoning Articles**

Dennehy stated that the final action for this meeting was the 4 zoning articles and to get informational feedback.

John MacMillan began with Article 30 – Accessory Dwelling Units stating that this would completely eliminate the previous by-law allowing the accessory unit to be attached. Carlisle stated that he didn't see any problems with this request and that there really wasn't any need for lengthy discussion and Gagnon agreed. MacMillan noted that they would still need a building permit, etc. and if it's not attached they would need to go before the Planning Board but not ZBA.

Carlisle motioned to entertain this article and Gagnon seconded. Motion carried.

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MacMillan then went to Article 31, stating that this involves making parcels as individual land and would be just changing it from residential to industrial. Gagnon motioned to recommend this article as written and Carlisle seconded. Motion carried.

Article 32 was then discussed by MacMillan and this involved site plan review and approval. Smith stated that he researched across the state and took certain items from other towns. He then briefly went over the article and the fact sheet attached. Dennehy questioned the section "pre-submission review" and MacMillan noted that there were no issues with this as the purpose is to streamline the process.

Paicos stated that this is a real improvement and very needed. Carlisle motioned to accept Article 32 as written and was seconded by Dennehy. Motion carried.

Article 33 was next and MacMillan stated that this involves decreasing frontage requirements and makes existing laws conforming. Paicos noted that this makes sense and Dennehy added that this is smart growth business. Carlisle motioned to accept article 33 as written and was seconded by Dennehy. Motion carried.

III. OTHER MATTERS

- Approve Town Vehicle Policy
This was passed over.

Dennehy read the Advisory Board and Board of Selectmen budget meeting schedule (see attached). He also noted that the Board would not be meeting on March 19th as originally scheduled as their regular meeting.

Dennehy also announced the Town Municipal Election on Tuesday, April 24th at Briggs Elementary School noting that this is where the residents vote for Town Elected officials.

Dennehy then announced the Annual Town Meeting on Saturday May 5th at 10:00 a.m. at Oakmont.

He also noted that the next Public Safety Building Committee meeting would be on Thursday, March 15th at 7:00 p.m.

IV. EXECUTIVE SESSION

At 9:45 p.m., Carlisle 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 strategy of pending litigation and not to reconvene into open session. Dennehy seconded and the motion carried.

V. ADJOURNMENT

At 10:55 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte, Assistant to the Town Administrator