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Present: John F. Fairbanks, Laila J. Michaud, Joseph E. Flanagan

CALL TO ORDER

Mr. Fairbanks called the meeting to order at 7:00 p.m. in the Selectmen’s Office at Town Hall. Mr. Fairbanks announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV; he also confirmed with those present that no other party was taking an audio or video recording of the meeting.

PUBLIC COMMENT

Donald Barry requested authorization to expend funds from existing articles for the senior center project to bring utilities to the West Main St. site. He was reminded that the appropriations are for design and engineering services and cannot be used for construction-related purposes. An article will be placed on the fall town meeting warrant to expand the scope of these articles.

CROCKER POND RECREATION AREA COMMITTEE

Donation of Swim Raft: Joseph Macchia, Chairman of the Crocker Pond Recreation Area Committee, reported that Bob Francis has offered to donate a swim raft for the Pond. He noted that there were previously two rafts at the Pond, but they were removed when they fell into disrepair. Mrs. Murphy was asked to check with the Town’s insurer with regard to any additional liability considerations.

Mountain Biking at Crocker Pond: Mr. Macchia introduced the subject of mountain biking at Crocker Pond by stating that the Committee was of the understanding that there was at least a verbal agreement that mountain biking would be allowed at Crocker Pond. Based upon meetings and site visits conducted in 2008, it had been determined that the existing trails were unsuitable for mountain bikes, but that the mountain bikers would build their own trails. Problems have arisen with regard to the suitability of the trails that have been built as the Conservation Commission has not been included in the project. The mountain bikers have agreed to work with the Conservation Commission to bring the trails into compliance.

Mr. Macchia noted that prior to 2008, Item #19 of the Crocker Pond Rules and Regulations specifically allowed mountain biking. Since 2008, the rule has read: “Designated trails are intended for pedestrian travel only and shall not be utilized for any other trail activity.” Mr. Macchia stated that he believes the continued absence of the mention of mountain bikes in the rule was an oversight on the part of the Committee. He advised that the Committee recently voted 5-1 to amend the rule by adding a part (b) stating, “Mountain biking is allowed only on trails designated as biking trails or mixed use trails.” Such trails would be labeled in a manner consistent with the labeling of the other trails. Mr. Macchia requested the Board of Selectmen’s permission to make this change in the rules.

Mr. Fairbanks requested that the Crocker Pond Committee bring its minutes up to date and assure that they are completed in a timelier manner.

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Mr. Flanagan inquired as to access issues, noting that it is impossible to prevent unauthorized access to the facility. Mr. Macchia stated that he did not feel that mountain biking would exacerbate the problem, but admitted that ATVs are becoming a big problem in this regard. Committee member Gary Richards noted that the #1 rule was that non-residents are not allowed. He stated that he felt if mountain biking was allowed, there must also be a process for allowing access similar to the process used for the use of the beach area.

Gordon Brownell, Tom Torrans, and Donna Brownell spoke of the unique environmental qualities of the property. Ms. Brownell stated that she felt the property is not conducive to mountain biking and that it is not possible to accommodate everyone’s wishes for the use of the property. Several residents were in attendance who expressed support for the continuation of mountain biking at Crocker Pond. They stated that they supported and promoted the acquisition of the property with the express understanding that this activity would be allowed.

Following further discussion, Mr. Fairbanks moved that the Board of Selectmen vote to allow mountain biking at Crocker Pond, subject to review by the Conservation Commission, and subject to the Crocker Pond Recreation Area Committee returning to the Board with a report confirming that the matter has been worked out. Ms. Michaud seconded the motion. Mr. Flanagan stated that, contrary to statements made at a Selectmen’s meeting in 2008 with regard to this matter, he feels that the entire property, including the subject of access, is under the purview of the Committee. Ms. Michaud stated that the property was purchased for the recreational use of all town residents and although the mountain biking group should have involved the Conservation Commission at the start, they have indicated that they will work with the Commission. The motion passed by majority vote, with Mr. Fairbanks and Ms. Michaud voting in favor, and Mr. Flanagan voting against.

Mr. Fairbanks clarified that the intent of the Board’s vote was that there would be no mountain biking on the trails until the Conservation Commission is presented with a plan for the trails with which it is satisfied. He added that the plan should include appropriate signage.

7:58 p.m. - WESTMINSTER BUSINESS PARK – PUBLIC HEARING FOR EARTH REMOVAL PERMIT EXTENSION

In attendance representing Westminster Business Park: Robert Hakala (Owner) and Charles Scott (CFS Engineering)

Also in attendance: Brian Marchetti, Tetra Tech Rizzo (Clerk of the Works monitoring earth removal operation)

Mr. Scott requested that the Board approve an extension of the business park’s earth removal permit for Phase I until June 15, 2011. He explained that the extension would allow the removal of the remaining material, which will not exceed the original amount approved, and will allow for the restoration of the affected area of the site.

Bud Taylor stated that although he understands the rationale for extending the permit to achieve closure, he feels that there has not been sufficient oversight of the project. Mr. Marchetti stated that the site is in compliance with the permit issued by the Board of Selectmen; he acknowledged

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that there have been some issues cited in Tetra Tech Rizzo’s monthly reports over the life of the permit, but that the Business Park operators have been very good about addressing them.

Bill Goodwin inquired as to the maximum amount of time allowed for a permit to remain active under the town bylaw. He was informed that town counsel is of the opinion that there is no limit to the number of extensions that may be granted for a permit.

Donna Brownell reported that the Division of Fisheries & Wildlife conducted a stream survey at her request. There are brook trout in streams 1 and 2 and the water temperature has gone up in the streams over the past 19 years. She believes that this could be a result of the gravel operation.

Mr. Taylor suggested that Tetra Tech Rizzo summarize the status of the groundwater elevation readings. Mr. Marchetti confirmed that the Business Park is in compliance in this regard.

Ms. Michaud moved that the Board vote to approve the extension of the earth removal permit until June 15, 2011. Mr. Fairbanks seconded the motion. The motion passed with Ms. Michaud and Mr. Fairbanks voting in favor; Mr. Flanagan abstained from voting.

TREE WARDEN RESIGNATION

Mr. Fairbanks acknowledged receipt of the resignation of Jon Bliss as Tree Warden.

MCPPO DESIGNATION

Board members congratulated Mrs. Murphy on achieving certification as a Massachusetts Certified Public Purchasing Official.

APPROVAL OF MINUTES

Mr. Flanagan moved that the Board vote to approve the minutes of July 19, 2010 as printed. The motion was duly seconded and passed unanimously.

PAYROLL CHANGE AUTHORIZATION

Mr. Flanagan moved that the Board vote to approve the replacement of a substitute van driver for the Council on Aging. The motion was duly seconded and passed unanimously.

APPROVAL OF WARRANTS

Ms. Michaud moved that the Board members accept the following warrants for payment and place them on file. The motion was duly seconded and passed unanimously.

7/20/2010	Deduction Warrant	\$142,845.57
7/26/10	Accounts Payable	\$445,290.78

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8:20 p.m. -- EXECUTIVE SESSION

Ms. Michaud moved that the Board enter into executive session for the purpose of conducting contract negotiations with nonunion personnel and for the purpose of conducting strategy with respect to collective bargaining; further, that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the Town in both matters, and that the Board adjourn directly from executive session. Mr. Flanagan seconded the motion. The motion passed unanimously on a roll call vote.

ADJOURNMENT

The Board adjourned from executive session at 9:40 p.m.

Joseph E. Flanagan, Clerk
(Prepared by K. Murphy)