

**BOARD OF SELECTMEN MINUTES**  
**MONDAY, APRIL 14, 2014 – 6:30 P.M.**  
**UPSTAIRS MEETING ROOM AT TOWN HALL**

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This meeting was taped for local cable television.

PRESENT: Leo Janssens II, Chair, Duncan Phyfe, Member, Nick Davis, Clerk, Doug Briggs, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Capital Planning Committee members – Ron Reed, Chair, Bill Johnson and Jamie Piedrafite.

I. SALUTE THE FLAG

Leo Janssens called the meeting to order at 6:30 p.m. and led everyone in the Pledge of Allegiance.

II. SOLICIT PUBLIC INPUT (5 minute limit)                      None

III. APPROVAL OF AGENDA

***Nick Davis motioned to approve the agenda as presented and Duncan Phyfe seconded. Motion carried.***

IV. PRESENTATIONS & REPORTS

A. Capital Planning Committee – Vote on Article 13 – 5/6/14 Annual Town Meeting

Ron Reed noted that they had a quorum. He stated that the Committee had viewed the proposed DPW facility presentation in March but that no formal vote had been taken. Bill Johnson stated that there's never a good time to spend \$9M but something needs to be done as the present building is in horrible condition. He noted that the new proposed facility has been in the works for many years and the present site on Central Street is the Town's best opportunity for economic growth. He stated that they would work to get the numbers down to a more valid number. Jamie Piedrafite stated that people need to vote. He added that soon the DEP will mandate the Town to clean up the site so this has to be done now. Duncan Phyfe stated that he agreed. Ron Reed stated that the present facility is lacking and he hoped that if the present site is developed and sold that they would use the proceeds to put towards the cost of the new facility. He added that now is the time. Doug Briggs stated that he echoes everyone's comments. He noted that the basic building is \$4.5M but that the total cost would not come close to the \$8.9M. ***Bill Johnson made the motion to recommend Article 13 and was seconded by Jamie Piedrafite. Vote was unanimous.***

Doug Briggs also noted that the Capital Planning Committee needed to vote on Article 21 in order to accept any excess monies which would be moved to the Capital Fund. ***Ron Reed motioned to recommend Article 21 and was seconded by Bill Johnson. Vote was unanimous.***

B. Liquor License Violation Hearing – The Wright Place Pub (6:40 p.m.)

Leo Janssens stated that this hearing was being held due to concerns brought to the Board by Chief Barrett. Mr. Janssens read the letter from the Chief as follows: *“Please see the enclosed police reports 14-8-AR and 14-22-OF. Report 14-8-AR is in regards to a motor vehicle stop early Saturday morning on January 25, 2014. The report indicates several observations by the officers involved, which resulted in the arrest of Raymond Cruz for operating a motor vehicle under the influence of alcohol. It is also noted that the individual(s) just left the Wright Place Pub.*

*Report 14-22-OF also early Saturday morning, is in regards to an individual that was walking on Center Street and walked directly into the officers parked marked police cruiser (emergency lights on). The officer (Sgt. Wright) indicated that the individual, Patrick Brownell, was highly intoxicated.*

*As you can see by both officers reports it is their opinion that both individuals were highly intoxicated and that they had just left the Wright Place Pub. As you are aware, this establishment just recently opened under the same management from the previous Firehouse Pub. If you recall, we had an incident on June 24, 2011 regarding minors being served at the Firehouse Pub. If I recall correctly the licensing authority (Board of Selectmen) held a hearing and I believe they were given a written warning and imposed an order that all staff serving alcohol must meet certain training criteria.*

*This letter is intended to advise the licensing authority of these incidents and my concern that the Wright Place Pub may have over served these individuals. I am not sure if training all persons serving alcohol was required with the approval of their license, but I believe the licensing authority should review this matter.”*

Joshua Wright, manager of the Wright Place Pub, was asked by Mr. Janssens if he had any objections and he stated that Mr. Brownell was refused service and was already intoxicated. He noted that Mr. Cruz had a beer and a shot and the bartender didn't notice any intoxication but that the girlfriend was not served. He stated that all employees have been trained and he has copies of their certifications if the Board would like them. He added that they tried their best to prevent this. Mr. Wright also addressed the other incident with the ABCC sting noting that both the bartender and the other employee were immediately fired.

Nick Davis stated that he wants to see this business succeed and with these type incidents it makes it difficult. He stated “card everyone” and this will keep the business successful. Mr. Wright stated that if they have no ID then they don't get served. He also noted that the ABCC has not contacted them yet to schedule their violation hearing.

***At this point Nick Davis made the motion to close the hearing and was seconded by Duncan Phyfe. Motion carried.***

***Mr. Janssens asked for a motion that a violation did occur. Duncan Phyfe made the motion and was seconded by Nick Davis. Motion carried.***

Leo Janssens then asked what steps should be taken. Nick Davis stated that a letter of reprimand and a probation period set and if another incident occurs, more severe steps would be taken. Duncan Phyfe agreed. Leo Janssens stated that a letter of reprimand with a one year probation period would be sent. ***Duncan Phyfe motioned to send this letter and was seconded by Nick Davis. Motion carried.***

V. OLD BUSINESS None

VI. NEW BUSINESS

A. Steve Coswell – 250<sup>th</sup> Committee Request of Board

Leo Janssens asked Steve Coswell to come forward. Mr. Coswell stated that he was formally inviting the Selectmen to the time-capsule opening at Downtown Day. He asked the Board of Selectmen for funds to purchase the new time-capsule. He stated that the time-capsule would be 16x12x7 inches and the cost would be \$779 which did not include tax or shipping. He added that this particular time-capsule could probably be buried for up to 100 years and is safe. Leo Janssens noted his concerns about safety and Mr. Coswell noted that it could be placed anywhere that the Selectmen decided. He also noted that any technology items should include everything that is needed to be used to operate it.

When asked how much money the Committee currently had Mr. Coswell stated that they had about \$36,000 in their funds at this time and that they planned on using Hoffman trust funds. He stated that

they had many events planned such as a birthday party in February, fireworks at Downtown Day in June, a parade in September and a party to be held at the Cushing Dining Hall, to name a few. He noted that they would need another \$10,000 to \$15,000. He added that they sold all the banners for the center of Town and there are a few still available in South Ashburnham. He stated that he would invite the Board of Selectmen to be a part of it and that they could use more volunteers.

Nick Davis suggested that the Committee use their present funds to purchase the time-capsule, and when they need more, come back to the Selectmen. Duncan Phyfe noted that someone may come forward and build a time-capsule and he would like to see that happen.

Leo Janssens invited Mr. Coswell and the 250<sup>th</sup> Committee to return to another Board of Selectmen meeting and Mr. Coswell stated that he would. Duncan Phyfe asked Mr. Coswell to email the information to them.

B. Vote to Award Bid for VMS Building Demolition

Leo Janssens noted that the Town Administrator has recommended that the Board awards the bid for the VMS building demolition to J.R. Vinagro Corp. out of Johnston, RI who submitted the low bid of \$42,980. He stated that Town Meeting voted the funds to do it and Town Counsel has stated that the Board of Selectmen is authorized to vote on this tonight. Duncan Phyfe stated that he wished they knew this before Town Meeting but they did get a thorough report to demolish and he would follow the Town Administrator's recommendation. Nick Davis stated that we need to promote small businesses and the VMS building doesn't increase revenue. He added that they were elected to do what is in the best interest of the Town. ***Duncan Phyfe motioned to go forward with the Town Administrator's recommendation to award the bid to J.R. Vinagro Corp. at the low bid of \$42,980 and was seconded by Nick Davis. Motion was unanimous.***

VII TOWN ADMINISTRATOR'S UPDATE

Mr. Briggs stated that he was advised by Labor Counsel that a disclosure statement regarding his contract/employment agreement should be on file. He stated it was in regards to any annual increases, if any, based on his performance. He asked Leo Janssens to sign the disclosure statement. ***Duncan Phyfe made the motion to have Leo Janssens sign the disclosure statement and was seconded by Nick Davis. Motion carried.***

Doug Briggs stated that the warrant for the Annual Town Meeting is with Town Counsel for review and that there were 21 articles.

He stated that the plans for the proposed DPW facility are coming along and he reminded everyone about the Open House on Saturday, April 19<sup>th</sup> from 9:00 a.m. to 12:00 noon.

Mr. Briggs stated that the Town received notice from the State that \$30M would be available for pothole repairs due to the extremely bad winter. He stated that Ashburnham will get \$52,000 and that the work has to be done by the end of June following the same procedure as the Chapter 90 funds.

He stated that the Kinder Morgan Gas Pipeline presentation from April 9<sup>th</sup> is now on the Town's website.

Mr. Briggs stated that the asbestos abatement at the VMS building would be completed by the end of next week. He noted that today there was some concern with the children at the playground located near the building. He stated that he would like the support of the Board to close the park. He also noted that the Parks & Recreation Committee supports this as well. Leo Janssens noted that next week was school

vacation and it would impact this. Doug Briggs stated that the abatement would be going on during the middle of next week and that this would be a concern and he added that he would feel better about it. **Nick Davis motioned to close Winchester Park during the process and Leo Janssens added an amendment to have the Town Administrator close it during the demolition as well. Duncan Phyfe seconded and the motion carried.**

Mr. Briggs stated that on Wednesday, April 16<sup>th</sup> the bids would be opened for the Town's property and liability insurance and that he has four interested parties.

He stated that he would be on vacation from April 17<sup>th</sup> thru April 24<sup>th</sup>.

Mr. Briggs stated that he and Steve Nims met with sewer representatives in Gardner regarding the mandated improvements that would be needed totalling \$20M. He noted that the cost would be proportionately shared by Templeton, Ashburnham and Gardner and would start some time in FY16. He added that our sewer agreement with Gardner ends in 2015 so he was trying to tie it in with the improvements. He stated that Ashburnham is looking at 4% as our share and that they may want to consider going out to bid on our own and get a better interest rate.

Duncan Phyfe inquired about the Cable Committee and Mr. Briggs responded that we went into an agreement with a lawyer for the preliminary stuff and then it would come to us.

#### VIII. APPROVAL OF MINUTES

A. April 7, 2014 Minutes – Regular Meeting

B. April 9, 2014 Minutes – Special Meeting

**Nick Davis motioned to approve the minutes for the April 7, 2014 Regular Meeting and was seconded by Duncan Phyfe. Motion carried.**

It was noted by Leo Janssens that Nick Davis was not in attendance at the April 9, 2014 Special Meeting. **Leo Janssens motioned to approve the minutes of the April 9, 2014 Special Meeting and was seconded by Duncan Phyfe. Motion carried.**

IX. BOS CORRESPONDENCE Leo Janssens noted that they received an email from Dave Christianson asking for the Board to send out letters of support to our legislators to ask for an increase in Chapter 70 school aid and to fully fund Regional School Transportation Reimbursement at 100%. **Duncan Phyfe motioned to send out support letters as requested and was seconded by Nick Davis. Motion carried.**

Bill Johnson stated that he thought that this was already set and Leo Janssens stated that he would check with Dave Christianson.

X. APRIL MEETINGS and EVENTS – Nick Davis read the meetings and events as follows:

- Monday, April 21 – PATRIOTS DAY HOLIDAY
- Tuesday, April 22, 6:45 p.m. – Conservation Commission – Lower Level at Town Hall
- Thursday, April 24, 7:00 p.m. – Planning Board – Lower Level at Town Hall

#### XI. ANNOUNCEMENTS

Nick Davis read the announcements as follows.

Town Clerk Reminders:

- January 1<sup>st</sup> and on – Open registration of voters at the Town Hall, Town Clerk's Office, 32 Main Street, from 7:30 a.m. to 7:00 p.m. on Mondays and 7:30 a.m. to 5:00 p.m. Tuesday thru Thursday.

- Dog licenses are now available at the Town Clerk's office. Fees are \$10 for altered dogs and \$15 for unaltered dogs. Please bring the current rabies certificate. If licensing by mail, please include check, rabies certificate and a self-addressed envelope to be mailed to the Town Clerk's Office, 32 Main Street, Ashburnham. Also, online payments can be made for dog license RENEWALS ONLY. Please call the Town Clerk's office first at 978-827-4100 ext. 114 to verify that a current rabies certificate is on file. Complete the information online and the dog license will be mailed.

The next scheduled Board of Selectmen meeting will be held on Monday, May 5, 2014 at 6:30 p.m. in the Training Room at the Public Safety Building.

Leo Janssens also noted that the Town Election was on Tuesday, April 29<sup>th</sup> and stated that everyone should get out and vote.

XII. SOLICIT PUBLIC INPUT (5 minute limit)

Pixie Brennan stated that she wanted to know how the Board of Selectmen was able to override a Town Meeting vote on the demolition of the VMS building. Leo Janssens gave her a copy of the opinion letter from Town Counsel. Ms. Brennan stated to the Board that they may not be serving in the future. Nick Davis responded that the Board of Selectmen does what's best for the Town.

Bill Johnson stated that at both Town Meetings an excess of 60% present were in favor and that funding was approved for the removal of the tank, the abatement and the demolition. He added that most committees and boards were in favor as well. Mark Carlisle stated that in 1981 at the town meeting it was noted that the Board of Selectmen had jurisdiction over the building and that it's unfortunate that it has gone to this level. Leo Janssens added that you can't please everyone. Pixie Brennan ended with the statement that "transparency is important" and that we live in a disposable society now. Leo Janssens responded that there was no veterans' plaque on the building and that he did go to school there but he sees no use for the building now.

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

***At 7:30 p. m. Duncan Phyfe motioned to adjourn the meeting and was seconded by Nick Davis.  
Motion carried.***

Respectfully submitted,  
Sylvia Turcotte  
Assistant to the Town Administrator