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Present: Wayne R. Walker, Heather M. Billings, and John F. Fairbanks

CALL TO ORDER

Mr. Walker 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 the Gardner News was audio recording.

APPROVAL OF WARRANTS/MINUTES

Mr. Fairbanks moved that the Board approve the minutes of December 2, 2013 as printed. The motion was seconded and passed unanimously.

Board members reviewed and approved the following warrants:

December 18, 2013	Deduction #37D	\$ 169,806.00
December 23, 2013	Accounts Payable #38	\$ 130,429.52
December 30, 2013	Payroll #39	\$ 175,211.14
January 2, 2014	Deduction #39D	\$ 155,143.22
January 6, 2014	Accounts Payable #41	\$ 112,296.36

PAYROLL AUTHORIZATION – DISPATCHER PERSONNEL

Mr. Fairbanks moved that based on the recommendations of the Personnel Board, the Board approve the Payroll Authorizations for several Civilian Dispatcher Personnel. The motion was seconded and passed unanimously.

PAYROLL AUTHORIZATION – TREASURER/COLLECTOR CLERK

Mr. Fairbanks moved that the Board authorize a temporary pay increase for the Treasurer/Collector Clerk through February 28, 2014. The motion was seconded and passed unanimously.

INTERIM FIRE CHIEF

Mr. Fairbanks moved that the Board approve the payroll authorization and appoint Captain Kevin Nivala as the Interim Fire Chief, Forest Warden and Emergency Management Director effective January 6, 2014. The motion was seconded and passed unanimously.

EXTEND ACCOUNTING SERVICES AGREEMENT

Mr. Walker explained that Town Administrator Karen Murphy has recommended that the Board extend the contract with Julie Costello for accounting services. Mrs. Murphy stated that Ms. Costello has been working out very well.

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Mr. Fairbanks moved that the Board extend the accounting services agreement with Julie Costello through March 31, 2014. The motion was seconded and passed unanimously.

LETTER OF SUPPORT – HISTORICAL COMMISSION GRANT APPLICATION

The Board passed over discussions about the letter of support for the Historical Commission grant application until their meeting on January 27, 2014.

FY2015 COLA

The Board agreed to wait until the Personnel Board has had a chance to review the inflation data and make recommendations on the FY15 cost of living for non-union employees.

POLICY REVIEW – Closing of Offices

The Board reviewed the current policy for un-benefited part-time employees (less than 20 hours). At present, un-benefited part-time employees do not get paid when the Town Hall is closed due to a snow day. Town Administrator Karen Murphy suggested that this policy change to allow un-benefited part-time employees who work a regular weekly schedule to be compensated.

Mr. Fairbanks moved that the Board approve this recommendation from Mrs. Murphy. He further moved that this would only happen if the part-time employee was previously scheduled to work that specific day. The motion was seconded and passed unanimously.

UNDERGROUND FUEL STORAGE ~ CUMBERLAND FARMS HEARING (continuation)

Mr. Walker reconvened the hearing from December 16, 2013, on the application submitted by Cumberland Farms, Inc., for a license to store 32,000 gallons of gasoline and 8,000 gallons of diesel fuel on land located at 68 Main Street.

He mentioned that in the interim the Board has received three letters regarding this proposal and will take them under advisement.

Paul Wilson, Project Manager for Cumberland Farms stated that they were done with their formal presentation at this time and would be happy to answer any questions the Board may have based on the presentation last month.

Mr. Walker invited input from the public.

John Connelly, an abutter, voiced concerns over safety due to location, smell, noise, decrease in his property value, and also noted that the location was too small for the project. He asked what has changed as this proposal has been turned down on two occasions by prior Boards of Selectmen?

Kevin Keena stated that in previous meetings the applicant indicated that tanker trucks would be unloading once a day.

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Mr. Wilson noted this would not be the case. Mr. Baird stated there would be two or a maximum of three deliveries per week which should bring in approximately 20,000 gallons per week.

Mr. Walker stated that the Board would consider the two, maximum of three tanks per week in their order of conditions should the license be granted.

Peter Normandin stated that he felt the expansion would do nothing for the traffic issue.

Kerry Koskinen stated he was very much opposed to the expansion due to traffic issues.

Donna Brownell asked if there were time constraints on the application. If there are none, she questioned why was the BOS in a hurry to make a decision on something that is being challenged in a court of law. (The ZBA and Planning Board decisions have been.) She does not believe there are any time constraints. She is against this project. She asked the Board to deny this project based on the facts presented. She asked hypothetically if a business had a fleet of twenty dump trucks would they be able to gas up there?

Mr. Wilson responded that it depends on what type of truck, they could if it is a simple landscaping truck or light duty. If it is a larger tractor trailer truck then no, they would not be able to fill up.

Mr. Walker asked what about a six or ten wheeler dump truck that is not a tractor but is essentially one piece? Mr. Baird stated that the flow rates are geared for small vehicles. He confirmed that a dump truck could be accommodated.

Mr. Walker asked if this license is renewable annually or is it renewable on some type of a term. Captain Nivala advised that the license goes with the land. Once the license is issued it is renewed annually through the Town Clerk's office.

Mr. Baird explained that there is only one pump (two hoses) that is diesel. The flow rate is about 10 gallons per minute which is basically what you get for a car.

Mr. Fairbanks asked Mrs. Brownell to explain her statement about the Town losing taxes. Mrs. Brownell stated that two businesses would be leaving. Mr. Walker said it was unfortunate that these businesses would have to relocate, and hoped they would remain in Town.

Mike Patsis, Owner of Town House Pizza, stated that at present the building is approximately 5,400 square feet and with the proposed plan the square footage would decrease to approximately 3,400 which in his opinion would reduce the taxes based on square footage. He also felt that the Town would have to provide more police and fire security for the business. Mr. Walker responded that he was not sure this gas station would require any additional security than what is presently in place. The Board would have to refer this question to the Police and Fire Chiefs.

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Regarding the tank double wall brine in between, Ms. Billings inquired as to what is on the outside of the secondary containment of the tank. Mr. Baird indicated this contains pea stone. He further confirmed that this area contains an alarm system. Mr. Baird stated that there are two wells outside the tanks. In the event of a failure, they can look at those wells to see if there is any product, and monitor accordingly. However, the likelihood of these tanks releasing gasoline into the environment is almost impossible, because as soon as the outside shell leaks, the brine which is potassium chloride, will flow out of the secondary containment and alarms will go off. If the primary tank is breached, the second alarm will go off (a liquid sensor).

Ms. Billings asked for an explanation of the types of inspection requirements for the storm water discharge off the backside of the property. Mr. Laider responded that storm captor is where the overflow accumulates. The sediment drops to the bottom and the oil floats to the top and the discharge point is below where the oil is so the clean water would flow out through the outlet pipe. Mr. Laider stated this is inspected about every six months and then based on the inspection, cleaned accordingly.

Mr. Fairbanks stated that in answer to the question what is different this time ~ one of the reasons the application had been turned down in the past was there would have been a third gas station on Main Street and there will only be two at the end of the day.

Mr. Walker confirmed that this project could possibly go forward without the gas station.

Mr. Fairbanks moved that the Board close the public hearing and agree to accept written public input no later than noon on Friday, January 10, 2014. He further moved that the continuation of this hearing would be on Monday, January 13, 2014. The motion was seconded and passed unanimously.

7:09 P.M. EXECUTIVE SESSION

Mr. Walker moved that the Board enter into executive session to discuss the reputation and character rather than professional competence of an individual; and that the Board adjourn directly from executive session. The motion was seconded and passed unanimously on a roll call vote.

ADJOURNMENT

The Board adjourned from executive session at 7:25 p.m.

Respectfully submitted,

John F. Fairbanks, Clerk
(Prepared by B. Kazan)