

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, NOVEMBER 14, 2011 – 7:00 P.M.
Town Hall, 2nd Floor Auditorium**

Present: Robert M. O’Keefe, Chairman
Elizabeth R. Hunt, Vice Chair
C. Jackson Blair
Keith R. Barrows (arrived at 7:46 p.m.)

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

List of Documents Presented at Meeting:

- Central Corridor Rail Passenger Resolution (filed)
 - Finance Committee Recommendations (attached)
 - Special Town Meeting Warrant (attached)
 - Special Town Meeting Motions (attached)
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Chairman O’Keefe called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag of the United States of America. This meeting aired live on local cable access channel 8. Other than the town, no one disclosed videotaping or recording the meeting this evening.

Public Comments and Announcements: None this evening.

Selectmen’s Comments: Hunt, asking for an update from the last meeting, inquired with the Town Manager if the article in the town meeting warrant was written broadly enough to do what the school needed to get done. Kreidler stated the article for the boiler work was not written broadly enough. Town Counsel has confirmed the article is not written such to incorporate that type of work and while the money is there and available, it can’t be spent unless town meeting authorizes it.

Permit/License Applications, Hearings:

Common Victualler – Toy Town Skillet: Evelyn Miller was present on her application. Blair asked if she would be doing the same kind of business that McKinnon’s Coffee House did. Ms. Miller replied yes that they would be serving breakfast, lunch and also she would like to incorporate the Gnarly Dawg into it. Her plan was to take over the restaurant from her sister on December 1, 2011 and expand her hours until 11:00 p.m. on Fridays and Saturdays. Blair moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously. Since it was close to the end of the year, Blair asked to redo his motion to include the term of the license extend through December 31, 2012. Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Entertainment Permit – Holiday Craft Bazaar Dec. 3, 2011, hosted by the Agricultural Commission: Mr. Kachinsky filled in for Ms. LaBrie this evening representing this application. They are trying to expand the Farmer’s Market by having this event. He said it will be held here in the auditorium of town hall and he estimates thirty tables will be set up. He encouraged people to shop local with

smaller businesses. The Town Manager, with pleasure, approved the use of Town Hall for this event. He added it is the same date Parks and Recreation are holding the Santa Claus hayride and the Christmas Tree Lighting making it a nice day. Blair moved to grant the permit; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Change of DBA - Tune & Toon, LLC - dba change: Brown's Auto Salvage MA: Mr. John Cahill and his wife Holly came before the Board on this application. They are the owners of the formerly named Toy Town Auto Salvage and were present this evening for a "doing business as" name change to be consistent with their other locations. Instead of Brown's Toy Town Auto Salvage, they would like it to be Brown's Auto Salvage MA. Blair moved to extend the license through 2012 and allow the dba change. It was noted the Business Certificate has been updated. Hunt stated we don't need to extend the license, just approve the name change. She asked him to explain what he's done at the business. Mr. Cahill told the Board when they originally took over the facility, five-hundred vehicles, thirty buses and a conglomerate of stuff existed. He said they crushed about five-hundred vehicles, cleaned stuff out, started out fresh with new cars and put in a closed loop water system so there is no contamination. All of the fluids are actually fully recyclable now. Even the water is recycled through an ESA system. Their goal in 2012-2013 is to be fully green and work on solar for the lights so they would be carbon negative. He invited anyone down to come and see what they are doing. He also informed the Board of a fund they have collected. For every tire, a \$1.00 goes into this fund. They asked the Board what part of the community would best benefit from this fund, something educational or environmental. O'Keefe thanked the Cahills and said they would let them know pretty soon where to direct this donation. Mr. Cahill said the town of Winchendon has been fun to deal with. Blair changed his motion to approve the name change; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

State Road Collision – Class II Approved License – Daigle informed the Board that this license has already been approved by the Board and has been granted a special permit from the Zoning Board and the Planning Board. This issue is on the agenda this evening to decide the fee and expiration date. O'Keefe explained that the Board is in the process of renewals and could consider pro-rating the fee for the rest of this year. Blair moved to set the fee for \$125.00 and to list the expiration date of December 31, 2012. Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Appointments/Resignations: Library Trustee – One Vacancy – O'Keefe announced the vacancy on this Board and asked anyone considering this position to contact the office. Blair added that this appointment would be filling an unexpired term and the commitment would be through June 30, 2012.

New Business:

Central Corridor Rail Passenger Service Resolution - O'Keefe mentioned he is against the resolution but not against rail service. The information given does not correspond with the resolution. He is not a fan of resolutions that are issued outside of Winchendon but asked if anyone would consider a resolution for the children of Winchendon or the children of Massachusetts or one on traffic, to call him. He asked his fellow Board members if they would like to support it. With no one interested, Hunt moved to table indefinitely; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Special Town Meeting Selectmen Recommendations – O'Keefe informed the audience of the Special Town Meeting on Wednesday and asked people to show up so a quorum is met. He stated the Board

has reviewed the Finance Committee's recommendations prior to making the following recommendations themselves:

Article 1: Finance Committee report and the Public Safety Development Report - The reports haven't been given yet so we cannot vote. It will be written by Mr. Miller and available at the meeting that night.

Article 2: Raise and appropriate and/or transfer the sum of \$299,138.10 - Hunt moved to approve; Blair seconded and asked a question about the snow and ice deficit. Kreidler explained the only thing you are allowed to overspend as a deficit legally is snow and ice. Once you budget an amount, you are never allowed to go backwards. This is an annual thing that we see and is between \$125,000.00 and \$200,000.00 in a given year depending on the severity of the winter. By roll call vote of all 3-0, the Board was unanimous in recommending this article.

Article 3: Increase the hours of the Building Commissioner from 20-32 hours per week – Hunt moved to approve; Blair seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article.

Article 4: PILOT Solar Agreement with Constellation Energy – O'Keefe said Constellation Energy will pay the Town of Winchendon \$70,000 a year to have a three (3) megawatt power plant in Town in lieu of property taxes. Hunt moved to approve; Blair seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article.

Article 5: PILOT agreement with Nexamp Inc. – O'Keefe said this one is also for twenty (20) years but is written slightly different and will also produce revenue for \$70,000.00 a year. There is a provision if the facility they build is slightly larger or smaller, the figures would adjust. This one makes that clear. Hunt moved to approve; Blair seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article. Kreidler pointed out an error in the article and motion. It should read \$23.33 per kilowatt, not watt and asked for a revote with that correction. Hunt moved to include the change; Blair seconded. By roll call vote of 3-0, the motion carried unanimously.

Article 6: Appropriate \$43,000.00 to be combined with a Robinson-Broadhurst grant to purchase a new ambulance. Hunt moved to approve; Blair seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article.

Article 7 – Land Transfer – O'Keefe spoke of the two parcels of land that the town is taking and, with this article, will transfer to the Redevelopment Authority. The land will most likely be sold or redeveloped. Hunt moved to approve; Blair seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article.

Articles 8 through 14 are Zoning Articles and Mr. John White, the Planning Board Chairman, was present to answer any questions.

Article 8: Lot Area Calculation to Include Buffers: Mr. White explained this article eliminates wetland buffers and stream buffers that will be excluded in the Zoning Bylaw to calculate requirements of a lot. This is a calculation of the lot size; it would not allow anyone to build in a buffer zone. Blair commented the Finance Committee has unanimously approved this article and

moved to approve; Hunt seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article. Mr. White added the Planning Board had also unanimously approved this article.

Article 9: 20 Days per Calendar Year – Mr. White said the proposal is to add a new section because our present Zoning Bylaw gives no indication how it applies to temporary uses. He said the reason for the article was to limit mobile food vendors from setting up all summer without approval. There was discussion of why the Finance Committee didn't approve this article. It was most likely due to no one being present to speak about it at the Public Hearing. Blair said they will listen to the information and vote free of the Finance Committee's recommendation. O'Keefe said it is the Planning Board's recommendation, more than the Finance Committee's because it is a zoning article. The Planning Board voted unanimous to recommend. Blair moved to approve; Hunt seconded. By roll call vote of 3-0, the Board was unanimous in recommending this article.

Article 10: Zoning for Agricultural Districts - Mr. White explained MGL, Chapter 40A, Section 3 and read the article which would amend the Zoning Bylaw Article 3, Section 3.1. Discussion was had on what is and isn't permitted agriculturally on parcels less than five acres. Kreidler asked if someone currently has a lot smaller than five acres, prior to this passing, are they not grandfathered. Mr. White was uncertain.

With the arrival of Selectman Barrows, the Board called for a short recess at 7:46 p.m.

The Board reconvened at 7:50 p.m. and continued the discussion on this article. Blair moved to disapprove the article. Hunt seconded for discussion. Blair felt the article was sufficiently hazy and didn't know how many people would be affected. In the absence of statistics and real information, he wouldn't be prepared to vote and feels it should be held over for a discussion at a later date. He said it's uncertain if the current people that have agricultural use on small lots would be grandfathered in. Without it being clear, he agrees this article needs to be rewritten and come back in the spring. Hunt said I understand your intent, but doesn't understand it enough to address the issue which is overpopulating a small piece of property with animals. By roll call vote of Blair aye, Hunt abstain, Barrows aye and O'Keefe aye, the motion carried by majority to disapprove 3-0-1.

Article 11 – Small Parcel Agricultural Use – White explained this article saying it is a little more clear than the amendment in 2010 to M.G.L. Chapter 40A, §3. This allows agriculture use on two acres or more provided revenue of \$1,000 an acre or more is generated. White said if we don't do this, it doesn't change the statue at all but by putting it in our Zoning Bylaws, it will be more visible. O'Keefe was concerned about the possible limitations if you were farming for private use. Blair said as this article is written, known and presented, moved to disapprove. Barrows seconded the motion for discussion. Mr. White said the intent of this article was to repeat the provision already in the statue so it is more visible to the citizens in Winchendon. It is already in M.G.L. in the same terms. Barrows commented he understands Mr. White is just bringing added attention to what may exist in statue. In principal it makes sense, but because of the lack of detail, we do a disservice and need to fine tune this article. By roll call vote of all aye, the motion carried unanimously to disapprove.

Article 12 – Home Based Business Display – Mr. White stated the wording of this article needs work. Barrows moved to disapprove; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Article 13 – Three Associate Members to the Planning Board – Both the Planning Board and the Finance Committee voted in favor of this article. Blair moved to approve; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Article 14 - Residential Development Scriveners Error: – Both the Planning Board and the Finance Committee voted in favor of this article. Blair moved to approve; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

With the recommendations being complete, Blair moved to send this warrant to Special Town Meeting. Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Blair thanked the Finance Committee for their recommendations. O’Keefe thanked the Planning Board Chairman, Mr. White, for coming to the Board meeting and explaining the complicated zoning articles.

Special Town Meeting Warrant Motions: The fourteen articles were then assigned to be moved at Special Town Meeting:

- Articles 1, 2 and 3 – Mr. Barrows
- Articles 4 and 5 – Mr. O’Keefe
- Article 6 – Ms. Hunt
- Article 7 – Mr. Blair
- Articles 8 through 14 - Mr. White

Blair asked the Town Manager if he could give him information on how much land has been transferred to the Redevelopment Authority. The Town Manger agreed. O’Keefe noted he has the correction to Article 5 to change watt to kilowatt.

Old Business: N/A

Town Manager’s Report: Kreidler stated his report this evening consisted of the Special Town Meeting warrant.

Minutes:

Monday, October 24, 2011 Regular Meeting: Hunt moved to approve with one correction; Blair seconded. By roll call vote of all aye, the motion carried unanimously. Kreidler stated we will adjust the Scriveners error.

Monday, October 24, 2011 Executive Session: Kreidler stated these minutes are for consideration to be approved but not yet released as the privilege for which the session was sought has not yet been exhausted. Hunt moved to approve the Executive Session minutes but not yet release with the one Scriveners correction; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Communications: n/a

Agenda Items:

The next meeting of the Board of Selectmen will be at 6:30 p.m. at MMHS auditorium prior to the Special Town Meeting on November 16, 2011. For the record, the Town Manager informed the Board that it has been posted.

Adjournment: Blair moved to adjourn; Hunt seconded. By roll call vote of all aye, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant