

Board of Selectmen  
Minutes

Date: April 22, 2015

Members Present: Janet Flinkstrom and Mike McCallum

Time: 7:05 p.m.

Tyler Wolanin, District Director for Senator Anne Gobi, gave a short presentation as to office hours he is holding at Ashby Town Hall and he will be available for Town residents. He gave contact names and how to get hold of the office for information. JF asked about monies for new Police Station or any money at all that the State can give to help Ashby's budget.

2) Selectmen approve minutes of April 8, 2015 as recorded.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

3) Selectmen approve minutes of April 14, 2015 as recorded.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

4) Warrant #W41P approve and sign Payroll Warrant in the amount of \$53,285.30, subject to further review.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

5) Warrant #W42B approve and sign Payroll Warrant in the amount of \$141,575.48 subject to further review. (Quarterly payment to Monty Tech is reason for the large amount)

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

6) Selectmen appoint Samuel Laszlo as Broadcast Technician, Employee-at-Will.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

7) Selectmen appoint Michael Kinston as Broadcast Technician, Employee-at-Will.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

8) Selectmen approve the Town Clerk's appointment of Christina Ewald as Assistant Town Clerk and Chairman's signature on Certificate of Appointment.

Motion: Mike McCallum                      Seconded: Janet Flinkstrom                      Vote: Unan

Lillian Whitney asked why Barbara Faulkenham was not considered. MM and JF explained that Barbara is an Assistant for several departments and this is one job. Lillian also wanted to know what line item the money was being taken out of because she has not seen a line in the budget for this. LW asked if there was money in the budget for this and how are we paying for her benefits with this position. MM explained this is a part-time position. The Town Clerk has always had a part-time

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Assistant and there are no benefits for part timers. The Town Clerk's budget has always had a clerical line in it to pay for this position.

Discussion Re: Status & Possible Reconfiguration of the 250<sup>th</sup> Start-up Celebration Committee.

JF asked for a report from LW as to the progress of the committee. The Selectmen have not received any progress reports from them. Lillian states she has not been able to get a quorum to hold any meetings. JF said she had looked for the minutes and was unable to find them. Lillian Whitney accused the Friends of the 250<sup>th</sup> Committee of investing their money with the Historical Society and going to the Historical Society (she voted against this) and getting a tax exempt number from them. A resident spoke up and said he is on the Friends Committee and they have not done anything like that. LW said the Friends are holding their meetings at the restaurant and they should be public meetings. Friends Committee Representative said No, we are the Friends of the 250<sup>th</sup> Committee and we are not a public committee.

MM was not involved in putting this on the agenda but believes this is on the agenda because when there is a Town Committee that has tried several times to hold meetings and cannot get a quorum then we have a problem with that Committee. If we cannot get a quorum then we cannot accomplish anything and the anniversary is coming up. We need to dissolve the existing committee and reconstitute it in a different way so we hopefully get a quorum and can get some work done. JF suggested another way of reconfiguring the committee is including representatives from different organizations in town to be on the committee. Start up a new committee because the old one does not seem to be... LW interrupted and asked why form a new one; why not just add to the old one? JF said to form a new one with representatives from various town organizations like the churches etc. JF said hopefully the new committee will give progress reports. JF said she knew LW was appointed in 2012 and it is unfortunate that she can never get a quorum for a meeting. LW said several people resigned from the 250<sup>th</sup> Committee and went to the Friends Committee. MM suggested dissolving the present committee tonight and put out a request to various organizations to be appointed to the new committee; try to regroup and start it up again within the next few weeks. A date of May 20, 2015 was stated as a time limit for recruitment.

LW began to make several more accusations against the Friends Committee & Ashby Historical Society and MM said this is not related and we are talking about the 250<sup>th</sup> Committee. We are not talking about the Friends Committee, we are not talking about the Historical Society, and we are just talking about what to do about the 250<sup>th</sup> Committee to get it going. JF stated on this list 8 or 7 people were on the Committee and have resigned. LW stated they have gone to the Friends Committee. JF listed the only members left on the 250<sup>th</sup> Committee being Lillian Whitney, Martha Svedburg, Ken Hanson and Tom Sanford. LW said no there is a John somebody on the Committee.

9) Motion made to dissolve the present 250<sup>th</sup> Anniversary Committee and to bring it up on the May 20<sup>th</sup> agenda to reform the Committee.

Motion: Mike McCallum

Seconded: Janet Flinkstrom

Vote: Unan

Interested parties should contact Jennifer Collins, ex. 11 or Bob Hanson, ex. 25. Gave hours & when to contact them.

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LW asked if after the vote tonight if all those members are off? MM states the Committee is now dissolved. MM said they are welcomed to ask to come back on. For instance, Tom Sanford is with the Legion isn't he and the Legion might want to be involved?

LW states she feels this is a "slap in the face". JF assured her it was not.

LW requested to speak on what has been accomplished to this date.

Senior citizens are building bluebird houses for the anniversary.

She encouraged people to come forward to help with the committee.

Discussion re: Disposition of Whitney Road (Derek Saari):

Derek Saari said he is here for Gerry Brodmerkle and wants the Selectmen's support and hopefully a site walk up in this area. The situation has been relatively dormant for 27/28 years until recently. Began when Mr. Brodmerkle went down to the Police Department relative to a complaint in November, 2014 which was resolved in January, 2015 and led to some issues with abutters. This is regarding a court decision which is very confusing and feels we may need to visit this again. Derek Saari made a Public Records Request and thanks all of the Boards and Committees that provided additional information. MM asked for reason for this and an explanation of what this was about. Normally, the Board of Selectmen doesn't have anything to do with neighbor disputes and roads.

DS stated that in 1986, the then BOS, held a hearing for abandoning maintenance of a portion of Whitney Rd. Several roads were part of this but, it was never followed through with this particular road. This has never been brought before a Town Meeting. They said they were no longer going to maintain a portion of Whitney Road. When it went to Court in 1988 it was determined that it was a private way. Mr. Brodmerkle of Whitney Rd. has been plowing the road and feels the Town should be plowing the entire road. MM said the maintaining of private roads like Telephone Road, Deer Bay Road etc. went to Town Meeting vote. MM stated that they could talk to Bob Hanson and see about getting an article on the warrant to have the Town maintain the road. MM said it is too late for this Town Meeting but, it could be on the next Annual Town Meeting or Special Town Meeting.

Mr. Brodmerkle is the one who took it to court and spoke on some of the history of this being ruled a private road by the court which allowed him to have an easement to get power to his building lot. A map was shown to the Selectmen showing where the house and part of the road is in question.

A neighbor is complaining that Mr. Brodmerkle is trespassing on her property when he plows the snow. MM asked Mr. Brodmerkle if he would allow the Town to plow the snow on his property and he states he doesn't have a problem with that at all. The BOS told the landowner that they had no jurisdiction over the matter.

There was much discussion on this issue but the BOS can do nothing as it is not a Town issue. MM stated is not up to us to go to the court and say they made a mistake. It is up to Gerry. The Court made their ruling which may or may not have been correct but, the judge ruled this a private way. MM suggested to Gerry to push the snow onto his property instead. Gerry states he is pushing the snow in the same place the Town does; on the abutter's property. MM suggested if the neighbors are irritated with Gerry and not the Town then this issue may go away; all Gerry has to do is not put it on the neighbor's property. MM states he is just trying to be helpful.

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MM stated this can go to a vote at Town Meeting or you can resolve the legal confusion. None of this is up to this Board. MM asked if any Town in the last 50 years has laid out a road? Towns are not in the business of doing this. Costs associated with laying out a road; \$25k or \$30k who knows? Developers do this and then all the steps are taken to make sure it was done properly before Town Meeting votes to accept the road. MM states he has not read any of the documents regarding this but all he knows is the Selectmen cannot do anything about this. Derek Saari is going to pull the minutes of the Selectmen meeting for 1986 to see what was stated.

MM stated again that this was a ruling by the Court. The court ruled in Gerry's favor to give him an easement so he could build since the Town pulled his building permit because he did not have the frontage and could not get power to his lot. The court gave him the right to have the poles put in by granting him an easement. So Gerry accepted the maintenance of the road for 30 years until the abutter had an issue. Unfortunately, if you cannot solve this problem amicably with abutter then you will have to spend money to sort it out. Or maybe Town Meeting will vote to plow another 350 feet? MM advised Derek that before he go to Town Meeting he get Bill Davis up there to state where he would need to go to turnaround etc. so Derek has the correct footage needed. Derek asked Mike if he recalled when the other Town Meeting vote was taken for the other roads? MM guessed late 80s early 90s. MM told Derek the warrant articles are in every Town Report so he could look it up. MM/JF advised Derek and Gerry that the Planning Board is meeting tonight if they want to go down there now they may still be meeting.

Any Other Business Not Reasonably Anticipated by the Chairman:  
None

Assistant to the Board of Selectmen's Report: Read by MM

Public Comments (If Any) Read by MM

LW asked about a Pre-Town Meeting. Selectmen stated there was not going to be one.

10) Motion to Adjourn at 8:43 p.m.

Motion: Mike McCallum

Seconded: Janet Flinkstrom

Vote: Unan

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

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