

**TOWN OF ASHBURNHAM
BOARD OF SELECTMEN
AUGUST 16, 2010 – 6:30 P.M.
TRAINING ROOM - PUBLIC SAFETY COMPLEX**

This meeting was aired live on local cable television.

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

The Pledge of Allegiance was led by Maggie Whitney. Vitone called the meeting to order at 6:30 p.m.

II. EXECUTIVE SESSION

At this time Vitone noted that the Board of Selectmen would convene into Executive Session to deliberate upon matters, which if done in open meeting would detrimentally affect the position of the Town regarding strategy with respect to contract negotiations for union and non-union employees and to reconvene into open session.

At 6:55 p.m. Vitone reconvened the meeting and asked for Public Input. Dottie and Robert Munroe were present and Dottie stated that she wanted to acknowledge the DPW for the outstanding job they did paving Stowell Road. She commended Steve Nims for his diligence as well as his crew for the wonderful job on the road. She gave Kudos to the DPW. All Selectmen agreed with Munroe. Vitone thanked the Munroe's for their attendance and kind words.

Vitone stated that they would add from section VIII, item B, the One-Day Special Liquor License to the Firehouse Pub discussion in order to accommodate Mr. Wright.

Whitney read the agenda.

III. PRESENTATIONS & REPORTS

Briggs noted the concerns by the Fire and Police Chiefs regarding a request from the Firehouse Pub for a One-Day Special Liquor and Food License for Saturday, August 21st which would take place outside in the sectioned off area to consist of the parking space directly in front of the Pub. He stated that the Chiefs were concerned with safety and Wright stated that he had a function not too long ago similar to this one and a police detail was not required. He added that this would be an added expense that they weren't prepared for. Reed noted that there were no problems at the last function and he felt that they didn't need to force this issue. Whitney agreed with Reed and added that this is a family restaurant. Reed noted that Wright was well aware of the liability. Vitone asked if they were all in favor of this Special One-Day License and it was unanimous to not require an officer. Whitney added that per past experience an officer would not be necessary. She noted that they are trying to support business in Town. Vitone stated that they would give them the benefit of the doubt but if there is an issue they would require a detail.

Whitney motioned to grant this Special One-Day Liquor and Food License with no police detail required and was seconded by Reed. Motion carried.

- A. Firehouse Pub – Liquor License Hearing (7:10 p.m.)
At 7:10 p.m. Reed motioned to open the Liquor License Hearing and was seconded by Whitney. Motion carried.

Whitney read the ad as follows:

“The Ashburnham Board of Selectmen, acting as the Local Licensing Authority, will conduct a Public Hearing on Monday, August 16, 2010 at 7:10 p.m. in the Training Room at the Public Safety Complex, 99 Central Street, Ashburnham, Massachusetts, at the request of the Firehouse Pub of Ashburnham, 3 Central Street, Ashburnham, MA to alter the premises to include the outside patio as part of their restaurant liquor license. The Manager of Record is Christina W. Tuomala.”

Whitney motioned to waive the reading of the abutters list. Reed seconded and the motion carried.

Vitone gave the floor to Josh Wright. Wright gave the Selectmen a copy of the proposed floor plan for the patio in question. He stated that they already had a retaining wall, fence and cover and that access would be through the restaurant.

Reed asked if they would be changing the outside of the wall and Wright stated that they would leave it as is. Reed noted his concern as far as monitoring at night and Wright stated that the wait-staff would handle that. Vitone noted that they should check with the Building Inspector and Zoning Officer.

Wright stated that if an issue occurs then they could look at the wall further and that they would see no more than 10-12 people seated in the area at one time. Vitone noted that they would talk to the Building Inspector as to the maximum number of people and an “egress” which he had concerns about.

Vitone then asked if anyone present wanted to speak in favor of this and no one came forward.

He then asked for anyone against this alteration of premises and Deborah Gagne of 11 Central Street asked to be heard. She stated that she lived directly next door to the parking area for the Pub and that they currently hear a lot of noise coming from there especially at closing time late at night. Her husband, Robert Gagne stated that there was an issue with blocking a portion of their property and that they have called the police several times. He stated that it has been a nightmare and that they have put up with the noise, having no access to their land and also having the fence keep coming down between the properties. Wright stated that the patio area should lessen the noise and that he would enforce this.

Reed stated that they had a few issues to resolve and that the Board would take it under advisement.

Reed motioned to close the Liquor License Hearing and Whitney seconded. Motion carried.

Vitone stated the issues that needed resolution were the egress question, the maximum number of people, the smoking concern, and the barrier in regards to the sound concerns. Reed noted that they had to listen to the neighbors.

Vitone stated that Wright's offer to stop persons from congregating in front is a good thing. He added that they want validation from the Building Inspector and the Fire Chief saying its okay. Wright did also note that there would be smoking year-round in the patio area.

Vitone stated that they should have all the facts for the next meeting and Briggs stated that he would work on this.

Robert Gagne noted that they should have the area policed better as there is a concern for people and their safety and Vitone asked Briggs to get an assessment from the Police Chief.

B. Update Report – Briggs Project (Dr. Mike Zapantis and School Committee Chair, Dave Christianson present.)

Dr. Zapantis gave a brief synopsis of what had transpired recently. He gave the Board handouts with information, which are attached to these minutes. He stated that there were two components with the first being the feasibility study and the second, the schematic design. He noted that the report, which he handed a copy of to the Board of Selectmen, had been submitted to MSBA. He stated that the building authority required one of three options as follows: 1. no build, 2. renovation, and 3. build new and the conclusion of the architect and project manager was to recommend to "build new". The School Building Authority voted to build new and to move to the schematic design stage, which was a big step forward.

He noted that they were facing strict timelines and that the Briggs Building Committee would be very active now, as between October 1st and November 17th, they would be working on negotiations and the project funding agreement. He also noted that they would be diligently working to bring up the incentive points in order to benefit the taxpayers, stating that right now it was at 53.53%.

He stated that on November 18th this begins the clock of 120 days with the ballot vote to occur between November 18th and March 17, 2011.

A short discussion followed on the scheduling of a Special Town Meeting.

Dave Christianson stated that the ballot vote should be sooner rather than later. Reed stated that the MSBA would give their vote on November 17th and that they should get the historical data for the taxpayers on cost. He noted that they need to tell the taxpayers that the best possible time to do this is now and in the 120 day timeframe. Zapantis stated that they would have all the information for the town meeting and that they could get an additional 6 to 8 more points on the reimbursement rate.

Whitney asked about the construction costs as she heard it was approximately \$24m and Zapantis stated that that amount didn't include all the costs. Christianson stated that they were about four weeks away from knowing the real costs as they would start now to work on specifics to narrow down the numbers. He stated that once they have the information they would get it to the public. He noted that there was nothing they could do without the MSBA approval.

Zapantis stated that they were going with the "Construction Manager at Risk" for additional points and they were looking for even more.

It was noted by Christianson that this process has been going on for over three years now and Vitone stated that it was good to have so many committed people serving on this committee. Zapantis stated that they would invite Katherine Craven to the Town Meeting. Christianson stated that they should try to look at the first week of December for the ballot vote and Reed agreed stating that this would be the best approach as there would be one change to vote. He also suggested that they check into the zoning as this was located near the 40B project and maybe they could take advantage of this. Zapantis stated he would check on this.

Vitone stated that they appreciated the update as it was very informative.

IV. UPDATE – STUDENT REPRESENTATIVE FROM OAKMONT

V. OLD BUSINESS

A. Review of BOS Initiatives and Task List

Whitney stated that regionalization was the only item on the Task List at this time.

B. Approval of Amended Lease Agreement between the Town and Historical Piano Concerts, Inc.

Briggs stated that the only change was the insurance coverage with an additional \$2,500 coming to the Town. The Board signed the amended agreement.

VI. TOWN ADMINISTRATOR'S REPORT (Report is attached.)

Briggs began by stating that they had a new member on the Board of Assessors, Walter Harrington. He stated that Dave Uminski would be joining the Historical Commission and that there were several requests to serve on the 250th Celebration Committee.

Briggs noted that after looking into it further he has suggested to leave the Emergency Management Committee as active and for them to meet once a year in September to submit to the Board of Selectmen any appropriate revisions.

Briggs informed the Board that we were ahead of schedule on our school assessment payments. He gave an update on the water tank project and also touched on the Meissner issue giving the Board an update on this situation.

He also noted the great job that Mark Petersen did in submitting for reimbursement from FEMA/MEMA due to the flooding in the spring where the Town will be receiving about \$45,000.

Briggs touched on the Roof Repair work at Town Hall noting that May Enterprises was doing a great job and that Mike Gallant and Ed Schlott were working with them. He also reported on the elevator issue and repairs required.

Briggs stated that we had received 30 resumes so far for the Land Use Administrator position and that the last day to receive resumes was August 25th.

The VMS renovation project placed through MRPC which was denied was discussed. Briggs stated that he would be meeting with Karen Murphy in Westminster to discuss a possible regional VMS facility. He also stated that he would be meeting on September 1st with DHCD, Brian Aho, COA Board Chairman and a representative from Senator Brewer's office to discuss this further.

Briggs stated that Anne Cervantes and Nancy Haines did a fantastic job and that they would be submitting the paperwork to the DOR to get our free cash certified by the end of the week. He also noted that RRG did a great job as well to set the new growth, established months ahead of last year.

Briggs gave an update on the vacation change-over and the Water/Sewer billing training.

Under Goals and Objectives Briggs stated that he asked the Department Heads to add another goal which would be to decrease their budget by 5%, looking for ways to cut costs.

VII. NEW BUSINESS

A. Update on Meeting of July 27, 2010 with the Town of Westminster Board of Selectmen re: Regionalization Opportunities

Vitone stated that they met with the Westminster Board of Selectmen – in a brainstorming session on regionalization. He stated that they picked four items and set up 4 two-person teams, one from Ashburnham and one from Westminster, to identify the pros and cons of regionalizing. The list is as follows:

1. COA
2. ConCom Agent
3. Regional equipment repair
4. Regional sharing of capital items.

Vitone noted that they would be meeting in September to review their findings and that they have also made an overture to Ashby on regionalizing possibilities.

B. Approval of State Primary Warrant to be posted

The Board signed the warrant.

C. Vote to approve Fire Union Contract

Briggs gave a brief review of the contract stating that he eliminated all stipends and that they would have a 0% raise for FY11 but that he re-adjusted the salary structure. He noted that it is a good contract.

Reed motioned to approve the Fire Union Contract and Whitney seconded. Motion carried.

D. Discussion on date for Special Town Meeting

Briggs stated that it was presumed by Dr. Zapantis that the STM would be held on November 17th and that it made no sense to have two meetings. He also stated that he checked with the Assessors and they had no problem with this date. He stated that his suggestion would be to have the meeting on Thursday, November 18th. He stated that they should also look at the ballot question as well. Whitney noted that it would be better to have the ballot vote after the holidays.

The Board was unanimously in favor of November 18th for the Special Town Meeting.

VIII. CONSENT AGENDA

- A. Appointment to Historical Commission
 - C. Brian's Gift Road Race
 - D. July 6, 2010 Minutes – Regular Meeting
 - E. July 27, 2010 Minutes – Special Joint Meeting with Westminster
- Whitney motioned to approve the Consent Agenda and was seconded by Reed. Motion carried.***

IX. ANNOUNCEMENTS

Whitney read the following Town Clerk reminders:

- Wednesday, August 25th – Final registration for the State Primary in the Town Clerk's office at Town Hall from 8:00 a.m. to 8:00 p.m.
- Absentee ballots are now available in the Town Clerk's office at Town Hall
- Monday, September 13th 12:00 noon – last day for filing applications for absentee ballots for voters who will be out of town for the State Primary.
- Tuesday, September 14th – State Primary – Polls open at 7:00 a.m. and close at 8:00 p.m. at the J.R. Briggs Elementary School, 96 Williams Road.

Whitney noted the Brian's Gift Road Race would be held on Saturday, September 25, 2010 – 7:00 a.m. to 4:00 p.m. She stated that the proceeds would benefit Forward in Health, a Gardner based group, to construct a room in their medical facility under construction in Haiti.

Vitone stated that they should get the Special Act ready to put on the Special Town Meeting warrant in November. He stated that they need to review the proposed changes at a Board of Selectmen meeting and hold one public hearing and then make the changes.

Whitney stated that there should be an article on the STM warrant on the quorum requirement as well.

Vitone stated that the Special Act Study Committee should be invited to the next BOS meeting for 7:30 p.m., right after the Liquor License Hearing. He added that the BOS can make their list of concerns and holds to discuss with the Committee at that time.

X. BOS CORRESPONDENCE

XI. SOLICIT PUBLIC INPUT

XII. ADJOURNMENT

*At 8:40 p.m., Whitney motioned to adjourn the meeting and was seconded by Reed.
Motion carried.*

Respectfully submitted,
Sylvia Turcotte
Assistant to the Town Administrator