

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

Present: C. Jackson Blair, Chairman  
Robert L. Zbikowski  
Keith R. Barrows  
Robert M. O'Keefe

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

Absent: Elizabeth R. Hunt, Vice-Chairwoman

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List of Documents Presented at Meeting:

- Raymond Rader resignation letter from ZBA (filed)
  - Vote of the Board of Selectmen (Loan Resolution Rte. 140 Water Extension Project) (attached)
  - Draft Fraud Policy( filed)
  - Draft Investment Policy (filed)
  - 3/50 Project Flyer (filed)
  - Planning Board Chairman's Outline for Meeting with Board of Selectmen (attached)
    - CVS Site Plans (filed)
    - ZBA's 2/21/10 Notice of Decision granting G.B. New England three variances (filed)
    - ZBA's 2/21/11 Notice of Special Permit given to G.B. New England to construct and open a retail store with a drive-through pharmacy (filed)
    - CVS's Chart of Square Footage of Elevation Signs (filed)
  - Business Certificates Policy (attached)
  - Town Manager's Report (attached)
  - Selectmen's Zbikowski's motion for Town Meeting warrant article with decision points (attached)
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Chairman Blair called the meeting to order at 7:05 p.m. with the Pledge of Allegiance to the Flag of the United States of America. This meeting aired live on local cable access channel 8.

Public Comments and Announcements: None.

Selectmen's Comments: None.

Appointments/Resignations: Raymond Rader – Zoning Board of Appeals Resignation Letter – Barrows moved to accept with regret the resignation of Mr. Rader; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously. Blair wished Mr. Rader the best of luck if he was watching.

Blair then announced vacancies on the Planning Board, Zoning Board of Appeals and the Capital Advisory Planning Committee and asked if anyone interested that was listening to please send a letter to the Board of Selectmen.

### New Business:

Loan Resolution Rte. 140 Water Extension Project: Daigle being the Clerk of the Board of Selectmen read into record the "Vote of the Board of Selectmen" in regards to the Water Bond to be dated March 18, 2011. Barrows so moved; O'Keefe seconded. By roll call vote of all aye, the motion carried.

Board of Selectmen Policy Adoption: Fraud and Investment – Blair said we would not be voting on the new policies received in their packets tonight and will discuss them at the next meeting in two weeks. Kreidler offered the following changes to the draft Fraud Policy: a) Page 4, No. 6 "Personnel Actions" putting a period after the word authority and deleting the rest of that sentence; b) At the top of Page 5, deleting the first two lines. This wouldn't apply because you would have already been contacted before, and lastly; c) Page 5 under No. #11 "Training" would require additional policies because we currently don't have a policy to address the training.

Barrows questioned if the Investment Policy would be a Selectmen's policy because it was identified by the Town Treasurer in the heading. Jim replied, yes it's a Selectmen's policy on directing the investments by the Treasurer. Barrows referring to the last line in the policy that says "the policy is to be reviewed from time to time" suggested it be time bound to say "such as the time a new law or regulation change that might impact this."

The 3/50 Project – Save your Local Economy: Mrs. Audrey LaBrie was present on this agenda item. She explained the purpose of the project, stating it was a nationwide awareness program to promote your local economy. She explained the white signs you might be seeing in business windows that state 3/50 on them. The 3/50 stands for three independent businesses that you could spend \$50.00 a month with. For every \$100 spent in independently owned stores, \$68.00 returns to the community through taxes, payroll and other expenditures. Mrs. LaBrie informed the Board she was going to pick some signs up and go locally to stores. She said many states and businesses are involved in this program and that there was a web-site promoting it as well as offering marketing material, all with no fee.

Joint Meeting with Planning Board: With the time being 7:20 p.m., Planning Board Vice-Chairman, Guy Corbosiero, called the joint meeting to order. Members present for the Planning Board were Guy Corbosiero, Cailte Kelley, Mike Carrier and Planning Agent, Ellen DeCoteau. Barrows told the Planning Board that this was an extremely casual and informal invitation tonight and they just wanted to see what the Planning Board was working on and see what they might be able to assist with. The Board was especially interested in an update on the CVS project. Corbosiero read through some of the outline the Planning Board received from Chairman John White for the meeting listing the activity of the Board. The main bullet item, the CVS plan, is moving along with another open hearing tomorrow night, he said. There are a few minor items the Board was positive they would be able to cover tomorrow night. Zbikowski asked when they thought the ribbon cutting ceremony would be. DeCoteau replied they are interested in starting in April but not sure how long before the ceremony. Kreidler gave a brief history of the interest in building a pharmacy in that location beginning in 2005. Kelley spoke of issues that they were aware of with the original presentation and that a Zoning Board of Appeals process would have to be taken. Now, 99% of the issues have been met and he didn't see any other hurdles coming. Chairman White joined the joint meeting at 7:29 p.m. White said the activity of the Board has changed significantly this past year or so. They use to spend most of their time on subdivision and residential approval not required. Now they have three authorized approved subdivisions and have been busy with the Hillview subdivision and the CVS project. White said the Board is concerned with residential development and plan to address it at the Annual Town Meeting with a revised zoning bylaw. In long range matters, White said our Master Plan is eleven years old and needs updating with a consideration of engaging an outside consultant. Another thing the Planning

Board has been involved in is a Rte. 140 North Task Force in cooperation with MRPC, Gardner and Westminster who are currently looking at traffic patterns. More developments similar to Hillview makes better sense, White said. He concluded by saying he wanted to make Winchendon a good place to live keeping it a rural environment without a long commute to work, continue to preserve open space, additional affordable housing is needed and continue to improve our infrastructure. White asked if the Board had any suggestions for them. Blair said they were happy with what they were doing. Corbosiero moved to close the Planning Board meeting; Kelley seconded. By roll call vote of all aye, the motion carried unanimously. Blair called for a ten minute recess at 7:43 p.m.

Blair reconvened the Selectmen's meeting at 7:52 p.m. He congratulated Mrs. Rachel Grout who just celebrated her 92<sup>nd</sup> birthday on a cruise and was in attendance this evening.

#### Permit/License Applications, Hearings:

American Legion Auxiliary – Poppy Drives: May 26-28 and Oct. 20-22, 2011: Coral Grout came before the Board to seek permission to conduct the two Poppy Drives and told the Board how important the American Legion Auxiliary was to them. For over fifty years they have conducted the Poppy Drive and said 100% of the proceeds aid the veterans, their families and those enlisted in this community. Her mother, Rachel Grout, handled it for the last forty-five years holding it every other year. She presented signed permission from the property owners and announced they were looking for volunteers. O'Keefe moved to approve the application and waive the fee; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously. Dr. Grout thanked the Board and recognized Bob Mable for his outstanding volunteerism throughout the years. Selectmen Blair, Zbikowski and O'Keefe volunteered to assist in the drive. Kreidler apologized to Dr. Grout on the mis-communication she received that written permission was required from the property owner stating that it should not have been communicated as "written" permission. The notation from the Police Chief came back as long as permission is granted from the property owner. Dr. Grout thanked the Town Manager for his apology.

Common Victualler License DBA Name Change – Nik Rylee's Inc., 302 Spring St. Winchendon: Blair welcomed Ashraf Solimon who was before the Board on his application for a restaurant name change. Mr. Solimon said everyone was falling in love with his Italian food and that is the reason he wanted to change the name from Nik Rylees to Il Italiano's. He said he will now be open on Mondays, seven days a week from 7:00 a.m. to 9:00 p.m. serving breakfast, lunch and dinner. O'Keefe moved to approve the applicant and consider the fee already paid back in December; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Old Business: Board of Selectmen Policies and Procedures - O'Keefe mentioned this policy was a part of the Selectmen's policies but inadvertently was not included in the review. O'Keefe moved to approve the Selectmen's Policy on Business Certificates that was included in their packets; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

#### Town Manager's Report:

##### 1. Personnel Updates:

- a. Temporary Full-time Firefighter Paramedic: Kreidler read his report explaining his appointment of Bill Davis to the Department on a temporary basis. After a couple questions by the Board, O'Keefe moved a vote of affirmation of the temporary full-time appointment of Bill Davis to the Winchendon Fire Department. Barrows seconded. By roll call vote of Zbikowski abstain, O'Keefe aye, Barrows aye and Blair abstain, the motion carried by majority vote in the affirmative.

2. Financial Updates:

- i) FY12 Budgets – Kreidler read his report. With several assumptions still at play, we are hovering around \$50,000 out of balance but he felt confident the budget would be balanced within the timelines proscribed by town meeting calendar. Kreidler offered there are three areas that have requested additional funding from last year that we strive to keep untouched. To date the Council on Aging, Veteran’s Services and the Library’s request for additional funding remain untouched.

3. Project Updates:

- a. Police Station Update - Kreidler stated there was nothing new to update the Board and paused for Mr. Zbikowski to ask him if he had anything to say. Zbikowski stated to the Chairman that he had a motion regarding this but will wait to the report to be done.
- b. Hillview Business Park - Kreidler read from his report that the Conservation Commission would remove themselves from the driveway culvert issue and defer to DEP and the MA Army Corps of Engineers. He said he had an update since his report announcing a meeting was scheduled for Wednesday at 1:00 p.m. In attendance would be the Conservation Commission or representation thereof, the Conservation Agent, the engineering firm that did the design and construction, a representative from the Redevelopment Authority and representatives from DEP and the Army Corps of Engineers. And lastly, a request was received today from the Conservation Commission Agent to hire a different engineering firm to review the report by GPR and to attend the site visit and to make a report. Kreidler recognized the Conservation Commission is a board appointed by them and stated he was going to process this request. The Commission has the \$1,000.00 funds to process it and he would make sure it conformed with contract statues. He stated he still has a concern about this additional work being based upon that original report. Blair said it sounded like it was the right way to go.

Also on Hillview, subsequent to writing his report, a ground breaking event was held with the Lt. Governor. The weather didn’t cooperate so it was held at the Mylec facility in Spring Village. In attendance was Selectmen Zbikowski, Dave Connor, Chairman of the Redevelopment Authority, the bankers, Senator Brewer and Representative Bastein. The Lt. Governor was well pleased with the progress of the project.

- c. Solar Farm – Kreidler stated there was no update but planned a presentation on the project at the next meeting.

Blair announced that anything needed for the Selectmen’s meeting agenda packets need to be presented to the office no later than Tuesday 5:00 p.m. preceding the Monday meeting. Packets are compiled for the Selectmen for twelve noon the next day.

Zbikowski moved to direct the Town Manager to put the specifications for the Court House out for bid so we will have an article ready for the Annual Town Meeting that will move the Court House forward. Blair seconded. Zbikowski went through his bullet items regarding this motion and asked for a placeholder on the warrant. The amount needed would be between \$200,000.00 and \$500,000.00 depending on what it is appraised for. He stated the taxpayers voted for the new Police Station and he would like to get the project moving and the Police Department into their new station. Kreidler offered a point of order stating the warrant closed at 5:00 p.m. today by their vote which would preclude them from placing a warrant article

or placeholder unless they vote to reopen the warrant to allow themselves to put something on after the deadline. O'Keefe mentioned a motion was already on the floor. Zbikowski withdrew his motion. O'Keefe moved the Board reopen the warrant for consideration of an additional article with the intention of closing the warrant before the meeting ended. Zbikowski seconded. By roll call vote of all aye, the motion carried. Zbikowski then moved the original motion again; O'Keefe seconded. After some discussion on the timeframe needed to procure the services and get a number for town meeting, Kreidler estimated, with an optimistic view, that it would be two and a half to three months. Zbikowski asked if we could start the process and we will probably have a Special Town Meeting in the fall. He wanted to be proactive and do something so they would be ready. Blair explained the vote before us is for this Annual Town Meeting and asked if a subsequent motion to have an alternate plan was needed and if the Board would withdraw or amend the motion. O'Keefe thought the article that was passed a year ago didn't allow us to go out to bid for the architectural agreement. Blair called a recess at 8:35 p.m. for the Town Manager to get the 2010 Annual Town Meeting warrant to review the article. The meeting was back to order at 8:37 p.m. Kreidler read the warrant article and said he didn't think the article would be sufficient to do that work now but could get a legal opinion from Town Counsel. Blair said a lot of time has been put into a new police station and town meeting supported that. By reasons out of our control, our police continue to work in substandard conditions with no light under the tunnel. Blair asked if there was a way to move forward with a contingency plan and how do we move forward to reassure the citizenry that we are aware of the vote and do not intend to stall the project. Kreidler said it is premature for him to address this but it has been made mature by Selectmen's Zbikowski's motion this evening. There is a placeholder in the warrant for the Court House to be our Police Station. There is work underway with several lawyers regarding a way that still conforms with Brasi and the vote of town meeting and the subsequent vote at the ballot box. If that is found, there would be no reason to have another vote at town meeting. In the off chance that there needs to be something slightly different in the way it needs to be voted, that placeholder is there. The thing that would need to be changed is a lease to purchase option. I'm not prepared to speak at any length but there appears to be an opportunity under which a lease to purchase arrangement could meet the Inspector General's qualifications and be in conformance with Brasi. He stated he has been coy by design because it is cutting edge stuff with this Brasi case. Our timing couldn't have been worse. I would expect between now and the finalization of the warrant articles that this would be answered more definitively and the lease option could be added.

Blair said maybe we can withdraw the motion and re-consider in a couple weeks. Kreidler suggested putting an article in to see if the town would vote to fund the necessary architectural/engineering cost to develop the Court House property in accordance with specifications within the warrant article of last year. That preserves the option this evening, develops the number and gets the process moving. Zbikowski withdrew his earlier motion. He then moved to see if the town will vote to appropriate funds sufficient to develop the engineering and architectural specifications for the Court House in accordance with the plans and specifications conceptually drawn with Jacunski Humes Architects in 2009. O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously. O'Keefe moved to close the warrant; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

#### Minutes:

January 25, 2010 - EXECUTIVE SESSION #1 Joint meeting with the School Committee: Barrows moved to release the minutes since they were approved in 2010. O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

January 25, 2010 - EXECUTIVE SESSION #2: Barrows moved to be released due to executive session privilege no longer applicable; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

February 14, 2011 - EXECUTIVE SESSION: O'Keefe moved to release; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

February 28, 2011 - Regular Meeting: Barrows moved to approve minutes as presented; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Communications: Nothing addressed.

Adjournment: With an Executive Session needed due to collective bargaining with the DPW Union AFSCME Local 1717, Barrows moved to enter into Executive Session under Exemption No. 3 to discuss strategy with respect to collective bargaining with the DPW Union and to reconvene into public session for the sole purpose of adjournment. O'Keefe seconded. By roll call vote of all aye, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant