

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
APRIL 7, 2008  
VON DECK LECTURE HALL, OAKMONT REGIONAL HIGH SCHOOL**

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This meeting was aired live on local cable television Channel 8. This was a Joint Meeting of the Board of Selectmen and the Advisory Board.

PRESENT: Mark Carlisle, Chair, Chris Gagnon, Clerk, Jonathan Dennehy, Member, and Sylvia Turcotte, Assistant to the Town Administrator. Paul Boushell, Town Administrator was absent.

Also in attendance: Jim Shanahan, Town Accountant, Debbie Phillips, Town Counsel and Advisory Board members, Bill Johnson, Jamie Piedrafite, Frank Lombardo, Dottie Munroe, Leo Janssens and Maggie Whitney.

- I. APPROVAL OF AGENDA: At 7:05 p.m., Carlisle read the agenda. Dennehy motioned to approve the agenda as read and was seconded by Gagnon. Motion carried.

At this time Carlisle noted that Ken Jodrie of Caolo & Bienick, the engineer in charge of the Feasibility Study of the VMS Building, was present and had the final draft of the study to present to the Selectmen. Carlisle stated that the Board would review this report and come back with their comments.

Jodrie noted that the Board should keep in mind that this is a phased project. Mary Lee Muessel, COA Director gave an update stating the following points: 1) the building itself is sound; 2) the heating costs can be reduced; 3) Ashburnham is a HUD Community and thus is eligible for a grant; 4) seniors are the only group that can access this money, noting that this grant is for \$800k and that they need \$80k for architect fees to get the grant.

Gagnon inquired if they were planning a public hearing and he suggested that they do so as the public needs more information before the Town Meeting. Carlisle stated that the Board will need time to review this study and also to discuss where the \$80k will come from. He noted that they would review this and give their comments at the next meeting.

The Advisory Board asked for copies of the study as well.

- II. PRESENTATIONS, REPORTS & CORRESPONDENCE

**A. Correspondence:**

- a. **Notice from Common Cause of Massachusetts:** Carlisle stated that the Town has received the 2008 E-Government Award which is given to towns and cities because of their informational website. He added that this is the second year that the Town has received this award.
- b. **Notice from Department of Conservation and Recreation:** Carlisle noted that DCR has sent notice on a possible land acquisition in Ashburnham. They are proposing the purchase of 50 acres of land located on Route 119 which

would incorporate into the Ashburnham State Forest for open space and natural resources protection purposes and passive recreational use. The Board announced this notice and also signed the 120 day waiver.

- B. Town Administrator's Update:** Carlisle noted that the Town Administrator was not in attendance as he was ill and in the hospital. He did state that the Town Hall project continues to press ahead with the completion by the end of this month.
- C. Public Safety Building Committee update:** Gagnon stated that there was a "sneak peek" with the press last week and that the project is 70% complete and moving along quickly. He added that the windows are now in. Dottie Munroe, Advisory Board member inquired about a tour of the facility and Gagnon noted that once it was safe this would be arranged. There was a short discussion on the computer wiring.

### III. OLD BUSINESS

- A. Continued review and vote of ATM Warrant with Advisory Board:** Carlisle read each article and a discussion followed below.

**ARTICLE 1:** To accept the reports of several town officers and all outstanding committees, or act in relation thereto.

Carlisle stated that this was a standard article.

*Recommendations:*            **BOS – YES**                    **ADV BD - YES**

**ARTICLE 2:** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the fiscal year commencing July 1, 2008 and to set the salary of elected officials; or act in relation thereto.

It was agreed by both boards to go over this article at the end of the discussions.

**ARTICLE 3:** To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay bills incurred in a prior fiscal year, or act in relation thereto.

Shanahan stated that at this time he wasn't sure if there would be any prior year invoices to consider.

*Recommendations:*            **BOS – No position**                    **ADV BD – No position**

**ARTICLE 4:** To see if the Town will vote to authorize the transfer of \$40,000 from any excess in the Municipal Light Plant Funds to the town treasury, as authorized by its Light Board in accordance with Chapter 164 of the General Laws of the Commonwealth, or act in relation thereto.

It was noted that this was a standard article.

*Recommendations:*            **BOS – YES**                    **ADV BD – YES**

**ARTICLE 5:** To see if the Town will vote to authorize the Town Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2009 pursuant to Chapter 44, Section 53F of the General Laws, or act in relation thereto.

**ARTICLE 6:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2008, in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, Section 17, or act in relation thereto.

**ARTICLE 7:** To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts with the Massachusetts Highway Department for the construction and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto.

**ARTICLE 8:** To see if the Town will vote to appropriate by transfer from available funds a sum of money if funds become available from the Mass. Highway Department Chapter 90 bond issue proceeds to be used by the Highway Department for the repair and maintenance of town roads in conformance with the Massachusetts General Laws, or act in relation thereto.

Recommendations for Articles 5 through 8 were voted as a unit.

*Recommendations:*           **BOS – YES**                                   **ADV BD – YES**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate by borrowing the sum of \$7,000,000 for the repair and reconstruction of town roads and sidewalks with permanent pavement of a lasting character including but not limited to any and all engineering and inspection fees, to be spent in accordance with the Town's ten (10) year road improvement program, provided that no funds shall be spent and no bonds or notes be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto.

Gagnon noted that this article needs to be approved in order to get this to the voters. Shanahan stated that the borrowing would be done piece meal and not all at once. Don Ouellette, the DPW Director stated that he would have handouts at the Annual Town Meeting and that he would also give a presentation.

Dennehy stated that something needs to be done in the long term and they need to step up to the plate. Carlisle added that they appreciate Ouellette's hard work on this and that it would be something that would be available for many years to come.

*Recommendations:*           **BOS – YES**                                   **ADV BD – YES**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate the sum of \$170,000 for the reconstruction of town roads and sidewalks with permanent pavement of a lasting character including necessary engineering and inspection fees, provided that no funds be spent unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto.

Johnson questioned why this article was also on the warrant and Carlisle responded that if Article 9 fails, then \$170k is better than nothing. Dennehy added that they have to at least fill the potholes. Johnson suggested that they could hold Article 10 until the fall and Dennehy noted that this would not be a good idea. He noted that the \$7m plan is an on-going maintenance plan and that they really can't tell the residents that its \$7m or nothing. Gagnon stated that the borrowing won't be done all at once and that \$170k is a second option.

Dennehy stated that we've fallen behind because of last year's "no" vote and we can't afford to go another year. It was noted that if Article 9 passes, they could vote at the Town Meeting to pass over Article 10 if necessary.

Gagnon stated that the \$7m package counts in all public ways so no one is left out. A short discussion followed on private ways.

Ouellette stated that if they wait until next year, it will be more than a \$7m program. Frank Lombardo of the Advisory Board noted that his personal opinion is that they should back the \$7m program.

It was noted by Ouellette that with the \$170k amount they would be able to do one-third of Stowell Road or more urgently, Dunn Road and that would be it.

*Recommendations:*            **BOS – YES**                            **ADV BD – YES**

**ARTICLE 11:** To see if the Town will vote to authorize a Revolving Fund, in accordance with G.L. c. 44, Sec. 53E ½, to receive one half of the boat excise revenues collected under G.L. c. 60B, Sec. 2 (i): Said funds to be expended for waterways improvement and maintenance by the Ashburnham Lakes Coalition without further appropriation; said expenditures shall not exceed \$3,000, unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto.

A short discussion followed on this article and whether this was needed at this time. Dennehy noted that they would check to find out and if not needed, they would pass over at Town Meeting. Shanahan stated that their balance at this time was \$4,630.

*Recommendations:*            **BOS – YES**                            **ADV BD – NO**

**ARTICLE 12:** To see if the Town will vote to authorize a Revolving Fund, in accordance with G.L. c. 44, Sec. 53E ½, to be expended by the Town Administrator, for the purpose of demolishing, removing, securing or otherwise remedying conditions on real property determined to be unsafe or dangerous under G.L. c. 143, Sec. 6, et. seq. or G.L. c. 139, Sec. 3A, including the costs of engineering and legal services related thereto; said fund to be established from money recovered from demolition liens; said expenditures not to exceed \$10,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto.

It was noted by Fire Chief Zbikowski that there were no pressing issues at this time. Shanahan stated that right now there was a balance of \$2,500 in this account.

*Recommendations:*            **BOS – YES**                            **ADV BD – YES**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money for the revaluation of real estate and personal property in the town, including the hiring of consultants or others for the purposes of conducting property valuation updates, building permit inspections, and measurements and valuation of property, and for all expenses related thereto, or act in relation thereto.

Shanahan stated that this is a standard article. He added that he had just signed the contract for the revaluation and the balance at this time covers the cost and will have funds remaining so this is really not necessary this year. He added that it would need to be on the warrant next year. Carlisle stated that they could take a year off and Town Counsel noted that it should be kept on the warrant, which the Board agreed to do.

Carlisle stated that they would leave this article on the warrant but they would discuss this with the Assessors but not take a position at this time.

*Recommendations:*            **BOS – NO POSITION**            **ADV BD – NO**

**ARTICLE 14:** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for legal and other professional services, as well as all other reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town, or act in relation thereto.

Shanahan explained that the Treasurer has a need for \$20k in order to continue the process. He added that this is an investment but that right now there is no funding source and suggested to hold this article for the fall STM. Dennehy stated that they are looking to approve the article and figure the funding source later.

Carlisle inquired as to how much was collected by the Treasurer last year and Shanahan noted that she collected \$130k plus interest last year and that so far this year she has collected \$84k. Carlisle and Dennehy both agreed that this is a great investment. Dennehy motioned to recommend subject to funding source.

*Recommendations:*            **BOS – YES**            **ADV BD – YES**

**ARTICLE 15:** To see if the Town will vote to transfer custody of a portion of the premises described in a deed from the Ashburnham Cemetery Association to the Town of Ashburnham dated July 28, 1904 and recorded in the Worcester Northern District Registry of Deeds, Book 216, Page 253, being the portion shown as Parcel A on a plan entitled “Proposed Conveyance of a Portion of Town of Ashburnham ‘New Cemetery’ Land in Ashburnham, Mass.” and recorded in the Worcester Northern District Registry of Deeds, Plan Book 474, Page 6, consisting of .17 acres, more or less, to the Board of Selectmen for purposes of conveying said property, and to authorize the Board of Selectmen to convey said property to the Trustees of Cushing Academy for consideration of less than \$100.00, or act in relation thereto. *(Submitted by the Board of Selectmen and Town Counsel; this is the small portion of cemetery land for which no deed was found previously and which the Town authorized the Board of Selectmen to take by eminent domain at the last Annual Town Meeting to clear the title. Subsequently, a title company retained by the Town and Cushing identified the deed and Cushing engaged an engineering firm to prepare the plan showing the area so no taking is necessary.)*

Town Counsel, Deb Phillips, stated that there was an issue with the deed and then gave a brief history behind this article. Carlisle stated that they were basically just cleaning up a deed. Gagnon motioned to recommend and was seconded by Dennehy. It was noted that Carlisle abstained from voting.

*Recommendations:*            **BOS – YES**            **ADV BD – YES**

**ARTICLE 16:** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$90,000 to pay for the architectural services to design plans, drawings, and to prepare bid ready specifications for the renovation of the VMS Building in order to apply for a community development block grant, or act in relation thereto.

Advisory Board member Maggie Whitney noted an error in the wording of this article and it was corrected. Shanahan stated that the Town would have to put money up front and would be reimbursed but that he does not recommend as a debt exclusion or capital cost. Dennehy noted that there was no funding source for this article.

Phillips noted that it could be put on as an override and Carlisle stated that they didn't know how to pay for this. Shanahan noted that there had been no meeting with this group yet and he would like a meeting. Lois Somers of the COA Board stated that they had tried to meet with the Town Administrator but they were not successful.

Gagnon inquired as to when the study had been completed and Somers stated that it was a week ago Monday. Gagnon stated that the Board hasn't had a chance to digest this and they need to have everyone fully informed. He added that it's not good to rush into this and they need to have more discussion on the use of the VMS Building. He noted that a year isn't too long to wait and that he can't support this at this time. Dennehy agreed that more time is needed to develop this.

*Recommendations:* **BOS – NO** **ADV BD – NO (5 to 1)**

**ARTICLE 17:** To see if the Town will vote to rescind the \$140,000 debt authorization from Article 37 of the Annual Town Meeting dated May 7, 2007 for the purchase of a tractor with boom mower, or act in relation thereto.

Ouellette stated that this tractor with boom mower was being purchased by the Light Department.

*Recommendations:* **BOS – YES** **ADV BD – YES**

**ARTICLE 18:** To see if the Town will vote to raise and appropriate a sum of money for the updating of assessors maps (how much & where from?), or act in relation thereto.

**ARTICLE 19:** To see if the Town will vote to raise and appropriate a sum of money for the inspection of real estate in the town for verification of data quality (how much & where from?), or act in relation thereto.

Shanahan noted that the Town Administrator had made the recommendation that articles 18 and 19 be removed and placed on the fall STM once funding is noted and when more information is available.

**ARTICLE 20:** To see if the Town will vote to transfer land located at 2-12 River Street (need some description, better address, deed references) (Bresnahan Community Center) consisting of approximately 2.70 acres to the Board of Selectmen for purposes of sale or lease to a lawfully constituted entity (do we want to specify "non-profit" entity?) that will construct a new community center, and further to authorize the Board of Selectmen to so convey or lease said land for on such terms and conditions as are in the best interest of the Town, or act in relation thereto.

Gagnon noted that this article gives them the permission to negotiate. Phillips stated that this should specify that it's a non-profit entity and that she would amend the wording to reflect this. Val Daigle, of the Bresnahan Committee questioned a more specific entity and Gagnon responded that this would allow them to negotiate with "a" group to keep moving forward. There's a lot of work still ahead for the committee and many decisions to be made.

Gagnon stated that once this is built, the Town is responsible. Dennehy stated that the article would allow public discussion and the Town Meeting vote will give authority to the Board of Selectmen and this is the process to keep moving forward.

Ron Skaife, also a committee member, inquired as to when they could take the old building down and added that they have all the paperwork and approvals to go ahead. Phillips noted that the demolition of this building is all set to go and doesn't need a Town Meeting vote. Daigle stated that the committee is looking for leadership from the Selectmen. Dennehy stated that the meeting was the first step and the second step was to bring this to Town Meeting and then work with the Committee.

Skaife inquired about permission to go ahead to do landscaping as he has volunteers ready to go at no cost to the Town whatsoever. Dennehy stated that all the work that is done is great and there is a need to work together. Gagnon noted that the lease idea is a great one. He added that the Committee has to establish their corporation and establish accounting practices. No action by the Committee was approved by the Board of Selectmen at this time.

Dennehy stated that this is not the final language of this article and will be finalized by Debbie Phillips with wording of "community use facility". Dennehy added that the article should be kept somewhat general.

*Recommendations:*

**BOS – YES**

**ADV BD – YES**

**ARTICLE 21:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$34,000 for the purchase of a new police cruiser, or act in relation thereto.

Dennehy stated that they need to find a funding source for a new police cruiser. Johnson noted that they should hold off until the fall as it would be a better business decision. Dennehy stated that he disagreed and that there is no time like the present. He added that the additional maintenance costs in the long term would cost the Town more money and that we need the cruisers.

Chief Barrett stated that the car to be replaced has 100k miles at this time and would cost more money for upkeep with the risk of adding miles to the other cruisers if this one is down. He added that it also drives down the trade-in value. He noted that a lot of factors come into play and that he recommends replacing the cruiser now. Janssens stated that the Town should take the gamble and wait until the fall. Whitney mentioned that the Town Administrator had stated that there wasn't any money. Dennehy stated that he had requested to put this on the draft warrant. He added that with or without the money, we still need to buy cruisers and we need to figure these things out. Janssens stated that once the financial situation is better, we could buy the cruiser in the fall.

Carlisle inquired as to how much money the Treasurer would be collecting this year and what was outstanding. Shanahan stated that it was approximately \$843k (interest included). He noted that she brought in \$150k last year and so far this year \$84k. Carlisle stated that the article for \$20k for the Treasurer could generate enough money to actually buy two cruisers.

Gagnon stated that it is worth waiting until the fall, and spending the \$3k to wait and see. Barrett stated that the consequences if we wait 6 months would be more miles on

the other two cruisers and if the article is left on then they could pass over it at Town Meeting if there's no funding source at that time.

Dennehy stated that he wanted to be on record as supporting this but would go along with "no position" right now until a funding source is found.

*Recommendations:*           **BOS – NO POSITION**           **ADV BD – NO POSITION**

**ARTICLE 22:** To see if the Town will vote to direct the Board of Selectmen and the Town Administrator to contact the Massachusetts Department of Revenue, Division of Local Service for the purposes of scheduling a Financial Management Review, or act in relation thereto.

Gagnon stated that the voters would decide on this one.

*Recommendations:*           **BOS – YES**                           **ADV BD – YES**

**ARTICLE 23:** To see if the Town will vote to amend the Bylaws of the Town of Ashburnham at Chapter 5, "Capital Budgeting," as indicated below, or act in relation thereto.

5.1 *The Board of Selectmen shall establish and appoint a committee to be known as the Capital Planning Committee, composed of one member of the Board of Selectmen, two members of the Advisory Board, one member of the Planning Board, the Town Treasurer/Collector and two citizens at large. The Town Accountant, Treasurer/Collector and Town Administrator shall be ex-officio, non-voting members of the Committee. The Committee shall choose its own officers.*

5.2 *The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which: 1) have a useful life of at least three years; 2) have a dollar value of \$15,000 or greater.*

5.3 *The Committee shall develop policies and procedures, as necessary, to establish and maintain a capital improvement program.*

5.4 *All officers, boards and committees shall each year, on or before September 30<sup>th</sup> of each year, give to the Committee, on the forms prepared by it, information concerning all anticipated projects and capital requests requiring Town Meeting action during the ensuing five years. The Committee shall consider the existing and probable future needs of the town for public improvement and purchases of major equipment, their relationship to the probable future growth of the town, relative needs, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission at an Annual Town Meeting, or at any Special Town Meeting, unless the Committee has first made a recommendation to such Annual Town or Special Town Meeting with respect to such proposed capital improvement unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.*

5.5 *The Committee shall prepare an annual report recommending a Capital Improvement Program for the next fiscal year, and Capital Improvement Program including recommended capital improvements for the following five fiscal years after that. The report shall be submitted to the Board of Selectmen for its consideration and approval by December 1<sup>st</sup> of each year. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.*



5.6 *Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or preliminary planning for projects to be undertaken more than five years in the future.*

5.7 *The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Advisory Board report. The Committee shall file its original report with the Town Clerk.*

**Or act in relation thereto. (Citizens Petition)**

Phillips stated that if this article is approved as written it would cause confusion and it doesn't clearly delete the language in its entirety. Dennehy asked if an amendment could be made on Town Meeting floor and Phillips stated that they would need the consent of all the petitioners or the lead person. Gagnon noted that once it's approved by Town Meeting it would have to go to the Attorney General for approval after that.

Bill Johnson stated that he was the author of this article and would have changed it. Phillips suggested to amend as "deleting in its entirety" and to replace with this which basically means just to fix the first sentence.

Dennehy stated that the bylaw we have is sufficient as is and this needs more pressure on the Town Administrator to get this done. He added that he has been a long time proponent to review and make changes on the entire charter. He noted that he would like to see this done more systematic rather than piecemeal.

Carlisle stated that he is in agreement and believes many aspects need to be reviewed and changed and that a committee is needed to review this. He added that they should stick with the existing bylaws but give it the attention it deserves.

Gagnon stated that he is very aware of this issue and that the Special Acts and the Bylaws conflict. Phillips stated that they could refer to a committee that the Board of Selectmen could appoint. Gagnon stated that in between the Annual Town Meeting and the Special Town Meeting it could be worked on and a committee set up. He added that they should let the voters decide and get the Charter married to the bylaws. Phillips said that they should do the bylaws review first. Gagnon added that if this leads to the general bylaws review, then he would recommend.

*Recommendations:* **BOS – NO (2) YES (1)      ADV BD – YES (2 ABSTAIN)**

**ARTICLE 24:** To see if the Town will vote to authorize the Town Administrator to enter into an Inter-Municipal Agreement with the Town of Westminster for shared Animal Control Services on such terms and conditions as are in the best interest of the Town, or act in relation thereto.

*Recommendations:*                    **BOS – YES                    ADV BD – YES**

**ARTICLE 25:** To see if the Town will vote to authorize a revolving fund in accordance with G.L. c. 44, Sec. 53E½, to be expended by the Police Chief for the purpose of defraying all costs associated with animal control services; said fund to be established from impounding and

reclaiming fee receipts; said expenditures not to exceed \$10,000, unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto.

*Recommendations:*            **BOS – YES**                    **ADV BD – YES**

**ARTICLE 26:** To see if the Town will vote to transfer a sum of \$35,500 (approximate) from available funds for the purpose of moving the Town Offices back to Town Hall and purchasing furniture for the recently refurbished Town Hall, or act in relation thereto.

The consensus was that the information was just received and therefore both Boards would pass over this article for now until they review the information.

*Recommendations:*            **BOS – PASS OVER**                    **ADV BD – PASS OVER**

**ARTICLE 27:** To see if the Town will vote to authorize a revolving fund, in accordance with G.L. c. 44, Sec. 53E½, to be expended by the DPW Director, for the purpose of trash removal, (MSW) from the transfer station; said fund to be established from trash tag receipts; said expenditures not to exceed \$50,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto.

Don Ouellette explained this article and added that they would use the current fee schedule.

*Recommendations:*            **BOS – YES**                    **ADV BD – YES**

**ARTICLE 28:** To see if the Town will vote to raise and appropriate by borrowing the sum of \$250,000 to design and construct a replacement of the Ashby State Road Bridge, including but not limited to any and all architectural and engineering services and inspection fees therefore, and to authorize the Town Administrator and/or the DPW Director to apply for and/or accept any reimbursement from the Commonwealth of Massachusetts or any agency thereof, provided that no funds shall be spent and no bonds or notes shall be issued unless the Town has voted at an election to exempt this expenditure from the provisions of Proposition 2½, so called, or act in relation thereto.

Ouellette explained that the bridge has been deteriorating and is unsafe. He added that the state would refund the expense, but that we don't know when and eventually it would be done under TIP but without a letter of agreement it can't go forward. Dennehy stated that he can't recommend this without a letter of agreement. Carlisle motioned to recommend subject to getting the letter from the State and was seconded by Gagnon. The Advisory Board agreed to this as well.

*Recommendations:*            **BOS – YES**                    **ADV BD – YES**  
(Pending receipt of letter)

**ARTICLE 29:** To see if the Town will vote to amend the Bylaws of the Town of Ashburnham at Chapter VIII, Records and Reports by adding the following to the end of Section 1 thereof

“In addition, all such officers, boards and committees shall file with the Town Clerk, copies of all meeting minutes, whether in draft or final approved form within 45 days following each meeting. Said 45 days shall not include Saturdays, Sundays or legal holidays.”, or act in relation thereto.

*Recommendations:*            **BOS – YES**                    **ADV BD – YES**

**ARTICLE 30:** To see if the Town will vote to raise and appropriate, the sum of \$ \_\_\_\_\_ to be used to fund the Ashburnham-Westminster Regional School District Five Year Capital Plan,

provided that no funds voted under this article shall be expended unless the Town has first voted by ballot at a special election to exempt this expenditure from the provisions of Proposition two and one-half and further, that the Town of Westminster also votes to fund its proportional share of the cost of said items, or act in relation thereto.

Dave Christianson and Mike Zapantis were in attendance and Christianson stated that there would be no action taken at this time but they should leave this article on the warrant. He added that the Committee voted to not fund the capital plan through the Town at their last meeting.

**ARTICLE 31:** To see if the Town will vote to raise and appropriate, or transfer, from available funds, a sum of money for the operating budget of the Ashburnham-Westminster Regional School District, in addition to the sum voted under Article 2 for said operating budget, provided that no funds shall be expended and no bonds shall be issued unless the Town has first voted at an election to exempt this expenditure from the provisions of Proposition 2 ½, so-called, and further provided that the Town of Westminster also votes to approve and fund its proportional share of such additional appropriations, or act in relation thereto.

Christianson stated that there would be no action taken at this time but they should leave this article on the warrant and hold off for now until the Committee meets again.

**ARTICLE 32:** To see if the Town will vote to rescind the \$160,000 debt authorization from Article 7 of the Special Town Meeting dated October 20, 2005 for the construction of two temporary classrooms to be located at the Briggs Elementary School and for all materials, supplies, engineering, architectural and other services related to design and construction of the classrooms, or act in relation thereto.

It was decided that this article was not needed. Carlisle noted that it should be withdrawn.

**ARTICLE 33:** To see if the Town will vote to appropriate \$400,000 to be expended under the direction of the School Building Committee for J.R. Briggs Elementary School Feasibility Study, 96 Williams Road, Ashburnham, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Christianson noted that the study is for \$400k and that it should reflect this amount in the article. Carlisle stated that 53% would be reimbursed to the Town so that would leave \$188k minus the \$160k from the article just withdrawn and that would leave \$28k for the Town to fund.

Gagnon stated that they need to get the voters to approve the \$400k amount and that it may be an override and they would need the language. Zapantis stated that they need specific language for this. Phillips noted that this can be funded any way we want but that they need to appropriate the entire amount.

Christianson stated that they may need an override for around \$200k and Carlisle added that they would need to give a good explanation at Town Meeting. Phillips noted that they need to change the language to say "raise and appropriate" and that she would contact MSBA. Carlisle noted that if the voters don't approve this, the

project could be thrown back for many years but that the idea was to put minimal impact on the voters.

Gagnon noted that they can recommend subject to Town Counsel working on the language. Dennehy motioned to recommend and support this in whatever way Town Counsel and the MSBA recommend and Gagnon seconded.

*Recommendations:*            **BOS – YES**            **ADV BD – YES**

**ARTICLE 34:** To see if the Town will vote to appropriate by transfer from available funds a sum of money into the Capital Improvement Fund, or act in relation thereto.

**ARTICLE 35:** To see if the Town will vote to appropriate by transfer from available funds a sum of money into the Stabilization Fund, or act in relation thereto.

It was noted that no action would be taken at this time on Articles 34 and 35.

Don Ouellette inquired as to an article that was missing that he submitted on a water tank. Dennehy noted that it may have been taken off the warrant because of the enterprise concerns. Carlisle stated that they would continue the meeting and go over the budget and then look at the water tank article and that they may put it on the warrant.

The Board noted that it was late and they should think about finishing the meeting the next evening. They decided to attend the School Committee Meeting the next night and then meet with the Advisory Board in the Overlook Cafeteria at 7:30 p.m. on Tuesday, April 8<sup>th</sup> to resume the meeting. They also stated that they would have a brief executive session before they left for this evening.

## VII. EXECUTIVE SESSION

At 10:30 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 of pending litigation and to reconvene the next day into regular session, and was seconded by Gagnon. Motion carried.

At 10:39 p.m. Dennehy motioned to adjourn from executive session and was seconded by Gagnon. Motion carried.

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator