

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, FEBRUARY 14, 2011 - 7:00 P.M.
2ND Floor Town Hall Auditorium**

Present: Elizabeth R. Hunt, Vice-Chairwoman
Robert L. Zbikowski
Keith R. Barrows
Robert O'Keefe

James M. Kreidler, Jr., Town Manager
Linda Daigle, Executive Assistant

Absent: C. Jackson Blair, Chairman

List of Documents Presented at Meeting:

- Board of Health Reports (filed)
 - Peace Pagoda 10th Annual Spring Walk permit application and flyer (filed)
 - Draft BOS Policies and Procedures (filed)
 - Report of the Town Manager (attached)
 - o Letter of Commendation – Officer James Spofford (filed)
 - o Letter of Commendation – Officer Richard E. Oinonen, Jr. (filed)
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Vice-Chairwoman Hunt, acting as the Chair this evening, called the meeting to order at 7:06 p.m. with the Pledge of Allegiance to the Flag of the United States. This meeting aired live on local cable access channel 8.

Announcements: None

Selectmen's Comments: Massachusetts Municipal Association Annual Meeting and Trade Show
Comments: Hunt asked those that attended the event in Boston recently to share their thoughts and information on the show. Zbikowski stated he attended three workshops; the State and Local Economic Budget Outlook, the Budget Basics for Cities and Towns and the Study and Development of Wind/Solar Projects. He said they were an hour and a half long and he had to struggle to pay attention. The workshops were information but not very exciting. He was disappointed you could only attend three workshops. He felt the banquet and business meeting weren't productive and wouldn't attend next year to save the town some money. The trade show was interesting but with over 184 exhibitors, it was overwhelming. He expected more out of it than what he got.

O'Keefe commented he wished there were more than three breakup sessions. He felt it's a great idea with a lot of good things about it. His only negative comment was that you could only attend three sessions. One of the sessions he attended dealt with finding consensus to create things like your Master Plan. Being our Master Plan is over ten years old; he found it to be very useful. The instructors were excellent and their plan on consensus building was very useful. The trade show had a lot of vendors so he tried to see what would be useful to him first.

Kreidler stated this was his 21st MMA show. He feels three sessions are enough because they are meant to be intensive. He agreed they can be boring but it's geared for that. He knows what to expect and is prepared. The evening meals are of value to him because you get to sit around a table with other public officials that you wouldn't normally get a chance to do. He has lively discussions that are interesting to him. The other benefit, at night after the dinner, people loosen the tie and relax and meet down in the lobby. You can learn an awful lot in an informal atmosphere, Kreidler said. It was in one of those rooms a few years ago he learned about the solar carve out.

Appointments/Resignations: Winchendon's 250th Anniversary Committee Appointment – Don O'Neil was present on his letter of interest to serve on this committee. Barrows moved to appoint Don O'Neil to the Committee; Zbikowski seconded. O'Keefe stated he lived with Mr. O'Neil and would abstain from the discussion and the vote. Barrows told the audience that Mr. O'Neil came highly recommended by the 250th Anniversary Committee. By roll call vote of Barrows aye, Zbikowski aye and Hunt aye, the motion carried.

Permit/License Applications, Hearings:

Solicitation Permit (Amendment) – Christina Apgar, of Edward Jones, came before the Board again this evening looking to amend her permit granted at the Board meeting of January 10, 2011. O'Keefe recused himself and left the table due to his stated conflict of interest at the last meeting. Ms. Apgar presented to the Board a Background Investigation Report that Edward Jones initiated to help facilitate her permit requirement. Barrows moved to amend the permit requirements by striking the CORI check, not for the reason she couldn't pass the CORI check but in the interest of allowing her to conduct her business given the fact that we do have copies of the Bond as well as the signed letter from the City of Keene in New Hampshire authorizing her to conduct the same type of activity. Zbikowski seconded. By roll call vote of Barrows aye, Zbikowski aye and Hunt aye, the motion carried. O'Keefe returned to his seat at the table.

Bike Run Permit – MWCC Multi Sport Team Spring Sprint: Ms. Nancy Williams, Director of MWCC Fitness & Wellness Center, was present on behalf of the application. Hunt mentioned the Triathlon will be held on May 22, 2011 with the bike segment being held on Winchendon roads. Ms. Williams spoke of the Police detail she is arranging with Lt. Walsh. Her goal is to have as much safety presence as they can and will have thirty volunteers. Zbikowski asked how many bikes was expected. Ms. Williams said they are going to close registration at 500 wanting to do it well before they do it big and hope to have it annually. There is no rain date. Registration will be online and she is waiting for approval from the Board. Zbikowski had concerns with the bike route and safety issues. Williams said all the events are sanctioned by USATF Triathlon. They have stringent guidelines and explained the safety precautions that will be taken. The funds received will go back into the Multi Sport Team which is a non-profit group to allow for their training programs and help with the expenses of the race. Barrows moved for the applicant; O'Keefe seconded. By roll call vote of all aye, the motion carried by unanimous vote.

Joint Meeting With The Board of Health: The Joint meeting of the Board of Selectmen and the Board of Health convened at 7:35 p.m. The Board of Health members present were Lionel Cloutier, John Shepardson and Bob Mable. Guy Corbosiero came before the Boards with his interest to be appointed to the Board of Health. Mr. Corbosiero told the Board we have an issue with the newly released Town Charter where a reference to the Board of Health should have

been eliminated from a certain section per Town Meeting vote but wasn't. The section states that an individual cannot serve on both an elected board and an appointed board at the same time. Corbosiero told the Board that Senator Brewer's office was looking into it to see if the will of the Town Meeting will be followed or if something else has to be done. He said he was here tonight to seek a tentative appointment while it was being worked out and, if necessary, decide which Board he would serve on, the Planning Board or the Board of Health. Kreidler explained the will of the people expressed that section be deleted; however, those words were not deleted when the legislature put out the final document. It needs to be fixed possibly at Town meeting or through the legislature undoing that piece through Senator Brewer's office. If it can be resolved simply, we don't have to reconvene the joint meeting. He could be appointed tonight but not sworn in until the legal issue is resolved. At Hunt's request, Kreidler offered to draft an article as a placeholder in case it is needed. The Board of Health Chairman, Lionel Cloutier stated he had no problem and would like to have him as a member of the Board and feels he will be a constructive addition to the Board. O'Keefe motioned that this Joint Committee approve Corbosiero as the new member of the Board of Health; Cloutier seconded. Barrows explained the appointment would run through the next election cycle which is three months away. In the event the issue did not resolve itself, he could run for the election in May. He could then run but might still have to make a decision to pick one board or the other. Corbosiero said he has taken out papers for this seat for the May election. Zbikowski said he is going to abstain stating he isn't comfortable with not being in conformance with the Charter. By roll call vote of Shepardson aye, Cloutier aye, Mable aye, Zbikowski abstain, Barrows aye, O'Keefe aye and Hunt aye, the motion carried by majority vote.

Zbikowski asked if we have an updated Charter. Kreidler said it was just this past January that the legislature approved the revisions and an electronic copy was received and notification was sent to the Board. He said an electronic copy would be put on the Town's website.

Board of Health Update: Barrows thanked the Board of Health for coming out and joining them this evening. He explained there was no set agenda; he was not looking for any specific information and just wanted to touch base and catch up on issues the Board was working and see if there were any challenges the Selectmen could help them out with. Chairman Cloutier passed out information to the Board on current and past issues the Board has worked on. Mable commended Mr. Abare, the Board of Health Inspector, for the good job he was doing. Shepardson said Steve too. O'Keefe asked about the vacancy issue learning they are still short one member. Hunt stated she wanted to take the information just passed out home to digest it. O'Keefe stated he liked the last sheet passed out which shows what the Board of Health does. He stated, besides septic systems, the report shows restaurant inspections, household inspections, trash complaints, etc. Cloutier mentioned they had a H1N1 clinic recently and commended the nursing staff at the school for their help. Cloutier told the Board the main thing they were working on is bringing up to date septic systems on Maple and Glenallen Streets and said he could use help in getting people to respond to their request to look at their septic systems. Hunt asked if the August 31, 1981 report given to them is resolved issues or are there still concerns. Cloutier said the updates are listed on the other spreadsheet passed out. Barrows said a lot of information has been given to us and thanked the Board of Health for all the issues that have been resolved. Hunt also thanked the Board of Health for coming this evening and adjourned the joint meeting at 7:59 p.m. A five minute recess was called.

The meeting reconvened at 8:09 p.m.

New Business: Beth Ingham, representing “New England Peace Pagoda” came before the Board this evening with a last minute request to have a Peace Walk called “Walk for a New Spring” through Winchendon on Thursday this week. Ms. Ingham explained the walk that was initiated ten years ago after 911 by a group of Buddhist Monks and nuns and laypeople that live in Leverett, Massachusetts at a place called the Peace Pagoda. The intention is to call forth the best nature of all human beings to end war. She apologized for coming in late notice but she had just got word from Franklin Pierce University that students want to walk. They will be coming from the University and will be ending at The Winchendon School for a dinner and a talk. Also she heard some of the faculty and students at The Winchendon School would also like to walk so there will be more people than ten people. She mentioned safety precautions will be taken utilizing flags and banners and that she expected around sixty walkers. She asked if the group could walk all the way down Forristall Road leaving out North Central because it was rutty and muddy. She expected the group to leave Franklin Pierce University around 3:00 p.m. estimating coming through Winchendon later in the day, not during school hours and they would be using sidewalks where available. O’Keefe questioned the kind of permit being requested; Kreidler replied a Parade/Demonstration Permit. O’Keefe motioned to approve the application; Zbikowski seconded. Barrows asked if the maker of the motion would amend his motion to approve the revised route going down Forristall Road to Elmwood to Central to Ash ending at the Winchendon School. O’Keefe revised his motion to approve the application allowing a different route if needed; Zbikowski seconded the revised motion. By roll call vote of all aye, the motion passed by majority vote. A fee was not charged.

Old Business: n/a

BOS Policies and Procedures: O’Keefe asked if anyone had any questions or concerns about the amended policies that were presented at the last meeting. Discussion surrounded around the deadline for the packets to be ready for the Selectmen. Hunt felt that getting her packet on Friday didn’t give the Board enough time to ask questions, especially if the answers were to come from Town Hall which was closed on Fridays. After further discussion, the Board agreed to give it a trial period and amend the policy to have the agenda packets, including the Town Manager’s report, ready for the Selectmen on Wednesday noon time. Any business that comes after that deadline could possibly be put on the agenda under “New Business.” Barrows suggested we pilot this policy and revisit it in a couple months. The Board can review and amend a policy at any time.

O’Keefe listed below, for clarity, the changes to the draft policies:

- On top of Page 9 strike the words two business days and replace them with the word Wednesday.
- Strike the entire last sentence of the first paragraph regarding the Town Manager emailing his report on Fridays by 5:00 p.m.
- Third paragraph down change Thursday to Wednesday referencing the agenda being made available to the public and press.

O’Keefe also pointed out that the Executive Assistant made the Board aware that Policy #400-22 Appointments, on Page 10, was not the most current. He suggested they strike 400-22 existing in the draft policy and leave the existing policy as is for now and possibly amend it in the future. Zbikowski stated he didn’t see too much of a difference and was OK with that.

Hunt suggested we add to policy #400-23 at the bottom of Page 10 in the sentence regarding discharging committees, after the period, the words “or discretion of the Board.”

Kreidler mentioned he had one comment to offer on the stand alone page to the new policy regarding Communications between Board of Selectmen and Staff wishing to make it clearer. He suggested a period after the word member on the second line and then deleting the next two words “and then” and start a new sentence with the words “To accommodate such need,” in front of the remainder of the sentence. O’Keefe and Zbikowski agreed it did not change the intent of the policy and helped prevent confusion. The office staff will see where this new policy will fit into the amended policies.

Daigle then offered another policy that was implemented in 2009 but not incorporated into the document yet. This policy was the “Open Space Preservation Appraisal and/or Survey Fund Policy. It will be added.

The Board mentioned that each October the policies should be reviewed.

O’Keefe motioned to approve the Selectmen’s Policies as amended; Barrows seconded. By roll call vote of all aye, the amended policies were approved.

Boards/Committees Tool Update

It was agreed for the next meeting the pages that were completed would be printed out for the Board.

Questions By The Public And Board To The Town Manager: See below.

Public Comments: No comments came forward from the public. Hunt asked the Town Manager about the FY09 private audit report. Kreidler replied that we will see soon, in draft form, the Fiscal Year 2010 report which will include what happened this past year and how the issues and concerns were addressed in the 2009 report. Kreidler defined and explained the management audit saying they take a look at our financial controls, how we operate our business, what our control functions are, how we handle cash, how the books are kept, etc. Basically, he said, it’s the financial report card of the town based on the fiscal year July 1st through June 30th. The Audit Report is a substantial thicker document than the Management Report you are looking at. What you will see in the FY10 report is each issue listed in the 2009 report addressed. The Treasurer/Collector and the Town Accountant have been diligent in addressing the concerns in the 2009 report and policies have been suggested from it. Once the Audit Report is released, it can be put on the agenda for your next meeting.

Town Manager’s Report:

1. Personnel Updates:
 - a. Commendations: Kreidler read the two letters received commending Patrol Officers Spoffard and Oinonen. Day in and day out, our jobs are not dangerous, but these folks are out and on this day, they saved a life. It might have gone unnoticed if the Chief hadn’t brought it to my attention and I apologize for not speaking of these types of things often enough.

- b. Full-time Patrol Officer: Kreidler announced a local resident, Officer Dan Wolski, recently finished the full-time academy and is on shift and wanted to welcome him to the force.
 - c. Reserve Patrol Office: Kreidler announced that James Arthur Wironen has been appointed to the position of Reserve Patrol Officer in our Police Department. He has a BA in Criminal Justice and has completed the Reserve and intermittent Police Academy. Barrows disclosed that Mr. Wironen and he are employees of Staples. He stated he doesn't know Mr. Wironen, doesn't work together with him and that his vote will not be influenced by the matter. Zbikowski asked if it would be possible to meet the people that they are being asked to appoint. Kreidler asked for guidance from the Board asking if there is a specific class of employees or is it everybody. O'Keefe said he would like to see any individual that this Board is being requested to perform some action on present at the meeting. O'Keefe said he would also have liked to see the two people commended and the new Officer here tonight to give them applause and recognition. It's not needed; but it would be nice to have them here. O'Keefe moved to affirm the appointment of James Arthur Wironen to the position of Patrol Officer; Zbikowski seconded. By roll call vote of all aye, the motion carried by a unanimous vote.
2. Financial Updates: FY12 Budgets – Kreidler announced that department budgets have been received, entered into the Munis system and have been preliminary reviewed. He will be working with the Town Accountant and Department Managers in the upcoming week to review each line item requested as well as the preliminary revenue projections for FY12. Kreidler said the Governor did release his budget and we had heard to expect a 10% cut in local aid but what actually came forward was a 7 ¾ % cut in local aid. So, if the Governor's budget stands, it will be \$120,000.00 less in local aid in FY12. Both the House and the Senate have said they want to restore additional local aid the Governor was projected to cut. O'Keefe asked if the FY12 budget shows a savings yet on electricity for the solar farm. Kreidler said to be most conservative, it will not. The solar farm is expected to be operational in FY12 but, it's too early to count on the RECs. Toward that point, Kreidler went on, we know that this is something coming and the Board will need to think about what we want to do. Per the agreement, the REC money is specified to go to the Capital Stabilization Fund, but ultimately town meeting decides and the Board can champion a different road.
3. Project Updates:
- a. Police Station: Kreidler reported there is no update from his last report on this project. Zbikowski asked if there is a plan to go forward with the Annual Town Meeting coming up. Kreidler replied he would look to the Board on placing a warrant article before Town meeting to address this. Kreidler's hope is an article won't be needed.
 - b. Hillview Business Park: Kreidler reported that work is progressing on the Mylec site. The closing paperwork and all the other legal documents have been finalized. An interesting piece folks are attuned about was whether or not the Winchendon Redevelopment Authority would have sold this parcel to Mylec without having access to the 70 acres south of it. To their credit, they negotiated with a private property owner, as part of subdivision process last year, and

secured a 50 foot right-a-way to give access to this 70 acre parcel. That deed has been executed and clearly states it is to be used as a roadway.

- c. Solar Farm: Kreidler reported the Solar Farm progress is on time and on target. A site visit is scheduled next week with the contractor, the environmental consultant and MassDEP. We are required to do a DEP Post-Closure Use Permit. O'Keefe asked about a completion date and actual production from the solar farm. Kreidler replied flipping the switch is scheduled for mid-December of this year. However, he continued, it depends on National Grid but the schedule has a six month window. Barrows inquired about a presentation on the project and possibly carving out a thirty minute window to explain to folks where it will exist and run through some questions and answers. He stated there is some perception that folk's personal electric bills will go down. It is the municipal buildings that will receive the reduction in costs. You may not see it on your meter at home, but it will affect the taxpayer. Kreidler is working on a presentation and can present it at an upcoming meeting.
4. Miscellaneous Updates:
 - a. Selectmen's Policies – This issue has been addressed earlier in the meeting.
 - b. Selectmen's Agenda Item "Questions by the Public and Board for the Town Manager" – Kreidler believes this agenda item is out of place with the Board's adopted policies and respectfully requested the Board to reconsider this agenda item. O'Keefe said he has never liked seeing this agenda item prior to being elected. He found it introduced things that would be better sent in writing giving the Board, the Town Manager and the staff a chance to research these items. He also stated he doesn't like "Public Comments" suggesting it be changed to "Public Announcements." Zbikowski stated he didn't have a problem removing the first agenda item but not "Public Comments" feeling it gave people an opportunity to address the Board. Barrows supports having a "Public Comments" agenda item stating anyone who wants to speak before the Board of Selectmen, should be allowed to speak. However, he would like to see a time set, moving it to the beginning of the meeting and having other items start at 7:15 p.m. O'Keefe made a recommendation that we remove the "Question by the Public and Board for the Town Manager" from the agenda and, in addition, move "Public Comments and Announcements" to the top of the agenda. Zbikowski suggested we wait until the Chairman is present. Barrows said this is informal and Mr. Blair will understand and will Chair the meeting accordingly.

Busing Contract Update: Kreidler stated the school busing contract for the first time since he's been here is a collaborative regional bus bid joining forces with five communities. The bids are out and we won't hear for another month according to Bill Frangiamore, the School Business Manager. We have been treated very well with Fred, the local hometown player. We aren't likely to receive the same kind of treatment but, we may realize some benefit with a regionalized bid. The contract proposed is a three year contract; but a provision was added for two one-year extensions at the municipalities choosing. That doesn't make it a five year contract; but arguably, it could be considered a five year contract. Therefore, my plan is to bring it before you for your consideration. Background history will be available for you with the bid process giving you time to review.

Minutes:

January 24, 2011 - Regular Meeting: Zbikowski stated he had corrections. The first one was on Page 2 the last sentence of the middle paragraph. He said the minutes reflect the words "...the written word on the posted agenda says both union and non-union" and he said the agenda's actual written words say "Exemption No. 3, Contracts and Collective Bargaining." Kreidler offered a comment that he agreed that the agenda document does state Contracts and Collective Bargaining" but the minutes are meant to be a reflection of the meeting and if I said something incorrectly at the meeting the minutes should stay like this because that's what happened at the meeting. The Board could offer a footnote to the approved minutes reflecting your position that I should have said these two things rather than those two things. O'Keefe suggested to table the minutes until the next meeting and added that Selectmen Barrows motion to go into Executive Session itself used more words than the agenda did which made me know that the Executive Session was fully legal. O'Keefe motioned to table the approval of the minutes; Barrows seconded. By roll call vote of all aye, the motion carried.

January 31, 2011 - Regular Meeting: O'Keefe moved to approve as submitted; Zbikowski seconded. By roll call vote of O'Keefe aye, Zbikowski aye, Barrows abstained due to not being present and Hunt aye, the minutes were approved.

Communications: Read Me File: With the hour being late, Hunt stated she has gone over the items which are current and moving forward.

Adjournment: Barrows moved to go into Executive Session under Exemption No. 2 and Exemption No. 3 relating to non-union personnel collective bargaining and strategy with respect to collective bargaining and that we will adjourn from Executive Session. Zbikowski seconded for discussion. O'Keefe asked if we could disclose who the non-union personnel were and which unions are involved. He learned at a MMA Conference Session that we should disclose as much as we can why we are going into Executive Session. Kreidler said the two non-union personnel are the Town Clerk and the Assessor. The union groups will be the International Association of Firefighters, the International Brotherhood of Police Officers and the American Federation of State, County and Municipal Employees which is the Town Hall union. Barrows amended his motion to add the Board would reconvene into Open Session for the sole purpose of adjournment. Zbikowski seconded. By roll call vote of all aye, the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant