

Board of Selectmen Meeting  
Minutes

Date: March 26, 2014

Members Present: Janet Flinkstrom, Mike McCallum and Steve Ingerson

Time: 7:06 p.m.

2) Motion to approve minutes of March 12, 2014 as recorded.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan

SI had issue with the minutes from March 15<sup>th</sup>. He was not going to vote because he thought it was a procurement violation. He voted under the assumption that what the Town Counsel stated was correct, that the procurement was properly done.

3) Motion to approve minutes of March 15, 2014 as amended.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan

4) Motion to approve minutes of March 21, 2014 as recorded

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: MM/JF - Aye  
SI was absent from 3/21/14 meeting

Lillian Whitney had questioned whether the 3/21 meeting was legal and wanted to apologize to MM concerning the posting of the March 21<sup>st</sup> meeting. She was told by the Chairman she could not speak. She continued to speak and was told by the Chairman she was “out of order”. LW continued to speak as she wanted to make a public apology to Mike that she made a mistake. The meeting was posted. She was very sorry and said it was “her mistake not yours”. Mike responded it was ok.

5) Warrant #W37P approve and sign Payroll Warrant in the amount of \$55,844.69 subject to further review.

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

6) Warrant #W38B approve and sign Vendor Warrant in the amount of \$86,005.36 subject to further review.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan  
MM Abstains from  
Line with David Durling

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7) Motion to appoint Paul Lasorsa as Waste Oil Coordinator, Employee-at-Will.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan  
JF thanked Mr. Lasorsa.

8) Motion to appoint Samantha Collyer as Accounting Clerk/Administrative Assistant to the Police Department, employee-at-Will with a one year probationary period.

Motion: Mike McCallum                      Seconded: Steve Ingerson                      Vote: Unan  
Police Chief Alden introduced Ms. Collyer to the Board.

Building Inspector Re-Appointment Discussion:

MM - there was quite a bit of comment made at the last Selectmen's meeting regarding this. MM was not in office when most of what was being discussed occurred so he did look up the records and has a presentation prepared of some slides, just to clear the air.

Sample was shown of a building permit that was issued in 2008 by Building Inspector, Tony Ammendolia, who is not our Building Inspector anymore. The permit was to build a garage. In the process of construction the Building Inspector makes various inspections. The Inspector found, MM believes after a framing inspection, that what was being built, in his opinion, appeared to be a house with a two car garage underneath. A sample was shown of the letter he then wrote to the Svedbergs because the building application was for a garage. He advised the Svedbergs of next steps to take to re-apply and Boards that must be contacted for building a house. The Inspector advised that they could appeal his decision to the ZBA within 30 days. The Svedbergs did appeal to the ZBA and the next slide was the ZBA decision which upheld the Building Inspector's decision.

MM produced forms and evidence showing this issue was then taken to Superior Court by the Svedbergs against the Town. The Svedbergs were issued a judgment to cease any and all construction and/or occupancy or use of this structure until proper permits are obtained. MM read the final judgment and the Court ruled that the Building Inspector and the ZBA were correct in this matter and that the Owners had to comply with the Town's orders.

Citizen rebutted this stating he new why he wanted the residents to stop building the garage. Citizen gave his name as Scott Berube. MM tried to explain to Scott that the Superior Court Judge upheld both the Building Inspector and ZBA's decision. LW stated "point of order" wanting to know what this has to do with the motion made. JF called Mr. Berube "out of order". Arguments ensued within the audience with the Chairman on several occasions having to stop the escalation of the arguing. MM stated he is not taking sides here; he is just reading the record.

Second issue that came up concerned the Hayes. MM explained and presented documents to back up this issue, complaints made by Hayes that their neighbor was engaged in a zoning violation. They called the Building Inspector who was Richard Hanks at the time. The Building Inspector responded to the Hayes' allegations that there was a zoning violation involving noise and repairing vehicles across the street. He responded with a letter (shown) which stated we do not have a noise zoning ordinance in Town, so he could not rule on that, and the Inspector wanted proof to support the other things but the Hayes refused to

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give the Building Inspector the recordings they made of their neighbors so he could not take any action.

The Hayes did not like the Building Inspector's response so they filed an appeal to the ZBA in 2009. The ZBA voted unanimously and their ruling was that the Building Inspector was not incorrect. MM says it is important to note that the Town did not initiate anything here; this was the Hayes coming in with a complaint and wanting the Town to initiate an action and the Building Inspector saying he cannot do anything because nothing is wrong here.

MM interrupted by Mr. Berube. A year later the Hayes complained again. MM cited a point of the law. Fred Stacy spoke that he was a member of the Zoning Board at the time of this issue which upheld the Building Inspector's decision. He stated the ZBA sat for an hour and a half looking at the Hayes' pictures of so-called violations and they did not find any violations. A second appeal was filed by the Hayes and it was denied by the ZBA because it had already been ruled on. MM read the ZBA minutes. More interruptions and confrontation by Mr. Berube. MM then read the agreed final judgment of the Superior Court that was in favor of the neighbors, the Racines, the Notice filed by the Hayes was annulled and rescinded.

MM knows the Hayes moved to Virginia but we continue to hear from them.

Scott interrupted and stated that MM "misrepresented" this case and that SI has the "real" decisions. SI did have a document from the Hayes from two weeks ago that he was going to give it to the other two Selectmen but, it did not print right.

MM stated what he sees here is a Building Inspector who in the one case, enforced the zoning and was found to have done this correctly, and in the other case, refused to enforce what was not our zoning and was found to have done that correctly.

SI then spoke on the evidence he has obtained to prove what the real issues and decisions from the courts were as far as he was concerned. SI states "he doesn't know whether Mr. Naill doesn't know enough about his job or just hasn't had the proper training." Several confrontations by Fred Stacy and Mr. Berube. Again Mr. Berube had to be spoken to by the Chairman and told to refrain from interrupting. SI stated it has cost \$100,000 because of the Building Inspector decisions. Citizen repeated this figure and MM stated this was not true. Resident asked the amount of money incurred by the town in regards to both of these cases. JF gave figures to resident. The Town has spent \$4,217.50 in legal costs from Svedbergs suing the Town and \$15,535 because of the Hayes suing the Town.

MM explained again what happened and what the courts ruled. Scott stated the final judgment was that the Racines could not operate a garage. He invited Mr. Berube up to read the final judgment. He would not read it. He then invited a second citizen up Jim Lippincott to read the judgment of the court and he did come up and take the document from MM to read. ZBA Member stated they sat for many hours looking over pictures and yes repairs were going on but it was their own personal repairs and this was not a for profit operation.

Several audience members making comments. Shouting going on. JF warned Mr. Berube that if he continued to be disruptive she would ask him to leave the meeting. Scott Berube commented it is a use of property not profit margin and then he left the meeting.

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Cedwyn Morgan, Board of Health Member stated he appreciated the cooperation of this Building Inspector and it is way better than prior Inspectors the Town has had. He has been very helpful to us. Audience members seconded this and said he is very helpful. Never have a problem with him. He always returns your calls and shows up when he says he is going to be there. He is the Building Inspector for Leominster and you are opposing him? Other residents made comments in favor of Mr. Niall and questioned SI motives. Conservation Commission Member Roberta Flashman stated we have had 2 very serious cases over by the Reservoir and he has been willing to put cease and desist orders.

9) Motion to appoint Peter Niall as Building Inspector for a one-year term from April 1, 2014 to March 31, 2015.

Motion: Mike McCallum

Seconded: Janet Flinkstrom

Vote: JF/MM - Aye  
SI/Nay

Discussion regarding Town Common well:

Documents were read in regards to the article in the Fitchburg Sentinel which gave misinformation. It was discussed what is being done about the current problem and that it is not to the degree that the Sentinel article contained. The well is tested every month and it is tested for bacteria and things per DEP. MM showed test reports going back a couple of years and there has never been any bacteria found. DEP does not consider it a danger. The Legion uses bottled water for drinks and making ice cubes. The Grange is closed.

Discussion regarding allegations made about the procurement of new highway truck: No discussion as it was already explained at the last Selectmen's meeting.

Discussion regarding structure of the Board:

MM said for about 20 years we have always had a Clerk, a Procurement Officer and a Chairman, on the Board of Selectmen because back then there was no Town Administrator. He suggested that the Procurement Officer duties should been given to a professional and the Town Administrator is a professional. The procurement officer has always been the Town Administrator for at least 20 years. In the past, both JF and MM were on the Board as "Procurement Officer" and they never did the actual procurement officer job, the Town Administrator handled it.

SI doesn't understand what "the BOS is trying to hide", we had a fire truck issue in the past and why they don't want a Board member to have another set of eyes looking at procurement. Resident asked about the fire truck issue and MM explained his knowledge of the facts. Mr. Maynard states he investigated the fire truck inside and out and the Bond looked like a "3<sup>rd</sup> grader achievement paper". He has seen a copy of the contract and he states it is a "joke" a fifth grader would have known it was no good. MM stated we had a Procurement Officer on the Board then and it did not serve us well. Mr. Maynard said we had a Town Administrator then. The Town Administrator signed the contract. JF asked who the Town Administrator was and MM said it did not matter, that person is no longer here. SI stated it was Linda Sanders. Maynard said he wants the Town Administrator's credentials for procurement verified. MM wanted to make a motion to restructure the Board to have a Clerk, Member and a Chairman and have the Town Administrator do the procurement. JF decided to put this off until the next meeting so they can verify the

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Town Administrator's credentials and if he is not currently certified to get him certified and MM withdrew the motion.

Any Other Business Not Reasonably Anticipated by the Chairman:

Lillian Whitney gave a talk on the 250<sup>th</sup> Committee Meeting and asked for 2 more volunteers to the committee. (Meeting agenda information attached)

Assistant to the Board of Selectmen's Report:

Report and Announcements read by MM.

SI states he was in contact with a Representative of Tennessee Pipeline Company and they stated they were not invited to this meeting to be held on Saturday and knew nothing about it. JF stated she talked to a Representative from the company last week and they did know about the meeting to be held.

Public Comments (if any): None

10) Motion to adjourn at 8:42 p.m.

Motion: Mike McCallum

Seconded: Steve Ingerson

Vote: Unan

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

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