

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
JANUARY 16, 2007  
SELECTMEN'S OFFICE, TOWN HALL    *AMENDED***

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, Bill Johnson, Chair Advisory Board, as well as Leo Janssens, Dottie Munroe, Marie Zbikowski, Jim Peidrafite, Belden DiVito and Sylvia Turcotte, Assistant to the Town Administrator.

I.     **APPROVAL OF AGENDA:** Dennehy called the meeting to order at 7:00 p.m. and read the agenda. Carlisle moved to accept the agenda and was seconded by Gagnon. Motion carried.

II.    **PRESENTATIONS, REPORTS & CORRESPONDENCE**

A.     **Public Hearing CDBG Program:** Shelly Hatch and Ann Carraba were present from MRPC. Jonathan Dennehy read the notice that was posted as follows:

“The Town of Ashburnham Board of Selectmen will hold a Public Hearing on Tuesday, January 16, 2007 at 7:05 p.m. in the Selectmen’s Meeting Room, 32 Main Street, Ashburnham, Massachusetts 01430 to solicit citizen comments and input on the following Community Development Block Grant activities:

- FY05 Grant: Performance progress, update and activities for the regional housing rehab program currently with the towns of Townsend, Ashby and Ashburnham.
- FY07 Grant Application which may include a Regional Housing Rehab Project in the towns of Townsend, Ashby, Ashburnham, Lunenburg and Lancaster; Public Social Service Projects; and other grant eligible projects.
- Community Development Strategy
- Target Area and Bonus Points
- Any other grant related issues

Any person or organization wishing to participate or provide comment is strongly encouraged to attend or contact the Board of Selectmen.”

Carlisle motioned to open the Public Hearing and was seconded by Gagnon. Motion carried. Dennehy gave the floor to Shelly Hatch.

Hatch began by distributing a report (copy attached). She reviewed each point on this report and stated that the FY07 Application was proposed as a four-town regional application. Dennehy inquired if this could work in conjunction with Affordable Housing and Hatch responded that yes, that this would be a perfect opportunity.

Dennehy inquired when the strategy would be due and Hatch stated that the Board has to vote on it first but that it is due by February 16, 2007. Eric Smith stated the Affordable Housing Committee was meeting on January 22<sup>nd</sup> so they could touch on it, but they only meet once a month.

Dennehy stated that the Public Hearing would continue at the Board’s meeting on February 5<sup>th</sup> and at that time they would vote to accept how to prioritize the strategy.

Hatch also noted that the Board needs to sign the Inter-Local Agreement which she distributed to them for review and stated that it could be signed at the next meeting on February 5<sup>th</sup>.

Dennehy thanked Shelly Hatch for all that she does for the Town.

Dennehy stated that he needed a vote to continue the Public Hearing on February 5<sup>th</sup> and the motion was made by Carlisle to do so. Gagnon seconded and the motion carried.

**B. Correspondence**

**1. Letter from the Town of Kingston:** Dennehy proceeded to read the letter asking for their support regarding a policy to insure that all liquor licensees pay current Massachusetts meal taxes and compensate their employees in accordance with state and federal law. Paicos stated that this really isn't an issue with Ashburnham as the Town only has one such license. Carlisle stated that we should respond either way by letter or a call and Paicos stated that he would call them.

Dennehy stated that he wanted to take a moment to give an update on the MMA Meeting that took place this past weekend. He noted that he learned about Chapter 61 issues and added that this is being completely revised by March 22<sup>nd</sup>. He also noted that this is an important issue re: the recent events.

Dennehy stated that the Governor was present and stated that he "pledged a modest increase in local aid" and that most of the increase would be dedicated to Chapter 70 for the School Districts. He also pledged to listen to local government concerns and that there would be more police on the streets. He added that "a lot of hope and optimism was expressed".

He stated that the MMA passed a resolution to renew strong state and local funding with 40% to cities and towns, 10% to municipal government and 30% to the schools and that this would bring additional revenue and more stability.

Gagnon noted that in regards to revenue forecasting, the regional school district towns are required by law to local apportion their agreement by Chapter 70. Dennehy stated that this would alter our assessment and Gagnon noted that it would ~~not~~ be a significant amount, *but not offensive*.

Gagnon stated that he attended the Performance Contracting Seminar, Chapter 25A and they reviewed the update on municipal law to transfer funds from one department to another in the last two months of the fiscal year. He added that as of 5/4/06 this became permanent. Paicos noted that we shouldn't have to do this in this fiscal year.

At this point, Dennehy stated that they would go straight to Old Business to accommodate those present and to return to items C and D after.

**III. OLD BUSINESS**

**A. Article 1 Special Town Meeting – Supplemental:** Paicos noted that he met with Dennehy to go over the supplemental for Article 1. He stated that the Advisory Board had transferred money from the Reserve Fund to cover the Police defibrillators.

Dennehy noted that the other Police and Fire items on the list were taken off the ballot.

Paicos stated that they would discuss the acting Town Administrator funding at the meeting on Wednesday, the 24<sup>th</sup> at 5:30 before the Special Town Meeting. He added that he may be activated in the spring so an acting Town Administrator will be needed then.

Paicos thanked Dennehy for taking the time to review this supplemental list and added that what is left on the list is definitely needed. Dennehy stated that everyone needs to look more closely at the budgets to avoid mistakes like this in the future.

Carlisle motioned to accept Article 1 as amended and was seconded by Gagnon. Motion carried.

Paicos noted that the Advisory Board voted against Article 19 and added that Town Counsel has stated that the petition is unlawful and non-binding. He noted that he has asked the architect to give him a list of any other cost to the Town if this would be voted in. Dennehy inquired if this could still be discussed at the meeting.

Paicos stated that he was asking the Board to take a position against this and to make it public as it would cost the Town \$250k. He added that if this passes we would have a serious situation.

Dennehy stated that it will be on the warrant and that they should invite the Town Hall Renovation Committee to make a presentation and give an update on what's on and off this project. Paicos reiterated that he was asking the Board to take a position on this article. Dennehy stated that once he sees the opinion from Town Counsel in writing then he could take a stand and make a good judgment.

#### IV. NEW BUSINESS

- A. Discussion on the Sewer Agreement with the City of Gardner:** Also in attendance were the Water/Sewer Commissioners, Town Planner, Eric Smith, Supt. Jim Zarozinski, Planning Board members, Advisory Board members and Peter Valinski of Tighe & Bond.

Dennehy noted that they had a preliminary meeting with Fitchburg Mayor Dan Mylott to discuss partnering with them but that their facility can't be used for municipal waste. Gagnon stated that Fitchburg ~~doesn't~~ *may* have the capacity to handle us.

Paicos read the potential questions to be discussed from his memo to all in attendance. They were as follows:

1. What are the current capital repairs needed to maintain the current system for each of the next five years and what is the cost?
2. What is the current unused capacity of our contract with Gardner?
3. How imminent is the need to negotiate an increase with Gardner for additional capacity?
4. What options exist for future expansion of the system? Is additional capacity with Gardner our only option, or is it our most cost-effective option?
5. What are the cost-benefits of the other options?
6. How much should the current system expand beyond its current physical limits?
7. What options exist for sewerage disposal needs in the various lake areas?

Paicos then stated that Peter Valinski of Tighe & Bond had an overview to present to the Board.

Leo Collette distributed a report on the Summary of Statistics for 2006. He proceeded to explain this report and stated that Tighe & Bond had interesting alternatives for them.

Collette stated that he reviewed the Gardner contract and noted that everything they do is within their rights as they control the rates. He noted that the term of the agreement is 20 years and it was signed on June 22, 1995. He added that they reserve the right to approve any extensions.

Paicos noted that Collette did a great job of reviewing the situation and the present agreement. Peter Valinski reiterated that Leo did a great presentation, covering it all. He noted that we are approved for \$1.9m funding and he wanted to address some of the issues before us. He noted that wet weather conditions push it to the limit. Carlisle stated that we are pumping an average of 130k gallons and asked if this was our capacity. Collette stated that he sent a memo to all involved parties on sump pump use in order to reduce infiltration to the system. Paicos stated that we have seen a dramatic drop due to the work of the Water/Sewer Commissioners and Jim Zarozinski.

Gagnon noted that the Gardner agreement states that they should discuss any renovations but they haven't. Paicos stated that "we need to keep our house in order first" noting that the new project by Dymek may be an issue. He added that we need to figure out if Gardner is the future for us and in order to exercise the SRF loan we need to make a decision.

Paicos stated that they should look at all three communities, Fitchburg, Gardner and Winchendon and they need to take the work that both Leo and Peter did and put this together. Gil Carreiro stated that there are a lot of areas that haven't been covered yet and we should look at this more closely.

Paicos noted that a study would cost approximately \$200k and could take a year to complete. He noted that the question is should the Town invest in this study?

Collette stated that the first thing they should do is have a serious discussion with Gardner as they are the host. He added that we need to know about their infrastructure. Paicos stated that we should listen to Leo's advice and sit with Gardner. He also noted that we should put out an RFP to find out what it would cost. Valinski stated that the lowest cost for a study is \$150k and could go as high as \$700k so it is a significant investment.

Valinski stated that Winchendon has a small plant while Fitchburg and Gardner both have a large plant. He noted the possibility that Ashburnham could connect to both for different areas of town. Paicos stated that this sounds like a good idea along with a preliminary discussion with Gardner.

John MacMillan stated that the Town just adopted a new Affordable Housing plan so sewer will definitely be needed for this plan.

Dennehy noted that this was a good point and that they need to gauge the public's thoughts on what to do to expand the system. Carlisle inquired what amount of capacity would they be comfortable with and Dave Berger stated that the concern is with the peak not the daily output. He added that they could run it at 190k to 200k gallons with no problems with capacity with Gardner for the next 10 years. He also noted that any town or city would charge us the same. Valinski agreed.

Dennehy thanked Leo Collette and Peter Valinski for their input and noted that the assignment is to put together another meeting with Gardner.

Paicos complimented the Water/Sewer Commissioners on their capital plan stating that they did a great job.

## II. PRESENTATIONS, REPORTS & CORRESPONDENCE

- C. **Town Administrator's Update:** The report is attached that was presented at the meeting.

Paicos noted that the target for the FY08 budget was the end of January. Dennehy stated that they need a timeline for the budget and Paicos stated that he would get that done.

Paicos noted that Don Ouellette accepted the DPW position and that he would be at the February 5<sup>th</sup> meeting to meet everyone and to be appointed.

Paicos stated that the Unfair Labor Charge had been withdrawn.

Paicos also noted that Chris Gagnon was doing a fine job of tracking the Verizon legislation and that it had been filed. Gagnon noted that Atty. Bill Solomon is working on a retaliation bill and needs signatures for support. He added that the Town's only concern is losing the franchise funding for our towns. He stated that he was asking the Board of Selectmen if they would give some support to this bill. Carlisle noted that he would like to know what's in this bill first. Dennehy stated that Bill Solomon's advice should be valued.

Paicos stated that he reviewed the FY08 Revenue/Expense comparison and noted that the \$100k state revenue may not happen. He added that building revenue is continuing to go down, noting that we may recover a "little bit" next year.

Paicos then touched on the rising Health Insurance costs. He stated that the State has GIC insurance coverage for all their employees which is geared to the Boston hospitals and that health care is lower here than in Boston. He noted that we haven't contemporized our plan and we need to strategize and adjust our co-pay rates, etc. and that we need to work on it this year before it goes up again.

Paicos noted that the bottom line is that we need to do a maintenance budget for FY08 with no new employees and added that if there is a severe local aid cut next year, a maintenance budget this year could help.

He noted the following recommendations:

1. no new employees
2. no use of non-recurring money
3. health insurance reform
4. department fees – review and increase
5. agreement between regional school and town needs to be reviewed.

Paicos stated that the budget should be ready in about three weeks.

Dennehy stated that he applauds Kevin's analysis and that he agrees with him and he's right on track. He added that we are challenged to be sure thru the years to present the most stable budget to the residents. He noted that he agrees with recommendations 1, 2 and 3. He stated that number 4 he would have to see about and he noted that he thinks number 5 is a major undertaking and shouldn't be rushed into. Gagnon agreed and stated that they should look at the Chapter 70 agreement first. Dennehy stated that once you open this, before we discuss it, we should go analyze the legal and monetary aspects to see what we'd want changed first.

Gagnon stated that Chapter 70 should be set by the true wealth of the community and that they should use the regional agreement on the balance. Bill Johnson stated that the regional agreement actually become secondary. Dennehy noted that this was a product of the times and is not as easy to do as you might think. Paicos noted that they would work on the first four recommendations and leave the fifth alone.

Dennehy inquired about whether free cash and stabilization had been certified and Paicos noted that the free cash was but that the stabilization doesn't get certified, we do that.

Dennehy noted that they do appreciate all that Paicos has done.

- D. Public Safety Building Committee Update:** Gagnon noted that things are moving along and the final review is being done. He added that in the next couple of weeks he would have a report but nothing new right now. He also noted that the committee will have flyers to hand out to everyone at the Special Town Meeting with an update as well as a picture and noted that Chief Barrett is working hard on getting this done.

V. APPROVAL OF MINUTES

**A. December 18, 2006 – Regular Meeting**

Carlisle motioned to approve the minutes of the December 18, 2006 Regular Meeting and was seconded by Gagnon. Motion carried.

**B. January 2, 2007 – Regular Meeting**

Carlisle motioned to approve the minutes of the January 2, 2007 Regular Meeting and was seconded by Gagnon. Motion carried.

VI. OTHER MATTERS

Dennehy noted that they had a Discharge of Mortgage for property at 227 Willard Road to be approved. Carlisle motioned to approve said Discharge of Mortgage and was seconded by Gagnon. Motion carried.

Dennehy then stated that they had the list of candidates for the April 24<sup>th</sup> election and he proceeded to read it. (copy attached) He noted that the caucus to nominate candidates for the town election is scheduled for February 26<sup>th</sup> at 7:00 p.m. in the drop-in center at Town Hall. Gagnon motioned to accept the list of incumbents as presented and was seconded by Carlisle. Motion carried.

Dennehy also read the election calendar for 2007. (copy attached)

Dennehy announced the Joint meeting of the Board of Selectmen and the Advisory Board on Wednesday, January 24<sup>th</sup> at 5:30 p.m. in the Selectmen's meeting room.

Dennehy stated that he needed a motion to transfer an amount from the ConCom fee account to the salary and wages account. Carlisle made the motion and was seconded by Gagnon. Motion carried.

Dennehy reminded everyone that the Special Town Meeting would be held on Wednesday, January 24<sup>th</sup> at 7:00 p.m. upstairs at Town Hall.

Dennehy noted that the next Board of Selectmen meeting would be on Monday, February 5, 2007 at 7:00 p.m.

#### VII. EXECUTIVE SESSION

At 10:28 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 the purchase, exchange, lease or value of real property, contract negotiations with non-union personnel and not to reconvene into open session. Gagnon seconded and the motion carried.

#### VIII. ADJOURNMENT

At 11:15 p.m., Carlisle motioned to adjourn the meeting and was seconded by Gagnon. Motion carried.

Respectfully submitted,

Sylvia Turcotte  
Assistant to the Town Administrator