

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, FEBRUARY 27, 2012 7:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present: Robert M. O'Keefe, Chairman
Elizabeth R. Hunt, Vice-Chairwoman
Keith R. Barrows

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

Absent: C. Jackson Blair

List of Documents Presented at Meeting:

- Permit Applications inc. Dept. Head Responses:
 - Christina Apgar (filed); Winchendon Arts Festival (filed)
- Verizon Pole Petition – Gardner Rd.(filed)
- School Committee Report (filed w/School); Capital Budget Requests (attached)
- Atty. General's Press Release 11/18/11: New Open Meeting Law Regulations Authorizing Remote Participation (attached)
- Water/Sewer Abatement application – 16 Hale St. (filed)
- Water/Sewer Abatement Policy DPW Recommendation (attached)
- Boston Post Cane History (attached)
- Town Manager's Report(attached)
 - Draft Cable Contract (filed)
 - Mr. John White's responses to the Draft Cable Contract (filed)

Chairman O'Keefe called the meeting to order at 7:03 p.m. with the Pledge of Allegiance to the Flag of the United States of America. The meeting aired live on local cable access channel 8. No response came forth from the audience when the Chairman asked if anyone else would be audio or video recording the meeting this evening besides the Board.

Public Comments and Announcements: None.

Selectmen's Comments: O'Keefe announced a St. Patrick's Day event sponsored by the Kiwanis of Winchendon was taking place at the Carriage House Restaurant on March 17th. It will consist of a corn beef and cabbage buffet at \$20 per person from 4:00 p.m. – 9:00 p.m. with live Irish music, Irish step dancers and a raffle with donations provided by local donors. The proceeds will benefit local Winchendon projects. He thanked the Kiwanis for putting this event on and hoped to see people there.

Appointments/Resignations: None this evening.

Permit/License Applications, Hearings:

Solicitation Permit – Christina Apgar, from Edward Jones, was present on her application to renew her permit. Hunt disclosed she does business with Edward Jones and Ms. Apgar and she would not benefit in any way with her decision regarding this application. O’Keefe also disclosed he is a patron of the business. Ms. Apgar will work Monday through Saturday, excluding Sundays. Hunt moved to accept with the expiration date December 31, 2012 to coincide with annual license/permit renewals. Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Entertainment/One Day Liquor License Permit – Winchendon Arts Festival: Ms. Emilie Chamberlain came forward to speak about this event. She told the Board she is not holding the Opening Gala due to the private insurance requirement for the liquor event and is only here before the Board for the Entertainment Permit for the Art Show to be held at the Old Murdock Senior Center on Sat., May 12th. Kreidler informed the Board the use of the building permit has been executed. Ms. Chamberlain stated there would be no food at the event as well. Barrows moved the Board approve the application for the Entertainment Permit and waive the fee as it will benefit the Winchendon Council on Aging fuel Assistance Fund; Hunt seconded. By roll call vote of all aye, the Entertainment Permit was approved unanimously.

Public Hearings:

7:10 Pole Petition: 18 Joint Pole Locations on Gardner Road, Rte. 140 – Chairman O’Keefe read the Public Hearing notice into record. Paul Schneider from Verizon came forward and introduced himself and said it is actually 18 poles, not 17. The poles will start at Spring St. going out of Town running to the Toy Town Storage Center. They had received a request to provide service to the storage center. O’Keefe asked if any abutters would like to speak on the matter. Mr. Rick Morin, having several clients with land in the area, came forward and stated he had several clients with land in the area that would benefit from having these poles and supported this petition on behalf of his clients. Hunt asked who is paying for this work and when. Mr. Schneider replied that Verizon is in charge of putting in the poles and the work is scheduled within the next three to four months. He stated that traffic shouldn’t be interrupted and more likely a police detail will be on the job site. The size of the poles, he believed, would be 40’ high, class III or Class II, most likely single phase power. The purpose is to bring power to the storage unit facility and to set this area up for future growth. Barrows moved to approve the petition before us for 18 jointly owned new poles: Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

7:15 P.M. Comcast Cable Renewal Proposal

Kreidler stated we have a legal obligation to hold a public hearing and while this may have been anticipated to be that this evening, it will not serve that function tonight. The Comcast representative is ill. We’ll keep this on the docket this evening for a pre-public hearing for the benefit of those here and listening including representatives of the Cable Advisory Committee. Kreidler read from his Town Manager’s report the section updating the Board on the status of the Draft Cable Contract. He and John White from the Cable Advisory Committee were able to successfully negotiate with Comcast including additional requests in spite of there being no obligation to do so on their part. The newly agreed upon draft shows a \$15-\$20,000 upgrade of the Town Hall transmission lines from coaxial to fiber, a \$45,000 Capital Grant, 1% of revenue (\$24,000) annual grant and a second PEG channel once we have demonstrated a need.

An additional ongoing concern from the Cable Advisory Committee is the ability to drop off and pick up equipment locally as in the past with an office that was located on Front St. Now you have to go to

Leominster. Mr. Kelley stated he would not rent a storefront but Mr. White has suggested sharing a store front. Mr. White came before the Board and wanted to make it clear that he is speaking for himself because the Advisory Committee has not met to consider this. He had received the electronic copy of the draft proposal sometime last week. He compared the original contract with this new one and read from his written comments what he was pleased and not pleased with. Kreidler commented that he will vet his issues at the table with Comcast but needs to review Mr. White's comments that he just received this evening. He added when we as a community did not act in a timely frame prescribed by law to guarantee a meaningful negotiation process, we were presented a contract. That is the contract we get unless they concede to give us something. Some of the language Mr. White rejects Comcast has the ability to change or not. He expected Mr. White, himself and Mr. Kelley would meet before the next public hearing. At that hearing you the Board will either approve or not. If nay, we present back to the December contract. It is a ten year contract. O'Keefe commented that the contract negotiations technically ended and he was impressed with what Mr. White and the Town Manager has been able to do. The PEG grant more than doubled and the upfront capital grant also nearly doubled. Mr. White said most of the credit should go to Mr. Kreidler who had most of the work done before he got involved but was sure he used the comments from the Advisory Committee. Mr. Bobby Diamantopoulos, an Advisory Committee member, picked up the draft today and asked if this is what is proposed. Kreidler explained what you have is a draft contract that was presented to us in December with amendments from negotiations at the table. Mr. Diamantopoulos felt other things needed to be addressed, relatively rates, like the installation fee. O'Keefe replied the window to negotiate had closed, the ability to renegotiate is being allowed to some extent. It would be wise if the Advisory Committee would stick to the items that are most important because if we try and go through every paragraph, Comcast could go back to the December agreement.

The Board recessed at 7:43 p.m. to rearrange the microphones for the Joint Meeting and reconvened at 7:54 p.m.

Joint Meeting with School Committee: Members present from the School Committee were Chairman Mike Barbaro, Crystal Murphy and Supt. Brooke Clenchy. Chairman O'Keefe welcomed them and added this wouldn't be a joint meeting because a quorum of the School Committee was not present. Chairman Barbaro informed the Board that the state just released the District Review which he passed out to Board members. Supt. Clenchy said in about a week the public could get the reports linked on their web-site and also at the DOE website if they would like to review it. Supt. Clenchy said they would be going over in depth with the School Department this report. She commented on the positive highlights of the report and how Toy Town Elementary gets a lot of the credit, deservedly so. She said the word stable and stability weaves its way in and out of this report. She talked about new evaluation tools, new modules of tier instruction and individual support, new approach to supporting students and the good work being done by staff, students and the administrative team and wanted to publicly give them credit. She also said another nice credit is the relationship between the School Department and Town officials.

Supt. Clenchy said they are already making progress on the recommendations in the report, that nothing in the report surprised them but that they need to continue district wide to illicit higher order thinking and raise the expectation bar a little higher. O'Keefe asked about several comments in the report that the district does not have a vision statement. Clenchy replied it really is the IPOD statement. It lays down the groundwork for what we have every year. It's more a mission statement than a vision statement.

Clenchy said because we are a level 3 we don't have to abide by this but there are things we would utilize. Barbaro said they waited for the new national curriculum to align ourselves. The evaluation tools coming out now for teachers, superintendents and administrators are law. Those changes will be negotiated into contracts. "No Child Left Behind" is gone in Massachusetts, he added, which is a good thing because 90% of schools were all failing under "No Child Left Behind." Hunt asked who is taking responsibility of the needs of the report and if they are completed in a timely fashion. Clenchy said adjustments have already been made long before the report came out; the School Committee can choose to go after the others. O'Keefe asked the School Committee and the Superintendent to comment on the recommendations listed on page 65 and add it to the school's website. Clenchy invited the Board to come in and talk with her at any time.

O'Keefe then brought up the joint meeting schedule to Chairman Barbaro and Supt. Clenchy. It was agreed upon that they would meet together annually in March, June, September and December; two joint meetings held during a Selectmen's meeting and two joint meetings during a School Committee meeting. They also decided it would be best to meet in April of this year instead of March.

Barbaro presented the Capital Plan requests from the School Dept. Some discussion was had on the TTE Emergency Generator being a priority for the School and the repairs needed in the bathrooms at Memorial School. The Superintendent stated they would supply to the Town Manager's office Form B which is the backup material for the submitted capital requests. The Board thanked Supt. Clenchy and Mr. Barbaro and Ms. Murphy for coming this evening and giving them such good information.

New Business:

Authorize Remote Meeting Participation – O'Keefe informed those listening of the recently revised rules of the Attorney General's office allowing members of various boards and committees to participate remotely in meetings. The Town Manager informed the Board that the phone jack in the conference room on the fourth floor could be made live and a conference phone could be utilized. The Board member participating remotely for specific reasons could not be considered a part of the quorum but could vote. The Selectmen needed to vote to approve this remote meeting participation before any board could partake. The policy would dictate how, for instance, the member should call in and who pays for the call. Barrows supported the idea and feels it protects the integrity of the Open Meeting Law by requiring a quorum to be present and provides the opportunity for members of Boards who have conflicting schedules to participate when those circumstances call for them to be away. Kreidler offered and the Board agreed that he would create a draft policy between now and the next meeting for their consideration. Mr. John White came forward and stated he also supports this seeing it valuable to be able to provide members of the Planning Board and Zoning Board of Appeals the right to participate in all of the hearings that extend into multiple sessions.

Water/Sewer Abatement – 16 Hale St. – O'Keefe mentioned the members of the Board of Selectmen are also Water Commissioners and tonight we have a request for an abatement before us. The applicant, Joyce Klauzinski, was not able to attend the meeting. Kreidler stated the Board has the written report from the DPW Superintendent in their packets. O'Keefe inquired what the amount of the abatement is being requested by the applicant not seeing an amount amongst the application. Kreidler stated the DPW Superintendent had difficulty in determining what the amount of flow occurred and what the resulting abatement would need to be. The homeowner believed there was a leak, does not know what the leak was or the volume; therefore hasn't requested a specific amount of abatement tied to that leak. John Deline, DPW Supt., and his staff had to determine if there was a leak, how much and for how long. It puts the burden on the Department to try and recreate a series of facts that may or may not exist.

This abatement is a great example for Mr. Deline asking on this night to consider the policy as it exists. Supt. Deline, after some research where there may have been a drip in the filter, the amount of water being used here and the concern of the homeowner has nothing to do with a drip or leak but has everything to do with a water filtration system that is programmed and set to flush every twenty-four hours in an amount of water that is significant. Any abatement being sought for a high bill ties back to the property owner utilizing this filtration system. O'Keefe said the equipment is utilizing the water and commented the application is dated January 30, 2012 and the bill is dated November 22, 2011, more than sixty days after the billing. Our policy needs to be tweaked and it needs to protect the rate payers. A problem on someone's system is their own doing and should not be a burden placed on rate payers. There is a recommendation that we do away with the policy, but we need a policy to protect the rate payers. Kreidler stated at the end of the Superintendent's report he recommends that you do not approve this request. Barrows moved the Board vote the recommendation of the Public Works Director based on the inability to quantify the volume of any leak that may have existed and in addition to the other item identified that the abatement is not warranted. Hunt seconded. O'Keefe wanted to correct the thirty day issue is only related to swimming pools and we are taking this vote with nothing to do with the thirty days. By roll call vote of all aye, the motion carried unanimously.

Old Business:

Water/Sewer Abatement Policy Review – 2nd Reading. The Board was supplied with a policy recommendation from the DPW Supt. John Deline respectfully requesting the Board to consider eliminating part of the policy relating to leaks in the plumbing systems. O'Keefe felt the policy shouldn't be eliminated but reviewed again. Kreidler pointed out from Supt. Deline's memo that if John Doe doesn't maintain his toilet, water heater, whatever it was, and it's abated, it doesn't go away; there is an expense to that and everyone else will pick it up. Adjustment versus abatement was discussed. Adjustments can be made clerically and is done prior to the bill being sent out. If someone is on at the end of the line and we need them to run their water, that is a type of adjustment. O'Keefe wanted equal treatment prior to the bill coming out and after that. He stated he would bring to the next meeting a proposal for the Board to review after he spoke with the DPW Superintendent.

Boston Post Cane – O'Keefe spoke about the Boston Post Cane and how fortunate we are to still have ours. He spoke about the discussion the Board had recently to have a policy recognizing and honoring the oldest resident. The issue of determining through the town census that Mary Smith is the oldest resident and checking if she is still alive today would be a burden he wouldn't want to give to anyone. He suggested we pick a date each year, determine who is the oldest resident and then have some type of presentation to honor that person. We would not give out the actual cane because we don't want to lose it but a presentation of a document, a picture of the individual with the cane, possibly riding in the solstice parade carrying the cane are ways to honor this individual. Kreidler offered doing it once a year makes great sense and suggested establishing an annual accounting of this by placing it in the Annual Town Meeting Warrant under Article 2. In this way it would be part of the record of the Town Meeting and a record in the Annual Town Report each year. It would be a nice way to have it formally recorded into history. The oldest resident will be announced at the beginning of each Annual Town Meeting and hopefully could attend as well. The Board agreed on this and charged the Town Manager's Office and Town Clerk's office to facilitate this presentation/honor.

Town Manager's Report:

- a. Personnel Updates: Fire Chief – Kreidler informed the Board the advertisement for the Fire Chief's position has been running with a deadline of March 8, 2012.
2. Financial Updates:

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- a. FY13 Budgets –Kreidler announced all budgets are being inputted into the system and he is set to begin Department Head meetings this week.
 - b. Streetlights – Kreidler announced the first meeting of the streetlight review working group was held. They are targeting a fall date for a report delivery giving them ample time to carefully and thoughtfully evaluate the situation while concurrently lining the schedule up with the solar farm being online and realizing the associated increase in revenue/power that will come with it. The group plans on touring the town, working off a map starting from the outside working their way back in. All of the representative groups at the meeting had good input to the meeting giving their perspective. The Chairman of the Committee is DPW Supt. John Deline and possible public comments at a selectmen’s meeting could be held in the future.
3. Project Updates
 - a. Solar Farm – Kreidler stated the final interconnection approval is in hand and breaking ground will take place once the weather is behind us sometime in late March/early April. O’Keefe asked about the timeline. Kreidler replied sometime early April they will be breaking ground, this summer should be the commissioning and in the fall we should see them up and running with a couple months behind us.
 4. Miscellaneous Updates
 - a. Draft Cable Contract – previously addressed.

Minutes:

Monday, February 6, 2012, Regular Meeting – Barrows moved to approve; Hunt seconded. By a roll call vote of all aye, the motion carried unanimously.

Tuesday, February 21, 2012, Liquor License Public Hearing - Barrows moved approval; Hunt seconded. By a roll call vote of all aye, the motion carried unanimously.

Hunt asked to talk about something that she should have brought up under Selectmen’s Comments. She drove around town and was in awe of the work being done. She saw dead trees gone, things being cleared, our public cemetery really looking good and wanted to say to Mr. Deline and his group of guys that they are doing a good job and how nice it was to see.

Communications:

Agenda Items:

Executive Session: The Town Manager stated Executive Session is no longer needed this evening.

Adjournment: Barrows moved to adjourn; Hunt seconded. By roll call vote of all aye, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant