

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
THURSDAY, APRIL 19, 2012 7:00 P.M.  
109 Front Street, Winchendon  
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

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List of Documents Presented

- Entertainment Amendment Permit Applications (2) for Winchendon Arts Festival (filed)
  - Girouard Purchase and Sale Agreement and Conservation Restriction, Map – Elmwood Rd. (filed)
  - Marchmont Forest Management Plan (filed)
  - Marchmont Conservation Restriction - Elmwood Rd. (filed)
  - Draft Annual Town Meeting Warrant
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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. 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: n/a

Permit/License Applications, Hearings: Entertainment Permit Amendment - Winchendon Arts Festival: Emilee Chamberlain and Doneen Durling came before the Board to discuss the amendments to this permit already granted on April 19, 2012. Ms. Durling explained they will be having food; it’s a project called “Empty Bowls” where artisans in the area make bowls and restaurants donate a vat of soup that will be served along with some bread in exchange for a donation of \$12.00. People get to take home the bowls and the proceeds will go to the CAC and the COA to help people through the summer with food. She hopes this will run on an annual basis. She thanked the Winchendon School for donating the bowls and the students from the High School Afterschool Program for creating them. O’Keefe stated tonight we are amending the previously issued license to allow food; the Board of Health has already issued your temporary food permit. Ms. Chamberlain offered that she would also like to amend the license to include the entertainment listed in her application. Barrows moved to amend the permit and to waive the fee. Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

## New Business:

### Purchase and Sale Agreement – Elmwood Rd. - Girouard:

Mr. Paul Daniello from Mount Grace Land Conservation Trust came before the Board and introduced Ken and June Girouard, property owners of Murdock Farm off of Elmwood Rd. Mr. Daniello passed out a colored map outlining the existing Agricultural Preservation Restrictions (APR) and the existing Conservation Restrictions (CR). They were before the Board to request execution of both the Purchase and Sale Agreement and the Conservation Restriction. Mr. Girouard told the Board there is a lot of wildlife on the land and they would like to keep it that way. Mrs. Girouard added how beautiful the land is and how she enjoys her walks through it and believes it should be left open. The CR restriction consists of 38 acres and has been in the family since 1985. She stated both this and the APR will complete Murdock Farm's Land Preservation. She said they left out the Dairy Bar and said it will remain open. She said it's a worthwhile project and thanked Mount Grace for helping them do this. Mr. Daniello stated the P&S has been reviewed by Town Counsel, Mt. Grace's attorney and the attorney representing the Girouards. He explained Mt. Grace and the Town are the buyers of the Conservation Restriction. The Girouards are the sellers. We are purchasing it for \$26,642.00. No money is being requested from the Town; Mt. Grace will pre-acquire the parcel and will be reimbursed by this Landscape Partnership Grant. The P&S agreement is contingent on that grant materializing. Kreidler agreed with the Purchase and Sale and it has been approved by Town Counsel. It is the next of a series of pieces we have been talking about for years. The Girouards should be commended for this vision. This land will be opened up in perpetuity for the benefit of everyone in the Town. Hunt moved to execute; Barrows seconded. By roll call vote of all aye, the motion was unanimous.

### Conservation Restrictions: Elmwood Rd. – Girouard:

Daniello next brought up the Conservation Restriction on this property that he is hopeful the Board will also execute this evening. He said it has gone through similar review. It was signed by the Conservation Commission last week. The Town, Board of Selectmen, Mount Grace and the Girouards need to sign and then it goes before the Executive Office of Energy of Environmental Affairs to be recorded. Hunt asked the Girouards if they were satisfied with the restrictions. They agreed. Hunt moved to execute the Conservation Restriction, Blair seconded. By roll call vote of all aye, the motion was unanimous. The documents were executed by the Board and given back to Mr. Daniello.

Daniello lastly updated the Board on the Agricultural Preservation Restriction (APR) in progress and shown on the map. He spoke with the land agent from the Department of Agricultural Resources, Michelle Padula; they are going to handle the APR and amend it to add this 24 acre parcel shown on the map. The Town will be required to sign the new APR. The Town is a co-holder of the existing APR. He informed the Board there will be some other documents to come in the near future. The Board thanked Mr. Daniello and the Girouards.

