

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
MONDAY, JANUARY 14, 2013 8:33 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

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List of Documents Presented at Meeting:

- Agreement dated June 25, 1986 between the Town of Winchendon and Henry C. Girouard Corp. (attached)
- Notice of Executive Session to Employee (attached)

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Executive Session was called to order at 8:33p.m.

Executive Session Exemption No. 6 to consider the purchase, exchange, lease or value of real estate:

Kreidler explained in 1986 Town meeting made an agreement with the Girouard brothers to furnish water, without charge, to the farm and to members of the Girouard family for fifteen years. That period has clearly come and gone and they should no longer be receiving free water. Additionally, he added, over a course of time this also has morphed to be not only water but sewer too. There is some considerable value from what was intended. He has heard variations of opinion from the Board ranging from allowing the three brother's personal residences continue for life if Town Meeting votes this spring with all other properties, including the dairy bar, making payments effective on a day certain through all buildings, all properties begin paying effective January 1, 2013. A softer middle ground, effective on the next billing cycle in March, would be either all properties or exempting just the brothers and getting everyone else back on the bill. There was discussion on it not being managed properly by the Town and that this extension wasn't part of the original deal. Also discussed was whether it should go before Town Meeting. The agreement Town Meeting voted for has expired and the Board felt there was no need to go back to Town Meeting for this. Kreidler stated this has been on agendas before with the outcome being that these people have done us right, gave us land. Blair moved the Board apologize for missing the deadline on this and we call it now, eleven years late. They discussed the effective date and the need for meters to be put in. Blair altered his motion to make it effective the day the meters go in. Barrows seconded asking the motion be amended to give thirty days to install the meters which was agreed upon by the motion maker. By vote of all aye, the motion passed unanimously.

Executive Session Exemption 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:

Kreidler stated we needed to give the person in question notice and the opportunity to be present and represented for the purpose of giving advice but not participation unless they waive it. The employee has provided that waiver in letter form. He informed the Board that Ellen DeCoteau is our Planning Agent and has been so for six and a half years. Before that she has about fifteen years working in the school. He stated a number of months now she has been part time at work and most recently no time at work, working at home as best she can, in an effort to accommodating her medical condition. Kreidler informed them about an injury she received when she was younger by being thrown off of a horse that now has been reagravated. He explained her condition and informed the Board he has done everything he can to accommodate her, but can no longer do so. He has had serious conversations with her regarding her options which he explained to the Board. He had asked Ellen to think hard on her options. She came back to him and said she would resign her position. She was hopeful that over the course in the next couple months and testing being done that she'll have some resolution. Obviously, he stated, if Ellen can gain her health back and is certified by a physician and the position is open, he would be thrilled to consider her return. This is not about performance issues; it's about her inability to perform based on things not related to her core competence. Barrows asked if she formally requested any type of accommodations under the Americans with Disability Act. Kreidler replied, she has not but she is aware she could. She's also of the mind she's been accommodated far beyond what she could have been expected in reality. When asked Kreidler said there are no other positions open that she could qualify for. O'Keefe asked about the benefit for her to resign now versus the Family Medical Leave Act. Kreidler responded one of the considerations in her calculus would be the possibility for her to collect unemployment for inability to perform. He offered that she is well informed, has spoken to her union and is being advised. He thought this was the best for her and would have an agreement signed to protect the Town's interest. He concluded that he would have something in the file with signoffs. This is an unfortunate situation, Barrows said.

When asked about her position, Kreidler stated with mid-year cuts still being spoken about, he would likely freeze everything until we have a better sense of the economics. He said the rest of the department has taken on some of her work and Liz, who worked under her at ten hours a week, will be managed more formerly under Gerry White.

Barrows moved to come out of Executive Session for the sole purpose of adjournment; Hunt seconded. By vote of all aye, Executive Session adjourned at 8:54 p.m.

Blair moved to adjourn regular meeting; Barrows seconded. By vote of all aye the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant