

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, APRIL 11, 2011 – 7:00 P.M.
Town Hall 2nd Floor Auditorium**

Present: C. Jackson Blair, Chairman
Elizabeth R. Hunt, Vice-Chairwoman
Robert L. Zbikowski
Robert M. O’Keefe

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

Absent: Keith R. Barrows

List of Documents Presented at Meeting:

- Lifeskills Golf Tournament flyer
- Public Hearing notice for All Alcohol Pouring Restaurant Liquor License for Santino’s Trattoria, Inc. (filed)
- Winchendon Public Schools FY 2012 Proposed Budget (filed)
- Town Manager’s Report (attached)
 - Lionel Cloutier’s complaint against the Town Manager regarding the appointment of Animal Health Inspector (filed)
 - Email date April 4, 2011 from Atty. Lauren Goldberg of Kopelman and Paige regarding the Animal Inspector Appointment (filed)
 - The Town Manager’s FY12 General Government Budget Memo dated April 11, 2011 (filed)
 - Mid-State Fire Mutual Aid Association Agreement (filed)
 - Letter addressed to Ms. Klauzinski, 16 Hale St., regarding easement on her property (filed)
 - Recorded deed dated April 1, 2008 – Joyce Klauzinski, 16 Hale St.
 - Approved minutes of March 11, 2008
 - Ms. Klauzinski’s request of March 17, 2011
 - Annual Town Meeting Draft Warrant (filed)

Chairman Blair called the meeting to order at 7:00 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. Pursuant to the new Open Meeting Law, the Chairman asked if anyone would be video or audio taping the meeting this evening besides those doing it for the Board. It was stated that it was allowed but it just needs to be disclosed prior to the meeting so those in attendance were aware.

Public Comments And Announcements: Theresa Souza, a representative from Lifeskills Inc. came before the Board and introduced the agency which is based in Webster, MA and serves developmentally and mentally challenged individuals. She said they have facilities in town and wanted to inform the Board of the upcoming Annual Charity Golf Tournament to be held at the Woods of Westminster on Friday, May 20, 2011. She said to find out more, folks could contact the Town Manager’s office.

The time not yet being 7:10 p.m. for the scheduled Public Hearing, Blair moved to approval of the minutes.

Minutes:

March 14, 2011 - EXECUTIVE SESSION: O'Keefe moved to release the Executive Session minutes; Zbikowski seconded. By roll call vote of O'Keefe aye, Zbikowski aye, Hunt abstain and Blair aye, the motion carried by majority vote.

March 28, 2011 - Regular Meeting: Zbikowski moved to approve, O'Keefe seconded. By roll call vote of all aye, the motion carried by majority vote.

March 28, 2011 - EXECUTIVE SESSION: O'Keefe moved to approve but not release these minutes; Hunt seconded with one correction on page three. The sentence should read, "Hunt mentioned "that group" that is riding you, their way is always the glass is *half* empty" adding the word "half" into the sentence. The motion was amended to include this correction. By roll call vote of all aye, the minutes were approved unanimously.

Selectmen's Comments:

Hunt asked to move to future agenda items. See below.

Blair mentioned the responsibility of the agenda rest with the Chair but every Selectman has the right to place items on the agenda. He asked the Board members, in the interest of efficiency, if they could place items with the Chair instead of with the Executive Assistant to determine the size and depth of the agenda. He said it would be with the understanding that he may ask you if it could wait two weeks depending on the size of the agenda. O'Keefe stated he had no problem but the Selectmen's policies would have to be amended. Hunt feels the current policy does work and stated she not only emailed the Executive Assistant but also the Chairman.

Permit/License Applications, Hearings: PUBLIC HEARING: All Alcohol Pouring Restaurant Liquor License, Santino's Trattoria, Inc., 102 Front Street, Change of DBA, Change of Bar Manager, New Officers, New Stockholder, Transfer of Stock. At 7:10 p.m. Chairman Blair asked all those who plan on giving testimony on this license hearing to come forward to be sworn in. Scott Salvi and Paul Puma were sworn in. Blair then read the public hearing notice into the record. Scott Salvi came before the Board on his application and answered a few questions the Board had. Salvi told the Board the new DBA name will be Tino's Pub and Grill and alcohol will be served upstairs in the Pub as well as downstairs in the restaurant. O'Keefe moved to approve the application for a Common Victualler and Entertainment License, All Alcohol Pouring Restaurant amendments, change of DBA, New Officers, Stockholders and a change of Manager; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Joint Meeting with School Committee: Blair announced the joint meeting was cancelled this afternoon. They will meet with the Finance Committee first.

