

TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING  
TUESDAY – JANUARY 17, 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, 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      No input.

III. APPROVAL OF AGENDA

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

IV. PRESENTATIONS & REPORTS

A. Tim Kelly from Comcast

Vitone began by noting that the Town's agreement with Comcast included a housing density requirement. Reed stated that residents of Rindge State Road and Old Pierce Road met with him last week and expressed their frustration with Comcast. He stated that Tim Kelly was invited to this meeting tonight to try to resolve this issue for the six homes affected.

Tim Kelly began by noting that in December of 2004 a contract/agreement was signed between Comcast and the Town of Ashburnham. He stated that in this agreement there was a 15 homes per mile density clause which is one of the lowest in the state and that it affects a total of 6 homes on Rindge State Road and Old Pierce Road. He stated that unfortunately this is not enough homes to warrant the expense of extending service to them. He stated the cost would be \$94,000 to extend the line and would average out to about \$9,500 for each customer if built out. He did add that if they could find more homes in that area they would do it.

Jim Leblanc of 197 Rindge State Road stated that there would not be any more homes built in their area. Brian Belliveau of 176 Old Pierce Road stated that the area isn't developable as there is a lot of state forest and conservation land.

Vitone noted that they had two more years in order to set up a Committee before the contract ends in 2014. There was some discussion on the first cable contract set up by the Town back in the 80's.

Vitone stated that they were here this evening looking for goodwill, beyond stretching this agreement. He stated that when the deal with Comcast was made 8 years ago they didn't adequately consider things like wetlands, conservation lands, etc. Reed stated that they were appealing to Comcast's good faith.

Kelly stated that they had looked at this several times and had tried to fix it through other venues. When he was asked if they could just supply internet service, he replied that Comcast operates as a video provider and can't just supply internet service as it would be the same lines and the same expense. The possibility of New Hampshire

extending the line was also discussed and Kelly noted that they would be willing to work with them but if the cost was too prohibitive then it couldn't be done.

Jim Leblanc stated that this lack of digital connection would affect their home values. Nancy Desimone of 20 Old Pierce Road agreed with Leblanc and added that they can't wait another 2 years and questioned why they didn't have broadband. Kelly noted that Comcast didn't receive any funding from the federal government as a private company.

Vitone stated that the Town would learn from this and work around it for the next contract negotiations. He asked if the Town ran the fiber line would Comcast run the service and Kelly stated that they could talk about this. Vitone added that they could see if any grants were available.

Vitone directed Briggs to contact Senator Brewer and Rep. Bastien regarding any available state funds to promote migration of digital service.

Desimone stated that most companies go out of their way for consumers. Kelly explained what would be involved to get this done.

Vitone stated that the Town has a contractual agreement with Comcast and didn't contemplate this issue and now we need to look at the role the State can play to resolve this. He noted that the State should play a role as they were responsible for the problem that these individuals are facing. He added that they would pursue this with Brewer and Bastien and Kelly would give the chain of command information for Comcast to Doug Briggs. Kelly agreed that he would forward this information as well as a letter with a detailed cost analysis to Briggs. Vitone added that Kelly should give us the most detailed summary to help us make the best case. He thanked Kelly and the residents who attended for their input.

## V. OLD BUSINESS

## VI. NEW BUSINESS

### A. Discussion and vote on Grant Application for DPW

Briggs explained the grant application was through MIIA to purchase a completely equipped emergency trailer for the DPW. He noted that the DPW cost would only be \$500. He stated per the policy, he needed the Board of Selectmen's support to submit this grant application.

Fagan stated that he would want this to correspond with the Disaster Management Relief Plan and Briggs noted that there is a Committee and a plan in place. Briggs noted that with this being funded by MIIA, it saves money for the Town and insurance.

***Reed motioned to accept the MIIA Grant Application submitted by the DPW and was seconded by Fagan. Motion carried.***

Briggs also noted that there were 3 COA Grants that Maggie Whitney, Interim COA Director would like to apply for. He explained them as follows:

- MArtap Grant – Massachusetts Rural Transfer Assistance Program – is a federally funded grant, targeted for Massachusetts rural and small urban public transit providers. \$750 with a 10% match. The match would come from the FY13 COA Budget.
- Service Incentive Grant-Elder Affairs – the grant is addressed to designate program priorities. If awarded it would be an approximate four month grant.
- Community Foundation of North Central Massachusetts Grant – support for programs/projects – 10 grants to be awarded ranging in the amounts between \$4,000 and \$20,000. The grant committee will give greater consideration to

proposals that are strategic, innovative and sustainable. The COA is working with the North Country Sustainability Center in a joint submission.

Briggs noted that none are guaranteed but he would like the Board's support to apply. ***Reed motioned to support applying for the above mentioned grants and was seconded by Fagan. Motion carried.***

B. Review of Proposed Changes to AWRSD Agreement

Vitone noted that Dave Christianson forwarded a redlined copy of the agreement for the Board's perusal and comments and he wanted to discuss this and go over any areas with questions. Briggs noted that it was the first district he knew of where the other towns vote for the representative. He stated that the district should be out of the process and each town should vote for their own representative, filing papers with the Town Clerk etc. The Board members were in agreement with this.

Briggs noted that on page 3 first paragraph that it should not be published in the newspaper. He stated that on page 4 they need to reference the chapter not just the MGL. On page 7 section E, need to clarify the cost apportionment to the towns as there is no reference tying it in to Chapter 70 and the net minimum contribution. Reed noted that it was intended that the agreement would last a long time when it was first established but State law changes all the time so maybe they should consider putting in "or as MA law gets amended". Briggs noted the reference to \$5,000 or 1% of the operating budget which would be too much. The Board members were in agreement with these notes.

Briggs then noted page 8, section F, the schedule for payment, and the fact that the Town has trouble adhering to this schedule and they need to look at this.

Reed noted on page 14, residence requirement, should be looked at and questioned why they want to take it out.

Vitone questioned section F on page 4 and Briggs responded that if someone leaves a meeting they could still adjourn even if the quorum is lost and could continue actions. Vitone stated that he would ask about this.

Vitone voiced his concern regarding revenues – page 6 section C and page 7 section E where they are not discussed at all. He noted that the total budget and all revenues should be presented and also how they are distributed in order to be transparent. The \$5,000 amount set in 1977 is not right today and doesn't make sense. Vitone also mentioned page 8 section G and asked why it was crossed out.

Vitone cited page 9 and the list of ten criteria noting that all budget expense and revenue should be reported each year in the Town's Annual Report. He stated that there is 50 years of history which is a valuable asset. He noted that a letter was recently sent to Superintendent Hicks requesting a more detailed report on the school district's budget. He also noted page 9 section C and the date the budget is voted on as it is not always timely and they needed to understand the implications.

Vitone asked Briggs to summarize their questions and send the summary to Dave Christiansen and Supt. Hicks.

Bill Johnson stated that he agreed with Briggs regarding electing the Town's own representatives. He also pointed out that on page 4 section G it should be the Board of Selectmen of the affected town that chooses a new representative when there is a vacancy and not the School Committee. He added that he had the same issue with the capital cost of \$5,000 which makes no sense and noted that he basically had similar

concerns as the Selectmen and the Town Administrator. Johnson also noted that the revenue funding needs to be clearly spelled out.

Jamie Piedrafite noted page 4 section II and stated that it should read Pre-K through 12 inclusive.

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

Briggs began his report by noting the openings on the Conservation Commission and Historical Commission which are listed on the Town's website.

He gave the Board an update on the Water Tank project stating that the tank is ready and filled and has already been pressurized. He also noted that there will not be any interruption of service. He stated that the communication tower was waiting for the foundation and then would be erected. He added that this was a great job which came in under cost and that they would be running the line up Cushing Street but not until after the Gardner Hill tank work is completed.

Briggs noted that last Friday he attended an unemployment hearing with Chief Barrett and Sgt. Conrad and it went well but they were notified by Town Labor Counsel that the tape only covered a third of the meeting and they would need to do a telecom session on January 20<sup>th</sup>. He added that this issue has been ongoing since the end of July due to delays with the Department of Unemployment.

He noted that they would be looking at setting up a Cable Advisory Board soon to begin the process of negotiating a new cable contract but that it was still a little early at this time.

He gave an update on the PILOT stating that this has been a very difficult process due to DOR issues and that Harald Scheid is working to get this resolved and Town Counsel has stated that we needed a methodology. He did state that they still needed to negotiate with the Municipal Light on the revenue side. Vitone noted that the Town can't lose money in this process and asked Briggs when this might be resolved. Briggs stated that they would review next week.

Briggs stated that he had been notified of the scheduling of a Tri-Board Meeting with the School for Tuesday, February 7<sup>th</sup> at 7:00 p.m. in the Overlook Middle School Library.

He reported that they had two viable candidates for the Town Accountant position and that interviews had been scheduled for Thursday morning with the present Accountant and the Treasurer. Vitone stated that after these preliminary interviews the Board of Selectmen would interview these applicants. Fagan noted that they should review the Town's hiring process.

Briggs noted that his charge as Town Administrator for the two towns was regionalization, in particular looking at Dispatch bringing it in to Ashburnham. He stated that he was in the process of forming an Advisory Committee to include (1) Selectman from each town, (1) Advisory Board member from each town, the police chief from both towns and the fire chief from Ashby. He stated that Ashby is interested in getting this moving and that grants are coming up so they needed to act on this. He noted that he would be asking Ashby Selectmen to act on this at their meeting the following night. Vitone stated that this is exciting and it would be beneficial to both towns.

Briggs noted a memo from Bill Johnson regarding a concern with kids skateboarding on the ramp at the VMS Building as a safety issue. He stated that the Building Inspector suggested using plastic fencing on the ramp as a temporary remedy/deterrent to the situation. He added that he is also working with the Parks and Rec Committee on security.

He also noted that there has been vandalism on the gazebo. Fagan stated two issues should be addressed, the parking situation at the VMS and vandalism and bad behavior at the playgrounds. Vitone noted that their first concern would be the skateboarding on town property and the second would be the vandalism. Fagan noted that they need to enforce with signs and the police enforcing. Vitone stated that Briggs should get a plan together on this to resolve.

Vitone then inquired about the security issue and Briggs stated that this would fall back on the Town's fire alarm system and they were also looking at a security system at the Water Tank. He stated that there is a need to put forth a program and they were looking at it with the Briggs Project to expand. Vitone stated that they should put this in the Capital Plan and set a place holder. Fagan added that it would pay for itself over time. Briggs noted that they would look to MIA for grants as well as Overlook, Oakmont and Briggs, where there is interest to integrate. He also noted that he would discuss this with the IT Advisory Board.

VIII. APPROVAL OF MINUTES

A. January 3, 2012 Minutes – Regular Meeting

*Reed motioned to approve the minutes of the January 3, 2012 Board of Selectmen meeting and was seconded by Fagan. Motion carried.*

IX. BOS CORRESPONDENCE

X. JANUARY MEETINGS

Fagan read the list of meetings for January as follows:

<b>Committee/Board</b>	<b>Day/Date/Time</b>	<b>Location</b>
ZBA	Wednesday, January 18 – 7:30 p.m.	Lower Level – Town Hall
Parks & Rec Committee	Thursday, January 19 – 6:30 p.m.	Training Rm. - PSB
Conservation Commission	Monday, January 23 – 6:30 p.m.	Lower Level – Town Hall
Planning Board	Thursday, January 26 – 6:30 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.)
- Final Registration for State Primary – Wednesday, February 15, 2012 – 8:00 a.m. to 8:00 p.m.
- Citizens Caucus – Monday, February 27, 2012 – 7:00 p.m. – Malcolm C. Stewart Community Room, Stevens Memorial Library, 20 Memorial Drive.
- Last day for filing applications for absentee ballots for voters who will be out of town for the state primary is Monday, March 5, 2012 – 12:00 noon.
- State Primary – Tuesday, March 6, 2012 – polls open 7:00 a.m. to 8:00 p.m. – J.R. Briggs Elementary School Gym, 96 Williams Road.
- Census forms will be mailed to all residents in January. Failure to respond will result in removal from the active voting list. Forms must be returned to the Town Clerk's office within ten (10) days. If you do not receive a form by the end of January or have any questions regarding the form, please call the Town Clerk's office at 978-827-4100 ext. 114.

The Parks & Rec Committee is planning Winter Fest activities to be held at Sweeney Playground on Friday, February 3<sup>rd</sup> from 4:00 to 10:00 p.m. and Saturday, February 4<sup>th</sup> from 9:00 a.m. to 5:00 p.m. Snow dates would be February 10 and 11.

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, February 6<sup>th</sup> at 6:30 p.m. in the Training Room at the Public Safety Building. It should also be noted that the second meeting of the Board of Selectmen in the month of February will be held on Tuesday, February 21<sup>st</sup> due to the Presidents Day Holiday on Monday, February 20<sup>th</sup>.

XII. SOLICIT PUBLIC INPUT

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

*At 8:28 p.m. Reed motioned to adjourn the meeting and was seconded by Fagan. Motion carried.*

Respectfully submitted,  
Sylvia Turcotte, Assistant to the Town Administrator