

Board of Selectmen Meeting  
Minutes

Date: February 12, 2014

Members Present: Janet Flinkstrom, Mike McCallum and Steve Ingerson

Time: 7:10 p.m.

Request to approve minutes of June 19, 2013 as recorded. – Tabled and minutes will be posted as unapproved.

Request to approve January 29<sup>th</sup> minutes:

SI questioned statements made in minutes involving Lillian Whitney where she stated that there was 1 million dollars in landfill accounts when she was Treasurer. He stated she never made that statement. She also denied making the statement. JF disputed this saying she had watched the video of the meeting twice and that Lillian Whitney indeed did state 1 million dollars as the amount. MM said he watched the meeting also and agreed that this was a correct statement. No further discussion.

2) Motion to approve minutes of January 29, 2014 recorded.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan

3) Warrant #W31P approve and sign Payroll Warrant in the amount of \$46,061.58 subject to further review.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan  
MM Abstains from  
Line with Jean Lindquist

4) Warrant #W32B approve and sign Vendor Warrant in the amount of \$785,434.36 subject to further review.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan

MM stated the reason for the large amount of this vendor warrant was the school quarterly payment and school busing.

Selectmen Briefing on Ashby Village Public Water Feasibility Study (Alan Pease):

The Town applied and received a DLT A grant from MRPC to fund this study. MRPC pays for \$5,000 and the Town pays for \$5,000. Shortly after the grant the issue of the Town Common well came up so the study was focused on water. Slide presentation by Bill Nunnery, Representative of Weston & Sampson. The problem and the reason the Town became involved in the study is that DEP now regulates small transient community systems as full blown public

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water supplies. When the well was tested the agency would not allow the well to be accessed by the public.

The agency now requires that all repairs and new wells must conform to their current rules and regulations. The core area is 11 acres and extended area is 68 additional acres.

MM question: Does the report take into account the zoning regulations?

Answer: Yes it does for residential.

Rep. went over the existing well supplies: School, Grange, Library, DLR Realty, and Ashby Market. The gallon amount is restricted by DEP depending on Zone 1. Even though the school well tested out at over 50 gallons per minute DEP will only allow 6.9 gallons per minute. The school well is in Zone 1 and DEP will not allow extended use due to the Zone 1.

SI asked if the rep was aware of the problems with contamination at the gas station and the plume that went up behind the school all the way to New Ipswich.

BN stated he was not.

MM suggested SI contact Cedwyn Morgan on the Board of Health as he is very involved in that whole situation and the process the station had to go through for that.

Fitchburg is wholesaling water to abutting towns and is still interested in doing this.

He explained Zone 1 restrictions and what DEP required and what was not allowed.

DEP will not allow the school well use to be extended.

The Grange well has no Zone 1.

Estimates of costs for the wells and maintenance were discussed.

There are no records on the Grange Hall well so they are unable to see where the fractures are in the well.

The Core area is 5gpm and the extended area is 18gpm.

Costs for fire protection for these wells are considerably higher.

Possible means of funding was discussed for these projects.

SI Question: Do the project figures include chlorination and labor costs?

Answer: Yes

Monitoring and on-call services are also factored into the cost.

SI Question: Was building a deep well for the Grange and Legion looked at?

Answer: There is no land available to do this.

Rep stated that this is only a "planning report" so the Town has information to make a decision on what they would like to do.

Discussion re: Landfill Closure, Landfill Closure Escrow Account and Purchase of Lyman Fields:

MM asked to have this discussion put on the agenda. Two weeks ago SI brought up the Landfill Closure from 14 years ago and land purchased. Two weeks ago MM was not expecting this so he did not have documentation with him.

He started with a slide presentation of documents. He read minutes of the last Selectmen's meeting in regards to accusations made by SI to MM and JF. Money was transferred from the Landfill Account to purchase land to expand the Glenwood Cemetery and preserve Open Space. MM read SI's statement from the minutes: "That money was taken unlawfully by the way and I

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believe it was used to purchase land over here on South Road for the Conservation for the Ashby Land Trust which both you (pointing to Janet) and Michael". MM stated he interrupted SI and stated that the Town owned the land. And SI had said "I said both you and Michael headed the Land Trust.

MM wanted to correct the record.

He read the Consent Order from DEP that stated the money could not be transferred without prior consent of the DEP.

MM showed the letter requesting DEP's permission to transfer the money as well as the letter back from DEP authorizing the Town to transfer the money out of the Landfill Escrow Account to be used to purchase the land on South Road.

He also read and showed documentation to backup that the Lyman Fields were acquired according to proper means and met all legal regulations.

MM stated the second part of SI's accusations were that the land was purchased for the Ashby Land Trust. MM showed the certified Town Meeting unanimous vote that authorized the land to be purchased by the Town.

SI asked isn't this the warrant article for purchasing the land on West Road?

MM answered: No and read the warrant article on the certified unanimous vote which states the land on South Road and makes no mention of the Ashby Land Trust.

MM also showed the deed of land from the Katers to the Town of Ashby.

SI apologized to MM for the accusations.

MM also said to SI that SI incorrectly stated Mike and Janet were the Heads of the Land Trust. MM says he was not on the Land Trust Board of Directors until 2007 which is not during the period of time that he was accusing him of. JF stated that she was.

SI says he has something from the Secretary of State's office that says Mike was on the Land Trust Board of Directors but could not produce the document.

SI asked MM where the money has gone that was suppose to be in the account and is now missing.

MM gave the history of the capping of the landfill. The Town was given a consent order to cap the landfill at a cost of about one million dollars. The Town did not have the money so the Selectmen came up with the idea of selling the space at the landfill to raise money to pay for the capping. MM read a letter regarding the Glenwood Cemetery needing to expand that they would be out of space in twenty years and the money that would come in from selling plots in the expanded area was more than double what we would pay for the land.

SI states he has asked the Town Accountant for all the information regarding this issue and to date has received nothing. MM asked when SI requested the information. SI replied Monday. MM stated so you asked for it two days ago. MM tried to explain that there is money still available except for some money which probably could have been spent on perhaps flares at the landfill.

MM asked LW if she understood all of the documentation and that the Town received permission from DEP to use that money. She came to the microphone.

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She gave her own presentation on what she understood the situation to be along with a piece of paper showing the Landfill balance as of June 30, 1999 that she reported as Treasurer in the Annual Report.

MM and SI discussed the figures.

MM explained to Lillian and SI that he had a letter to Mary Krapf (Board of Health) from a consulting agency a year after June 30, 1999 stating all the work that still had to be done due to change items. Paul Bergquist, Town Engineer confirmed the amount of money needed to complete project.

MM asked SI what he thought happened to the money.

JF asked SI if this is why he accused both she and MM of stealing money and being corrupt.

SI said what bothers him is that there are no agreements between the Town and the Ashby Land Trust. JF stated the Land Trust is a private non-profit organization.

MM explained why there are no agreements between the Town and the Land Trust.

Most of the work is done with private land owners.

SI stated he is looking for deeds. JF and MM stated there are no deeds for this.

MM stated you will notice the deed he presented is to the Town. Ashby Land trust is no where on the deed.

SI thanked MM for his information and stated he "will sleep better tonight".

Jeanne Lindquist VP of Ashby Land Trust and founding member explained exactly what the Ashby Land Trust Mission is and the reason the Kater family decided to sell the Town the land which is now Lyman Fields. She explained what a Conservation Restriction is and what it does for the private landowners.

SI thanked Jeanie for her explanation and asked MM to please accept his apology for anything that he said that was wrong.

Janet Flinkstrom asked for and received a personal apology from SI and she suggested to him that he be careful who gives him information and to investigate further before making accusations.

SI is concerned about the audit that was done in 2010. Some of these concerns are in the documents that the BOS are being asked to sign tonight. He read excerpts from a newspaper article concerning audit procedures that he felt were in question. He is questioning the ability of this group to do the records of the Town.

He wants to begin with a complaint. SI read Finance Committee meeting minutes from 2010 concerning a discussion between 2 Finance Committee Members: Martha Svedberg and Lillian Whitney and then Town Accountant Nancy Haines. SI states a complaint was filed. After questioning by MM, it is admitted that there was not a complaint filed by the Finance Committee. It does not state that anywhere in the Finance Committee meeting minutes nor was the filed complaint produced. JF asked how does SI know there was a complaint filed if he does not have the complaint. SI responded it was reported in the newspaper. The Sentinel reporter was present and was asked if she remembered that a complaint was filed back when the Audit article was printed in the paper. She could not remember.

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JF felt SI has had plenty of time to present documentation to do with his issues of the engagement letter and has not done this. JF stated that he has had a month to gather this information now. SI states he cannot get down to Town Hall when the Town Administrator is present to help him obtain the information he needs. JF spoke on a letter from the auditors in which they made suggestions on things that needed to be corrected however they were not violations.

JF said that Melanson does a thorough job of reporting what needs correcting and makes recommendations on how to correct.

MM states that when Melanson was here two weeks ago she stated that things run very well in Ashby. Much better than some of their other clients.

SI states he does not have enough documentation to hire them.

5) Motion to approve and have Chairman's Signature on FY14 Audit Engagement Letter.

Motion: Mike McCallum

Seconded: Janet Flinkstrom

Vote: MM - Aye  
JF - Aye  
SI - Nay

Lillian Whitney asked if sealed bids were done for the audit. MM states they follow Chapter 30B and the audit is not over \$25,000.

Lillian Whitney stated that the procurement for the fire truck was not done properly and this is why we lost the fire truck making reference to the procurement of the auditors. MM explained what the audit costs. MM mentioned to her that we were not here to talk about the fire truck. JF mentioned that none of the current members of the Board were on the Board of Selectmen at the time of the fire truck.

Request for Signatures on CDBG Subordination Agreement (Beth Ann Scheid): Tax Collector explained what this was about. SI asked if the town was liable for any of this. She further explained this and answered that there is no risk to the Town.

6) Motion to approve and sign on Subordination Agreement for FY03 Housing Rehab Program Participant. Notarized by Bob Hanson/

Motion: Mike McCallum

Seconded: Steve Ingerson

Vote: Unan

Request for Selectmen's Appointment of Bruce Wahler to the 250<sup>th</sup> Start-up Celebration Committee:

LW reported she had a call from Mr. Wahler today and he would like to withhold the appointment for the time being. Item was tabled.

7) Motion for Selectmen to close the 3/15/2014 STM warrant and review articles.

Motion: Mike McCallum

Seconded: Steve Ingerson

Vote: Unan

Any Other Business Not Reasonably Anticipated by the Chairman: None

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Assistant to the Board of Selectmen's Report.

Read by MM and available on Ashby's website

Articles on School Project will be on the Special Town Meeting warrant and if they pass will be voted as part of the Annual Town Election ballot in April. The school project requires a Prop 2 ½ Override Vote. Referendum Vote must be made after the STM. Town Administrator was present and explained these articles.

Public Comments (if any):

- 8) Motion to enter into Executive Session for the purpose of discussing strategy with respect to Collective Bargaining at 9:35 p.m. and will reconvene in Open Session.

Motion: Mike McCallum

Seconded: Steve Ingerson

Vote: - JF - Aye  
MM - Aye  
SI - Aye

Return to Open Session at 10:17 p.m.

- 9) Motion to adjourn at 10:18 p.m.

Motion: Mike McCallum

Seconded: Steve Ingerson

Vote: Unan

Signed by: \_\_\_\_\_

Dates Minutes Approved by Board of Selectmen: \_\_\_\_\_