

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
AUGUST 18, 2008 – 6:00 PM  
FAIRBANKS MEMORIAL TOWN HALL - UPSTAIRS**

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Gagnon announced that this meeting was taped, not live, but would be shown the following day on Cable Channel 9.

PRESENT: Chris Gagnon, Chair, Jonathan Dennehy, Member and Maggie Whitney, Clerk, Kevin Paicos, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator.

- I. **APPROVAL OF AGENDA:** At 6:00 p.m., Gagnon read the agenda. Dennehy motioned to approve the agenda and was seconded by Whitney. Motion carried.

Gagnon asked for a moment of silence to remember 10 year-old, Rachel Lee and the Westminster Town Planner Alicia Altieri, who both passed away recently.

Whitney asked for a short discussion regarding the policy on the Selectmen's Meeting agenda, which she read as well as an email from Kevin Paicos on this issue. She noted that she would be sure to submit any agenda items to the Chairman on the Monday or Tuesday before the meetings. Paicos did add that the Chairman would have the final say on any agenda items.

II. **PRESENTATIONS, REPORTS & CORRESPONDENCE**

- A. **Correspondence:** Gagnon noted that the Board received a note from Charlie Packard asking about an Ambulance Fee Collections Update Report and he noted that the Board would ask that Chief Zbikowski present an update at the next meeting. Gagnon also noted that Packard asked that brush be cut at the intersection of Williams Road, Corey Hill Road and Center Street. Paicos stated that he would ask the Highway Department to get this done.

Whitney stated that she was never notified about the Habitat for Humanity ceremony recently held and that was why she did not attend. She asked that the Town Administrator send out an email to the Board on events of this nature in the future. .

Whitney noted that she recently attended the Water/Sewer Commissioners meeting and that she found it very interesting noting their concern regarding the 40B Project. She noted that she had a tour of the Water Filtration Plant and that it was very impressive. Paicos stated that they were working on issuing the RFP for the management of the transfer station.

Whitney stated that anyone who wished to contact her personally should feel free to send any correspondence to her home address, at 63 Hastings Road, or to call her home at 978-827-4773.

**B. Town Administrator's Update:** Paicos reviewed the numbers in the FY09 Budget, in particular the heating oil which is under-funded. (Update Report is attached.)

He noted that his main focus right now was the tax rate and the FY09 Budget. He stated that the DOR issues were of great concern and that they need to get the Town's "fiscal house" back in order. He noted that the Town is being watched very carefully by the DOR and that we need to be very conservative and cautious.

Paicos noted that both the FY07 and FY08 audits needed to be completed before we could set the tax rate and that the FY07 had been done and the FY08 would be done very soon. He also stated that the Auditor would come before both Boards soon to go over both audits.

Paicos stated that he has asked the Department Heads to submit their Goals and Objectives report and that he would work on consolidating this into one report to submit to the Selectmen around mid-September.

It was noted by Bill Johnson that another notice should be put out regarding the dump stickers with the Town Hall hours, etc. He also brought up the idea to check with local merchants to see if they would sell them for us during the hours that Town Hall isn't open. Gagnon liked that idea and asked that Paicos check into this.

Johnson inquired why the FY07 Audit wasn't done in a timely manner and Paicos stated that it was totally our fault as the Auditor had to wait for some information. He also noted that it could have been due to the Special Town Meeting Free Cash issue with the DOR as the Auditor stopped the audit because of this and started it up again in the summer. Johnson inquired if anyone was reprimanded because of what happened and Paicos stated that it was in the works as disciplinary action would be required.

Paicos stated that "if the tax rate isn't set on time, someone would be fired". He added that he had every confidence that it would be done as he has a good financial team. Paicos also noted that he would be resuming the monthly Department Head meetings.

Dennehy wanted to give residents an update on what the Village Center District Zoning Study Committee had accomplished to date. He stated that the Committee has met every two weeks and that they would be prepared to bring a comprehensive thoughtful plan before the Annual Town Meeting. He stated that they would ask the Selectmen to allow Eric Smith to do a presentation at the fall Special Town Meeting in order to give everyone an idea as to what they are doing and to ask for feedback.

Dennehy stated that they are working on two separate districts and added that they have had a lot of good feedback and noted that Eric Smith has done a lot of work for this Committee. He stated that they are looking at additional parking for the downtown area which included some ideas such as diagonal parking on Memorial Drive on both sides, which would mean 10 to 15 additional new spots. He also noted

that they were looking at each property in the districts with the goal to bring them into conformity, as well as closely looking at the table of uses.

Dennehy stated that the Committee has a lot more work to do and that Eric Smith has done a good job of leading them. He stated that the next meeting of this Committee will be on August 19<sup>th</sup> at 7:00 p.m. in the Town Hall.

- C. **Public Safety Building Committee update:** Gagnon asked Chief Barrett for a quick update on the project. Barrett stated that October 7<sup>th</sup> is the official moving date so in 6 or 7 weeks they should be in as they are finishing the inside right now.

Gagnon did note that a dedication ceremony would be planned as a fall event and that the Town Hall Committee was planning on a separate dedication ceremony.

### III. OLD BUSINESS

- A. **End of Contract – Interim Town Administrator:** Gagnon stated that he received a letter from the Town’s Labor Counsel and noted that they were only allowed to discuss the final calculations on this settlement.

Whitney noted that she had asked for payroll records from the Town Accountant and the Treasurer and that she was told they were not available to her. She then proceeded to read an email sent to her by the Town Administrator noting this fact.

Paicos stated that when the Chairman requests information on behalf of the Board of Selectmen then this follows protocol. He added that because of the extreme sensitivity, only one person should have been involved. He noted that he did tell the staff that if the Chairman needs information they should give it to him and that payroll records are not public record, they are exempt. He added that they wanted to keep this extremely tight.

Gagnon proceeded to discuss the letter from Labor Counsel noting that the base amount owed to Boushell would be \$5,294.23 which would be payable immediately, less any vacation pay already paid to him as well as \$4,125.00 payable on January 1, 2009 for his pension. He also noted that there was still some vacation pay due him in the amount of \$1,580.45 for vacation carried over from the previous fiscal year. Whitney stated that she was not in favor of including the \$1,580.45. Dennehy stated that it was signed by Chris Gagnon in good faith and it should be honored. Gagnon noted that he signed this request back on June 2<sup>nd</sup> and Dennehy stated that he was also in agreement to allow Boushell to do this due to the move back to Town Hall and that he thought it was a reasonable request. Whitney again voiced her disapproval.

Johnson stated that there were days that Boushell was ill and that time was not accounted for in the sick time and that he felt that the vacation time should be a wash.

Gagnon stated that he would not renege on this request that he approved as it wasn’t enough money involved. He noted that the total amount would come to \$10,999.68. Johnson inquired as to what account this money would come out of and Gagnon

stated that the \$4,125 should have been in the budget just for this purpose. Johnson asked if this would require a Town Meeting vote as it is unappropriated expense. Dennehy stated that Paicos would look into this and would report back to them.

Gagnon stated that he would need a vote on the \$6,874.68 and that once it is voted on then Paicos would go to the payroll and adjust what we owe. Paicos stated his suggestion would be that the Chairman send a letter to the Treasurer and the Accountant with the gross amount with the two amounts and two dates payable in order to get this on the warrant as this would streamline the process.

Dennehy made the motion to complete this transaction in the amount of \$10,999.68, with \$6,874.68 payable now and \$4,125.00 on January 1, 2009. Gagnon seconded the motion. Both Gagnon and Dennehy voted in favor while Whitney was a no vote.

**B. Discussion of Town Administrator memo re: budget dated August 6, 2008:**

Paicos stated that there was good news as the Bureau of Accounts wants us to convert to a different billing “modified accrual accounting” which would basically alleviate the deficit in the Water and Sewer accounts. He noted that he wanted to give the Water/Sewer Commissioners a “real pat on the back” as it isn’t easy to do this.

Paicos then went into a discussion on the heating oil budget concerns. He noted that both Chiefs have done a great job to lessen the shortfall. He noted that he met with Marc Bingham from Roy Bros. on the VMS Building and noted that for 6,000 gallons, it would cost approximately \$37k with only \$27k budgeted. He stated that once the Police, Fire and Dispatch leave the VMS there would be some savings but still not enough budgeted. He stated that they need to look at ways to save more and that they were just beginning to discuss alternatives and steps to fix the problem. He stated that he would work with Mary Lee Muessel to resolve this.

Paicos then discussed the Library which is looking at an astronomical number as a shortfall noting that the budget is off by 300% and short about \$25k as last year it costs \$40k for heating. Dennehy noted that the budget presented was not adequate and when the Interim Town Administrator instructed the Department Heads to cut 3% out of their budget, Cheryl Bradley chose to cut the energy line and this was noted at that time. Johnson also noted that last year, the Library had a Reserve Fund transfer in the amount of \$8k to cover a deficit then. He noted that she went ahead and filled the oil tank without money in her budget to cover the cost and that was not a solution. Melanie Gallo, Library Trustee Chair stated that it wasn’t a deliberate intent on her part.

Johnson stated that they should check what is in the oil tanks at this time at both the VMS and the Library in order to determine whether there may be less of a shortfall.

Paicos noted that Town Hall costs were estimated but that we won’t know for sure although it should be fairly accurate. He also noted that heating oil is down right now and that he may look into getting it at a lower rate and he would check with Sherry Kersey on this.

Paicos reviewed his summary noting that an additional expense of \$20k was for a student in our school system who moved here recently and wants to continue her education at an agricultural school which would be the Town's responsibility. He noted that there was a total shortfall/deficit of \$400k with every one of these being a recurring expense in the next fiscal year and that we need to face that. Gagnon stated that they needed to make permanent cuts in the budget now.

A discussion followed regarding the \$155k for the school. Gagnon noted that this is an obligation to the school, its debt service and the Town owes this to the school.

Gagnon stated that they needed to find ways to cut our budget. He then read the list of suggestions made by the Advisory Board at their last meeting (copy attached). Whitney stated that she recommends that each member and Paicos put a list together on how to cut the budget and then discuss it with the Advisory Board at a meeting. Gagnon had a list that he had compiled and read through it. Gagnon emphasized that they should focus on this.

Paicos noted that he needed direction from the Selectmen and that if they wanted him to cut the Town budget, then they should look at the school as it is a huge factor. Gagnon stated that they would need to find out if they can legally and morally cut the \$155k from the School.

Paicos stated that there were two ways to help with the budget crunch a) cut the Town budget and/or b) look at personnel reductions and he stated that he needed guidance. He noted that it is possible to cut \$100k out of the budget but if another \$100k was to be cut it would be wholesale cuts with personnel. He added that his suggestion is to share the difficulty between the School and the Town.

Johnson stated that he didn't want the school to take a hit on this now because in FY10 we would have to reduce our contribution to the school as this is unsustainable growth to the school. Paicos stated that this would be a good way to record this in writing, giving them a heads up about less next year.

Paicos noted that his fear is what the DOR would do when the Town goes to set the tax rate. Dennehy stated that they needed to discuss the realities.

Paicos stated that they needed to look at the following:

- 1) \$155k – legal obligation to the school
- 2) Cut \$100k out of operations
- 3) Lay-offs

**C. Discussion of Tax Rate schedule:** No discussion on this item.

**D. Rotary Club offer to plant public garden:** Paicos stated that he would ask a Rotary Club member to attend the next meeting to discuss this proposal.

#### IV. NEW BUSINESS

- A. Route 101 Bridge:** Paicos went over the memo sent by Don Ouellette, DPW Director regarding this issue which listed a few options on how to proceed. Ouellette stated in the memo (copy attached) that he would recommend option 4.

Dennehy referred to a meeting with Senator Brewer and MA Highway which referred to options on how to get State funding for this bridge before FY11. He also noted that there was no suitable detour to close Ashby Road/Route 101 down and that they needed another option. He added that there must be something that the Town can do besides going to our Rep and seek help with this.

Whitney inquired if anyone had notified the Army Corps of Engineers on this situation. Dennehy stated that Senator Brewer did try to help us and it was appreciated. Paicos stated that he would set up a meeting with Brewer, Olver, both Chiefs, etc. to find a solution.

- B. Vote by the Board on the September 16, 2008 Primary Election Ballot:** Gagnon read the ballot for the Primary. Dennehy motioned to accept the ballot as presented and was seconded by Whitney. Motion carried.
- C. Vote on Special Election Override ballot wording:** Gagnon began reading the ballot but noted that the wording may be incorrect so it was passed over until this was checked. Paicos noted that he would check with Don Ouellette regarding signage to advertise this Special Election date as well.
- D. Vote by the Board on Road Race Application – Brian’s Gift Road Race – September 27, 2008:** Gagnon read the request and Whitney made the motion to approve the Road Race application and was seconded by Dennehy. Motion carried.
- E. Discussion and vote by the Board on a request for an ambulance bill abatement:** Gagnon noted that this was a definite hardship case. Whitney motioned to approve the abatement and was seconded by Dennehy. Motion carried.

#### V. APPROVAL OF MINUTES

- A. June 16, 2008 – Regular Meeting**  
**B. July 7, 2008 – Regular Meeting**  
**C. July 14, 2008 – Special Meeting**

It was noted by all members of the Board that they would put off the approval of the minutes until the next meeting.

#### VI. SCHEDULE OF COMING EVENTS

Paicos asked the Board if they would mind changing the meeting schedule for the month of September to Monday, September 8<sup>th</sup> and Tuesday, September 23<sup>rd</sup> to accommodate a planned vacation. Whitney also noted that they should change the start time for the

meetings to 6:30 instead of 6:00. The Board stated that the 8<sup>th</sup> and the 23<sup>rd</sup> worked out well for their schedules. Whitney motioned to change the start time for the meetings to 6:30 p.m. and was seconded by Dennehy. Motion carried.

Johnson asked that the next meeting discussions be limited to just the budget cut issue and the Board stated that other than the Rotary and the Fire Ambulance bills they would stick to the budget cuts.

## VII. OTHER MATTERS

Whitney read a Public Health Advisory notice on Upper Naukeag Lake regarding fish contamination with mercury in the lake and the possible health hazards (attached). Gagnon did note that an article in the Sentinel also mentioned other regions with this same issue.

Gagnon noted that the Turnpike Rod and Gun Club had applied for a one-day liquor license for their annual Motorcycle Run to be held on Saturday, August 23 from 1:00 to 6:00 p.m. Whitney motioned to approve the One-Day liquor license and was seconded by Dennehy. Motion carried.

Paicos stated that the Board needed to vote on a STM warrant closing date and he suggested September 12<sup>th</sup> at noon. Whitney motioned to approve September 12<sup>th</sup> as the warrant closing date for the Special Town Meeting set for November 13<sup>th</sup> and was seconded by Dennehy. Motion carried.

Gagnon read the following Town Clerk reminders.

- Wednesday, August 27, final registration for State Primary, Town Clerk's office at Town Hall – 8:00 a.m. to 8:00 p.m.
- 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

Gagnon announced the next Board of Selectmen meeting would be held on Monday, September 8, 2008 at 6:30 p.m. at the Town Hall.

At this time a short discussion took place regarding a cease and desist order on Kevin Lashua of Winchendon Road by Wayne Adams. No action was taken by the Board on this issue.

## VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

With no further business to discuss, at 9:19 p.m. Dennehy motioned to adjourn and was seconded by Whitney. Motion carried.

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator