

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, JUNE 6, 2011 - 7:00 P.M.
Town Hall Auditorium, 2ND Floor**

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

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

Absent: Keith R. Barrows

List of Documents Presented at Meeting:

- Brown's Toy Town Auto Salvage Letter to Selectmen and photos (filed)
- Senior Work-Off Tax Program Announcement for FY12 (filed)
- FY12 BOS Appointment Renewals (attached)
- Proclamation – Steve Calichman Day July 2, 2011 (filed)
- Town of Winchendon 2011 Re-Precincting Plan (filed)
- Discharge of Mortgage – 21 Jackson Avenue (filed)
- Chapter 44, Section 33B Vote of Acceptance request from Town Accountant (attached)
- Application for Water/Sewer Abatement – Nike Rylee's Inc., Ernest P. Fletcher, Jr. (filed)
 - Memo from Town Manager dated June 3, 2011 to the Water/Sewer Commissioners from the Town Manager
 - Nik Rylee's water consumption history
- Current and Proposed BOS Policies: Congratulatory Messages, Vacancies and Appointments (filed)
- Town Manager's Report (attached)

Chairman O'Keefe called the meeting to order at 7:04 p.m. with the Pledge of Allegiance to the Flag of the United States of America and welcomed everyone present. The meeting aired live on local cable access channel 8. No response came forth from the audience when O'Keefe asked if anyone would be recording the meeting this evening.

Public Comments and Announcements: None.

Permit/License Applications, Hearings:

Boot Drive July 2, 2011 – Sons of the American Legion: Mr. John Bussiere, Commander of Post 193 of the American Legion, was present on the application along with Mr. Curt Fitzmaurice. They explained the annual boot drive which will be held in front of Monument Park and the Whitney House. The proceeds will go into scholarships for the children in Winchendon. He said three scholarships were given out last year from the Sons of the American Legion and four came from the American Legion Club. O'Keefe mentioned the drive will be held on July 2 from 9:00 a.m. until 1:00 p.m. in front of the Historical Mansion on Rte. 12

and that they will wear orange vests and cones will be utilized. Blair moved to accept the permit and to waive the fee; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Toll Road October 8, 2011 – Winchendon Lions Club: Mr. Curt Fitzmaurice and Mr. Ken LaBrack, King Lion, were present on this application. This is an annual toll road to be held on Front St. in front of the Historical Society. Proceeds from this event will also benefit Winchendon children with scholarships. Last year five scholarships were given out. It was mentioned that the Lion's Club International covers those taking part in the Toll Road with insurance. Blair moved to approve the applicant and to waive the fee; Hunt seconded. By roll call vote of all aye, the motion carried unanimously. It was mentioned in the past that the amount of the scholarships were \$500.00.

One Day Special Outdoor Liquor License – Snowbound Club, July 23, 2011 “Ryan’s Run:” Rick Moulten was present on this application and spoke about the event stating it is in memory of Ryan Schrawder who was killed in a horrible accident seven years ago. Six years ago, the family started running a motorcycle benefit ride for him but when it became so large, they approached the club for consideration of hosting it there. The benefit raises scholarship money for Narragansett students hopefully in the field of marine biology. Blair moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

O’Keefe explained the application process to those who were present and listening at home informing them that the submitted applications are distributed to the various Town Department Heads for their feedback and responses are returned to the Selectmen.

Class III - Transfer from Toy Town Auto & Salvage to Brown’s Toy Town Auto Salvage: The applicants, Mr. Mark Brown and his wife, Joan, introduced themselves to the Board. Mr. Brown said a correction on the name listed on the agenda should be Brown’s not Brian’s Toy Town Auto Salvage. The corporate name is Tune & Toon LLC. Mrs. Brown passed out additional information to the Board including pictures of the Auto Salvage they own in Bomoseen, Vermont for over thirty years. Mr. Brown gave the Board a little bit of history of this business mentioning the awards the business has received. Mr. Richard Karvonen, the prior owner of Toy Town Auto and Salvage, was also present on behalf of this application. Mr. Brown stated they anticipate doubling the amount of people currently employed there going from six to twelve employees. He mentioned they are good community citizens and have worked with State Police Depts. and Local Fire Depts. in the past making their facility available for training purposes and they plan on donating \$1 per tire towards a youth sports league in Winchendon. Mr. Brown notified the Board they have another couple that is partners with them who have been in this type of business for fifteen years that are looking to settle in one place. O’Keefe mentioned a couple items were noted from responses back from Dept. Heads with one being the possibility of a special permit. Kreidler said he had resolution in that matter stating the Planning Agent has gone through the file and determined there has been no break in issuance of permitting since the last special permit granted back in 1980 and that the Building Commissioner signed under Zoning Enforcement with no issues. Mr. Brown informed the Board that he picked up his business certificate today. Blair moved approval of the application. Hunt seconded the motion. By roll call vote of all aye, the motion passed unanimously.

Selectmen’s Comments:

Senior Work-Off Program Announcement – Chairman O’Keefe read the Senior Work-off program notice included in the packets. This program was recently approved again at Town Meeting this past May. Qualified senior citizens who are selected to participate can apply their earnings toward payment of a

portion of their property taxes. He read the criteria for the program and said if anyone is interested, to please contact the office for an application.

Zbikowski said the packets were not available per the current policy and feels Friday evening is an unacceptable time to get them. O'Keefe said since you are not in agreement with the requested change, we will stick with the original policy having the packets ready on Wednesday around noontime.

Appointments/Resignations:

Fedor Berndt – Planning Board appointment May 17, 2011 per the Winchendon Home Rule Charter, section 7-8: Mr. Berndt was present this evening to meet the Board. On behalf of the Board, Chairman O'Keefe thanked him for offering to serve on the Planning Board and filling this vacancy. Everyone welcomed him and thanked him for stepping up. Blair invited him to their meetings and asked him to bring forth issues to the Board.

FY12 BOS Appointment Renewals: Next on the agenda, Chairman O'Keefe said, was the list of FY12 appointment renewals that are before the Board this evening. Blair moved for appointment of all those that seek to be appointed; Hunt seconded. By roll call vote of all aye, the motion carried by majority vote. O'Keefe thanked those who replied and are willing to serve their community. He announced the vacancies that still exist. Blair asked for a point of clarification stating that we have been treated with some unhappy examples from appointed and public officials that have been behaving badly. He wanted to know what recourse we have, as a Board, whether or not they had the power to rescind their approval or appointment. Kreidler replied, looking at the list this evening, with exception of the Zoning Board of Appeals, you do not have the ability to “disappoint” once appointed. There is no statute that would allow you to remove someone. He heard other communities have conditioned their appointments on the proviso that if at any point during the term of service, the majority of the Board deems their behavior, attendance or their performance unacceptable, they could be removed. He didn't know if there was a statutory framework for that; but it has been done in other communities and it has not been challenged.

New Business:

Notice of Retirement June 30, 2011 - Steve Calichman: Mr. Calichman, the Town's Health Agent, was invited to attend the meeting this evening so the Board could issue him a Proclamation in honor of his upcoming retirement and named July 2, 2011 as “Steve Calichman Day.” Everyone stood and applauded Mr. Calichman for his service to the Town. Mr. Calichman thanked the Board and for the kind words and the proclamation and said he enjoyed his time here in the Town of Winchendon. He said he was a public health junkie and has enjoyed his years in this field and would be available for consulting if the town would need help in the future.

Town of Winchendon 2011 Re-Precincting Lines – Lois Abare, the Town Clerk, was present to speak about the re-precincting plan for the town and explained to the Board why changing the lines makes sense. She presented the final map that incorporated all the small changes that were suggested. Precinct Two, which use to be the smallest, has now become our largest precinct, she explained. Growth has occurred there so we shifted a few people out of precinct two to one and three to even the numbers out. She said folks who are affected will be notified by mail. The changes become effective on January 1, 2012. O'Keefe pointed out the town's three precincts share the same elected officials, Selectmen, State Representative and Senator and that the voting place is the same. It only changes the line you stand in before you vote. Hunt moved to approve; Zbikowski seconded. By roll call vote of all aye, the motion carried unanimously.

Discharge of Mortgage – 21 Jackson Ave: Kreidler said this represents the discharging of a lien on this property that was placed when a Community Development Block Grant (CDBG) was applied for and received to do work on the property. Traditionally, you see these discharges when either one or two of the following things occur; the property is transferred within a fifteen year window of the lien being placed with the balance paid back and the lien discharged; or, at the end of fifteen years when it is discharged as a matter of course. The CDBG grants are for housing rehab programs and are open to folks who are eligible. Anyone interested can contact Gerry White in the Planning Development office for more information. Hunt moved to accept; Blair seconded. By roll call vote of all aye, the motion carried unanimously. Zbikowski asked about having a notary present to witness their signatures. O’Keefe replied if this was not live, then certainly.

Chapter 44 Section 33B Vote of Acceptance Town Accountant Year End Transfer Approvals: Kreidler explained this is an annual request from the Town Accountant, Charlotte Noponen, to allow for yearend adjustments according to Mass. General Law. Hunt moved to approve; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Nik Rylee’s Inc. - Application for Water/Sewer Abatement: Mr. Bud Fletcher came before the board on his application and informed the Board he had sold Nik Rylee’s on August 30, 2010 and at the closing there was a water/sewer bill of \$2,433.94 for the months of May through August. He said the average usage of water at the restaurant March 2008 through April 2010 was 78 gallons a day. The new figure, May through August, amounts to 161 gallons a day, 84 gallons a day more, he said. He feels there was a problem and is asking for abatement. When asked by the Chair how this happened, Mr. Fletcher replied he had no idea. Kreidler, speaking through the Chair, said there was a memo dated June 30, 2011 in their agenda packets that he presented on this matter and read the bulleted list that entailed the history of this issue. He had a correction to the 4th bullet item stating that the new owner hadn’t received the new bill but he had been monitoring the flow, reading the meter daily trying to determine how the flow was. He must have seen the amount at closing and came in after several weeks because he thought the consumption seemed high. The Water Department visited the building to determine if the meter was functioning correctly and it was determined the ice machine was running non-stop. The new owner had the machine repaired immediately and the Water Department adjusted the several week account back to what had been traditional consumption. Mr. Fletcher seeks abatement for May through August 2010 for charges incurred as a result of the faulty ice machine. The total abatement for water and sewer would be \$657.34. Pursuant to the water/sewer regulations, in order to consider abatement, the bill must be paid and filed. O’Keefe asked if any other abatements had been given. Kreidler replied, yes, Santinos was given the last abatement due to a faulty meter. Mr. Fletcher said if they had known, they would have fixed the ice machine. Zbikowski moved to hold off until our meeting in July; Hunt seconded. By roll call vote of Zbikowski aye, Blair nay, Hunt aye and O’Keefe aye, the issue was to be placed on the next meeting scheduled for July 18th.

BOS Policies and Procedures:

400-31 CONGRATULATORY MESSAGES - O’Keefe said he is seeking to modify the current policy again which states the Board actually has to meet and take a formal vote which can create a delay. He would like to split congratulatory messages in two different groups; one being a proclamation the whole board would approve and vote on and the second being a citation that could be issued at the request of any Selectmen with a certificate produced recognizing and congratulating any individual or business in the community for reaching any milestone or achievement. He would like to see the Board get more involved in some of the community activities and show their appreciation more formally. Blair moved approval of

the changes to the congratulatory messages as proposed by the Chair; Hunt seconded. By roll call vote of all aye, the motion carried unanimously. Hunt commented to the Chairman that he did a good job.

400-06 VACANCIES and 400-22 APPOINTMENTS – O’Keefe suggested we consider this as a first reading because it’s a bit more involved. Hunt moved to accept the first reading; Blair seconded. By roll call vote of all aye, the motion carried unanimously. The Board then reiterated their vote in the affirmative to accept both the vacancy policy and the appointment policy as a first reading and to place it on the next Selectmen’s agenda in July. O’Keefe asked that if there are any changes or comments to put them in writing and have them ready for our meeting in July. Zbikowski said on the proposed appointment policy there was a typo error where it says “In the case of appointments, a second to the nomination or motion will be required prior to Board action.” Zbikowski said a second is required. O’Keefe clarified and said it is not a requirement but it has been the practice of the Board to require a second and maybe it’s a change to consider with our policies. The proposed new policies will be placed on the agenda again in July.

Old Business: None.

Town Manager’s Report:

1. Personnel Updates:

a. Pending Vacancies – Kreidler announced the upcoming vacancies in the next several weeks to months: Town Clerk, Lois Abare, retiring; Health Agent, Steve Calichman, retiring; Public Works Director, Mike Murphy, retiring; and Assistant Town Account, Barbara Lafrennie, retiring. The Assistant Accountant position advertisement will be out on the street this week. The Health Agent position is a union position and if there is an internal candidate to the union that has an interest and is deemed qualified, they can apply and have the opportunity for the position before it gets put outside the bargaining unit. Jim Abare, our current Health Inspector, has certified his interest and I am working with him to determine his suitability. The ad and job description are being fine-tuned right now for the Public Works and the Town Clerk’s position. O’Keefe asked if he thought there would be any problem with filling the position and Kreidler replied, “no”. Hunt inquired about the Assistant Accountant position and Kreidler replied it is going from full-time down to part-time. She asked how many years these senior employees have worked. Kreidler replied it’s close to ninety accumulative years of service for these positions. Retirement dates are the following: Lois Abare, July 31st; Mike Murphy, December 31st with an effective last date the end of October; Barbara Lafrennie is July 31st and Steve Calichman is July 2, 2011. The Board would like proclamations prepared for the July meeting for those who are retiring in July.

2. Financial Updates:

a. FY12 Budget Update – Kreidler informed the Board that the Governor, the House and the Senate all have the same numbers for local aid; therefore, there will be no change in the final executed budget.

3. Project Updates:

a. Hillview Business Park Update – Kreidler read from his report informing the Board about the plan agreed upon between the Conservation Commission’s engineer and the private property owner engineer regarding a wetland crossing and the release of the check to the engineer. O’Keefe asked the Town Manager if it was his belief that the check was not in

order. Kreidler replied, "That's correct." He explained the project was not procured properly and any municipal contract should have a tax compliance form attached. The It was first approved by the Conservation Commission, a Board that I have no jurisdiction over, subsequently it was approved in a warrant by this Select Board. Subsequent to that, it was determined it was not procured properly. The Conservation Commission is not empowered by stature or charter to actually execute a contract and additionally any municipal contract should have a tax compliance form attached. This was not the case. There was and could still be a \$25,000.00, plus or minus, state tax lien for this firm. We did not have that information at the time the Board approved the warrant and the Conservation Commission did not know what they were doing was improper. O'Keefe said mistakes were made ahead of time and suggested it may be prudent for the Board to create a procurement policy that the boards and committees are to follow listing in simple form what needs to be done and to work with the Procurement Officer to make sure future purchases are in compliance. Hunt was concerned about a way to address companies that have had violations for future procurements. O'Keefe mentioned the Selectmen's Policies are not just for the Selectmen but for all Boards and Committees as well. He suggested educating new members and to give them a policy to help them not create mistakes in the future. That's our corrective action and asked if any Selectman wanted to take a stab at creating a policy? It was decided, with the assistance of the Town Manager, to put a procurement policy before the Board in October during policy review.

- b. Solar Farm – Kreidler stated the application process for the interconnection has begun and National Grid has come back with a \$20,000.00 additional cost for a study that needs to be done. Axio Power paid this cost. Kreidler informed the Board that although this has not been confirmed publicly yet, it's been reported that Axio Power appears to have been purchased. It hasn't been confirmed by either personnel at Axio or personnel at the company alleged to have purchased them, SunEdison. If this bears true, it will be a benefit to us because they announced a \$400,000,000 infusion of capital to try to expedite the creation of these distributed generation facilities in Massachusetts. The contract we signed with Axio includes all their successors and assignors.

4. Miscellaneous Updates

- a. Moody's Investment Update – Kreidler read from his report that Moody's investment conducted a review of the Town's financial standing last week with himself and Treasurer Bousquet and Accountant Noponen. The analyst shared that most ratings were either holding steady or going down due to the state of both the federal and state economies; however, the Town Manager felt good about the meeting. He expects to hear of the vote in a few weeks. He wanted to acknowledge the level of preparation that both the Treasurer and the Accountant came to for that conference call and said you were well served by these two employees and this conference and that it was his hope the town's rating will hold steady or be increased. O'Keefe asked the Town Manager to pass on thanks to Charlotte and Joan.

Zbikowski, on behalf of a taxpayer, asked the Town Manager about the background and payment responsibility of the water line extension up at Old Center. Kreidler replied it goes back to vote at Town Meeting several years ago to replace the old steel tank on top of Hospital Hill dated back to 1908 with a booster pump station and to do several sections in town with transmission main replacements from Ashburnham into town and associated work in the area of the Hospital and Old Center. What's happening now is the tail end of that project where a lot of the older mains are being replaced with new mains

addressing fire flow issues and extending the system down Old Center. Zbikowski said it is really a replacement than an expansion. Funding for the project was borne by the town and a grant.

O'Keefe asked for an update on the water meter situation and the letter to be sent out. Kreidler said he had hoped to have the letter out but since that meeting, fifty appointments have been made to replace the meters. He stated he would get the letter to them before the next meeting.

Blair informed the Board at the last meeting it was announced that one of the Selectmen didn't have their water meter fixed yet and acknowledged he was the culprit. He said for those who haven't had their water meter replaced it can be done quick and said he was sympathetic for those that didn't get their notice or misplaced their notice and stated it can happen even at this level.

Minutes:

Monday, May 9, 2011, Regular Meeting: Blair moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, May 23, 2011, Regular Meeting: Blair moved to approve; Hunt seconded. Zbikowski just had a question about the school crossing lines being painted. He understands it's contracted out and wanted to know when they would be painted. The Town Manager said he would check with the Superintendent when it would be done but thought the logic might be to wait closer to the start of the school year. By a roll call vote of all aye, the minutes were approved by a unanimous vote.

Communications: N/A

Agenda Items: Blair asked about the next meetings. O'Keefe said the next meeting is scheduled for July 18th and August 8th. O'Keefe said if you have any permit requests, please do not wait until last minute and get them in as soon as possible.

Adjournment: With no Executive Session needed, Blair moved to adjourn; Zbikowski seconded. By roll call vote of all aye, the meeting adjourned at 8:38 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant