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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.

ANNOUNCEMENTS

•The Board of Assessors has notified the Board of Selectmen that there is a vacancy on their Board. Anyone resident interested in volunteering please contact the Assessors.

•The Town has started using a new community notification system. Code RED is much like the Reverse 911 system that we have had for quite a few years except Code RED now allows Town Officials to not only send voice notifications to your home or business phone numbers but we can now send emails and text messages. All that is required of you is to click the link on the Fire Department web page.

APPROVAL OF WARRANTS/MINUTES

Mr. Walker moved that the Board approve the minutes for December 10, 2012 with the following inclusion ‘Mr. Flanagan asked whether allowing the layover station material to be used for fill within the business park would then make it feasible for the park to use the layover station. Mr. Scott said that it would not make tying a freight rail spur into the layover station feasible’. Ms. Billings seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrants:

December 18, 2012	Deduction #37D	\$ 142,349.53
December 24, 2012	Accounts Payable #38	\$ 71,880.89
December 31, 2012	Accounts Payable #40	\$1,014,969.52
January 2, 2013	Payroll #39	\$ 186,907.79
	Deduction #39D	\$ 168,740.76
January 7, 2013	Accounts Payable #41	\$ 215,918.74

COMMON VICTUALLER LICENSE

Mr. Walker moved that the Board approve a Common Victualler license for Westminster Café. Ms. Billings seconded the motion. The motion passed unanimously.

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PAYROLL CHANGE REQUEST AUTHORIZATION

Mr. Walker moved that the Board approve a Payroll Change as requested by the Town Clerk for Election and Registration officials. Mr. Flanagan seconded the motion. The motion passed unanimously.

BORROWING ~ STATE AID PROJECT

Mr. Walker moved that the Board approve Inter fund borrowing in the amount of \$50,000 as recommended by the Auditors. The State Aid Projects are for \$20,000 for an air compressor, and \$30,000 for engineering culvert replacement on Town Farm Road. Ms. Billings seconded the motion. The motion passed unanimously.

BORROWING ~ BAN RENEWAL LIBRARY

Mr. Walker moved that the Board approve the BAN renewal for Library renovations borrowing in the amount of \$98,000 with Greenfield Coop at an interest rate of .49%. Mr. Flanagan seconded the motion. The motion passed unanimously.

AGREEMENT/EASEMENT – 100 Town Farm Road

The Board agreed to postpone the discussion of this agenda item.

MRPC LETTER REGARDING TURNING MOVEMENT COUNTS (TMC)

Mr. Walker moved that the Board authorize the Chairman to sign the letter to Glenn Eaton of the Montachusett Regional Planning Commission requesting MRPC’s Transportation Department prepare the Turning Movement Counts at the Route 2A/Depot Road Intersection. Ms. Billings seconded the motion. The motion passed unanimously.

DISCUSS LAYOVER STATION PROJECT WITH PROJECT OFFICIALS

Mr. Flanagan stated that on December 28, 2012 the Board of Selectmen issued a cease and desist order regarding earth removal operations at Lot I-4A Theodore Drive, Westminster Business Park. He indicated that as of this meeting the operation continues.

Edmond Hunter, Assistant General Manager Design and Construction of the MBTA explained to the Board that they were exempt from any local permitting. He also referred any future questions to the MBTA’s legal people.

He stated that the reason they wanted to keep the earth removal operation on Lot I-4A was because they thought the Town did not want trucks going out of the park and across Town roads. When Steve Powell was told the MBTA needed to obtain a local permit he pulled out of the contract. S & R then had to contract with outside trucking companies.

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Mr. Hunter also mentioned that filling Lot I-7 would improve the feasibility of tying into the layover station for freight. Mr. Flanagan said the Board tonight just approved minutes where Chuck Scott (WBP Civil Engineer) said it would not make tying into the layover station feasible.

Mr. Hunter mentioned that the bottom line is that if the MBTA continues to perform earth removal operations at Westminster Business Park, more local people will be put back to work and this will also eliminate 6,000 trips by trucks out of the WBP.

Mr. Hunter agreed to hold more informational meetings, keep the BOS informed on what is happening on the site, have an open dialogue with the Board to try and work out any questions in the future. He also agreed to share with the Board estimations of what the schedules would be prior to awarding a construction contract.

Several questions from the residents were answered. One concern was the noise levels. Mr. Hunter indicated that there were no plans to mitigate at the present time. He stated that an analysis was performed which MBTA felt was appropriate for this type of facility. Mr. Hunter committed after the fact, to go in and measure noise levels, do operational adjustments and mitigation if necessary. He assured the audience he would find funding for noise mitigation when/if noise becomes a problem.

Mr. Flanagan asked if it is feasible that the MBTA could come in and build the recommended wall. Mr. Hunter stated that MBTA could not commit to this.

Mr. Flanagan summarized the action items as follows:

1. MBTA will hold working meetings with the Planning Board and Planning Board will report back to the BOS in writing regarding these meetings. These will be set after the BOS meeting.
2. If there are noise issues it is very important that MBTA responds to the BOS regarding MEPA direction and follows through and disseminates that study.
3. Mr. Hunter agreed to commit to respond to that study with a plan and time frame by a specific date. He will confirm this information once he has spoken to his environmental people.

The Board agreed to discuss in executive session whether the cease and desist order will continue.

FY14 BUDGET DISCUSSION WITH ADVISORY BOARD

Advisory Board Chairman Jim DeLisle indicated that he and Karen Murphy had a meeting with Waste Management and had been informed that landfill receipts will decrease. For FY 14 this represents a loss of \$450,000 in landfill revenue. The economy, recycling and lost business were some of the reasons for this decrease. He further explained that the \$450,000 (decrease) is essentially a one year budget increase. He was

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looking for some direction from the Board regarding how to proceed with the FY14 budget rules.

The Board agreed to notify the School of this definite revenue gap coming up next year.

Mr. Flanagan asked to attend the next Advisory Board meeting.

CAR SEAT GRANT

Mr. Walker moved that the Board authorize the Chairman to designate Police Chief Albert as the authorized signatory for the passenger safety equipment grant. Ms. Billings seconded the motion. The motion passed unanimously.

7:48 P.M. EXECUTIVE SESSION

Mr. Walker moved that the Board enter into executive session to discuss the cease and desist order and strategy with respect to potential litigation; further that the Chair declares that an open meeting may have a detrimental effect on the litigating position of the body; and that the Board reconvene following executive session. Mr. Flanagan seconded the motion. The motion passed on a roll call vote.

8:00 P.M. OPEN SESSION

The Board of Selectmen announced that they voted in Executive Session to lift the cease and desist order to allow Westminster Business Park to handle the earth removal on site for the layover station on WBP site. The reason for lifting the cease and desist order is based on the understanding that they will comply with the same hours of operation and excavation as is permitted for the Westminster Business Park.

8:01 P.M. EXECUTIVE SESSION

Mr. Walker moved that the Board enter into executive session to discuss strategy with respect to collective bargaining; further that the Chair declares 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 8:50 p.m.

Respectfully submitted,

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