

**TOWN OF ASHBURNHAM**  
**JOINT MEETING OF THE BOARD OF SELECTMEN**  
**AND THE ADVISORY BOARD - MINUTES**  
**OCTOBER 27, 2008 – 7:00 PM**  
**FAIRBANKS MEMORIAL TOWN HALL - UPSTAIRS**  
*As amended*

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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, and Sylvia Turcotte, Assistant to the Town Administrator. Kevin Paicos was not in attendance. Members of the Advisory Board who were present: Bill Johnson, Dottie Munroe, Belden Divito, James Piedrafite and Leo Janssens.

Gagnon called the meeting to order at 7:00 p.m. and stated that the agenda would be amended and read as follows:

- 1) Scheduling of Special Town Meeting in relationship to Town Override vote.
- 2) Town Accountant resignation and replacement.
- 3) Proposal by Jonathan Dennehy – Land transfer
- 4) Approval of Special Election Warrant – December 1, 2008
- 5) Affordable Housing Committee Trust Fund Article – Donna Brooks and Eric Smith
- 6) Planning Board – Three Zoning Articles
- 7) Habitat Articles – Megan Foley
- 8) Meetinghouse Road Water Tank Article – W/S Commissioners and Don Ouellette
- 9) Front-End Loader Article – Don Ouellette

Gagnon stated that the Presentation by Ed Byrnes, the Insurance Consultant, on the Retiree Health Insurance Articles would be moved to Executive Session. Dennehy motioned to approve the agenda as amended and was seconded by Whitney. Motion carried.

- 1) Scheduling of Special Town Meeting in relationship to Town Override vote:** Gagnon stated that he had talked with both Kevin Paicos and Town Counsel Deb Phillips and they were both in full support of a contingency vote on the override ballot question, although Town Counsel stated that the ballot question was not specific enough. She strongly suggested the meeting after the ballot which would allow the December 1<sup>st</sup> ballot to continue on schedule.

Gagnon noted that Town Counsel also stated that if the ballot question was in the works there should be no ill effects for the School with DOE or DOR and the State would take no action.

Gagnon inquired regarding thoughts of holding two Special Town Meetings and noted that the first would include articles all ready approved and the school ballot. Dennehy inquired if there would be any drawbacks to postponing the meeting until December 3<sup>rd</sup>. Johnson stated that he felt there should be two meetings with the second only being budget articles. Gagnon stated that a meeting on December 3<sup>rd</sup> would need to be posted by November 19<sup>th</sup> which would give Paicos time to continue working on the cuts.

Jeff Lawrence stated that he would follow-up to see if Oakmont was available for November 13<sup>th</sup> as well as December 3<sup>rd</sup>.

A motion was made by Whitney to have the November 13<sup>th</sup> Special Town Meeting at Oakmont Regional High School and was seconded by Dennehy. Motion carried.

Johnson stated that any article with a financial impact should be on the warrant for the December 3<sup>rd</sup> Special Town Meeting. Janssens noted that the Briggs article is time sensitive and should be on the November 13<sup>th</sup> Town Meeting. Dennehy voiced his opinion that it should be done all in one night.

There was a question by Whitney on the FY08 Deferred Comp article for Paicos and it was decided that it would stay on the 11/13 warrant as a prior year invoice.

Johnson stated that they should keep  $\frac{3}{4}$  of the articles on the November 13<sup>th</sup> warrant and the remainder on for December 3<sup>rd</sup>.

Gagnon stated that they should move the Retiree Health Insurance articles discussion to another meeting. Whitney motioned to move the Retiree Health Insurance articles discussion to another meeting as Executive Session and to also include the Advisory Board. Dennehy seconded and the motion carried.

At this time Gagnon stated that the ballot would be on Monday, December 1<sup>st</sup> and the Special Town Meeting would be Wednesday, December 3<sup>rd</sup>.

Ron Reed, former Selectman, suggested that they take the funds in the amount of \$150k from the Cushing Trust in order to make the School District whole by November 13<sup>th</sup>. Gagnon noted that taking these funds would basically wipe out the principal and he asked about any objections from either Board.

Reed stated that the funds are there for educational purposes and could be returned later. Dennehy cautioned the Board that they had already used the accrued interest on this trust fund to balance the budget but that he had another idea which may make this a moot issue.

Gagnon stated that if the override passes, they would have to have the December 3<sup>rd</sup> meeting to ratify the budget but if it doesn't pass then the second meeting might not be needed.

Johnson noted that the Advisory Board had no problem with keeping the November 13<sup>th</sup> meeting as scheduled and to set a second Special Town meeting for December 3<sup>rd</sup>.

Whitney motioned to solidify the December 3, 2008 Special Town Meeting date and was seconded by Dennehy. Motion carried.

Gagnon questioned the polling hours and Whitney noted that the polls should open at 7:00 a.m. as it was convenient for the working people. Dennehy agreed on the 7:00 a.m. time. Gagnon asked for a vote to ratify and sign the Special Election Warrant with the

7:00 a.m. time. Whitney motioned to approve the warrant as Gagnon noted and was seconded by Dennehy. Motion carried.

Whitney motioned to continue to have the November 13<sup>th</sup> STM as planned and was seconded by Dennehy. Motion carried. Gagnon noted that this would need to be posted by Thursday along with a vote to allow Town Counsel to create the wording on the Special Election Warrant.

Dennehy motioned to authorize the Town Administrator to insert a warrant article to be worded by Town Counsel for the purpose of transferring any amount necessary from the Cushing Trust Fund to the Town operating budget for the purpose of completing the payment to the Ashburnham Westminster Regional School District. Whitney seconded and the motion carried.

Gagnon stated that at this time they would hear what Dennehy was proposing. Dennehy stated it would be the use of one-time revenue but because they are faced with a budget crisis right now he felt it should be looked at. He stated that the Town owns a parcel of land on Lake Watatic and that he is proposing selling Parcel 52 in order to generate funds for the Town. He noted that this parcel was 3.3 acres in size and that it allegedly had 300 feet of road frontage on Lakeshore Drive. He proposed to sell Parcel 52 immediately by auction or to allow the Treasurer to do so and that after checking with Town Counsel it does not require a Town Meeting vote.

Dennehy stated that his wife offered her time to do a market analysis and that the Town could gain revenue safely in the amount of \$150k. He noted that the Town could sell this land to deal with our immediate shortfall, but that they would still need the override because money would be needed in hand in time to set the tax rate. He noted that the money could be applied to this fiscal year as “miscellaneous income” as we are not foreclosing.

Johnson inquired if only Parcel 52 would be sold and Dennehy said yes, that all the other Town-owned land there is wetland including Parcel 48.

Dennehy noted that he was not suggesting that this be a replacement to the override but something that could be done in addition.

Johnson stated that this was an interesting idea and it had validity and he thanked Dennehy. Dennehy noted that the Treasurer has the authority to call a tax title auction and this would bring it back in the tax role. He also stated that residents in that area had been approached and were basically in favor.

Whitney thanked Dennehy for the good job he did researching this idea.

Dennehy noted the downside which would be that future Selectmen may have wanted to use this land in another venue.

Dennehy motioned to embark on the process to ask the Treasurer and the Town Administrator to work immediately together to hold a land sale auction of Map 56, Parcel 52, to sell either by auction or bid. Whitney seconded and the motion carried.

At this time Leo Collette of the Water/Sewer Commission stated that the DEM had concerns on the repairs to Watatic Dam, which would amount to at least \$300k. Dennehy noted that Paicos was working on this, probably as a betterment. He also stated that no bid would be accepted if the details were not met.

Dennehy stated that Town Counsel wasn't sure as to what method would be most advisable to pursue. He added that he is hoping for support for the general concept and then to go forward with the Treasurer, Town Administrator and Town Counsel. Anne Cervantes, Town Treasurer inquired as to the definite intent, that the Selectmen want this property sold and Gagnon responded that they did. Dennehy noted that this would be done through the procurement process of 30B.

- 2) **Town Accountant resignation and replacement:** Gagnon read Shanahan's resignation letter to the Board of Selectmen which stated that it would take place 30 days from October 23<sup>rd</sup>. He noted that they would need to make fast decisions. It was determined that they should advertise as soon as possible.

Whitney motioned to authorize the Town Administrator to immediately advertise for a Town Accountant. Dennehy seconded and the motion carried. Gagnon noted that the Town Accountant position would not be on the cut list as this position is required.

- 3) **Dennehy-land transfer proposal:** Already discussed earlier in the meeting.
- 4) **Approval of Special Election Warrant – December 1, 2008:** Gagnon noted that they were all in agreement on the addition of the articles for the Cushing Trust Fund and the land sale proposal.

At Article 1, Piedrafite asked about whether this should be placed as a line item in the actual budget, the same way that Monty Tech and AWRS is listed as this would come up again next year. Dennehy agreed that this should be placed in the budget every year. Both Boards were in agreement to keep this article on the November 13<sup>th</sup> STM warrant.

Article 2 was also unanimously left on the November 13<sup>th</sup> warrant.

Articles 3 and 4 were unanimously voted to be placed on the December 3<sup>rd</sup> STM warrant.

Articles 5 and 6 were also voted to remain on the November 13<sup>th</sup> warrant.

At Article 7, Gagnon asked Ouellette to review how this would be funded. Ouellette stated that they were looking at approximately \$50k and that it would be funded out of Chapter 90 money. He stated that the old front-end loader died the previous year and that on the narrow roads in Town, this works very well. He noted that he was confident that they could buy a good used loader. He also stated that they should leave this on for November 13<sup>th</sup> as the sooner they purchase this the better. He added that once this was

purchased there would be no balance remaining in the Chapter 90 funds. It was decided to leave this article on the November 13<sup>th</sup> warrant.

Article 8 was also left on the November 13<sup>th</sup> warrant.

At Article 9, Ouellette was asked to speak on the water tank repair. Ouellette stated that the water tank needs to be relocated and reconstructed and that they would apply for a USAD loan which would be a 20% grant expended in 40 years. He stated that it is necessary and if it fails, they would be looking at more money later to replace it. Collette added that if the article fails, they would have to do some minor repairs at approximately \$30k but it would still have to be replaced. He stated that this is a major infrastructure of the Town and that 50% of the cost to repair this would be out of the Water Fund but the remainder would need to come from the taxpayers. The Advisory Board approved this article to remain on the November 13<sup>th</sup> warrant. The Board of Selectmen approved to keep this on the November 13<sup>th</sup> warrant, but Whitney voted no.

Article 10 was unanimously approved by both boards to remain on the November 13<sup>th</sup> warrant.

At Article 11, Gagnon explained the article and how it would work. Chief Zbikowski also explained further how the funds would be used. He also noted that no additional insurance was involved. It was decided to keep this article on the November 13<sup>th</sup> warrant.

Articles 12 and 13, the Retiree Health Insurance articles, were put off until the December 3<sup>rd</sup> STM and it was also noted that the Town Administrator would work on scheduling an Executive Session Joint Meeting with the Advisory Board for the presentation by Ed Byrnes on this issue before the December 3<sup>rd</sup> STM.

It was noted that Articles 14 through 20 would remain on the November 13<sup>th</sup> STM warrant.

- 7) **Habitat Articles:** Megan Foley was present and was asked to speak on Articles 19 and 20. She stated that she would ask the Selectmen to set aside land for Affordable Housing and she also invited them to the dedication ceremony set for Saturday, November 15<sup>th</sup> at 10:30 a.m. at 203 Sherbert Road. She noted that she would like to replicate this community wide endeavor.

Dennehy noted that one parcel was on Ashby Road and the other was on S. School Street on the site of the old school and that both are buildable lots. He stated that Town Meeting vote would be authorizing the Selectmen to make the deal. He also noted that this would go toward our affordable housing requirement and that also, with the economy the way it is, it makes sense that Habitat is much more important than ever. He stated that it would be great for Ashburnham and the Board should support this.

- 5) **Affordable Housing Committee – Trust Fund Article:** Donna Brooks and Eric Smith were asked to speak on this article and gave a short presentation. Smith explained the history of this committee and their charge. Brooks stated that Smith spent a great deal of

time with this committee and pursued a number of grants. She noted that he is a valuable employee. She also stated that it should be noted that this is not really affordable housing but workforce housing and it would have no tax impact on the community. She also stated that the Town is still far from the 10% requirement for 40B housing. She added that the trustees for this Trust would all be volunteers and wouldn't be paid.

Dennehy noted a few minor changes and Smith stated that he would take care of these. He also noted that the wording was basically based off of Andover's Trust.

Whitney noted that she agreed to keep this article on for the November 13<sup>th</sup> STM and Gagnon also agreed. Dennehy noted that he was against this Trust.

- 6) **Planning Board:** John MacMillan was present and explained that the three zoning change articles should be kept on the November 13<sup>th</sup> warrant as they were time-sensitive in nature. Whitney stated that she recommends they leave these articles on for November 13<sup>th</sup>. Dennehy noted that Ashburnham was way ahead of the surrounding communities on these issues and the Planning Board should be complimented.

It was noted by Gagnon that Article 18, the easements on Lake Road Bridge, had to be done right away so he suggested that they keep this on for November 13<sup>th</sup>.

Gagnon noted his thanks to the taxpayers for their participation in the almost perfect *Public Safety Building* event on Saturday, October 25<sup>th</sup>. He apologized for not inviting the other board members.

Collette again voiced his concerns regarding the DEM and the dam repairs that are needed. He noted that the sale of the property on Lake Watatic should be held off, as it is the worst time to do this. He stated that they can't keep putting the repairs off as the Town is the owner of record of this dam.

Dennehy stated that he had met with Paicos and Dymek regarding a proposal for a betterment on dam work. He also noted that he disagreed with Collette stating that the sale of Parcel 52 is not related to the repair of the dam as this is property taken by the Town. He stated that because of the budget crisis, it's a means necessary to help bridge the gap. Gagnon stated that it would be on the STM warrant and would be discussed more at that time.

Johnson stated that the Capital Planning Committee would be looking into this project as one of their charges.

At this time, Dr. Zapantis asked for clarification on the \$155,887 and the motion by Ron Reed. It was clarified by Gagnon checking the notes taken by Sylvia Turcotte.

Dennehy noted that \$38,500 was already part of the amount cut, so the article would only be for \$115k.

Gagnon stated that the next meeting would be on Monday, November 3<sup>rd</sup> at 7:00 p.m. He also made a proposal to continue with the joint meetings with the Advisory Board.

Johnson also made a proposal to have meetings on a quarterly basis with the financial departments for regular updates. Whitney motioned to have the Board of Selectmen initiate quarterly joint meetings with the financial team members and was seconded by Dennehy. Motion carried.

With no further business to discuss, at 9:30 p.m. Whitney motioned to adjourn and was seconded by Gagnon. Motion carried.

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator