

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JUNE 16, 2008 – 7:00 PM
VON DECK LECTURE HALL - OAKMONT REGIONAL HIGH SCHOOL**

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

PRESENT: Chris Gagnon, Chair, Jonathan Dennehy, Member and Maggie Whitney, Clerk, and Paul Boushell, Town Administrator. Sylvia Turcotte, Assistant to the Town Administrator was not in attendance.

- I. **APPROVAL OF AGENDA:** At 7:00 p.m., Gagnon read the agenda. Gagnon noted that one item under New Business was omitted and stated that it should be listed as Item G – Common Victualler’s License approval. Dennehy motioned to approve the agenda as amended and was seconded by Whitney. Motion carried.

Whitney stated that for the convenience of a few in attendance, they would go to New Business Item F – One-Day Liquor License Request made by the Sportsmen’s Club for their annual Alzheimer’s Motorcycle Run and barbecue which is being held on June 21, 2008. Whitney also noted that because she is a member of this club, she would not vote on this request. Dennehy motioned to approve the One-Day Liquor License and was seconded by Gagnon. Motion carried.

II. **PRESENTATIONS, REPORTS & CORRESPONDENCE**

- A. **Correspondence:** Gagnon read the citation from the Board of Selectmen to Dennis Driscoll noting his many achievements in service to the Town of Ashburnham. Driscoll thanked the Board for their kindness.

Whitney stated that she wanted to note that she received a call from Wayne Adams on his request to the Town Administrator for a copy of Town Counsel’s contract. Boushell stated that the response he gave to Adams was accurate, that the Board’s appointment of Deb Phillips as Town Counsel is all that is on record. There has never been a contract. Gagnon reiterated that the appointment is recognized as a contract. Dennehy stated that there was no need to change this practice, to which Whitney added that she just wanted to be sure that the Town was protected.

Gagnon noted that the next topic for discussion was the Watatic Lake property deed conveyance. Dennehy took some time to explain how this conveyance came about as well as the history of the property. He also noted that this land isn’t conducive as a Town beach due to the no parking issue. Dennehy stated that the Lake Association has been using this property for many years and it was felt that they should be given the property in exchange for land which is a part of the old railroad bed and part of the Rail Trail. He added that there is a linkage to the Briggs property and is an integral piece of land.

Dennehy stated that he did add some information to the deed regarding the fact that this beach parcel is the only area of the lake that Public Safety had access to and he wanted to keep this access in order to benefit the residents of the area.

Gagnon proceeded to read a portion of the deed which referred to Map 55 Parcel 53. Dennehy motioned to vote to execute the deed and convey the parcel to the Lake Association and was seconded by Whitney. Motion carried.

- B. Town Administrator's Update:** Boushell noted that the move back to Town Hall had commenced and the furniture was there and almost all set up. He noted that the pods have been moved to Main Street to be emptied and subsequently returned to the company. He added that he planned to close the Town offices on Thursday at noon and through Friday and at that point, the Highway crew would begin unloading to Town Hall. He also noted that some employees would work through the weekend with Guardian on the technology in order to get all computers and phones set up in time to open to the public at 1:00 p.m. on Monday, June 23rd.

Boushell also noted that during this very busy time, the financial team was also in the process of preparing the Town's first bond rating with Moody's which is scheduled to take place on June 24th and the 25th.

Dennehy noted that there was an article in the Community Journal regarding the "bus" issue which is now resolved. Boushell stated that he would check with Mike Zapantis on the status and that he was confident that Dr. Zapantis had handled the issue.

- C. Public Safety Building Committee Update:** Gagnon stated that a construction meeting was scheduled for the next day and that they had been meeting inside the building for some time. He noted that they were working on the plaque.

Gagnon also noted that the project is on schedule and brought up a few points as follows:

- Chief Barrett is coordinating the 911 switch-over
- They are looking at late August for completion of the project
- He discussed issues with siding and the seamless gutters, as well as other items.
- He also noted that there was no oil in the tank yet but they are looking into it.

Gagnon also noted that he had a lot of confidence in BW Construction that things would be done right. He stated that an open house would be held once the punch list and inspection was completed. He also noted that the conduits were in place for the flashing yellow light which will eventually be installed, but that signs would be placed at the site for now.

Dennehy stated that he had concerns about the memo from Jim Shanahan where he highlighted shortfalls in the FY08 budget, such as the Town Administrator and Non-Departmental accounts. He inquired if all the shortfalls in his memo would be

covered by Reserve Fund transfers. Boushell stated that the Accountant had the ability to transfer from other departments to cover this. Dennehy also questioned the revenue report and Boushell responded that this would be updated. He added that building permits were behind due to the economy and that Shanahan would do the transfers around July 15th or by the third or fourth week of July for sure.

Whitney noted that they should start with the 2010 Budget process and Boushell responded that there was no way as yet to begin this process.

Dennehy noted that he wants the financial team to put a calendar together to avoid the tax rate being set late again this year and that he was firmly committed to get this done. He added that they would start this process in late July or the beginning of August with a meeting.

III. OLD BUSINESS

- A. Review and opinions resulting from the walk of the property on Lake Watatic on June 14th:** Gagnon stated that this discussion is on two parcels in this area and the outcome of the walk-thru. He stated that unfortunately, this event upset the Lake Association but more communication resulted. Whitney stated that they should have sent a notice to the Association beforehand and it was noted that Frank Fiorentino was the contact person for the Lake Association.

Dennehy noted that he hadn't walked this property before, although he did walk others around it. He added that there seems to be a lot of questions that need to be answered including money questions. He noted a list of concerns which include:

- Lakeshore Drive in winding and narrow which is an issue.
- No parking in the area.
- Money issue is #1 – this is a liability and we would need a cost on insurance coverage.
- Maintaining police and lifeguard presence is an issue.
- The weeds are also an issue and the cost, as the Association pays \$12,500 annually to take care of the problem.
- Grants and sweat equity are issues as well as a concern.

Dennehy added that before they do anything at that location, they should insist on having a professional survey done first.

Dennehy noted that his question would be “what does a Town owe its citizenry” and what should it pay for and added that they should think about this before any decisions are made.

Whitney stated that she didn't think it was an appropriate place and if she were a lake resident, she wouldn't want it there. She stated that they should look into refurbishing the Town pool and should set up a committee, which would include a Lake Association member. She noted that “I would leave Mother Nature alone”.

Gagnon stated that he knew that the Town owned the property and they had to see what it could be used for. He added that the Town has traditionally provided limited recreational areas for residents. He noted that they have to address the land issue on Lakeshore Drive. He also stated that the Board received a memo from the Board of Health noting that the water quality is good and they want to reopen the Town pool.

Gagnon stated that the Board needs to investigate a Parks & Recreation Department Committee. He noted that they have had a few interested parties that want to form this committee and they are asking for more names to recreate a Parks & Recreation Committee. It was noted that the Town Administrator has traditionally appointed this committee and in the Town Report the members were listed as Eric Hebert, Steve Nims and Daniel Roger. Boushell noted that he would like to know the last time they met and see their minutes and who has been active. He noted that they should look at the original charge as well. He added that they should advertise on the webpage and on the cable channels.

A short discussion followed on potential locations for a recreational area. Gagnon ended this discussion by stating that there will always be a cost involved but “let’s do something”.

- B. Discussion on possible change in Selectmen meeting time during the summer months:** Gagnon noted that they would like to try an earlier start time for their meetings. He suggested 6:30 p.m. and Whitney noted that 6:00 p.m. might work as well. Dennehy stated that he would try 6:00 p.m. and see how it works out for him and his schedule. Gagnon stated that they would try 6:00 p.m. for the month of July and see how it works. The members were all in agreement on this trial period.

IV. NEW BUSINESS

- A. Discussion on the Watatic Lake Dam:** Gagnon stated that Leo Collette was present to give a quick preliminary overview on the Watatic Lake Dam issue. Collette gave a brief history noting that the dam was built in 1908 and the last inspection by the DEM was in 1997. He also noted that the owner of record is responsible for an annual inspection. Collette stated that Tighe & Bond came up with recommendations while Katie Nunez was Town Administrator back in 2003 which totaled \$265k then and that before Kevin Paicos went away on military leave he had been working on getting funds but it had been on hold since then. He added that the cost to repair now would probably be between \$300k to \$400k.

Collette did note that the Watatic Lake Dam is not hazardous right now. He went over the items that needed to be addressed including spillway adequacy. He stated that the Town can’t ignore this as it gets worse each year and the Town is the owner of record. He added that a lot of work has to be done and that this is only one dam and there are others which are being ignored as well. He stated that someone should be set up to do a yearly inspection and that planning funds should be set aside for this purpose.

Bill Johnson stated that in his opinion, the Lake Association should probably be responsible for the dams as they directly benefit. He added that Collette makes a good point.

Collette reiterated that they need to try to get funding for this and Boushell stated that he spoke with Leo a few weeks ago on this very issue. He noted that Katie Nunez had sent a letter to the State regarding these unfunded mandates and he and Kevin Paicos had done the same thing. He added that it looks like the State may be listening and that this is gaining some momentum. Dennehy suggested that it's not productive to expect anything from the State, but that they should talk to Senator Brewer and also Jim Kreidler, the Winchendon Town Manager, on the funding they have tapped into for the Lake Monomonac Dam. Gagnon suggested that once the Capital Planning Committee is appointed as well as the Parks and Recreation Committee, they could look at this issue.

- B. Discussion – William J. Bresnahan Scouting & Community Center Trust:** Gagnon read portions of the draft Declaration of Trust that was given to the Board of Selectmen for their review. He also read the list of potential trustees. A copy of this document is attached to these minutes. He noted that this was a standard trust for the lease of the land and is a positive step forward. A few members of this Committee were present and a discussion followed regarding their focus and concerns on the delays with this project. Gagnon stated that now that there's an organization they can move forward. He also asked the Committee to meet with ConCom as well as to get permits from the Building Commissioner.

Val Daigle, one of the Committee members, stated that they had met with ConCom but that they would need to meet with them again to go over an amended plan. She also noted that Mike Gallant was also notified and a letter had been sent to him by the Committee.

Dennehy stated that two things had to be discussed and the first was the demolition of the building presently on this property as he stated there was no reason not to give permission to go forward with this. He noted that the second issue was that they needed to start detail discussions regarding a long-term lease or the sale of the property as this is a precursor. He asked whether they had a concrete proposal and also how the long-term lease would proceed. Daigle stated that the Committee would meet with the Selectmen to go over the details in the near future.

A short discussion followed on the dam at the site as well as potential building.

Gagnon motioned to allow the demolition of the current club house on River Street subject to the appropriation of all permits and was seconded by Whitney. Motion carried. Gagnon thanked the Committee.

III. OLD BUSINESS (Continued)

- C. Discussion on possible meeting locations and review of Town Hall space:** Whitney noted that she wants to be on record as stating she wants a live-drop before

meetings are held at Town Hall. Gagnon stated that it depends on Comcast and how quickly it is done. He stated that the drop is still on the left side of the building and the meetings could be held there. Boushell noted that the meetings could not be held in the Town Clerk's office area where the drop is located, because of the desks and file cabinets and he suggested that they continue to meet at the School for the time being. He also noted the meeting room in Town Hall may be available and Dennehy stated that it would not be large enough and that he was upset about this. Gagnon noted that he didn't have a problem with having the meetings at the VMS Building.

Dennehy stated that a meeting area should have been discussed with the Town Hall Renovation Committee beforehand. Gagnon stated that when the budget for this project was cut, space was cut from the project as well. He added that the drop had to be in the large Town Hall meeting room but he noted that the acoustics were bad.

Dennehy inquired why the drop hadn't been set up yet and Gagnon responded that Comcast has to do this but added that there was still a drop at the VMS and meeting space was available there. Dennehy noted that his idea had always been to use the stage area upstairs for the Selectmen's meetings, with the small room used as a private meeting space for the Board to meet with citizens. He reiterated that they should look at the stage area for the meetings. Gagnon stated that he looked at this but that it isn't handicapped accessible. He also noted that the drop at the VMS does need to be found.

Bill Johnson stated that the Library would be a good place and a permanent place if the live drop could be moved from the VMS. Gagnon stated that it would need to be switched with Comcast and that he would ask the Town Administrator to call Comcast and inquire.

Dennehy noted that he felt strongly about meeting in Town Hall as they spent a lot of money on this building and he wants to meet there. A short discussion followed on the temperature in the upstairs meeting room or even the possible use of the breakroom upstairs, of which Gagnon noted it wasn't large enough for a meeting.

Whitney proposed a motion to meet at Oakmont in the Von Deck Room until the other room is available. Gagnon stated that they would look at the live-drop issue and get this done. Dennehy stated that he wanted to meet in Town Hall in the month of July.

IV. NEW BUSINESS (Continued)

- D. Scheduling of a Volunteer Day for moving remaining temporary Town Offices:** Gagnon began the discussion on furniture storage options of the furniture presently at the school Town Offices. Boushell stated that if no one comes forward to store the furniture they could just lease the trailer from Spuria for \$75 a month for storage purposes as they need to be out of the school location by June 30th.

Bill Johnson noted that initially it was planned to replace some of the furniture presently at the VMS with the furniture at the school Town Offices. He stated that

Chief Zbikowski did offer his trailers for storage. A discussion followed on the use of this space. Whitney stated that an email should be sent to Dr. Zapantis to arrange to leave the furniture there at the school until July 12th. More discussion followed on how to dispose of or sell the furniture. Dennehy noted that he had confidence in Boushell that he would work this out. It was also noted by Whitney that it's possible that a vote was never taken to accept Jamie Piedrafite's donation of this furniture.

- C. Return of Town Administrator from Military Leave:** Gagnon began the discussion by stating that a celebration of Kevin's return was planned for Wednesday evening, July 16th at Winchester Park. He expressed his thanks to the Firefighter's Association for planning this event. He also stated that Mr. Paicos would be coming back in July and that it was great to hear from him.

Dennehy noted that the Board needs a firm return date from him as well as a plan on the overlap time with Paul Boushell. Boushell stated that it would probably be two or three weeks for the overlap. Gagnon stated that Boushell should find out the exact timeframe.

- E. Approval of Road Race Application:** Gagnon noted that the Fitchburg Cycling Club is asking for a vote by the Board on their annual Road Race to be held on July 3rd at 8:00 a.m. and ending at 5:00 p.m. at 326 Rindge Turnpike. Dennehy motioned to accept their application and was seconded by Whitney. Motion carried.

- G. Common Victualler's License Approval:** Gagnon noted that the Board needs to approve a Common Victualler's license for Mr. Mike's under their new ownership. Whitney motioned to approve the license and was seconded by Dennehy. Motion carried.

At this time Gagnon wanted to make a point to the residents. He stated that Town Hall employees would be moved in and open to the public on Monday June 23rd at 1:00 p.m. at the Main Street location. He noted that he had asked to have it open on Downtown Day, June 28th to allow for tours but that there would be boxes, etc. not unpacked and situated on that date, which were good reasons not to have it open to the public yet.

Boushell noted that he wasn't trying to keep the public out, but that the employees need to get settled.

Gagnon announced that the fuel oil bid was awarded to Burke Oil Inc. at \$4.385 per gallon and added that it was the lowest of the three bids received. He stated that this company is located at 77 Franklin Avenue, in Quincy MA and that it is a small home based business. He stated that the other two bids were: Roy Bros. at \$4.445 a gallon and Cleghorn Oil at \$4.645 a gallon.

V. APPROVAL OF MINUTES

- A. May 12, 2008 – Special Meeting
- B. May 19, 2008 – Regular Meeting

Dennehy motioned to approve the above minutes as presented and was seconded by Whitney. Motion carried.

Whitney inquired about Executive Session minutes and Boushell stated that he did have them but that all Executive Session minutes would need to be done separately. Gagnon noted that a meeting would need to be set to redact and release the Executive Session minutes.

VII. OTHER MATTERS

Dennehy reminded residents of the Special Election which would take place the next day, Tuesday, June 17th at Briggs Elementary School.

He also announced that the next Selectmen's meeting would be held on Monday, July 7th and that Downtown Days would be held on Saturday, June 28th.

VIII. EXECUTIVE SESSION

At 9:45 p.m. Dennehy 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 with respect to contract negotiations for non-union employees and not to reconvene into regular session and was seconded by Whitney. Motion carried.

IX. ADJOURNMENT

With no further business to discuss, at 10:04 p.m. Dennehy motioned to adjourn and was seconded by Whitney. Motion carried.

Respectfully submitted,
Sylvia Turcotte
Assistant to the Town Administrator