

TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MEETING  
TUESDAY – JANUARY 22, 2013 – 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, Leo Janssens, Clerk, Duncan Phyfe, new 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.

Ed Vitone introduced the new member of the Board of Selectmen – Duncan Phyfe. Mr. Vitone welcomed Mr. Phyfe who stated that he was looking forward to his time on the Board and that he would do the best he could to serve the Town well.

II. SOLICIT PUBLIC INPUT Meredith Fagan of 23 Chapel Street asked if the Board would be discussing the VMS Building Use Committee make-up at this meeting and Mr. Vitone stated that it would be discussed during the Town Administrator’s report.

III. APPROVAL OF AGENDA

Mr. Vitone noted that under Old Business he would like to add an update on the J.R. Briggs Project. *Leo Janssens motioned to approve the agenda as amended and was seconded by Duncan Phyfe. Motion carried.*

IV. PRESENTATIONS & REPORTS

V. OLD BUSINESS

A. Update on J.R. Briggs Project

Mr. Vitone stated that the Committee had met last week and the project was just about on schedule with 50% of the funds expended so far. He noted that they had two areas of concern; 1) looking at the schedule to get all things for the inside done to meet the scheduled opening date and 2) the demolition cost of the old building. He added that the project was going very well.

VI. NEW BUSINESS

A. Approval of Annual Town Caucus nomination list for posting

Leo Janssens read the notice as follows:

“The Annual Town Caucus for the purpose of nomination of candidates for the Town Offices, under the provisions of Section 117 to 121 inclusive, Chapter 53 of the General Laws will be held on Monday, February 25, 2013 at 7:00 p.m. at the Stevens Memorial Library, Malcolm Stewart Room, 20 Memorial Drive. Offices to be filled with the present incumbents whose terms expire are listed below.

<u>OFFICE</u>	<u>TERM</u>	<u>INCUMBENT</u>
Moderator	1 year	Donald J. Lawrence
Board of Selectmen	3 years	Edward T. Vitone, Jr.
Board of Health (2)	3 years	Glenn J. Hathaway Scott M. Sibley
Planning Board (2)	5 years	William J. Nolan III
Library Trustees (3)	4 years	Meredith L. Fagan
	3 years	Cheryl A. Audino
	3 years	Paula M. Dowd
	2 years	Joseph F. Von Deck
Municipal Light Board	3 years	Mark H. Carlisle”

*Leo Janssens made the motion to accept the list/notice as presented and was seconded by Duncan Phyfe. Motion carried.*

Mr. Vitone then announced that he would not be running for re-election to the Board of Selectmen.

B. Approval of Request for Special One-Day Liquor License

Mr. Vitone stated that St. Denis Parish is requesting a one-day wine only liquor license for their Spaghetti Dinner to be held on Saturday, February 9, 2013 from 5:30 to 8:00 p.m. in the Father Lacey Hall. *Mr. Janssens made the motion to approve the one-day liquor license and was seconded by Mr. Phyfe. Motion carried.*

VII. TOWN ADMINISTRATOR'S REPORT

Mr. Briggs stated that he would ask the Board of Selectmen to sign the Order of Taking for the Garlick property on Williams Road. Leo Janssens read the Order of Taking as follows:

‘COMMONWEALTH OF MASSACHUSETTS  
WORCESTER, SS. TOWN OF ASHBURNHAM, MA  
ORDER OF TAKING

At a meeting of the Board of Selectmen of the Town of Ashburnham this day held, it is Ordered as follows:

WHEREAS, the Board of Selectmen have determined that public necessity and convenience requires that certain parcels of land and easements should be taken for public purposes, to construct a Highway Barn and related structures and uses as shown on a plan entitled: "Plan of Land in Ashburnham, Mass." Prepared by Bruce K. Kinsman, P.L.S. of Ashland Massachusetts and dated September 30, 2012;

NOW THEREFORE, it is hereby ordered that the Town of Ashburnham acting by and through Edward Vitone, Leo Janssens and Duncan Phyfe, its Board of Selectmen, and in accordance with Chapter 40, § 14 and Chapter 79 of the Massachusetts General Laws, and further authorized by a vote of the Annual Town Meeting held on the 5<sup>th</sup> day of May 2012, and in pursuance of the requirements and in the exercise of the authority of said General Laws and every other power and authority hereto enabling, does hereby take in fee simple on behalf of said Town of Ashburnham for public purposes, the following described parcels of land and easements set forth below by eminent domain.

**Parcel 49.** Said parcel contains 1,498,009 square feet (34.39 acres), more or less, and is shown on a plan of land dated September 30, 2012, prepared by Bruce K. Kinsman, P.L.S., to be recorded herewith.

Being a portion of the property described in a deed to George H. Garlick recorded with the Worcester Northern District Registry of Deeds in Book 801, Page 18.

Said parcel is subject to rights (if any) in an existing right of way on the adjoining property of Douglas C. and Janice C. Hebb as described in Deed Book 582, Page 356.

Said parcel is subject to rights acquired by the Inhabitants of the Town of Ashburnham as described in Deed Book 685, Page 449, in the brook flowing through the above premises and the drainage ditch constructed by the Town of Ashburnham on the premises.

**Parcel 50.** Said parcel contains 237,469 square feet (5.54 acres), more or less, and is shown on a plan of land dated September 30, 2012, prepared by Bruce K. Kinsman, P.L.S., to be recorded herewith.

Being a portion of the property described in a deed to Helen W. Garlick recorded with the Worcester Northern District Registry of Deeds in Book 559, Page 353, and a portion of the Old Layout of Williams Road described in Book 974, Page 406, recorded with said Registry, and a portion of the property in a deed to Harold W. Williams described in Book 567, Page 441, also recorded with said Registry.

The Board of Selectmen of the Town of Ashburnham, duly authorized, having considered the question of damages sustained by the owners of said real estate for the portions taken and encumbered as set forth above, said parcels 49 and 50, awards damages to the owner thereof, the Estate of Bruce R. Garlick, Worcester County Probate Number 0P2600EP1, in the amount of One Hundred Ninety-Five Thousand (\$195,000) Dollars. (For title references see Worcester County Probate Numbers 222559, 225616, 234841 and Essex County Probate Number 356047; for the Estate of Thomas Garlick, see Worcester Probate Number 11P2448). No other damages were claimed and none awarded. The Town reserves the right to amend the award at any time prior to payment thereof for good cause shown."

Mr. Briggs stated that they had all the necessary signatures to go forward with this purchase. ***Leo Janssens motioned to sign the Order of Taking and was seconded by Duncan Phyfe. Motion carried.*** Mr. Vitone stated that the Town Clerk, Linda Ramsdell, was present to notarize their signatures. He also stated that this was a major milestone for the Town and that the next step would be putting together the plans and funding. Mr. Janssens also noted that the Downtown Focus and the DPW Relocation Committees had contributed to this process through the years.

Mr. Briggs stated that they are still awaiting a call back from GCG regarding the status of the engineering on Route 101 south. Mr. Vitone asked that Mr. Briggs give a more detailed update in each of his reports on this issue.

Doug Briggs stated that the AWRSD Negotiations Committee had started negotiations with the teacher's union on January 17<sup>th</sup> and that it was going well.

He stated that he attended a Worcester County Retirement seminar on Wednesday, January 16<sup>th</sup> and received the Town's FY14 Assessment which increased by 12.7%. Discussion followed on this topic with Mr. Vitone stating that in his opinion they should send a letter to our legislators to work on changing the assessments and to fix the process, which he feels is flawed. Mr. Janssens noted that Mr. Briggs should reach out to his peers and the MMA to see how they plan to deal with this unfunded liability.

Mr. Briggs stated that he has been working with Joe Oliveira and Chief Zbikowski on the EMS Study for which they have collected information and are now starting to review. He added that they are working towards a recommendation to the Board of Selectmen by the end of February.

He stated that when they went out to bid for Regional Animal Control they only received one bid and it was a half hour late so they couldn't accept it. He stated that he is reviewing the bid RFP with both Westminster and Winchendon and then they will put it out to bid again.

Mr. Briggs noted that the Town received a \$5,000 grant through MIIA to be used towards a surveillance camera system within the Town which would include cameras at the two parks.

He stated that recently there were concerns raised by residents about the make-up of the VMS Study Committee. He stated that prior to appointing anyone to the Committee it was advertised for those interested to come forward. Because of the number of responders, he stated that he appointed all that put in a request. He added that he did this knowing there were abutters and those looking for a long term lease. He noted that he contacted the Attorney General's office for guidance and spoke with two individuals there and was told that the appropriate action would be to:

1. Have members that could have financial interest in the outcome fill out the disclosure form and submit them to the Town Administrator for review. (He noted that all have completed this form.)
2. The Town Administrator will need to respond in writing to those filling out the disclosures that their interest would not have a detrimental effect on the outcome of the Committee's recommendation. (He noted that letters would go out the next day.)
3. The Committee will then need to meet to deliberate and develop a recommendation for the Board. (He noted that the Committee has scheduled a meeting for Monday, January 28, 2013 at 6:30 p.m. in the Training Room at PSB.)

He gave some history noting that in the spring the Board of Selectmen was approached for a long term lease of the VMS Building. The Board asked to set up a committee to look into this request and the pros and cons involved. He added that everyone who showed some interest was appointed and he stated that they should leave the Committee as is. Meredith Fagan stated that she talked to the Attorney General's office and was told that an abutter is someone who is 300

feet from the site in question and she asked why she was listed as an abutter. Mr. Briggs stated that she was asked to complete the form for her protection. Ms. Fagan noted that they should think about disbanding the Committee and Mr. Briggs stated that he had no interest in doing so. Ms. Fagan also noted that Mr. Briggs should look at the other sections of Chapter 268 in regards to other members.

VIII. APPROVAL OF MINUTES

A. January 7, 2013 – Regular Meeting

***Mr. Janssens motioned to approve the minutes, as presented, from the January 7, 2013 Regular Meeting and was seconded by Mr. Vitone. Motion carried. Mr. Phyfe abstained.***

XI. BOS CORRESPONDENCE

Mr. Vitone stated that the Board received an email from Greg Fagan inquiring about the process to have the Parks & Recreation Committee members become elected positions due to the fact that they deal with Town funds and have a budget. Mr. Vitone stated that Mr. Fagan’s questions were answered by Mr. Briggs. He also added that his position is that this is not an appropriate request.

X. FEBRUARY MEETINGS and EVENTS

Mr. Janssens read the list of meetings and events as follows:

Friday	February 1 – 2 <sup>nd</sup>	Annual WinterFest – Family Event at Sweeney Park	6:00 to 9:00 p.m. and	
	Saturday	February 2 – 10:00 a.m. to 4:00 p.m.	(Blizzard Date – February 8 <sup>th</sup> and 9 <sup>th</sup> )	
Mon.,	February 11	10:00 a.m.	Council on Aging Board	Lower Level – Town Hall
		6:30 p.m.	Conservation Commission	Lower Level – Town Hall
Tues.,	February 12	6:00 p.m.	Water/Sewer Commission	Lower Level – Town Hall
Wed.,	February 13	5:00 p.m.	Board of Assessors	Assessor’s Office Town Hall
Thurs.	February 14	Final Registration for Citizens Caucus – 8:00 a.m. to 7:00 p.m. Town Clerk’s office		
Mon.,	February 19	PRESIDENTS DAY HOLIDAY		
Mon.,	February 25	7:00 p.m.	TOWN CAUCUS	Library – upstairs

XI. ANNOUNCEMENTS

Mr. Janssens 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.)

The next regularly scheduled meeting of the Board of Selectmen will be held on Monday, February 4, 2013 at 6:30 p.m. in the Training Room at the Public Safety Building.

XII. SOLICIT PUBLIC INPUT                      None

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

***At 7:15 p.m. Mr. Janssens motioned to adjourn the meeting and was seconded by Mr. Phyfe. Motion carried.***

Respectfully submitted,  
 Sylvia Turcotte  
 Assistant to the Town Administrator