

**PROCEEDINGS OF SPECIAL TOWN MEETING  
HELD ON JANUARY 24, 2007**

PURSUANT TO THE FOREGOING WARRANT, THE LEGAL VOTERS OF THE TOWN OF ASHBURNHAM MET AT FAIRBANKS MEMORIAL TOWN HALL, 32 MAIN STREET, ASHBURNHAM ON JANUARY 24, 2007. DAVID UMINSKI, MODERATOR PRESIDED AT THE MEETING WHICH WAS CALLED TO ORDER AT 7:09 P.M. WITH A QUORUM PRESENT.

**Article 1.** To see if the Town will vote to appropriate by transfer from available funds a sum of money, to supplement existing departmental budgets for the current fiscal (2007) year, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 1 Voted:** On motion of Jonathan Dennehy, it was voted to transfer from free cash the sum of \$62,636 to supplemental departmental budgets for the current FY '07 fiscal year in the following amounts for the following departments: Town Administrator, \$3,700; Town Treasurer, \$900; Ashburnham-Westminster Regional School District, \$19,024; Land Use \$18,612; Highway, \$11,000, Employee Benefits, \$9,400.

Unanimous "YES"

**Article 2.** To see if the Town will vote to appropriate by transfer from available funds which are exempt from the provisions of MGL Ch. 59, Prop 2½ so-called, a sum of money, for the purposes of paying debt service on the Oakmont Regional High School renovation project, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 2 Voted:** On motion of Christopher Gagnon, it was voted to transfer from available exempt taxation the sum of \$87,006 to pay debt service for bonds used to pay for renovations to Oakmont Regional High School.

Unanimous "YES"

**Article 3.** To see if the Town will vote to appropriate by transfer from water and sewer surplus a sum of money to pay for certain Water Department expenses, as listed below:

1. Tank Level Monitoring Telemetry
2. Gardner Hill Water tank Fencing
3. Water Tank Inspection
4. Blue Ave. Water Line
5. Water/Sewer Rate Study

or act in relation thereto. *(Requested by the Water/Sewer Commission)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 3 Voted:** On motion of Mark Carlisle, it was voted to transfer \$25,161 from water surplus and \$15,900 from sewer surplus to pay for costs and services noted in article three.

Unanimous "YES"

**Article 4.** To see if the Town will vote to transfer from Water Surplus a sum of money to supplement the fiscal year 2007 Water Division budget to pay all expenses associated with the construction of new water mains on Fitchburg Rd. and the replacement of water mains on Main St. and Winchendon Rd., or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 4 Voted:** On motion of Jonathan Dennehy, it was voted to transfer \$97,840 from water surplus to supplement the Water Division budget for the current FY'07 fiscal year.

Unanimous "YES"

**Article 5.** To see if the Town will vote to authorize the Board of Selectmen to request that our elected representatives propose an amendment to MGL Ch. 59, sec. 21C (Proposition 2½) permitting the local legislative bodies in cities and towns which are members of a regional school district to propose capital exclusions to their respective voters, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 5 Voted:** On motion of Christopher Gagnon, it was voted to authorize the Board of Selectmen to request that our elected representatives propose an amendment to MGL, Ch. 59, sec. 21C(Proposition 2 ½) permitting the local legislative bodies in cities and towns which are members of regional school district to propose capital exclusions to their respective voters.

Majority "YES"

**Article 6.** To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay for a Tier I environmental assessment on the building and surrounding property of the Briggs Elementary School, or act in relation thereto. *(Requested by the Briggs Building Committee)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 6 Voted:** On motion of Mark Carlisle, it was voted to transfer \$13,000 from the Capital Improvement Fund to pay for a Tier I environmental assessment on the building and surrounding property of the Briggs Elementary School.

Unanimous "YES"

**Article 7.** To see if the Town will vote to transfer from available funds a sum of money to pay the costs of acquiring and installing certain antennas, cabling, and related appurtenances, necessary for the operation of public safety radio systems, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 7 Voted:** On motion of Jonathan Dennehy, it was voted to transfer \$11,000 from the Capital Improvement Fund to pay for costs of acquiring and installing certain antennas, cabling, and related appurtenances, necessary for the operation of public safety radio system.

Unanimous "YES"

**Article 8.** To see if the Town will vote to accept the provisions of MGL Ch. 39, sec. 23D so that a

member of the Board of Selectmen, Planning Board, Conservation Commission, Zoning Board of Appeals, and Board of Health, or any other municipal board, committee or commission in the Town of Ashburnham, when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof and the written certification shall be part of the record of the hearing, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECCOMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 8 Voted:** On motion of Christopher Gagnon, it was voted to accept the provisions of MGL. Ch. 39, sec. 23D so that a member of the Board of Selectmen, Planning Board, Conservation Commission, Zoning Board of Appeals, and Board of Health, or any other municipal board, committee or commission in the Town of Ashburnham, when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof and the written certification shall be part of the record of the hearing.

Unanimous "YES"

**Article 9.** To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay the cost of consulting services in connection with having the Meeting House Hill historic area designated a National Historic District, and to authorize the Town Administrator to apply for and accept any State or Federal grants in connection with this project, or act in relation thereto. *(Requested by the Historic Commission)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 9 Voted:** On motion of Mark Carlisle, it was voted to transfer \$6,000 from free cash to pay for the cost of consulting services in connection with having the Meeting House Hill historic area designated a National Historic District, and to authorize the Town Administrator to apply for and accept any State or Federal grants in connection with this project.

Unanimous "YES"

**Article 10.** To see if the Town will vote to raise and appropriate by borrowing, in accordance with MGL Ch. 44 section 8c or otherwise as permitted by the General Laws, a sum of money to acquire by purchase or otherwise as provided by law and including any and all engineering, legal and other costs of such acquisition and related conveyances, for conservation and passive outdoor recreation purposes, certain property located on Russell Hill Road in the Town of Ashburnham, consisting of approximately 180 acres, said property being a portion of the land described in a deed dated December 30, 1986, and recorded in the Worcester County North District Registry of Deeds at Book 1533, Page 450, and identified as Map 39 Parcel 2 on the FY 2007 Town of Ashburnham Assessor's Maps, to be managed and controlled by the Ashburnham Conservation Commission pursuant to G.L. c 40, Section 8C, and to authorize the Conservation Commission and the Selectmen to apply for, accept and expend any and all grants, and/or reimbursement available for such acquisition, including but not limited to any reimbursement pursuant to G.L. c. 132A, Sec. 11 and to authorize the Conservation Commission and the Selectmen to grant a conservation or similar restriction on some or all of the property acquired hereunder to the Commonwealth of Massachusetts and/or any other grantees as may be qualified pursuant to G.L. c

184, Sec. 31 and 32., or act in relation thereto. *(Requested by the Board of Selectmen/Conservation Commission)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 10 Voted:** On motion of Jonathan Dennehy, it was voted to raise and appropriate by borrowing, in accordance with MGL, Ch. 44 section 8c or otherwise as permitted by the General Laws, a sum of \$700,000 to acquire by purchase or otherwise as provided by law and including any and all engineering, legal and other costs of such acquisition and related conveyances, for conservation and passive outdoor recreation purposes, certain property located on Russell Hill Road in the Town of Ashburnham, consisting of approximately 180 acres, said property being a portion of the land described in a deed dated December 30, 1986, and recorded in the Worcester County North District Registry of Deeds at Book 1533, Page 450, and identified as Map 39 Parcel 2 on the FY 2007 Town of Ashburnham Assessor's Maps, to be managed and controlled by the Ashburnham Conservation Commission pursuant to G.L. c 40, Section 8C, and to authorize the Conservation Commission and the Selectmen to apply for, accept and expend any and all grants, and/or reimbursement available for such acquisition, including but not limited to any reimbursement pursuant to G.L. c 132A, Sec. 11 and to authorize the Conservation Commission and the Selectmen to grant a conservation or similar restriction on some or all of the property acquired hereunder to the Commonwealth of Massachusetts and/or any other grantees as may be qualified pursuant to G.L. c 184, Sec. 31 and 32.

Unanimous "YES"

**Article 11.** To see if the Town will vote to appropriate by transfer from available funds a sum of money to the Conservation Fund, or act in relation thereto. *(Requested by the Conservation Commission/Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 11 Voted:** On motion of Christopher Gagnon, it was voted to transfer \$5,100 from free cash to the Conservation Fund.

Unanimous "YES"

**Article 12.** To see if the Town will vote to amend the Non-Union Personnel By Law, section 9.21, by striking the word "retirement" and substituting the word "separation", or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 12 Voted:** On motion of Mark Carlisle, it was voted to amend the Non-Union Personnel By Law, section 9.21, by striking the word "retirement" and substituting the word "separation"

Unanimous "YES"

**Article 13.** To see if the Town will vote to rescind \$10,000 of the debt authorization from the Annual Town Meeting dated May 3, 2003 for the purchase of an ambulance, and to rescind \$177,600 of the debt authorization from the Special Town Meeting dated March 4, 2004 for the purchase of the Bush Hill property; said amounts being no longer needed since both purchases were made for a lesser amount, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 13 Voted:** On motion of Jonathan Dennehy, it was voted to rescind \$10,000 of the debt authorization from the Annual Town Meeting dated May 3, 2003 for the purchase of an ambulance, and to rescind \$177,600 of the debt authorization from the Special Town Meeting dated March 4, 2004 for the purchase of the Bush Hill property.

Unanimous “YES”

**Article 14.** To see the Town will vote to appropriate by transfer from the Sylvia Gibson Trust Fund, a sum of money to be used for the construction of a community center to be located at the Scout House on River Street, or act in relation thereto. *(Requested by the Trust Fund Commissioners)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 14 Voted:** On motion of Christopher Gagnon, it was voted to transfer accumulated interest in the amount of \$2,400 from the Sylvia Gibson Trust Fund to be used for the construction of a community center to be located at the Scout House on River Street.

Unanimous “YES”

**Article 15.** To see if the Town will vote to transfer custody to the Board of Selectmen, for purposes of donating, a certain parcel of land located on Sherbert Road and identified on the Town of Ashburnham Assessor’s Map 4, Parcel 23B, to Habitat for Humanity which Habitat for Humanity intends to conjoin to an abutting lot, then for the purposes of constructing a house, or act in relation thereto. *(Requested by the Board of Selectmen)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 15 Voted:** On motion of Mark Carlisle, it was voted to transfer custody to the Board of Selectmen, for purposes of donating, a certain parcel of land located on Sherbert Road and identified on the Town of Ashburnham Assessor’s Map 4, Parcel 23B, to Habitat for Humanity which Habitat for Humanity intends to conjoin to an abutting lot, then for the purposes of constructing a house.

Unanimous “YES”

**Article 16.** To see if the Town will vote to rescind the appropriation for the construction of temporary classrooms to be located at the Briggs Elementary School under Article 7 of the October 20, 2005 Special Town Meeting, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 16 Voted:** On motion of Jonathan Dennehy, it was voted to rescind the appropriation of \$150,000 for the construction of temporary classrooms to be located at the Briggs Elementary School under Article 7 of the October 20, 2005 Special Town Meeting.

Unanimous “YES”

**Article 17.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2006, in accordance with the provisions of MGL Ch. 44, sec 4, and to issue a note or notes as may be given for a period of less than one year in accordance with MGL Ch. 44, sec. 17, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 17 Voted:** On motion of Christopher Gagnon, it was voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2006, in accordance with the provisions of MGL Ch. 44, sec. 4 and to issue a note or notes as may be given for a period of less than one year in accordance with MGL Ch. 44, sec. 17.

Unanimous “YES”

**Article 18.** To see if the Town will vote to appropriate by transfer from available revenue a sum of money to pay for expenses related to the Town Hall reconstruction project, including the cost of professional studies, supplies and materials, labor costs and rental of office or storage space in which to temporarily house the Town Hall staff and their files and materials and to pay for costs associated with any necessary repairs or building improvements of any town-owned property required for the temporary occupancy of that property by Town Hall staff or storage of files and other materials, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **Yes** ADVISORY RECOMMENDATION: **Yes**

**Article 18 Voted:** On motion of Mark Carlisle, it was voted to transfer \$125,000 from the Stabilization Fund to pay for expenses related to the Town Hall reconstruction project, including the cost of professional studies, supplies and materials, labor costs and rental of office or storage space in which to temporarily house the Town Hall staff and their files and materials and to pay for costs associated with any necessary repairs or building improvements of any town-owned property required for the temporary occupancy of that property by Town Hall staff or storage of files and other materials.

2/3 Majority “YES”

**YES: 101 NO: 50**

**Article 19.** We the undersigned voters of Ashburnham, MA, hereby petition the Selectmen of said town of Ashburnham to include an article on the warrant of the January, 2007 Special Town Meeting to postpone interior renovation work on Fairbanks Memorial Hall until such time as the projected Public Safety Building is completed, on the grounds that one project should be finished before another is undertaken. *(Submitted by Citizen's Petition)*

SELECTMEN RECOMMENDATION: **No** ADVISORY RECOMMENDATION: **No**

**Article 19 Voted:** Per motion of the moderator, the article was out of order.

Meeting adjourned at 9:55 p.m.

Linda A. Ramsdell  
Interim Town Clerk-Ashburnham