

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, APRIL 25, 2011 - 7:00 P.M.
Town Hall Auditorium, 2ND Floor**

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:

- Release Deed – 8 Mill Street (Filed)
- United Water: Water Meter Installation Updates and Water Meter & Radio Installations for the Town of Winchendon (Filed)
- Town Accountant's Five Year Finance Projection and Long Term Debt Detail spreadsheets (Filed)
- Annual Town Meeting Warrant (Filed)
- Proposed Residential Development Bylaw Executive Summary (provided by Planning Board Chairman John White). (Filed)

Chairman Blair called the meeting to order at 7:02 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. Chairman Blair asked if anyone was going to be recording the meeting this evening. No response came from the audience.

Public Comments and Announcements: None

Permit/License Applications, Hearings: Parade Permit – Monday, May 30, 2011 – Dept. of Veterans Services: Mark Desmarais and Kevin Gauthier came before the Board on behalf of Scott Gauthier, the applicant. Zbikowski mentioned the parade starts at the Fire Station but doesn't see a response from the Fire Dept. Mr. Desmarais said we've been doing this for years and there hasn't ever been a problem. Zbikowski moved for the applicant, waiving the fee; Hunt seconded. By roll call vote of all aye, the motion was unanimous.

Selectmen's Comments: None.

Appointments/Resignations: n/a

New Business:

Release Deed – 8 Mill Street: Kreidler explained the Town Meeting voted to authorize the Selectboard to transfer this parcel to the Redevelopment Authority for its disposition. If you recall, this is a companion or sister piece to a piece that has already been transferred to the Redevelopment Authority but once the deed was being processed, it was determined there was another small parcel that needed to go with it. This is the

official document that you would use to authorize to transfer to the Redevelopment Authority. If it is your pleasure, a motion to execute the Release Deed included in your packet would be in order. O'Keefe so moved; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Water Improvement Status: Matt Lapointe, from United Water, came forward to the Board and handed out a Water Meter Installation Update and a spreadsheet of Water Meter & Radio Installations for the Town of Winchendon. He reminded the Board they are replacing the outside meters with radio read meters. We started with the easiest part by replacing the outside readers first. The meter project is the bulk of our work now. We have the remaining installations to complete. The problem is getting into some houses to make installations. Currently the project is 80% complete. 1,630 services have been upgraded to a radio read. 412 accounts still need their meter changed and/or a radio installed. We leave cards at the houses but have not been able to get appointments. He suggested if this continues, the town should send a letter to the remaining houses to get an appointment scheduled or we would be turning their water off. Approximately fifteen residences, the water shut off does not work. He suggested a letter from town be sent to the homeowner to get this repaired. Lapointe estimated it would cost under \$1,000 to get this repair. Zbikowski asked about the curb stop inquiring if they were on town property would the customer have to pay. Kreidler responded, Yes, their responsibility is from the street to the home.

Mr. Lapointe said there are twenty-five businesses with 5/8" meters that still need either meters changed out or a radio installed. It's possible they will be manually read. He said there are twenty-five businesses with large meters remaining and need to be changed. They are currently being evaluated to determine if it is most efficient and effective to change the meters with separately programmed radio readers. It's possible we keep these as manual read accounts. The larger ones were not originally part of this project.

Hunt inquired about the timeline. Mr. Lapointe said coming up this week, residences that are not responding will get a letter from the town that if they don't contact us for an appointment, their services will be terminated. Kreidler said we have a draft letter from Council from other towns in this situation; it's pretty stern. I would definitely look for your guidance before I send it out. He offered to have it available at their next meeting. Sometimes marking out their service and giving them notice gets their attention.

Old Business: None.

Minutes: Blair moving to the subject of the minutes again stated he wanted to clarify an issue surrounding a special meeting that was held this past week. For a desire to be transparent, after that meeting he had asked the Executive Assistant to prepare a one paragraph minute (recognizing it would be too difficult to do the minutes of the whole meeting) regarding the vote that was taken in Executive Session and read aloud in the open session and voted again so everyone could see it. He stated he had asked that he'd be told if it could not be presented. He said it was not presented and he received no notification that it would not be presented. He was in the office today and spoke with the Administrative Assistant and she didn't bring it up. He wanted to inform the people that he made his very best effort to get a piece of paper passed out to them so there would be no questions of the recent Executive Session meeting followed by the open meeting and he asked to go on record tonight that Selectman O'Keefe asked that that motion be read and it was and that was supposedly the only interest of business that was discussed there and I apologize that the office could not prepare the minutes. Kreidler was recognized by the Chair. He said he will take full responsibility personally for the fact that Linda did not do that because I advised her not to. Notwithstanding the fact that you had asked her to do so, your policies stipulate that the agenda is to be closed on Wednesdays. The packets were closed. Any suggestion that a meeting that takes place on Thursday evening when we're closed on Friday...Blair interrupted and said, "Mr. Town Manager you're going to have a hard time getting me to

agree to special meetings during political season when issues concerning the Town are occurring and a one paragraph, uh, special edition of the minutes would satisfy and when you over-rule me again when I ask for something, I expect the courtesy of a telephone call from you.” Kreidler replied, “You were in my office today and you didn’t bring it up either, Sir. Communication is bi-lateral.” Blair said, “Sir, the request to be notified if it wasn’t going to happen, was made. You both ignored the issue.” Kreidler responded that’s not true Sir, you have a policy...Blair interrupted and asked the Executive Assistant if he had left a message for her asking her to notify him. Kreidler said he has the voicemail and can play it...Blair interrupted and asked the Executive Assistant if she had received the message. Daigle responded yes. He then asked if she had called him. Daigle replied, “No, I did not.” Kreidler said it was at his direction. Blair said I will leave this Chair if this kind of thing continues. As Chairman of the Board of Selectmen, the Chief Executive office of this town, if I make a simple request and I don’t get the courtesy of a response, I don’t care what laws, bylaws, rules, illegalities you want to call it, it’s a lack of courtesy, Sir, and I will not be voting for any more special meetings to accommodate people’s special schedules if you can’t accommodate my request to tell the people of town, in this town, what happened. That’s the end of the issue. Kreidler asked to respond; Blair said, “No, you can’t. That’s the end of the issue and gaveled the discussion closed.

Town Manager’s Report:

Five Year Finance Projection: Kreidler explained the documents submitted from the Town Accountant, Charlotte Noponen. If you’ve had the chance to go over this, you will be well pleased with the manner that Charlotte has been able to forecast. I don’t think anyone would have predicted the recession we have had and Charlotte’s numbers are eerily on mark partly because she is a very conservative person by nature. This was really meant as background information for you because it is under the umbrella of this five year forecast that every year’s annual operating budget is built. Hunt asked if the solar revenue is part of this equation. Kreidler said until such time as it is real, it is not real. As soon as it’s operational, it will be realized. The charts will be updated at that time.

Final ATM Warrant and FY12 Budgets – Vote and Recommendations: The Chairman stated we have in the warrant customary and usual articles and he had asked his fellow Board members if they had any special articles they had great interest in to let him know.

Articles 1 through 4 are Reports and Committees. Hunt moved to approve. O’Keefe seconded explaining that this is to affirm recommendation of the articles. By roll call vote of all aye, the motion carried unanimously.

Article 5, Chapter 90 road repair – Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 6, Customary Financial Article - Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 7, Revolving Funds Article – Zbikowski asked what the balances are with these accounts. Kreidler said he could provide him with the balances. Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 8, FY12 General Government Budget – Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 9, Water Enterprise Budget - Kreidler explained these accounts and the function of an enterprise fund. Hunt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 10, Wastewater Enterprise Budget – Hunt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 11, Transfer Station Enterprise Budget - Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 12, FY12 School Budget – Hunt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 13, FY12 School Budget-Override – Kreidler said he has received nothing in writing from the School Committee and wasn't positive but he had heard in meetings the number was \$300,000.00. Blair said we can't recommend without a number presented. Hunt moved to pass over until town meeting. Blair said you should amend your motion to get the number five days prior to Town Meeting. O'Keefe felt we should have a number and moved to not recommend this article. Hunt withdrew her motion and seconded O'Keefe's. By roll call vote of all aye, the motion to not recommend carried by a unanimous vote.

Article 14, FY12 School Transportation – Kreidler explained these are live bids for a regional transportation contract with the town of Winchendon and Gardner. This number is just our cost. He said it is slightly higher than last year and is reasonable. Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 15, Johnson Control – Hunt confirmed with the Town Manager that we were looking to pull funds out of stabilization or an override. She said this bill has been paid and moved to not approve. O'Keefe seconded. By roll call vote of Hunt aye, O'Keefe aye, Blair aye and Zbikowski abstain, the motion carried 3-0-1.

Article 16, Medicaid Reimbursement - Hunt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 17, Assessor's Inspections and Article 18, Assessor's Recertification – O'Keefe moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried by unanimous vote.

Article 19, Senior Tax Work-off Program – O'Keefe moved to recommend; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Article 20 and 21 relate to the CAC Grant and the Clark Y.M.C.A. Water Bill. Kreidler stated those two articles are not covered by a source and he has yet to identify where it will be covered. He said you have a standing policy to not recommend an article without a funding source and expected by Town Meeting he will have a funding source. He also said he would strongly recommend using stabilization for the CAC Grant if needed. Blair wanted to take action on what information they had that evening stating we can revisit the vote. O'Keefe motioned that they table Article 20 and 21's recommendation until the next meeting; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 22, Assessor's Computer Server – O'Keefe stated it would cost more to have an election to fund this than having a tax override. O'Keefe commented he didn't want to see override questions so small that we could find other ways to fund this. O'Keefe moved to approve; Zbikowski seconded for discussion. Zbikowski said Selectman O'Keefe has a valid point. Could this be the same way and table it to find the \$4,000 elsewhere, he asked. Kreidler said the logic would hold true if it was just this one issue. The next five articles would require an election as well as the school override article. Hunt thought maybe the water enterprise fund could absorb the \$10,000.00 cost. O'Keefe thought that the cost should be borne by all. By roll call vote of O'Keefe aye, Blair aye, Zbikowski aye and Hunt no, the motion carried by majority vote.

Articles 23 and 24, Fire Dept. Ambulances - Kreidler explained that if we get the Robinson-Broadhurst grant we won't ask people to vote for the full \$168,000. Robinson Broadhurst usually notifies us about the same time as Town Meeting. Blair said he has a problem with not knowing. O'Keefe moved this body recommend Article 23 and pass on Article 24. Hunt seconded for discussion. Hunt asked if the cruiser and ambulance survive one more year because she has confidence that we will get some money. Kreidler said the people requesting both the cruiser and the ambulance said now is the time. The cruiser, in town standards, is rotated one car in each year. Kreidler explained the onetime cost for these vehicles. By roll call vote of all aye, the motion carried unanimously.

Article 25, Police Dept. Cruiser – Zbikowski said he agreed with his colleague, Selectwoman Hunt, to defer a year and suggested as Chairman Blair did to use the high mileage vehicles locally. Kreidler commented while he admits he's not a police professional if the Chief deems a vehicle not fit, the answer is not just to use it locally; you expect a cop to show up and expect that the car can hit top speed to serve and protect. He defers to the Chief to deem a vehicle unfit. Discussion was had on the number and types of vehicles the Police Dept. had. Bair complained about the gas usage of Expeditions. Kreidler replied that these vehicles are required to go through the woods and respond. O'Keefe moved this body provide an affirmative recommendation to this article. With no second being heard, O'Keefe moved to pass. Hunt seconded. By roll call vote of all aye, the motion carried unanimously to pass over.

Article 26, School Netting System - Hunt said she wasn't sure if this number was the right number. Kreidler responded it was the number that was presented by the School Department. Blair asked Hunt if she was satisfied with the design. She said it will stop the balls. Blair informed the Board that he read somewhere that the School Committee Chairman wasn't going to recommend anything like this until the resident complaining signed off that this would be done issue. His attorney said that he wasn't going to recommend that his client sign off his rights. Blair said he feels like voting this down and let the school deal with it. O'Keefe moved to not recommend Article 26; Hunt seconded for discussion. Hunt said she felt Mr. Cartee wanted to be part of the solution. We have to understand what these neighbors are up against. They thought it was going to be for the high school only. What happened is we have the best little league program in the state and this field is being used eight months out of the year. She stated she sympathized with Mr. Cartee. Zbikowski said the last time we talked about this, the big issue was the possible law suit if we didn't do this. Blair clarified a no vote, the way it's presented, would throw it back to find funding by the School Committee. O'Keefe said let's build another ball field somewhere. If we're spending \$30,000 to \$50,000, I'd rather see that money building another ball field somewhere. By roll call vote of all aye, the motion carried unanimously.

Article 27, Transfer to Stabilization Fund - Hunt moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 28, BOS to convey to the WRA two parcels – O’Keefe moved this body recommend this article; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Article 29, Lease to Purchase for Police Station Use – Kreidler advised the Board it has been his expectation unless he had clearance from the appropriate state authorities, he would not put forward this article. This weekend he said he received word from the Atty. General’s office and he didn’t have faith that the pendulum is headed in the right direction and asked to withdraw the article.

Article 30, Fund Courthouse Architect Specs. – Zbikowski moved to recommend; O’Keefe seconded. Zbikowski said he wanted to move the Courthouse forward one way or the other but didn’t realize it would cost \$100,000 to get the specs. This was a way for the tax payer to say let’s get it moving forward. Kreidler said he received written communication from Jacunski Humes Architects. In order to take the conceptual plan and bring it up to the way the article reads, a figure of \$80,000 was received. It doesn’t include engineering for site work, the reconfiguration of the parking lots, the architectural work for telecommunications inside the building. An addition to their number would be 25%; that would get us the technical and legal through the ribbon cutting. If this fails, Zbikowski said, I would ask to reconsider Article 3 to form another committee to get this moving. Hunt said if this does move forward, do we lose the opportunity for grants and state funding. At this point, Kreidler replied, the only appropriate fund we had was the USDA fund. Nothing has changed for this right now. By roll call vote of O’Keefe aye, Hunt no, Zbikowski aye, Blair no, the motion to recommend failed to carry by a 2-2 vote.

Article 31, Accept MGL Ch138 Sec33B regarding Sunday liquor sales – Zbikowski stated he didn’t feel that people needed to have alcohol at 10:00 a.m. Hunt mentioned the ABCC has approved this and is before them for local approval. O’Keefe said this is more about a Mimosa or a Bloody Mary with brunch and was concerned that other communities might be doing it already. O’Keefe moved this Board vote in the affirmative; Hunt seconded. By roll call vote of Hunt aye, O’Keefe aye, Blair aye and Zbikowski no, the motion carried by majority vote

Article 32, Military Funeral Protest Buffer Zone – Kreidler explained this was a buffer zone to protect from disturbances at funeral services. O’Keefe moved to recommend; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Article 33, Adopt Prohibited Materials Bylaw – O’Keefe moved to recommend; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Article 34, Adopt Revised Bylaw 2nd Hand Shop – Zbikowski moved to accept; Hunt seconded. O’Keefe wondered who it was submitted by. Kreidler replied the Chief of Police. By roll call vote of all aye, the motion carried unanimously.

Article 35, Amend Winchendon Home Rule Charter - O’Keefe moved to recommend; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Article 36, Zoning Bylaw Article - O’Keefe spoke about this long article and mentioned the Planning Board Chairman, who was present, prepared an Executive Summary if anyone would like a copy. O’Keefe moved to recommend Article 36 in its entirety; Hunt seconded. Hunt asked Chairman White how his Board voted. Chairman White said the Planning Board unanimously voted to approve. Blair thanked Mr. White for the summary.

Hunt asked the Town Manager about the miscellaneous funds listed on page three. Kreidler said those listed on page three are an accounting of funds that are not regular taxation or other recurrent funds like those listed in the operating budgets opening paragraph. We usually have two blocks, overlay surplus and free cash. This past year, we certified no free cash and \$27,963.00 is in overlay surplus. Every year we are required to appropriate an amount of money for an allowance of tax abatements. After a certain number of years have gone by and the balance of the account is greater than the outstanding liability or potential that's out there for challenges, we were able to close it out and call it surplus and make it available for appropriation. O'Keefe said he had a correction stating the articles listed should be 17 and 18.

Blair apologized to the Finance Committee Chairman stating they had agreed that the Board would let the Finance Committee meet first and we would get their recommendations prior to the Board placing their recommendations, but, he said schedules didn't allow for this.

Minutes:

April 7, 2011 - Special Meeting, Ratification of vote of March 31, 2011: Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

April 11, 2011 - Regular Meeting: Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

April 14, 2011 - Special Meeting, Public Hearing on K.D. Rare Coin Co. Pawn License: Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Communications: John Vaillancourt came before the Board and thanked Selectmen Blair, O'Keefe and Zbikowski for coming by his restaurant and thanked the board for allowing the late night hours. He stated he was watching the meeting at home and wanted to come in and comment about the two SUV's on the warrant and thought they shouldn't be used because of accidents. Blair thanked him for his comment and wished him great success with his restaurant.

Adjournment: With no reason for Executive Session, Hunt moved to adjourn; Zbikowski seconded. By roll call vote of all aye, the meeting adjourned at 8:46 p.m.

Respectfully submitted,

Linda A. Daigle
Executive Assistant