



around nine years ago. Kreidler said that we have asked United Water to put some signs out and if we don't have any, have some made and put them at the intersections coming into town to let people know. Kreidler also mentioned that it was not an absolute ban but an odd/even ban. If your house number is odd you water on the odd days and if it is an even number you water on the even days. Kreidler said this is year-round but impacts us mostly every July, August and September. Zbikowski asked we remind people every spring. O'Keefe asked the Executive Assistant to place on the Board of Selectmen's calendar to bring up in May of each year.

O'Keefe asked the Town Manager about the Senior Work-off Program and if we had filled that one seat that was vacant. The Town Manager deferred to the Executive Assistant, Linda Daigle. She said she believed that we had the full 13 applications and out of that one person was new and a place would be found for her. O'Keefe told the public that if there was anyone else wanting to join they could still inquire and possibly be put on the list for next year.

O'Keefe mentioned that he would like to clarify something that was in last week's Winchendon Courier. He said that the Board of Health mentioned a fact incorrectly. The newspaper reported it as it was said but since it was incorrect he would like to deal with it now. It dealt with a new bylaw that was passed at Town Meeting this spring called the Prohibited Materials. (In many communities it is called the nuisance bylaw). One of the Board of Health members stated that the bylaw had not taken effect yet because the state legislature had not ratified it yet. That is not the process. Town Meeting is a legislative body. Town Meeting has the right to enact bylaws. Those bylaws take effect immediately upon an action at Town Meeting. He just wanted to let everyone know that the bylaw is in effect now. This could have been confused with Charter changes. Charter changes must go to the Legislature and then the Governor.

Proclamations: Retirement of Lieutenant Gerald A. Valliere, Jr. – July 30, 2011. Selectman Barrows moved to accept the proclamation for Lt. Gerald A. Valliere; Hunt seconded the motion. All four selectmen voted aye. Hunt read the proclamation for retiring Firefighter EMT Gerald Valliere. The Board of Selectmen hereby proclaimed that August 9<sup>th</sup>, 2011 shall be “Gerald Valliere Day” in the Town of Winchendon. There was standing applause and Mr. Valliere thanked everyone.

#### PERMIT/LICENSE APPLICATIONS, HEARINGS:

Live Entertainment Permit – Broadview Inc. – August 27, 2011 – Lara Greene came before the Board on this application. She explained the recent additions made to Broadview and said they are going to have an open house for the public to tour the facility. She said it would be free and they will be serving refreshments and will have games on the lawn. They will have “The 3 Swinging Tenors” perform between 2:00pm and 3:00pm. The remaining portion of the event would take place inside for the residents and their family members. O'Keefe mentioned the comments by the department heads. Ms. Greene said that the Board of Health did speak with the head of their food and beverage and said that they could host the event under the existing Food & Beverage license that they hold. Planning Board noted on their response that they have a parking agreement already in place with the school. Hunt commented the agreement was old and the Principal noted on the agreement was no longer there. She suggested they update the agreement and renew it annually perhaps to keep it current. Hunt motioned to approve. Zbikowski asked if there would be a lot of cars on Central St. and would people be shuffled. Ms. Greene said for simplicity the entire Broadview staff will park at the school leaving room for the public to park. Barrows seconded the motion. All four selectmen voted aye.

Live Entertainment Permit – Winchendon 250<sup>th</sup> Anniversary Committee Apple Festival Arts & Crafts Fair - October 15, 2011, 10:00 a.m. – 3:00 p.m. at the Warren Bentley Field: Chairman David LaDeau came before the Board on this application. He announced they are asking people to bake two pies and they also will be

having a dessert contest as well. He said the committee has formed a sub-committee and is still working on the details. He received the Board of Health permit. He is looking for a couple local bands for entertainment for this event. He said that a magician has been booked. The apple eating contest will be held at noon, with three categories with a \$50 prize for each winner. Kid's games and activities have been scheduled and it will be a family fun event. Kreidler said Bentley Field has been approved to be used by himself and Mr. Jack Smith. Zbikowski moved to approve waiving the fee; Hunt seconded. All four selectmen voted aye.

LaDeau mentioned that he is looking for donations for the Chinese Auction table. They can contact himself or any member of the Committee. O'Keefe mentioned that they would need volunteers for baking, eating, and helping out. LaDeau mentioned the sub-committee meeting was going to be held on Wednesday at the Library at 6:00 p.m.

Vegetable Stand Permit – 111 Spring St., Allen Laprise – Ms. Daigle informed the Board that she hadn't heard back from Mr. Laprise. O'Keefe said if he doesn't show up, they would move this permit application to next month.

#### APPOINTMENTS/RESIGNATIONS:

Winchendon 250<sup>th</sup> Anniversary Committee Appointment - Laura LaBrack was not able to make the meeting this evening. The Committee sent in a recommendation to approve. Barrows moved to approve the appointment of Laura LaBrack to the Winchendon 250<sup>th</sup> Anniversary Committee; Hunt seconded the motion. All four Selectmen voted aye.

Library Board of Trustees Appointment - David Susman was present on his interest to join the Library Trustees. He introduced himself and told the Board how he and his family frequent the library often and he would like to help the library expand and reach out to the community. Julia White Cardinal submitted a letter of support for Mr. Susman. Barrows moved to appoint Mr. David Susman to the Library Board of Trustees; Hunt seconded. All four Selectmen voted aye.

Capital Planning Advisory Committee Appointment - Robert Guenther came before the Board on his interest to serve on this Board. O'Keefe said hopefully the committee will have some funds to work with when the solar project takes effect. Guenther said he moved here 4-5 years ago and wanted to be involved with the community. He works for a national newspaper group and was responsible for developing capital budgets and construction facilities for this group. After he retired, he contracted with Northwest Airlines to build their corporate facilities, which is now USAir and feels he has some expertise to offer the committee. O'Keefe pointed out to the public that the committees have vacancies if you have the willingness to work and to not worry if you have experience or not. Zbikowski moved to appoint him; Hunt seconded. Zbikowski told Mr. Guenther that the next meeting is Wednesday at 7:00 p.m. All four selectmen voted aye.

#### NEW BUSINESS:

Red Flag Policy and Identity Theft Prevention Program: 2<sup>nd</sup> Reading – The Town Accountant, Charlotte Noponen, came before the Board for any questions the Board had on this policy. She said the auditors recommended it and provided us samples. She tweaked it using other communities that have already passed it and had Joan Bousquet, the Treasurer, and Jim Kreidler read through it as well. She mentioned the explanation from the auditor and highlighted some points in the letter. The reason for creating the policy is due to the red flag rule. The rule is mandatory for governmental and non-governmental institutes that have credit based relationships with their customers providing goods and services and looking for payment to be made subsequently. In regards to cities and towns they are basically referring to water and sewer services. We

provide a service, we do a bill and they pay that bill. In comparison, if you wanted to get an account with National Grid, you might have to provide your social security number, bank account numbers, etc. Ms. Noponen stated that we are not going to require that anyway so we don't have a lot of that kind of information that is connected to those people that are paying those bills but we have to have a policy in place so that if somebody comes to us and tries to manipulate looking for an individual and trying to gather information, we have to be the ones to protect those individuals rights. She said that we do hire a third party, UniBank, which does our online banking for people to make their payments. They are a separate protected sight. We don't have their credit card or their debit card information provided to us. What we ask for is their name and the amount of money and the bill that they are paying. That also includes real estate taxes, personal property taxes and a variety of other services that the school provides too that they can pay online. So this policy is for us to follow through with to protect anything that would look suspicious. O'Keefe said that the first step in protecting information is not to have it to begin with and he said it was nice to see that we limit the information that we have. Charlotte said there are other rules that apply to even our employees for their date of birth and social security number that we can't even have on reports. We can't provide them to anybody else and those kinds of things are already in place for payroll. This is just basically for people that are paying us. O'Keefe said that one of the other items that needs protection is checking account numbers. Charlotte said we would not forward that information either. She said there are steps that if the clerk ends up finding something they notify their supervisor, and that supervisor notifies her and she then notifies the Town Manager if anything comes up and becomes a question.

Barrows said this whole policy was developed to protect the public; it also protects the pairing of information of name, date of birth, social security. It is in place to give piece of mind to folks so the information would not leave town hall offices. Kreidler said it is meant for the public and it should be said that we've been doing this all along and this is just formalizing it in a document. Charlotte mentioned more policies that will be put together in the future. Hunt moved to adopt the Red Flag Policy and Identity Theft Prevention Program; Barrows seconded. All four Selectmen voted aye.

Town Manager Evaluation: O'Keefe spoke about the evaluations that have been submitted and gave the Selectmen their chance for comment. Zbikowski said he had two pages of comments that are on record for anyone that wants to read them. Hunt read the review comments of her evaluation of the Town Manager and commended the Town Manager for staying within the budget during these tough times. An area of concern for her is, and will continue to be one of her goals and objectives, documentation controls. She is hoping that the Select Board will agree this item should be a priority on the goals and objectives. Hunt also mentioned that she has seen this Board do a complete 360 and sees them coming together and is positive that the past will not happen with this current Board and thanked the Town Manager for putting up with what happened in the past and for what he did and continues to do for the Town of Winchendon.

Barrows read his comments on his evaluation of the Town Manager. He is overall pleased with what he has seen in the past six months and expects nothing less going forward. He said that the Town Manager continues to manage the budget effectively and efficiently.

O'Keefe mentioned these are public records for anyone that wants to read them in their entirety. He then read part of the comments of Selectman Blair who was absent for the meeting.

O'Keefe then spoke about his own evaluation and stated that it is only for the period of time that he has served on the Board which was from December of last year. He has found the Town Manager to be responsive and proactive in their communications. Due to this excellent communication, he can find that in most areas that he

evaluated him in, he meets or exceeds standards. There were some areas where improvement can happen. Overall the Board had a rating system. They rate four different items. A zero means the Town Manager failed to meet the standard; No. 1 means he needs some improvement to meet the standard; No. 2 means he meets standard and No. 3 means he exceeds standard. On the evaluation there were a total of twenty different items to review. He then announced the average was 1.97 which rounds up to 2.0 meaning the Town Manager meets the standard that this Board considers acceptable.

Kreidler thanked the Board for the time and effort they put into their evaluations. He said he received the first “less than meets standard” in his 11 years from Mr. Zbikowski and Mr. Blair. It at once concerned him but now inspires him to do what Selectwoman Hunt had indicated as water under the bridge and looks at moving forward more proactively. He then read his comments to the evaluation from his Town Manager’s report. O’Keefe said the final step is to consolidate the report which he will do.

Town Manager Evaluation Schedule Changes: O’Keefe spoke about the current schedule to the evaluation and the change being offered. O’Keefe made a recommendation that in March/April of each year the Board completes the Town Manager evaluation. After the election, June/July, the newly constituted Board would set the goals and objectives for the coming year (therefore it is the new Board that is setting these goals). They would be an agreement between the Board and the Town Manager. He asked if the Board had any comments. There were none. Kreidler mentioned that he has already agreed with the Board when wanting to change the form. Hunt moved to accept; Barrows seconded. All four Selectmen voted aye. The Executive Assistant was asked to add to the calendar to start the Town Manager evaluations in March and in June to produce the goals and objectives. Kreidler said he would prepare for the Board his amended contract to include these changes.

Town Manager Goals and Objectives: O’Keefe announced that individually the Board submitted their goals and objectives. He compiled them and placed them in groupings. The Board discussed the list using the “Smart Philosophy”. Goals need to be Specific, Measurable, Achievable, Realistic and Time bound. Some of the listed items were stricken and some were merged with others. Some of the groupings were changed.

O’Keefe said going down the list now, we have retained Number 1, 6, 8, 9, 11, 12, 13, 14, 16, 17, 18, 20, 21, 22, 24, 25, 27, 28, and 29. No. 2 and No. 5 will be incorporated into No. 1. O’Keefe asked if there was anything that remains that should not be the responsibility of the Town Manager. Hunt asked about Business Development No. 5. She felt it was not the Town Manager’s responsibility to have the Town Manager fill the businesses but would like support from the town through resources that may be available. O’Keefe said it needs to be measurable and smart that the final goals and objectives have to be something that the Town Manager is capable of doing. O’Keefe suggested maybe it would be the Redevelopment Authority to concentrate on this type of goal. Barrows agreed with Hunt or her thoughts filling the stores with businesses and mentioned maybe a group of local businesses that could organize and get together to grow businesses in town. It was suggested that maybe the Town Manager can bring the groups together and talk about what we can do with the community. It was suggested to ask the businesses what is needed and then guide them down the right path; that’s how we as a government can assist them. The Town Manager can collaborate with this group and brainstorm ideas. Barrows said it can be measured by meetings held, ideas listed, etc.

Item No. 9 was agreed upon to also strike. O’Keefe stated he wanted the Town Manager to run the town, not spend a lot of time going to every event throughout the town. If he goes to one or two a month, he could be discriminated against for the ones he didn’t go to. He hopes the members of the Board participate at as many events as possible. Hunt asked about possibly removing No. 24 and No. 25 feeling it is micromanaging and was satisfied with the twice a month report at the meetings. She said during the period between the meetings, the

Town Manager usually sends an email notifying them. Zbikowski said he sometimes finds out things that he was not aware of while having breakfast at the coffee shop and feels embarrassed that he was not aware of them. Kreidler addressed Mr. Zbikowski saying No. 27 is the coffee shop and that No. 25 is an effort of keeping accountability of when the Town Manager is here or not and what he does. O’Keefe said No. 25 and No. 27 are similar and if no one disagrees we’ll strike No. 25 and consider No. 27. Barrows offered feedback feeling personally No. 25 or No. 27 didn’t fall under the category of a goal or an objective. Per the employment agreement, the Town Manager is obligated to provide us with updates and if the goal is to gain access to information, we could add categories to the Town Manager’s report stating urgent communications are already coming and finds it more operational than a goal and objective. Kreidler said he was concerned when he heard one of the Selectmen say that he could ask him for information at the next meeting. He felt that if someone asked a Selectman a question, then he/she needed to find a way to seek an answer. Waiting for a meeting isn’t good open communication because that concern will sit and fester. Zbikowski told the Town Manager that he wanted to get his reaction and they needed to work on this communication. O’Keefe said when the public approaches them to not expect them to know everything. It isn’t our job to respond to every question they have and we might refer you to the appropriate department. He added don’t be afraid to ask the Town Manager or the correct department involved.

O’Keefe asked about grouping or striking anything else. Hunt suggested striking No. 24, No. 27 and No. 28. Barrows agreed. Kreidler suggested, going back to Business Development, the wording to include both recruit and retain business so perhaps suggesting it to read “to work to improve business in Winchendon by bringing together resources and interested parties”. O’Keefe said he would amend the current document and bring to the next meeting for ranking. Barrows made a recommendation for No. 29 to put in the word “sustainability” rather than the word “green.” O’Keefe felt that No. 29 might wind up under a task under the finance area. Hunt made a motion to continue this item next month. Barrows seconded. All four selectmen voted aye.

Discharge of Mortgage – 16 Oakland Street: This item was brought to the meeting this evening; it was not listed on the agenda. Kreidler said often the case when we do a housing rehab project, a lien is placed on a house. If the house is sold in a period of time (15 years), we get to recoup the money that we put into it and it stays in the program. We can then petition the Department of Housing and Community Development on a state level to reallocate it and put it towards another community development approved project. What we have here is an opportunity to not lose our \$1,000. Right now we have a house attempting to be sold prior to a foreclosure. If the foreclosure were allowed to go through without this action this evening, we would lose our \$1,000. Your vote this evening would allow us to get that \$1,000 recouped. Barrows moved to approve the discharge of this mortgage, Hunt seconded. All four selectmen voted aye.

NEW BUSINESS – Santino’s Trattoria, Inc. – The Executive Assistant announced there is another issue under New Business this evening. Kreidler informed the Board if they recalled that in their capacity as licensing authority they approved an application submitted by Santino’s Trattoria to the Alcoholic Beverage Control Commission for, amongst other things, a change in manager, a change in share holders and ownership. He also told the Board that they will also recall that the ABCC pushed that back because of unpaid taxes with the Department of Revenue. We have received communication from the Department of Revenue that this matter has been resolved and that they are current and it is now appropriate for this Board to take a vote to resubmit the previously approved application to the ABCC so they could take this matter up again. The Town Manager said that the taxes stayed with the business and the new owners had to cover them. Hunt moved to reconsider and resubmit the license changes to Santino’s; Barrows seconded. All four selectmen voted aye.

OLD BUSINESS: Hunt would like brought to the next meeting information about items that are closed; for example, the sound meter and the ambulance status. She also had some questions regarding the police vehicles that were in accidents. O’Keefe said this goes back to what the Town Manager talked about what each Board member needs for information. For instance, O’Keefe said he is not interested with what happened to the cruiser that’s been in an accident; it’s a day-to-day operation. He expressed concerns with the agenda becoming too lengthy. Barrows said during the last meeting Ms. Hunt made a motion that the Town Manager get involved with our Comcast cable contract and wanted to know if the Town Manager had an update. Kreidler explained there were two different things that were discussed. One was different channels being taken off which is different than the actual contract for the Town’s cable. The Board decided to invite the cable committee to the next meeting.

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TOWN MANAGER’S REPORT

1. Personnel Updates:

- a. Talent Bank Form – Kreidler asked the Board if the enclosed draft form is something that they were looking for. Zbikowski mentioned a capitalization error and wanted to see more areas of interest. O’Keefe mentioned this was just an example and would like to see it on the web-site and other ways to get it out there. Kreidler said that one place it was rolled out at a prior town was on “Open Government Day, Fall Fair Day, etc”. Zbikowski suggested having copies available at the Town Clerk’s office, the Tax office, etc. Kreidler will update the form and have it available at the next meeting.
- b. Town Manger’s Evaluation – This item was already discussed earlier in the meeting.

2. Financial updates:

None at this point other then it is still advised that it is expected that the Reversion Funds are still coming. Kreidler said that there has been some discussion about tying the disbursement of those funds not just to what was originally suggested, the last three months collections, but to the first three months of this year. The expectation across the board is that those funds will be coming. The amount of these funds will be roughly \$100,000.

3. Project Updates:

- a. Water Meter Update: As of the last meeting, you voted to send out letters to those accounts that had not yet responded to our request(s) to replace the water meter/reading technology. Per your vote, we sent out 242 letters. As of this writing, we have only 72 remaining accounts. Enclosed is the list updated from the last meeting with those folks who have made the appointment. The list is of Thursday of last week; the number may be less than 72 as of today.

The Town Manager had a comment about something that was reported in the local media about a comment and then a subsequent vote to authorize a letter in the capacity of the water and sewer commissioners in reference to the water meters. It appears to be a concern from the Board of Health or a particular member of the Board of Health that any letter suggesting that the water was going to be turned off or turned down to just a trickle would somehow be unlawful or inappropriate from a public health perspective. O’Keefe interrupted and said that it was discussed in the Board of Health hearing that what this Board was doing is legal and that their letter to us was to say be careful, there are health concerns, and likewise O’Keefe wanted to speak to the 72 remaining people that there will be health concerns if your water is turned off to a trickle. The

obligation and responsibility is theirs. He told these 72 people that they needed to contact the DPW and have their meter replaced. This Board wants to see it done. Kreidler offered, in addition, that it's not about the inability to pay a bill. It's about changing equipment out; it's not about money, just call and schedule an appointment. Zbikowski said the changeover to the meters is free and he also mentioned that his water bill went down with the new meter. Kreidler asked that we continue to work with the current list for awhile and not send out 72 certified letters. He felt that the list is small enough to look at individual people to help further narrow it down. Barrows noticed that some of the property owners were deceased and would like to check the list at the next meeting.

4. Miscellaneous Updates:

- a. Water and Sewer Abatement Policy – Town Manager said as per the discussion/motion on this matter from the last meeting, the policy is being drafted with a target of the first Board of Selectmen's meeting in September. Zbikowski asked the Town Manager how the water and sewer bills are made up. Kreidler replied they measure water in, sewer out. He wondered how you would bill someone if they have an artisan well but uses sewer. O'Keefe inquired about filling a pool where the water is not going into the sewer system. Kreidler said that there are ways adjustments can be made for those instances and said he could provide the Board with this information at the next meeting.

Minutes: Monday, July 18, 2011 – Regular Meeting: Barrows moved approval with two changes. The first one is on page 6 paragraph 3 half way down, how should be “internally” not “internal”, and down five more sentences, “approve” should be “improve”. Hunt seconded. All four Selectmen voted aye.

The Town Manager apologized he had something else he wanted to bring to the Board's attention. The Attorney General's office just released drafts regulations with a public comment section open until September. In this draft, he said there is an Open Meeting Law specific to the issue of remote participation. When the law changed last year, it contemplated allowing board members to participate remotely. Kreidler said that he has a hard copy that he can make available to them but it is also available on the Mass.gov Community website. Specifically, what it says is that the community can allow remote participation if the Selectboard votes to say so. So no board in this community could vote to do remote participation unless the Board of Selectmen adopts this as an acceptable practice for the town. It goes on in some length, but in short, it says that remote participation can be allowed for illness, disability, military service and all things would count at that point. You can participate as long as technically you can hear and be heard. You can also vote. It would also allow participation remotely if you are geographically far away; but in that case, it would be limited to solely participation and no votes and you would be deemed absent for the record. That is how the draft reads today. The Town Manager encouraged the Board to take a look at it. It is something the law is contemplating allowing and he wanted the Board to understand it as they are the gatekeepers.

Adjournment: Hunt motioned to adjourn; Barrows seconded. By roll call vote of all aye, the meeting adjourned at 9:38 p.m.

Respectfully submitted,  
Margaret Giacobone, Administrative Assistant