

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, NOVEMBER 26, 2012 7:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

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

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

List of Documents Presented at Meeting:

- Alcohol License Change of Location Application: Gabby’s 255 Central St. (filed)
 - Public Hearing – Liquor License Violations Documents (filed)
 - Lt. David Walsh’s Memo dated Nov. 5 to Executive Assistant regarding Compliance Checks recently conducted by the Winchendon Police Dept.
 - Police Dept. Incident Reports (5)
 - Notice of Hearing to five establishments
 - Procedures from Executive Assistant regarding how to Conduct Liquor License Violation Hearings including a copy of MGL C. 138, §64, §67
 - List of Current Certified Servers of Alcohol
 - Class II License Application: JD Custom & Collision (filed)
 - Class II License Application: Mark’s Auto Repair (filed)
 - Boot Drive Application: Winchendon Pop Warner (filed)
 - Second Hand Articles Application: Pattie’s Jewelry Inc. (filed)
 - 2013 License Renewal List – draft (filed)
 - Alcohol License Fee Survey (attached)
 - Board of Selectmen Board Committee Vacancies (filed)
 - Police Station Draft Request for Proposal (filed)
 - Town Manager’s Report (attached)
 - Draft Municipal Electricity Aggregation Request for Proposal for Consulting Services (filed)
 - Draft Liquor License Penalty Guideline (attached)
 - 2012 Minutes for Approval: October 25th, November 5th, November 19th (filed)
-

Chairman O’Keefe called the joint meeting to order at 7:05 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.

SELECTMEN’S COMMENTS: Hunt asked for an update on the bond for 3M Realty Trust that was discussed a couple meetings ago. Daigle informed her that an update was emailed to the Board earlier that evening.

PUBLIC COMMENTS AND ANNOUNCEMENTS: None.

PUBLIC HEARING - RAB INTERPRISE, INC. d/b/a GABBY'S: Beer and Wine Pouring Alcohol License Change of Location – Basem (Sam) Boulis came before the Board and was sworn in at 7:07 p.m. He is requesting approval from the Board to change the location of Gabby's liquor license. Gabby's was moving to 255 Central St. It was mentioned that certain inspections were still needed and Mr. Boulis was working with Departments. After no further questions or comments from the Board, Blair moved to approve the application as presented with the conditions being met; Corbosiero seconded. By a vote of all aye, the license was approved and will be forward to the ABCC for state approval.

PUBLIC HEARINGS – LIQUOR LICENSE VIOLATIONS: O'Keefe informed the audience of the recent compliance tests conducted by the Police Dept. on most of our liquor license establishments. He reported that most of them passed and congratulated the following business: The Liquor Store, William's Package Store, Kwik Stop Liquors, Lucky Dragon, Glenn Café, Harbour Restaurant, Carriage House Restaurant, Toy Town Pub, American Legion, IGA Central Supermarket, C&S Pizza, Christos Place and Gabby's. He spoke of the importance and of the requirement now to have servers/sellers certified.

COMPLIANCE CHECK FAILURES:

Chick's Tavern 196 Pleasant St.

At 7:15 p.m., Chairman O'Keefe opened the Public Hearing on Chick's Tavern, 196 Pleasant St. by reading the notice sent to the business. Lt. David Walsh and Sgt. Ray Anair of the Winchendon Police Department (WPD) were sworn in to give testimony. Lt. Walsh wanted to first to explain the year long compliance check process which included a two day training recently for the police to adopt a nationally recognized procedure in regards to the correct protocol to conduct compliance checks. At that time, they did a compliance check exercise on retail establishments only; one of those establishments comes into play here tonight. After speaking with the Executive Assistant, it was decided to hold a training session in June this year for our license holders. Training was again offered in October. The license holders received information on these sessions that were strongly recommended. It was reported in the local newspapers that compliance checks would be done soon. They were conducted in October. With each check they used eighteen year old Worcester State College students. These students were first brought around Town Hall to see how old people thought they were. The average guess was eighteen/nineteen years of age. The young men signed a cooperating informant form, had their photos taken and drivers licenses copied. They were given a \$20 bill. Officers from neighboring towns in plain clothes assisted in the compliance checks.

Sgt. Anair testified on this particular incident that happened on Thursday, October 25, 2012. The students entered into Chick's Tavern and ordered beer. The bartender, Daniel O'Neil, asked for ID, looked at the MA Driver's License of the nineteen year olds, saw they were nineteen and sold them each a beer. After the transaction, the boys left and he went back in and talked with Mr. O'Neil. Mr. O'Neil was upset stating this has never happened to him in forty years and had asked the Sergeant if they were going around stinging people. He also said he had TIPS training years ago. Representatives from Chick's Tavern, Cynthia Kendall, Manager and Dan O'Neil were sworn in to give their testimony. Ms. Kendall stated they were in agreement with the facts testified by the police officers. Corbosiero asked about the ID. Mr. O'Neil stated the bar was busy, very hectic, he looked at the ID's and it just didn't register. He's worked at Chick's for thirty two years and usually is on the ball. Hunt asked Ms. Kendall if she's ever come before the Board for this type of violation. Ms. Kendall replied no, not for any and has had been running the business since 1978. O'Keefe closed the hearing at 7:25 p.m.

Irving Gas Station, 93 Gardner Rd.

O'Keefe opened the Public Hearing at 7:25 p.m. by reading the Public Hearing notice sent to the license holder. Lt. Walsh and Sgt. Anair from the WPD were sworn in. The Lieutenant testified that this particular individual did receive training and had heard from the Manager that she is no longer working there and had been terminated. Sgt. Anair read through the Police Report testifying that on October 18th the student went in the store with the undercover Detective from Westminster following him. He purchased a six-pack of beer from the Clerk at the business without being asked for an ID. Mr. Ken Calabro was sworn in for Irving Gas Station. He agreed to the facts presented by the WPD. He informed the Board they use an outside service to train their people holding classes several times throughout the year taking this very seriously. They also have a policy on selling tobacco or

liquor to minors. If the policy is not followed, they are fired immediately. The company is thinking about changing policy that everyone's ID will be checked if buying tobacco or liquor. He said it was human error and the employee was terminated. He said they conduct their own compliance checks on their employees. The hearing was closed at 7:33 p.m.

Little Anthony's Seafood Emporium, Inc., 678 Spring St.

O'Keefe opened the Public Hearing at 7:33 p.m. by reading the Public Hearing notice sent to the license holder. Lt. Walsh and Sgt. Anair were sworn in before giving testimony. The Lieutenant said no one from the business participated in any of the trainings that were offered. Sgt. Anair read through the Police Report testifying that on October 18th the two college students entered Little Anthony's, sat at a table and ordered beer. They were both served a beer from the waitress. It was witnessed by the Detective from Westminster. The server and the Manager were then informed of what happened. The Manager stated that the server was not TIPS certified. He was told that it was going to be a requirement and a good idea to get the clerks certified. Hunt asked for an explanation of the TIPS certification. Lt. Walsh explained it is training on procedures in carding those you are serving to. He said the programs offered recently were AIMs programs which is same type of program as TIPS. Daigle informed the Board that AIMs stands for Alcohol Intervention Methods and it's not just for training for underage drinking but being able to recognize when someone has had enough to drink and shutting them off.

Marla and Walter LaGrassa from Little Anthony's were sworn in. They agreed to the facts presented by the WPD. Mr. LaGrassa stated the waitress should have looked at identification from the people ordering the drinks and they will do everything in their power so that it doesn't happen again. They informed the Board they have Campbell/Trent scheduled in January and will be certifying all their employees. This is the only infraction after nineteen years. They did not have any questions for the police officers or the Board. The hearing closed at 7:42 p.m.

One Stop Plaza, 16 Main Street

O'Keefe opened the Public Hearing at 7:42 p.m. by reading the Public Hearing notice sent to the license holder. Lt. David Walsh and Sgt. Ray Anair were sworn in before giving testimony. The Lieutenant wanted to make it known that the training exercise back in March, this establishment would have completed the sale if they hadn't stopped the training and again they sold to minors at this compliance check. Sgt. Anair then testified that on October 25 the college student entered One Stop Plaza and purchased a six-pack of beer. The Lieutenant from Westminster witnessed the sale. The seller was informed of the violation. When asked, she stated she has not been TIPS certified. The store owner, Pierre, was notified the next day and was informed of the server training classes that had been offered. He said he wasn't aware of them and would have all his clerk's trained. Hunt asked if the business owners were notified in March of the failed exercise checks. Both the Lieutenant and the Executive Assistant believed they were. When asked by Selectman Barrows if it was the same person that was involved in the compliance check in March that was in violation again, Sgt. Anair replied no, it was not. Irene Sawyer Duval and Raji Habib from One Stop Plaza were sworn in. They agreed with the officer's testimony. Mr. Habib stated they take this very seriously and started to act on it as an opportunity to strengthen themselves. He stated he was the Business Manager with Pierre, the owner and was just certified through an eTIPS program and highly recommended it. He stated all servers selling alcohol will be certified. He presented his certificate and said within the next two/three weeks, the Manager and two others will be certified. He stated he wasn't involved in the business in that way back in March when Hunt asked if he had been aware of that incident. No questions were asked of the Police Officers. The Hearing closed at 7:52 p.m.

Daigle informed the Board that she didn't think letters had gone out to the businesses involved in the exercise in March who failed the compliance check but a letter was sent to all license holders as a result of that exercise and we were conducting AIMs certification here at Town Hall in June. O'Keefe added that tonight's hearings had nothing to do with those training exercises at all.

Zoe's Restaurant & Pizzeria, LLC, 6 Main St.

O'Keefe opened the Public Hearing at 7:53 p.m. by reading the Public Hearing notice sent to the license holder. Lt. David Walsh and Sgt. Ray Anair were sworn in before giving testimony. The Lieutenant stated no one from the restaurant was sent to either of the training sessions offered. Sgt. Anair read from the enclosed report testifying that on October 25th the two college students entered Zoe's Restaurant and was sold beer without being

asked for their identification. Sgt. Anair spoke to the Manager and the employee informing them of what could happen. Mr. Todd Antoniac from Zoe's Restaurant came before the Board and was sworn in. He agreed with the facts presented by the Police Officers. He said being owner and manager of the restaurant he was there when it happened cooking in the kitchen. The employee made a mistake and was terminated. He said he wasn't able to go to the training because they were held on Saturday mornings and he couldn't close the restaurant. He stated training has been completed by four of his employees that are over eighteen through e-training. He had no questions for the officers. The hearing closed at 7:58 p.m.

Blair commented that we have some outstanding business owners with long and clean records. What happened sounds like honest mistakes. He understands some penalty should come, but listening to testimony thinks it should be looked at as honest errors in judgment. Corbosiero suggested a third option besides warning or suspending a license; revocation for a number of days with a stay of twelve/eighteen months. If they run a clean record, it would be dropped. O'Keefe asked about past hearings of this nature. Kreidler replied, in his twelve years, there hasn't been any. O'Keefe then asked about the frequency of the compliance checks. The Lieutenant responded in the last twenty years he couldn't recall more than three and the last time was more than five years ago. O'Keefe informed those listening that the compliance checks involve personnel outside of Winchendon and cost the Town \$400 to \$600 to conduct and hoped to do them at least annually going forward. It was noted there has been improvement as a result of the compliance checks. Hunt inquired about the certification training if all license holders know they need it for their license renewal. Daigle informed the Board that they did, letters have been sent and it is a requirement for the annual license renewal. She suggested since this is a new policy the Board may consider extending the deadline for those license holders still needing their server certification.

DECISIONS:

The Board spoke briefly on types of correction action if determined a violation had occurred.

Chick's Tavern

By roll call vote of all aye, it was determined that a violation had occurred. Blair moved a letter of warning with a probation period of one year; if a violation occurs within the year, a more drastic action would be taken; Corbosiero seconded and added he did check the ID and served anyway and maybe miscalculated. Kreidler offered any action you take after the probationary period could be removed from the file. Blair said that was what he meant and amended his motion to be a letter of warning with a probationary period of one year; if successfully completed in one year without difficulties, all of it would disappear from the file. Corbosiero agreed the amendment. By roll call vote of all aye, the motion carried unanimously.

Irving Gas Station

By roll call vote of all aye, it was agreed that a violation occurred. O'Keefe mentioned the employer terminated the employee taking this quite serious. Blair moved a letter of warning be placed in their file with a probationary period of six months. If after six months no further violations occur, it disappears. He based his motion on it being the first offense of this type for the establishment and that he had demonstrated the seriousness of the issue by dismissing the employee. Barrows seconded as they have a good company policy to that effect. Hunt offered her opinion stating she didn't think the person should have been fired and that they wouldn't make the same mistake twice; but the system/policy in place failed by the person by not even asking for an ID and felt the corrective action should be equal to the one above. Blair disagreed and felt since the business had a policy in place making it less likely to create a situation, they should be rewarded for that. By roll call vote of Barrows aye, Hunt no, Blair aye, Corbosiero aye and O'Keefe aye, the motion carried by unanimous vote.

Little Anthony's Seafood Emporium, Inc.

By roll call vote of all aye, it was agreed that a violation occurred. O'Keefe stated the LaGrassa's take full responsibility and have scheduled training and haven't had any violations in nineteen years they have been in business. Corbosiero moved a written warning with a one year period of stay due to another compliance check being done within that time frame. Blair seconded. Kreidler pointed out for the Board's information that an underage driver's license is vertical. There is a cue. Blair said the server is to determine without a doubt to not serve unless of age. The Police Department has done a fantastic job and he doesn't buy any excuses. Their job is to protect the owner and felt if the business has a policy in place and has followed through by disciplining the

employee, he felt they deserve a less harsh punishment. He didn't feel a one year warning was harsh but if they are back before us within the one year, we will take a harsher stance. By roll call vote of all aye, the motion carried unanimously.

One Stop Plaza

By roll call vote of all aye, it was agreed that a violation occurred. O'Keefe pointed out that One Stop Plaza's manager said they take it very serious. Hunt said back in March they failed making it twice this year. The Board discussed the severity of the decision. Hunt moved a warning letter with a two year probation period. She wanted a confirmed date when the business would all get certified by the end of the year. Daigle informed her that was already a policy of the Board. With no second being heard, the motion failed. Blair moved a letter of violation be sent with eighteen months probation; Corbosiero seconded. By roll call vote of Hunt aye, Blair aye, Barrows no, Corbosiero aye and O'Keefe aye, the motion carried by majority vote. Barrows stated he is having a difficult time stating we haven't been expecting what we expect. We set a threshold of one year and didn't feel the Board should go above that at this time. O'Keefe said at recent prior meetings we created our own action policy for violations of our Server Certification policy. We have discretion and we've set an expectation. He said a recommended policy will be coming soon.

Zoe's Restaurant & Pizzeria, LLC

By roll call vote of all aye, it was agreed that a violation occurred. O'Keefe mentioned the Manager informed them the employee who violated has been terminated and every employee serving liquor has been trained. Blair moved a six month warning letter with six month probation; Barrows seconded. By roll call vote of Corbosiero aye, Blair aye, Hunt no, Barrows aye and O'Keefe aye, the motion carried by majority vote.

Blair commented about the discussion they just had. There is a difference between a policy and a guideline. He suggested the Board have guidelines of how we might perform giving people an idea but that it's only a guideline and the Board would have the ability to abbreviate or extend it according to the circumstances.

Daigle pointed out to the Board that a copy of the violation notice must be forwarded to the ABCC and even though we would be removing it from their file after the probationary period, the ABCC would still have their copy in their files.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Class II License– JD Custom & Collision Inc., 176 Spruce St. – Steven Ramos-Smith came before the Board. He currently has an auto body shop but wanted a Class II license to help fill in the gaps when he was not busy. He wanted to sustain his employees busy by buying, repairing and selling cars and not laying anyone off. He stated he would not have more than five vehicles at a time for sale. O'Keefe mentioned zoning didn't allow for this use back when he first applied but now that has changed. Mr. Ramos-Smith stated he would adhere to correct procedures in handling hazardous material. The special permit hearing was coming up. Barrows noted the corrected address to be 176 Spruce not 174 on the application. Vehicles will be kept in fenced asphalt area in the back. The Town Manager commented we are still waiting for the Attorney General's approval of the zoning by-law change but Mr. Ramos-Smith could proceed at his own risk. Corbosiero moved for approval; Barrows seconded. Hunt commented how immaculate the location looked. By roll call vote of all aye, the motion was unanimous.

Class II License– Mark's Auto Repair, 49 Spring St. - Mark Tansey came before the Board informing them he had a small repair shop located at 49 Spring St. and wants to do more with a Class II license. They discussed the number of cars that will be allowed on site with a Police recommendation limiting to fifteen. Mr. Tansey said he would need twenty-five cars total for repair and for sale. Hunt questioned wouldn't the Planning Board limit this. The Town Manager replied maybe but you can limit this now. He added that they don't have authority to condition how many vehicles can be there for repair; but they could limit the Class II. Mr. Tansey was notified of the requirements still needed including a Site Plan Review. Blair moved to grant the Class II license with a maximum number of cars on the lot regardless to fifteen; Barrows seconded. By vote of all aye, the motion was unanimous. Blair amended his motion to include the expiration date to be December 31, 2013. Barrows seconded. By vote of all aye, the motion was unanimous.

Barrows asked to reconsider amending J.D. Custom and Collision license to expiration on December 31, 2013. By roll call vote of all aye, the motion carried unanimously.

Extension of Common Victualler License Expiration Date Consideration:

Hunt moved to extend the current permit for Cruisin II Diner, who was before the Board at their last meeting, through 2013. Blair seconded. By vote of all aye, the motion carried unanimously.

Hunt moved to extend the new Common Victualler permit for Gabby's through 2013; Blair seconded. By vote of all aye, the motion carried unanimously.

Boot Drive Permit – Winchendon Pop Warner – Susan Polcari came before the Board on this application. She said the Pee Wee cheerleading squad qualified for the National Cheering competition in Florida and the boot drive was to raise funds to help them be able to participate. Blair recommended for approval; Corbosiero seconded. Blair added he recommended approval if safe that day after a discussion of possible inclement weather. Barrows seconded. By a vote of all aye, the permit was approved. Ms. Polcari invited the Board to a performance of the cheerleading squad on Wednesday at the school. Daigle mentioned that additional boot drive waivers are still needed for the file.

Junk Dealers: Second Hand Articles:

Pattie's Jewelry Inc., 15 Central St. – Ms. Sherrie Erlenmeyer came before the Board on her application and said she would be doing mostly scrap gold in any form. Blair moved approval; Corbosiero seconded. By a vote of all aye the motion was unanimous with the Board approving the license through 2013.

With the time being 9:20 p.m. the Board called for recess to allow for setup for the presentation on DOER's Green Community Status. The meeting was called back to order at 9:26 p.m. The Chairman moved to this item under New Business on the agenda.

NEW BUSINESS:

Discussion with DOER on Green Community Status - Ms. Kelley Brown, the Regional Coordinator for Green Communities Division from the State Dept. of Energy Resources, was invited to come before the Board by Chris Provost. Mr. Provost is a resident in town involved in an internship related to his degree regarding green communities and has partnered with Ms. Brown in updating municipalities about becoming a Green Community. Ms. Brown gave the Board an update with the program and a thorough presentation. She explained the Green Communities Division serves as the hub for all Massachusetts cities and towns on energy matters. She mentioned Winchendon had applied for planning assistance looking at the five criteria that needs to be met for grants and explained those that have already been met and those we still need to meet with one of them being adopting the Stretch Code. She stated a hundred and twenty-two communities have adopted the Stretch Code and that it is growing. Today there are one hundred and three communities designated as Green Communities. She explained the designation and grant program with Winchendon being estimated of receiving \$160,000. Projects that are being funded currently include energy conservation measures, performance contracts, solar PV projects, incremental costs for hybrid vehicles, boiler and hot water heater replacements, etc. She said the next round of funding won't be until next fall with a competitive round in the spring for those who have already become a Green Community. Over \$21,000,000 has been given out so far to designated Green Communities. She said an expert could come out to Winchendon and do a Stretch Code presentation since a lot has been learned as the project has grown. Ms. Brown stated there would be an upfront cost to homeowners but there will be energy savings realized over time. Analysis done on communities involved since the beginning shows growth changes hadn't declined because of the Stretch Code adoption. Kreidler added back at Town Meeting in 2010 it was pointed out that this is going to be the code that you will eventually be required to follow, why not do it today, take advantage of the program by doing it right and early. Ms. Brown stated they are still running under the 2009 Stretch Code and offered some communities are hesitant not knowing what the 2012 Stretch Code will bring. She said the Town would not be subject to this forever and could easily vote the Code out just like it has to vote it in.

Kreidler asked if anyone has proposed the use of grant funds by setting up revolving funds to put on the street to local builders to achieve compliance so that the homeowners don't have to pay. Ms. Brown mentioned that certain municipalities are doing something like that but didn't have the administrative details. Discussion was had on how turning our street lights back on would affect this as well as our solar farm that will come into play soon. O'Keefe thanked her and Ellen DeCoteau, our Planning Agent, for the work already done in meeting some of these criteria. O'Keefe stated the Stretch Code would be put on the Annual Town Meeting warrant in May next year. A Home Energy Rating System (HERS) Stretch Code presentation will be scheduled sometime in April before Town Meeting and someone from the State could come to Town Meeting to do a presentation as well. Ms. Brown stated it is also important to get someone authorized to access MassEnergyInsight to potentially offset our baseline. Kreidler offered a lot of that work has been done in advance for our Schedule Z with our solar farm. We've had to gather by meter what the usage has been over the last several years. Both Ms. Brown and Mr. Provost were thanked for coming this evening.

The Board returned to License Renewals on the agenda.

2013 LICENSE RENEWALS:

Review of Recent Alcohol License Fees Increases: O'Keefe stated at the last meeting the fees had been reviewed and some of them were adjusted. Additional survey data was provided to the Board in their packets including information from Westminster and Ashburnham. O'Keefe recommended Section 15 Off Premise Package Store Beer and Wine be reduced from \$1,000 to \$600 stating it was the fee that had been tripled with it being based on Gardner. Hunt added that she had received some complaints with the Section 12 On-Premise All Alcohol Pouring fee increase and recommended reducing the prior vote of \$1,000 down to \$800. Corbosiero agreed with both recommendations. Mr. Craig Bourque, Manager of Event Wines, came forth and asked the Board to reconsider the \$600 increase to the Beer and Wine Package Store license. He thought it was pretty steep and also noted additional cost the business had to undergo with the new TIPS training policy. Corbosiero moved both recommendations; Blair seconded. By vote of all aye, the motions carried unanimously.

Kreidler pointed out that Event Wines does the bulk of their business over line mail order and the responsibility, as related to TIPS is shifted to the delivery service. He stated Event Wines is a bit of a different animal and recognized they do mostly charity work with \$2,000,000 to charities to date. He thanked Mr. Bourque for coming out tonight and was glad the Board was able to hear him.

List of Renewals: Daigle enclosed for the Board a list of annual license renewals that will be voted upon at their next meeting. Kreidler pointed out the "BYOB" type of license listed on the license renewal spreadsheet has no requirements from the ABCC but that the Town has some kind of oversight. He stated today he learned there is another business in town that is a BYOB but is not permitted by the Board. He said to expect at their next meeting additional information on that establishment.

APPOINTMENTS/RESIGNATIONS: Vacancies – O'Keefe read through the current November vacancies currently available on certain boards and committees.

NEW BUSINESS:

The DOER agenda item was already addressed earlier in the meeting.

Police Station Draft Request for Proposal (RFP) – Enclosed was a draft RFP prepared by Town Counsel and Chairman O'Keefe. There are a couple changes that are not shown on the enclose draft, said O'Keefe. They are minor and not substantive having to do with inserting the exact language at Town Meeting. Blair moved to approve as seen with the understanding that there will be minor changes coming and accept those changes recommended by Counsel and accepted by the Chairman acting on the Board's behalf. Corbosiero seconded. Hunt asked what the Town Manager thought of the RFP. The Town Manager stated only that the material was included in his packet. O'Keefe offered that he has not worked with the Town Manager on this but with Lt. Walsh. He explained he has been involved in this instead of the Town Manager to avoid a potential conflict. He also stated he had the Attorney General's office review the RFP and they not only think what we are doing is the best thing possible but they very much appreciate the Board of Selectmen bringing it to them first before issuing

it. We have gone above and beyond making sure what we are doing is right. By vote of all aye, the motion passed unanimously.

Kreidler offered a point of information and stated the Board received a letter from him regarding the issue of the appearance of a potential conflict with him being involved in the Police Station procurement, specifically as it might relate to one potential sight. He has had private dealings with a property owner outside the Town of Winchendon and in order to dispel even the appearance of a conflict, he has delegated the procurement authority to the Board through the Chair and has recused himself. He didn't want to seem evasive but wanted to be kept at arms length of this process. Blair stated the record should also show this is not the first time you have mentioned it. Kreidler pointed out that Town Meeting also authorized the Selectboard to proceed.

OLD BUSINESS: N/A

TOWN MANAGER'S REPORT:

1. Personnel Updates:
 - a. Public Works Employees – Kreidler announced the appointment of David Zbikowski to the vacant Highway Foreman in the Public Works Dept. and asked the Board to affirm. Barrows so moved; Hunt seconded. By roll call vote of all aye, the motion was unanimous.
2. Financial Updates:
 - a. FY13 Budget – Kreidler announced the potential of mid-year cuts in local aid from the Governor's office. He is working with Senator Brewer's office to try and nail this down. Due to this uncertainty, he is not filling the now vacant Operator 1 position that Mr. Zbikowski held until he has a better sense of the mid-year cuts that may take place.
3. Project Updates:
 - a. Solar Farm – No update for this meeting and the town has been advised that the project remains on hold pending resolution of technical design issues. He suspects that some of the delay is also tied to the condition of the financial market for the Solar Renewal Energy Certificate (S-RECs) that the project would generate. There are so many right now due to the flooding of the market; they are being bought outside of an auction at a reduced rate. He suspects the market will stabilize in the spring of next year and will begin to pick up. DOER has recognized this glitch and has taken some steps to offset it. O'Keefe asked what recourse we would have if they don't build this. Kreidler stated we could terminate the contract for cause but would recommend air on side of being informed participants on the delay. O'Keefe said at some point we need to do something.
4. Miscellaneous Updates:
 - a. Liquor License Violation Penalty Chart – Kreidler enclosed a draft document regarding guidelines for the Board to consider for potential violations of liquor laws by license holders. He stated they actually exist in real time in the Commonwealth. It is before them for their consideration to amend or discard; whatever they desire. Some discussion was had on specifics in the policy. Corbosiero wanted to move forward with this. Blair moved to accept draft as first hearing. Discussion was had on the severity of the penalties listed in the guidelines. O'Keefe thought they were too severe and wanted them reviewed by Town Counsel who had sent us communication recently on the ABCC who would most likely approve an appeal. Blair and the Town Manager felt to err on caution with the Board having the fiduciary responsibility on behalf of the Town. The item will be on the agenda at the Board's next regular meeting in January.
 - b. New Town Website – Kreidler announced the new website for the Town of Winchendon now providing more in depth information and functionality. He encouraged all to get on the site and get back to us on any feedback including any flaws they may see. He stated an outstanding job has been done by department heads, especially to Linda and Margaret for getting this done.
 - c. Municipal Electricity Aggregation Request for Proposals for Consulting Services - Kreidler enclosed a draft RFP for soliciting a consultant to develop a program to aggregate the electrical load of electricity users within the Town, both residential and commercial, and in consultation with State Departments, develop, prepare, implement, secure regulatory approval and perform all services related to administering the Town's Municipal Aggregation Program. Town Meeting would be the next step following the municipal aggregation model. He stated to avoid any

appearance of a conflict in that he has something to do outside with electricity although nothing to do with this, to remove any question or any doubt, he will again issue a letter to the Chair delegating his procurement authority. Hunt asked to explain wondering if this wasn't his job. Kreidler stated there wasn't a conflict but in a small town he would hate to see the project get "mucked" up by someone in the coffee shop talking. Blair questioned if this was going to be a precedent and agreed with Hunt that he should do this and not be concerned with that small group. O'Keefe reminded all that the Board agreed he could have this outside interest. Kreidler said he was pleased to hear Blair say he has a job to do and shouldn't be concerned about the coffee shop group. He told the Board they had the ability to vote, specifically called out for in the ethics law, to say they recognize an action he is going to take could be perceived by someone as a conflict but they recognize that it's not going to affect the integrity of his public service. Blair stated we are being charged ever day that the Town Manager is being honorable and ethical and didn't think they needed to do this every time but to err on caution he asked the Town Manager to prepare such a document. It was agreed by all.

- d. Fire Dept. Grant – Kreidler informed the Board of the Fire Dept. grant received by Homeland Security for gas meters and CO meters. It was the first time we have sought and received Homeland Security grants and thanked the Fire Chief.

MINUTES:

Thursday, October 25, 2012 Regular Meeting - Hunt moved to approve; Barrows seconded. By vote of all aye, the minutes were approved unanimously.

Monday, November 5, 2012 Special Meeting Prior to STM at MMHS - Hunt moved to approve; Corbosiero seconded. By vote of all aye with one abstention by Barrows who was not present, the minutes were approved.

Monday, November 19, 2012 Special Meeting - Hunt moved to approve; Corbosiero seconded. By vote of all aye with one abstention by Barrows who was not present, the minutes were approved.

COMMUNICATIONS: N/A

AGENDA ITEMS: N/A

ADJOURNMENT: Barrows moved to adjourn; Blair seconded. By roll call vote of all aye, the meeting adjourned at 10:55 p.m.

EXECUTIVE SESSION: Not held this evening.

Respectfully submitted,

Linda Daigle
Executive Assistant