

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MINUTES
JULY 20, 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. The Pledge of Allegiance was led by Maggie Whitney. Vitone called the meeting to order at 7:00 p.m.

II. APPROVAL OF AGENDA

Vitone noted a few additions to the agenda under Old Business. One would be the review of the Executive Session held before the meeting and the other would be a discussion on the State's position on MEMA reimbursement to school districts. Whitney motioned to approve the agenda as amended and was seconded by Dennehy. Motion carried.

III. LIQUOR LICENSE HEARING – ASHBURNHAM MARKET PLACE

In attendance for this hearing were: Atty. Peter Nicosia for Darshan Patel, and Maurice and Alan Couturier with Attorney Bowen as their representative.

A motion was made by Dennehy to open the Liquor License Hearing and was seconded by Whitney. Whitney proceeded to read the legal ad that was placed in the Gardner News that advertised this hearing. Dennehy made the motion to waive the reading of the abutters list and was seconded by Whitney. Motion carried.

Attorney Nicosia proceeded to explain the license request. He also discussed the sale and commitment of the applicant, Darshan Patel. He submitted paperwork to the Board and noted that the manager, Mr. Patel was just recently TIP certified. He also noted that the establishment wouldn't change and that Patel had also applied for a series of licenses including the sale of tobacco. He did state that the new owners did not have seasoned grocery experience but the present owners would work with them on how the business is run.

Vitone asked for any comments in favor or not in favor of this liquor license transfer. Attorney Bowen noted that the sellers were in favor and that they would urge the Board of Selectmen to approve this license transfer.

Dennehy inquired as to when the sale would be completed and Nicosia stated that it was in the hands of Enterprise Bank for the closing which could be approximately 60 days. He also stated that the hours of operation at the store would remain the same. He noted that the new owners may expand the product base but they would be positive changes for the public.

Dennehy motioned to close the Liquor License Hearing and was seconded by Whitney. Motion carried.

Vitone stated that they had received the Form 43 to be submitted to the ABCC to transfer and pledge the liquor license. Dennehy motioned to approve the transfer and the pledge of the liquor license and was seconded by Whitney. Motion carried.

Whitney motioned to approve the Common Victualler's License for the new owners of the Ashburnham Market Place and was seconded by Dennehy. Motion carried. Vitone stated that they were looking forward to working with the new owners.

Dennehy stated that this was a bittersweet moment as the Couturiers had been a landmark in the Town for many years. He thanked them for their outstanding service to Ashburnham.

IV. SOLICIT PUBLIC INPUT

V. PRESENTATIONS & REPORTS

VI. OLD BUSINESS

A. Review of BOS Initiatives

Dennehy stated that the IT Study Committee was going forward and are meeting almost on a weekly basis. He stated that they are going towards the next step and charting a very aggressive course and that they should be prepared to give their recommendations to the Selectmen by the early fall.

Whitney noted that her research into the disability insurance study has gone well. She stated that she met with Briggs and Rick Shaw on this issue a few days before and that he provided a great spreadsheet that was full of good information. She stated that they should plan to invite Shaw to attend an Executive Session Meeting on August 17th at 6:00 p.m. Briggs added that Shaw was contacted regarding the short and long term disability insurance to comply with his contract and that as they looked into this for him, it was noted that Shaw could supply the same coverage for all the employees for about the same cost, so they would like to look into this. Vitone stated that the goal of the Board of Selectmen is to offer better coverage for the Town's employees.

Vitone stated that the Capital Planning Committee had developed a very comprehensive list of projects and needs for the Town with all the costs involved. He also noted that they would be starting to meet with Department Heads to review this list and get their views as a starting point for the Committee. He stated that it is a daunting list and noted that as an example, some water lines in Town go back to the 1890's. He added that once these meetings are done, the Committee would come before the Board of Selectmen and the Advisory Board with their report.

Vitone stated that the first Tax Base Study Committee meeting would be held the next week.

Dennehy gave a report on the Briggs project stating that the Committee went to Boston to meet with the Designer Selection and a company out of Worcester,

Lamoureux, Pagano Associates was selected and now things would really move forward quickly. He added that the Architect Designer was moving forward on the contract and that the Committee was meeting again the following Monday.

Whitney stated that the Council on Aging was going to Swampscott to look at their facility the following day to see if their set up would be something that our community would like to do here.

Vitone stated that the Board attended a meeting of the Water/Sewer Commission on July 14th and that it was a very good meeting. He noted that the Water/Sewer Commissioners had the authority to set the rates and that Briggs proposed a formula that could possibly decrease the rates by 20%. It was noted that a proposed study committee on the sewer rates was not needed at this time and would be taken off their list as the Water/Sewer Commissioners were very concerned and are determined to take care of this issue.

Vitone discussed Briggs' suggestions that were brought up at the July 14th meeting. He stated that Briggs is presently performing a data collection system to collect and get accurate data for the indirect costs to get more accurate figures. Whitney noted that at this meeting they stressed the fact that they were all working together as a team and Briggs agreed stating that it was a very positive meeting.

B. Review BOS Task List

Whitney stated that as of this meeting, they had started out with 106 tasks, had completed 13 on July 6th, have completed a total of 64 tasks with 32 in process and 10 to be determined. She added that she was pleased that they were moving along.

Vitone stated that they had received a suggestion to move the water trough from the former Victorian House Restaurant on Maple Street to a spot in the back of the Town Hall. Briggs stated that the water trough is secured to a foundation which will make it easy to move and that he suggested they move it near the wheel in back of Town Hall. He added that the Historical Commission gave their blessing to this suggestion.

Briggs stated that he also had a discussion with the Historical Commission regarding two plaques commemorating the Emiline Jewell Whitney School that they wanted to have placed, one would be placed in So. Ashburnham and the other on Meeting House Hill and that he was working with the DPW to get this done.

C. Further discussion on potential of Town Hall as voting site and providing babysitting services at Town Meetings

Vitone asked for input on this subject. Louise Reid noted her concerns about handicapped access and the parking situation, as well as the number of voters at federal elections.

Linda Ramsdell, Town Clerk noted that she wanted a safe polling place with easy access for all. She stated that she had both pros and cons on this issue. As pros she noted that some election equipment was already situated here at Town Hall although the actual voting booths were at Briggs and computer access was a big advantage as she could do statewide searches on verifying registered voters. She listed a number

of cons – Parking, lighting, the need of an emergency back up site, and elevator failure.

Dennehy noted that he would ask the IT Study Committee to look into computer access for the elections at Briggs. Reid also added the heating issue at Town Hall as a major deterrent, which was a unanimous concern.

Whitney stated that the majority of residents she talked stated that they should just leave things as is with Briggs as the voting site, noting that they all had the same concerns. Dennehy stated that he also heard from various people and most had echoed the same concerns, although he did bring up the possibility that if Briggs is renovated or rebuilt this could be an issue for about a year.

Briggs stated that the American Disability Board would have to approve the voting at Town Hall and that the doors are not handicapped accessible and this includes the doors leading to the elevators. He added that the doors and the slope from the hill in the parking area are major issues. Whitney inquired why this building wasn't made ADA compliant as she was under the impression that it was and Briggs stated that he would look into this and report back.

Whitney stated that it sounded like everyone had the same concerns and that they should leave things as they are and Dennehy agreed adding that if the Briggs project does go forward, they would need to find another place for voting. Vitone stated that they would keep things as is right now and thanked everyone for their input.

D. Discussion on Executive Session held before this meeting

Vitone stated that the Board of Selectmen met in Executive Session at 6:45 p.m. and voted to approve and release the minutes from the July 6, 2009 Executive Session. He explained that these minutes were the result of the State's decision to reduce their portion of the Quinn bill payments by 83% for local police and he added that this impacted 5 union police officers in Ashburnham. He stated that after they reviewed the facts and some discussion the Board decided unanimously to pay the State's unfunded share of the Quinn bill for a three month period in order to provide time for litigation to proceed in other communities who are not paying the State's unfunded share of the Quinn Bill and to avoid potentially significant legal bills by the Town and to provide time for the legislature to consider appeals to restore full funding of the Quinn Bill. Vitone stated that they gave this as a three month opportunity.

Dennehy noted that they wanted to support funding the Quinn Bill and the Town's officers. He added that they should note that it is very disappointing to be put in this position. He stated that they should call on the legislature to do all they can to restore this and make it a priority as this bill promotes a more educated and trained officer.

E. State's position on MEMA reimbursement to Regional Schools

Whitney stated her concerns regarding an email sent from Dr. Zapantis stating that the Regional School Districts would not be reimbursed by the state on storm damage costs. She noted that there should be a way to get the schools reimbursed. Briggs stated that this is a double-edged sword as the State has put a 60 to 90 day hold for MEMA reimbursement and that they could prorate. He stated that he would try to push this through for reimbursement.

At this time Vitone took a moment to recognize Nick Brown from the Sentinel and Enterprise to acknowledge the fact that he was leaving his position as the reporter for the Town of Ashburnham for a new position in New York. He thanked Brown for providing such good coverage for Ashburnham and wished him well in his new endeavors. The Board unanimously agreed.

Dennehy noted that they should try to submit for reimbursement for the school and Vitone agreed noting that they helped a great deal during the Ice Storm crisis and they shouldn't be treated this way by the State.

VII. NEW BUSINESS

A. Discussion on the clarification of Capital Planning Committee appointments

Vitone explained that there was an error made when the appointments were issued for the Capital Planning Committee, with the Town Administrator as the appointing party when it should have been a Board of Selectmen appointment. He suggested that they agree to retroactively approve these appointments by the Town Administrator for this fiscal year rather than to issue new appointment slips which would cause confusion. Whitney motioned to go forward as Vitone suggested and Dennehy seconded. Motion carried.

B. Discussion on appointing a committee for the 250th Celebration in Ashburnham in the year 2015

Briggs stated that he met with Patty Johnson and Tina Donelson the previous Monday to discuss the time capsule as well as a formal celebration of the 250th anniversary of the Town. He suggested that they set up a Celebration Committee now and that this would give Johnson and Donelson the capability to look at the many Town documents involved with this celebration.

Vitone stated that this was an excellent suggestion and that they would post this on the webpage to ask for volunteers to serve on the 250th Celebration Committee. Whitney noted that she would like to serve on this committee and Vitone stated that he didn't see this as an issue. Patty Johnson stated that they needed to start the process now.

Whitney motioned to form a 250th Celebration Committee and to appoint Tina Donelson and Pat Johnson to this committee. Dennehy seconded and the motion carried.

C. Discussion on additional appointment to the Tax Base Study Committee

Dennehy noted that Keith Aubin of 58 Center Street had expressed an interest in serving on the Tax Base Study Committee. Dennehy made the motion to appoint Aubin and was seconded by Whitney. Vitone stated that the first meeting of this committee would be scheduled for the following week.

Whitney noted that the Selectmen had been invited to participate in Westminster's 250th Celebration Parade on Sunday, September 27th. Briggs stated that Ashburnham should do what Westminster did and hang a banner to announce our 250th Celebration in 2015.

D. Discussion on H3515 “An Act to Improve Recycling Rates in the Commonwealth”

Whitney went over this request and then read the resolution noting that she thought this was a good idea. Whitney motioned to support this request, sign it and send it to the appropriate party. Dennehy seconded and the motion carried.

E. Discussion on Historical Piano Museum Lease that will expire June 30, 2010

Vitone stated that this was a 13 year lease and that it was now in the 13th year. Dennehy noted that they should get public input on where to go from here before they begin to negotiate another lease contract. Whitney mentioned that there was an appraisal done back in September of 2006 by Horne & Hastings Associates, Inc. out of Princeton. Dennehy noted that this document was a good historical appraisal but it wasn't current.

Vitone stated that right now they were presuming that they wanted to continue leasing the property but that may not be the case. He asked Briggs to send a letter to the Fredericks to see where they stand on this issue.

VIII. CONSENT AGENDA

Dennehy made the motion to approve the Consent Agenda and was seconded by Whitney. Motion carried.

IX. ANNOUNCEMENTS

Dennehy announced that dog licenses were available in the Town Clerk's office and at this point would be assessed a \$10.00 late fee.

Dennehy also announced that the next meeting of the Board of Selectmen would be on Monday, August 3rd at 7:00 p.m.

X. BOS CORRESPONDENCE

Whitney stated that she attended a meeting of the MJTA where they discussed TIP issues and how it works. She stated that TIP stands for Transportation Improvement Program and that she found the meeting to be very interesting and informative. She stated that Ashburnham had two items on the TIP list right now, Ashby Road, resurfacing of the road and sidewalks and Route 101 reconstruction. She noted that Steve Nims would be attending the next meeting to get more information on the status and to be sure that these projects get done. Briggs stated that there was an issue with the fact that the engineering study hadn't been done yet, but that's not an issue anymore.

XI. TOWN ADMINISTRATOR'S REPORT

Briggs reviewed the report that he submitted to the Selectmen starting with an update on the options available for air conditioning in the upstairs computer room.

Touching on the FY09 closeout he stated that Nancy Haines did an extraordinary job on this. He stated that they had 35 Special Articles and now they were down to 3 and that they should realize about \$40k in funds as a result and that they would produce a spreadsheet showing this.

Briggs touched on FY10 noting that he contacted the DOR on the audit requirements that they set for the Town before we could set the tax rate. As a result, they lifted the

requirement, making it a little easier for the Accountant. He added that Nancy Haines did a great job on this as well.

Briggs also touched on the cyclical inspections by the Assessors noting that it was going pretty well.

He also stated that he spoke with the Department Heads at their last meeting about training on the Munis system and all were in favor.

Briggs stated that he gave his approval on placing a sign in front of Town Hall advertising the Farmer's Market on every Monday from 4:00 p.m. to 7:00 p.m. through the summer.

He stated that the schedule at the Transfer Station was going well. He also noted that he had authorized Planet Aid to place a box in front of the Transfer Station as it was a good location and the DPW had given their approval as well.

Briggs also noted that he had set up a schedule for the Boards, Committees and Department Heads to come to Board of Selectmen meetings and he was working with them on their goals and objectives. He stated that the Council on Aging was scheduled first on August 3rd and he was working with them. He also noted that the Board of Assessors would be at the next meeting on August 17th and they were presently working on their goals and objectives. All committees, boards and department heads had confirmed the scheduled dates.

Briggs noted that Elaine Cormier was doing a great job in the Land Use Department.

He stated that the Route 12 paving was supposed to start the first part of August and Steve Nims was checking with the paver. He added that they were 60% certain it would happen and that everything is ready to go.

He touched on the Ambulance Billing situation noting that there was a substantial amount outstanding and that they should look into getting something done with this. Whitney stated that they should check with Chris Gagnon about his idea on collections. Dennehy noted that he was hesitant to just write these off, as \$35k was a lot of money. He added that they were not doing enough to collect these and Gagnon might be available to do this and it should be explored. Vitone stated that they should escalate this to the next level of collection and perhaps even set up a policy. Dennehy stated that they had a policy in place but it did not go to a further step in collections and they should explore ways to collect these funds. Vitone stated that a policy was needed and that they would have Briggs write one up. Briggs stated that he would look into this.

XII. SOLICIT PUBLIC INPUT

Bob Fichtel stated that it should be emphasized that no furniture or other material should be placed in the Planet Aid bin. Briggs stated that he was assured that anything left there would be quickly picked up by Planet Aid and that if it got out of hand he would have it removed.

XIII. EXECUTIVE SESSION

At 8:50 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 the purchase, exchange, lease or value of real property and to not reconvene into open session. Whitney seconded and a roll call was taken.

XIV. ADJOURNMENT

At 9:25 p.m. Whitney motioned to adjourn and was seconded by Dennehy. Motion carried.

Respectfully submitted,

Sylvia Turcotte
Assistant to the Town Administrator