

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING – MINUTES  
MONDAY, JANUARY 26, 2009  
VON DECK LECTURE HALL – OAKMONT REGIONAL HIGH SCHOOL  
*AS AMENDED***

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

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

I. APPROVAL OF AGENDA: At 6:30 p.m. Gagnon read the agenda noting that the Shared Animal Control with Westminster topic under New Business would be postponed per the request of Chief Barrett. Dennehy motioned to approve the agenda as modified and was seconded by Whitney. Motion carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE:

**A. Correspondence:** Gagnon stated that he had drafted a response to the letter they received from the DOR thanking them for their acknowledgement. Both Dennehy and Whitney approved this letter to be sent.

Gagnon stated that they received a notice from Dr. Michael Zapantis which was a draft of the agreement with the Town and the SBA as well as the Briggs Building Committee regarding the borrowing. Zapantis stated that this was only a draft and that it had been reviewed by School Counsel. He advised the Board to wait for the second draft.

Dennehy stated that he had attended a seminar while he was at the Annual MMA Meeting on SBA updates and that he was impressed. He noted that it is a good efficient program.

**B. Town Administrator's Update:** Paicos announced that he was re-appointing three members of the Town Hall Renovation Committee, who have graciously volunteered to help with the punch list still remaining. He noted his appreciation to Ron Reed, Jim Whidden and Dave Sargent.

*Gagnon suggested encumbering the shortfall from the Public Safety Building expense line and Paicos said that it could not be done.*

Paicos noted that Nancy Haines, the Town Accountant had voiced her concerns regarding the VMS Building account line which is in the red. He noted that it is *overspent by a little over \$3,000* and that she would not approve any further expenses. He stated that a reserve fund transfer would be needed to correct this for at least the amount overspent.

He noted that he had predicted that this would occur and he would suggest doing the transfer as he really didn't want to close them down. He stated that the transfer needs to happen immediately.

Paicos noted that he would be authorizing the 3% COLA for the non-union employees in recognition of the status of the union and the school employees. He stated that this was fair and equitable to do this and that it is clear it won't happen for the next two years. He noted that it is late in the year and that these employees would get less than half but that it does raise their base pay for 2010. Gagnon inquired where the funds would come from for this and Paicos stated that it would only be about \$15,000 and the departments would have to absorb it. He added that he gave up his 3% COLA and part of his Professional Development so this would help as well. Dennehy noted that although he is a proponent of being fair to all employees, the timing may be bad and he was not in favor of the 3% COLA. Whitney agreed. ***Gagnon also agreed. Paicos said that the COLA dollars would come from the TA account which spurred the discussion of the balance in the TA line account.***

A short discussion followed on the balance available in the Town Administrator account. ***Paicos stated that he had no knowledge of the Selectmen's effort to obtain a balance in the TA's line account.***

At this time Paicos read a statement and asked that it be recorded in the minutes as follows:

"In the past few weeks, I have been criticized by the Chairman of the Advisory Board, Bill Johnson, for allegedly not completing my work in a timely manner, and for not being honest with respect to providing the town with 40 hours of work per week. The Chairman of the Board of Selectmen and Selectman Maggie Whitney have offered similar accusations.

It is ironic that these criticisms were offered to the press, not at Board of Selectmen meeting nor to myself. Nor, has any member of the Advisory Board or Board of Selectmen ever asked me to account for my time outside of the office.

Had they asked, I would have been happy to provide them whatever level of detail they required, including dates, times, hours worked, and subjects worked on as I keep such detailed information as a matter of course in my appointment book.

It is further ironic that their criticism was offered during my absence on vacation, and following a week during which I worked 53 hours for the Town. I have just returned from vacation and while there, I reviewed the first draft of the FY'10 town budget and spent hours of time on the phone with the office and the press.

Curious behavior from someone interested in shirking responsibility.

And all of this criticism has suddenly surfaced during my last few weeks of employment.

Due to the differential in my salary in Hingham versus Ashburnham, each week I remain employed by Ashburnham costs my family over \$1,000.

Despite this fact, I have indicated a willingness to remain in Ashburnham for the full 8 week notice requirement contained in my contract and to be available after that for any consultation the Town may need.

Again, curious behavior for someone who is allegedly interested in cheating the taxpayers.

I have been accused of spending time in my new community of Hingham. Of course.

There are 168 hours in a week. Deducting 40 or even 50 leaves plenty of time left to engage in other endeavors.

Is anyone really perplexed that I might choose to give my new employer the benefit of a few hours per week of all that remaining time?

Anyone with a real interest in serving his new community and assisting the one he is leaving would do the same.

In fact, nearly all Town Administrators choose this precise course. The practice is in fact so common, as to be considered completely the norm. In fact, it is the very practice I used years ago when transitioning from private sector employer, to Ashburnham. I don't recall anyone at the time complaining that I was eager and willing to serve my new community by working for it, in addition to the hours needed by my former employer.

Ashburnham town government is currently beset by a mood of anger and distrust among and between its highest level participants.

It is truly unfortunate however, when that mood devolves into personal attacks and accusations.

I have been patient to this point and have responded to little. Subsequently, however, I offer Selectmen Gagnon and Whitney the following alternative.

If you believe, as you have said in the newspapers, that I am stealing time from the Town, then do me the favor of releasing me immediately from Town service. In that manner, you will no longer be troubled by my alleged dishonesty, and I can begin earning wages at a much higher rate.

On the other hand, if you decide to continue my employment for all or part of the remaining notice requirement, then please refrain from further, groundless, unsubstantiated personal attacks.

If you persist in ignoring my rights, the rights that any employee enjoys to be free from character assassinations and arbitrary politically-motivated abuse, then I would remind you of the following.

The Town Charter, the Non-Union Employee By-Law, my contract, as well as Massachusetts Statute and Federal Law all contain enforceable provisions with respect to the manner in which accusations may be made against a public employee.

These accusations must have grounds and the process must follow certain rules.

You have failed thus far to follow those rules and I have been patient.

Hereafter, any violation of my rights will be addressed by my attorney, and the Town as well as the individual concerned will be subject to the full rigors of the law.

For whatever hours, days or weeks I remain employed in Ashburnham, I will continue to give it a minimum of 40 hours per week, and my best professional efforts, but I will not be your political punching bag.

I would invite the Board's careful attention to these comments."

At this time former Selectman Mark Carlisle apologized to Paicos by stating "the Town owes you an apology and thanks for your service".

- C. Public Safety Building Committee Update:** Gagnon noted that the Committee was meeting on Monday and would be working on closing the books on this project.
- D. Chairman's Report:** Gagnon stated that he had sent in a traffic count request to MRPC for Corey Hill Road and Lashua Road.

Gagnon noted that they had received a request from DUA noting that Jim Shanahan had filed for unemployment with the Town and that he had signed it and sent it back but asked about sending it to Labor Counsel. Dennehy stated that it just needed to get processed and that they should just send it in.

Gagnon stated that they needed to appoint a Town Administrator Search Committee and that anyone interested in serving on this committee should send in their request in writing to Town Hall. He also noted the same for the Special Act Review Committee.

Dennehy noted that he had attended a seminar on Board of Selectmen and Town Administrator relations and that they had advised to consider engaging a consultant/head hunter firm for the search. He noted that the present Police Chief was the result of BadgeQuest and that worked out very well.

Discussion followed on requesting assistance through the MMMA and the MMPA.

### III. OLD BUSINESS

- A. Discussion on brush/tree removal and burning:** Chief Zbikowski was asked to give some information on this for the public. He stated that burning season is open at this time and permits can be obtained at the Fire Department office. He noted that they really can't waive permit fees and that there are already 37 permits out at \$25 each. He added that this is income that is needed for the Town.

He also noted that residents could bring brush within 10 feet of the road for pick-up once the snow is gone. Dennehy inquired about reimbursement of brush removal and Zbikowski said that he was working with FEMA on this. The Chief also noted that the

Town may not get the 25% from MEMA and that it might only be half of that. He added that citizens won't get reimbursed.

Ron Reed inquired if the Board of Selectmen had approached MMA about extending the cost over a two year period and Dennehy noted that he would contact Senator Brewer's office about that.

#### IV. NEW BUSINESS

- B. Approval of Annual Town Caucus list of offices to be filled:** Gagnon read the list and noted that it would be held on Monday, February 23<sup>rd</sup> in the upstairs meeting room at the Library.
- C. Approval of Agreement for Shared Animal Control with Westminster:** This was postponed.
- D. Discussion and review of FY10 Revenue and Expense Forecast Report:** Gagnon noted that Paicos had put together a very comprehensive report. It was noted that the first new business item was missed and that they would come back to this.
- A. Decision on ad for new Town Administrator:** Gagnon noted that all members had done unofficial research finding that \$90k might be too high. Whitney had put together a spreadsheet on her research.

Dennehy noted that they could appropriate the funds as an indirect cost type which might be an option. Gagnon stated that they should *consider the combined cost as total administration cost*. He stated that he recommends a salary of between \$84k and \$90k and that there should be a cut off date for applications.

Dennehy stated that he liked the wording in the ad but that they may need to expand the time to apply so that there is more flexibility.

Paicos suggested that the ad be placed in the ICMA bulletin and the Beacon. Ron Reed stated that they should spread the salary range a bit more and suggested \$70k to \$90k. as the range.

The Town Administrator ad read as follows with the changes noted: "The Town of Ashburnham (pop. 6,043) seeks qualified applicants for the position of Town Administrator. Position is governed by special act, and reports to a three-member Board of Selectmen. Duties include, but are not limited to, administering and coordinating town departments, personnel and programs for the effective delivery of government services to residents of the Town. Qualifications: Bachelor's degree, preferably in public administration or related field and a minimum three years' experience in public administration at a management level. Master's degree in public administration or related field preferred, and may be substituted for one year's experience. Strong leadership and solid background in financial management, grant application and administration, personnel, computer management, communication and community development required. Salary range is negotiable between \$70,000 and \$90,000. Interested candidates should submit resume and cover letter to Town

Administrator Search Committee, Town Hall, 32 Main Street, Ashburnham, MA 01430. Review of applications will begin on March 15, 2009. Applications will be accepted until position is filled. Ashburnham is an EEO/Affirmative Action employer.”

Dennehy motioned to approve the ad as amended and was seconded by Whitney. Motion carried.

Paicos then proceeded to give his report on the FY10 Revenue/Expense Forecast Executive Summary (attached). He noted that this wasn't a budget but a projection of revenue which he worked on with the finance team. He stated that the bottom line is that they can't afford an even level budget.

He stated that there was a reasonable expectation that taxation would be up at \$359,099 and that they could expect new growth to be around \$90,000.

He did note that the Town is losing some revenues however, such as motor vehicle excise as new car sales have gone down significantly. He added that fees are down as well. Paicos stated that lottery aid is also down by 10% which is a loss of \$87k to the Town and that bank interest is down with a loss of \$20k.

There was some discussion on Light Department indirect costs.

Paicos stated that with the Land Use budget he would propose to split the duties of the land use administrator with the ConCom agent and a part time planner which would be a savings of \$57k.

Paicos stated that debt service and employee insurance benefits were both up and that there would be no overlay deficit next year. He stated that the snow and ice deficit would run over and that they may not have much free cash available to cover this.

He noted that they need to look at a number of items in order to balance the budget which includes the adoption of the health insurance co-pays by Westminster, looking at ambulance receipt income and prior year unpaid taxes, penalties and interest. He also added that the regional school and the town formula agreement had to be re-looked at and worked on.

Paicos stated that he instructed the Department Heads that their FY10 budget should show “0” growth and that he was giving them until the next day at close of business to submit them. He noted that his goal was to have a balanced budget by Tuesday February 3<sup>rd</sup>.

Paicos stated that he had met with the Town Accountant on the FY09 budget and that she would have the end of January report the following week. He added that right now the FY09 budget didn't look that bad but that they should have the State cuts in about two weeks and then they would know how much the cut would be.

Paicos also stated that there was some question on the FY10 state aid cut calculation and that he was waiting to find out more about this. He did state that the numbers would go up and down in the next couple of weeks and it would be a dynamic situation from now until May. He stated that the Board should also consider setting a deadline

for the ATM warrant articles at their next meeting adding that he would urge them to consider postponing the ATM date if possible. Dennehy noted that they would discuss this at the Tri-Board meeting the following night.

Ron Reed asked if a tax amnesty program might be considered to generate more revenue and Paicos noted that they could meet with Coppola and Coppola on this for ideas. Dennehy agreed that this was a good avenue to explore. Paicos also suggested that the Treasurer could conduct an auction on delinquent taxes liability as this was a powerful tool. He urged the Board to consider what Reed suggested. Gagnon stated that they would schedule the review of tax title information for the second meeting in February.

#### V. APPROVAL OF MINUTES

- A. December 15, 2009 – Special Meeting
- B. December 22, 2009 – Regular Meeting
- C. January 5, 2009 – Regular Meeting

Dennehy motioned to approve all the above listed minutes and was seconded by Whitney. Motion carried.

#### VI. SCHEDULE OF COMING EVENTS

Gagnon noted the date of the Town Caucus and that the 2008 Annual Reports were due by February 12<sup>th</sup>.

#### VII. OTHER MATTERS

The Board briefly discussed the Interim Town Administrator position and it was determined that the discussion should continue in Executive Session as contract negotiations with non-union personnel.

Discussion followed on the scheduling of budget meetings with Department Heads and also with the Advisory Board. It was determined that the Board would meet on February 2<sup>nd</sup> and February 17<sup>th</sup> as scheduled for normal business and then meetings with the Advisory Board would be scheduled on the FY10 Budget.

#### VIII. EXECUTIVE SESSION

At 8:38 p.m. Dennehy motioned to enter into Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding strategy with respect to collective bargaining and contract negotiations with non-union personnel and to no reconvene into open session. Whitney seconded and the motion carried.

IX. ADJOURNMENT: At 9:28 p.m. Whitney motioned to adjourn and was seconded by Dennehy. Motion carried.

Respectfully submitted,  
Sylvia Turcotte

Executive Assistant to the Town Administrator