Appointments/Resignations: n/a

New Business:

2010 Audit Report and Town Objectives: Hunt stated she would like to incorporate the annual audit results into the Town Manager's objectives using it as a tool. O'Keefe agreed stating we could add it to our policies. What might be a good policy is if the Board reviews the audit results each year and if we want the town officials to implement the recommendations, we so order. Each year we review and see if it's fitting to this community. Kreidler said you'll see that these things are taking care of; to a degree we are already doing it. You seem to want to formalize it. It was agreed that O'Keefe and Zbikowski would look at the fiscal policy recently implemented to possibly change some of the verbiage.

Old Business: None.

Town Manager's Report:

1. Personnel Updates:

- a. Animal Health Inspector: Jim read from his report and asked the Board to vote affirmation of the re-appointment/nomination of Sarah Fearing to the position of Animal Health Inspector. He informed the Board that the Board of Health has been making the appointment since 2001 mistakenly. Blair mentioned this issue is addressed in a complaint letter received this evening from Lionel Cloutier, a Board of Health member. Kreidler said it is your policy that this be addressed by himself first and then the Board of Selectmen but that he would waive his opportunity to sit down with Mr. Cloutier

and encouraged the Board to have the discussion this evening. Blair informed the audience that Mr. Cloutier's complaint was the appointment. Mr. Cloutier did not stay for the meeting but writes in his letter that the appointment has been made by the committee and that the Town Manager has taken that responsibility away from the committee. Kreidler told the Board he had spoken with Mr. Cloutier on the morning of the 5th with two people present who could testify that I did not raise my voice. I informed him that the action was in direct contradiction by Town Counsel and by the Town Clerk. Kreidler said Mr. Cloutier responded that the Board of Health was right and that Town Counsel was wrong and it was under that guise that they went further. He then went to his office and called the gentleman who is the recipient of the nomination at the State Dept. of Agricultural and inquired of him what his understanding of the matter. He said he had spoken with Mr. Cloutier and provided him with the records he references. Since 2002, the Board of Health had been making the appointments. His thought was dispositive on whether it was right or wrong. He wouldn't comment on the issue. He had knowledge of the candidate the Board of Health nominated the night before. Blair said this is an issue of law and understands the confusion surrounding it. He also feels that he is advising us regardless how we might react, Mr. Cloutier would be going forward with this complaint. We could be corrected. O'Keefe commented he didn't need Town Counsel's opinion when reading the law. If an error happens, do we allow it to go on forever? When we find an error, we should fix it, Okeefe said. Zbikowski inquired about the opinion letter from Town Counsel. Kreidler stated he had forwarded it electronically and he could go retrieve it. The Board recessed at 7:36 p.m. and reconvened at 7:41 p.m. Kreidler read the email from Lauren Goldberg, Town Counsel. O'Keefe moved to affirm the appointment; Hunt seconded. By roll call vote of three ayes and one abstention from Zbikowski, the motion carried by majority vote. Hunt asked for an apology letter to be written to the person who was appointed in error. Kreidler agreed.

2. Financial Updates:

i) FY12 Budgets: Kreidler read from his report presenting the Town's FY12 Budget and offered to have any discussion on it and the Board's vote to approve the Town Manager to present it to the Finance Committee on Tuesday evening. He further explained that this was a formality; you're not approving the budget itself, just receiving it in draft form. Final approval will be in two weeks. Kreidler offered that he would be available any time day or night, weekends to discuss the budget and answer any questions anyone might have. Hunt moved to approve the submission of the draft budget to the Finance Committee; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously. He passed out his annual budget memo to the Board and read it into the record. He states again this year it has been a very difficult and arduous task, but he is presenting the Board with a balanced budget without using one time revenues to fund recurrent operational expenses, without slashing core services, without sweeping layoffs, without touching our reserves. This budget preserves all services and all jobs with a small increase in pay to every union group and non-union employee. We did this all even with a reduction in local aid of \$108,000.00 from the Commonwealth. In closing, he thanked each of the general government employees that contributed to the solution to this FY12 budget. O'Keefe commented, "Wow," after four years of a national recession and to actually hear a report like this! We know Winchendon has done well in the last four years compared to many other towns and he is happy to read a lot of credit is going to, not only the Town Manager and the Town Accountant, but to every town employee. In the last four years, each union, each employee has helped this town. I'm glad to see a raise in this budget, not a large one, but maybe better next year. He concluded by thanking each town employee telling them they make a difference.

3. Project Updates:

- a. Police Station Update – Kreidler said there is nothing new to update the Board. He did say he had a discussion with Blair and Zbikowski earlier today but he had not yet seen the language he is waiting on. There is a placeholder in the draft warrant article for a consideration for a lease to purchase option. He will not roll it out until he has the approval from the Attorney General's office and the Inspector General's office.
- b. Hillview Business Park – None.
- c. Solar Farm – None.

4. Miscellaneous Updates:

- a. Mid-State Fire Mutual Aid Association Mutual Aid Agreement Update – Kreidler read from his report and said in your packets is a copy of the Mass. Fire District & Mutual Aid Agreement and asked the Board, if it's their pleasure, to execute the agreement as presented. Hunt so moved; Zbikowski seconded. By roll call vote of all aye, the motion passed unanimously.

- b. Joyce Klauzinski – 16 Hale Street – Kreidler mentioned to the Board that there has been some public correspondence between the town in a variety of capacities with Ms. Klauzinski. He stated he drafted the enclosed letter in response to Ms. Klauzinski request of 3-17-11. The letter is for your general information and for the Chair’s signature. Action requested is to authorize the Chairman to execute the letter. Kreidler explained this is a home on Hale St. with originally a utility easement recorded in the front of the property and additionally a couple on the back of the property. In March 2008, the Attorney representing the parties came before the Board and asked that the easement in front of the home be removed and a new deed be re-recorded. In fact, a vote was taken in the affirmative by the Board that evening and a new deed was recorded on April 1, 2008. He said a copy of the deed and the minutes of that meeting are enclosed in their packets. Mrs. Klauzinski wants you to pay to have this recorded. Blair noted that he had spoken twice to her on the phone. O’Keefe moved that the Chairman execute the letter; Zbikowski seconded. Hunt disclosed for the record that she knows Jessie Fukuda’s mother but wouldn’t know Jessie if he walked by her today. By roll call vote of all aye, the motion carried unanimously.
- c. Town Meeting Draft Warrant – Kreidler said the draft warrant is enclosed in their packets and is in the hands of Town Counsel for review and legal writing. Blair announced he wanted to set ground rules and unless a serious reason to have debate on the articles and for the interest of time, he would introduce the warrant articles and then if anyone wants to make a statement, just raise their hand. Blair read and sometimes paraphrased the articles listed in the Draft Annual Town Meeting Warrant. Some questions were asked about the revolving accounts, the dissolving of certain committees, the land use restitution fees. Blair read Article 9 pertaining to the operating budget of the Water Dept. Enterprise Fund. Kreidler said it would be customary for the Board as Water Sewer Commissioners to take up whether or not the rates need to be adjusted. Kreidler said there is no need to raise these rates to balance the budget. Hunt moved to keep the fees flat. O’Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 11 pertains to the Transfer Station’s operating budget. Kreidler said the Transfer Station revenue came in on target and it is expected it will again next year as well.

Article 12 through 16 are the Education Budget articles. Blair said these articles will be the subject of a meeting of the School Committee and the Finance Committee and then they both will come to us. He said these numbers will most likely be changing.

Blair read through the rest of the draft warrant articles. Some questions and brief discussions were had on the article pertaining to the Prohibited Materials Bylaw, tightening up the Junk Dealer’s Bylaw, correcting the Home Rule Charter regarding the Board of Health’s reference in Article 3-1 and the Zoning Bylaw Article. Blair announced he would be pulling Article 36 regarding “property nuisances” understanding that some folks can’t afford to do some of the required maintenance to their property.

Blair announced the Finance Committee was having their Public Hearing on Tuesday, April 26, 2011 in the Town Hall Auditorium. He said copies of the warrant are available at Town Hall and will be put on the town’s website.

April 25, 2011 the Board of Selectmen will do a final vote on the warrant articles and the Finance Committee will do their recommendations the following night.

Communications: None.

Agenda Items: April 25, 2011: Hunt mentioned she would like to review the water meter & billing status and also the Five Year Projection. Kreidler mentioned he had the water meter and billing issue on the agenda so the water personnel are on notice. He stated the Town Accountant just emailed him the five year projection through 2017 and can forward that to them. The Board’s vote to finalize the ATM Warrant and place their recommendations is also on the agenda.

Adjournment: O’Keefe moved to adjourn; Hunt seconded. By roll vote of all aye, the meeting adjourned at 8:38 p.m. Executive Session was not held this evening.

Respectfully submitted, Linda Daigle, Executive Assistant