

TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING  
MONDAY – MAY 7, 2012 – 6:30 p.m.  
TRAINING ROOM – PUBLIC SAFETY COMPLEX

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This meeting was taped for local cable television.

PRESENT: Ed Vitone, Chair, Leo Janssens, Member, Greg Fagan, Clerk, 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

Vitone asked for any input and Mike Salem, a resident of So. Main Street, noted that over-sized trucks driven by C.J. Mombardi were still using So. Main Street as a shortcut. Briggs stated that he would contact the contractor and Vitone added that a letter should be sent.

Vitone introduced the newest member of the Board of Selectmen, Leo Janssens. He also noted that the Board had reorganized at their meeting on Saturday, May 5<sup>th</sup>.

III. APPROVAL OF AGENDA

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

IV. PRESENTATIONS & REPORTS

Vitone stated that they would discuss other items until the set time for the first Liquor license hearing which was scheduled for 6:40 p.m.

V. OLD BUSINESS

A. Review of Annual Town Meeting

Fagan noted that in his opinion the meeting went very well and that they should listen to the comments made by residents at the meeting and respond. Janssens stated that he was pleased with the number of attendees.

Briggs stated that he felt it went well but that he would work on providing more accurate and clear information for the next meeting.

Vitone stated that it makes a difference when there is harmony between the Advisory Board and the Board of Selectmen and this brings out the confidence of the residents in attendance. He also noted that the revenues would be posted on the website as an informational tool for the Town's residents.

Vitone also stated that the Town Meeting approved the PILOT agreements with Investar for the two solar projects. He stated that the Selectmen recessed their meeting which was held before the Town Meeting and then reconvened after in order to sign the agreements to be forwarded today to Investar.

B. Review and approval of a request to expend funds from the Gordon E. Erickson Memorial Fire Rescue Fund to purchase seven nozzles for the Fire Department

Briggs stated that a year ago the Gordon E. Erickson Memorial Fire Rescue organization donated the seven nozzles (cost of \$5,145) to the Fire Department and the Board of Selectmen had to approve this gift per the policy. *Fagan motioned to approve the gift as noted and was seconded by Janssens. Motion carried.*

#### IV. PRESENTATIONS & REPORTS

##### A. Liquor License Hearing – Tweedo’s Variety & Pizza (6:40 p.m.)

Vitone called the Hearing to order at 6:40 p.m. Fagan read the following notice to Tweedo’s:  
“*You are hereby notified that a hearing will take place on Monday, May 7, 2012 at 6:40 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 March 15, 2012 at approximately 4:40 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 94 and c. 140, sections 2, 9, and 177, as applicable. You have the right to the assistance of legal counsel at this hearing.*

*Postponements: The Board will grant postponements for just cause shown. The Board will make a determination to see if your request is justified. Your written request for any postponement MUST be received by the Board NO LATER than one week before the scheduled hearing.*

*Date at Ashburnham, Massachusetts, this 10<sup>th</sup> day of April 2012.”*

The Town Clerk, Linda Ramsdell swore in Tim and Kathleen Fissette and Chief Barrett.

Vitone asked Chief Barrett to testify to the incident. Chief Barrett explained the charges and what occurred. He stated that Sergeant Conrad conducted the investigation and he gave a statement on what transpired.

Vitone asked Tim Fissette if he would dispute the facts brought forward against them and he stated that he did not dispute the charges. He stated that they have a strict policy at Tweedo’s and that this was a mistake. He added that he has been in business in Ashburnham for 13 years and never had an incident and that they would strive to never have this happen again.

Vitone asked if there were any questions or public comments and hearing none he asked for a motion to close the hearing. ***Fagan motioned to close the hearing and was seconded by Janssens. Motion carried.***

Vitone stated that at this time the Board would discuss the facts of this hearing. Fagan stated that the fact that they recognize the infraction was good and that they will take the necessary steps to avoid this happening again. Janssens noted that they should always ask for an ID from everyone. Fissette stated that they have always asked for ID if they didn’t know the person. Vitone asked if the employees had any formal training and Fissette responded that they did not.

Chief Barrett gave his recommendation. He stated that the last time there was a sting like this, Tweedo’s passed so he is suggesting that a written warning be sent and that all their employees have formal training such as TIPS. Fagan noted that there was also a Serve Safe training program and that with the summer months, there would be more business so they should be more diligent. Janssens agreed that the summer months were more active. Vitone added that Tweedo’s should get all their employees certified either through the TIPS program or the Serve Safe program and that a letter of reprimand would also be sent out to them. ***Vitone made this motion and was seconded by Fagan. Motion carried.***

#### V. OLD BUSINESS (continued)

##### C. Dispatch Regionalization

While waiting for the time set for the second Liquor License Hearing (7:10 p.m.) Vitone gave a short background on the efforts to regionalize dispatch with the Town of Ashby. He stated that at the public hearing held in Ashby on April 26<sup>th</sup>, which was well attended, many residents were against regionalizing, in particular, the lead dispatcher who was the most vocal against. He noted how difficult change can be and how their strong opposition makes it tough. He talked about other scenarios that they may propose and that he would send a letter to Ashby Selectmen on these options. He also stated that they would need to get this solidified before

awards on the grant are announced. Fagan noted that change is tough and he can understand their view especially regarding the jobs on the line but they needed to understand that they can be a part of the future of this project. Janssens noted that the “non-host” community tends to buck these ideas. Vitone stated that they spoke with all the towns involved in the Devens regionalization and there were no negative comments. He noted that he would draft a letter to send to Ashby and have the other Board members review it before it’s sent.

#### IV. PRESENTATIONS & REPORTS (continued)

##### B. Liquor License Hearing – Ashburnham Marketplace (7:10 p.m.)

At 7:10 p.m. Vitone opened the Liquor License Hearing. Fagan read the notice as follows:

*“You are hereby notified that a hearing will take place on Monday, May 7, 2012 at 7:10 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 March 23, 2012 at approximately 8:00 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 94 and c. 140, sections 2, 9, and 177, as applicable. You have the right to the assistance of legal counsel at this hearing.*

*Postponements: The Board will grant postponements for just cause shown. The Board will make a determination to see if your request is justified. Your written request for any postponement MUST be received by the Board NO LATER than one week before the scheduled hearing.*

*Date at Ashburnham, Massachusetts, this 10<sup>th</sup> day of April 2012.”*

Linda Ramsdell, the Town Clerk, swore in Chief Barrett and Mr. Patel, owner of the Ashburnham Marketplace.

Vitone asked Chief Barrett to testify on the incident. He read the police report noting that the clerk asked for ID and sold the alcohol to the individual anyway. He noted that the ID clearly stated “under age 21”.

Vitone asked if this testimony was disputed and Mr. Patel stated that there was no dispute. He stated that the regular clerk went on break and the secondary clerk covered and although he did ask for an ID, he clearly didn’t read it and sold the alcohol anyway. He stated that they always make their best attempt to avoid this from happening and it was an unintentional incident.

Vitone asked for a motion to close the hearing. ***Fagan motioned to close the hearing and was seconded by Janssens. Motion carried.***

Vitone asked the members of the Board for comments. Fagan stated that oversights happen but that they should always look at the ID carefully to check the age of the individual especially in the summer months. He asked if the employees were trained and Patel stated that he was certified and all others would be as well. Vitone stated that it is easy to do things automatically but that every employee should be trained and certified.

Chief Barrett noted that in the two previous sting operations they passed so he is suggesting a written warning be sent and that the employees should all be TIP trained.

***Vitone motioned that they have all their personnel TIP trained and certified as well as any new employees and that a letter of reprimand would be sent. Fagan seconded and the motion carried.***

#### VI. NEW BUSINESS

##### A. Board of Selectmen Code of Conduct

Vitone explained how this document came in place, four years ago, due to some discourse in the Board of Selectmen. He asked if the members wanted any changes in the document and both Fagan and Janssens stated they were fine with it. All three members signed the document.

B. Discussion on timeframe for Town Administrator's Goals & Objectives

Briggs stated that he would like to get this list around the first or second week of July and to get the Board's input. He noted that this timeframe will coincide with the Department Heads Goals and Objectives as well as their self evaluation.

C. Review and approval of Rules for Playground Use

Vitone read the list of rules submitted by the Parks and Rec Committee as follows:

*Open Sunrise to Sunset*  
*Smoke Free Zone*  
*No glass*  
*No pets*  
*Please respect others and help keep your parks clean.*

He then noted his comments:

*Children under xx years of age must be supervised by an adult*  
*No littering*  
*No alcohol (Bylaw Chapter XI-Section 19)*

He listed Greg Fagan's comments as follows:

*Enforceability*  
*"This play area is designed to serve children between ages 5-12 years old"*  
*"Use of playground equipment is at your own risk."*

Leo Janssens noted his suggestions – timeframe of hours to be open and anyone there after closing would be subject to trespassing.

Chief Barrett stated that he questioned whether this should be in the form of a bylaw and that they should check with Town Counsel regarding the police authority in this scenario. Fagan stated that the biggest issue is "enforceability" and he felt that specific times would be too micro-managing. He noted that "after hours" is when the trouble happens. He suggested that they consider what West Springfield has in effect, a "Park Watch Program", which includes residents, police and basically communication as Park Advocates.

Mike Salem, Chair of the Parks & Rec Committee, stated that their original idea for a sign was an 18x24 size which would list the basic rules and that they even considered symbols instead of words which would be less expensive.

Rebecca Cinclair, also a member of the Parks & Rec Committee stated that they did a lot of research and they felt that the ground rules were the most important. Vitone stated that they should check with Town Counsel to find out what options there are and how to say it and also what would be enforceable. Fagan stated that they should go with the Park Advocate idea.

Vitone stated that they should also check in the Town's Bylaws as well.

It was noted by Cinclair that the signs would be placed on the fence and would be specific to the playground area only.

Briggs asked Salem for an update on Winchester Playground. Salem stated that the new equipment was on schedule to be installed the next day, Tuesday, but if it was raining it could postpone the opening. He stated that once the equipment is installed it would need 3 days to set

so the opening could be pushed off until the following week. He added that tomorrow was the key and he would give them an update at that time.

A short discussion followed on lights at both playgrounds. Gail Dumont, also a Committee member, inquired about the security cameras that were discussed some time ago and Briggs stated that they were still in the works.

D. Discussion on creation of a five-year strategic plan

Vitone asked Fagan to speak on this. Fagan stated that everyone is basically working towards the same goal and that he would propose to create a 5-year plan which would be the foundation of all Town activities. He stated that they would create one document. Vitone stated that he liked this idea. He noted that in the past some committees and boards had a similar plan and that these could be resurrected. He mentioned the Planning Board and the Historical Commission as two possibilities. Fagan stated that they would need to incorporate them and Vitone added that they would also need to decide who would participate and the process involved.

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

Doug Briggs gave an update on the Water Tank noting that it would be turned on in the next few days. He also noted that with the paving on Route 101N they were working to be sure that the water lines were okay before it was paved.

He stated that he would be awarding the bid for the Gardner Hill tank which came in lower than budgeted and the extra \$190,000 total available funds would be used to complete Cushing Street.

Briggs gave an update on the Route 101 north paving stating that two out of the three miles were completed and that it would most likely be completed by the end of next week.

He stated that the Senior Center/Council on Aging was doing well with volunteers serving the meals now and that they actually had 15 people today for the lunch. He added that the students from Overlook came to the Center to sing for the seniors today. He also noted that they had a new van driver, Bernie Conry from Gardner, who would be driving the van for the long-distance medical trips and some social trips.

Briggs stated that the PILOT agreements for the solar projects were mailed today to Investar to be executed.

He stated that he met with the Department Heads today and thanked them for their support and assistance in preparing for Town Meeting.

He also stated that he met with the IT Advisory Board and Guardian on the installation of fiber and this was nearing fruition.

Briggs stated that they have signed an MOU with the Police Union and negotiations with Dispatch are scheduled to start May 14<sup>th</sup>.

He briefly touched on the land acquisition for the DPW relocation stating that it would be taken through an action of eminent domain. He noted that he was excited about this as it's a good foundation to move forward. He also noted that he was getting the fair market value on the property. Fagan asked him to explain eminent domain and Briggs stated that going this route gave them the ability to circumvent the RFP process. He stated that this was 41 acres of land which both ConCom and the DPW Superintendent walked and found to be a good location. He stated that it would be an easy, friendly eminent domain.

VIII. APPROVAL OF MINUTES

A. April 9, 2012 Minutes – Special Meeting

*Fagan motioned to approve the minutes of the April 9, 2012 special meeting and was seconded by Vitone. Motion carried. Janssens abstained.*

IX. BOS CORRESPONDENCE

Briggs wanted to note that a resident, Kenneth Harding, volunteered and steam-cleaned all the monuments in front of Town Hall to prepare for the Memorial Day services on May 28<sup>th</sup>. He thanked Mr. Harding for his efforts.

He also noted the Memorial Day Services – which would begin on Friday, May 25<sup>th</sup> and end on Monday, May 28<sup>th</sup> in front of Town Hall. The flyer is available at Town Hall with the list of events planned. He noted the chicken BBQ after at the American Legion for \$8.00 a person.

Ed Vitone noted a letter received by the Board from Cushing Academy acknowledging the Town for its role in Cushing’s successes. He noted the brochure that was attached to their letter which listed some of their contributions to Ashburnham and the surrounding towns. He stated that their contributions should be recognized and noted that they would be fully-funding a police officer for the Town with a three-year commitment.

X. MAY MEETINGS

Fagan read the list of meetings for May as follows:

<b>Committee/Board</b>	<b>Day/Date/Time</b>	<b>Location</b>
Board of Assessors	Wednesday, 5/9/12, 6:00 p.m.	Assessors Office – Town Hall
Council on Aging Board	Monday, 5/14/12, 10:00 a.m.	Lower Level – Town Hall
Conservation Commission	Monday, 5/14/12, 6:30 p.m.	Lower Level – Town Hall
Water/Sewer Commission	Tuesday, 5/15/12, 7:00 p.m.	Lower Level – Town Hall

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.)
- 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. A reminder will be sent out this month to all those who have not yet licensed their dogs. On June 1<sup>st</sup> a late fee of \$10.00 will be added to each license.

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, May 21, 2012 at 6:30 p.m. in the Training Room at the Public Safety Building.

XII. SOLICIT PUBLIC INPUT

Vitone asked for input and Mike Salem inquired about the fate of South Station. Briggs stated that he would present his recommendation to the Board of Selectmen and they would discuss this at their first meeting in June.

Gail Dumont asked what the “MOU” was that had been signed for the Police union. Vitone responded that it was a Memorandum of Understanding.

XIII. EXECUTIVE SESSION

*At 8:05 p.m. Fagan motioned to recess the meeting and enter into Executive Session and was seconded by Janssens. Motion carried.*

Vitone stated that the Board of Selectmen would meet in Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding collective bargaining both pending and ongoing, and to reconvene into open meeting only to adjourn. *Vitone motioned to enter into Executive Session and was seconded by Fagan. Motion carried.* Roll call was taken.

XIV. ADJOURNMENT

*At 9:20 p.m. Vitone motioned to adjourn the meeting and was seconded by Fagan. Motion carried.*

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator