

Board of Selectmen Meeting  
Minutes

Date: November 7, 2012

Time: 7:07 p.m.

Members present: Peter McMurray, Dan Meunier and Mike McCallum

2) Motion to approve minutes of September 26, 2012 as recorded.

Motion: Mike McCallum                      Seconded: Dan Meunier                      Vote: MM/DM – Aye  
PM - Abstain

3) Motion to approve minutes of October 24, 2012 as recorded.

Motion: Mike McCallum                      Seconded: Peter McMurray                      Vote: MM/PM - Aye  
DM – Abstain

4) Warrant #W17P approve and sign Payroll Warrant in the amount of \$52,235.06, subject to further review.

Motion: Dan Meunier                      Seconded: Peter McMurray                      Vote: Unan

5) Warrant #W18B approve and sign Vendor Warrant in the amount of \$52,698.40, subject to further review.(Mike McCallum to abstain from 1 line J. Lindquist)

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

6) Warrant #W18B-1 approve and sign Vendor Warrant in the amount of \$51,028.95, subject to further review.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

7) Motion to open hearing for license application for property located at 603 Fitchburg State Road (Madigan's) at 7:15 p.m.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

License application hearing pursuant to MGL Chapter 148 Section 13, for Flammable and Combustible Liquids for property located at 603 Fitchburg State Road:

Attorney Peter Campobasso representing potential buyers of property.

Zach and Julie Taylor – Potential Buyers.

Trucks have to be licensed to store flammable liquid. The company wishing to purchase the property currently has 28 tractor trailers. There are 2 parts to the license. This will allow the owners to expand up to 40 trucks. Business operates in 2 shifts. The drivers will go to their destinations and then return to the site with empty trucks. Typical operation will be between 4:00-5:00 a.m. and return approximately 4:00 to 5:00 p.m. Second shift will start around 3:00 and return around 12:00a.m. Trucks have to be registered through the State and State Fire Marshall. Repairs will be done on site. 1 10,000 gallon tank for diesel to fuel the trucks will be enclosed.

Board of Selectmen Minutes  
November 7, 2012

Question: Dan Meunier asked about 24 hour operation of facility and the by-laws associated to this. Feels they are applying for something larger than the by-law allows.

Answer: Peter CampaBasso: Under state fire code they are allowed to expand operation.

Question: Peter McMurray: Concerned about 24 hour operation and its effect on the residents in the area. Asked if they are planning to expand the back parking lot.

Answer: Parking will be in the back of parking lot. The owners will not expand into the residential section of the land.

Question: What is the zoning in the present location in Lunenburg.

Answer: Commercial

Mr. Campobasso states they will be asking to amend the maps.

Question: How many employees.

Answer: 44

Questions: What is the capacity of the septic system.

Answer: Not available at this time

Question: Why do you want to relocate your business?

Answer: They are in need of room for expansion.

Comment: Citizen is concerned about noise, pollution, fuel spills.

Owners are looking for a place to store their empty trucks.

Question: Has there ever been a fuel spill as long as you have been in business.

Answer: No

Question: Are there any specific hours of operation.

Answer: Selectmen have the authority to put restrictions on the hours.

Alan Pease: Concerned about fire hazard and flammable materials on the premises.

Answer: The site will be licensed to have a storage facility for trucks and authorize the company to keep his trucks parked on the premises overnight. This is what the permit is for not for the storage of flammable materials.

Citizen concerned about homes in area and what types of protection you will have for them in regards to fire or fuel spills.

Mike McCallum states there is 2 parts to this. He understands the license has nothing to do with the trucks but with the storage. Second part concerns the nuisance issue. He would like to have conditions on the permit, one of which would be in regards to the land being sold to someone else.

License is not transferable with the land must be a separate license.

Peter McMurray is concerned about the neighbors and the noise and wants conditions put on the license

Comment from neighbor "he doesn't feel this will do anything to increase the value of his home and instead will lower the value."

Owner is willing to make adjustments to the property to cut down on potential noise.

Mike McCallum suggested that 4 or 5 trucks be brought up so noise levels could be evaluated.

Hearing will be continued to allow time for meeting to be held with parties to work on conditions and restrictions. A work session will be scheduled as soon as possible so as not to hold up the purchase of the property. Arrangements will be made to bring trucks up to the site so neighbors can hear noise level on Sunday.

8) Motion to continue hearing until Thursday November 15<sup>th</sup> at 7:00 p.m.

Motion: Dan Meunier

Seconded: Mike McCallum

Vote: Unan

Board of Selectmen Minutes  
November 7, 2012

9) Motion to open Tax Classification Hearing at 8:25 p.m. (Harald Scheid).

Motion: Mike McCallum                      Seconded: Dan Meunier                      Vote: Unan

10) Motion to close Tax Classification Hearing at 8:29 p.m.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

11) Motion to adopt a single tax rate for the Town of Ashby for fiscal year 2013.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

Update on Town Common Well (Mike Bussell):

Peter McMurray thanked Mike Bussell for all his work on this project.

Public has been notified by a posting at both sites as to the condition of the water in the wells and that there is no risk to the public in using the water. This has been tested by DEP and no further action needs to be taken on the Town's part. DEP would like an update on what upgrades will be made within 45 days. Concerns brought up as to how to proceed with funding for this project.

12) Motion made to draft Letter of Intention to DEP and to sign out of session.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

13) Motion to designate Alan Pease as Board of Selectmen Representative for the Department of Public Utilities Hearing concerning Ashby's Municipal Aggregation Plan and to read the prepared statement at the hearing.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

14) Motion for Selectmen to allow Unutil to intervene in the DPU Hearing.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

15) Motion to approve and sign on request for Reserve Fund Transfer #13-03 in the amount of \$10,000 to Veterans' Benefit Expense (Joe Mazzola).

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

Selectmen discuss Dispatcher's unanimous decision to be represented by the Teamsters Union Local 170.

Is this a separate contract from the Highway Dept? This is being looked into; Peter has asked Labor Counsel.

16) Motion to approve and sign on Notice of Voluntary Recognition of Teamsters Union Local 170 as the bargaining agent for the Police and Fire Signal Operators.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

Board of Selectmen Minutes  
November 7, 2012

17) Motion to designate Chairman McMurray as Selectmen Representative for voting a new Municipal Representative for NMRSD Collective Bargaining activities.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

18) Motion to approve and sign on Subordination of Mortgage for CDBG Housing Rehab Grant Recipient (MRPC). Will be signed out of session by Chairman McMurray due to not having a Notary present tonight.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

Selectmen's discussion of updated Funding BAN Models for school projects.

Plan a working session with the Finance Committee for the beginning of December to get better input into this. Date to be determined.

Any other business not reasonably anticipated by the Chairman:

Assistant to the Selectmen's Report.

Report read by Chairman McMurray

Public Comments (if any)

None

19) Motion to Adjourn at 9:12 p.m.

Motion: Dan Meunier                      Seconded: Mike McCallum                      Vote: Unan

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

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