

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
MONDAY, DECEMBER 12, 2011 – 8:26 P.M.  
Murdock Middle High School, 3 Memorial Drive**

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

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

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List of Documents Presented at Meeting: None.

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Chairman O’Keefe called Executive Session to order at 8:26 p.m. The session was held after the Special Town Meeting and the continuance of the Board of Selectmen public session held earlier that night.

Kreidler began the meeting by recounting the facts of the Police Station/Courthouse issue. He said you are aware at a Town Meeting a year and a half ago there was an article that passed for a turn-key option to purchase the courthouse building to make it a police station. You are also aware that shortly after that town meeting, it was determined through the SJC and the Brassi Case that that construct was no longer allowable and subsequent to that we pursued a lease with the option to purchase that was worked through Counsel through the Attorney General’s office and subsequently determined on the eve of the next town meeting that that was also not viable. You are also aware there was discussion with Counsel regarding the prospect of the property owner, at his own risk, doing the work -- with no agreement, no handshake, no document, no nod, no nothing; and if after the end of that work, the town solicited a police station under Chap. 30B procurement laws and a police station was available that there was an opportunity for the town to then take that police station. You may or may not be aware of that some effort has been undertaken by the owner to work with the Planning Board on a site plan along the lines of the plan that was conceptually done at Town Meeting a year and a half ago. As you may be aware, there are members of this community that don’t support this project that has passed at two town meetings and have made it their charge, their goal, to see that the project doesn’t come to fruition. Kreidler continued he had reason to believe, with information he has received, that someone or some group is working against the project with the Attorney General’s office which now brings him to this legal matter before them today. He received a document from the Attorney General’s office addressed to him. It goes on for three pages and uses the word “sham.” It stands for the proposition that yes we understand that there is no agreement with the town and the owner and we think it’s a sham and we believe that it’s a sham because Town Meeting has appropriated money for this; therefore, it must be a sham. Not taking that and not putting that in the correct context at all because if they had the wisdom to speak to the town about this before writing this letter they would have said we believe it is a sham because you appropriated the money. We would have said to them, we appropriated the money a year and half ago when it was lawful to do so. It’s only subsequent to Town Meeting vote and Brassi and your determination subsequent to Brassi in application that we haven’t been able to do what we voted. That was well before what is happening today. They went further stating the owner has been seen

walking the perimeter of the property with an agent of the town. Kreidler said it could have been the owner and the Building Commissioner regarding site plan issues which the owner can do if he is developing his property. That was strung together with a series of bullets to paint a picture that an agreement has been made with the property owner and the town to do this work. O'Keefe, also Chairman of the Public Safety Committee, stated the committee has made it perfectly clear that there is no arrangement; there is no agreement. Kreidler added what concerns him is that this is a real document, an official document, a public document and it is entirely incorrect. It is fallacious. It is fictitious, a piece of fiction. His first inclination was to call the Attorney General's office and ask what are they doing and why they haven't spoken to us before reaching a conclusion. He was advised by counsel to allow them to draft a response. He wanted to make the Board apprised of this situation this evening. He said this document exist, it is public, but he doesn't believe that it is known that this document exist except the person pushing it locally would have been advised that a letter has been sent to the Town and would probably ask for it.

Barrows offered the value of a letter to be drafted from the Board of Selectmen and the Public Safety Committee stating that they are taken aback with the allegations they have made and wanted to ensure they understood the seriousness of these allegations. Kreidler stated Town Counsel will propose and respond and that the letter would conclude that they have poisoned the well unnecessarily and entirely inappropriately; you can't unring the bell. This is a top law enforcement agency that has issued this one-sided, ill-advised letter that now exists. He asked the Board if they wanted to wait until someone requested a copy of the letter and be on the defensive or to release it full-frontal and say we can't believe it. Blair commented, we're not maneuvering illegally or unethically but we are maneuvering. O'Keefe challenged Blair's comment and said at no point has this committee, the Public Safety Committee or any other town official that he is aware of has maneuvered in any way. Blair offered it was a bad choice of word. O'Keefe said we can sit back and see someone doing something but we are not maneuvering. We have had many public meetings and we are proceeding in getting a police station. Barrows said this fellow is proceeding at his own peril hoping to be in the running at some point in time as a potential site. It's false; it's fictitious and slanderous that someone would suggest that we would try to circumvent the law. Everyone has been well aware of what came out of Brassi and what we can and cannot do. I don't begrudge a building owner for trying to bring a building up to specification so he can bid on a project in the future.

O'Keefe said we are not just sitting waiting, we have had committee members contact MRPC for a RFP and we are on a trajectory for our next Annual Town Meeting on how we turn it into a Police Station.

Blair said he is disappointed with the Attorney General's office because no discussion was held to determine accuracy, veracity or the motivation of the people filing the complaint and they should have sent a letter asking us to respond back before suggesting and accusing us of a crime. Kreidler said they end the letter stating if we proceed and this purchase goes through, there is significant personal and municipal liability.

O'Keefe inquired what our standing would be to take the Attorney General to court. They should answer openly why they are accusing us of a crime. These individuals in Winchendon should come forward. Kreidler offered two points for the record. One, if the Attorney General believes the town is participating in a sham, they would necessarily have to assume the spring Town Meeting vote was part of the sham. It was Selectmen Zbikowski who brought this to town meeting and lastly regardless how we write the letter back or seek an injunction first, if the goal is find a police station for our police officers and if the best spot is that spot, we are going to have a battle and could spend an amount of time

with it and it will put us out three to five years. It will cost us too. If they have committed themselves this far with such reckless abandon, they will continue to fight to save face. I say we give them an honorable way out, push and fight back, but we don't let it ever get to maturation and become ripe. Instead we go to the owner and say you know what, we're going down a different path, we are going back to Town Meeting, and if the goal is still to get a police station, we buy the building and bid out the work, go the Brassi way.

Blair said he's insulted they haven't asked us to respond and have made these accusations and moved to authorize the Chair to work with the Town Manager and Town Counsel to finalize the letter that upon his satisfaction will be made available for members to sign; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

The Board discussed some of the misleading statements in the letter and the "cause of action" for the private owner who could be harmed. Discussion was had on who they thought was behind this action and how he originally supported the viability of the courthouse becoming a police station and later voted against it. There was mention that this person is very much into unions and that could be his motivation.

Blair moved to adjourn Executive Session and convene into Public Session for the sole purpose of adjournment; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Blair moved to adjourn from Public Session; Barrows seconded. By roll call vote of all aye, the motion carried unanimously and the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant