

**TOWN OF WINCHENDON
BOARD OF SELECTMEN AGENDA
THURSDAY, OCTOBER 25, 2012 6:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon**

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

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

List of Documents Presented

- List of Board of Selectmen October Vacancies
- Common Victualler License Application – Gabby’s Restaurant Change of Location
- Poppy Drive Permit Application – VFW
- Entertainment Permit Application – United Parish Church Bazaar
- 3M Realty Draft Settlement Agreement
- Second Draft – Server Training Requirements for Liquor License Holders Policy
- Town Manager’s Report
 - Town Manager’s explanation dated Oct. 29, 2012 “The Big Picture;” why we are having this meeting and a brief explanation of the Financial Articles
 - Special Town Meeting Warrant
- BOS Minutes – Oct. 15, 2012
- Pole Petition – Beachview Drive

Chairman O’Keefe called the meeting to order at 6:08 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. There was no response when asked of the audience if anyone but the Selectmen would be audio or video recording the meeting this evening.

SELECTMEN’S COMMENTS:

There have been some questions into the Town Manager’s/Selectmen’s office today that O’Keefe wanted to announce for the public listening this evening:

- Trick or Treating would be held on Halloween, Oct. 31st, with suggested times between 5:00 and 7:00 p.m.
- Daylight Savings Time ends on November 4th
- The winter parking ban takes effect December 1st through April 15th
- A reminder that Special Town Meeting will be held on Monday, Oct. 29th at 7:00 p.m. at the Middle High School. He emphasized the need for a quorum.

PUBLIC COMMENTS AND ANNOUNCEMENTS: None.

APPOINTMENTS/RESIGNATIONS: List of Vacancies – O’Keefe read the enclosed list of Board of Selectmen vacancies and asked if anyone was interested in serving to please contact the Board of Selectmen’s office.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Common Victualler: Gabby's Restaurant; Change of Location – Mr. Basem (Sam) Boulis came before the Board on his application to transfer his Common Victualler license to a new location from 461 Maple St. to 255 Central Street. O'Keefe stated this application applied for is his Common Victualler license and not his liquor license. The Special Permit needed has been granted by the Planning Board. The Food Service permit has been applied for. The hours will be Monday through Saturday 8:30 a.m. to 9:00 p.m. They will be closed on Sundays. Hunt moved to approve; Corbosiero seconded. By a vote of all aye the motion carried unanimously.

Poppy Drive: Nov. 1, 2 & 3, 2012 VFW – The Chairman reviewed the Department Head responses saying they were typical. Blair moved to approve with the customary locations listed; the Colonial Co-op Bank, the Post Office and the I.G.A.; Hunt seconded. Barrows asked to have his name added to the application as a co-sponsor of the Poppy Drive so a local resident would be part of the application for the local V.F.W. It was agreed and seconded to include in the motion. By a vote of all aye, the motion carried.

Entertainment Permit: United Parish Church Bazaar – November 3, 2012 – Mr. John Walker was present on behalf of the Church and passed out to the Board a flyer on the Church Bazaar which will be held from 9:00 a.m. until 2:00 p.m. on November 3rd. Barrows moved for the applicant; Hunt seconded. By a vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Settlement Agreement – 3M Realty Trust – George Mizhir, III came before the Board representing 3M Realty Trust. O'Keefe gave the background for this agreement mentioning it is in relation to the property on Spring St. that at Special Town Meeting a year ago a developer, Nexamp, created a PILOT to do some solar there. The Settlement Agreement would be between the Town and 3M Realty Trust improving the land and rectifying some problems in the past. Mr. Mizhir stated he had been working the past couple weeks finalizing the agreement and when he asked for more time on his part, he was then requested to provide a \$80,000.00 Performance Bond. He stated he had a problem with the number and the Performance Bond and requested it be reduced if it can't be waived. He stated the project is 50% of the way done. He asked for six more months because of possible weather and equipment issues. The Board discussed the projected costs this project would be done both by Mr. Mizhir or by the Town. Mr. Mizhir stated he would do the work and it would cost him \$2,000.00 in fuel. If someone else were to do the work, he estimated a cost of around \$16,000.00 with that being a generous figure. Kreidler stated the Performance Bond was recommended by the Building Commissioner, the Public Works Director and Town Council. When asked how the amount of the bond was determined, Daigle said it was recommended through the expertise and experience of our DPW Supt., John Deline, and that consideration would have to be taken if it is a town project, an Invitation For Bid would have to go out and prevailing wages would have to be paid. Kreidler offered the Performance Bond will only be needed if Mr. Mizhir didn't get the work done by June 1, 2013. O'Keefe recommended reducing the bond to \$25,000.00 and extending the deadline for the bond to December 1, 2012. Hunt felt the Town has employees that do the homework and was going to allow them to make these decisions. Discussion was had about the amount of the bond, being business friendly and the history of the Trust ignoring the laws of the Town for quite some time. Blair moved to accept the recommendation as it is written; Barrows seconded the motion for discussion and asked Mr. Mizhir what he had in mind when he said to significantly reduce the amount of the Bond. Mizhir replied that it would cost somebody else to finish what he has already started around \$16,400.00 and wanted the Board to take into consideration the work that he has already done. There was some disagreement on the percentage of the work being done with Mr. Mizhir stating it was 50% done and the Town Manager, on advice of Town officials, stated it was much less. Blair asked to call the question. Barrows, not ready to vote, noted the difference and wanted to come to a mutual agreement. He fully respects the recommendation from staff and knows it is grounded with firsthand experience with activity but the ultimate goal is to achieve restoration of the property that it has been in for quite some time. He didn't want us to see an impasse or create a burden. We're apart by \$63,500.00 and hoped to find a number acceptable by everyone. By roll call vote of Barrows no, Hunt yes, Blair yes, Corbosiero no and O'Keefe no, the motion failed. Barrows moved to authorize agreement with the change of the Performance Bond to \$40,000.00; Corbosiero seconded. Barrows rationalized his motion trying to look at this as a fresh start. Mr. Mizhir has come through on some properties; he is committed to doing this. We are not caving. Mr. Mizhir was looking for a waiver much

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less than that. This mid-point provides him with a less of a financial hardship. O’Keefe explained the Performance Bond which is purchased from an insurance company. Hunt commented that she looks to the staff who is their experts and supports what they say; she agrees that Mr. Mizhir has fixed up some other properties but was concerned about the next person coming in having to do the same thing. Barrows commented that Mr. Mizhir isn’t fresh out of the gate; he has done some good on two already. We have a history and a level of trust. Blair said purpose of the bond is to protect the neighbors; the purpose of the Board is to protect this town. I don’t know this man, but doesn’t the \$80,000.00 protect the town? He felt they should take the recommendation of the staff stating they were not protecting the town in case of a default on this issue. Instead we are accommodating an individual that we have experience with and great confidence. O’Keefe stated a Performance Bond isn’t necessary because the work will get done. There is a solar developer that wants to use the land and the applicant wants to collect rent on this land. By roll call vote of Barrows aye, Hunt no, Blair no, Corbosiero yes and O’Keefe yes the motion carried by majority vote. The Performance Bond will be required in the amount of \$40,000.00 with a due date of November 1, 2012.

OLD BUSINESS:

2ND Reading – Server Training Requirements for Liquor License Holders Policy – The Board listened to the changes suggested by the Executive Assistant that included adding words to involve package stores, including a web-based option for certification and eliminating the in-house training section F. Barrows suggested the Penalty Guidelines include a rolling period. Hunt moved to approve with the recommended changes; Blair seconded. By roll call vote of all aye, the motion carried unanimously. Discussion was had on the effective date. Barrows moved to approve the policy to be effective on December 1, 2012; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Board of Selectmen Policies and Procedures Annual Review – Passed over this evening.

PUBLIC HEARING: POLE PETITION – Beachview Drive: The Public Hearing was opened at 7:12 p.m. Mr. Scott Burns was present on behalf of Verizon requesting to relocate a pole on Beachview Drive. Mr. Burns stated it blocks a gentleman’s driveway. Kreidler added the DPW Supt. has noted his approval. Hunt moved to approve and execute the order. Blair seconded. By vote of all aye, the motion carried unanimously.

TOWN MANAGER’S REPORT:

Special Town Meeting Warrant Articles Review – Kreidler read his memo on why we are having this meeting. The purpose in principal is financial in nature. We need to make cuts in our FY13 budget to cover deficits in our FY12 General Government Budget. These need to be covered prior to setting the tax rate for the coming year. Also, we need to address the revised state aid “Cherry Sheet” for both the school and general government budgets. Instead of discussing how to spend or save the additional \$102,888 we were to receive in additional state aid, we are now having to address the how to cover this new reduction in aid.

The Town Manager continued with a brief explanation of each warrant article:

Article 1 is a usual and customary article regarding committee reports.

Article 2 seeks to ask Town Meeting to reduce the FY13 general operating budget by \$158,000.00 by reducing the lines listed in the warrant. Kreidler explained the reductions.

Article 3 Kreidler stated this is a convoluted article but most simply put, it’s a net zero change. There is a \$21,000.00 deficit currently in the budget. In order to close the deficit, we need to have enough raise and appropriate capacity to close those. The Accountant reduced \$21,000 out of the FY13 budget and put it back in its place under “other available funds? Discussion was had on the funds being reduced.

Article 4 is the deficit reconciliation of the FY12 General Government Budget. Kreidler explained rectifying the deficit with the amounts listed in the warrant and answered any questions the Board had.

Article 5 is a companion to Article 2, specifically we cut out of the general government budget and it reappears as being requested and appropriated out of retained earnings in the water department budget.

Article 6 is also Water Department and is for continued work in the spring for equipment and supplies to replace hydrants, gates and other pieces of equipment and supplies. Kreidler explained this is to replenish supplies that the DPW Department has used up with the work already done. Article 5 is labor and Article 6 is parts and materials.

Article 7 is due to the revised Cherry Sheet putting more money in state aid for Chapter 70 funds but it requires a pass through Town Meeting in order for the School to have it. The Town Manager explained the difference in the amount he talked about in his memo attributing it to the State recalculating the amount for local aid due to the changes on the Cherry Sheet. Mike Barbaro, Chairman of the School Committee, came up to answer any questions and was concerned about the inclement weather being forecasted for Monday. Kreidler informed him that the Special Town Meeting was still scheduled and if a quorum wasn't present, it would be postponed until a time certain and would be decided by those in attendance.

Article 8 is the school's usual and customary article for the Medicaid reimbursement program for student's coming into the school needing special education services. Twenty percent of the revenue received by the town from the federal government is given to the school.

Article 9 is the Council on Aging article that a dollar figure is not specified nor is a source where that amount would come from. However, Kreidler stated, it is an important article that seeks to raise and appropriate or transfer from available funds a sum of money to conduct an assessment of the condition of the slate roof at the Old Murdock Senior Center. In the late 90's, he explained, the roof was redone and the contractor used ferrous nails that in time would deteriorate. Slates are loose and set to fall. He suggested using stabilization funds but hoped to have an answer in a week for Town Meeting. He mentioned the Finance Committee commented what could be done in short with possibly a snow guard and blocking off the worse areas. The issues are also being addressed by the grants office. The contractor that did the work doesn't exist any more. This won't be a cheap fix but this would give us an assessment of what needs to be done. It was noted that the Finance Committee has a policy not to recommend an article without data but want to see this work go forward and really support it.

Article 10 is the Clark/YMCA article for \$10,000.00 that was held off at the Annual Town Meeting until fall with the assumption of the additional state aid we thought we would be getting. Kreidler said it makes sense we take this from the water enterprise fund since it's a water bill.

Article 11, Kreidler explained that if the town votes to initiate and, if favorable, to execute a process under which the entire private electrical load of the community, homes and businesses, will have their electrical load aggregated into one big bucket. This allows you the ability to buy your electricity not just from National Grid. He mentioned that Lunenburg has done this and is seeing a 25% reduction of raw power explaining that half the bill is transmission charges but still this is a significant savings. This article seeks an approval to procure a consultant experienced in the field to work and present information back to the town. What is negotiated would go to the public utilities to make sure it is done properly that it was exempt from procurement. If you do this, Kreidler continued, everyone's supplier will go with this but a resident could opt out. He said it would be a defined contracted rate for a given period of time and that the law allows, and this process should mandate, that this power comes onto the bill of National Grid so residents don't receive two bills for electricity.

Article 12 comes from the recommendation of our Auditors seeking to establish the minimum value of personal property that would be exempt from taxation. Any value less than \$10,000.00 will not be taxed.

Article 13 is a process initiated by the Planning Board to accept Commercial Drive. The Board voted to initiate and layout the Way and now it comes to Town Meeting for the actual acceptance as a Public Way. It is needed for a reconfiguration of safety issues on Rt. 140.

Article 14 is a Zoning Article. Selectman Corbosiero sits also on the Planning Board. He explained it came about that an auto body shop is in an industrial zone but they are not allowed to sell vehicles. The additional line was added as a sideline use to motor vehicle repair use or auto body shop. Chairman of the Planning Board will make the motion to change the word sideline in the article to accessory.

Article 15 came about due to a local business's aggressive advertising campaign with temporary signs that is in violation of our bylaw. The business owner approached Selectwoman Hunt seeking a change to the bylaw to allow temporary signage to help local business to put up temporary signs of a certain size for a certain amount of time. It expires on December 13, 2014 unless renewed and is to help businesses during this time of economy. Discussion was had on the "cluster" of signs and property owner questions and fearing the town will look like Pottersville. Kreidler agreed to write something that would reflect the concerns they had this evening. Corbosiero noted that in line (i) that the number would be changed to 24 versus 32 days.

Article 16, Kreidler believed the property owner would rather leave it as residential. Corbosiero added that unless the petitioner on Monday gets up and speaks, Mr. White will ask that it be continued indefinitely because if the town votes no, it can't be up again for two years.

The Board took a brief recess at 8:42 p.m. and reconvened at 8:50 p.m.

Board's Voted Recommendations – The Board voted the following recommendations:

Article 1 through 8: 5-0-0 Recommend

Article 9: Blair moved to hold recommendation: Passed 5-0-0.

Article 10: 4-1-0 with Blair not Recommending

Article 11 through 14: 5-0-0 Recommend

Article 15: Blair moved to hold recommendation: Passed 5-0-0

Article 16: 5-0-0 Not Recommend

Motions: The Board decided who would move the follow warrant articles:

Articles 1-3 would be Selectman Blair

Articles 4-6 Vice-Chair Hunt

Articles 7-9 Chairman O'Keefe

Articles 10-11 Selectman Barrows

Articles 12-13 Selectman Corbosiero

Articles 14-16 Planning Board Chairman John White

MINUTES: Monday, October 15, 2012 - Regular Meeting - Hunt moved to approve; Corbosiero seconded. By roll call vote of Hunt aye, Blair aye, Corbosiero aye and the Chair aye, the motion carried. Barrows abstained due to not being present at that meeting.

COMMUNICATIONS: N/A

AGENDA ITEMS:

The meeting on October 29, 2012 will hold a Tax Classification Hearing at 6:30 p.m.

Meeting dates were discussed for November and December. It was agreed only one meeting would be held on November 26th and one meeting in December on the 10th unless additional meetings were needed and would be called by the Chair.

ADJOURNMENT: With no Executive Session needed this evening Corbosiero moved to adjourn; Barrows seconded. By unanimous vote of aye, the meeting adjourned at 9:03 p.m.

Respectfully submitted,
Linda Daigle, Executive Assistant

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