

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, APRIL 9, 2012 7:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, MA**

Present: Robert M. O’Keefe, Chairman
Elizabeth R. Hunt, Vice-Chairwoman
C. Jackson Blair
James M. Kreidler, Jr., Town Manager
Linda A. Daigle, Executive Assistant

Absent: Keith R. Barrows

List of Documents Presented at Meeting:

- Town Manager’s Report(attached)
 - Chief Tom Smith resume and application (filed)
 - General Government Budget Memorandum (attached)
 - Draft FY13 General Government Budget in Munis and Excel formats (attached)
 - Revenue-Expense Forecast (attached)
- Resignation letter from Cailte Kelley (filed)
 - Planning Board Chairman’s letter regarding vacancy (filed)
- Immaculate Heart of Mary “Strawberry Festival” Entertainment and Special One-Day Liquor License permit applications (filed)
- Nouria Energy Retail Wine and Malt Liquor License Application (filed)
- Comcast Draft Cable License Renewal Agreement (filed)
- Marchmont Purchase and Sale Agreement and Draft Conservation Restriction for Elmwood Rd. (filed)
- Girouard Draft Purchase and Sale Agreement and Draft Conservation Restriction – Elmwood Rd. (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 other than the Board would be audio or video recording the meeting this evening.

Public Comments and Announcements: There were none.

Selectmen’s Comments: There were none.

Appointments/Resignations:

Appointments: The Chair moved to the Town Manager’s Report for his Personnel Update. Kreidler reported that he is appointing Chief Thomas J. Smith of the Templeton Fire Department stating Tom is an exceptional candidate, has served in the Templeton Dept. for twenty years and has been Chief for the past five years. He has a Master’s degree in Public Administration and is a credentialed Fire Chief in the Commonwealth. He requested, if the Board so pleased, a vote to affirm this position of Tom Smith to Winchendon Fire Chief. The Board

welcomed the Chief who was present for the meeting. Blair moved to ratify the Town Manager's selection. Hunt seconded and commented how she was impressed with his continuing education and the great compliments received from his town of Templeton and that she was glad to have him. O'Keefe was happy as well and stated he had very big shoes to fill with Chief Joe (Lafrennie) who has done a wonderful job not just as Chief but with the community as well. He was looking forward to seeing good things from him as well. By roll call vote of all aye, the motion carried unanimously. The Board and Town Manager congratulated Chief Smith. He thanked them.

Resignation – Cailte Kelley, Planning Board: O'Keefe read the Planning Board letter regarding the now vacant seat with the resignation of Mr. Kelley. Blair moved to accept with regret the resignation of Cailte Kelley; Hunt seconded. By roll call vote of all aye, the motion carried unanimously. Mr. Kelley was thanked for his service.

O'Keefe announced if there is anyone interested in filling this vacancy now on the Planning Board, to please contact the Selectmen or the Town Manager's office.

Permit/License Applications:

Entertainment Permit, (5) One Day Special Liquor License Permits – Immaculate Heart of Mary Strawberry Festival May 16th, 18th, 19th and 20th – Monique Connor was present on the behalf of the Church to answer any questions. She stated the event starts with an auction on the 16th and continues throughout the weekend until Sunday afternoon. O'Keefe noted there were no concerns mentioned in the Department Heads' responses. Blair moved to approve the application with no fee required; Hunt seconded for discussion inquiring about TIPS certification. Ms. Connor stated they do have parishioners that are certified. O'Keefe asked the Executive Assistant to put on the June calendar to add a discussion about a requirement for TIPS certification from our alcohol licensees in the future, including the Special One Day Licenses. By roll call vote of all aye, the motion carried unanimously.

Liquor License Public Hearing: Winchendon Irving, 93 Gardner Rd., Application for new Retail Beer and Wine License -At 7:12 p.m. O'Keefe opened the Liquor License Public Hearing by reading the notice. Attorney Donna Truex, representing the applicant, and Kenneth Calabro, Jr., Manager, swore to tell the truth. Atty. Truex gave a bit of background information on Nouria Energy running the establishment on Rt. 140 for the past three years. They have other locations that have retail licenses. This location had a beer and wine license but it was foreclosed on and the license lapsed. They think now is a good time to bring that retail sales back to the store. O'Keefe asked for any questions or comments from the Board. With none being heard, he asked Atty. Truex what she thought about additional traffic that may be seen now with offering alcohol. She didn't think much more traffic would be generated with it being a convenience store, more of a commuter location. O'Keefe mentioned he and others in the community have a concern with safety with just recently an accident at that location and many others in the past. They discussed the lack of clear entrances or exits and the long openings off the highway. Mr. Calabro stated there are no current plans to make changes but if the Board desires them to modify the entrances and exits, they can certainly entertain that to get the license. Hunt added Rt. 140 is being studied regarding speed, signs and barriers and she would like to see some direction going in and out of their establishment. O'Keefe mentioned every year they take up all licenses for renewal, so maybe you can do something by December to impress them. It would be a way to address it without holding your license. Mr. Calabro said if the Board has a concern with the traffic flow there, we can certainly do something. Atty. Truex said Noruia Energy runs a top notch place and would have liked to have been aware of this concern the Board has and ensured the Board that something will be done about it by renewal time in December. Blair moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Comcast Draft Cable License Renewal Public Hearing: O'Keefe opened the public hearing at 7:25 p.m. by reading the notice. Mr. Tim Kelley, Senior Management for Government Regulatory Affairs with Comcast, came before the Board and was sworn in. Mr. Kelley said Comcast looks at this contract to serve the town as a privilege not as an entitlement. He stated he has negotiated a mutually beneficial license both for Comcast and the residents of the community. He said his recommendation to the company is to accept what has been

negotiated. Hunt asked about some concerns Mr. White had and missing the timeline. Mr. Kelley said they did submit a formal license to the Town and the Town had twenty days to approve it or to give a preliminary assessment of denial. However, the Town Manager reached out to me and we agreed to negotiate something that would be better for the Town. The formal path is time consuming for the community and for Comcast and we think we have a good document but Mr. Kelley stated he still needed to have final review of this document, that the Board was not signing anything this evening. Tonight is an opportunity for the public to ask questions and speak about it, Chairman O'Keefe said. Hunt asked about the term of the contract wondering why it wouldn't be five years versus ten due to the constant change in technology. Mr. Kelley replied it is advantageous to do ten years because the support for PEG programming is borne mostly by the subscribers; we would double the burden of subscribers to pay that. Hunt asked about the physical location and type of cable. Kreidler said we go through coaxial cable from here to the high school and then from the high school to the head end with fiber cable. He added it's in our best interest to go from fiber back to the school instead of direct to the head end. The transport equipment at Murdock Middle High School will also be upgraded, Mr. Kelley added.

O'Keefe then asked if anyone from the public wanted to come up and speak. Mr. Robert Diamantopoulos, a member of the Cable Advisory Committee, came before the Board and was sworn in to tell the truth. He stated he felt his Board should have had a meeting to review the draft license contract and that as a Board they never voted any recommendations. O'Keefe replied they had received their recommendations over a month ago. Kreidler felt Mr. Diamantopoulos statement was not completely accurate, even though that may be his understanding of it. He said Mr. Diamantopoulos sat on a committee to address this issue, whether behind that process there is something Mr. Diamantopoulos is dissatisfied with, he couldn't speak to. He said the Cable Advisory Committee report was presented at a duly posted Board of Selectmen's meeting in which Mr. Diamantopoulos attended. He had an opportunity to speak and he was heard. Blair said we do have a committee to advise us who then came to a meeting to present their report, we accepted the report and unless they hear otherwise from the Advisory Committee to change their recommendations, I recommend we move forward. With no more to be said from the public, the hearing closed at 7:39 p.m.

New Business:

Marchmont Conservation Restriction and Purchase and Sale Agreement – Elmwood Rd.: Dr. Eric White, representing Marchmont Realty Trust, came before the Board and informed the Board the Trust consists of his brothers and sisters. He introduced Jay Rasku from Mt. Grace Land Conservation Trust and David Koonce, our Conservation Agent. He passed out a document to the three Selectmen showing the Board voted in favor of this in 2009. White explained the property in Spring Village is 363 acres of undeveloped land that is in forestry and has been for a hundred years or so. A few years ago, he said, they contacted Mt. Grace. They helped us file for a Forest Legacy Plan where this land will remain in perpetuity with the Conservation Restriction in forestry and will never be developed. Since we've been in this program, the federal government has taken a liking to the property and during the past year they have been funded by the federal government through a partnership grant last fall and currently in the final stages of signing and getting the paperwork done. Back in 2009 when we first approached you, the Selectboard was in favor of this project. More recently it has been presented to the Conservation Commission. We are looking, in preparation for town vote in May, for the Board to look in favor and sign the Purchase and Sale Agreement contingent on funding and contingent on town vote. Also he would like the Conservation Restriction that is now done signed off at the Board's next meeting.

Kreidler told the Board Dr. White is a good guy that comes before you tonight and he is a businessman. He will be doing something that will fulfill his father's wish in concert with his siblings but it also dovetails impeccably, seamlessly, beautifully with our Master Plan, our Open Space and Recreation Plan as well as prior votes of this Board for one of which he presents this evening but more recently this Board has moved forward, supported the Forest Legacy Plan and any other grant programs. There are so many moving pieces to this program; it would take ten nights to understand. There are other parcels involved; it's an incredible undertaking. These are wise stewards of this planet and our community and the Whites' names will be paramount in that discussion. Kreidler wanted to frame the issue and say this is an exceptional opportunity for the community. The business aspect of this, he continued, is for you to execute the Purchase and Sale Agreement, if we get a town meeting vote and with

the funding from the grant agencies already committed to us, we will move forward and take this Conservation Restriction and the Conservation Commission will be the holder of the Conservation Restriction on behalf of the community. In its simplest since, this is good environmental stewardship and Kreidler hoped the Board would move favorably on this stating it will be something you will be proud of looking back at it in years to come.

White stated the 363 acres will be forever protected and will be a tree farm in simple terms. O'Keefe asked if there was a cost to the local taxpayer. White replied this is not money that is coming out of the town Treasurer. Kreidler added only for just a brief period, usually within 45 days the town gets reimbursed. Blair asked what would be the negative or objections raised. Kreidler replied there was no guarantee we get this money back but hasn't had any experience that this wouldn't work. O'Keefe mentioned there is a contingency statement in the Purchase and Sale Agreement. If the federal government doesn't release the funds, we're not actually purchasing because the agreement would be invalid under Chapter 34B. Rasku offered his understanding that the town does have an out if the Forest Legacy funds of \$417,000 don't come; but they've already been allocated. The paperwork just needs to be processed. The town has to vote to allocate the additional \$215,000 to put forth and then get reimbursed back. If the town vote doesn't happen, this Purchase and Sale agreement goes away. The Forest Legacy money is already there, the state money is already there to reimburse the town. Jay added the White family is donating \$235,000 in value for the project. The project is worth more and they are donating a lot of value. Blair told Mr. White that they are clearly indebted to him and his family. Hunt inquired about the tree farm. White answered this is in a stewardship program where in no way would we clear cut; we would manage the forest as we have been in years, it will remain open space, a place for habitat, clean water, periodical harvesting of the timber would occur. The White family would hire a licensed forester, have a cutting plan submitted to the Commonwealth, the state forest would have to approve the plan and present to the Conservation Commission before we cut down any trees. O'Keefe asked the Conservation Commission Agent if he would recommend to approve. Koonce replied, absolutely, and said he worked directly on at least a dozen projects with state involvement like this and he hasn't had any experience that the state didn't come through with the money. He was assured the town would get reimbursed. and said we would have the federal money of \$417,000 at closing. He said this is a great project and having state money funding the whole project is the best you could hope for. Kreidler stated the project has Town Counsel approval and his approval. Koonce said this will be only one part of a larger project. There is a total of almost 600 acres with most of it being in Winchendon that is being conserved. Mr. Rasku stated they will be meeting with the Conservation Commission this week for the Conservation Restriction and will need to come back before the Board for their signatures on that document. Hunt moved to execute the Purchase and Sale Agreement; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

The Board recessed at 8:03 to execute the document and returned to open session at 8:11 p.m.

Old Business:

Next Paul Daniello from Mt. Grace Land Conservation Trust came forward with David Koonce to update the Board on the Conservation Restriction on the Girouard property on Elmwood Rd. He said it dovetails on the prior project all being part of the landscape project state funding that will be protecting the Murdock Farm on Elmwood Road with a Conservation Restriction and also an Agricultural Preservation Restriction. He met with the Board on February 6th and had presented the project and wanted to give them an update. He has a draft Purchase and Sale Agreement and Conservation Restriction for the Girouard parcel and asked the Board to review and sign at their next meeting. He offered both were being reviewed by Town Counsel and the Purchase and Sale Agreement was approved today by our Attorney. He explained the process stating that Mount Grace will pre-acquire the property. This one doesn't go to Town Meeting. Mt. Grace will be reimbursed by the state. The Conservation Restriction will be co-held with the Conservation Commission. Mt. Grace will be responsible for the monitoring and long term stewardship. Mt. Grace is purchasing the property but a Purchase and Sale Agreement has to be signed by the town because it is a requirement of the state that it is co-held with a municipality. Conservation Agent, David Koonce, added the Conservation Commission is agreeable to this and stated no money is being passed through the town. Hunt asked if the land is near the dairy bar and Mr. Daniello stated this piece is behind the dairy bar. He added the landowners are avid snowmobilers and we were certain to include snowmobiling as

recreational use. Koonce added that's what's nice about Conservation Restrictions, they can be tailored to what the landowners want or don't want. They are being gracious enough to want to protect their land and we try to meet their goals, Daniello offered. This issue will be back before the Board in two weeks.

Town Manager's Report:

Draft FY13 Budget: Kreidler explained his presentation binder in their packets. It included tabs with his Budget Message, the budget presented in both Excel and Munis formats, Revenue and Expense forecast and the draft Annual Town Meeting warrant articles. He didn't read his entire memo but it is entitled "Holding Our Own." This budget is balanced, doesn't reduce staff or service, doesn't cut an hour or a light bulb. We strive to maintain a level of service the taxpayers have been paying for in the past and have come to expect. This budget has several areas that are increased, most notably, as the case in several years, the human services accounts. We've been doing our best to continue to grow them. When the economy begins to sour, there are more that are unable to take care of themselves. This budget, over the last five years, have trended higher in our expenses for the elderly and veterans as our economy has gone in the other direction. There are increases of some note in the Council on Aging and Veterans accounts. One thing of particular note, Kreidler pointed out, is the \$924,889 reduction cut from last year's budget shown on Page 23. He explained our debt service line principal has gone down in this draft budget by a million dollars. It is entirely tied into the payment for the High School which is going away. That doesn't mean there is a million dollars sitting around in cash somewhere. This is debt exclusion money. That money will come down automatically unless the Town votes to do something else. This budget is being reduced a million dollars as a result of that debt exclusion going away for the High School and people should take the opportunity to reflect on this. O'Keefe asked, putting that issue aside, how does the annual budget compare to last year. Kreidler answered less than \$100,000 up on roughly a \$10,000,000 budget; a fraction of 1% still which is where we have been each year. Kreidler encouraged the Board to see him to go over the information in any level of detail they would like.

Kreidler then explained the Revenue Expense Forecast prepared by the Town Accountant. The first sheet shows a snapshot of Revenues and Expenses and the next three sheets show the back up of the major components.

Draft Annual Town Meeting Warrant – Kreidler stated several people have looked at this warrant so far and one of the exciting things about it is for the first time you have the work of the Capital Planning Advisory Committee. There is an opportunity for the community to consider doing capital that is of pretty significant need and paying it in a fashion that doesn't impact you financially today due to that previous debt exclusion. Hunt asked about the solar revenue. Kreidler said that revenue stream isn't here yet; this could have been put off but commended the committee in getting these capital requests to Town Meeting. O'Keefe added there are needs for our departments today and to wait another year for solar is not responsible. It was explained that this article was a draft article and the language will be fine-tuned within two weeks to list its funding source.

Kreidler briefly explained the rest of the warrant articles.

Articles 1 through 14 are usual and customary articles.

Article 15-17 are entitled usual and customary and they change a little each year.

Article 18 reads a little bit different this year. Besides listing the support for the CAC and the Clark, a new one has been added. It is for \$3,000 for a cat shelter being established downtown on Central Street. Kreidler explained the growing problem of a colony of feral cats and said a non-profit is being established by our Animal Control Officer, Sarah Fearing. The space has been donated or discounted by the Brooks family and this is work we couldn't get done as effectively, as economically as these non-profits can and it is a fraction of what we could do for ourselves. Hunt asked if she could be provided more information on "A Better Tomorrow" shelter for cats. Kreidler replied, absolutely. He said it is brand new and Sarah Fearing will be operating the shelter.

Article 19 – O'Keefe said this article is to raise the money to build a new police station. Two years ago Town Meeting and then the public at the ballot approved a \$2.1 million dollar debt exclusion to convert the former courthouse to a police station. We are asking to amend that original vote of \$2.1 and instead borrow

\$2,750,000 with that money either build a police station or convert someone's structure into a police station. Hunt said we are looking at a difference of \$650,000 and asked if the \$2.7 million could we get the court house to where it needs to be. O'Keefe said this article has nothing to do with the courthouse. It has to do with a police station. It may or may not be the existing courthouse; this figure would have to cover all items needed including union labor expenses. O'Keefe said instead of saying we are purchasing the courthouse, we are opening up to any business to come forward and say they could meet the needs of a police station. Blair said he understands this article to give the Selectmen the opportunity to look for a place for our Police Station, to cap it at \$2.7 million and that we are not locked into the courthouse. He was concerned the amount might not be enough money. He said we have gone a year with the police continuing in a situation that the town agreed was unsatisfactory. It's just going to get worse.

Article 20 addresses the capital articles. The Chairman of the Capital Advisory Committee, John White, came before the Board. He stated the committee met and reviewed the requests of the various departments that added up to over \$2,000,000. He stated the reason is because we have done so little for so many years. With getting the debt of the High School behind us, we can now catch up with some of the other things we've skipped and put off. When you put off items, prices just go up and we keep repairing old stuff. Since we made our decision the other night, Mr. White said there are two or three other items that have come forward. He then discussed the capital requests in the warrant. The Committee will be meeting next on Thursday, April 19th.

Article 21 – Kreidler explained we have the extraordinary benefit of four employees whom have retired within a twelve month period that have on the low side 26 years and on the high side 36 years respectively of employment. With those long term employee retirements comes an unfunded sick leave buyback for these four employees, for whom we have an obligation to pay retirement benefits. A number is being calculated, with one employee who hasn't announced her official retirement date yet. That number will round out to 100 years of combined service. This article is a placeholder for these employees.

Article 22 – Kreidler announced the street sweeper is down again and a placeholder article has been submitted, pending further discussion with the Capital Advisory Committee, about doing a long term lease of a street sweeper and paying the annual payments out of Chapter 90 funds. It has not been the practice of this community but this piece is not long for life and it may not be able to be rehabbed at this point. It could be placed in an amended Capital Planning Advisory Committee article. Similarly, DPW Supt. Deline is asking for a sidewalk tractor and attachments. Kreidler stated the machine throws you around heartily and it breaks down more frequently than it's productive. Supt. Deline will be speaking to the Capital Advisory Committee about this as well.

Article 23 – Kreidler stated this article is for the 4x4 Ford F350 for the Fire Dept. It might be included in the revised Capital Advisory Committee.

Article 25 – Kreidler said this is the standard stabilization article. If at the end of all the money articles, if there is any money left to see if the taxpayers would choose to put it in the stabilization account.

Article 26 – Moving on to the General Business Article, Kreidler stated this is the Conservation Restriction article. He advised the article just shows the \$215,000 but as of today we were advised it needs to include the entire federal piece as well so that would go to the \$633,750.00 number.

Article 27 – General Bylaw Articles, Kreidler stated Supt. Deline submitted two for the Town's consideration. This one is a bylaw regarding the discharge of water onto town ways or to the sanitary sewage system. Supt. Deline needs a bylaw to get compliance. Some discussion was had on the responsibility of the homeowner and what they will do with their basement water if there isn't a storm water drain. They spoke about a revolving fund which would require an appropriation that would allow income eligible people to apply for in order to make a connection to a storm water drain. O'Keefe considered having the article amended to include this revolving fund again to help those people.

Article 28 – Kreidler stated the next article is a Winter Parking Ban that Supt. Deline is looking to add teeth to it as well.

Article 29 – Kreidler stated this is the Snow and Ice Removal article. Supt. Deline is looking to fine those who plow their parking lot on to the town's sidewalk or public way, whether a commercial parking lot or private driveway. O'Keefe questioned what would happen when violators ignore the notice. Kreidler replied a complaint would be forwarded to the District Court. Paul Blanchard is the Enforcement Officer. In the article either the DPW Supt. or the Police Dept. have enforcement, O'Keefe added. Discussion was had on the fines and the time that would be wasted by our officials attending the court hearing. O'Keefe would like to see during renewals in December that business are complying and any outstanding issues are known including the sign code.

Article 30 Junk Dealers-Second Hand Articles and Article 31 Pawnbrokers are back again to chase the loopholes from when it was first regulated, Kreidler said. The Police Chief and the Lieutenant will be able to speak about these two articles at the Public Hearing.

Article 32 - Chairman White came up to the Board to speak about the Zoning articles. He said the Planning Board already has had their public hearing and has recommended all of the Zoning articles. The first one is to allow indoor amusement in the industrial zone by special permit.

Article 33 – Chairman White stated this article is to allow more than one principal building per lot or more than one use per lot by special permit in junction with a sub-division or site plan approval.

Article 34 – Chairman White stated this article is to amend the zoning map rezoning five parcels of land thereby allowing residential use as well as neighborhood commercial use.

Article 35 - Chairman White said this article is a purposed adoption of the new Winchendon Zoning Map including a new Route 140 Corridor Overlay District with related changes to the Zoning Bylaw. The hope is to try and keep down the number of curb cuts. Rt. 140 is a major arterial through road which will allow commercial development but we don't want to make a mess of it. It's a lot of words to do that. This article was drafted by a consultant for the Rt. 140 Taskforce that we had last year.

Minutes:

Monday, March 26, 2012 Regular Meeting: Hunt moved to approve; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Communications: None discussed.

Daigle asked about the sub-committee the School Dept. was asking the Board to form to review the School Dept. FY13 Budget. Blair moved Hunt and Barrows to the sub-committee; Hunt seconded. By roll call vote of all aye, the motion carried unanimously. O'Keefe asked Hunt to inform Barrows of his appointment and informed the Board that the Chair of the School Committee, Mike Barbaro, was also the chair of the sub-committee.

Agenda Items: Daigle informed the Board that the School Committee is looking to meet jointly with them on the 23rd. Hunt said we will also be doing the Audit Report, the ATM Warrant votes and the Conservation Restriction and Purchase and Sale agreements spoken about earlier this evening.

Adjournment: Hunt moved to adjourn; Blair seconded. By roll call vote of all aye, the meeting adjourned at 9:41 p.m.

Executive Session: Not needed.

Respectfully submitted, Linda Daigle, Executive Assistant