

TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING  
MONDAY – APRIL 2, 2012 – 6:30 p.m.  
TRAINING ROOM – PUBLIC SAFETY COMPLEX

---

This meeting was taped for local cable television.

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

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

Mike Salem of South Main Street noted that the Briggs construction traffic had slowed down on his street and he wondered if they could establish a weight limit on the road. Briggs explained that they did contact Supt. Hicks about the construction traffic issue who in turn reached out to the General Contractor. Vitone stated that they would take Salem's request under advisement.

III. APPROVAL OF AGENDA

Vitone noted that they would be adding an item under Old Business. He stated they would add the appointment to the school's Strategic Planning Committee. ***Fagan motioned to approve the agenda as amended and was seconded by Vitone. Motion carried.***

IV. PRESENTATIONS & REPORTS

V. OLD BUSINESS

A. Further discussion on lease of South Station and Humvee disposal

Vitone began the discussion by noting that Ron Reed was in support of leasing South Station to the Firefighters Association. He noted his personal opinion which was that leasing buildings was not part of the mission of the Town.

He stated that in his opinion the Humvee was a donation and the moral perspective would be to return it to the Firefighters Association but that the voters should decide. Fagan agreed. Vitone stated that they would modify the warrant article to reflect this.

Vitone then returned the discussion to the South Station lease. He noted that he would be inclined to sell the building to the Firefighters Association with a PILOT clause where they would pay a small amount like \$1,000 a year. He added that they would have the option to store equipment for the Parks & Rec Committee as it would be their prerogative.

Fagan stated that he supported this but that he felt they should discuss further with Ron Reed present. Vitone asked for a reaction to this option and Rick Sicard stated his concern regarding the question of liability with Parks & Rec equipment being stored in the building if the Association owned it.

Vitone noted again that rental business was not the Town's job and that a decision like this would require a full Board. Sicard asked if the Board had any questions that they

let him know beforehand and Fagan stated that they would. Mike Salem stated that they may want to re-zone the area so that they couldn't sell the building to a business as it is mostly residential at this time. Vitone suggested that Salem go see the Planning Board on this issue and Fagan added that it would also have to go to Town Meeting.

Vitone noted that there were still questions on how to affect changes on South Station with the concerns of the area residents but added that the Humvee question was resolved.

B. Discussion and vote on increasing ambulance rates

Vitone stated that this was presented by Chief Zbikowski at the Joint Meeting with the Advisory Board but that no official vote was taken at that meeting. Fagan stated that the Medicare reimbursement only pays for ambulance fees no other costs and he proposed that they schedule annual reviews on this as he had concerns about the elderly and how it would affect them. Vitone stated that most have supplemental insurance which would pay for this but that they do have a standard write-off system in place for others that do not have the coverage. He added that two years ago they did a cost of ownership analysis which proved to be cost effective but that in the next year they should re-do the analysis. Fagan stated that he supports the increase.

***Fagan motioned to approve the increase in Medicare billing to 250% and was seconded by Vitone. Motion carried.***

C. Discussion to develop timeframe of Town Administrator Agreement with Ashby

Vitone gave a brief history of the shared town administrator services agreement with Ashby. He stated that the Board has been supportive of this agreement and that Ashby had a Public Hearing scheduled for April 26<sup>th</sup> to review regionalization. He noted that this Board of Selectmen was in favor of sharing the Town Administrator's services with Ashby.

D. Strategic Planning Committee Appointment

Vitone stated that they received a request from Supt. Hicks asking them to appoint someone from Ashburnham as a member of their Strategic Planning Committee. He asked for persons interested in this appointment to come forward and contact Doug or Sylvia in the Town Administrator's office. Fagan stated that he would volunteer as an interim for now.

VI. NEW BUSINESS

A. Board of Selectmen Code of Conduct

Vitone noted that they came up with this Code of Conduct as a self evaluation of the Board of Selectmen as a result of a workshop they attended. He stated that they would sign this as a newly formed Board after the election when the new Selectman is in place.

B. Discussion on timeframe for Town Administrator Goals & Objectives and Evaluation.

Vitone stated they needed to perform the Town Administrator's evaluation and that typically each person completes a self-assessment and then their manager reviews which will be the case here with the only difference being that his would be done publicly. Vitone asked Briggs to complete his self evaluation so that they can get this done at their next meeting before Ron Reed is no longer on the Board.

C. Discussion and vote on acceptance of donation of playground mulch

Briggs stated that the Parks & Rec Committee received a donation from Aguiar Landscaping of 60 cubic yards of playground mulch at a value of \$1,800 and he was asking the Selectmen to accept and approve this donation. Vitone explained the reason why the Selectmen have to accept and approve donation over \$500 and Briggs added that it was important to publicly acknowledge the donator. Fagan stated that this was a wonderful gift. ***Fagan made the motion to accept the donation of 60 cubic yards of playground mulch valued at \$1,800 from Aguiar Landscaping and was seconded by Vitone. Motion carried.***

D. Discussion and vote on DLTA request

Briggs explained the DLTA grant request stating that they were working with the City of Fitchburg and MRPC re: solar energy bylaw to put controls on where they are placed. He added that this is a great opportunity for the Town and that this was a request only as it will have to go to town meeting. ***Fagan motioned to approve and sign the DLTA grant request and Vitone seconded. Motion carried.***

E. Approval of two Special One-Day (Beer and Wine) Liquor License

Briggs read both requests made by the Historical Society: Tuesday, June 26, 2012 from 7:00 to 10:00 p.m., Exhibit Reception at Meeting House; and Saturday, October 6, 2012 from 5:30 to 9:00 p.m., Auction Fundraiser, at Meeting House. ***Fagan motioned to approve both requests and was seconded by Vitone. Motion carried.***

F. Review of May 5, 2012 Annual Town Meeting Warrant Articles

Vitone noted that this was the first public presentation of the warrant for the ATM on May 5, 2012.

Briggs read down the list of articles. (Draft warrant is attached to these minutes.)

He began by noting that they would work with the consent agenda/calendar again this year and Vitone explained that these were annual articles, which has proven to work well and saves time at the meeting.

*Article 1 – To accept the reports of town officers and committees*

*Article 2 – Light Dept. PILOT payment (Briggs explained this article and how the amount was calculated.)*

*Article 3 – Tax anticipation note authority for Treasurer*

*Article 4 – Authority for Town Administrator to contract with Mass Highway*

*Article 5 – Authority to expend Ch. 90 road repair money*

*Article 6 – Transfer of Cushing Academy trust fund income (Briggs explained this article)*

*Article 7 – Transfer title V receipts to pay principal and interest on septic loans*

*Article 8 – Transfer of funds from Waterways Improvement Fund*

**Briggs noted that the above eight articles would be voted on under the Consent Agenda/Calendar.**

*Article 9 – FY13 Budget (Briggs stated that the numbers may change if we don't get the anticipated local aid.)*

*Article 10 – AWRSD Operating Budget Override (Briggs stated that the school is working on reducing this number.)*

*Article 11 – FY13 Water Enterprise Budget (Briggs noted that there would be no increase in the water/sewer rates.)*

Article 12 – FY13 Sewer Enterprise Budget (Briggs noted that they are improving the process and that they were seeing less sewerage sent to Gardner.)

Article 13 – Payment of prior year invoice (Briggs noted that there was one invoice from Veolia Water in the amount of \$12,449.96 which was misplaced and would be paid out of the Water Fund.)

Article 14 – Vote for Capital Planning Committee recommended expenditures (Briggs stated that the list of items was approved and totaled \$437,250. He explained that they would not be leasing vehicles in the future but would plan to purchase.)

Article 15 – Capital items for AWRSD (Briggs explained this article noting that Ashburnham's share would be \$13,598 and that the school capital items had to be voted as a separate article.)

Article 16 – Open Space Residential Development bylaw amendment (Briggs stated that this was submitted by the Planning Board)

Article 17 – Adding section 5.19 Planned Unit Development and amending Sections 3.1 and 5.34 (Briggs again stated that this was submitted by the Planning Board)

Article 18 – Authorization for BOS to sell foreclosed property (Briggs stated that this would allow the Selectmen to sell parcels of Town-owned land without having to get Town Meeting approval and it gives some flexibility to get these properties back on the tax role.)

Article 19 – Long-term lease of VMS Bldg. to North Country Sustainability Center, Inc. (Briggs stated that this article was submitted by this group and that he had some concerns on the financial side. He stated that the Board of Selectmen need to look at uses for this building. Vitone stated that they should form a committee and Fagan agreed. Vitone noted that those interested to serve on this committee should contact either Doug or Sylvia.)

Article 20 – Rescind Quinn bill (Briggs stated that he would get a ruling on how to proceed with this from Town Counsel. It was noted that with negotiations coming up they would discuss this topic further in an Executive Session.)

Article 21 – Amendment to Regional Agreement (Briggs noted that this was a place holder as they have not heard from the Committee yet on the outcome of their meetings with both Towns. Vitone explained that the most significant change was the Statutory Method as the base line.)

Article 22 – Approval to Lease South Station (Briggs stated that this was a placeholder.)

Article 23 – Approval of PILOT agreement (Briggs stated that the agreement was set on the PILOT which would generate income to the Town of \$75,000 a year for 20 years plus inspection fees of around \$65,000. He added that there would also be a reduction in electrical cost and that this agreement is fair for both parties.)

Article 24 – Approval to purchase land (Briggs explained that they were looking at a parcel of land for the relocation of the DPW. He also stated that he was working with a contractor on another possible location in the same area.)

Article 25 – Authorize BOS to grant a release of Town interest in parcel of land (Briggs explained that years ago the Town never completed a deal on this parcel and the owner has been paying taxes on it and now a neighbor wants to purchase the parcel. He stated that they may need to rescind the vote from 1973 and that he would work with Town Counsel on this.)

Article 26 – Disposition of Humvee (Briggs stated that this was a placeholder.)

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

Briggs began his report by congratulating Chief Zbikowski on receiving the President's Volunteer Service Award presented to him by the President's Council on Service and Civic Participation.

He notified the Board that there was an issue with the school in regards to getting a trench dug as they need a permit to do this. He asked the Board to accept and approve a new trench permit requirement with a \$50 fee which was proposed by Dick Reynolds, the Building Commissioner. Vitone stated that a permit system is set up in order to do things the right way. ***Fagan motioned to accept and approve the new trench permit requirement and the \$50.00 fee. Vitone seconded and the motion carried.***

Briggs noted that on the new Water Tank, due to pressure related issues, they had switched back to the old water tank and they were reviewing upgrade alternatives. He also noted that the electrician was finishing the work on the communication tower in the next two weeks and that equipment would be moving over during the week of April 2<sup>nd</sup>.

He stated that the reclamation and paving for Route 101N out of the center started on Monday, March 26<sup>th</sup> from Route 12 to the Wright Farm. He stated that it should take two to three weeks to complete and that residents should plan to seek an alternative route during this construction period.

He noted that right now the COA was looking for van drivers for their long distance medical trips. He also noted that MOC would not be supplying a person to serve meals for the seniors due to budget cuts so they are looking at alternative solutions with one possibility being that they go to Westminster.

He stated that he was working with the IT Advisory Board and Guardian Information Technologies to move the fiber project forward. He stated they were meeting this week.

Briggs stated that the Bresnahan lease had been fully executed by all parties and that he would be using this lease as a template for any future leases.

Bill Johnson asked Briggs to explain what was happening with the Water Tank. Briggs responded that there were pressure issues and this in turn caused the popping of lines. He noted that some sections of pipe are over 100 years old, 1895 – 1910. He stated that they immediately shut off the new tank and went back to the old one when the popping occurred. He stated that they were looking for a solution to emulate the pressure of the old tank in the new and that they were planning to put in a pressure reducer valve which would be permanent. He stated that even with this the lines may still go because they're old. Vitone noted that the breaks in the pipes were very corroded and old. Fagan asked if they were looking at a survey of the pipes and Briggs stated that they were in the process of doing so. Vitone did also note that at the beginning of the process, the engineering company was asked about this.

## VIII. APPROVAL OF MINUTES

### A. March 15, 2012 Minutes – Special Meeting

***Fagan motioned to approve the minutes of the March 15, 2012 special meeting and was seconded by Vitone. Motion carried.***

### B. March 19, 2012 Minutes – Regular Meeting

***Fagan motioned to approve the minutes of the March 19, 2012 regular meeting and was seconded by Vitone. Motion carried.***

IX. BOS CORRESPONDENCE

X. APRIL MEETINGS

Fagan read the list of meetings for April as follows:

<b>Committee/Board</b>	<b>Day/Date/Time</b>	<b>Location</b>
Council on Aging Board	Monday, 4/9/12, 10:00 a.m.	Lower Level – Town Hall
Conservation Commission	Monday, 4/9/12, 6:30 p.m.	Lower Level – Town Hall
Water/Sewer Commission	Tuesday, 4/10/12, 6:00 p.m.	Lower Level – Town Hall
Board of Assessors	Wednesday, 4/11/12, 6:00 p.m.	Assessors Office – Town Hall
Parks & Rec Committee	Thursday, 4/12/12. 7:00 p.m.	Fire Conf. Rm. - PSB

XI 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.)
- Tuesday, April 3<sup>rd</sup> – 8:00 a.m. to 8:00 p.m. – Final Registration for the Town Election – Town Clerk’s Office, Town Hall.
- Tuesday, April 17<sup>th</sup> – 8:00 a.m. to 8:00 p.m. – Final Registration for the Annual Town Meeting – Town Clerk’s Office, Town Hall.
- Monday, April 23<sup>rd</sup> – 12:00 noon – Last day for filing applications for absentee ballots for voters who will be out of town for the Town Election.
- Tuesday, April 24<sup>th</sup> – Town Election – polls open at 9:00 a.m. to 8:00 p.m. at the J.R. Briggs Elementary School Gym, 96 Williams Road.
- Saturday, May 5<sup>th</sup> – Annual Town Meeting – 10:00 a.m. – Oakmont Regional High School Auditorium, 9 Oakmont Drive.
- Dog licenses are now available at the Town Clerk’s Office. Fees are \$10.00 for spayed/neutered dogs and \$15.00 for unsprayed/unneutered dogs. Please bring current rabies certificate. If licensing by mail please include check, rabies certificate, and a self-addressed stamped envelope and mail to Town Clerk, 32 Main Street, Ashburnham.

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.

Due to the Patriots Day Holiday on Monday, April 16<sup>th</sup>, the next meeting of the Board of Selectmen will be held on Tuesday, April 17<sup>th</sup> at 6:30 p.m. in the Training Room at the Public Safety Building. A small reception will be held at 5:45 p.m. before the Board of Selectmen meeting, in recognition of John MacMillan’s service to the Town on the Planning Board for 30 years.

XII. SOLICIT PUBLIC INPUT

Bill Johnson inquired about whether an article for fences for the playground had been submitted for the Town Meeting warrant. Briggs responded that an article wasn’t necessary as they have funds to cover this in the playground trust funds. Vitone also noted that this was under the auspice of Steve Nims.

Mike Salem stated that the Parks & Rec Committee had a meeting scheduled for Tuesday, April 3<sup>rd</sup> to review the Trust Funds. Vitone stated that they should look at the process and also check with the Trust Fund Commission. Salem stated that even with the donation of playground mulch they were still short 80 to 90 yards. He also noted that the fencing would be at a cost of approximately \$10,000. Vitone stated that he suggests that the Parks and Rec Committee talk with Doug Briggs to come up with a solution for the next meeting.

Fagan noted that the Equinox Bonfire put on by the 250<sup>th</sup> Committee was a great success and was a spectacular event. He stated it was well attended and the Fire Department did a great job of tending the fire.

Gail Dumont expressed the P&R Committee's thanks to Steve Nims, the DPW and Doug Briggs for placing the barriers at Winchester Park as well as the port-a-potties at both playgrounds.

Rebecca Cinclair of the P&R Committee inquired if there were any set of rules regarding the Trust Funds and Briggs responded that there were and Vitone added that they had specific purposes as well.

### XIII. EXECUTIVE SESSION

### XIV. ADJOURNMENT

*At 8:20 p.m. Fagan motioned to adjourn the meeting and was seconded by Vitone. Motion carried.*

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator