

TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MEETING
MONDAY – AUGUST 8, 2011 – 6:30 p.m.
TRAINING ROOM – PUBLIC SAFETY COMPLEX

This meeting was aired live on local cable television.

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

I. SALUTE THE FLAG

Vitone called the meeting to order at 6:30 p.m. and led everyone in the Pledge of Allegiance.

II. SOLICIT PUBLIC INPUT

III. APPROVAL OF AGENDA

Reed made the motion to approve the agenda as presented and was seconded by Fagan. Motion carried.

IV. PRESENTATIONS & REPORTS

C.. Public Hearing – Firehouse Pub Determination of Violation

Present – Joshua Wright, Chief Larry Barrett, Town Clerk Linda Ramsdell

Vitone opened the Public Hearing – on the alleged violation by the Firehouse Pub for serving underage patrons.

Vitone then read the Notice as follows:

“July 6, 2011 – Dear Mr. Wright:

You are hereby notified that a hearing will take place on Monday, August 8, 2011 at 6:30 p.m. in the Training Room at the Public Safety Building, 99 Central Street, Ashburnham, Massachusetts, to determine if you have violated certain provisions of your liquor license in that you sold alcoholic beverages to a minor on June 24, 2011 at approximately 5:24 p.m. A copy of the Police Department’s report regarding same is enclosed.

This hearing will be held pursuant to the provisions of G.L. c. 138, sections 12, 15, 23 and 64, and c. 140, sections 2.9 and 177, as applicable. You have the right to the assistance of legal counsel at this hearing.”

At this time Vitone asked the Town Clerk to come forward to swear in the witnesses. Both Chief Barrett and Mr. Wright were sworn in.

Vitone asked Chief Barrett to give his testimony which he did. Vitone then asked the Board members if they had any questions which they did not.

Vitone then asked Mr. Wright if he would stipulate as to the facts as presented. Wright stated that he was notified by the bartender almost immediately after the event occurred. He stated that he had no issue with the testimony given by Chief Barrett.

At 6:33 p.m. *Vitone moved that the Board of Selectmen close the public hearing on the alleged liquor license violation of the Firehouse Pub. Reed seconded and the motion carried.*

Vitone then made the motion as follows: ***“I move that the Board finds the Firehouse Pub violated their liquor license agreement by serving underage patrons. Reed seconded and the motion carried.”***

At this time Joshua Wright made this statement. He stated that he took these steps: the employee responsible was terminated immediately. He noted that this was the first time this has happened. He went on to state that all staff wait and bar employees are Serve Safe certified which is the equivalent to the TIPS Program. He stated that now everyone under the age of 40 is ID'd, even the regulars and that he has a “3 strike” policy for not checking ID's. He noted that Randy Phelps is the person who runs the Serve Safe Program and he is good at what he does.

Reed stated that there had been a similar issue a few years ago at Mr. Mike's. He stated the he was happy that the Pub has been proactive. He also noted that all new hires should be certified at time of employment. He stated that they should post a sign in plain view that states ID's will be checked for everyone under the age of 40.

Fagan inquired why they were certified through Serve Safe and not TIPS. Wright responded that Serve Safe also does Food Safe so they went with them. He added that the cost is \$50 per person. Fagan noted that he appreciated the steps they have taken resulting from this incident.

Bill Johnson stated that Serve Safe was nationally recognized.

Vitone noted that Mr. Wright took progressive action, implemented training which was proactive. He added that they should ensure this becomes institutionalized and give copies to the Town Hall of all certifications. Wright stated that this was always in effect, a zero tolerance policy and that the certification training was done once a year with all the staff.

Chief Barrett stated that TIPS training can be done at any time on-line at a cost of \$40. He added that they shouldn't wait to train a new employee, it should be done before hiring. Wright noted that they would train every new hire before employment.

Reed reiterated that they have to permanently ID and make it a routine. Vitone noted that the TIPS training was a good idea and asked Wright if he wanted to go that route. Wright responded the Mr. Phelps' Serve Safe program does a good job for them.

Wright also noted that they didn't hire anyone who wasn't TIPS or Serve Safe certified. Fagan stated that certifications are good but they should have evaluations from time to time and that he would like to see a policy on this.

Briggs asked Wright if new hires serve without being certified and Wright responded that they do. Briggs noted that they should be certified before they are hired. Vitone agreed stating that either certification program is okay but they should be certified before being hired.

Vitone made the motion that a written warning be issued for the violation with a requirement that all current and future employees prior to serving alcohol at the Firehouse Pub must successfully pass the Massachusetts TIPS training program or the Serve Safe Alcohol Certification Program. A certificate of completion must be

submitted to the Town Administrator's office within 30 days of notification from the certifying agency. Fagan seconded and the motion carried.

B. 250th Celebration Committee Update

Present – Patty Johnson, Steve Coswell, Barbara DiVito, Donna Boucher (all members of the 250th Celebration Committee).

Patty Johnson stated that they were at this meeting to let people know about the Committee's first fundraising event which would be held on Sunday, August 14th. She noted that the Pancake Breakfast would be held at the Cushing Academy Dining Hall from 8:00 a.m. to 11:00 a.m. at a cost of \$6.00 per person (all you can eat) with children under 4 free. She noted that there would be music, raffles and the sale of blueberry pies, T-shirts, hats and magnets. She added that they were hoping for a good turnout at this fun event.

Steve Coswell, who is the Chair of this Committee, thanked the voters and the Selectmen for supporting the article at Town Meeting for funding. Reed noted that Briggs should check on the Hoffman Trust Fund to see if any of these funds could be spent on the Celebration Events and on what specific events. He stated that they may need a legal opinion on this.

Coswell stated that they were planning a parade, fireworks and a gala event. He also noted that they were looking for a media person to volunteer to help out with publicity. He added that they were planning a spaghetti dinner in the fall and they could use help with that event as well.

He went on to say that they were looking for "old" families on video as well as old photos and art. He noted that they were moving forward and would keep everyone informed.

Vitone stated that it was really exciting to see things happening.

Barbara DiVito inquired if it would be possible to sell tickets for events at Town Hall and Vitone stated that they would take the request under advisement.

Pat Johnson stated that hats were for sale at a cost of \$12.00, magnets for \$5 and tickets for Sunday's event at \$6. DiVito stated that the Committee thanked Odd Pine Farm for their generosity donating all the blueberries for the breakfast and pies.

Donna Boucher noted that the Committee has a Facebook page. Vitone noted that they would put information about their fundraisers on the Town's website as well.

Val Daigle stated that a list of all Town events should be posted on the Town's website as well as all board and committee meetings. It was noted by the Board that they would take this under advisement.

Vitone congratulated the Committee on their great start.

V. **OLD BUSINESS**

A. Review of BOS Initiatives and Task List

Vitone noted that regionalization was still the top priority and he added that they were very close to the Ashby agreement. He stated that they would be meeting in Executive Session to discuss this further.

Reed noted that there was a regionalization meeting on September 1, 2011 at Holy Cross College in Worcester but that he would not be available to attend. Briggs stated that he was planning on going to this meeting. He also noted that there would be state funds for regionalization available but only in the spring.

IV. NEW BUSINESS

- A. Vote to appoint Donna Couture, the new Town Accountant, as an ex officio member of the Capital Planning Committee

Reed motioned to appoint Donna Couture, the Town Accountant, as an ex officio member of the Capital Planning Committee and was seconded by Fagan. Motion carried.

- C.. Discussion – Bresnahan Project permit fees

Val Daigle from the Bresnahan Committee was present for this discussion. She noted that the Committee was concerned about permitting fees for the construction project and that she had a letter dated 2007 stating that the fees would be waived and they basically were asking the Board to honor this.

Vitone stated that there wasn't any policy on this. He noted that for the Briggs project they had asked for fees to be waived and they were not and the same for the Water Tank project and they wanted to be consistent. Fagan agreed that they should have a policy.

Daigle produced the letter from 2007 which stated that the fees were waived for the project and Vitone stated that by virtue of this letter dated September 24, 2007, they were grandfathered in. He also noted that they should look at creating a policy.

Briggs noted that the fees for this project would have been close to \$10,000.

- B. Discussion – Town Priorities (Spreadsheet is attached)

Vitone read the short list of needs for the Town which included: Briggs Elementary School, DPW facility, Town Planner, COA Center, a Police Officer, a Paramedic, Director to COA and Budget Growth. He noted that this list was not in priority order. He then read the list of Added Revenue Sources, also not in priority order, as follows: Wind Turbines, Solar Energy, Regionalization and State and Federal Grants.

Vitone noted that the Briggs School tax impact was close to the million dollar range which would be about a 7% tax rate increase for residents and he would personally like to alleviate some of this tax burden from the taxpayer. Some discussion followed on Briggs.

Vitone asked the other members of the Board to pick their top three needs not in priority order. After a short interval, Vitone noted that the DPW was on all three of the member's top-three list. He stated that there were two for Budget Growth, and one for each of the following: Briggs, Police officer, Paramedic, and Planner.

Bill Johnson stated that they should add another item to the list and that would be to tear down the VMS Building and get an RFP for the cost of demolition. He noted he would like to see the land returned as a park. Vitone stated that they would take this under advisement.

Vitone noted that it was clear that the number one priority was the DPW facility and the budget growth was a clear second.

Fagan stated that they also needed to determine what to do with the VMS and that a committee should be set up for that purpose.

Vitone advised Briggs to keep an eye on what to do with the DPW during the budget process. Fagan asked what their next step would be. Briggs stated that he would work on a plan, location, checking cost and availability. Vitone suggested that he also look at privately owned land and send out letters to the owners and work on a plan.

D. Vote to sign Regional Animal Control Agreement with the Town of Westminster

Briggs stated that he spoke with Karen Murphy, Town Administrator in Westminster about renewing this agreement and making it a three year agreement. He stated that it has worked well and that he is requesting that the Board of Selectmen sign the agreement.

Fagan asked if he was hiring a new Animal Control Officer and Briggs responded that they have appointed employees of the Westminster Animal Hospital as interim for now and that they were looking at someone in another town to maybe make it a three town agreement.

Reed motioned to accept the Town Administrator's recommendation to renew the agreement and was seconded by Fagan. Motion carried.

VII. TOWN ADMINISTRATOR'S UPDATE (Report is attached to these minutes and also posted on the Town's website.)

Briggs read the list of openings on Boards and Committees and noted that there were only two openings now on the Parks & Recreation Committee as he just had a new member come forward.

He gave an update on the Water Tank project stating that he was extremely impressed with the quality of work by all on this project. He stated that they were planning an event for the public to come and check it out and see what's been done. Vitone commented that it was a good idea. Briggs also stated that the project itself has gone really well and the paving would be curb to curb and would be tied in to the project. He also noted that he has been working with the Historical Commission on colors and type of trees and stonewalls. He noted that the project was coming in under budget which may allow them to work with Cushing on their connection.

Briggs reported on the road paving stating that Corey Hill Road was started with High Street to follow and also Center Street will be done as an overlay. He added that they may do something on South Main Street from Rt. 101 to South Station if they have enough funds remaining.

He stated that Route 101 North was awarded to P.J. Albert and that work would begin in the spring and would be from Stowell Road to Route 119 about 3 miles.

Briggs touched on the CDBG Grant application process for FY12 stating that he would be focusing on the South Main Street area for sidewalks, septic connections and park rehab. He noted that the Town did not get the FY11 CDBG grant.

He stated the United Water was the low bidder for the operation of the Water Treatment Plant and we are now in the process of reviewing their bid proposal.

He stated that he has appointed Maggie Whitney as the Interim Director for the Council on Aging and in that capacity she will be instrumental into looking at the future needs of the seniors. He noted that he asked her to look at alternatives and she has reached out to surrounding towns and cities. He added that he would be meeting with the COA the following day.

Briggs stated that effective July 25th, Eula Bradley resigned her position as Animal Control Officer. He stated that effective July 26th Officer Mike Thomann resigned his position. He noted that he authorized Chief Barrett to do an internal posting for the position and Travis Rixford applied and was appointed to replace Thomann. He stated that Rixford had been a part-time officer for the past two years, has a Masters degree in Criminal Justice and had successfully completed an approved Massachusetts police academy for full-time officers.

Briggs stated that Bill Fraher has submitted his proposal to perform the FY11 Audit and because we have a new Accountant, he thought they should stay with Fraher for one more year which is his recommendation to the Board. ***Reed motioned to approve the Town Administrator's recommendation and was seconded by Fagan. Motion carried.***

VIII. APPROVAL OF MINUTES

A. July 11, 2011 Minutes – Regular Meeting

Reed motioned to approve the minutes for the July 11, 2011 Board of Selectmen meeting and was seconded by Fagan. Motion carried.

XI. BOS CORRESPONDENCE

Fagan read the ad from the 250th Celebration Committee as follows:

“Ashburnham Blues – Blueberry Pancake Breakfast – Sunday, August 14, 2011 from 8:00 to 11:00 a.m. Cushing Dining Hall - \$6.00 per person – Children under 4 Free – Music – Raffles – Fun – Proceeds to benefit the 250th Anniversary Celebration. Visit us on Facebook at Ashburnham's 250th Anniversary Celebration – Questions? Email us at Ashburnham250@yahoo.com.”

Vitone stated that they received a request to be appointed to the 250th Celebration Committee from Donna Boucher. ***Reed motioned to appoint Donna Boucher to this Committee and was seconded by Fagan. Motion carried.***

X. ANNOUNCEMENTS

Fagan read the announcements as follows:

Town Clerk Reminders:

- January 1st and throughout the year – Open registration of voters in the Town Clerk's office at Town Hall – Monday from 7:30 a.m. to 7:00 p.m. and Tuesday through Thursday – 7:30 a.m. to 5:00 p.m. (Town Hall is closed on Fridays.)

- Dog licenses are available at the Town Clerk's office during regular business hours of Town Hall. If you have an unregistered dog, please be aware that a \$25 fine will be issued by the Animal Control Officer within the month.

The next meeting of the Board of Selectmen will be held on Tuesday, September 6, 2011 at 6:30 p.m. in the Training Room at the Public Safety Building. The meeting will be held on Tuesday because of the Labor Day Holiday on Monday, September 5th.

XI. SOLICIT PUBLIC INPUT

XII. EXECUTIVE SESSION

At 8:10 p.m. Vitone stated that the Board of Selectmen would enter 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 non-union employees and to not reconvene into open session except to adjourn. ***Reed made the motion to recess the meeting and was seconded by Fagan. Motion carried. Roll call was taken.***

XIII. ADJOURNMENT

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

Respectfully submitted,
Sylvia Turcotte, Assistant to the Town Administrator