

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JULY 2, 2007
VON DECK LECTURE HALL, OAKMONT REGIONAL HIGH SCHOOL**

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

PRESENT: Mark Carlisle, Chair, Jonathan Dennehy, Member, Chris Gagnon, Clerk, Paul Boushell, Interim Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Also present was Anne Cervantes, Town Treasurer.

I. APPROVAL OF AGENDA: At 7:00 p.m., Carlisle read the agenda. Dennehy motioned to accept the agenda and was seconded by Gagnon. Motion carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Approval of Notes for Treasurer:** Anne Cervantes presented the note as attached. Dennehy voted, and was seconded by Gagnon, "that all action taken by the Town Treasurer in advertising for public sale of the \$7,729,000 Bond Anticipation Note, No.R-1 (the "Note") of the Town, issued in anticipation of bonds authorized pursuant to Chapter 44, Sections 7 and 16 of the Massachusetts General Laws, as amended and supplemented, and by votes of the Town duly adopted as described in Exhibit A, which by reference thereto is hereby incorporated in and made a part of this vote and the minutes of this meeting ("Exhibit A"), and in that connection, preparing and distributing a Notice of Sale and Preliminary Official Statement dated June 25, 2007, and a final Official Statement dated June 28, 2007, be and hereby are ratified, confirmed, approved and adopted;

That the Note shall be dated as of July 13, 2007, shall mature on July 11, 2008; that the Note shall be subject to the provisions of this vote, shall be in such form, of such denomination and contain such other details as the Town Treasurer and a majority of the Board of Selectmen shall determine or approve by their execution of the Note;

That the Note is a consolidated issue of the bonds described in Exhibit A;

That the Note shall originally be issued by means of a book-entry system evidencing ownership and transfer of the Note; and in the event of failure or termination of the book-entry system, U.S. Bank National Association shall issue replacement notes in the form of fully registered certificates and shall act as Transfer Agent and Paying Agent therefore;

That the Note shall not be subject to redemption prior to its stated maturity date;

That the Note shall bear interest payable at maturity and is hereby sold and awarded as follows:

<u>Purchaser</u>	<u>Note No.</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Premium</u>
Eastern Bank	R-1	\$7,720,000	4.00%	\$13,220.03

That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a Material Events Disclosure Certificate generally as described in the official statement relating to the Note and to incorporate by reference thereto in the Note such Certificate both in such form as the signatories may approve by their execution thereof, and the obligation of the Town contained in such certificate is hereby approved and confirmed;

That the Board of Selectmen, the Town Treasurer and the Town Clerk be and hereby are, and each of them severally is, authorized to take such action, and to execute and deliver such certificates, receipts, or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote; and

That the Town Treasurer is hereby authorized to prepare and deliver the Note to the aforesaid purchaser or order against payment in full of the agreed purchase price.”

We further certify that the foregoing is a true copy of a Vote adopted at said Meeting as appearing in the minutes thereof; that the Meeting was open to the public; that notice stating the place, date and time of the meeting was filed in the office of the Town Clerk and a copy thereof was posted in the Town Clerk’s office or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the Meeting and remained so posted at the time of the Meeting; that no deliberations or decisions in connection with the vote were taken in executive session; and that the official record of the meeting was made available to the public promptly and will remain available to the public all in accordance with Chapter 39, Section 23B, of the General Laws, as amended (the “open-meeting law”).

E. Certification of the Town Treasurer as to Receipt of the Proceeds of the Note

I, the Treasurer of the Town of Ashburnham, hereby certify that the Note was delivered on the date hereof and that the face amount plus premium, if any, plus interest, if any, accrued from the date of the Note to the date hereof, was received from the purchaser of the Note on the date hereof.

We, the undersigned, Board of Selectmen and Treasurer hereby adopt for our official signatures the facsimile of our signatures which may be printed on the Note.

B. Correspondence

Carlisle noted that the Board received a letter from resident Pixie Brennan regarding the Town’s policy on pumping out basements. He said that Chief Zbikowski had stated that there were a lot of issues, as well as liabilities involved and that they would work on having a policy in place by July 1, 2007.

C. Town Administrator’s Update: Paul Boushell, Interim Town Administrator noted that the Page Beach Recognition Ceremony would be held on Thursday, July 12th at 7:00 p.m. at the home of Sandy Laplante, 12 Pine Avenue.

Boushell also noted to the Board that he had just finished the re-bidding of the Town’s insurance and that he saved the Town a substantial amount of money.

D. Public Safety Building Committee update: Gagnon stated that an on-site construction meeting was scheduled with B.W. Construction and the Architect and that they now have a building permit. He added that they are deliberating on modifications right now but that the project is moving along very well.

Carlisle gave a brief update on the Town Hall Renovation project noting that the demolition portion is done and that the safe was moved to a secure place.

III. OLD BUSINESS

- A. **Tweedo's License update:** Dennehy gave an update on the status of the Tweedo's license request by stating that it has been passed by the Senate and will now go before the House of Representatives. He noted his thanks to Senator Brewer and that now it's up to Rep. Rice.

IV. NEW BUSINESS

- A. **Approval of Special Town Election:** Present was Superintendent Mike Zapantis and Sherry Kersey, Finance Manager. Zapantis began the discussion by stating that a lower budget was certified by the School Committee by eliminating some items. He stated that Ashburnham's assessment was \$6,652,007 and that the override amounts would be \$313,687 for Ashburnham and \$492,459 for Westminster.

Gagnon stated that he had to disagree with a 2½ override as this is forever and that they really can't fall back on this. He stated that it needs to be voted annually by Town Meeting both in Ashburnham and Westminster and that it's very clear that they can't use Chapter 71, Section 16B in this instance.

Zapantis noted that this really is left to interpretation and that the School Committee has an obligation to decide on an adequate budget which may be above the minimum contribution.

Gagnon again stated that they can't use this to have a perpetual increase, as this has to be adopted and reviewed each year in both towns. He added that the regional agreement is most fair compared to the State but it needs to be brought and adopted at an Annual Town Meeting and that they have to ask the taxpayers for anything over Prop. 2½.

Dennehy stated that the School Committee is asking the Board of Selectmen to bring this to the voters and the question is "should it go back to the people?" Gagnon stated that he has asked people how they feel about a second ballot and that he has only received negative responses. He added that he cannot support a second override even at the lower amount.

Dennehy stated that he agreed with Gagnon and that he has also asked citizens with no connection with the school district how they felt and he has had the same response. He noted that the trouble comes with the application of all of this and added that as a practical consideration, the Board of Selectmen would vote to not have the election. He added that Westminster could vote yes but then we'd be back for a Joint Town Meeting like we had four years ago and no doubt the School Committee would support this.

Dennehy stated that the taxpayer is not at fault and they have done more than enough and have committed many more dollars.

Dennehy also noted that the State legislation has let us down and now we are dealing with three pillars of disfunction; 1) state funding; 2) unfunded mandates; and 3) lack of the communities' ability to fund their budget within Prop. 2½. He reiterated that this is the fault of the community leaders.

Dennehy also noted that teacher's negotiations are going on right now and there has been no mention of cuts there to help with the budget situation. He noted that eliminating co-curricular programs versus teacher's contract cuts make no sense.

Dennehy also stated that we have no influence on their contract and if it exceeds 3% it would be unsustainable within Prop. 2½ and that this has to change. He added that it's not about the taxpayer but about the system and that it will happen again and again. He also noted that this could have been prevented by careful planning. He stated that this ballot question has to be put back on and should be used to force the School Committee to carefully plan for the future. With this said, Dennehy moved to go out for the second ballot.

Carlisle stated that both Gagnon and Dennehy are right and that this is not a good place to be for the Selectmen. He stated that it's clear that the taxpayers are tired and are looking for an end. He noted that he would ask the School Committee to 1) look at negotiations and 2) that the medical insurance should be looked into in depth.

Carlisle stated that he didn't like either way out of this but that the Town has to face this as a whole and take it off the Board of Selectmen's backs as they are between a rock and a hard place. He added that he would support another ballot.

Dennehy made the motion to support posting of the election and proceeded to read the ballot. Carlisle seconded. Dennehy and Carlisle voted "aye" while Gagnon voted "nay".

Dennehy inquired about a vote on the cost of the election and Boushell stated that they would wait until they get the actual cost and then it would be brought before the Board.

B. Discussion on proposal from Ahimsa Haven, Inc., a non-profit organization: Boushell stated that he met with the people from Ahimsa Haven, Inc. a few weeks before and his initial reaction was to have the Assessors check on the availability of Town-owned land. He stated that it was found that most of the land wouldn't work for this project, but that he would have them look at it again and report.

V. APPROVAL OF MINUTES
No minutes to approve.

VI. OTHER MATTERS

Carlisle stated that the Board has been asked to approve a Discharge of Mortgage for property located at 3 Bank Avenue. Dennehy motioned to approve and was seconded by Gagnon. Motion carried.

Carlisle stated the Board should discuss where the next meeting would be held and also when. Boushell stated that there really wasn't anything pressing to warrant a second meeting in July and there are vacations to consider. Carlisle noted that the next meeting would be held on Monday, August 6th at 7:00 p.m. Gagnon noted that the cable studio had a lot of flexibility as a meeting place and has been offered free of charge. Carlisle noted that the Library is another option but doesn't have a live feed. Dennehy stated that it's important to have the live feed and not be charged, noting that there is a charge for a custodian for the use of the Von Deck room. He added that in his opinion the meetings should be held where the public can be comfortable and where it doesn't cost us money. Carlisle stated that they would try the studio for the meeting on August 6th and then if it doesn't work out, may go to the Library.

VII. EXECUTIVE SESSION

At 8:15 p.m. Dennehy motioned to enter into Executive Session and was seconded by Gagnon. Carlisle stated that they would enter into executive session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding contract negotiations with non-union personnel and the purchase, exchange, lease or value of real property and not to reconvene into regular session.

VIII. ADJOURNMENT

At 8:50 p.m. Dennehy motioned to adjourn and was seconded by Gagnon.

Respectfully submitted,

Sylvia Turcotte, Assistant to the Town Administrator