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Present: Joseph E. Flanagan, Wayne R. Walker, and Heather M. Billings

CALL TO ORDER

Mr. Flanagan called the meeting to order at 6:00 p.m. in the Selectmen’s Office at Town Hall. He announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV. He also noted that Kerry O’Brien from the Gardner News was recording the meeting.

APPROVAL OF WARRANTS/MINUTES

Ms. Billings moved that the Board approve the regular session minutes of August 6, 2012, as printed. Mr. Walker seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrants:

August 27, 2012	Payroll #13	\$ 170,870.57
	Accounts Payable #12	\$1,074,980.34

COMMONWEALTH SECURITY TRUST FUND GRANT

Mr. Walker moved that the Board authorize Chief Sam Albert to apply for grant funds for the purchase of an additional electronic signboard. Ms. Billings seconded the motion. The motion passed unanimously.

APPOINTMENTS ~ ELECTED OFFICIALS

Mr. Walker moved that the Board reappoint the following individuals as Election Officials for a term ending June 30, 2013: Valeria Antoniac, Celia Burgess, Claudette Casey, Brenda Coddling, Theresa Grenier, Albert Hughes, Gloria Hughes, Constance Kotoski, Laila Michaud, Gilbert Parks, Joan Parks, Kathy Pelullo, and Susan Yraola. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board appoint Barbara Parsons as an Election Official for a term ending June 30, 2013. Ms. Billings seconded the motion. The motion passed unanimously.

FINALIZE/ACCEPT LAYOVER STATION NOISE STUDY

Mr. Flanagan announced that Bruno Fisher notified the Board that MART would be contributing \$3,300 towards the Noise Study.

Mr. Walker indicated that the Layover Station Noise Study report concludes that noise impacts would occur at many residences along South Ashburnham Road and parts of Batherick Road. He requested that some mitigation suggestions be included.

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Ms. Billings asked that the issue be addressed when there are additional locomotives idling at night when the temperature is less than ten degrees.

Mr. Walker moved that the Board send a letter to the consultant to address these two questions. Ms. Billings seconded the motion.

Don Barry suggested that the Board include a question regarding the noise factor when air conditioning units are running on the locomotives.

Mr. Walker moved to amend the motion to send a letter to the consultant to address all three questions. Ms. Billings seconded the motion. The motion passed unanimously.

The Board agreed to give MART a two week response period after the final draft has been received.

PROPOSED UPDATE OF EARTH REMOVAL BYLAW

Mr. Walker moved that the Board authorize the Town Planner and Planning Board to begin the process of drafting a revised earth removal bylaw. Ms. Billings seconded the motion. The motion passed unanimously.

MOTHBALLING OF OLD TOWN HALL

Mrs. Murphy explained to the Board that in order to mothball the old Town Hall the town would need to obtain a basic evaluation which could cost under \$1,000. She further explained that the National Park Service recommends using a professional which could be costly.

She also stated that the boiler has been inspected and the Town was told that it is too far gone due to rapid deterioration and would have to be replaced.

Mr. Flanagan stated that the Town does not have the money and the request for funds would have to be approved at a special town meeting.

Advisory Board Chairman Jim DeLisle suggested that this request be brought to the annual town meeting because of the larger group in attendance.

Burt Gendron suggested that the town consider the possibility of solar panels.

The Board agreed to review the Town Hall Reuse Committee's report and bring the topic up for discussion at a future meeting.

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CROCKER POND RECREATION AREA COMMITTEE DUTIES & RESPONSIBILITIES

Ms. Billings explained that she added Board of Selectmen and Town Administrator wording in several areas of the prior CPRAC duties and responsibilities.

In addition she added under Powers and Duties the following; ‘The committee serves as advisors to the Board of Selectmen and Town Administrator. Its duties are to manage and maintain the Crocker Pond Recreation Area and, in performing its duties, the committee may represent the Town in dealing with other local, regional or State agencies to the extent requested by the Board of Selectmen and/or Town Administrator. When doing so, they shall take positions on various issues consistent with the views of the Board of Selectmen, and they shall keep the Board of Selectmen and Town Administrator fully informed concerning all such activities’.

Under New Projects the following paragraph was changed as follows; ‘Any new work to be performed pursuant to any Orders of Conditions issued subsequent to the date of adoption of this charge (August 27, 2012) proposed to be performed within areas subject to a Conservation Commission order of conditions shall be supervised by the Towns’ Conservation Commission and/or Agent and shall not commence until authorized by the Board of Selectmen or Town Administrator’.

Mr. Walker moved that the Board approve the CPRAC duties and responsibilities as amended. Ms. Billings seconded the motion. The motion passed unanimously.

REVIEW WESTMINSTER ELEMENTARY SCHOOL WINDOW SILL REPAIR PROJECT

Peter Reynolds of McKenzie Engineering Company, Inc. has been retained by the Town as an independent engineer to review the two proposals provided to date for repair to the window sills. He has asked for more time to propose a solution that everyone can agree on.

Dr. Hicks explained that he received correspondence from Timothy Markham of SJ Markham & Son, Inc., the school’s insurance company which stated that once the sills are repaired any future claims would be reviewed on their own merit.

Peter Normandin stated that a meeting with Peter Reynolds and Frank Tedesco is scheduled for September 5, 2012. They will be discussing the exact scope of work along with the Building Commissioner.

Mr. Flanagan stated that when the Board makes the final decision on what will be done, it is important to clearly understand whether the contractor’s insurance company will cover the fix and whether the school’s insurance company will accept the liability. Dr. Hicks agreed.

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SPECIAL TOWN MEETING POSTPONED

Mr. Flanagan moved that the Board cancel the September 11, 2012, Special Town Meeting. Mr. Walker seconded the motion. The motion passed unanimously.

RESERVE FUND TRANSFER

Mr. Flanagan moved that the Board forward a request for transfer from the reserve fund (\$2,000) to the Advisory Board. Mr. Walker seconded the motion. The motion passed unanimously.

6:58 PM WESTMINSTER BUSINESS PARK – EARTH REMOVAL PERMIT LOT I-7

Mr. Flanagan declared the hearing open for the Westminster Business Park Earth Removal Permit Lot I-7.

Chuck Scott of CFS Engineering, Steve Powell of Powell Stone & Gravel and Bob Hakala and Dave Pogorelc of Westminster Business Park were on hand to discuss their earth removal permit application for Lot I-7.

Mr. Scott explained that this property consisting of approximately 46 acres is the most sought after property in the park. It can have rail access and has 35-40% overall building square footage that can be built in the park.

Mr. Scott submitted a letter to the Board of Selectmen in response to comments submitted by the Planning Board, Conservation Commission, Tetra Tech and Keith Harding.

Mr. Scott mentioned to the Board that they have been wrestling with the police detail. Since 2006 the annual amount of truck trips averaged 122 trips per day with 61 trucks exiting from the site on Batherick Road. Mr. Hakala stated that WBP has spent over \$400,000 in police detail which could have been put towards the cost of traffic lights but the State will not allow. He questioned if the Police detail is necessary based on the actual average trips of 122 verses 350 estimated trips when first proposed back in 2006.

Mr. Scott indicated that they would inspect all of the monitoring wells prior to the project getting started.

Mr. Flanagan moved that the Board send the letter of response to comments received from CFS Engineering dated August 27, 2012 to the various Boards for their final response.

Brian Marchetti of Tetra Tech indicated that he would make recommendations to the Board on the performance bond.

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Mr. Flanagan moved to continue the earth removal permit hearing until the BOS meeting on September 10, 2012. Ms. Billings seconded the motion. The motion passed unanimously.

8:22 PM EXECUTIVE SESSION

Mr. Walker moved that the Board enter into executive session to discuss strategy with respect to potential litigation, further that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body; and that the Board adjourn directly from executive session. Ms. Billings seconded the motion. The motion passed on a roll call vote.

ADJOURNMENT

The Board adjourned from executive session at 9:10 p.m.

Respectfully submitted,

Heather M. Billings, Clerk
(Prepared by B. Kazan)