

**TOWN OF ASHBURNHAM  
JOINT MEETING OF THE BOARD OF SELECTMEN  
AND THE ADVISORY BOARD - MINUTES  
SEPTEMBER 8, 2008 – 6:30 PM  
FAIRBANKS MEMORIAL TOWN HALL - UPSTAIRS**

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

PRESENT: Chris Gagnon, Chair, Jonathan Dennehy, Member and Maggie Whitney, Clerk, Kevin Paicos, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Members of the Advisory Board who were present are: Bill Johnson, Dottie Munroe, Jamie Piedrafite, Leo Janssens, Frank Lombardo, Belden Divito and Marie Zbikowski.

I. APPROVAL OF AGENDA: At 6:30 p.m., Gagnon read the agenda. Dennehy motioned to approve the agenda and was seconded by Whitney. Motion carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Rotary Club – Garden Project:** Gagnon asked Joanie Anderson of the Ashburnham Westminster Rotary Club to elaborate on their request. She stated that they are looking for guidance from the Board of Selectmen as to where to place a garden in Ashburnham. Gagnon asked if it would be preferred on a major route in Town and she responded that it would.

After some discussion it was determined that there are actually four possible choices for this garden project. They are as follows: 1) island near High Street; 2) front of Town Hall; 3) triangle at High St. and Rt. 101 at Gardner Hill Rd.; and 4) bottom of Jewell Hill Rd.

Anderson stated that she would have the Rotary look into these four possible locations and then she would get back to the Selectmen on what they decide to do. Gagnon thanked her for the Rotary's interest in the Town.

B. **Correspondence:**

a. **Waiver & Notice – 177 Lake Road**

Paicos explained the reason why the Board has to vote on this and made the suggestion to wait until all the other paperwork was signed. Dennehy gave a brief description of Chapter 61 scenarios. He agreed with Paicos on waiting for the signed affidavit. It was a unanimous vote by the Board to pass on this item until all other signatures are in place. Whitney added that this should be placed on the next agenda for a vote and Gagnon agreed.

Gagnon also noted that they had received a fax from the School District on funding; an email from Donna Brooks on the Affordable Housing Committee warrant article and emails from both Chris Picone and Lorraine Desouza regarding the Conservation Agent position.

- C. Town Administrator's Update:** (A copy of the TA report is attached to these minutes.) Paicos stated that the bulk of his time had been spent on the FY09 Budget. He stated that both the Public Safety Building and the Town Hall projects were reviewed and it should be noted that both were on time and on budget. He added that the single issue on the Town Hall project is with the windows and this will be resolved.

Paicos discussed the audits and where we stand at this time. Gagnon noted that when he was a member of the School Committee they received copies of everything that was issued on the audits. He added that the company who handled the audits would make copies for each member and would even mail the copies to them. Paicos stated that the company who is presently performing our audit is under no obligation to make additional copies but that they could do so as a goodwill gesture. Bill Johnson stated that the Advisory Board had received copies in past years.

Paicos noted that the tax rate process was ahead of schedule.

Paicos also noted that the Ashburnham Market has agreed to sell dump stickers in order to accommodate residents during hours that Town Hall is not open. He added that signs would be placed at the landfill advising residents of this as well. Paicos also noted that a Selectmen's office had been set up for the Board off the meeting room upstairs and that if they wanted it locked they should let him know.

- D. Public Safety Building Committee Update:** Gagnon noted that he had a meeting with Paicos as well as the Committee and it was agreed to extend Netco's contract and added that he had a signed addendum which would see the project through October.

Gagnon stated that the ROTC wanted a formal flag-raising which would be held on October 6<sup>th</sup> at 5:30 p.m. He noted that October 7<sup>th</sup> would be the first official 24-hour day and that there would be a dedication ceremony which would be held on Saturday, October 25<sup>th</sup> from 11:00 a.m. to 3:00 p.m. He stated that the public is invited to this event and that the Fire Department is planning a barbecue. He noted that the project is going really well.

- E. Chairman's Report:** Gagnon noted that they have the list of members to be appointed to the Capital Planning Committee and they include; Citizens at Large, Gail Dumont and Ed Vitone; Advisory Board members, Leo Janssens and Jamie Piedrafite; Board of Selectmen member Jonathan Dennehy; and Planning Board member Bruce Whitney. He noted that ex officio members would include Kevin Paicos, Jim Shanahan and Anne Cervantes per the By-Law. He stated that they could invite the Town Planner later on.

Whitney made the motion to form the Capital Planning Committee and to appoint the above listed members and was seconded by Gagnon. Dennehy abstained.

Gagnon stated that he met with the Town Administrator on August 26<sup>th</sup> to review the status on both projects, the Public Safety Building and the Town Hall Renovation.

Gagnon also noted that the Selectmen's table is disassembled and that he would like to formally ask to send it to Monty Tech or the Shirley prison to get it refinished.

He also discussed Legal Counsel Policy stating that this topic would be placed on an agenda for discussion once they reviewed the MMA policies. He noted that the Board needs to be updated on legal matters as well as this is overdue. He also noted that the Information Policy needs to be discussed as well once they have a chance to check around thru the MMA.

Whitney brought up the question regarding her request for public documents and the fact that she was told to go through the Town Administrator and asked why. Paicos stated that the Board as a whole needed to discuss a request of that nature before the information would be given. Whitney noted that her request included AP warrants from 2004 through the present and Paicos stated that this would involve a great deal of work. He stated that these records, which include between 10-20 boxes, were stored at the Light Department and that the Accountant would be the one that would have to go and retrieve these records. He also noted that the 2008 audit is not complete so the 2008 warrant records cannot be handled because of that.

Paicos did state that if the Selectmen wanted this, then it would be done. Gagnon noted that at some point these records would be back at Town Hall and then they would be available for review. Johnson inquired as to the Advisory Board's request and Paicos noted that right now the Town Accountant doesn't have the time as he is in the middle of the balance sheet, free cash, and the tax rate which are all top priority. He reminded everyone that the Accountant is a part-time employee.

Gagnon stated that they would start to establish a storage process and flow as well as establishing a regular pattern without disturbing things. He also asked Paicos to go thru and update his email address listing and that it was not necessary to send things to others, but to only send to the Advisory Board members and the Selectmen for them to present. Paicos noted that he would fix his email list.

Whitney commented that the press had information before the Board did and Paicos responded that he was talking about the budget cuts and he wanted to send this information out.

Gagnon stated that sending information through email is okay but if responses occur, then it's not okay. Gagnon instructed Paicos to set up a meeting to include a DOR representative, the Advisory Board, the School Committee and the Selectmen to discuss the issue with the school funding.

Both Dave Christianson and Dr. Michael Zapantis were in attendance. Christianson stated that in his opinion it was unfortunate that Paicos' comments went out as it casts dispersions and this is a serious issue. Gagnon agreed that the \$440k issue was very serious. Paicos stated that he wanted to get this out to the widest distribution just because it was a serious issue. Gagnon noted that if accusations are made it should be done differently. Christianson stated that the School Committee is ready to have a conversation with the Town and the Selectmen on this issue and he added that this

wasn't the first time this type of thing had happened and it creates a challenging situation. Paicos agreed that an open meeting is precisely what was needed.

A short discussion followed on this topic after which Gagnon advised Paicos to get the meeting together and to include Westminster.

Gagnon also inquired if Paicos had heard back from Westminster on the change with the election date that was proposed and Paicos responded that they had no problem with this. Gagnon asked Paicos to find more information on this change and Paicos noted that it may require a change to the Town Charter. Gagnon stated that he would follow up.

Gagnon also reminded Paicos that the Board had requested a copy of all contracts over \$10K, detail on the Non-Departmental budget and what made up the Town Administrator's budget shortfall. He also noted that there were missing Executive Session minutes.

Gagnon then began a discussion on Boushell's final payment noting that on July 7<sup>th</sup> his contract ended due to Paicos' return as part-time and that no new contract occurred. He noted that they would go by the formula produced by the Accountant which came to a total of \$10,785.65. Whitney motioned to approve the Accountant's total of \$10,785.65 which included a separate pension check on January 1, 2009 and Dennehy seconded. Motion carried. It was noted that Boushell had 68 hours of unused sick time.

### III. OLD BUSINESS

- A. Decision re: Ashby Road:** Don Ouellette, DPW Director was present and gave his opinion on the work to be done on this bridge, stating that they need to go forward with this work. Paicos agreed and stated that the Selectmen needed to decide to order the road closed and that it was funded with Chapter 90 money which he had authorized.

Gagnon stated that he contacted Alex Bardo of MA Highway and asked about a temporary bridge. He stated that he would be coming out the next day to see what can be done to help the Town and added that parts are in Boston and may be available.

Paicos stated that if the Board doesn't make a decision at this meeting, then it may delay the project until winter. Ouellette noted that they did do some temporary repairs last year and that he has reported the need to get this done every month in his report. He also noted that he notified Paul Boushell in June about the urgency.

Gagnon noted that he was in agreement with Ouellette about the urgency in the repairs. Gagnon stated that they thought about another option and they needed to hear from MA Highway and their review.

Ouellette stated that if the signage at the site of the repairs is not out by the next day then there would be much confusion.

Paicos stated that the DPW Director did ask for his permission. He stated that they do \$300k projects without going to the Board but in this case the Board's approval was needed to close the road. Don Ouellette noted that he has spent between \$32k and \$34k for the box culverts figuring that it would be done under \$90k and it would be closed only for a one week period.

Gagnon noted that if tomorrow's review falls through then he would approve the alternate route. Dennehy stated that his only objection is that they are dealing with the State and we might never see anything. Ouellette stated that he disagreed with that as he knows the State will follow-thru with the TIP projects that include the paving of Center and Central Streets in 2011. Much more discussion continued on this topic.

Gagnon stated that he didn't feel that this had been thoroughly looked into. Dennehy motioned to approve the road closure temporarily and to follow the recommendation of the Town Administrator and the DPW Director.

Paicos stated that they haven't had a TIP project in this Town for a long time and if the State goes through with the TIP then it would be an awesome feat.

Ouellette explained what TIP was. He stated it is the Transportation Improvement Projects by the State and that Central and Center Streets were on this list.

Gagnon noted that he was incredibly disappointed in the way this came down but he then seconded the motion made by Dennehy to approve the road closure temporarily and to follow the recommendation of the Town Administrator and the DPW Director. Motion carried.

Paicos noted that if the state's aid would work and the Board wants a temporary bridge then we would have more time to explore other possibilities. He added that the state may consider paying for the culverts as well, but they may say that they would take off one of the other projects promised under TIP. Ouellette noted that if the State does this it would take longer and end up costing a lot more.

Both Dennehy and Gagnon voted to approve the DPW Director's recommendation and Whitney voted against it.

- B. Special Election Warrant – October 14, 2008:** Gagnon read the ballot question and Dr. Zapantis gave an explanation of the financing side of the question and how it was arrived at. Gagnon questioned if they had checked with Town Counsel on the MSPA wording and Paicos stated that this warrant must be posted on the wall the next day so it would mean that a call would need to be made immediately to check on this. Gagnon stated that they need to assume that Town Counsel had checked with the MSPA.

Dennehy motioned to approve the warrant for posting and was seconded by Whitney. Motion carried.

Bill Johnson stated that the Advisory Board would be sending out a packet of information to the residents just as they have in the past before an election or town meeting.

Gagnon announced the following events:

September 17, 2008	Open House at Briggs for parents
October 1, 2008	Open House at Briggs from 3:30 to 4:30 and 6:30 to 7:30
October 4, 2008	Open House at Briggs as part of Community Day Family Event – 10:00 a.m. to 4:00 p.m.
October 13, 2008	Columbus Day holiday
October 14, 2008	Special Election
November 13, 2008	Special Town Meeting

Gagnon stated that the school has the full support of the Board of Selectmen as well as the Advisory Board on the Briggs Feasibility Study.

- C. **FY09 Budget – Joint Meeting w/Advisory Board for discussion:** Paicos stated that the bottom line is the Town is in dire financial straights. He stated that the Board asked him to cut \$100k and that he was able to cut and save \$162,435. He added that he would caution the Board that we “are not yet in the barn” and that there are a number of items that he doesn’t control. He did state that this was a perspective reduction and that changes may result after this discussion so it is not a done deal.

Paicos stated that he met with the Library Director and the Board of Trustees to discuss the potential cuts to their budget. Melanie Gallo, the Chair of the Board of Trustees was present and gave the Selectmen a synopsis of what transpired in this meeting. She stated that there was a \$30k fuel shortage and they met this by cutting the budget. She stated that in order to do this, as of October 1<sup>st</sup> the Library would be closed on Friday and Saturday and that they had to lay off two part-time employees. She noted that the Library would be open Monday-Thursday from 10:00 a.m. to 8:00 p.m. and this would mean that the Community Room would be closed on Friday, Saturday and Sunday. She added that they are moving forward with this.

Gagnon inquired if these actions would alleviate the shortfall and she responded that it would. Paicos stated that the plan is to lay-off two part-time employees as of October 1<sup>st</sup> and that if the oil gets moved by October 1<sup>st</sup> then they could possibly make less of a cut. Gallo noted that this includes a COLA raise for the other Library employees. Johnson questioned if the Trustees had jurisdiction on this budget and Paicos stated that they did.

Paicos noted that cuts in the budget can be done as a form of “impoundment” but he added that only Town Meeting could make any increases. He noted that some of these changes have to take place prior to Town Meeting. Gagnon inquired which action would they be taking and Paicos noted that if the issues are time sensitive then they need to be implemented now. Melanie Gallo stated that they have addressed the

shortfall and Paicos noted that the Trustees do have the authority over closing the Library, funding, etc. while he has the salary authority.

Johnson asked for a vote from the Advisory Board in support of the Library Trustees plan to handle the shortfall in their budget. There were 6 yes votes and one abstain ion.

Paicos stated that the VMS Building was the most difficult decision to reach. He noted that if cuts are not done then they would have to be done other places. He added that his suggestion of moving programs is not the same as eliminating them. He stated that he needed to come up with a plan with the least loss of services and the simple fact is that the budget has to get cut and no one is happy with these cuts.

Gagnon stated that to heat the VMS Building last year on average used 6,982 gallons. Paicos noted that he asked a structural engineer to do a study on shutting down the building. Gagnon voiced his concerns regarding shutting down the building such as potential cracks in the walls, etc. He noted that he spoke with a plumber who stated that they could drain the steam pipes and preserve the building and use just the police area for the seniors. Paicos stated that the engineer agrees with the building closure and insurance for the building during the closure could be a possibility.

Whitney asked if funds could be cut from the Professional and Technical or the Professional Development accounts. Johnson agreed stating that it would be up to each individual to opt not to go to seminars, etc. He stated that it could be cut by 50% which would be a savings of around \$21k.

Gagnon inquired where the Advisory Board stood on closing the VMS Building and Johnson responded that the list they had submitted were suggestions and never voted on. Janssens stated that he would suggest to mothball half of the building with a new small heating system. Johnsons suggested maybe they could discuss other ways to cut as with the VMS there are a lot of variables.

There was much discussion on the VMS Building and the heating situation.

Gagnon stated that he was afraid to cold close the building and that they should move them to the Police section and see how it works out and then if it doesn't work they could deal with it.

Brian Aho, the Chairman of the Council on Aging Board, stated that the COA gets approximately 3% of the Town's budget. He stated that it is unfair to close the building and that these citizens have been paying into the system the longest and are getting the least. He added that they need to see that the Town's people are willing to work for them.

Paicos stated that he appreciates Aho's calm presentation but that he has a report of the programs and it does look like they could be moved but not eliminated. He added that the COA Director needs to come up with areas to move these programs.

Mary Lee Muessel, the COA Director stated that she would like to look into how to save heat and stay there. She added that she has looked at the Community Church and the Legion but that they were not handicap accessible.

Gagnon stated that they should consider using the upstairs meeting room here at Town Hall.

At this point, there was much discussion from those in attendance on why the seniors shouldn't be moved.

Whitney stated that she was not in favor of closing the VMS and that she was totally against it.

Gagnon stated that in 30 days the Police and Fire would be out and at that point they could have Stan Herriott put something on the meter to check the usage.

Paicos stated that he needs more numbers on the pros and cons in regards to moving the COA. He added that the Library made a real sacrifice to help the Town, the Fire Chief agreed to close South Station and the Town's Inspectors had to take a cut in their hours but they all agreed to this in order to help the Town.

Dennehy stated that he came here to listen to all that was said. He noted that the VMS building is inefficient to heat, no disagreement there, but he added that the budget needs to be cut. He stated that he has listened to the seniors and their concerns that they don't want to move. He said that they could see about avoiding moving them. He added that there are a lot of capable seniors who may have ideas to find ways to cut. He stated that he suggests that they find a way to fix it.

Johnson noted that eventually if the building is renovated, the seniors will have to relocate so they do need to think about that.

At this time, Fire Chief Zbikowski stood up and volunteered to serve on a committee to help with this issue. Maggie Whitney also volunteered to serve on the committee. Gagnon stated that this would be an ad hoc committee and that anyone who would like to serve on the committee should give their name to Sylvia.

Johnson stated that using the Reserve Fund now would not be a good idea. He noted that overtime is always a problematic issue. He stated that if they reduced the overtime by 15% in the DPW, Police and Fire it would be a savings of \$27k. Paicos responded that he had already reduced the overtime in the DPW by 50% and per the Selectmen, there were to be no cuts in public safety.

Johnson brought up the Conservation Agent and how this position had originally been slated as part-time. He stated that no way is there enough work to justify this as full-time. He added that no towns in the vicinity have a full-time Conservation Agent. Paicos responded that 50% of this position's salary is funded by fees and there's an enormous amount of work. There was much discussion that followed on this topic.



Lorraine Desouza, of the Conservation Commission argued her case to leave this as full-time and Paicos again stated that it doesn't save the Town any money if the hours are cut and there would be a loss with paying unemployment as well.

Janssens stated that the Town is in a nasty financial status right now and that everyone needs to get together and make cuts even though they hurt. Dennehy stated that if we cut, we should cut everyone across the board.

More discussion followed on this topic.

Johnson commented on the \$155k that was owed to the school which was not accounted for in the Town Administrator's report. Gagnon stated that they would need to keep discussions going on this issue at the next meeting.

Paicos stated that this needs to be settled within 3 or 4 weeks as there is a limited time to make these proposed cuts. Gagnon stated that they should schedule another joint meeting with the Advisory Board for Tuesday, September 23<sup>rd</sup>.

#### IV. NEW BUSINESS

No new business.

#### V. APPROVAL OF MINUTES

- A. June 16, 2008 – Regular Meeting**
- B. July 7, 2008 – Regular Meeting**
- C. July 14, 2008 – Special Meeting**
- D. July 21, 2008 – Regular Meeting**
- E. August 18, 2008 – Regular Meeting**

It was decided by all members of the Board that they would put off the approval of the minutes until the next meeting due to the lateness of the hour.

#### VI. SCHEDULE OF COMING EVENTS

#### VII. OTHER MATTERS

Gagnon read the following Town Clerk reminders.

- Monday, September 15, until noon, last day to file applications for absentee ballots for State Primary.
- Tuesday, September 16, State Primary, polls open at 7:00 a.m. and close at 8:00 p.m. Voting is at J.R. Briggs Elementary School Gym at 96 Williams Road.
- Wednesday, September 24, final voter registration for the Special Election, Town Clerk's office at Town Hall from 8:00 a.m. to 7:00 p.m.
- Friday, October 10, until 5:00 p.m., last day for filing applications for absentee ballots for voters for the Special Election.
- Tuesday, October 14, Special Election, polls open 7:00 a.m. to 8:00 p.m. at J.R. Briggs Elementary School, 96 Williams Road.
- Special Town Meeting – November 13, 2008

At this time Captain Nolan presented the Board with a notice regarding a request for copies of his personnel file. After this event Gagnon requested that Paicos provide an update on all legal matters pending to the Board of Selectmen.

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

With no further business to discuss, at 11:20 p.m. Dennehy motioned to adjourn and was seconded by Whitney. Motion carried.

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator