

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JUNE 15, 2009 – 7:00 P.M.
FAIRBANKS MEMORIAL TOWN HALL – UPSTAIRS MEETING ROOM**

This meeting was aired live on local cable television.

PRESENT: Ed Vitone, Chair, Jonathan Dennehy, Member, Maggie Whitney, Clerk, Doug Briggs, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator.

I. SALUTE THE FLAG

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

II. APPROVAL OF AGENDA

Dennehy motioned to approve the agenda as read and was seconded by Whitney. Motion carried.

III. LIQUOR LICENSE HEARING – FIREHOUSE PUB

Motion was made by Whitney to open the Liquor License Hearing and was seconded by Dennehy. Motion carried. Dennehy read the ad as follows:

“The Ashburnham Board of Selectmen, acting as the Local Licensing Authority will conduct a Public Hearing on Monday, June 15, 2009 at 7:00 p.m. in the auditorium at Fairbanks Memorial Town Hall, 32 Main Street, Ashburnham, Massachusetts, at the request of the Firehouse Pub of Ashburnham, 3 Central Street, Ashburnham, MA for a new All Alcohol Restaurant License. The Manager of Record is Christina W. Tuomala.”

Vitone motioned to waive the reading of the abutters list and was seconded by Dennehy.

Dennehy acknowledged Attorney Steven DiPace, Richard Wright and Christina Tuomala. DiPace stated that Rich Wright filed as sole stock holder, sole proprietor of the Firehouse Pub of Ashburnham, Inc. He noted that they were asking for a closing time of 2:00 a.m. and assured the Selectmen that there would be strong supervision and that the establishment was family-oriented, funded by Mr. Wright only. He stated that the establishment included 90 seats, a horseshoe bar with a pub menu and would employ about 20 people. DiPace also noted that the Planning Board concerns were addressed and the Building Inspector approved the construction so far and that he was ready to approve the remainder.

Dennehy stated that for the record, the Planning Board site plan was approved and John MacMillan reiterated this fact. Whitney questioned who would be running the establishment and Wright responded that they wouldn't know until it's all approved and they interview candidates for the position.

Vitone asked for anyone wishing to speak in favor or against the license. Robert Gagne of 11 Central Street stated that he had concerns. Janice Roy of 6 Ames Avenue asked if a closing time of 2:00 a.m. was legal and Dennehy stated that he would look into this. He asked Atty. DiPace about this and he stated that every licensee would like a 2:00 a.m.

closing and he added that it's the lack of supervision that's negative and he noted that it wouldn't happen as they would be sure to supervise the operation. He noted that Wright was an integral part of Ashburnham center and he asked to give him a chance as the Selectmen have control and any complaints could be filed.

Again, Gagne of 11 Central Street voiced his concerns stating that Wright had caused problems in the past.

Mark Carlisle stated that the center is the business district and they need to allow this as it's what is needed for the Town. He asked the Board of Selectmen to accept this application.

At 7:25 p.m. Vitone motioned to close the hearing and was seconded by Whitney. Motion carried.

Dennehy made the motion to approve the new All Alcohol Liquor License application, with a 1:00 a.m. closing time, and was seconded by Whitney. Motion carried. Vitone took a moment to discuss the history of the 1:00 a.m. closing time and noted that all the others close at 1:00 a.m. He did add that they should look into the 2:00 a.m. closing time further. Dennehy stated that he wants to give the business a chance and to monitor their progress. He added that they would have Wright come back once the business has been closely monitored and is efficient with no issues to do with public safety. He added that they need to encourage businesses in Ashburnham and that he supports this. He also noted that he heard the concerns and won't dismiss them but would monitor the issues. He did add that they should look into the 2:00 a.m. closing time in the future. All were in favor and agreed with Dennehy's comments.

V. PRESENTATIONS & REPORTS

A. Joint presentation and update by the Planning Board and the Focus Committee
Present from the Focus Committee were Bob Fichtel and Sallie Thoma. Fichtel gave a brief update on their charge, the enhanced 21E-of Highway site as well as their visits to other Highway Departments. He also noted that they held a charrette type panel to determine what could be there once the DPW is relocated.

Fichtel stated that the Committee wanted to work with the ZBA and the Planning Board on the overlay district.

Vitone stated that he wanted to set up a Tax Base Study Committee which would bring in more business to the community and that so far there were two members, the Planning Board and himself and that he was looking for more interested parties.

Vitone stated that the last peg in the equation was to move the DPW and then look to see what could be placed at that location.

Fichtel stated that they looked at different sites, such as the soccer fields, back in April and determined that the costs were too high. He noted that he had two other sites in mind but that he couldn't mention the owners yet. He also mentioned using the proceeds from selling town tax title properties, which seemed like the best way to offset the costs and that he was looking for Selectmen backing. He

added that they looked into grants but none were available at this time. Vitone stated that back in the 80's they looked at the DPW move as well but that the economic landscape now is worse. He added that this would roll into 2011. Vitone did state that the Briggs school project is on the horizon and FY10 is uncertain, which is bad timing and the funds from tax title could be used elsewhere.

Whitney noted that the Town Hall Renovation and the new Public Safety Building weren't even on the tax roll yet which is a concern that this would be too much to swallow for the taxpayer right now.

Dennehy stated that this was a priority for the Town and that he wasn't against tax title revenue use, but they should not commit all the funds right now. He added that he appreciated all the work that the Focus Committee put into this. He stated that they should settle on a site and then get the costs and look at potential grants, funding etc. He noted that the key is to nail down the site and get specific on what is involved and follow the model of the Light Building which was cost efficient. He added that they should move forward with the planning but that they needed to discuss this further.

Sallie Thoma noted that where the DPW was right now was very valuable property and could broaden the tax base.

Fichtel stated that he wanted to meet with the Selectmen in Executive Session to discuss the potential properties which would not be public right now.

Vitone stated that they should clarify the Focus Group's charge and maybe put them with the Planning Board. Fichtel stated that they would be happy to do so with their focus being to work on the move and what to do at the present site once moved. John MacMillan, the Chair of the Planning Board stated that he was fine working with the Focus Committee on this.

Vitone stated that they could change the Focus to the DPW Relocation Committee and Fichtel noted they were okay with that. Vitone stated that they would draft a charge in order to make this consistent with other boards and committees.

Fichtel noted that using one-time funds would cover moving costs as there were no programs or grants available for relocation and construction of Highway Departments. Vitone stated that they should plan to go before the Capital Planning Committee to see how to go forward and fund this and that he would invite them to a meeting.

There was some discussion on appointing members of the Advisory Board to other committees and it was noted that they would review this to see if this would be a problem.

F. Status of Rod & Gun Club Liquor Request

It was noted that they would cover this topic now in order to accommodate John Boucher and Wayne Sumner. Vitone did note that they had approved the Special

Liquor License for the June 11th event and that they were back to discuss future dates.

Sumner gave the Selectmen the set of rules and also the lay-out of the parking lot size. Boucher stated that the dates had been changed from the previous request to every Thursday night due to the recent bad weather. He noted that the parking lot is large and away from the road and abutters and the music is not loud with the lot monitored and controlled. He did note that there would be an average of about 20 cars at each event. He stated that the idea was to bring in more business for the club and the area. Dennehy inquired about the hours and Boucher stated that it would be from 5:00 p.m. to 8:00 p.m.

Dennehy motioned to approve the permit for outside consumption and was seconded by Whitney. Motion carried. It was noted by Vitone that as a matter of process this should be run by the Police Department and the motion was amended to include "approval contingent upon Police Chief's okay".

Vitone stated that the motion is to approve the June 18th event for now and conditionally approve thru September 7th for each Thursday with the Police Chief's approval. This would be one permit for this Thursday and a blanket for the remaining Thursdays, with payment in advance for all the events. Whitney seconded and the motion carried. Boucher noted that he would be happy to talk to Chief Barrett.

V. PRESENTATIONS & REPORTS (continued)

B. Water/Sewer Commissioners - Discussion

Present were Leo Collette, Dave Berger and Val Daigle, Water/Sewer Commissioners. Vitone noted that they had made a list of initiatives on the needs which included sewer rates. He also noted that the purview is that the Water/Sewer Commissioners and the Board of Selectmen should work together. He stated that he put together a draft rate chart and they should try to reconcile Sewer and Water use which would be a study of some duration.

Berger stated that they want to work together with the Board of Selectmen as they also feel that the Sewer rates are too high and they can't raise them anymore. He described the issues they were facing and noted that wages were out of their control and that indirect costs had also escalated with no reasoning why this happened.

Vitone stated that this study would be a "soup to nuts" analysis noting that the average cost is \$1,100 a year per user which is 20% higher than what it should be.

Leo Collette stated that in 2007 they raised the rates because it was in deficit and now the rate is \$13.60. He added that they tried to get the rate to Gardner lowered but they need the Board of Selectmen's help to meet with them to resolve this.

Dennehy noted that the contract with Gardner is up within the next 12 months so they needed to resolve this quickly but that they also need to know the changes before they go to negotiate. Collette stated that the new water meters would help with this process. Vitone added that they would need to sit and review this and work to understand it.

Vitone inquired about a job description for the W/S Commissioners and Val Daigle stated that there was one in the Town Charter. Dennehy noted that there was more information as well in the statutes in the W/S Enterprise charter. Daigle stated that they needed their authority back in order to do their job. She stated that she had copies of the statutes and would give one to the Selectmen.

Vitone stated that he would send a draft of what needed to be studied and ask for input and also to meet together to work on this.

IV. SOLICIT PUBLIC INPUT

Ron Reed stated that he would be happy to volunteer and assist with the Water/Sewer Study noting that they should probably look at regionalizing. Vitone stated that the Water/Sewer Commissioners, Ron Reed and him would be on the Study Committee. There was a question whether Reed could serve on this committee as he was also a member of the Advisory Board and Johnson stated that he would check on this.

VI. OLD BUSINESS

A. Discussion and approval of the Municipal Vehicle Policy and Procedure

Vitone stated that he only had one comment on Section E, first paragraph as to whether it was limited to Town Employees and it was determined that it was. Dennehy motioned to approve this policy effective June 16, 2009 and was seconded by Whitney. Motion carried.

B. Review of BOS Initiatives

Vitone noted that the Special Act Study Committee had a successful meeting. Dennehy stated that the IT Study Committee had their first meeting scheduled for the next day, June 16th at 7:00 p.m.

Whitney stated that she was waiting for some responses on the Short Term Disability Insurance and that this was ongoing.

Vitone noted that the Tax Base Study Committee would be meeting soon.

C. Review BOS Task List

Whitney gave a quick update of this task list noting that she suggested that a study committee be formed to actually look at the use of So. Station.

Whitney inquired as to the status of the move of the Water Trough from the Victorian House to Town property. Briggs stated that Ouellette was waiting for a letter of permission and location to move it to. A brief history of the water trough was discussed. Vitone asked Briggs to send a letter to the Historical Commission to get their opinion on where to locate the water trough.

D. Vote by the Board to appoint a designee to serve on Feasibility Designer Architect Selection for the Briggs Project

Dennehy stated that he was the Selectmen's designee to serve on the Feasibility Designer Architect Briggs Project. He stated that the procedures have already started and the MSBA has requirements to establish a three person panel to participate in the hiring process. One would be the School Superintendent, one

School Committee member and one Board of Selectmen representative. He then proceeded to explain how this would work.

Whitney motioned to appoint Dennehy as the Board of Selectmen representative on this Board and was seconded by Vitone. Motion carried.

E. Vote by the Board on date for Public Forum on Proposed Briggs Project

Dennehy stated that they needed community input on potential community uses for Briggs to incorporate in the project and benefit the Town as a whole. He noted that the timetable was very tight to set the design. He stated that the Board of Selectmen would sponsor this Public Forum and that they had notified all committees, boards etc. Dennehy stated that it was decided to hold this Public Forum on Monday, June 29th at 7:00 p.m. at Town Hall and that the agenda would be “what do we want the architect to draw?” He added that Dave Christianson and Mike Zapantis would also be in attendance. Whitney motioned to approve this date for the Public Forum and was seconded by Dennehy. Motion carried with all the Board of Selectmen in full support.

VII. NEW BUSINESS

A. Discussion – Long term supplier evaluation

Vitone stated that a letter was sent out to all who used Town Counsel in order to review every year how they serve the Town as the Board needs their input. He noted that Guardian should also be included in this study and once this input is reviewed, then they would have them come in to meet with the Board.

B. Employee Appraisals

Vitone asked Briggs to start the employee appraisal process. He stated that each appraisal should have a supervisor and manager signature and approval. He noted that they should start with goals and objectives and measure against this.

C. Discussion on potential participation of Oakmont students to serve on Boards and Committees

Vitone stated that he would approach the High School to have students assigned to every board and committee as non-voting members, where they would learn and benefit from this experience.

Dennehy stated that they needed more people to be involved in municipal government. Vitone stated that they would ask committees and boards if they want to do this and then choose the students by meeting with the school principal to discuss this further.

Whitney motioned to approve going forward with this idea and was seconded by Dennehy. Motion carried. Vitone stated that Briggs would send a memo to committees and boards to see if they would be interested in participating.

Whitney stated that she would be willing to act as the Board of Selectmen representative during school union negotiations, as she is presently the school liaison. Dennehy motioned to appoint Whitney as their representative for the school union negotiations. Vitone seconded and the motion carried. Ron Reed stated that in his opinion it should be the Town Administrator as the person needs

some knowledge of MGL. Whitney stated that she would try it and see how it goes and if she feels it's too much, she would advice.

D. Eagle Scout Awards – July 12

Whitney noted that this year there were three new Eagle Scouts in Ashburnham. She stated that the Awards Ceremony would be held on July 12th from 6:00 p.m. to 8:00 p.m. at the Gardner Elks. She stated that they would have Sylvia make up some certificates in their honor to be presented at the ceremony by Dennehy.

E. Status of Scouting Community Center

Vitone gave an update on this project by stating that they were re-thinking the site. He noted that the Assessors office ran a list of town properties as alternative sites and that they should also look at the Briggs project as another option. He also mentioned the VMS Building. He stated that the Committee would meet and give 5 or 6 options to the Selectmen and then they would discuss these options with them.

VIII. CONSENT AGENDA

Dennehy motioned to approve the consent agenda and was seconded by Whitney. Motion carried.

IX. ANNOUNCEMENTS

Vitone asked for a motion to approve his signing of the Mt. Watatic Recreation and Management Plan which had been endorsed by the Conservation Commission and included the members of the multi-partner corporation of the following 6 entities: the Town of Ashby, Town of Ashburnham, Department of Conservation and Recreation (DCR), the Division of Fisheries and Wildlife, the Ashby Land Trust and the Ashburnham Conservation Trust. Dennehy motioned to approve the plan and to approve Vitone to sign for the Town and was seconded by Whitney. Motion carried.

Whitney stated that the Planning Board was looking for volunteers as they just recently had a member give his resignation.

Whitney read a letter from the Regional Animal Control Officer, Eula Bradley, thanking everyone for the successful open house event that she held recently.

Whitney also announced that there would be a retirement party for Kevin Ahearn on Friday, June 26th from 4:00 p.m. to 7:00 p.m. at the American Legion.

Whitney stated that the Town Hall would be closed for the 4th of July holiday on Thursday, July 2nd because the Town Hall is already closed on Fridays.

Whitney read the following Town Clerk Announcements:

- Absentee ballots are now available in the Town Clerk's office for the June 16th Special Election
- Last day to file applications for absentee ballots for voters who will be out of town for the election is on Monday, June 15th at noon
- Special Election – Tuesday, June 16th at J.R. Briggs Elementary School Gym, 96 Williams Road from 7:00 a.m. to 8:00 p.m.

- Dog Licenses are available at the Town Clerk's office. A \$10.00 late fee will be added to each dog registration.

Whitney noted that Downtown Day is Saturday, June 27th from 10:00 a.m. to 4:00 p.m. She also stated that the next meeting of the Board of Selectmen would be on Monday, July 6, 2009 at 7:00 p.m.

Whitney announced that the Advisory Board was meeting on Tuesday, June 23, 2009 at 7:00 p.m. She also reminded everyone that the Public Forum for Briggs use input would be held on Monday, June 29th at 7:00 p.m.

Vitone stated that the Secretary of State's office called to ask if Ashburnham had any events scheduled for the 4th of July holiday and it was noted that the Town doesn't do anything for this holiday.

Whitney stated that the Public Safety Building Committee is ready to close the books, talk about the plaque that they received from the Gardner Chamber of Commerce and to announce a surplus on this project before June 30th or to extend their appointments into July. Vitone stated that they had already voted to extend their appointments to July 15th and that they would invite the Committee to the next Selectmen's meeting. Dennehy made the motion to extend their appointments out to July 31, 2009 and Whitney seconded. Motion carried.

Vitone stated that there was an article in the Telegram on wind service. He stated that he wrote a letter to Senator Brewer to put a word in for Ashburnham. He also noted that it would be at no cost to the Town and that there were actually eleven viable sites in Ashburnham.

XI. TOWN ADMINISTRATOR'S REPORT

Briggs reported on his report that was presented to the Selectmen. There was some discussion on the Waste Management decision to not have their personnel at the Transfer Station any longer.

Whitney inquired as to how many Transfer Station trash bag stickers are sold and Briggs stated that he would look into that for her. She also asked for a list of all the expenses that were listed on the applications for reimbursement from the ice storm. Briggs noted that he would get this for her.

Dennehy stated that Briggs should come up with a task list for himself, similar to the list the Board of Selectmen has with short and long term items. Briggs stated that his list would include his goals and objectives and that he wanted to meet everyone and visit all the facilities as well to familiarize himself with the Town.

Briggs noted that the FY10 Budget was a concern and he would need to really look at this. Dennehy stated that they would also need to discuss getting the tax rate set in a timely manner. Briggs stated that his goal date was September 15th. He also stated that they would need a Special Town Meeting in the fall to make sure that the numbers are right and that they would need to clean up the Ice Storm issue and get it settled before the tax rate could be set.

Briggs stated that the Water/Sewer budgets have to be set as well with no deficit which could cause a delay in setting the tax rate.

Dennehy asked for an update and report on the dam study issue at their next meeting. He noted that they should prepare an emergency plan on the four town-owned dams with how it should be approached.

XII. SOLICIT PUBLIC INPUT

Meredith Fagan had a suggestion from her husband that at Downtown Days they promote serving on the different committees and boards in Town. She noted that they had already talked with the Business Council regarding this. Vitone stated that they all thought this was a good idea.

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

At 9:50 p.m. Whitney made the motion to adjourn and was seconded by Dennehy. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Assistant to the Town Administrator