

TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING  
MONDAY – OCTOBER 1, 2012 – 6:30 p.m.  
TRAINING ROOM – PUBLIC SAFETY COMPLEX

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This meeting was aired live on local cable television.

PRESENT: Ed Vitone, Chair, Greg Fagan, Clerk, Leo Janssens, 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           None

III. APPROVAL OF AGENDA

*Fagan motioned to approve the agenda as presented and was seconded by Janssens. Motion carried.*

IV. JOINT MEETING WITH PLANNING BOARD

A. Vote on appointment of Planning Board members

Present from the Planning Board were Skip Nolan, Chair, Joe Daigle and Roger Hoyt.

Greg Fagan stated that due to a possible conflict of interest he would recuse himself from this agenda discussion and moved to sit in the audience.

Vitone stated that the Planning Board had two positions to be filled, one to replace John MacMillan and the other as an Associate member. He noted that the Planning Board had to decide between two candidates to fill these positions.

Skip Nolan stated that the Associate Member would be appointed for a three year term while the other would be appointed until the next Town Election in April 2013. He stated that the candidates were Meredith Fagan and Joseph McPeak and that the Planning Board had met with them and discussed their time restraints, etc. Nolan stated that they recommend Meredith Fagan for the vacancy and Joe McPeak as the Associate Member and that both candidates stated that they would be agreeable with this. Vitone asked if the Board had any criteria for the recommendation and Nolan responded that they looked for an interest in the Town and time schedules. He added that the Planning Board already voted on the two appointments as presented to the Selectmen.

*Janssens made the motion to accept the Planning Board's recommendation and was seconded by Vitone. Motion carried.*

It was noted by Vitone that the Clerk, due to a possible conflict of interest, should not be signing these appointment slips and that he should in this instance. *Janssens motioned to allow the Chair to sign the appointment slips and was seconded by Vitone. Motion carried.*

V. PRESENTATIONS & REPORTS

VI. OLD BUSINESS

A. South Fire Station Update

Vitone stated that there were two things to discuss on this agenda item; 1. What governing body has the authority to set minimum bids on RFP's for the sale of property? 2. What should be the minimum bid for the old fire station property? He stated that there was nothing in the Town

Charter that specifically stated who had authority, so he contacted Town Counsel and Ms. Phillips stated that the Town Administrator, as Chief Procurement Officer has this responsibility. He added that the Attorney General's office concurred with this opinion. Vitone also noted that the Board of Selectmen could chose to vote to establish a policy that would make them the responsible party.

Fagan noted that the Board of Selectmen, as the "governing body" needs to establish a policy giving them jurisdiction in regards to MGL 30B. Vitone noted that Town Counsel is trained in Municipal Law and is an expert in this field and the Town should accept her ruling as accurate. He added that the Attorney General's office was also in agreement with Town Counsel's opinion.

Fagan stated that this having the Board of Selectmen set the minimum bids on property sales would eliminate ambiguity regarding Mass General Laws and that it was appropriate for the Board of Selectmen to do so because they have an obligation to the taxpayers.

When asked for his opinion, Janssens stated that as the Board of Selectmen has the right to accept or reject any bids so they do have the ultimate decision and a minimum bid is a moot point.

Vitone stated that Town Counsel has rendered a ruling but this doesn't preclude the Board of Selectmen from setting a policy allowing the Board of Selectmen to set the minimum bid. Janssens added that a good attorney wouldn't give an opinion unless it was accurate.

***Fagan made a motion for the Board of Selectmen to set a policy giving them the authority to set a minimum bid in matters of selling any town property. Janssens seconded. (No vote was taken.)***

Gail Dumont noted that a hard copy of the policy should come first before any action. Bill Johnson stated that a policy taking the responsibility away from the Town Administrator was disingenuous as the Town Administrator is the Chief Procurement Officer and this questions his trust. Fagan stated that he was not questioning the Town Administrator's trust. Johnson stated that with a minimum bid you set a floor especially with the soft real estate market, but the ultimate authority is with the Board of Selectmen.

Doug Briggs stated that everyone is trying to do the best for the Town and they need to work together to get the best results. He noted that he is working with the Assessors office to get a professional appraisal and with this being a residential property, the building would possibly need to come down and be rebuilt. He added that he believes that as Chief Procurement Officer, he has the authority. Fagan noted that MGL Chapter 30B, Section 16 refers to the governing board. Briggs responded that he did talk to someone at the Attorney General's office who stated as Chief Procurement Officer he has the responsibility to act for the Town in matters concerning Chapter 30B. He added that the acceptance of the bid is the Board of Selectmen's decision.

At this point Fagan asked that they table this discussion.

Vitone stated that the total assessed value was \$250,000 which included both the building and the property and that it is classified as residential. He noted that the minimum bid should be set at \$55,000, land value only, which would be more realistic. It was noted that Briggs went out for an independent appraisal and that they would wait until they receive this information. Janssens stated that they shouldn't wait until they get this information, and should go out with the RFP now without a minimum bid and see what comes in. Vitone stated that he could support that approach and asked Fagan if he could also and Fagan responded that he did. Vitone then stated that the Board of Selectmen supports going out with an RFP with no

minimum bid and to use the appraisal as a yardstick. He also noted that they would talk to Town Counsel to clear the question of who currently has the authority to set minimum bids.

## VII. NEW BUSINESS

### A. Approval – State Election Warrant

Briggs noted that this warrant is for the November 6<sup>th</sup> State Presidential Election. *Fagan motioned to sign the State Election Warrant as presented and was seconded by Janssens. Motion carried.*

## VIII. TOWN ADMINISTRATOR'S UPDATE

Briggs read the list of current openings on Town Boards and Committees. He gave an update on the water tanks noting that the Gardner Road tank was done with only the clean-up remaining. He also noted that the Commission voted to fund a water system flow model for use in simulating different design scenarios which would be completed by October 26<sup>th</sup>. He also noted that on the morning of Tuesday, September 25<sup>th</sup> there was a water break on South Maple Avenue. He reported that due to the location of the break, classes at both Oakmont and Overlook schools were cancelled but that afternoon activities were held. He noted that this was an independent incident caused in a line made of transite and not related to other projects in Town.

He stated that he has contracted with Central Mass Appraisal to do a residential appraisal at a cost of \$700, of the old fire station property which should be complete in three to four weeks.

Briggs noted that the fiber installation will start in the first week of November and this will tie in the Public Safety Building with the DPW, Town Hall and the Library.

He noted that Roy Bros was awarded the furnace maintenance contract for the Town's heating systems, adding that they were the only bidder.

He stated that the paving of So. Main Street started on September 21<sup>st</sup> with the underlayment and the final paving should be done the week of October 1<sup>st</sup> pending the weather.

Briggs stated that on 9/20 Amy Nable, the Assistant Attorney General, ruled that the Board did not violate the open meeting law on October 24, 2011 with the Boards of Selectmen of Ashburnham and Ashby who met to discuss regional dispatch. He stated that this was a result of a complaint filed by Lillian Whitney of Ashby who stated that the meeting agenda was not properly posted.

He stated that as a result of several complaints by residents, Ashby is looking at striping on their portion of Rindge Road and at the same time they are working with the DOT to see if this is a requirement of the grant.

Briggs stated that he met with John Fields regarding the flag at the VMS Building and that Fields is looking at how the coverage and exact protocol would work. Once he gets this information, Briggs noted that they would meet again. Briggs also contacted MIIA to be sure that we are covered should there be an incident.

He noted that after meeting with Chief Barrett, and the Westminster Chief and Town Administrator, they have agreed to go out with an RFP for Animal Control Officer and Inspector of Animals.

Briggs stated that although it's a few years out, they should start preparing to put together a Cable Advisory Committee. He noted that Matt Bourgault from AWCATV came forward offering their assistance.

He stated that the Pro-Shred Day sponsored by Athol Savings Bank, went very well. He stated that with help from Mark Peterson, Ed Schlott and Paul Pollastri, the Town was able to clean out many files which were approved for destruction by the Secretary of State's office. He stated that the

shredding machine ran for about an hour and a half just for our files. He also noted that he sent a thank you letter to Athol Savings Bank for providing this service.

XI. APPROVAL OF MINUTES

A. September 17, 2012 – Regular Meeting

*Fagan motioned to approve the minutes from the September 17, 2012 Regular Meeting and was seconded by Janssens. Motion carried.*

X. BOS CORRESPONDENCE

Vitone noted that Tammy Collier, our Town Accountant, submitted her resignation. Fagan read the notice as follows:

*“Please accept this letter as my notice of resignation.*

*This was not an easy decision to make. I am grateful for the rewarding employment I’ve had with the Town of Ashburnham. After much consideration, though, I have decided to pursue other options for personal reasons.*

*I will make myself available to continue as the Town Accountant until such time as another has been hired. In addition, I will stay on as needed to support a smooth transition should the board so desire.”*

Vitone stated that this was a surprise and that concerns might be raised on the turnover. He stated that they would need to advertise and post the opening and that maybe they should also do some type of salary survey. He suggested that because Leo Janssens was not involved in any of the hiring process, they should have him talk to the past three accountants to report on their reasons for leaving. Janssens stated that he would do so.

XI. OCTOBER MEETINGS

Fagan read the list of meetings as follows:

Mon., October 8	COLUMBUS DAY HOLIDAY		
Tues., October 9	10:00 a.m.	COA Board	Lower Level – Town Hall
	6:00 p.m.	W/S Commission	Lower Level – Town Hall
	6:30 p.m.	Conservation Commission	Upstairs – Town Hall
Wed., October 10	6:00 p.m.	Board of Assessors	Assessors’ Office
Thurs., October 11	6:30 p.m.	Planning Board	Lower Level – Town Hall
Mon., October 22	6:30 p.m.	Conservation Commission	Lower Level – Town Hall
Thurs., October 25	6:30 p.m.	Planning Board	Lower Level – Town Hall

XII. ANNOUNCEMENTS

Fagan read the announcements as follows:

Town Clerk Reminders:

- January 1<sup>st</sup> 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 registration is ongoing with the additional late fee of \$10.00 added to each license and \$25.00 dog fines will be issued this month. If you have any questions please call the Town Clerk’s office at 978-827-4100 ext. 114.
- Final voter registration for the Special Town Meeting is Thursday, October 4, 2012 from 7:30 a.m. to 8:00 p.m. at Town Clerk’s office, Town Hall.
- Special Town Meeting is Tuesday, October 16, 2012 at 7:00 p.m. in the Auditorium at Oakmont Regional High School, 9 Oakmont Drive.

- Final registration for the State Election is Wednesday, October 17, 2012 from 8:00 a.m. to 8:00 p.m. at Town Clerk's office, Town Hall.
- November 5, 2012, Monday – 12:00 noon – Last day for filing applications for absentee ballots for voters who will be out of town for the State Election.
- November 6, 2012, Tuesday – STATE ELECTION – Polls open at 7:00 a.m. and close at 8:00 p.m. at the J.R. Briggs Elementary School Gym, 96 Williams Road, Ashburnham.

A Community Health Fair is being held on Tuesday, October 9, 2012 from 10:00 a.m. to 12:00 noon in the Senior Center, upstairs at Town Hall. This is sponsored in partnership with the Ashburnham Council on Aging and Wachusett Manor with free admission. A light lunch will be served and flu shots will be available.

Representative Rich Bastien Office Hours at 6:00 p.m. in the Training Room at the Public Safety Building on the third Monday of every month. To schedule time, call 978-630-1776.

The next meeting of the Board of Selectmen will be held on Monday October 15, 2012 at 6:30 p.m. in the Training Room at the Public Safety Building.

Briggs noted that the October 16, 2012 Special Town Meeting Warrant was posted today on the website, at Town Hall, the Library and the Post Office.

XIII. SOLICIT PUBLIC INPUT           None

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

*At 7:38 p.m. Fagan motioned to adjourn the meeting and was seconded by Janssens. Motion carried.*

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator