

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
SPECIAL MEETING – JUNE 11, 2007 – 6:14 P.M.  
VON DECK LECTURE HALL, OAKMONT REGIONAL HIGH SCHOOL**

PRESENT: Mark Carlisle, Chair, Chris Gagnon, Clerk, Jonathan Dennehy, Member, Paul Boushell, Interim Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Also present – Town Counsel, Deb Phillips, Dick Heaton, Mark Dymek, Contractor, Attorney Campobasso, representing Dymek.

I. APPROVAL OF AGENDA

Carlisle called the meeting to order at 6:14 p.m. and read the agenda. Dennehy motioned to approve the agenda and was seconded by Carlisle.

II. NEW BUSINESS

**C. Sign Profit Sharing Agreement – 40B Project:** Deb Phillips, Town Counsel began the discussion by noting that Whitney Park Estates is the culmination of many years of work and it was a long process. She also noted that the Planning Board was a big help. She noted that the Zoning Board of Appeals has approved a comprehensive permit. She also thanked Town Planner, Eric Smith for finding Dick Heaton.

Phillips stated that the Town will share any additional profit over 15% and that she is asking the Board of Selectmen to accept and sign the contract with the developer.

Mark Dymek stated that this is a wonderful opportunity for all parties involved and that the profit is 20% not 15%.

Dennehy stated that he gives Dymek credit for working so closely with the Town and that the 40B could leave the Town in a difficult position, but that Dymek has done a great job and it is a unique opportunity to establish and work with the developer. He added that Dymek has been superlative in working with the Town. He stated that there are many 40B's out there that don't have profit sharing.

Phillips stated that the Town would be sharing 50/50 over the minimum percent at 20%. Heaton noted that he knew of only four others like this.

Carlisle stated that he shared the same feelings as Dennehy on this project. He noted that there was a question on whether the real estate market would slow down at all and Dymek stated that it is a buyers market right now and that he would get the word out. He added that he is hoping to start in August and that it would be done in phases. He noted that it would take about 4 years to complete the project.

Carlisle expressed his thanks to the Zoning Board of Appeals and the Planning Board for the tremendous amount of work involved with this project.

Deb Phillips noted that she had been doing this type of thing for 25 years and that this was by far the best experience she has had with the ZBA.

Dave Perry, ZBA Chair, stated that it was a cooperative and pleasing experience to work with Dymek as he bent over backwards and listened to all their concerns.

Dennehy noted that Mark Dymek has a good reputation in the real estate market.

Dick Heaton stated that it would have cost over a million dollars of fees if the Town hadn't waived them.

Dymek noted that he would pay half the fees and that the Town could earn \$1.3m with this project but is guaranteed \$665k either way.

Dennehy had concerns regarding the additional wording from Town Counsel and Phillips stated that it gives the Board of Selectmen some flexibility but remains a separate account.

Dennehy motioned to approve and sign the Profit Sharing Agreement presented with Whitney Park Development, LLC and was seconded by Gagnon. Motion carried.

Carlisle noted that he was looking forward to the whole process.

The Zoning Board of Appeals minutes reflect that Cheryl Anderson motioned to sign the agreement and was seconded by Terry Girouard. Motion carried.

**B Sign Contract for Public Safety Building:** Paul Boushell, Interim Town Administrator, noted that the contract was not available for this meeting but that he recommends they go ahead and vote. Gagnon motioned to sign the contract and was seconded by Dennehy. Motion carried.

**A Interim Town Administrator:** Dennehy noted that at their last meeting the Board interviewed two candidates for ITA. He noted that they would enter into executive session to discuss negotiating parameters and contract negotiations.

Gagnon stated that both resumes and interviews were exemplary and that it came down to experience and familiarity. Dennehy noted that it was not just familiarity but that they worked successfully with Paul Boushell and that they had an enviable test drive with him under some stressful situations. He added that in action, Paul displays his ability to be calm under fire, the ability to deal with all persons and the ability to solve problems and get things done. He noted that he is extremely pleased with Paul's abilities and that the Town is in a great position to have him as he knows the issues. He stated that Paul is the very clear choice.

Carlisle stated that the Town is extremely lucky to have had Paul and he has proven countless times that he is more than able to handle it.

Dennehy motioned to appoint Paul Boushell as Interim Town Administrator and was seconded by Gagnon, subject to successful contract negotiations. Motion carried.

Dennehy noted that the process goes that he is serving under the prior agreement right now and that they would make a proposal and then negotiate that, noting that they would start out in executive session and then move to open session for details.

Carlisle noted that they would resolve this as quickly as possible.

### III. OTHER MATTERS

Carlisle noted that a meeting was held on the relocation of the Town barn recently at Cushing, put on by Charrette, involving 25 people. He noted that it was very interesting and that they were separated into three groups and each group had a separate idea. He stated that now they would put these ideas together.

Dennehy noted that he had been misstating the hours for the Town Election on June 12<sup>th</sup> stating that they are 7:00 a.m. to 8:00 p.m. not 9:00 a.m. to 8:00 p.m. He apologized for misstating the hours.

Dennehy then noted the three articles on the ballot were as follows: 1) override; 2) roads and sidewalks (1 year); and 3) \$150k for AWRSD capital plan (1 year impact on tax rate). He encouraged everyone to come out and vote.

Dennehy also noted that Downtown Days would be on Saturday, June 30<sup>th</sup> from 10:00 a.m. to 4:00 p.m. and that it is put on by the Ashburnham Business Council.

He noted that the next Board of Selectmen meeting would be on Tuesday, June 19<sup>th</sup> at 7:00 p.m.

At 7:01 p.m. Dennehy motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,  
Sylvia Turcotte. Assistant to the Town Administrator