

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
WEDNESDAY, OCTOBER 12, 2011 – 7:00 P.M.  
Town Hall 2<sup>nd</sup> Floor Auditorium**

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

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

List of Documents Presented at Meeting:

- Notice of Public Hearing to Suzanne King and Jennifer McClellan, owners of Razzle Dazzle Jewelry & Clothing Boutique listed at 306 School St. to consider suspension or revocation of their license (filed)
- Memo from Police Chief Scott Livingston respectfully requesting suspension/revocation of the Junk Dealer: Second Hand Article license at 306 School St. (filed)
- Santino’s Liquor License Hearing Notices and Application (Action I) (filed)
- Santino’s Liquor License Hearing Notices and Application (Action II) (filed)
- Cable Advisory Committee’s Outline and Survey Results (filed)
- Payment in Lieu of Taxes (PILOT) Draft Solar Agreement – Constellation Energy (filed)
- Board of Selectmen’s Policies and Procedures Amended 7/18/11 (filed)
- Water Sewer Abatement Policy and Adjustments – Final Reading amended 9/26/22 (filed)
- Town Manager’s Goals and Objectives worksheet FY2012C (filed)
- Town Manager’s Report (attached)
  - Letter of Interest and Resume for John Deline, Position of Director of Public Works (filed)

Chairman O’Keefe called the meeting to order at 7:02 p.m. with the Pledge of Allegiance to the Flag of the United States of America. No one came forward when asked if they would be audio or video recording the meeting this evening. The Town was recording the meeting and broadcasting live on Cable Channel 8.

Public Comments and Announcements: Janet Corbosiero and Don O’Neil, members of the Winchendon 250<sup>th</sup> Anniversary Committee, came before the Board to announce the Harvesting kick-off event that will be held this Saturday at Bentley Field from 10:00 a.m. – 3:00 p.m. She spoke about all the fun activities that will take place and said folks could get the contest information and rules form at the Beals Memorial Library, the Clark/YMCA, the Senior Center or just bring your pies to the fair. She wanted to thank all the businesses that have supported them for this event.

Selectmen’s Comments:

Blair said he had a public service announcement informing all that The Winchendon School Golf Course Superintendent Dave Comee died a couple days ago. A service is being planned at 9:00 a.m. on Sunday morning at the 11th fairway of the golf course. Dave loved dogs so they will be welcomed at the golf course service and people will be coming in golf carts. Please come and say your goodbyes.

Set Trick or Treat Day/Hours: O’Keefe asked if anyone on the Board had a reason to not hold Trick or Treat on Monday, Halloween day. With no reason coming forward, Barrows moved to set the hours for Trick or Treat from 6:00 p.m. until 8:00 p.m. Halloween Day. By roll call vote of all aye, the motion carried unanimously.

Appointments/Resignations:

Historical Commission/Historic District Appointment: Peggy Corbosiero came before the Board on her interest to serve on this committee. Blair moved to approve; Barrows seconded. By roll call vote of all aye, the motion carried unanimously. Hunt told Ms. Corbosiero that it was nice to have her and her husband back home and giving back to the community the way they do. They were applauded by those in attendance. Hunt said thank you.

Capital Planning Advisory Committee – Selectman Vacancy: O’Keefe asked if anyone on the Board was interested in volunteering to be on this committee. Hunt stated she still had interest in serving on this committee but with her position on the Redevelopment Authority and the Selectboard she would be spreading herself thin but noted that it was exciting that this committee will finally be able to do something. Barrows moved to appoint O’Keefe; Blair seconded. By roll call vote of all aye, the motion carried unanimously. Daigle was asked to inform the committee of his membership.

O’Keefe asked the Town Manager to bring up his appointment at this time that is in his Town Manager’s report under Section 1, Personnel Updates. Kreidler read through this section of his report announcing his appointment of John Deline to the position of Public Works Director and respectfully requested the Board affirm this appointment. Blair moved to affirm appointment; Hunt seconded. Blair stated he has heard a lot of good things. Barrows disclosed that his younger brother is married to Mr. Deline’s younger sister and that this relationship would have no bearing on the vote this evening, having no conflict of interest and no financial gain on his part. By roll call vote of all aye, the motion carried unanimously and the Board welcomed him. Mr. Deline said he is looking forward to working with Winchendon.

Permit/License Applications:

Mobile Food Vendor Permit – Bucks Roadside & Barbeque – David Macchia came before the Board for a temporary license to provide food services for the Winchendon race track for an event to be held this Saturday, October 15<sup>th</sup>. Blair moved to approve with fee; Hunt seconded. Hunt asked about the food coming from Auburn. He said it is prepared in the restaurant in Auburn, placed in food warmers and transported on sight. The truck is equipped with warming trays and holding tables and is inspected. By roll call vote of all aye, the motion carried unanimously.

Blair inquired with the Town Manager regarding the responses from Department Heads on these forms that go out to them for advisement. He observed that not all departments respond and asked if they should be. Kreidler replied if it is relevant, they should respond. Blair stated then you wouldn’t bring to the Board without the relevant responses. Kreidler agreed adding with one exception. It has been well noted in the last eleven years that I have been involved, Chief Lafrennie opposes boot drives being conducted at the locations requested. He regularly wrote his observations and he would regularly feel discounted, so he stopped writing them. He doesn’t feel it is wise to congest downtown with boot drives.

Public Hearing:

Razzle Dazzle Jewelry & Clothing Boutique, 306 School St. - Suzanne King and Jennifer McClellan was present at the request of the Board of Selectmen to consider suspension or revocation of their Junk Dealers: Second Hand Articles license due to possible violations of the specific conditions of the license, namely Mr. Day having anything to do with the business and for him not to be present at the business location. Ms. King said it’s not our premises; we have a store there but there is also a residence. She said she wasn’t aware of the situation and still doesn’t know what the problem is with their Dad and it really isn’t their business. They stated they haven’t opened the business yet at that location when questioned by O’Keefe, explaining they still need some equipment and are trying to get it opened by Christmas. Discussion was had on where the actual store resides on the premises and Kreidler offered information that an officer had become aware that Mr. Day was still operating as a Junk Dealer. The possibility of getting a new address for the Boutique was spoken about. Blair said the problem arises that there are two different entities operating under the same address creating an oxymoron. He said to get a new address change; it has to be dealt with. O’Keefe said the “KD Rare Coin” sign is misleading to the community. The women said they would take it down. O’Keefe asked

about their timetable when they plan on opening the business. Ms. King said they need four pieces of equipment and their goal was to open before Christmas, hopefully November 1<sup>st</sup>. O’Keefe informed the sisters that the Board had a letter from the Police Department requesting that we do something, either suspend or revoke the Junk Dealer’s license at that location. Ms. King didn’t understand why they should suffer the consequences for his actions. O’Keefe said because the crime was at 306 School St. Ms. King replied back that he lives there and has his own business, K.D. Rare Coin. Their business is separate, locked up. Blair said the Chief, for a second time, is coming to us for relief and asked the Town Manager what his recommendation would be. Kreidler replied, “I recommend what the Chief says because he is the paid professional law enforcement Chief Officer.” Blair then moved to revoke and suspend the license at 306 School St. without prejudice to the sisters recreating their business in getting with an attorney and separating their business and then coming back with a new license and a new address. Hunt seconded. By roll call vote of all aye, the motion carried unanimously. The license has been revoked stated O’Keefe and told the sisters they are welcome to come back when the property addresses have been straightened out. Ms. King commented this seemed very unfair to revoke it.

Liquor License Public Hearings:

Santino’s Trattoria, Inc. – Liquor License Changes - Action I - O’Keefe read the Public Hearing notice at 7:36 p.m. Mr. Paul Puma and Mr. Greg Bevacqua came before the Board and were sworn in. Mr. Puma said we are trying to piece this together in the way that it happened. Mr. Bevacqua said it was a situation of the restaurant going south after a divorce. They went through the courts to have the restaurant taken over by Pauley that was set up by his ex-wife’s lawyer. Some procedures were not done and we are now playing catch up. Blair asked about the Department Head’s listed conditions. The conditions have all been met including a payment plan for a past due water/sewer bill. Barrows moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Santino’s Trattoria, Inc. – Liquor License Changes - Action II – O’Keefe read the second public hearing notice at 7:42 p.m. Mr. Paul Puma and Mr. Scott Salvi were sworn in to give testimony. This is also a catch up action, said O’Keefe and mentioned this application has already been heard in the Spring but due to the middle action never taken place, it was returned to us. O’Keefe asked about the Board of Health’s response looking for an updated SaveServe Certificate and menu. Mr. Salvi replied that has been completed and gave a copy of the certificate to the Executive Assistant. Barrows asked about an updated business certificate as well as the certificate of inspection requested by the Building Inspector. Mr. Salvi noted the information and will take care of those issues. Mr. Salvi wanted to discount rumor that two businesses were running at the restaurant. He said this is not happening that he had someone taking care of breakfast for him. Mr. Salvi then asked about changing his hours to accommodate the breakfast schedule. O’Keefe said he was unaware of any hour restrictions. Kreidler confirmed that there are no hours listed on our Common Victualler licenses. Barrows moved approval of the application contingent on Mr. Salvi filing a new business certificate and a successful completion of a Certificate of Inspection. Hunt seconded. Blair told the applicant that the Board has wide discretion of people operating businesses in town. He had knowledge that some charges were filed today or will be filed tomorrow. In fairness to the Board, you have dotted all the I’s and crossed all T’s, but if charges are filed and are successful, we would want to revoke this license. He continued stating he knew it was happening and wouldn’t want to vote without that being said. He said the people making the accusations were not here tonight, which he finds unacceptable. He will be voting in favor of this action tonight but will bring back before the Board if necessary. O’Keefe said we have the annual review in December. By roll call vote of all aye, the motion carried unanimously and the public hearing closed at 7:50 p.m.

Hunt asked if the concerns Blair brought up could be placed before the Board at the Oct. 24<sup>th</sup> meeting. If there are criminal charges that have actually occurred, then we would want to see it on the agenda.

Joint Meeting: Cable Advisory Committee – Chairman Ray Coe introduced the committee members with him this evening; Secretary Jeanne Hue, himself, John White and Bob Diamontopolous. They presented a survey they had distributed about and stated they were disappointed they received only thirty-seven back. The

purpose of the survey was to see what folks wanted from their cable service. Some of the comments received were: too expensive, too many repeats and no local drop off for payments. Mr. Coe said they talked with Town Counsel who advised we put together a business plan which they brought to the meeting. Mr. White stated the goals of the committee: to see that Winchendon is provided with state of the art cable television service, try to insure the programming mix meets the needs of local residents and lastly to see that cost is as competitive as possible. Mr. Coe spoke about portable equipment which would be great to see other things broadcast that were going around in town. Hunt mentioned the school has really good recording units but didn't know if it was compatible or not. O'Keefe asked if we have the equipment to re-broadcast a recording of a school function. Mr. Coe replied, "yes." Hue suggested we have two PEG channels for duplicate meetings so people can see things live. Mr. Coe mentioned that some people would like to see a community talk show. He would like to see more people on the Board to get more interest and more ideas. They will tweak the proposal, show the Town Manager for his review and then send it to Town Counsel and then we have to have public hearings. He stated he would like the committee to be a permanent committee with at least one or all to be involved with the licensing contract. O'Keefe inquired about the timeline for the contract. Kreidler stated the regulations for relicensing of cable contracts of the Commonwealth provide with a certain window before the expiration of the contract, if we have not entered into substantive negotiations, the carrier is authorized to make their offer. They have now done that. The law further states that we have a four month window from receipt of that offer received on September 14 to either accept or reject the offer. Accept is easy; reject is not as simple. There is a very tightly prescribed formula to what we can reject. In regards to timing, we are a bit behind the eight ball. In essence, we have given up our right to force the negotiations. In a cover letter from our Comcast representative, Tim Kelley, he has indicated they are willing to negotiate, even though they are not required to since this four month period, which ends in January, has started. We do not have the luxury with holding public hearings at this time and I ask that you allow me to become more directly engaged during this four month window not wanting to end up with a default contract that won't be in the best interest of the Town. The Advisory Committee felt that they had done most of the work and wanted to be involved with the negotiations with the cable company. It was stated that the Town Manager is the Chief Negotiating Officer of the town and is expected to do negotiations. They are not done by committee but the Town Manager could have an advisor from the committee or reach out to anyone that may have an interest in this matter. Mr. Diamontopolous had some questions for Comcast and was asked to put them in writing. Blair moved to accept the outline presented from the Cable Advisory Committee; Barrows seconded. By roll call vote of all aye, the motion carried unanimously. The Selectboard thanked the Committee for their work. Blair moved to nominate the Town Manager to enter into negotiations on part of the town; Barrows seconded. By roll call vote of all aye, the motion carried unanimously. Blair thanked the Committee on all their recommendations and thanked them for their work. Kreidler asked if it would be the Board's pleasure that he work with Mr. White on this project. The Board agreed. Mr. Coe said the rest of the committee would be available for him as well if he needed them. It was stated the drop dead for the contract negotiations with Comcast is January 14, 2012 and the Board would need to approve it by then as well.

#### New Business:

Payment In Lieu of Taxes (PILOT) Solar Agreement – Constellation Energy: O'Keefe said he has been in negotiations with a private entity, Constellation Energy, who is interest in building a three megawatt solar farm on private land in Winchendon. Unlike the solar farm being built on our town landfill, this is a private solar farm built on private land. They will be taxable and will pay the town various permitting fees. He explained the PILOT program which would set the taxes for them for the next twenty years so they can decide if it is a plan they want to proceed with and so the Town of Winchendon will also know what they will receive for the next twenty years. The draft agreement has not been approved by our Town Counsel yet so there may be some changes. The process is the Board approves it and then it goes to Town Meeting for approval. He then explained the proposed agreement and gave examples of other towns. In Holliston a two megawatt solar farm was proposed with the entity entering into a PILOT payment of \$18,000 or \$9,000 per megawatt. O'Keefe said he felt it was quite low. In Uxbridge a week ago, the Town Meeting approved the very first PILOT program of this type in the Commonwealth and did so at \$15,000 per megawatt; for a three megawatt farm that comes up to \$45,000 a year with Holliston receiving \$27,000 if they had a three megawatt PILOT agreement.

His negotiations with Constellation Energy it was agreed to \$70,000 for the three megawatt farm. A much higher revenue. The piece of land is a 15 acre parcel at the top of Hillview Business Park. The outcome would be similar to the solar farm we are building. They will put up panels and after twenty years taking them down or potentially renegotiating. Blair congratulated the Chairman for negotiating this generous deal. He proposed we except this with the understanding legal counsel approves the deal and to move forward with it; Hunt seconded for discussion. She asked about the extension for another ten years to thirty like the one we did. O'Keefe said there is no extension in this agreement. In twenty years the PILOT is over, if the project continues, it would follow under regular assessment. O'Keefe said the state right now is debating certain bills to reduce our ability to tax these solar projects. By signing an agreement, we get to lock this in now. Hunt was concerned about wires going overhead and wanted to see them underground. O'Keefe said we are only looking at the tax issue and stated they would have to go before the Planning Board. Hunt also had a concern with seeing too many solar panels taking up acres of land in the Town of Winchendon. She too commended O'Keefe for his work. O'Keefe hoped this revenue could actually provide jobs or other needed resources throughout the community. By roll call vote of all aye, the motion was unanimous.

Annual Board of Selectmen's Policies and Procedures Review: O'Keefe said we've been going through the policies throughout the year and asked if any member or if the public had any policy they would like to recommend or change to bring before the Board's attention for the next meeting. Blair said Selectman Zbikowski and Chairman O'Keefe spent a great deal of time with the policies and is currently satisfied with what we have and to move forward.

#### Old Business:

Water/Sewer Adjustments and Abatements Policy – Final Reading: Hunt moved to accept the final reading; Blair seconded. Hunt asked if there is a general leak in the road, how the cost is absorbed. Kreidler responded if the leak is in the main line, it is our responsibility as the municipality to fix it. As an Enterprise Fund, the water treated has to be paid for; the water distributed has to be paid for. Municipalities are obligated by DEP to monitor unaccountable water and stay within a certain percentage. It's not an easy thing to do, but we do it. By roll call vote of all aye, the motion carried unanimously.

Town Manager's Goals and Objectives: O'Keefe mentioned that in August members brought forward their issues and what is enclosed is the final items and asked the Board to consider them and offer any changes. Blair asked the Town Manager if he was satisfied with these goals and objectives. Kreidler replied "certainly." Blair asked if there were any additions, corrections or deletions that he would propose and is he prepared to be evaluated on them. Kreidler shook his head no and replied "yes" that he was prepared to be evaluated by them. Blair moved to accept the amended goals and objectives; Barrows seconded. Hunt asked where her top goal for written policies and procedures were incorporated in the list. Blair said it could fall under maintain excellent communications and customer service. He said these are broad goals and objectives and can lead us to a more flexible and helpful evaluation. When asked, the Town Manager told the Board that he did have Administrative Policies that are available to them if they would like to look at them. By roll call vote of all aye, the motion carried unanimously.

O'Keefe mentioned we have set a new calendar and next year we will stay on schedule with the new timeline for the review and he also wanted to thank the Town Manager for already acting on and meeting some of those goals and objectives. He said he appreciated it.

Blair mentioned he had a matter of Old Business and wanted to know about the most recent dog problem and the issues on their behalf on certain restrictions that were placed and the possible consequences. He stated he is making the assumption that no complaints have come forward and there are no issues and everything is under control. Kreidler responded that that was his understanding unless there was information that he wasn't aware of.

#### Town Manager's Report:

##### 1. Personnel Updates:

- a. Public Works Director – Already taken up earlier in meeting.
2. **Financial Updates:**
  - a. FY12 Budgets – Kreidler spoke about the “reversion” funds that might come back to the cities and towns from the Governor’s final budget in an effort to wipe out the earlier proposed unrestricted cuts to general government local aid. Certain benchmarks have been made and for us it means \$102,888.00. He spoke again about his earlier recommendations on the disbursement of those funds: 1) to match the Robinson-Broadhurst Foundation’s gracious grant to purchase a new ambulance for the town; 2) to restore hours to the position of the Building Commissioner and; 3) the remaining balance to be left unappropriated for future consideration for stabilization or closed out. Under action requested, it is appropriate to discuss the calling of a Special Town Meeting for this and for the PILOT program. O’Keefe asked about the timeline for the warrant. Kreidler said you can do it more quickly than what is reasonable, but you can open a warrant, close the warrant, get it to Town Counsel for review and meet the two week posting requirements all within a thirty day window.
  - b. Ice Storm Reimbursement – Kreidler spoke of the ice storm reimbursement (\$23,335) that came out of the supplemental budget last week, crediting and thanking our good Senator Steve Brewer for his continuing efforts on behalf of the Town of Winchendon. We are blessed to have him, Kreidler stated.
  - c. FY11 Budget – Kreidler read from his report stating the need for housekeeping actions that are now required since our Town Accountant has closed out the books for FY11 so the tax rate can be officially set. These actions will need a Special Town Meeting to be addressed. He stated we have a deficit currently of about \$220,000; \$200,000 of which is less than projected real estate tax coming in and \$20,000 give or take less state aid given to us than what was projected on the cherry sheets. Kreidler explained the school and town accounts affected and stated, at the end of the day, we are about \$30,000 out right now. The Town Accountant is not sweating. She is very good at her job and within a couple days, he’s confident, we’ll have this in draft form for warrant articles for Special Town Meeting.

After discussion of possible dates and the need for a Special Town Meeting, Blair moved the Board call a Special Town Meeting for Wednesday, November 16, 2011; Barrows seconded. The Town Manager suggested the Board include the warrant opening and closing and suggested the following motion to call the Special Town Meeting for Wednesday, November 16, 2011 at 7:00 p.m. and to open the warrant tomorrow at 8:00 a.m. and close the warrant on Thursday, October 20, 2011 at 12:00 noon. The posting will be on the 26th for the required two weeks. Blair moved to alter his motion; Barrows seconded. By roll call vote of all aye, the motion carried unanimously

The Executive Assistant was asked to notify the Town Moderator, the Zoning Board of Appeals who has a scheduled meeting that evening, Department Heads, etc.

- d. Oil Bid - Kreidler spoke of the opportunity recently to join in on a regional consortium for heating oil. We did not join in due to the fixed amount of gallons of oil that has to be specified. We ran into a problem one year, having a mild winter and being conservative on our use, we didn’t use all of the oil and had to pay for the oil and pay also for storing the oil until it was used up completely. The consortium got a price of \$3.109 and our bid, which includes the Housing Authority and the Clark/YMCA, came in at \$2.97. He thanked the Executive Assistant for spearheading this effort.
3. **Project Updates:**
    - a. Water Meter Update – Kreidler reported that there remained less than twenty meters still needing to be replaced and believes they will all be addressed within the next month.
    - b. Solar Farm - Kreidler reported that Sun Edison presented the project to the Planning Board last Tuesday evening and is due back at the Planning Board’s next meeting for a final vote.

4. **Miscellaneous Updates:**

- a. Ashburnham Winchendon Joint Water Authority (JWA) Water Treatment Plant Contract Operations Agreement – Kreidler read from his report that they have concluded the negotiations surrounding the third 5-year contract for operations of the JWA treatment plant in Ashburnham. The bids came in with a substantial difference of \$222,000 between the two responsive low bidders. The higher bidder, Veolia, was selected because of an issue regarding our indemnification clause which United Water, the lowest bidder, was unable to come to terms with. Veolia also voluntarily reduced their bid price making the differential now \$100,000+/- . Kreidler explained it will be a cost of \$20,000 a year more with the Veolia contract. The Town will cover 50% and the Town of Ashburnham will cover the other 50%. He felt it would cost a lot more not having this important indemnification clause with the possibility of a third party claim. Kreidler asked the Board to affirm the execution of this five year operations contract between the JWA and Veolia pursuant to our General Bylaw 2.8. Barrows moved to affirm the execution of the five year operations contract between the JWA and Veolia; Hunt seconded. By roll call vote of all aye, the motion carried unanimously
- b. Cable Contract: Addressed earlier this evening.

Minutes: - Monday, September 12, 2011 Regular Meeting - Hunt moved to approve; Blair seconded. By roll call vote of Blair aye, Barrows abstain due to not being present, Hunt aye and O’Keefe aye, the minutes passed by majority vote.

Communications: O’Keefe mentioned he received a letter from the Chairman of the Winchendon Public Schools inviting them to a meeting of the School Committee on Thursday, November 3 at 7:00 p.m. at Town Hall. We could notify him of any items to be placed on the agenda. Blair stated he will be out of town. Barrows needed to check his calendar. Hunt stated she was available. O’Keefe was available. The Executive Assistant would inform the School Committee Chair who would be attending and if there would be a quorum after hearing from Selectman Barrows. One of the items the School Committee wanted to discuss was a “Student Selectman.” The Board decided a letter would go out to the Winchendon Public School Superintendent, The Winchendon School Headmaster and Montachusett Regional Vocational Technical School to see if any student was interested in taking a seat on the Board as a Student Selectmen. If so, ask them to send in a letter of interest to the Selectmen with some background information on themselves and why they want to serve on the Board. The Board would review the letters and choose one student from the private school and one student from the public schools to serve on the Board.

Public Comments Reopened:

Selectman Blair asked the Chairman if we could reopen public comments noting there was someone in the audience that arrived after might want to speak. The Chair agreed. Jonathan Vaillancourt, owner of Central Diner at 60 Central Street, came forward with a complaint against an individual who came in to his restaurant today threatening him. He stated he didn’t want to come to the meeting earlier this evening when the gentleman was here not wanting to cause a conflict. O’Keefe stated if there is a potential criminal matter, this Board should not be involved. Mr. Vaillancourt stated he was going to the Gardner court to file charges and wanted the Board to be aware of it. O’Keefe said when the police tell us there is a credible serious threat, the Board would then act.

Agenda Items: Common Victualler License Hours – Consideration of listing hours on this type of license will take place at the next Selectmen’s meeting.

Adjournment: Blair moved to adjourn; Barrows seconded. By roll call vote of all aye, the meeting adjourned at 9:32 p.m.

Respectfully submitted, Linda A. Daigle, Executive Assistant

*Board of Selectmen Minutes  
October 12, 2011*