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# BOARD OF SELECTMEN MINUTES

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MONDAY, JULY 21, 2014 – 6:30 P.M.  
TRAINING ROOM AT PUBLIC SAFETY BUILDING

This meeting is aired live and taped for local television.

PRESENT: Leo Janssens II, Chair, Duncan Phyfe, Member, Nick Davis, Clerk, Doug Briggs, Town Administrator, and Sylvia Turcotte, Assistant to the Town Administrator.

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 minutes limit)

Duncan Phyfe noted that the U9 League went to the states this year and he expressed Kudos to these boys for such an accomplishment.

Peter Timms of 198 Lake Road inquired about the Town's debt. Doug Briggs stated that he would be happy to send this information to him via email. He asked Mr. Timms for his email address which was [ptimms@womenseducationproject.org](mailto:ptimms@womenseducationproject.org).

III. APPROVAL OF AGENDA

***Duncan Phyfe made the motion to approve the agenda as presented and was seconded by Nick Davis. Motion carried.***

IV. PRESENTATIONS & REPORTS

A. Update on Community Hazard Mitigation Plan – Sam Lawton of MRPC

Sam Lawton from MRPC gave the presentation. He stated that the plan is to update the previous plan from 5 years ago. He stated that this is a requirement of MEMA and FEMA and they received a grant in order to do this. He noted that the present plan expired in March of 2014.

Mr. Lawton stated that they need to reestablish the community plan team, which is explained on page 55 of the report that he handed out to the Selectmen. He also noted that the critical facilities maps were in the back of the report which identifies flood zones and critical facilities.

He stated that on page 51 of the report they would find the total final action plan and that he would like their feedback on this in a couple of weeks. He added that he would ask them to adopt the plan later in the summer. He noted that he would submit the final plan to FEMA and MEMA and that he would receive a conditional letter of approval and then the plan would be adopted. He added that they should contact him with any questions. Doug Briggs asked if he would send this report to them electronically and Mr. Lawton said he would forward it to Sylvia Turcotte.

V. OLD BUSINESS

A. Pipeline Follow-up Discussion

Leo Janssens began the discussion by providing a brief history noting that the Board needed to vote to allow the pipeline to go through the Town. Cynda Joyce was the spokesperson for the group in attendance. She began by stating that they are organizing as best they can. She stated that some of the issues with this pipeline were: property values, loss of revenue for the Town, emergencies, environmental issues and capacity, just to name a few. She added that once it's at the federal level they could take the town properties by eminent domain.

Ms. Joyce stated that Kinder Morgan was not transparent. She noted that they have a Non-Binding Resolution with over 250 signatures which she submitted to the Board of Selectmen, and added that they want this to be on the warrant for the Special Town Meeting.

Leo Janssens asked how many properties are affected and Ms. Joyce stated that it would not only be property owners but abutters as well. Nick Davis stated that he missed the meeting with Kinder Morgan and asked if there were any benefits to the town. Leo Janssens stated that they really don't care. Mr. Davis stated that we should get together as a Town with a plan.

Pat Stewart stated that the usual procedure is to go to the State before the Federal regulations but Kinder Morgan is now going to the Federal first and then the State. She also noted that Kinder Morgan is under investigation but was never denied.

Leo Janssens asked what other Board of Selectmen were doing and Cynda Joyce stated that Andover did well to stop them. Pat Stewart noted that Groton, Townsend, Dunstable all voted no and that in Richmond at their meeting, over 200 people were against it and Kinder Morgan left the meeting. She went on to say that they would need to blast thru the slate and that it could cause damage to the infrastructure and private wells of the abutters.

Gary Howland stated that they should look at other sources of energy and stop this process. C. Snow stated that if the pipeline explodes, the Town's Fire Department needs to let it burn, as they are not able to put it out.

Cynda Joyce stated that they pack the lines and use them as storage units at every generator/compressor station. Pat Stewart stated that they have contacted our Massachusetts and Federal legislators and that many people need to know and learn about this. Cynda Joyce also noted that they are trying to set up a community board to post things.

Leo Janssens reiterated his question as to how many homes are affected. He noted that the Town has a reservoir that feeds water to many people here and in another town and this affects all of them.

Mr. Janssens suggested that the Board of Selectmen votes to not allow the pipeline and to contact our senators and representatives. Duncan Phyfe noted that in his opinion the non-binding resolution has no effect and that they should get statements that matter and find out about anything real that we can do about this. Pat Stewart stated that the non-binding resolution affects the eminent domain. Nick Davis stated that he believes in the saying, "say what you mean and mean what you say". He stated that although he is in favor of using our natural resources, the

pipeline is different so he's conflicted. He did add that the dealings with Kinder Morgan aren't good so he would oppose the pipeline.

***Duncan Phyfe made the motion that the Board of Selectmen vote not in favor of the pipeline and was seconded by Nick Davis. Motion carried.***

Leo Janssens also noted that letters would be sent to all our legislators and Doug Briggs stated that he would take care of it.

## VI. NEW BUSINESS

### A. Department Recognition

Leo Janssens stated that when we were hit by the microburst storm on July 7<sup>th</sup>, our DPW, Light, Police and Fire departments did a commendable job getting things back to normal. Duncan Phyfe noted that he was amazed and very impressed with how this was handled. He stated that Corey Hill Road was impassable and by the next morning power was restored. Doug Briggs noted his thanks to all personnel who worked so hard for us. Leo Janssens added that Ashburnham has a small percent of power outages compared to other communities and we are fortunate. It was also noted by Mr. Janssens that the company that was working on the waterline replacement helped out as well with the clean-up process.

### B. Review of the Annual Downtown Day Event

Doug Briggs stated that he was at the event and it was a beautiful day. He added that he noticed a drop in participation compared to previous years.

Pat Frederick stated that the Ashburnham Business Council was in charge of this event but that it has been difficult to get volunteers. She stated that next year is the 250<sup>th</sup> Celebration and the event will be held at Oakmont and that going forward if there are no volunteers and the businesses don't get involved, then there will be no more Downtown Day.

## VII. TOWN ADMINISTRATOR'S REPORT

Doug Briggs began by stating that he is requesting that the Board of Selectmen sign a grant for the Fire Department. He stated that it is for 27 pairs of fire pants in the amount of \$3,905.54 which is being matched by the Gordon Erickson Fund. ***Duncan Phyfe motioned to accept the grant as requested and was seconded by Nick Davis. Motion carried.***

Mr. Briggs then noted that the Town is always looking for volunteers to be on our Boards and Committees. He stated that there are openings on the Conservation Commission, Council on Aging Board, and Parks and Recreation Committee and these are all listed on the Town website.

He stated that the FY14 Budget has been finalized and that on July 14<sup>th</sup> he met with the Advisory Board to have three transfers approved from the Reserve Fund which he explained. He also noted that he doesn't allow Reserve Fund Transfers during the year and asks his Department Heads to cover the cost and then at the end of the fiscal year, if needed, ask for a transfer. He added that in the last five years transfers have been allowed by the State within budgets. He noted that only 5 Reserve Fund Transfers were needed this year and he gave Kudos to his Department Heads for the fine job they have done keeping their budgets in check.

Mr. Briggs noted that he was working with his Finance Team to establish the FY15 financial calendar. He stated that the Town Accountant, Tanya Gaylord, did a great job closing FY14. He also noted that he was looking to schedule the fall Special Town Meeting for Tuesday, October 28<sup>th</sup> at 7:00 p.m. at Oakmont in the Auditorium.

He stated that at the last meeting he was asked what the final cost was on the VMS Building and he noted the following:

Meeting	Action	Amt. Approved	Amt. Spent
FY13 STM 10/16/12 Art. 8	VMS Inspection	\$ 2,500	\$ 2,500
FY14 ATM 05/04/13 Art. 14	VMS Asbestos/oil tank removal	\$50,000	\$50,000
FY14 STM 10/29/13 Art. 3	VMS Demolition	\$75,000	\$72,478

Total Appropriated \$127,500                      Spent \$124,978.05                      Balance \$2,521.95

He noted that many people were involved in this project and it worked very well. He added that when the grass was hydro-seeded we used town water so there will be one more minimal bill for the cost of the water.

He stated that he asked the Police Dept. to review the signage at the intersection of Willard and Fairview which currently has a "Yield" sign. Lt. Parsons evaluated the intersection and determined that a "Stop" sign was more appropriate. He stated that he would ask the Board to support this change. **Leo Janssens made the motion to support the change to a Stop sign and was seconded by Duncan Phyfe. Motion carried.** Nick Davis stated that in his opinion Mill Street needs a stop sign as well.

He stated that the bid opening for the Water Line Replacement Project was on June 5<sup>th</sup> and out of the 8 bidders, Cedrone Corp. out of North Billerica, was the low bidder at \$1,289,409.70. He noted that the pre-construction meeting was held on June 26<sup>th</sup>. He stated that they started construction on July 11<sup>th</sup> and the schedule shows that they will be done through Williams Road by August 29<sup>th</sup>, but they are really moving on this and are well ahead of schedule.

Mr. Briggs also stated that he was working with Representative Jon Zlotnik as well as Anne Gobi to try and get some grant money for the Sewer Upgrades in Gardner. He stated that this agreement is coming up at the end of the year and the cost would be between \$15m to \$20m for this project and Ashburnham is 5% of this.

He stated that he and Steve Nims attended an MPO meeting on June 29<sup>th</sup> where they voted to approve the design phase on the Rt. 101 and Corey Hill Road intersection, and the engineering has already begun. He noted that the State had monies left over for any traffic flow issues analysis and they found that this intersection was dangerous enough to qualify. There is \$329k for the engineering study and the survey has started and hopefully the project will be done in FY16

Mr. Briggs stated that Town crews are doing the preparation on Hastings Road. The paving should be started the beginning of August and it will include full reclamation of Hastings from the cemetery to Stowell Road. He added that this was part of the Chapter 90 funds and is a \$400k project.

Mr. Briggs addressed the concern regarding the signage in Town that a business had concerns about. He stated that he met with Dick Reynolds, the Building Commissioner, and stated that Mr. Reynolds only has a few hours a week to complete inspections and other related issues. The Building Commissioner noted that the Zoning bylaws have changed regarding signs and many records were thrown out during the renovation period. He did state that he would look at any new signage issues as they come up to be sure they are in compliance.

He also noted that he has met with the new Fire Employees Union on June 25<sup>th</sup> and has scheduled meetings on July 24<sup>th</sup> and August 7<sup>th</sup>.

Mr. Briggs stated that he contacted Attorney Bill Solomon to work with the Town on the new Cable Licensure process and that Attorney Solomon worked on our contract for both towns last time the cable contract was negotiated. The AWCATV approached the Board and presented a plan where they will cover most of the cost if we use Attorney Solomon. The Town went to the cable hearing in Westminster on June 18<sup>th</sup> and we have scheduled departmental and committee hearings on July 21<sup>st</sup> and July 14<sup>th</sup>. All Departments and Committees were encouraged to attend. A joint RFP with Westminster is scheduled to be completed the end of July. He added that we are looking for coverage town-wide which could be an issue with this contract.

He noted that Stan Herriott from the Light Department is retiring on July 31<sup>st</sup> after 16 years as the Manager. He stated that there is a reception at Cushing Academy on the 2<sup>nd</sup> of August and he noted that anyone wishing to attend should contact Anne Olivari at 978-827-4423 to RSVP. He stated that Stan Herriott is the number one guy and has done a fantastic job for the Town.

He also noted that Fire Chief Paul Zbikowski is retiring on July 24<sup>th</sup> after 36 years of service to the Town and that he wants to try to encapsulate a family atmosphere in the department as Chief Zbikowski has created. He stated that he would be requesting the money to cover the costs of Chief Zbikowski's retirement (\$35k) at the next Special Town Meeting. This would allow the search for the new chief to begin in early September. And, he added that if anyone was interested in serving on the Search Committee as an at-large member, we need two at large members per town charter, and they should contact Sylvia. He also added that they would go to the MMA site to post and in the meantime, Jerry Descoteaux would be Interim Chief. He noted that he would like to get this done in 120 days.

Doug Briggs noted that he received a letter from Joe McPeak representing Cushing Academy. He stated that they would like to discuss the abandoning of Pleasant Street from Academy Street to Central Street and transferring ownership to Cushing Academy. Leo Janssens stated that he would like to know the statistics on accidents where Pleasant Street connects with other roads.

He noted that Sylvia Turcotte has setup town email accounts for all the Library Trustees which will now cover most of our Boards. He also noted the he will be on vacation from July 28<sup>th</sup> to August 1<sup>st</sup> and Sylvia Turcotte will be in charge.

He stated that he has been working with Mark Carlisle and Stan Herriott, gathering information to generate an application to the State by early fall for Green Energy status. He noted

that the Town is looking at a 20% improvement in the past 10 years on energy. He stated they are looking at the Briggs School, the Library and Town Hall and once they complete their application they will be eligible for a grant of up to \$200k. He added that at the Town Hall they could add heat exchangers which would cool the building so that the window units could be removed and the upstairs would be cooled as well.

#### VIII. APPROVAL OF MINUTES

##### A. June 16, 2014 Minutes – Regular Meeting

***Nick Davis motioned to approve the minutes from the June 16, 2014 Regular Meeting and was seconded by Duncan Phyfe. Motion carried.***

##### B. June 23, 2014 Minutes – Special Meeting

***Leo Janssens noted that Nick Davis was not in attendance at this meeting so he made the motion to approve the minutes from the June 23, 2014 Special Meeting and was seconded by Duncan Phyfe. Motion carried.***

#### IX. BOS CORRESPONDENCE

It was noted by Nick Davis that he had received an email from a resident but he stated that he would discuss it at the next meeting.

#### X. JULY/AUGUST MEETINGS AND EVENTS

- Summer Concert Series (Sundays 5:00 to 7:00 p.m.)
  - July 27<sup>th</sup> – Fine Tuners and Joe D from the Sundowners (40s, 50s, 60s, 70s)
  - August 3<sup>rd</sup> – Blues Brothers Briefcase

#### XI. ANNOUNCEMENTS

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 fines of \$25.00 per dog will be mailed soon to all those who have not yet licensed their dogs. This fine is in addition to the licensing fee with late fee. Please call the Town Clerk’s office at 978-827-4100 Ext. 3 if you have any questions.
- Wednesday, August 20<sup>th</sup> from 8:00 a.m. to 8:00 p.m. – final registration of voters for the State Primary to be held on September 9<sup>th</sup>.

The next scheduled Board of Selectmen meeting will be held on Monday, August 18, 2014 at 6:30 p.m. in the Training Room at the Public Safety Building.

#### XII. SOLICIT PUBLIC INPUT (5 minute limit)

Peter Timms inquired about the cost of the retirement of Chief Zbikowski and Doug Briggs responded that it would include sick leave buy-back, vacation, and 3 months’ pay.

Mr. Timms asked why the extra money from the State needed to be spent? Mr. Janssens responded that “common sense is not common in government”.

Pat Stewart stated that on August 10<sup>th</sup> at 7:00 p.m. the North County Sustainability Group will hold a meeting at Meetinghouse Hill and the topic will be “conversation on smart people”.

It was noted by a resident that we should also thank the Town of Templeton for their help with the microburst event on July 7<sup>th</sup>.

Lindsey Sundberg distributed a map of the potential pipeline layout and also a petition to the Town Administrator. She also noted that she is calling for an additional Special Town Meeting before October 28<sup>th</sup> as they would be losing their ability to voice their opposition. She noted that there are weekly meetings of the Coalition of Towns to cover the concerns regarding the potential gas pipeline in Massachusetts and the first meeting is on July 28<sup>th</sup> at 10:00 a.m. at Harmony Hall in Dracut.

XII. EXECUTIVE SESSION

XIV. ADJOURNMENT

At 8:20 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