

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, JANUARY 14, 2013 7:00 P.M.  
Town Hall, 109 Front Street  
4<sup>TH</sup>Floor Robinson-Broadhurst Conference Room**

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

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

---

List of Documents Presented at Meeting:

- Proclamation – Rachel A. Grout (attached)
  - Robinson-Broadhurst Foundation, Inc. History Book (filed)
  - Race Permit Application – Max Performance 7<sup>th</sup> Annual Mass. State Triathlon – 7/14/13 (filed)
  - Draft Carry-In Wine & Malt Policy – (filed)
  - 3M Realty Trust Letter to Board regarding Settlement Agreement (attached)
    - 3M Realty Trust Amendment to Settlement Agreement (attached)
  - Town Manager’s Report (attached)
    - STM/ATM Draft Schedule (filed)
    - FY14 Town Manager Budget Memo (attached)
  - Minutes for approval: 11/26/12 and 12/10/12 (filed)
- 

Chairman O’Keefe called the meeting to order at 7:03 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.

**SELECTMEN’S COMMENTS:**

**PROCLAMATION:**

Selectwoman Hunt announced a proclamation would be presented this evening and read the draft document detailing the lifelong dedication and achievements of Mrs. Rachel A. Grout. The Selectmen voted unanimously in favor of this proclamation and proclaimed, Saturday of Memorial Day weekend, May 25, 2013, “Rachel A. Grout Day” in the Town of Winchendon in humble gratitude for her many years of service, volunteerism and dedication to not only the community she loves and resides in but for the men and women of our Armed Services that she had dedicated much of her life to. Mrs. Grout, accompanied by her daughter, Coral Grout, thanked the Board and the Town and said it means so much to her. She was born here and has always lived here. She felt it quite an honor to be recognized and she will never forget it. All applauded her and a recess was taken at 7:09 p.m. to allow for the local photographer to take a picture.

The Board reconvened at 7:14 p.m.

**PUBLIC COMMENTS AND ANNOUNCEMENTS:** Mr. Bud Fletcher, a Trustee of the Robinson-Broadhurst Foundation, brought before the Board a story about the history of the Foundation that one of the Trustee's wife took the time to write the story of the family and published this book this year. The Board thankfully accepted the book.

**APPOINTMENTS/RESIGNATIONS:** There were none this evening but the Chair wanted to take this opportunity to speak about volunteerism and those who have made it a lifelong mission looking at Mrs. Grout as an inspiration.

**PERMIT/LICENSE APPLICATIONS, HEARINGS:**

Max Performance 7<sup>th</sup> Annual Massachusetts State Triathlon – Sunday, July 14, 2013 - Mr. Tim Richmond came before the Board on this application and gave a brief update of the coed race this year that will take place at Lake Dennison Recreation area. He was here today to formerly request access to Town roads and has been working with Town Departments. They will continue to work with their charitable partner, Alzheimer's Association, raising money for their "Run for the Memory Program." He is working with the Police Dept. to coordinate and reduce the congestion out in the front of the park and has eliminated the shorter race. Numbers were down last year, around five-hundred, so they are trying to focus on the one race instead of two hoping to get it back up to around eight hundred athletes. The race has received special designation from USA Triathlon for being a nation qualifier for the national events. He said every year they work with the Clark/YMCA with various programs and they help sponsor the summer race. Barrows moved for the applicant without a fee; Corbosiero seconded. Hunt asked about deviating from the policy regarding the fee. Blair stated we have a policy that only applicants who were non-profit would have the fee waived. Barrows asked Mr. Richmond if we have ever charged him a fee in the past. He replied no. Barrows said his motion stands. By roll call vote of Barrows aye, Hunt no, Corbosiero aye, Blair no and O'Keefe aye, the motion carried by majority vote.

**NEW BUSINESS:**

BYOB Policy – 1<sup>st</sup> Reading – O'Keefe said instead of a BYOB policy they had before them a "Carry-In Wine & Malt Policy." He thanked the Executive Assistant for the research she had done into other communities and stated they had worked on it. He had an additional suggestion to change the draft by adding a number five to Section C. Enforcement. It would read: "If an establishment with a Common Victualler license allows patrons to carry in wine or malt without a permit allowing such activity, will be considered to be in violation of their Common Victualler license." Daigle suggested they also add "acting as the Local Liquor Licensing Authority," after Board of Selectmen in the second paragraph in Section A. It was agreed. Barrows stated number eleven under General Provision the type of training needs to be added or clarified. Daigle said she would clarify that provision for their next meeting. Hunt inquired about just the manager being TIPS/AIMS trained and what if he wasn't there. O'Keefe stated that's the difference between liquor license holders that all people who serve have to be trained. He said in this instance no one is serving; but we want the manager certified so the manager can impart knowledge of training. Hunt moved to take the policy, with the revisions, up at their next meeting; Barrows seconded. By a vote of all aye, the motion carried unanimously.

**OLD BUSINESS:**

Settlement Agreement – 3M Realty Trust – Mr. George Mizher, III, representing 3M Realty Trust, came before the Board. O'Keefe asked the Town Manager for a report. Kreidler said the Public Works Director and the Building Commissioner have visited on a number of occasions and most recently Mr. Deline visited last week and indicated all of the work that Mr. Mizhir stated he would get done in an effort toward resolving an issue of a Bond has in fact been done. The two notable exceptions listed in Mr. Mizhir's letter, the seeding and planting of the pine trees, are best served having done in the spring. We want the benefit of the settling and decomposition. Kreidler stated staff would recommend that the order for judgment be amended in such a fashion that the requirement of the bond be removed. Hunt moved the order in judgment be revised with removal of the Performance Bond with 3M Realty Trust. Blair seconded. By a unanimous vote of all aye, the motion passed.

Third Reading: Liquor License Violation Penalty Guidelines Policy: Corbosiero pointed out the word “premise” needs to be added to the bullet item “Transactions on licensed...” Barrows stated the bullet EBT Card Violations needs to move toward the left. Barrows moved to approve the liquor license violation penalty guideline as amended. Corbosiero seconded. By vote of all aye, the motion carried unanimously. O’Keefe asked the Executive Assistant send a copy of the policy to all license holders. The policy effective date is immediately.

Police Station Site RFP Update –O’Keefe stated the RFP is finalized and will be in the Central Registrar on Wednesday. Copies will be available at the Selectmen’s/Town Manager’s office. Proposals will start to come in. The deadline is March 4th at noontime. At that time all sealed bids will be opened and a review process will happen. At the next Board of Selectmen meeting, the next steps will be reviewed, commented on and approved. O’Keefe hoped by Town Meeting the award will be determined.

## **TOWN MANAGER’S REPORT:**

### **1. Personnel Updates-**

a. Animal Control- Kreidler read from his report stating the town has joined Ashburnham and Westminster in issuing a joint request for proposals for a regional Animal Control Service. The deadline for submittals was this past week, five packets were pulled but no one submitted a proposal. One potential proposer had intended to do so but had a medical issue that precluded him from being able to get it done in time. He was fifteen minutes late. He said we would most likely be going out again reissuing and soliciting the RFP. Kreidler explained the scope of services for the three communities involved. He said Ashburnham and Westminster have been working with Wachusett Animal Hospital. This is the facility that missed the deadline due to illness. Kreidler was asked how Animal Control is currently being handled. He replied that he had a hearing in his office last week and that the Police have been exceptional going above and beyond. He added that the public is also being understanding. O’Keefe asked if the actual contract would come before the Board. Kreidler replied no because it won’t exceed three years. As Chief Procurement Officer he has the authority to sign anything up to three years but offered to bring before them before he executes the contract. O’Keefe said he would like to see it in his Town Manager’s report when it is ready.

### **2. Financial Updates-**

a. FY 13 Budget- Kreidler reported Department Heads were working on their budgets which are due to be submitted to his office no later than February 14, 2013. He enclosed a copy of the budget memo. The Governor will be releasing his FY14 budget proposal on January 24, 2013 and will be addressing the opening session of the MMA on the 25<sup>th</sup>.

### **3. Project Updates-**

a. Solar Farm- Kreidler reported Sun Edison confirmed his suspicion articulated at the last meeting that some of the delay was tied to the condition of the financial market. He explained there is currently a surplus of S-RECs in the marketplace and therefore a corresponding drop in their value. Sun Edison’s North East Representative acknowledged that our project is an “orphan” in that it was negotiated by Axio Power and inherited by Sun Edison when they bought Axio. He said Sun Edison would never have agreed to the deal that Axio did. Kreidler said the deal we negotiated with Axio had specific language in it that said whoever they assign it to is obligated to the same terms and conditions exactly. Even though they “inherited” the project, they still have the same obligation to do the deal. Kreidler stated the contract also had language called conditions precedence, which gives the company an escape for things like interconnection connectivity not being allowed or for financing in this case. If they show reasonable commercial efforts and due diligence that also is an out. He told the Board he was assured that Sun Edison was placing a priority on analyzing the economics of the deal against the current and projected market realities and that they will have a report soon detailing their plans moving forward. Kreidler added that last

week the Dept. of Public Utilities issued a ruling. When the program was originally rolled out there were 400 megawatts of solar power that could be created for which the developers would get these S-RECS which is a tradable marketable commodity, one of their revenue streams. He explained when the program was originally put in place, there weren't a lot of rules about how you get in line to claim some of those 400 limited megawatts of capacity. Anyone with land and a dream could step in file an application and get some sort of recognition and shows up in the queue, in the line. Right now a lot of deals are being pulled back because you look at the lead time to get from conception to reality and the finance folks are saying to the developer you can't guarantee me that by the time you are ready to flip the switch there will be any room left in this 400 megawatts so we're not very excited about financing this deal. Kreidler believes this is what is happening in our case. With DPU's regulation issued last week, by January 24<sup>th</sup> if you don't have site control (lease or purchase), all of your permits, local as well as interconnection, if you don't have the power accounted for in an agreement, you can no longer be in the queue. If you're not already operational and have claimed some of those 400 megawatts (already 200 are spoken for), you cannot even apply to be in line anymore. That line today that looks over-subscribed to is expected to be shrunken considerably. DPU is trying to allay some of the concerns of the financiers that are concerned they are not going to be able to get in under the cap; therefore, they are not willing to commit money for projects like ours, apparently. The legislative issue at hand which is while 400 megawatts is the number put on the table back in 2008 with the Green Communities Act, it was never intended that would be the end of the program. There has always been the consideration that it would bump to 600 or 800 megawatts and continue over time and grow. They don't have clarity as to what is real or not with the current 400; they don't know when to start the process in growing the program. When the queue is cleared, they will know better about beginning the process of growth. The Town Manager explained to Selectwoman Hunt that we can't talk to them about doing something different because of the procurement process. We are bound by the deal; other companies submitted bids. We don't have the ability to negotiate. The Chairman asked when do we start talking to other people. Kreidler replied he would wait until they get this report stating they think they can do it and by a certain date. At that time we'll judge if it is likely and reasonable for us to wait for it. If the answer is no, we have the ability to cancel the procurement and go back out onto the street with a new RFP. He said a good deal of work and a good deal of money has gone into the interconnection process. Sun Edison has about \$350,000 out to National Grid in fees. They have over a million dollars in the project. Sun Edison is a publicly traded company that they would have to write off as a loss against earnings. He hopes legally if we decide to disengage with Sun Edison, we could salvage the work done on the interconnection application. He believes it is ours, as right. That gives us a significant benefit if we have to go out to bid again. O'Keefe asked about putting a deadline on the report. Kreidler suggested that some of this discussion would be held better in Executive Session involving real estate. The Chair stated at the next meeting to place this topic under Executive Session.

#### 4. Miscellaneous Updates-

- a. Annual Town Meeting and Special Town Meeting Schedule- Kreidler referenced the enclosed DRAFT calendar for the upcoming Town Meeting cycle. Assuming that the third Monday of May is the Town Meeting, the dates shown on the document provide the most time allowed for the opening and closing of the warrant and all steps in between. Kreidler stated he had received a calendar from the Finance Committee and the dates they would like to see. The Finance Committee Chairman is asking to move the closing of the warrant date back but after review of the Charter which states it can close no sooner than forty-five days prior to the day of Town Meeting, the closing date had to be moved forward to April 8<sup>th</sup>. There was discussion on when to schedule the Board's vote to finalize the warrant and how to accommodate the Finance Committees calendar. It was agreed to move the Board of Selectmen's meeting to accept the final warrant to April 16, 2013 at 6:00 p.m. which would allow the Finance Committee to then hold their Public

Hearing on the same day at 7:00 p.m. Barrows moved to approve the calendar as amended. Hunt seconded. By a vote of all aye, the motion passed unanimously.

- b. Municipal Electricity Aggregation Request for Proposals for Consulting Services- The advertisement for the RFP for soliciting a consultant to develop a program to aggregate the electrical load of electricity users within the Town, both residential and commercial, has been submitted to the paper. It will run this week with proposals due back February 14, 2013.
  
- c. Transfer Station Half Year Sticker Prices – Kreidler reported this topic has had a lot of commotion and consternation this past week. He informed the Board that documents created by the Transfer Station list what’s been a past vote of the Board to reduce the sticker price in half from \$50.00 to \$25.00 if purchased January through June. He said some stickers have sold at \$25.00 and asked the Board if they want to make the vote for these stickers to be half price for half the year. He stated the Town Accountant takes the position that the Transfer Station enterprise fund has been running right on, barely on balance and feels we should not reduce the cost of stickers; that the revenue, as little as it is, is important. The DPW Supt. told the Town Manager it makes sense on its face, but those that buy those stickers for \$25.00 are also buying bags and disposing of paid items. He believes we should continue to reduce the fee. Kreidler said he initially felt in agreement with Charlotte, the Town Accountant. Supt. Deline detailed all the unattended consequences that would come from those people expecting to be getting a \$25.00 ticket; they would be angry, we would lose the loss of bag sales, ticket sales, dumping in back roads and switching to curbside. Blair, wanting to keep it the same as it has been, moved between now and June 30 sticker prices be sold at \$25.00; but he would like to see this policy addressed in the future before July 1st. Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously. Corbosiero asked about how many people buy stickers the last half of the fiscal year. Kreidler offered to get that information for them.

**MINUTES:**

Monday, November 26, 2012 Regular Meeting - Barrows moved to approve; Blair seconded. By vote of all aye, the motion carried unanimously.

Monday, December 10, 2012 Regular Meeting – Blair moved to approve; Corbosiero seconded. By vote of four ayes and one abstention from Barrows who was not present at that meeting, the motion carried by majority vote.

**COMMUNICATIONS:** N/A

**AGENDA ITEMS:** N/A

**EXECUTIVE SESSION:** O’Keefe declared Executive Session under Exemption No. 6 that an open meeting would be detriment to negotiate as well as Exemption No. 1. Barrows moved to enter into Executive Session under Exemption No. 6 which is to consider the purchase, exchange, lease or value of real estate, if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and also Number 1 to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. Hunt seconded.

**ADJOURNMENT:** By roll call vote of all aye, the meeting adjourned into Executive Session at 8:25 p.m.

Respectfully submitted,

Linda Daigle, Executive Assistant