

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, JUNE 18, 2012 7:00 P.M.  
109 Front Street, Winchendon, Mass.  
4<sup>th</sup> Floor Robinson-Broadhurst Conference Room**

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

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

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List of Documents Presented at Meeting:

- Winchendon's Property Tax Work-Off Program FY13 (attached)
  - Winchendon's Single Audit Reports June 30, 2011 (attached)
  - Boot Drive Applications (filed)
    - Sons of the American Legion June 30, 2012
    - Winchendon Lions Club Oct. 6, 2012
    - Team America Relay for Life July 21, 2012
    - Winchendon Veteran Fireman's Muster Assoc. July 7, 2012
  - Entertainment Permit – Block Party June 30, 2012 Elm St. (filed)
  - Lodging License – Camelot Farms (filed)
  - Solicitor's Permit – Jared Knupp (filed)
  - Alcohol Intervention Methods Training and Certification list (attached)
  - Board of Selectmen's Appointment Renewals FY12 (attached)
  - Comcast Cable Television License Renewal (filed)
  - Girouard/APR amended and Confirmatory Easement Agreement (filed)
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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 else would be audio or video recording the meeting besides the Board this evening.

Public Comments and Announcements: Mr. Joe Snow came before the Board and inquired about the alternate seats on the Planning Board and asked the Chair to read a page he had marked in the Zoning Bylaws. O'Keefe asked Mr. Snow since this wasn't a public comment or announcement and they were taking up appointments later on in the meeting, if he could hold off until then. Mr. Snow agreed.

Selectmen's Comments:

Blair announced that one of our esteemed citizens, Mrs. Grout, had a fall, a difficult accident. She's in the hospital, has had surgery and was happy to report she's gone through that fine and is on the mend.

Senior Property Tax Work-off Program FY13 Announcement: O'Keefe announced the Senior Work-Off Program that was recently approved at our Town Meeting. He read the enclosed information on the program to the public.

*Board of Selectmen Minutes  
Monday, June 18, 2012*

FY11 Audit Report: O'Keefe took the agenda out of order moving to the FY11 Audit Report. Mr. Chad Clark came before the Board and introduced himself stating he was one of the partners in Roselli, Clark & Associates and was hired to perform the fiscal year audits for 2011. The Town Accountant, Charlotte Noponen was also present. Mr. Clark went to page 2 of the Management letter and talked about the unassigned fund balances for the town in the last three years pointing out that it had gone down in 2010 but went up \$100,000.00 in 2011. That shows finances are managed well. He commented a lot of communities are down. He said stable is good because it helps with the bond rating. The town is in a comfortable position with our Unassigned Fund Balance. If you go much lower, bond rating agencies may have a more negative viewpoint on the finances of the town. The town is above the state average by almost 1%.

He next went to Page 4 where there are highlights of things from prior management letters that town management has worked on to put into play. He spoke of the new policies adopted, data recovery and backup medium updated and the bond rating being maintained. He pointed out that the federal grants tripled in that management letter but it probably is not true at this point. The stimulus and ARRA money is gone and no more will be coming out of the Federal Government. It was a significant amount of money for the town and is now a challenge in balancing the budget in meeting net school spending. The other reason it was so high was due to the water projects that will be completed this year. Right now he said our grants going forward are our HUD CDBG money and continuing money in education. Hunt asked who wrote the policies and who ensures they meet our expectations. Mr. Clark replied it's a joint effort, that the Selectboard ultimately approved the policy. Management puts it together; the attorney covers the legal aspect of it. He added probably no policy includes everything but having a policy provides good focus in management efforts and they are designed to be updated. Kreidler informed the Board that when he had his bond rating meeting with Standard and Poor, the policies were spoken about and then forwarded to them.

Hunt asked about the School Department contract compliance improvement number 4 on page 4. Mr. Clark replied they had found some contract issues with school lunch and the documentation in their contracts. He said that has been corrected.

Mr. Clark pointed out under Informational Items on Page 5 that the town had no significant deficiencies or weaknesses to report with accounting controls and this is a positive for the town's operations.

The next topic, Other Post-Employment Benefits (OPEB) was approved by Town Meeting in May of 2010 to create a irrevocable trust under MGL to which the Town may begin funding OPEB costs and reducing its liability. He said to expect a change within the next year to include an OPEB Trust Agreement to fill in some of the holes. Relative to the number for Winchendon, it stands at \$25.8 million and it's a long term pay out but recommended against a "pay as you go" process.

He wanted to point out this was not addressed in the report but the Commonwealth passed a law that new hires would have to go on Medicaid when they became eligible. Up until then it was voluntarily for communities to pass that financial responsibility off to the Federal Government or in house with their own budget. Communities are now required to shift the burden over to the Federal Government; you may have to supplement the plan a bit.

Next listed is the Deminimus Personal Property Taxes. Mr Clark stated this is viewed positively and in FY13 he hoped it would be put before the voters to get approved. He explained personal property is a voluminous valuation with a small dollar. A lot of cost and effort is put forth to process those transactions and collect them when they don't pay. If you take anything under \$10,000 in evaluations and eliminate it, you will save. It's important to note that the elimination of these assessments would not reduce the amount of overall tax assessments. The remaining property tax accounts would absorb these deminimus accounts, which will likely add only pennies to each tax bill. This would significantly reduce the amount of bills needing to be processed.

He went on to Page 8, Compliance with Ethics Regulations. He informed the Board that the state was supposed to have implemented the second round of the ethics by now. They are still working on the online test and it won't happen until sometime in FY13. He stated that every employee involved in this organization needs to take the ethics test, submit the results and be logged in as having taken it. The responsibility is usually with the Town Clerk. She needs to address this and be prepared when the new test comes out. He said when this requirement first came out, the Town complied but has found with new employees there needs to be a process in making sure this was done. It was discussed that it would be part of the new hire process, that a data base would be used and that a process followed to notify the Town Clerk.

Next Recording of Unrealized Gains and Losses: Mr. Clark stated the Town Accountant will handle when closing the books complying with the DOR and GASB No. 31.

On the last page, Student Activities, he had a couple recommendations; one to adopt the Mass. General Law and put a plan in place to how to be managed and the other is to start putting student activities through the town's books as an agency fund. The town is required to have some oversight over that. The agency accounts were created for FY12 and the transactions have been going through. The law states an audit should be done every three years and we're going into the fourth year and we haven't been asked to audit student activities. In theory, that is out of compliance. It is the school's responsibility. He said he discussed the student activities with the Town Accountant today and he has some concerns with some transactions going through there but he didn't have anyone from the School here to explain the transactions and suggested and highly encouraged this is strongly pursued in the coming year to have an audit done with those funds. The Town Manager was asked to speak to the school and get back to them next month.

Mr. Clark said that was it for the Management Letter. He wanted to point out in the Single Audit Report in 2010 they had a couple findings having to do with procurement with school lunch and verification of household income. The school did fix this and wanted to give them credit. They are just down to one finding relative to a software problem.

Hunt asked to clarify a couple things in the report which the Auditor did for her.

Barrows commented the auditor is doing exactly what he's paid to do bringing forward and identifying the risks. It's our job to assess that level of risk and determine how we want to manage it. The Board then discussed the issues of post-employment benefits being a substantial risk for them. Kreidler said we've blended a couple post-employment issues within the last couple months. What we are talking about in OPEG is health insurance which is not what we did at Town Meeting; that was sick time. There are things we can do on a management level for both things; but both are different. We are not going to meaningful change the post-employment insurance liability except transferring eligible retirees to Medicare. Kreidler said the second piece is other benefits that are contractual and we have taken significant steps towards mitigating that potential risk and liability. What we have just experienced was an anomaly, even in the public sector. We had thirty year employees that carried benefits that provided them 100% sick leave buy back. Discussion was had on negotiating new contracts and reducing or eliminating the vacation, sick leave buy back, re-negotiating current contracts and possibly pay out some of the liability now. Mr. Clark pointed out that the sick leave is not retroactive and is paid at the current salary and paying now versus later in time reduces the liability. O'Keefe asked if once a year the Town Manager could calculate both the unfunded healthcare and the buyback figure. The goal is to see the number shrink every year. Mr. Clark pointed out on Page 36 on the financial statement that it is a requirement to put an estimated liability of compensated absences. It is not an actuarial number but a number he discusses with the Town Accountant. It is a starting point, an estimate. In theory, if everyone you owed money to, if you were to shut down tomorrow, the figure shown is about \$1.3 million. This is projected as of June 30. Mr. Clark finished up on a positive note. In evaluating everything, you came out of FY11 with no free cash. That's tough. That means you're using every dollar to pay out on operations. It is definitely a challenge for management. He knew FY12 wasn't much better. Not much play money. With that said, at the end of FY11, you had approximately \$1.8 million in your stabilization fund. It is now down to just under \$1.6 million. The reduction was for \$304,000 which the majority

is these buybacks. The positive take off is you can't control when people are going to retire or leave. What that says with our free cash had those people chosen to not retire, you would have been able to get through the year without touching stabilization. That is very impressive and a good thing in this bad economy. Your management team is finding a way to not having to tap into that to get by. Kreidler responded you as a Board have spoken about the wisdom to having taking from stabilization an amount of money each year to set aside to fund what we knew would be a quarter million dollars sick leave buyback. Had we done that, we would have to drop down stabilization incrementally or at once. The second choice is better. We had two bond reviews and the stabilization gives us a good bond rating, a good interest rate and saves the town money benefiting the budget. The Auditor and Town Accountant were thanked.

The Chair moved to Permits/Licenses for those people in attendance.

#### PERMIT/LICENSE APPLICATIONS, HEARINGS:

Boot Drive Sat., June 30, 2012 - Sons of the American Legion – Curt Fitzmaurice, Treasurer of the Sons of the American Legion and John Bussiere, the present past Commander, were present representing this Boot Drive to be held on Front St. in front of Lincoln Ave from 9:00 a.m. to 1:00 p.m.. He said he had the protective orange cones, signage and have had no problems. They conduct the drive annually and hoped to get a permit this year. O'Keefe said there was no negative feedback from Department Head responses. Barrows disclosed that he is a Son of the American Legion and the boot drive profits go to the High School seniors and that he will not have any financial benefit. Corbosiero also disclosed he was a member. Hunt moved to approve; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Boot Drive, Sat., Oct. 6, 2012 – Winchendon Lions Club – Mr. Fitzmaurice and Mr. Bussiere stayed to represent this Boot Drive also that would be held on Front St. in front of the Historical Society on Columbus Day weekend from 9:00 a.m. until 1:00 p.m. Blair moved for the permit; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Boot Drive, Sat. July 21, 2012 – Team America Relay For Life – Trina Paradis came forward with a another team member on this application for a Boot Drive to be held on Front St. in front of the Historical Society from 10:00 a.m. to 12:00 p.m. She said they have never done a Boot Drive here but she is a Winchendon resident and would like to have one. Blair moved approval; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Boot Drive, Sat., July 7, 2012 7:00 am – 7:00 pm – Winchendon Veteran Fireman's Muster Association - No one was present this evening on this application. With no issues being seen from Department Head responses, Corbosiero moved to approve. Hunt seconded. By roll call vote of Hunt aye, Barrows aye, Corbosiero aye, Blair pass and the Chair aye, the motion carried by majority vote.

Entertainment Permit June 30, 2012 – Block Party, 116-139A Elm St. Kayla Maine came before the Board. She explained she'd like to get a sense of community with local neighbors and shut down part of Elm Street and have a neighborhood barbeque. The hazard of shutting down the street was briefly discussed. O'Keefe said that in the future they should consider a policy. Ms. Maine informed the Board she has signatures from everyone on the street that would be affected. She was asked if anyone opposed. She replied, "yes one" and will be blocking off after their unit. Kreidler mentioned he hasn't seen a Block Party in the ten years he has been here but enclosed in their packets were sample polices from other Towns. O'Keefe suggested we look at these policies with the Police Dept., Fire Dept., the Board and the Town Manager's office. Blair moved to allow this one time Block Party and develop a policy to look at any future requests. Barrows seconded for discussion. He would like to add some ground rules utilizing some of the criteria from other communities; like the police chief working up some safety details, and how to do this safely; some other restrictions, no alcohol beverages because it is a public roadway, no fires in roadway and no loud music and trash to be removed. If we prove in the affirmative, we set that as criteria. Barrows rescinded his second to Blair's motion. They discussed the time of the party to end. O'Keefe is against the pilot and in favor of community events. He pointed out that both the DPW and Police are not in favor of this

at this time and that is why it is good to get them together. He suggested they come up with a policy in July and they could consider an application in August. Hunt moved to table the permit for the next meeting. Corbosiero seconded. Barrows for the record, understands the position and respects opinions but commented about the event over the weekend where the main thoroughfare of the town was blocked for a considerable portion of the time, granted we had fire and police available, but we are talking Elm St. He hates to be in a position that we are always saying no and doesn't see this as a substantial risk. He is not inclined to support the motion to table. Blair agreed. By roll call vote of Barrows no, Hunt yes, Blair no, Corbosiero no and O'Keefe yes, the motion to table the application failed. Blair moved approval based on the parameters of the Wellesley policy and limit it to 9:00 p.m and that this is not precedence and a policy will be developed in the future. Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Lodging License – Camelot Farms, 50 Old Centre - Transfer from Bruce MacDougall to Didier Watsop – Mr. Watsop came before the Board. The Board informed him that since he will be doing business as “Camelot Farms,” a Business Certificate would be required. Mr. Watsop informed the Board that the license was going to be run the same way, as a home for Veterans. He said he would be working weekends and have a Manager during the week. Daigle inquired about the Serve Safe Certificate. Mr. Watsop said Mr. MacDougall is still the transitional Manager but a new Manager is in training. They have applied for a new Board of Health Food Service Permit. Hunt moved approval with conditions of Certificate of Inspection, Business Certificate and the Food Service Permit to be in order; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Solicitor's Permit – Jared Knupp representing Southwestern Advantage – Mr. Knupp was not in attendance. The Executive Assistant will get in touch with him to attend next month if he's interested.

Alcohol Intervention Methods Training and Certification - O'Keefe talked about us putting on agenda some kind of TIPS training requirement for license holders in the future. The ones on the list provided are now certified. Kreidler felt that the \$25.00 fee and the investment of a couple hours, the liability protection that it affords the establishment is extraordinary and they should see it as a good business decision. Blair moved that all employees that sell or are servers in a liquor license establishment within three months of their employment be certified as a condition for the renewal or for a new license for that establishment. Barrows seconded for discussion and inquired if it was effective for all new applicants. It is for any new applicants and for renewals. By roll call vote of all aye, the motion carried unanimously.

#### APPOINTMENTS/RESIGNATIONS:

Board of Selectmen Appointment Renewals: Robert Shea asked the Board if he could be considered first on his Constable appointment renewal. Daigle informed the Board that the statues of the requirements of Mass. General Law have been met, the new application completed and approval from the Chief of Police was received. Blair moved approval; Hunt seconded. By roll call vote of all aye, the motion carried by unanimous vote.

Blair moved to accept all those on the list that wish to be reappointed and the Chairman, if appropriate, recommended be appointed, and those responding in the negative or not responding be left off. Corbosiero asked to leave him off because he's on the list for the Planning Board. Blair moved to reappoint Guy Corbosiero to the Planning Board; Barrows seconded. By roll call vote of Barrows aye, Hunt aye, Blair aye, Corbosiero abstain and O'Keefe aye, the motion carried by majority vote. Blair asked if his first motion now stands; Barrows seconded it. Daigle pointed out that number four on this list has already been appointed by the Finance Committee and no longer needed a BOS appointment. By roll call vote of all aye, the motion carried unanimously. The Chair asked the vacancies be made posted and put up on the website.

Mr. Snow was invited back up to the Board. He wanted to bring to their attention the Zoning Bylaws on the website state the Planning Board which consist of five members shall also include not more than three associate appointments who will be appointed for a period of one year each. Mr. Snow said the alternate member has been appointed for three years. Corbosiero thought the Attorney General struck that down stating the state law said

*Board of Selectmen Minutes  
Monday, June 18, 2012*

there could be only one Planning Board alternate. Blair said we can present it again as an alternate for appointment if need be. O'Keefe asked the Town Manager to check what the appropriate controlling statute is here and if other documents need to be modified we will do so when time allows. He also asked him to check into what Selectman Corbosiero referred to regarding the one alternate member or three believing the Attorney General did strike that down. Mr. Snow was thanked for bringing this to the Board's attention.

New Business: FY11 Audit Report – Already addressed this evening.

Old Business: Comcast Cable Television License Renewal – Kreidler informed the Board that there had been some management changes at Comcast and they had not yet gotten their final signatures on this and thought it to be appropriate to have corporate sign off before the Board addresses it. O'Keefe asked the Executive Assistant to place it on the next agenda.

Town Manager's Report

Girouard/APR Amended and Confirmatory Easement Agreement: Corbosiero recused himself from this agenda item due to having a land interest and stepped away from the table. Mr. Paul Daniello from Mt. Grace Land Conservation Trust came back before the Board. He said as you know he is partnering on a project trying to protect the Murdock Farm on Elmwood Road and had good news to report. On June 7<sup>th</sup> the Conservation Restriction was recorded on the 42 acres of the Murdock Farm and the town and Mt. Grace are co-holders of that Conservation Restriction. Part 2 of this project is the purchase of an Agricultural Preservation Restriction (APR) by the Commonwealth of Massachusetts and will likely happen next week. One last thing to do was correct two easements shown on the plan. Kreidler informed the Board that these easements meet the Town's needs and said not enough can be said about the work that has gone into getting these things to accurately reflect what is on the earth. It's nice getting this cleaned up acknowledging Mr. Daniello's help with this and stated it has been approved by Town Counsel today. Barrows moved the Town of Winchendon by and through its Board of Selectmen, acting as Water Commissioners, pursuant to G.L. C. 40, Section 39B, hereby accepts the foregoing Amended and Confirmatory Easement Agreement on this 18<sup>th</sup> day of June, 2012 and further agree to relinquish the rights described in Paragraph 5 of the preceding Easement Agreement. Hunt seconded. By roll call vote of Blair aye, Hunt aye, Barrows aye and O'Keefe aye, the motion carried unanimously. Mr. Daniello was thanked by the Board. The Board executed the document. Selectman Corbosiero came back to the table.

Daigle asked the Chairman to go back to Board of Selectmen renewals. She pointed out to the Board that one of the applications for Constables listed on the Board's renewal list was still pending. O'Keefe said the appointment wouldn't be valid without them following all the rules.

Minutes:

Monday, April 30, 2012 - Hunt moved to approve; Blair seconded. By roll call vote of Blair aye, Hunt aye, Corbosiero abstain, O'Keefe aye, the motion carried by majority vote. Barrows was absent that evening and was skipped over for roll call vote.

Monday, May 14, 2012 - Corbosiero asked that it be noted he returned to the table after the discussion he recused himself. Blair moved approval as corrected. Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, May 21, 2012 – Blair moved approval; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Communications: n/a

Agenda Items:

Adjournment: Kreidler suggested one last announcement be made regarding their meeting last Thursday and the date set for the Special Election. O'Keefe announced the Special Election will be held on Saturday, July 21 from 10:00 a.m. to 2:00 p.m. at the regular polling place at Old Murdock and the ballot layout is a separate question for each of the items that were approved at Town Meeting.

With no need for Executive Session, Corbosiero moved to adjourn; Blair seconded. By roll call vote of all aye, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant