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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 and resident William Goodwin were recording the meeting.

APPROVAL OF WARRANTS/MINUTES

Mr. Walker moved that the Board approve the minutes of June 18, 2012 with an amendment of typos to Ms. Billings name. Ms. Billings seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrants:

June 19, 2012 Deductions #77	\$ 152,889.53
June 25, 2012 Accounts Payable #78	\$ 105,269.45
June 29, 2012 Accounts Payable #80	\$ 262,452.93
June 30, 2012 Payroll #81	\$ 188,204.97
July 1, 2012 Accounts Payable #1 (FY13)	\$1,413,962.24
July 3, 2012 Deduction #79D (FY13)	\$ 169,536.93
July 9, 2012 Accounts Payable #2 (FY13)	\$ 337,564.72

CULTURAL COUNCIL APPOINTMENTS

Mr. Walker moved that the Board appoint Nancy Sampson and Julie Bedard to the Cultural Council. Ms. Billings seconded the motion. The motion passed unanimously.

PAYROLL AUTHORIZATION REQUEST

Mr. Walker moved that the Board approve a payroll authorization request for the Agricultural Commission (part-time, seasonal) Farmers’ Market Manager. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board approve a payroll authorization to hire a new part time person to fill a vacancy in the Personnel Department. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board approve a payroll authorization for a step increase for a part-time Patrolman. Ms. Billings seconded the motion. The motion passed unanimously.

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CONTRACTS ~ MRPC

Mr. Walker moved that the Board approve a contract with MRPC for Master Plan Maps in the amount of \$6,000 as voted at the annual Town Meeting. Ms. Billings seconded the motion. The motion passed unanimously.

WTI SYSTEMS

Mr. Walker moved that the Board authorize the Chair to sign the annual maintenance and support agreement for accounting software with WTI Systems in the amount of \$37,051. Ms. Billings seconded the motion. The motion passed unanimously.

YANKEE STREET FAIR REQUEST

Mr. Walker moved that the Board approve the request from the First Congregational Church to use the grounds of the Old Town Hall for their Yankee Street Fair being held on Saturday, August 25, 2012. Ms. Billings seconded the motion. The motion passed unanimously.

CONTINUANCE OF ARTICLES

Mr. Walker moved that the Board approve the request to continue the supplemental utilities and gasoline Article 23 of the May 2009 annual town meeting in the amount of \$28,317.51. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board approve the request to continue Article #24 to Refurbish Engine #4 in the amount of \$1,914.00. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board approve the request from the Historical Commission to continue Article #16 in the amount of \$1,000 to allow for further grant writing. Ms. Billings seconded the motion. The motion passed unanimously.

REQUESTS FOR YEAR-END INTERMUNICIPAL TRANSFERS

Mr. Walker moved that the Board approve the following requests for appropriation transfers:

From Public Bldgs. & Prop. – Gas /Heating account to Street Lighting account in the amount of \$113.10

From Police Dispatch account to Operating Supplies & Equipment account in the amount of \$5,000.

From COA In State Travel to MART PT Personnel and MART Bus & Van Drivers accounts in the amount of \$343.19.

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From COA In State Travel to MART Other Purchased Services account and MART Fuel, Motor Vehicle account in the amount of \$2,449.65.

Ms. Billings seconded the motion. The motion passed unanimously.

RIGHT OF FIRST REFUSAL – CHAPTER 61A LAND

Mr. Flanagan moved that the Board vote to waive the Town’s right of first refusal on the 1.7 acres of Chapter 61A (agricultural/horticultural) classified land on Syd Smith Road owned by Joseph and Denae Hollenbeck. The motion was seconded and passed unanimously.

STATEWIDE PUBLIC SAFETY MUTUAL AID

Allen Phillips, MEMA Operations Manager was in attendance to explain the statewide public safety mutual aid law. It allows a city or town to receive assets from anywhere in the state as long as the community has signed up for the mutual aid.

After a lengthy discussion, Ms. Billings moved that the Board vote to delay signing the agreement for statewide public safety mutual aid (GL C.40, S4J). Mr. Flanagan seconded the motion. The motion passed unanimously.

MOC PROPOSED INITIATIVE

Board of Health Agent Elizabeth Swedberg was on hand to request the Board’s support in endorsing MOC’s application for funding the CDC’s Community Transformation Grants – Small Communities Program. She explained that the proposed initiative, *Creating CHANGE in Montachusett, MA*, is focused on policy, system and environmental changes in five strategic directions across sectors targeting areas where youth and their parents live, learn, play and receive health care.

Mr. Flanagan moved that the Board allow the Chair to sign in support of this program pending the outcome of due diligence by the Chair and Town Administrator in determining if this is in the best interest of the Town. Ms. Billings seconded the motion. The motion passed with Mr. Flanagan and Ms. Billings voting in favor, and Mr. Walker abstaining.

WESTMINSTER BUSINESS PARK – EARTH REMOVAL PERMIT REVIEW

Mr. Flanagan stated he was trying to calculate cubic yards to cubic tons and found that the Westminster Business Park (WBP) is over their earth removal permit and does not have a proper bond which suggests at this point in time that things are not being done to the letter of the law.

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Chuck Scott of CFS Engineering and Steve Powell, Powell Stone & Gravel, were in attendance on behalf of WBP. Mr. Scott stated the Westminster Business Park has two permits with the Board: Lot I-4 (Phase I) and the second permit covering road construction from the end of Lot I-4 out to North Common Road (Phase II).

As-Built plans have been prepared, based on March 2011 conditions. Mr. Scott stated that the plans indicate that 919,000 cubic yards of material have been removed. He further explained that when this type of material is removed, there is a 20% expansion factor. He also stated that some of the factors contributing to the overage are; the topography was off and another factor is the moisture content of the soil. WBP feels they are in the ball park of what they had proposed.

Mr. Flanagan stated his concern on the Phase II permit in which the bond was underfunded by \$358,588. He explained that the Town has received a bond in the amount of \$339,171 for Phase II of the project; however, Tetra Tech’s recommendation on November 9, 2011 was for a bond in the amount of \$697,759. The permit stated that no earth removal can occur until the Town accepts the bond.

Steve Powell indicated that they were never aware of Tetra Tech’s recommendation of a \$697,759 bond.

Steve Bouley of Tetra Tech reported that his office just received the topo report from WBP, and that everything appears to be in order.

Town Planner Steve Wallace suggested that a meeting be held with a representative from the BOS and Planning Board as well as the Town Planner, Tetra Tech and the Westminster Business Park to come up with recommendations for the Board of Selectmen regarding the issues raised with the bonds and overages.

Mr. Walker moved that the Board table this hearing until their next meeting. Ms. Billings seconded the motion. The motion passed unanimously.

**CROCKER POND RECREATION AREA COMMITTEE – FINAL PLAN ON BIKE TRAIL OPENING**

A slide show of the bike trails was presented. Joe Macchia explained that the NOI was for the construction of six bridges and a series of other fixes for the wet part of the trail (flat rock).

Mr. Flanagan stated that the Board received a memo from Conservation Agent Bob Maki stating that ‘it is important to note that, because Superseding Orders of Conditions were issued by DEP, an additional inspection will be required by them since their Orders indicate that they must be contacted by the Applicant in order to obtain a Certificate of Compliance’.

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Mr. Macchia stated that he has sent a memo to DEP and the Conservation Commission requesting this inspection.

Mr. Macchia stated that a seventh bridge is under construction but nothing else is planned.

Mr. Walker moved that the Board accept the trail as approved last year and the construction as undertaken under the direction of the DEP Order of Conditions and notice of intent. Ms. Billings seconded the motion. The motion passed unanimously.

CROCKER POND – REVIEW COMMITTEE CHARGE

The Board discussed proposed changes to the Committee’s charge. Ms. Billings suggested replacing the BOS with the BOS or Town Administrator authorization.

Mr. Walker agreed to compose recommendations for substituting the wording regarding the proposal “that the BOS deems CPRA fully developed as of the bike trail opening ratified at its July 9, 2012 meeting. Unless otherwise recommended by a Resource Management Plan and specifically approved by the BOS, the Committee will engage in no development activities.”

Mr. Flanagan moved that the Board continue this discussion to their next meeting when Selectman Walker makes his alterations in the language. Ms. Billings seconded the motion. The motion passed unanimously.

CROCKER POND RESOURCE MANAGEMENT PLAN COMMITTEE CHARGE

Mr. Walker indicated that he feels there is no need for a Resource Management Plan Committee for one piece of land when the Crocker Pond Committee has done a good job.

Ms. Billings suggested that the ten member committee be formed, and meet to see if it is advisable to move forward with a resource management plan.

Mr. Flanagan moved that the Board continue the discussion until their next meeting and ask Selectman Walker to prepare his suggestions on his ideas for this subject. Mr. Walker seconded the motion. The motion passed unanimously.

BOB FRANCIS – EARTH REMOVAL PERMIT (CONT.)

Bob Francis was on hand to inform the Board that he had received an Amended Order of Conditions from the Conservation Commission.

Mr. Flanagan announced that Conservation Agent Bob Maki advised that he sees no need to bond any of the work required under the Order.

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Mr. Flanagan moved that the Board require a Clerk of the Works to inspect the project before it starts, half way through the completion or when the second phase is applied for to ensure that Phase I is done in conformity. Recommend no bonding for the Phase I. Mr. Walker seconded the motion for discussion.

Mr. Walker asked who will be the Clerk of the Works. Mr. Flanagan stated that Mr. Francis would have to hire and pay an individual. Ms. Billings suggested the Board prepare a check list of what the Board would normally request of the Clerk of the Works.

Ms. Emerson stated that DPW Director Joshua Hall could perform inspections to ensure conformity on this project.

Mr. Flanagan moved to approve the earth removal permit with no other conditions other than those of the Conservation Commission. Ms. Billings seconded the motion. The motion passed unanimously.

TOWN OWNED PROPERTIES

Mr. Flanagan moved that the Board set no minimum bid on 72 Davis Road and go out to bid on the property for disposition. Mr. Walker seconded the motion. The motion passed unanimously.

Mr. Flanagan moved that the Board include Map 28, Lot 18 Ashburnham State Road, Map 96 Lot 32 Willard Road, Map 103, Lot 5 Spring Street, Map 126, Lot 102 Ellis Road, Map 126, Lot 25 Lake Drive East, Map 126, Lot 9, Lake Drive East, in the list of properties to sell. Mr. Walker seconded the motion. The motion passed unanimously.

Mr. Flanagan suggested putting a hold on Map 147, Lot 81 Edro Isle Road. Mr. Flanagan will look at the property to determine if this needs an appraisal.

TOPICS FOR FUTURE MEETINGS

Discussion on Leominster Street Wall.

8:20 PM - ADJOURNMENT

Mr. Walker moved that the Board adjourn. Ms. Billings seconded the motion. The motion passed unanimously.

Respectfully submitted,

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