### Elmwood Rd. - Marchmont Conservation Restriction

Jay Rasku from Mount Grace Land Conservation Trust and Dr. Eric White next came before the Board. They were present at the last meeting when the Purchase and Sale Agreement was executed. Since then, Dr. White said the Conservation Restriction has been approved by Town Counsel and the Conservation Commission has signed it. It's complete except for the Forest Management Plan. He wanted to clarify that this is not a tree farm, not a commercial operation; it's preservation of open space, improvement of the health of the forest that has been managed over 50 to a 100 years. He referenced the Forest Management Plan that he had provided to them and the summary page. These 363 acres of forest are part of a bigger project that is almost 3,000 square miles of unfragmented forest which is important for wildlife, clean water and so on. With this complete the Conservation Restriction is complete and he hoped they would sign the document. He concluded that this particular CR also requires a vote of the town.

Daigle asked about the assessor map parcel correction typo error on page 53 of the Assessor's map. That has been corrected they replied. Dr. White explained the land involved. Both Mr. Rasku and Dr. White would be present at town meeting. Hunt moved to execute; Blair seconded. By roll call vote of all aye, the motion carried

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unanimously. White said he would also be present for the public hearing coming up as well. The Board thanked the gentlemen.

#### Vote Final Special and Annual Town Meeting Warrant

Kreidler presented Version 4 of the Draft Annual Town Meeting Warrant to the Selectmen. He brought to their attention the summary sheet on page 2 which is a reflection of the articles. He stated the Capital Advisory Planning Committee has an Article, number 21, in the warrant; they were meeting now and the Board might have to recess for them. He then briefly went through each article stopping where needed for more details, clarifications or for questions.

Article 8, the General Government Operating budget's bottom line is this proposed FY13 budget comes in at \$924,890 less than the current budget that we are now almost through, Kreidler pointed out. That is an 8.78% reduction overall. It is significant in size but it reflects that we have been carrying a certain amount of debt for Memorial Middle High School and that twenty year loan we will no longer have. The budget is reduced by that loan amount. This is the last year, FY12, that we are required to pay this loan. He explained this was a debt exclusion, to raise money to pay this loan; once the debt is gone, the money goes away because the taxes are reduced.

He also spoke of the 250<sup>th</sup> anniversary coming up for the town and in this budget is \$10,000 the committee has asked for (for the next three years) to work on leveraging their fundraising. He felt the support for this was best within the Chief Executive Board and has been included on the top line of the budget.

The Town Manager and the Board discussed Article 12 the net school spending article. The budget amount is roughly \$15,000,000 after netting out the indirect cost, it is \$12,829,910. He said it is important to note that there has been some discussion with the School Department's budget. The Finance Committee is trying to understand the budget and fulfill its obligation. He added that this is the amount we are legally obligated to fund. Blair asked for clarification if we are obligated to pass this, what is the purpose of the Finance Committee's investigation? Kreidler replied that it is the obligation of the Finance Committee; even though we have to spend the amount it doesn't mean the School Committee should be absolved of the responsibility to mindfully manage and wisely spend that guaranteed amount. While they can't affect those line items individually, they can shine a light on it, educate the public and on occasion while the bottom line number can't be change, a line item might be affected if there is some discourse. Blair wanted the public to understand that if the Board ever thought strongly in not supporting the net school spending budget, it would legally have to happen anyway.

Article 13 School Transportation Article- Kreidler told the Board he expects they will hear it's deficient around \$15,000 -\$17,000. He expressed frustration with this article in not receiving the number from the school prior to the warrant closing. He stated the Town Accountant and himself included a number in the warrant anticipating a likely increase. He received an email today with the actual number. His budget is balanced and the school will have to determine where to get that extra funding.

Article 14 Municipal Medicaid Reimbursement Program – Kreidler stated this is an agreement between general government and the School Department that 20% of any Medicaid reimbursement that comes in goes back the following year to the School Dept. The figure is \$37,564.00.

Article 15 – Extraordinary Financial Article - Kreidler said this article seeks to appropriate from stabilization the sum of \$274,656 for the contractual required amounts due to retired and or resigned long-time town employees. We are the beneficiary of combined 100 plus years of service with just four people that have provided stability to this organization. The four employees are Lois Abare, the Town Clerk, Joan Bousquet, the Collector/Treasurer, Mike Murphy the Public Works Director and Steve Calichman the Health Agent. Thirty or so years ago they had contracts that included buyback of accrued sick time that had been earned but not used. Discussion was had about the unfunded liability, the change in future contracts and how to plan for it in the future. Although uncomfortable with the funds coming from the stabilization account, they would support this but on a condition that we start

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looking at a long term projection and start planning. Kreidler stated if he had put money aside for this, he would have had to cut services to balance the budget.

Article 19 was next discussed a bit regarding the amounts to non-profit entities: the Community Action Committee, the Clark/YMCA and new this year, "A Better Tomorrow" cat shelter. Kreidler explained the law allows us to give money to these non-profits for the service they provide the town. He spoke about the extraordinary large problem the town has with stray cats and the lack of staff or a shelter to address it. The Animal Control Officer has a passion and love of this issue and is addressing it and asking the town for \$3,000 in support.

Article 20 – Chairman O’Keefe, who also is the Chairman of the Police Station Study Committee, stated in this article we are looking for \$2,750,000 to build or purchase property to give us a new Police Station which would also require passing a Proposition 2 ½ override.

Article 21 – Chairman of the Capital Planning Advisory Board, Mr. John White, came before the Board and presented a few changes to this article in the draft warrant. The total sum for the capital exclusion part of the article was reduced to \$381,800 with moving the purchase of the pickup truck for the Fire Department and the sidewalk tractor being moved to the debt exclusion part of the article and changing the total sum to \$741,000. Barrows asked about the retiring debt service on the high school and if all of these items were funded how it would impact the tax rate prior to the reduction of the retirement of that debt. Kreidler said right now we are carrying \$1.02 on the tax rate for the High School debt exclusion and have been for twenty years. This equates to \$102.00 for a home assessed at \$100,000. Kreidler said if all were to pass in this article and for the Police Station it would represent \$0.92 on the tax rate if his calculations are correct. You would see a reduction of \$0.10. Discussion was had on the decrease after year one for the capital exclusion items and the decreases after year ten for the debt exclusion items and lastly the Police Station for twenty years. Blair wanted the taxpayer to understand that either you stay with the deal of the High School debt exclusion which is retiring or still get a reduction in your tax rate and be able to fund these capital items.

They next discussed on whether to separate the article into two separate articles, one being the debt exclusion items and the other the capital exclusion articles. White stated they should be together but it doesn’t mean at town meeting that it couldn’t be amended. It was agreed that Kreidler would do a summary sheet to include with town meeting material detailing separately the costs for the taxpayer for the Police Station, the Debt Exclusion items and the Capital Exclusion items. After Barrows explained the confusion the taxpayer may have if we didn’t separate the two and the possibility of a default vote of no, White then agreed to separate the article. Mr. White was thanked for his attendance this evening.

With Article 22 the Stabilization Article being usual and customary and Article 23 the Marchmont Estate Conservation Restriction already discussed this evening, Kreidler moved on to the General Bylaw Articles.

Article 24 pertains to discharge of water onto town ways or to the sanitary sewer system. Supt. John Deline was present to answer any questions. Deline explained that this article is primarily geared toward people discharging on sidewalk and roadways causing an ice problem and it will give him a means of enforcement. Blair asked what if people do not pay the fine and how it is enforced. Kreidler stated we have noncriminal disposition. If any of our bylaws there is a penalty and the penalty is not paid, we have rights to District Court. He stated the Animal Control Officer has used this at great affect and as well as the Building Commissioner. They next discussed the problem of water that may be running off someone’s roof and it naturally goes to the street potentially violating this suggested bylaw. After some discussion, it was decided to remove the word “permit” from the warrant article.

Article 25 is related to the winter parking ban. Deline stated the intention of this article is to remove the hard start of November 15th and replace with the first snow/ice storm. The Board went back and forth on a date specific realizing that there is so much subjectivity regulating snow on the ground and it was decided a hard date would be put in the article. Kreidler suggested to add the word discretion to “towed away under the authority and direction and *discretion* of the Chief of Police...”; the Board agreed.

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Article 26 is the snow and ice removal article which is liked by the Board. Deline explained it's a safety issue.

The next two articles, Junk Dealers and Pawnbrokers, Kreidler informed the Board that the Police Chief and Lieutenant will be present at their Public Hearing to answer any questions.

The rest of the articles are zoning. Mr. White was here ten days ago to speak about them and will be present for your Public Hearing, concluded Kreidler.

Barrows moved to approve the warrant as amended this evening and further to authorize members to execute once the amendments have been made to the document; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

**OLD BUSINESS:** None discussed.

**TOWN MANAGER'S REPORT:** The report this evening was the Annual Town Meeting Draft Warrant.

Minutes: None this evening.

Communications: n/a.

Agenda Items: O'Keefe said there has been a request to set the summer meeting schedule. The Board will be meeting the second Monday in June, July and August and at the discretion of the Chair.

Adjournment: Hunt moved to adjourn; Barrows seconded. By roll call vote of all aye, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant