

**TOWN OF WINCHENDON
BOARD OF SELECTMEN AGENDA
MONDAY, DECEMBER 10, 2012 7:00 P.M.
Town Hall, 109 Front Street
2nd Floor Auditorium**

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

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

Absent: Keith R. Barrows

List of Documents Presented at Meeting:

- Town Hall Holiday Schedule (attached)
- North Country Sustainability Center meeting notice (filed)
- MMHS 2012 Accountability Data – 12/10/12 (filed)
- Toy Town Elementary School – 2012 Accountability Data -12/10/12 (attached)
- Letter of interest from David LaDeau to serve on Winchendon Cultural Council (filed)
- Boot Drive Rain Date Request – Winchendon Pop Warner (filed)
- Christmas Tree Permit Applications (2) – Marla LaGrassa / Byron Beauregard (filed)
- Junk Dealer: Second Hand Article License Application – Michelle Peterson, 2nd Impressions (filed)
- Lists of 2013 BOS License Renewals (attached)
 - List of Alcohol Server Training Certification (attached)
- Community Development Strategy (attached)
- Letter received 12/5/12 addressed to the Board of Selectmen from Three M Realty Trust regarding Performance Bond (attached)
- Winchendon’s Draft Liquor License Violation Penalty Guidelines – 1st Reading (attached)
 - Town of Seekonk’s Regulations Governing Liquor License Violation Penalties (attached)
- Town Manager’s Report (attached)
 - Animal Control Officer Regionalization Request for Proposals (filed)
 - MGL 268A Disclosure Letter Appearance of Conflict of Interest – James M. Kreidler, Jr. regarding Municipal Electrical Aggregation (attached)

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 this evening besides the Board.

SELECTMEN’S COMMENTS:

O’Keefe announced the Town Hall Schedule for the upcoming holidays.

O’Keefe read from an invitation from North Country Sustainability Center inviting the public to a meeting at Town Hall on Thursday, Dec. 13, 2012 at 7:30 p.m.

PUBLIC COMMENTS AND ANNOUNCEMENTS: There were none.

JOINT MEETING: SCHOOL COMMITTEE: The Joint Meeting was called to order at 7:03 p.m. by School Committee Chairman Michael Barbaro. School Committee members present were Michael Niles and Andrea Suchocki; also present was the Supt. of Schools, Salah Khelifaoui, and the Recording Secretary Barrie Martins. School Committee members not in attendance were Crystal Murphy and Christopher McDonald. Barbaro introduced the new School Business Manager, Melissa Dunnet, who was welcomed by the group. Supt. Khelifaoui introduced the School Principals and the Special Education Director and Curriculum Director who came this evening for a brief presentation on MCAS. Summary documents were passed out for Murdock Middle High School and Toy Town Elementary. The School Staff present explained the summaries. Both Schools were Level 3 Schools which is the overall performance among the lowest 20% relative to other schools in the same grade span; however, improvements have been shown with progress being made toward narrowing the proficiency gap. Discussion was had on actions that have already been implemented in 2012 and that MCAS was going to be replaced by online testing in the upcoming years. The School representatives were thanked for their presentation. It was mentioned that a survey was going to be conducted on where Winchendon's school choice students were going and why.

Niles offered that the Finance Committee and the School Committee have formed a sub-committee and have met to go forward into the budget season and invited the Board of Selectmen to ongoing workshops. They were working on an agreeable format for the budget and talked about the timeline to work back for town meeting. Hunt volunteered to be part of the sub-committee.

Niles was curious about the ongoing solar farm project knowing they will benefit from it. Kreidler informed them that everything had been placed on hold due to a technical nature with a tariff on the type of panels that were imported. He offered a thought looking at the market place specifically as it relates to one of the revenue streams of solar renewable energy certificates; the market went completely sour and he suspects that the technical is true, but there isn't a big rush on the developer's part to move the project forward until the market stiffens back up again in the spring. He stated he has had conversations with the contractor and the short story reply is we're still on target, still have a contract and we are still in a holding pattern. Niles asked if at Special Town Meeting could they go out as a group to get a better rate. Kreidler said yes, the School Committee and General Government can go out to bid for power. Aggregation is no different and has been done historically. The aggregation that was voted at Town Meeting would allow the government to benefit by being put in that pool. He was concerned though with putting our load in at 2.4 megawatts and then adding to that the Town's residences and business loads, getting a good rate because of it and then the solar farm is working and we pull out. It would affect the pool. Hunt asked if the School go out on their own for their electric needs. Kreidler replied yes. The Chairman felt the Solar Farm will give them the best cost savings over the next twenty years and is looking forward to the long term savings and is anticipating that turn-on period. Kreidler informed the Board that our recent contract was a blended rate that just expired December 1st. He said we will take no action on renewing. The rate will go from 13.4 cents for raw power down to 7.7 cents going with the National Grid's default rate. We will see a 50% drop in raw power cost alone even without the Solar Farm being online and without doing aggregation for the government. The distribution side is dropping one-third as well.

Barbaro talked about the Government's 9C cuts. It affects their Circuit Breaker taking a 5% hit this year. He said it is high in Winchendon because of the high Special Ed incoming population. He said next year will be a very lean year for Circuit Breaker for them and may have to go to the Finance Committee. Supt. Khelifaoui offered to communicate to the Town Manager the actual number as soon as it has been calculated. Barbaro expressed displeasure with the State Government cutting the budget at this time. Kreidler said his wish is that they wouldn't need to be dependent on state aid. O'Keefe thanked the School Committee and members in the School Department for coming. Niles moved to adjourn the Joint Meeting; Suchocki seconded. By roll call vote of all aye, the Joint Meeting adjourned at 7:53 p.m. and a brief recess was taken.

The meeting was called back to order at 7:58 p.m.

APPOINTMENTS/RESIGNATIONS:

Winchendon Cultural Council Appointment – Mr. David LaDeau came forward on his interest to serve on this Council. He served on the Council twenty-five years ago and was Chairman for three. He's semi-retired and would very much like to be back on the Board. Corbosiero moved to nominate him; Blair seconded. By vote of all aye, the motion carried.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Before moving on, O'Keefe addressed the Winchendon Pop Warner's Boot Drive recently approved at a Selectmen's meeting. Due to bad weather that day, the Boot Drive was not held. Blair moved to change the date to December 15th, same time and location. Corbosiero seconded. By vote of all aye, the motion passed unanimously. December 22nd was added to the motion as a rain/snow date, seconded and also approved unanimously.

Christmas Tree Sales Permit – Little Anthony's, 678 Spring St. - Marla LaGrassa was present on her application. Corbosiero moved for approval; Hunt seconded. By vote of all aye, the motion passed unanimously.

Christmas Tree Sales Permit – 80 Old Centre, Byron Beauregard was present on his application. Blair moved to approve; Corbosiero seconded. By vote of all aye, the motion carried unanimously.

Junk Dealers: Second Hand Articles License -Second Impressions, 2 Juniper St. – Michelle Peterson came before the Board requesting a Second Hand Article permit for her business. The one issue reported from the tax office has been addressed with a substantial payment just being made and a payment plan in place. Corbosiero moved for the applicant; Blair seconded. By vote of all aye, the motion passed unanimously.

2013 LICENSE RENEWALS:

Blair moved approval of the licenses listed in black on the spreadsheet included in their packets with the exception of the ones crossed out. Hunt seconded. By vote of all aye, the motion passed unanimously.

Blair moved to approve the renewal of Gabby's pool permit (shown in red); Hunt seconded. By vote of all aye, the motion passed unanimously.

Daigle spoke about the AIMS certification class being held at Town Hall on December 17th and asked the Board if they would consider extending the deadline out further than December 31st for those that still need to meet that requirement of their liquor license. O'Keefe stated we will be addressing that further on in the agenda. Blair asked about the list provided regarding the TIPS/AIMS certification. O'Keefe explained it is now a requirement of the license holder and Daigle informed them that twenty-two more people have signed up for the training on the seventeenth. The list will be updated and forwarded to the Selectmen. Discussion was had on being provided a list of all employees, whether certified or not. It was decided the business itself needs to sure their employees follow all regulations and it wouldn't be practical with the many personnel changes that may happen throughout the year. Also random inspections would be done by the Police Department.

NEW BUSINESS:

CDBG Community Development Strategy – Mr. Gerry White, our Director of Development, came forward to explain the Winchendon Community Development Strategy (CDS) which is a requirement for the CDBG application. It's a conglomeration of our four planning documents that are community based and have been around since 1996. It's basically taking the pieces out and presenting a strategy that then goes back out to the public. He explained paragraph three constantly evolves because he continues to attend public meetings and updates it. The state looks at this to see what the public wants and requires a priority list. He explained the priority list is not strictly grant funded and there are numerous ways to pay for these projects. He said this seven page document is the strategy that the public has agreed too. We must have a geographical target area and right now it encompasses the densest population of Winchendon, the Business District and close surroundings. HUD requires the state to

target. It's a measurement factor to be looked at to see the progress of the community development projects in the target area, not only the CDBG projects but through the DPW Department with sidewalks, roads, etc. Everything in here is part of the whole strategy. Mr. White wanted the Board to have a chance to look at the document and was seeking their approval even though it wasn't a requirement of the grant hoping to add to his package going above the minimum requirements. O'Keefe was glad he was before them even though it was not required. This document and the documents it references are together somehow the vision of the town in which the Board of Selectmen set. The priority list was briefly discussed with White explaining its put together by the public through meetings held. It was decided that one of the public hearings held going forward would be before the Board giving them an additional opportunity to be involved in offering their input. This procedure is done on an annual basis. Blair moved the document suits the needs as described by Mr. White; Corbosiero seconded. By vote of all aye, the motion was unanimous. O'Keefe added that the CDBG grant is the one that redid Emerald Street. After the grant took care of Emerald Street, DPW then expanded and took care of the sidewalks. The Board applauded Mr. White and the DPW Supt., John Deline.

OLD BUSINESS:

Settlement Agreement – 3M Realty Trust – Mr. George Mizher, III, representing the Trust, was welcomed before the Board. He supplied a letter to the Board seeking to remove, for several reasons, the surety bond requirement in the Agreement for Judgment. He believes that in all fairness to his situation that the issue of the bond should be foregone. The main reason is he just can't get one. His insurance agent told him the carriers he has talked to don't handle this type of situation. The dollar amount is not what anyone is willing to take on. The Town Manager briefed the Board on the history of the parcel being in violation and the project looking to take place adjacent to it. He stated the Zoning Enforcement Officer and the DPW Supt. were on site today. He was informed not much more has been completed than the last time that they looked. He wanted to set the table with the situation. If we are in a situation with his inability to secure a bond and the secondary position, a letter of credit, is also unattainable due to the trust pledged out to the maximum with other endeavors and can't supply a letter of credit, we can dig in and say you didn't get it done; therefore...I'm not certain if push comes to shove that we can marry the issuance of a building permit to the completion of this work. He believed they were about as far as they would get. The company doing the project will or has submitted the building application. There could be a number of reasons to deny a permit but this could not be one. The purpose of the bond was to secure the production of the work by pulling the bond and doing the work ourselves if necessary. It's 65% rectified. DPW Supt. Deline came forward and stated about 2 ½ weeks ago he was 55%-60 % complete; today he said little progress has been made at 65%-70% complete. Mr. Mizher stated he has been waiting for the final material for the fertilizer mix he was promised after seven days after the last meeting. In the meantime, he said he has been grading slopes. He said he's been prevented to working continuously but the bulldozer worked all day on Friday and today and has three-quarters left of the product to be spread. Three days worth of bulldozing left. O'Keefe said our next meeting is not happening until January 14th and suggested if the work is completed then the performance bond could be removed from the agreement. Mr. Mizhir was concerned about Nexamp's permit application on the desk. Kreidler said it's conceivable that the application could be reviewed and issued by the 14th, but pointed out that legally we cannot combine the two. Nexamp would be issued the permit if everything is in order. Mizhir brought up the requirement of the trees that need to be planted; he said he can't plant until spring. Deline agreed but wanted to see the slope completed, getting the fertilizer into the material and spread out and seeded. If at their meeting on January 14th this work has been done, a consideration to remove the condition of the bond would be measured. Mr. Mizhir stated he's getting the fertilizer this week. Mr. Deline said with good weather coming up he can get the grading done. Hunt moved to table the topic until the next meeting on January 14th; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Second Reading: Liquor License Violation Penalty Guidelines Policy – O'Keefe stated he Selectwoman Hunt have read through the recommended policy along with other communities looking to simplify the policy as well as set firm guidelines that the Board would want to follow and give the ability of discretion. They liked the Town of Seekonk's policy which is much shorter and it didn't differentiate from different types of policies which made the policy more severe. The first violation was anywhere from a letter to a five day suspension within a five year

period; second violation within five years is a minimum of a three day suspension up to fourteen days; a third violation within five years is a minimum of seven day suspension to revocation of license. He thought these were more like the guidelines they would follow. He thought this policy was stricter than the one they looked at the last meeting with the five year timeframe being used versus seven years and he said it is very simple language for the licensee holder to understand. He proposed the Board accept this model of the Town of Seekonk's policy that was edited by hand and presented this evening. Kreidler thought there was value in laying out the variety of offenses. O'Keefe said we could include a list of offenses. O'Keefe ran through the offense list in the first policy presented to the Board on Nov. 26th and asked if anyone had an objection to say pass. Some holds were put on offenses listed. Kreidler offered to clean up the list, go over it with the Police Department making sure still legal and statutory and have it back before them at their next meeting for a third and hopefully final reading. The list of offenses would be added to the third paragraph, "including but limited to."

TOWN MANAGER'S REPORT:

1. Personnel Updates: None.
2. Financial Updates:
 - a. FY13 Budget –Kreidler read from his report the Governor has indicated his intention to enact mid-year budget cuts. The cuts he indicates will impact minimally the general government local aid; however, there may be additional cuts he may seek.
3. Project Updates:
 - a. Solar Farm –Kreidler stated he gave an update already on the Solar Farm. O'Keefe asked about the Chinese panels and Kreidler explained the process for the developers that put the money up front before financing is in place. The SRECs are so depressed right now investors aren't willing to finance. In the spring, more SRECs will come in again, there will be fewer of them and the price of SRECS will go up. They have not confirmed that with him and nor would he expect them to but that's what he is seeing with other projects now. Kreidler stated we could tell these guys nice knowing you and rip up the contract. Even if we're successful in that, we are now back in the market place. Landfills are now getting .08 -.10 cents versus our penny. Kreidler stated within the last five months we could have realized they weren't performing and could pull it. He advocates against that because the market is going to come around. Other wrinkle to remind them is that nine months into the year it was supposed to be built but the company we were dealing with sold. We have a new set of players that wouldn't have negotiated the same way. O'Keefe asked about renegotiating suggesting an increase in what we pay in kilowatt in exchange for SRECS. Kreidler expected something along those lines was going to come from them. The phone call on Friday was just that. He informed the Board we can't do this because it was a bid, part of a procurement process. Kreidler concluded it was his belief that the project will get done.
4. Miscellaneous Updates:
 - a. Animal Control Officer Request for Proposal (RFP) – Kreidler announced the RFP was enclosed in their packets and should be in the newspaper he believed on December 12th.
 - b. Municipal Electricity Aggregation Consulting Services RFP – Kreidler announced he has filed a Disclosure letter and is releasing the RFP for consulting services. This is an energy related service exempt from procurement but to be overly conscious and recommended by the IG s office, it will be bid this week as well.
 - c. Water and Sewer System Contract Operations RFP – Kreidler announced with the end of the contract for operations of our water distribution and wastewater collection systems, he is currently working with the Town of Westminster to potentially issue a regionalized RFP. He reported Supt. Deline has looked into this and has a strong preference economically to continue to contract these operations looking into regionalization allowing the ability to bid out bigger with cost sharing.

MINUTES:

Monday, November 26, 2012 Regular Meeting - Minutes were not completed for tonight's meeting.

The Board addressed the issue of New Year's Eve closings for our liquor license holders. Blair moved to extend the hours of operation on New Year's eve for our Liquor License holders to 2:00 a.m.; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

ADJOURN: Hunt moved to adjourn; Blair seconded. By vote of all aye, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant