

**PROCEEDINGS OF SPECIAL TOWN MEETING
NOVEMBER 19, 2009**

Special Town Meeting was rescheduled to November 30, 2009 due to lack of quorum.

**PROCEEDINGS OF
SPECIAL TOWN MEETING
NOVEMBER 30, 2009**

PURSUANT TO THE FOREGOING WARRANT, THE LEGAL VOTERS OF THE TOWN OF ASHBURNHAM MET AT OAKMONT REGIONAL HIGH SCHOOL AUDITORIUM, 9 OAKMONT DRIVE, ASHBURNHAM ON NOVEMBER 30, 2009. MODERATOR DONALD "JEFF" LAWRENCE PRESIDED AT THE MEETING WHICH WAS CALLED TO ORDER AT 7:10 P.M. WITH A QUORUM PRESENT. A MOMENT OF SILENCE WAS OBSERVED FOR ALIDA HERRING, ART JOHANNINGSMEIER, AND GEORGE AINSLEIGH. THEY WERE REMEMBERED FOR THEIR MANY CONTRIBUTIONS TO THE TOWN. JONATHAN DENNEHY WAS RECOGNIZED FOR HIS YEARS OF SERVICE TO THE TOWN. BEST WISHES WERE EXTENDED TO HIM AND HIS FAMILY AS HE STARTS HIS NEW CAREER WITH THE STATE DEPARTMENT. THE VETERANS PRESENT WERE RECOGNIZED. THEY LEAD THE PLEDGE OF ALLEGIANCE.

Article 1. To see if the Town will vote to amend certain sums approved under Article 2 of the May 2, 2009 Annual Town Meeting as set forth below:

LINE	DEPARTMENT	VOTED 5/2/09 ATM	PROPOSED AMENDED FY10 BUDGET	CHANGE
1	Moderator	\$ 100	\$ 100	-
2	Board of Selectmen	9,300	6,000	(3,300)
3	Town Administrator	140,000	138,500	(1,500)
4	Advisory Board	150,000	149,500	(500)
5	Town Accountant	75,000	74,750	(250)
6	Board of Assessors	70,000	65,000	(5,000)
7	Treasurer	88,500	83,000	(5,500)
8	Tax Collector	66,600	65,045	(1,555)
9	Town Clerk	45,300	44,500	(800)
10	Land Use	20,000	19,600	(400)
11	Town Hall	55,000	55,000	-
12	VMS Bldg.	15,000	13,650	(1,350)
13	Non-Departmental	155,000	140,313	(14,687)
14	Police	915,673	835,263	(80,410)
15	Emergency Dispatch	220,607	218,607	(2,000)
15a	Public Safety Building Expenses	87,720	80,720	(7,000)
16	Fire	533,000	471,000	(62,000)
17	Inspections	39,000	39,000	-
18	Dog Officer	24,851	29,290	4,439
19	Monty Tech	332,795	327,607	(5,188)
20	Ash-West Regional School District	6,521,291	6,521,291	-
21	DPW	645,000	586,950	(58,050)
22	Snow and Ice	175,000	175,000	-
23	Board of Health	18,000	18,000	-

24	Conservation Commission	27,000	17,000	(10,000)
25	Council on Aging	43,000	30,000	(13,000)
26	Veterans' Services	10,600	10,600	-
27	Library	194,000	176,540	(17,460)
28	Historical Commission	500	100	(400)
29	Debt Service	983,625	979,635	(3,990)
30	Employee Ins. Benefits	1,021,000	1,021,000	-
31	Water Fund	540,000	518,000	(22,000)
32	Sewer Fund	835,000	835,000	-
	ARTICLE 1 TOTAL	\$14,057,463	\$13,745,561	\$(311,902)

or act in relation thereto. (Requested by the Town Administrator)

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 1 Voted: On the motion of Edward Vitone, it was voted to amend Article 2 of the May 2, 2009 Annual Town Meeting from \$14,057,462 to \$13,745,561 as noted in the warrant.

LINE	DEPARTMENT	VOTED 5/2/09 ATM	PROPOSED AMENDED FY10 BUDGET	CHANGE
1	Moderator	\$ 100	\$ 100	-
2	Board of Selectmen	9,300	6,000	(3,300)
3	Town Administrator	140,000	138,500	(1,500)
4	Advisory Board	150,000	149,500	(500)
5	Town Accountant	75,000	74,750	(250)
6	Board of Assessors	70,000	65,000	(5,000)
7	Treasurer	88,500	83,000	(5,500)
8	Tax Collector	66,600	65,045	(1,555)
9	Town Clerk	45,300	44,500	(800)
10	Land Use	20,000	19,600	(400)
11	Town Hall	55,000	55,000	-
12	VMS Bldg.	15,000	13,650	(1,350)
13	Non-Departmental	155,000	140,313	(14,687)
14	Police	915,673	835,263	(80,410)
15	Emergency Dispatch	220,607	218,607	(2,000)
15a	Public Safety Building Expenses	87,720	80,720	(7,000)
16	Fire	533,000	471,000	(62,000)
17	Inspections	39,000	39,000	-
18	Dog Officer	24,851	29,290	4,439
19	Monty Tech	332,795	327,607	(5,188)
20	Ash-West Regional School District	6,521,291	6,521,291	-
21	DPW	645,000	586,950	(58,050)
22	Snow and Ice	175,000	175,000	-
23	Board of Health	18,000	18,000	-
24	Conservation Commission	27,000	17,000	(10,000)
25	Council on Aging	43,000	30,000	(13,000)
26	Veterans' Services	10,600	10,600	-
27	Library	194,000	176,540	(17,460)
28	Historical Commission	500	100	(400)

29	Debt Service	983,625	979,635	(3,990)
30	Employee Ins. Benefits	1,021,000	1,021,000	-
31	Water Fund	540,000	518,000	(22,000)
32	Sewer Fund	835,000	835,000	-
	ARTICLE 1 TOTAL	\$14,057,463	\$13,745,561	\$(311,902)

Unanimous “YES”

Article 2. To see if the Town will vote to appropriate funds from the insurance proceeds account #21000-31590 for the purpose of paying the cost associated with the Town Hall Flood damage, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 2 Voted: On the motion of Jonathan Dennehy, it was voted to appropriate \$117,200 from the insurance proceeds account #21000-31590 for the purpose of paying the cost associated with the Town Hall Flood damage account #11198-53015.

Unanimous “YES”

Article 3. To see if the Town will vote to appropriate funds from the insurance proceeds account #21000-31590 for the purpose of paying the cost associated with the Ice Storm Fire Alarm damage, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 3 Voted: On the motion of Margaret Whitney, it was voted to appropriate \$63,000 from the insurance proceeds account #21000-31590 for the purpose of paying the cost associated with the Ice Storm Fire Alarm damage account #14423-52211.

Unanimous “YES”

Article 4. To see if the Town will vote to transfer receipts from FEMA and MEMA accounts to offset costs associated with the Ice Storm of December 11, 2008, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **PASS** ADVISORY RECOMMENDATION: **PASS**

Article 4 Voted: On the motion of Edward Vitone, it was voted to **PASS OVER** Article 4. No action required.

Unanimous “YES”

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to offset the Snow and Ice budget deficit from FY09, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 5 Voted: On the motion of Jonathan Dennehy, it was voted to transfer from Free Cash the sum of \$146,304.49 to offset the Snow and Ice Budget deficit from FY09.

Unanimous “YES”

Article 6. To see if the Town will vote to amend the Town of Ashburnham’s Non-Union Personnel By-Laws Section 9.20 and 9.21 as follows:

9.20 Sick Leave

Regular full-time or permanent part-time (as defined in this Bylaw) employees shall be eligible to earn a total not to exceed eight (8) leave days with pay during each calendar year. One sick leave day will be accrued and credited to an employee’s account for each month of service on or about the 1st day of each month of service, not to exceed eight (8) leave days.

Sick leave shall be used only with the approval of the employee’s department head and only for personal illness, personal injury, doctor appointments for employees, spouses, and dependents that cannot be scheduled during non-working hours; and for family emergencies up to a maximum of three days per occurrence. Family emergencies are defined as a sudden unanticipated and serious illness or injury of a spouse or dependent, which requires the employee to be absent from work.

An employee shall, after three (3) consecutive sick days, submit a doctor’s certificate stating the nature of the illness or injury and the expected duration. Failure to provide such certificate shall be sufficient to deny further use of sick leave.

9.21 Sick Leave Accrual/Buyback

Unused sick leave may not be accrued in excess of eight (8) days, and may only be used for a purpose noted in 9.20 above.

Eligible employees, as of December 1, 2009 will have accrued unused sick time credited to an employee’s account, up to 120 days, for 60 days pay at their rate as of December 1, 2009, to be paid upon retirement or death from Town service.

Employees at their discretion may use time either from their buyback account or sick bank account to supplement any Short Term or Long Term disability payments not to exceed 100% of regular pay. Time used from the sick bank or buyback accounts will be deducted from any retirement payout option.

And to add the following new section under 6.10:

6.10 Group Insurance

(2) Group short term and long term disability insurance is offered to eligible employees, with the Town paying 100% of the cost.

or act in relation thereto. (*Requested by the Town Administrator and the Board of Selectmen*)

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 6 Voted: On the motion of Jonathan Dennehy, it was voted to amend the Town of Ashburnham’s Non-Union Personnel Bylaws Section 9.20 and 9.21 and to add Section 6.10 (2) under Group insurance as written in the warrant.

9.20 Sick Leave

Regular full-time or permanent part-time (as defined in this Bylaw) employees shall be eligible to earn a total not to exceed eight (8) leave days with pay during each calendar year. One sick leave day will be accrued and credited to an employee's account for each month of service on or about the 1st day of each month of service, not to exceed eight (8) leave days.

Sick leave shall be used only with the approval of the employee's department head and only for personal illness, personal injury, doctor appointments for employees, spouses, and dependents that cannot be scheduled during non-working hours; and for family emergencies up to a maximum of three days per occurrence. Family emergencies are defined as a sudden unanticipated and serious illness or injury of a spouse or dependent, which requires the employee to be absent from work.

An employee shall, after three (3) consecutive sick days, submit a doctor's certificate stating the nature of the illness or injury and the expected duration. Failure to provide such certificate shall be sufficient to deny further use of sick leave.

9.21 Sick Leave Accrual/Buyback

Unused sick leave may not be accrued in excess of eight (8) days, and may only be used for a purpose noted in 9.20 above.

Eligible employees, as of December 1, 2009 will have accrued unused sick time credited to an employee's account, up to 120 days, for 60 days pay at their rate as of December 1, 2009, to be paid upon retirement or death from Town service.

Employees at their discretion may use time either from their buyback account or sick bank account to supplement any Short Term or Long Term disability payments not to exceed 100% of regular pay. Time used from the sick bank or buyback accounts will be deducted from any retirement payout option.

And to add the following new section under 6.10:

6.10 Group Insurance

- (2) Group short term and long term disability insurance is offered to eligible employees, with the Town paying 100% of the cost.

Unanimous "YES"

Article 7. To see if the Town will vote to accept the provisions of G.L. c. 40 Sec. 22F authorizing the institution of certain valid user fees as set forth therein, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 7 Voted: On the motion of Edward Vitone, it was voted to accept the provisions of G.L. c 40 Sec. 22F authorizing the institution of certain valid user fees as set forth within.

49 YES 25 NO

Majority "YES"

Article 8. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay for legal and other professional services, as well as all other

reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town, or act in relation thereto. *(Requested by the Town Treasurer)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 8 Voted: On the motion of Jonathan Dennehy, it was voted to appropriate by transfer from Free Cash the amount of \$20,000 to pay for legal and other professional services, as well as all other reasonable related expenses, in connection with the collection of certain delinquent taxes owed to the Town.

Unanimous “YES”

Article 9. To see if the Town will vote in accordance with G.L. c. 44, Sec. 53E ½ to authorize the Public Safety Communications Revolving Fund; said fund to receive all amounts collected from fire and burglary alarm services provided to Town residents and businesses by the Police and Fire Departments; said funds to be expended by the Police and Fire Chiefs for the purchase and/or maintenance of public safety communications equipment; and said expenditures shall not exceed \$20,000 unless an increase in such limitation is approved by the Board of Selectmen, or act in relation thereto. *(Requested by the Police and Fire Chiefs)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **NO**

Article 9 Voted: This article failed.

Majority “NO”

Article 10. To see if the Town will vote to transfer a sum of money from Free Cash to reduce the tax rate for FY10, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **PASS** ADVISORY RECOMMENDATION: **PASS**

Article 10 Voted: On the motion of Edward Vitone, it was voted to **PASS OVER** this article.

Unanimous “YES”

Article 11. To see if the Town will vote to transfer a sum of money from Stabilization to reduce the tax rate for FY10, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **PASS** ADVISORY RECOMMENDATION: **PASS**

Article 11 Voted: On the motion of Jonathan Dennehy, it was voted to **PASS OVER** this article.

Unanimous “YES”

Article 12. To see if the Town will vote to transfer Free Cash to the Stabilization Account, or act in relation thereto. *(Requested by the Town Administrator)*

SELECTMEN RECOMMENDATION: **YES** ADVISORY RECOMMENDATION: **YES**

Article 12 Voted: On the motion of Margaret Whitney, it was voted to transfer \$23,751.51 from Free Cash into the Stabilization Account.

Unanimous “YES”

Meeting adjourned at 8:01 P.M.

Respectfully submitted,
Linda A. Ramsdell
Town Clerk