

**TOWN OF ASHBURNHAM**  
**JOINT MEETING - BOARD OF SELECTMEN AND ADVISORY BOARD**  
**NOVEMBER 16, 2009 – 7:00 P.M.**  
**FAIRBANKS MEMORIAL TOWN HALL – UPSTAIRS MEETING ROOM**

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This meeting was aired live on local cable television.

PRESENT: Ed Vitone, Chair, Maggie Whitney, Clerk, Jonathan Dennehy, Member, Doug Briggs, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Advisory Board members in attendance: Bill Johnson, Chair, Leo Janssens, Vice Chair, Meredith Fagan, Secretary, Jamie Piedrafite, Belden DiVito, Ron Reed and Duncan Phyfe.

Also in attendance for this meeting were: Debbie Phillips, Town Counsel, Linda Ramsdell, Town Clerk and Jeff Lawrence, Town Moderator.

The Pledge of Allegiance was led by Maggie Whitney. Vitone called the meeting to order at 7:00 p.m.

II. PUBLIC INPUT

III. APPROVAL OF AGENDA

Vitone noted that they would add a discussion on Jonathan Dennehy's resignation to the agenda. Whitney also wanted to add under New Business the sale of 28 Corey Hill Road and also the offer to the Town to purchase property on Gibson Road. *Whitney motioned to approve the agenda as amended and was seconded by Dennehy. Motion carried.*

IV. PRESENTATIONS & REPORTS

V. OLD BUSINESS

A. Review of November 19, 2009 Special Town Meeting Warrant

Vitone stated that this was a joint meeting with the Advisory Board to review and discuss the articles for the Special Town Meeting, in particular, Article 9, which was the potential revolving fund for the fire alarm system. He noted that they were waiting for Chief Zbikowski to arrive for the discussion on Article 9.

He stated that while waiting for the Chief they would go forward and discuss the resignation of Jonathan Dennehy. He stated that Dennehy had served on the Board of Selectmen for 5 years. He also noted his new career and congratulated him on this achievement, noting that it would be a big responsibility and applauded him for being chosen. Whitney agreed stating that this was a tremendous opportunity for Dennehy and congratulated him.

Dennehy noted his thanks to the Board and stated that his resignation was effective as of January 1<sup>st</sup> and that he had given the official notice to the Town Clerk.

Vitone stated that they needed to discuss what action to take as they would be a two member board until the election in April of 2010. He stated that if a decision were to be made to hold a Special Election the Town Clerk would need 60 days so it would bring the date for the election to probably mid-February and he noted that in this timeframe, from mid-February to mid-April there weren't many meetings to cover. He added that in these tough economic times with funds so tight right now, it didn't make financial sense to hold a special election.

Whitney noted that the few people she had spoken with on this issue agree that they should wait and she felt the same way, adding that funds are tight.

Dennehy stated that he apologized for any inconvenience his resignation would cause the Town but he stated that he would do all he could to help with the transition. He added that he feels confident and comfortable with the two remaining members along with the Town Administrator without the need for a special election. He noted that the Town is going forward in a good direction right now.

***Whitney motioned to not fill the expired term until the April Election and Vitone seconded. Motion carried.***

Vitone did note that under State statute people could force an election through petition.

Vitone then stated that while waiting for the Fire Chief they would start the review and discussion with Article 1. He asked Briggs to explain. Briggs noted that Article 1 was the amended budget for FY10. He stated that he had asked each Department Head to cut at least 9% in their budgets due to the looming state aid cuts. He explained a few of the cuts and the reasoning behind each.

Vitone stated that the Quinn Bill issue had not been decided yet, as well as other cuts such as unemployment compensation, reimbursement for state owned land, etc., and that he believed it was prudent to proceed with these reductions at this time.

Briggs then proceeded to Article 2 stating that the costs associated with the Town Hall Flood damage needed to be paid.

At this time Chief Zbikowski, Rick Sicard and Paul Rekos were in attendance to discuss Article 9 and as Vitone stated, the "story behind the story" on this article.

Vitone began the discussion about the fire protection system, today going forward. Zbikowski stated that anyone wanting to hook in to the system would be assessed going forward. He added that it would be best if the businesses owned the box and they maintained it with an initial tie-in fee and then a fee for local monitoring. Vitone stated that there should be a contract of some kind for this service and Whitney added that then there would be no questions. Vitone added that they could look at a contract similar to Comcast.

Zbikowski added that so far there were no private residences tied in, but there is some interest.

Janssens inquired if, as a municipality, the Town would have the right to shut off service for non-payment and Town Counsel responded that they would.

Vitone inquired if anyone in Town could be covered and Rekos responded that they could.

Vitone stated that they should get more data and work it into a contract with Debbie Phillips' assistance and that they should also set fees for this service.

Rekos noted that the initial installation is performed by the business owner with the Fire Department personnel's assistance and then they are required to get an electrical permit.

It was noted by Johnson that the Advisory Board was okay with this so far.

Vitone proceeded to explain how the insurance reimbursement came into play and how there was a gap left which should be shared by all beneficiaries of service by both the Town and residents. Zbikowski stated that the gap could be between \$3,000 and \$10,000 and that it would be approximately \$200 per box, but may be lower. Vitone added that in his view, whatever the gap is, it should be pro-rated for all users including the Town.

Reed inquired about the old boxes noting that they could possibly be sold at possibly \$500 a piece. Zbikowski stated that some were still on the buildings, in storage or discarded. Vitone stated that Briggs should look into getting these together for possible sale.

Phillips asked about a timeframe to implement this and Vitone responded that it was already done but they were looking at an expansion.

Johnson stated that he was troubled about the amount of money paid for past boxes as the Town gave them away when the cost was \$1,100 each. Vitone noted that 80% of the cost was paid by insurance and Johnson responded that they then became the property of the Town and now any new persons tying in would pay \$1,100 for their box.

Dennehy explained that the insurance paid for the loss of the system and they already had the boxes in the old system. Johnson still noted that it wasn't a fair price. He also noted that any funds reimbursed would go into the general fund.

A discussion followed on how to charge the funds/reimbursements.

Johnson stated that the idea to replace the system made perfect sense but his only issue was that they make sure its fair.

Vitone stated that they have a plan that makes sense and a plan for past issues and now the last part would be the revolving fund.

Zbikowski explained that with the original revolving fund they put in for a master control and the switch over. He stated that it was \$160 a year for the monitoring fee which went towards the fire, police and dispatch and this was put in place last fall. He stated that if there is no source to guarantee funds then they need a revolving fund for upgrades, circuit boards and chips as well as a backup for the master control system.

Vitone stated that they understand the use now and he noted that it was missed on the Annual Town Meeting warrant.

A short discussion followed on the amount required to maintain this system and how to go forward. Dennehy stated that they could amend the amount of this article and that he has always been in favor of this especially for the Town-owned buildings as it would be very beneficial. He did state that they should not pay for anything outside of the scope and that it would need a strict review by both the Town Administrator and the Board of Selectmen. He added that it was a matter of diligence and policy.

Phillips agreed stating that they could fine tune the article wording and tighten the language. Whitney noted that she was not in favor of another revolving account.

Dennehy stated that they could change the amount of the article to \$15,000 and Vitone noted that he would be comfortable with that.

Johnson stated that he had a fundamental problem with revolving funds in general and that he didn't want to establish a precedent as next year would be a challenge. He added that they needed to provide the necessary funding to the budget and he would prefer to not have a revolving fund but to place this in the Fire budget.

Reed stated that he didn't object to placing this as a line in their budget but he was fundamentally opposed to revolving funds in general.

Janssens stated that there isn't any money and if they did establish a revolving fund, it would be a source of revenue for the Town.

Vitone stated that the majority of the Advisory Board voted no on this article. Dennehy stated that he supported the revolving fund so that user fees would go to support the system.

***Dennehy motioned to recommend this article with the amount to read "less than \$15,000" and that the use of the funds would be to maintain the system. Vitone seconded.*** Whitney stated that she agrees with Reed to place this as a line item in the Fire budget and she suggested to pass over the article.

***Vitone stated that they had a motion and a second and he asked for a roll call vote. Dennehy and Vitone voted aye and Whitney voted nay.*** Vitone stated that the Board of Selectmen would be listed as recommending this article while the Advisory Board would be listed as not recommending and that they would let the public decide at the meeting.

Phillips stated she would suggest a change in the title of the fund as well.

Vitone then asked Briggs to continue with their discussion with Article 3. Briggs gave an explanation for this article which was the transfer of monies from the insurance claim against the cost of the Fire Alarm system.

Briggs stated that they would pass over Article 4. He briefly explained Article 5 stating that this was strictly snow and ice, and he added that no storm damage funds were added to this amount.

Vitone stated that the funding for Article 6, the Short and Long Term Disability Insurance was basically the cost for the Town Administrator's policy and that it would benefit both the Town and the employees of the Town.

Briggs explained that Article 7, the authorization of the institution of certain valid user fees, was an administrative thing and that most towns do this. There was some discussion regarding the fees charged for the alarm system.

Briggs noted that Article 8 would allow the Treasurer to collect funds on delinquent taxes. He also stated that an auction had been scheduled for Saturday, December 12<sup>th</sup> to sell some town-owned properties. He also noted that this \$20,000 would come out of Free Cash.

Briggs stated that he would recommend that they pass over Articles 10 and 11.

Briggs stated that they would end up with approximately \$30,000 of Free Cash and that he would like to put some in the Stabilization Account. Some discussion followed on where to transfer these funds and it was determined that they would transfer the entire amount to the Stabilization Account.

Bill Johnson asked if anyone would be making a general statement at the Town Meeting and Vitone stated that either Briggs or he would do so.

Jeff Lawrence noted that they should indicate that these types of things are common in other communities as context is important.

Vitone stated that there was a Joint Meeting of both boards posted for Thursday night at 6:00 p.m. just before the Special Town Meeting.

Vitone announced that the Moderator had worked with Oakmont to set up refreshments at the Town Meeting and the cost would benefit the Cheerleaders and the Student Council.

#### V. TOWN ADMINISTRATOR'S UPDATE (Report attached)

Briggs began his report by stating that he was approached by the Bresnahan Building Committee to see if it would be possible to sell some t-shirts before the Special Town Meeting to benefit their building project and the Board of Selectmen unanimously approved this request.

Briggs then proceeded to go over the highlights of his report to the Selectmen, which is attached to these minutes.

When Briggs touched on the sale of town owned property, Dennehy stated that it should be noted that for the auction purposes no parcels on the list that are being reviewed by ConCom should be included. Vitone noted that ConCom needs to be specific and that they may have misunderstood. Dennehy stated that the Lakeshore properties could be valuable and Vitone stated that if they were not advocated to keep these parcels by ConCom then they should be sold.

Johnson asked if the list of properties could be sent to the Advisory Board and Briggs stated that he would forward the list.

## VII. NEW BUSINESS

### A. Appointment of Anne Cervantes as Tax Title Custodian

***Whitney motioned to appoint Anne Cervantes, Town Treasurer as Tax Title Custodian and was seconded by Vitone. Motion carried.***

There was a question by Johnson if the Selectmen needed to formally accept the resignation of Dennehy and Vitone stated that they would get the formal resignation letter from the Town Clerk and would accept it at their next meeting.

### B. Chapter 61A Right of First Refusal 28 Corey Hill Road

Vitone explained that because this property is in Chapter 61A the Town has the Right of First Refusal and has 120 days to make their decision. He noted that at the present, the Town has no funds available to purchase this property. Briggs stated that he sent out a memo to Department Heads and Committees asking for any response and he received two, one from the Planning Board and the other from the DPW Relocation Committee with both responses basically the same, that the Town had no money to purchase this property at this time.

***Whitney motioned to sign the waiver of the Right of First Refusal for 28 Corey Hill Road and was seconded by Dennehy. Motion carried.***

Whitney stated that they should respond to an offer to the Town to purchase property at 20 Gibson Road, Map 38, Parcel 16, from John L. Edwards through his attorney John H. Brink. Vitone noted that they would respond that the Town would not purchase due to a lack of funds.

## VIII. CONSENT AGENDA

Dennehy noted an error in the spelling of his name on page 6 of 9 in the minutes from November 2, 2009. ***Whitney motioned to approve the minutes with this correction and was seconded by Dennehy. Motion carried.***

## IX. ANNOUNCEMENTS

Whitney read the following announcements:

- November 18, 2009 – Final Registration for the State Primary – 8:00 a.m. to 8:00 p.m. at Town Clerk's Office, Town Hall
- November 19, 2009 – Special Town Meeting @ 7:00 p.m. Upstairs Meeting Room at Town Hall
- December 7, 2009 – 12:00 noon – last day for filing applications for absentee ballots for voters who will be out of town for the State Primary.
- December 8, 2009 – State Primary – Polls open at 7:00 a.m. close at 8:00 p.m. at J.R. Briggs Elementary School 96 Williams Road.
- December 30, 2009 – Final registration for the State Election – 8:00 a.m. to 8:00 p.m. at Town Clerk's Office, Town Hall
- January 15, 2010 – 5:00 p.m. – last day for filing applications for absentee ballots for voters who will be out of town for the State Election.
- January 19, 2010 – State Election – Polls open 7:00 a.m. close at 8:00 p.m. at the J.R. Briggs Elementary School 96 Williams Road.

Whitney noted that the next meeting of the Board of Selectmen would be on Monday December 7, 2009.

#### X. BOS CORRESPONDENCE

Vitone noted that the Board received a letter from Kurt Bryars of 64 Gibson Road, regarding a teen activity center in Ashburnham where teens could meet after school. He stated that he would draft a response.

Dennehy noted a follow up response from Senator Brewer on the Briggs School funding and the MSBA stating that it would not be impacted by the recent cuts by the Governor.

#### XI. SOLICIT PUBLIC INPUT

#### XII. EXECUTIVE SESSION

*At 8:55 p.m. Vitone 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 the purchase, exchange, lease or value of real property and to not reconvene into open session except to adjourn. Whitney seconded and the motion carried.*

#### XIII. ADJOURNMENT

*At 9:28 p.m. Whitney motioned to adjourn the meeting and was seconded by Vitone. Motion carried.*

Respectfully submitted,  
Sylvia Turcotte, Assistant to the Town Administrator