

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, FEBRUARY 11, 2013  
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  
Guy Corbosiero  
Keith R. Barrows

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

Remote Participation: C. Jackson Blair

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List of Documents Presented at Meeting:

- Letter of Interest for a seat on the Historical Commission – Mary Harrington (filed)
  - Resignation letter – Becky Hupfield Conservation Commission – (filed)
  - February Notice of Vacancies (filed)
  - Liquor License Public Hearing – VinLozano Imports, Inc. d/b/a Change of Manager (filed)
  - Dog Hearing Complaint dated 1/25/13, Incident Reports, Documentation and Notice to Owner Corey Goodwin (filed)
  - CodeRed News Release (filed)
  - Draft Carry-In Wine & Malt Policy – 2<sup>nd</sup> Reading (filed)
  - Draft Special One-Day License Application (filed)
  - Police Station RFP Procurement Steps (filed)
  - Board of Selectmen Policies and Procedures 2-11-13 Review (filed)
  - Board of Selectmen Administrative Policies 2-11-13 Review (filed)
  - Town Manager’s Report (attached)
    - Tax Rate Reduction and the Retired MMHS Debt Exclusion (attached)
    - Map of highlighted parcel for new commercial industrial development on Rt. 140 (attached)
    - The Gardner News article dated 2/6/13 regarding Winchendon Housing Authority’s equipment donation to DPW (attached)
  - Minutes: January 14, 2013 Regular Meeting (filed)
  - Minutes: January 14, 2013 Executive Session (filed)
  - Minutes: January 24, 2013 Joint with School Committee (filed)
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Chairman O’Keefe called the meeting to order at 7:08 p.m. with the Pledge of Allegiance to the Flag of the United States of America. He announced that Selectman Blair would be participating remotely this evening. The meeting aired live on local cable access channel 8. When asked if anyone else would be audio or video recording the meeting this evening, The Gardner News’ reporter disclosed that he would be.

**SELECTMEN’S COMMENTS:**

Selectwoman Hunt thanked the Town Manager and his crew for the work that was well done during the recent storm, especially with the lean staff and old equipment. Kreidler pointed out information he received from Supt. Deline that evening regarding a breakdown of staffing and resources over the last several days. Friday morning to Saturday afternoon the staff worked from 30 - 34 hours straight without a break. They could have requested time off according to the contract, but no one did. They worked another 8 - 9 hours on Sunday coming in at 7:00 a.m. and, of course, they came in today at 7:00 a.m. and some are still working now with three sanders and an operator

to load the trucks. Also there is a chance they will be back out tonight as the possibility of more snow. They are tired and there is only so much they can do. O'Keefe said we are a small town with not a lot of equipment or employees; but geographical, we are a large town with a lot of roads and was amazed and congratulated all on the staff for their hard work.

**PUBLIC COMMENTS AND ANNOUNCEMENTS:** None this evening.

**APPOINTMENTS/RESIGNATIONS:**

Historic Commission Appointment – Mary Harrington was present on her interest in serving on this commission. Barrows moved for appointment; Blair seconded. Corbosiero disclosed his wife is a member of the commission but he has no financial interest or conflict. Ms. Harrington said it's always been an interest of hers and she's a lifetime member of the Historical Society and grew up in the Historical District of Old Center. She sees an opportunity to help with a background in communications and marketing. She sees a real effort to try to document our sites of history and archeological sites if any. By a vote of all aye, the motion carried unanimously.

Conservation Commission Resignation – Becky Hupfield sent an email with her request to resign from the Conservation Commission. The Board thanked her for her service. Corbosiero moved to accept her resignation; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Notice of Vacancies – It was noted that there is now one vacancy on the Conservation Commission. O'Keefe stated if anyone was interested in filling any vacancy to contact the office.

**PERMIT/LICENSE APPLICATIONS, HEARINGS:**

**PUBLIC LIQUOR LICENSE HEARING:** VinLozano Imports, Inc., d/b/a Event Wines 2, Juniper St., Change of Manager. The Public Hearing opened at 7:15 p.m. With the applicant not present, Blair motioned to continue the hearing at the next meeting; Hunt seconded. By vote of all aye, the motion carried unanimously.

**DOG HEARING:** Corey Goodwin – 15 Cedar St. – The hearing commenced at 7:16 p.m. with the Chairman reading the notice sent to the dog owner, Corey Goodwin, followed by the Complaint form completed by Mr. David Bilodeau. Mr. Bilodeau was sworn in and testified he has seen Mr. Goodwin's dog several times loose in the neighborhood and in his yard. He specifically mentioned an incident on January 25, 2013 when the dog charged him when he was on his way to a wake service. He was in uniform and not sure if that is what triggered the dog to charge him. He testified he doesn't care for dogs and that night he was physically shaken and scared for his life. He attempted to get out of his car to go get his phone but the dog was at him. He rolled his window and heard the owner call his dog from the back of the house. He reported the incident to the Police Dept. and filed this complaint with the Executive Assistant. He testified also that on New Year's Day the dog was on his back deck looking through his French doors. He stomped his foot and the dog went away. Corbosiero asked how many times he has seen the dog loose and off his owner's property. He replied at least four times and has also seen him loose in his yard with the owner. He described the dog as a tan colored, pit bull and a good size. The Town Manager, serving as the Animal Control Officer in the absence of a current officer, was sworn in. He testified there were incidents, included in their packets, that go back to September. He stated he had the parties in his office January 9<sup>th</sup> after being made aware of the incidents. Mr. Goodwin, Mr. Gendron and a female neighbor whose last name is Wazal attended the meeting. The discussion centered on the fact that the dog was being reported loose, unrestrained, unleashed and off property. There was no dispute that the dog on occasion had been off leash, off the property. There was some dispute about whether he had been on the back deck of his neighbor's property but no dispute of a violation of the leash law. Mr. Goodwin was given the opportunity to correct the behavior and was put on notice if a repeat of the dog being reported off leash or off property occurred, a hearing would be convened before the Board of Selectmen.

Mr. Tim Wazal was sworn in and testified he had two incidents with Mr. Goodwin's dog. One happened in September. He had gone out for a jog at night and the dog came charging out at him in the darkness. He screamed stop, stay, lay down, was in a standoff with the dog before Mr. Goodwin, who was outside sitting at a

camp fire, came up the road and retrieved the dog. Mr. Wazal stated he tried to speak to Mr. Goodwin to keep his dog on a leash but he laughed at me and continued to walk away. He called the police. The second incident in January, he went to pick up his kids at the house on Cedar St. when the dog came out of the Bilodeau's yard after him. He said he had a standoff ten to fifteen feet apart screaming at the dog. He screamed at Mr. Goodwin to come get his dog. He finally did telling Mr. Wazal was crazy. He testified his daughter had the dog come after her twice which he didn't report but now she's afraid to walk home from school that way. His oldest son, he testified, also has had two run-ins with the dog.

Sgt. Gerald Gagne of the Winchendon Police Dept. was sworn in and testified he had received three complaints that are on record; Sept. 3<sup>rd</sup>, January 3<sup>rd</sup> from Mr. Wazal and the last one on Jan. 25 from Mr. Bilodeau. On Sept. 3, 2012, he went to the house and spoke with Mr. Goodwin. He stated Mr. Goodwin said his dog was a loving dog and not aggressive but that it had been unleashed but didn't leave his property. Sgt. Gagne was given permission to enter the residence to see the dog to establish if it was aggressive or not. As soon as the dog was let out of his cage, he showed aggression towards him baring his teeth and had to be restrained. Mr. Goodwin told him the dog doesn't usually act like this; it must be his uniform. Sgt. Gagne noted that Mr. Goodwin wears a uniform and couldn't see how that would come in to play.

Barrows asked about the January reference in the timeline regarding the mailman. Daigle was sworn in and gave testimony regarding the mailmen. She stated the mailman happened to be in the office when the hearing date was being discussed. He mentioned that the dog has gone after him and the other mailman who does that route and also that mail delivery was stopped for awhile because of the dog.

Mr. Goodwin was sworn in and was asked by the Chair if he disputed anything. He testified his dog was not barking at Mr. Wazal. He was in his yard when Mr. Wazal screamed at the dog and pulled a long knife threatening to stab the dog. He said his dog was just sitting there looking at him. He testified he didn't know anything about the incidents with Mr. Bilodeau. Since the meeting with the Town Manager, Mr. Goodwin testified the dog has been on a leash. The Town Manager stated the incident with Mr. Bilodeau was after their meeting on Jan. 9<sup>th</sup>. Mr. Bilodeau stated he did wear a uniform; he was a correction's officer and thought the dog might have been aggressive because of the gun belt on Sgt. Gagne. He growled at the officer but didn't show his teeth; he has never shown his teeth, he stated. He did admit that the dog had been off leash. He stated he still needs to license the dog for this year and that the vaccination had expired and would be tending to both.

Tammy Lapeno, Corey's Mom, was sworn in. She testified that she has known Sergeant since he was a puppy. Her elderly parents have had him and no one, including their neighbors have a problem with him. Her parents have a maltase dog that he's afraid of and that he hasn't ever shown his teeth and isn't aggressive at all. She feels he's stereotyped because he's a pit bull.

Mr. Goodwin's neighbor, Laura Tanguay, testified she lives behind Corey and he brings the dog to her house all the time. She has a cat which the dog doesn't go after and stated the dog comes to see her and pets him. She said he's a happy loving dog and people just need to get to know him.

Kreidler wanted to clarify that a couple things come into play here: whether the dog is aggressive and a threat to people; and the other, being different but germane to the discussion, has it been off leash and off property and committing a violation against the bylaw.

Mr. Goodwin passed around a picture of his dog Sergeant for the Board to see.

O'Keefe mentioned there are a variation of options the Board has from doing nothing to seizing the dog. Mr. Wazal and Mr. Bilodeau were asked for their suggestions. Mr. Wazal feels the dog is a menace, a nuisance, not trained and would like to see the dog removed because he was in fear of his children. Mr. Bilodeau chose to not make a recommendation but felt if a dog owner could not be a responsible pet owner, he didn't feel bad that they might lose their pet.

Cindy Wazal was sworn in and testified that she has started to walk the dog to help Corey out. She testified she plays with him and that he is a great dog. She stated she was intimidated by him and so wasn't her daughter but getting to know him she now feels he's a wonderful dog and would hate to see something happen to him. He's not gone after anyone or another dog since she has walked him. Hunt asked if she feels there are no issues with her children and the dog. Mrs. Wazal stated she would love for her children to get to know the dog but her husband does not want them to. O'Keefe asked if she had any current fear if her children ran into the dog in the street one day. She replied no, not at all. Mr. Wazal stated that the dog has gone after his daughter twice and his son twice. Discussion was had on a fence Mr. Goodwin was planning on erecting and when it might go up and what type it would be. The Public Hearing was closed at 7:54 p.m.

O'Keefe stated we have a violation of the leash law, a dog not vaccinated and consideration of the owner to willingly put up a fence. He offered a first thought of a decision to handle each of the items; Sergeant must be vaccinated by February 28, 2013, a fence must be installed and completed by April 15 and if at any point from today on if the dog is found off the property unrestrained, the dog will then be removed. Corbosiero suggested restrained any time outdoors. Blair agreed the dog should be restrained until the fence is in place. A discussion of the fence was had and was decided they would leave that up to the owner to put up a fence that would be good enough to hold the dog in. If it is the wrong fence, and the dog escapes, he will lose his dog.

Barrows agreed in principal of the recommendation and will support it. He said what he has heard and based on the chronology of events, they were there tonight because of a violation of the law. Mr. Goodwin stated he knows the law and Barrows felt he needed to take responsibility of the dog and show it by following the Bylaws that the Board has to uphold. He didn't want to see the issue escalate with the possibility of votes being taken to euthanize the dog. It was made clear to him that the dog has been off leash and he is not current with the dog's vaccinations. Barrows moved the owner have the dog vaccinated by February 28 and that a suitable fence to restrain said dog be erected no later than April 15, 2013; if for any reason, no fault to owner, if that deadline cannot be met, the Board be notified such that we can continue to monitor until the issue is resolved to the satisfaction of the complainants and that the dog not be off leash until such fence is resurrected. Corbosiero seconded. By vote of all aye, the motion carried unanimously.

#### **NEW BUSINESS:**

CodeRED – Fire Chief Tom Smith was present to explain and announce the new CodeRED statewide program. He stated it is basically a high speed notification system which many communities are using. It's used for ongoing timely emergency and basic nature type of notifications. He said we were just started getting training on the program and had to actually use it for emergency information regarding the winter snow storm. He said it can be accessed anywhere from the internet with individual pin codes and launch codes for messages. It is used for general information which can be opted out of, but not recommended, to emergency information to the community. He informed them that on the town's website there is a CodeRED bar to input additional information, like your cell phone or your son/daughter's number. You can input addresses of other properties you own. The system is geographically based, not on the telephone number. He offered folks to come to the Fire Dept. to complete the forms if they didn't have access to the internet. He stated with the system we have the ability, if needed, to evacuate a ½ mile radius, to notify just those people affected there. The system already has 2,500 residences in the database. This information came from the CodeRED company who purchased databases connected with addresses and phones. He warned not to assume your number is in there and suggested for folks to go to the website and enter it anyway. Notifications can be sent to a certain street if the water had to be shut down, or the hydrants needed flushing, or for voting information and notices. He cautioned about overuse so people won't end up ignoring it. When asked from Selectwoman Hunt what the cost was, the Chief replied it is roughly \$7,500 a year and is based on the community's size. The cost would be spread through the Fire, Police, Emergency Management, and the DPW Departments. It was discussed to get the information out there through mailings throughout the year, maybe in the tax bill or with census information. The Chief suggested folks might want to add their parent's home with your cell number so you will be notified if any notices pertain to their residence. Also, he said, it can work with people driving through town. It was mentioned that we have 3,400 residences all together. O'Keefe thought maybe there was a way to get a list of residences that are not in the database and reach out to them to sign up. The Board thanked the Chief for the program and coming in to explain.

CARRY-IN WINE & MALT POLICY – 2<sup>nd</sup> Reading - O’Keefe mentioned to the Board that this policy pertains to businesses with a Common Victualler License only and asked the Board if they wanted to also allow businesses with an Entertainment License who would have to comply to the policy as well. Hunt thought it would be needed and wanted those who allow alcohol to manage it responsibly. Kreidler stated he could add in Section A. Policy Statement after “establishment operating with a Common Victualler License, these words: “or to a location having sought and received a Town of Winchendon Entertainment Permit.” He offered to get the draft amended in the appropriate sections for the next meeting. The Chair asked if any of the Board members had any other change. Kreidler offered for the benefit of those at home that they are aware there are establishments that have entertainment that the public is regularly invited to come and beer and wine and/or hard liquor is able to be brought in and consumed on the premises. This policy would allow for the licensing and the Board to have some control and it would allow for a citizen to become aware that there might be someone next to them consuming alcohol. A discussion was held about whether it should be limited to beer and wine or allow all alcohol. It was decided to add “all alcohol” to the policy so it could be then regulated. Excluding it would give them no authority to regulate it. Any enforcement if needed could be through action taken with their Common Victualler License or Entertainment Permit. The Town Manager would make the two changes to the draft policy and bring it before them again at their next meeting.

DRAFT Special One-Day License Application – O’Keefe informed the Board that state law dictates that an All Alcohol One-Day Special License is only available to nonprofits where malt and wine are available to entities not qualified to be a non-profit. Barrows suggested the date be added to the application. With no other objections, and if it pleases the Board, Barrows moved for approval of the policy with the one amendment to add the date to the application; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Police Station RFP-FY1304 Evaluation Committee Discussion – O’Keefe spoke of the enclosed steps we need to take now that the RFP is out on the street. The Board needs to appoint an Evaluation Committee or this Board could be the Committee. His preference would be to appoint a committee. He has spoken to a couple people on the Public Safety Development Committee and his recommendation would be to appoint Lt. Dave Walsh, Selectmen Guy Corbosiero and himself. Hunt asked if there should be more members on the committee. O’Keefe responded that it needs to be an odd number and that the Committee’s only job after the RFP bids are opened would be to review each bid and decide does this bid meet the requirements of the RFP. If so, the Evaluation Committee sends it out to a design firm to find out what the construction costs would be. We will then take the cost of construction and the cost of someone selling us their land and/or buildings to arrive at a final price. We have \$2.75 million currently authorized. The Evaluation Committee will have two parts; first to determine if the proposal meets our requirements and then it gets sent off for the estimates; and secondly, when the bids are returned, we will review and choose a bid based on the criteria specified in the RFP. Hunt asked about getting some outside knowledge experienced in this process. O’Keefe replied considering the role is narrow of what the committee will be doing and having the input of an architecture or builder is not needed at this phase. The people he selected have been involved and have experience now for a year and a half with this project. Hunt thought maybe one of the five people should be DPW Supt. John Deline. O’Keefe replied that the RFP was going to a design firm and the kind of expertise Selectwoman Hunt was talking about would have been more for developing the RFP. O’Keefe moved to appoint an Evaluation Committee made up of himself as the Chairman, Guy Corbosiero and Lt. David Walsh; Barrows seconded. With no further discussion and by roll call vote of all aye, the motion carried unanimously.

#### **OLD BUSINESS:**

Board of Selectmen Policies and Procedures Review - Corbosiero wanted to change section 400-12 by eliminating the sentence “The Chairman shall not serve consecutive years in any given term, unless by a unanimous vote of the Board.” After discussing it briefly, the Board decided to strike this sentence out. Kreidler offered on Page 4, under “Section 400-04 Authority” a suggestion had been made to change the word “maintenance” to “enforcement”. He didn’t feel he had the authority to “enforce” a policy on them if it was not followed. O’Keefe asked the Town Manager to clarify the word “maintain.” Kreidler suggested replace “maintain” with “shall ensure that the policies and procedures as voted by the Board of Selectmen will be kept up to date.” Barrows

suggested to “be responsible for ensuring all policies and procedures are followed.” Again the enforcement issue was spoken about and Kreidler offered to create wording for the next meeting.

Board of Selectmen Administrative Policies and Procedures Review – O’Keefe ask to have the same change as mentioned above regarding the word “enforcement” in Section 410-03. Daigle passed out a recommendation to amend the first two sections 410-01 Purpose and 410-02 Nature of Policies and Procedures to correlate with the separated Administrative Policies. O’Keefe read the draft. Changes were agreed upon and asked to be brought back to the next meeting.

## **TOWN MANAGER’S REPORT:**

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

a. Planning Agent- Kreidler announced that the longtime Planning Agent Ellen Decoteau has resigned her position with us effective last week. He stated Ellen was an exceptional employee and her efforts will be greatly missed. Until he has better budget clarity, he is not filling the position. The Planning Department’s part-time ten hour a week staff person will have set hours Monday through Thursday 2:30pm to 5:00pm to keep things flowing. In addition, he has authorized two current town hall employees to work a few extra hours (non-overtime) to help reorganize the office and its systems. O’Keefe thanked Ellen for her many years of service to the town and thanked the two employees who are willing to help in that position.

a) Animal Control- Kreidler updated the Board on the joint Ashburnham/Westminster request for proposals for a regional Animal Control Service. The deadline for submittals came and went with no one submitting a proposal. A portion of the RFP has been rewritten and it will be issued again this week.

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

a. Murdock Middle High School Debt Exclusion Tax Impact Discussion- Kreidler wanting to address a question a citizen had explained the impact that the retirement of the MMHS debt has had on the tax rate by reading his memo to the Board dated January 30, 2013. He explained the variables that have an impact on the tax rate including proposition 2 ½ tax levy, growth within the year and property values. He said when property values are up, the tax rate is down; when property values are down, the tax rate goes up. He next explained his spreadsheet showing the tax rate would be \$1.10 higher if the MMHS debt had to be raised still. O’Keefe thanked the Town Manager for the details and summed it up simply by saying the property values haven’t gone up but our tax rate has gone down.

b) FY14 Budget- Kreidler reported Department Heads are working on their budgets which are due February 14, 2013. The Governor released his FY14 budget proposal and addressed the opening session of the MMA. While his proposal shows a slight increase in general government local aid, he was not factoring it into our budget work because it is predicated upon tax increases and casino revenues that he couldn’t reasonably assure will come to pass. O’Keefe thought it good to be prudent with adjustments that could be done at a Special Town Meeting.

### **3. Financial Updates-**

a. Project Updates: New Commercial Industrial Development Proposal – Kreidler informed the Board that a Development Review Group consisting of the Building Commissioner, Conservation Agent, Planning Board Chair, Police Chief, Health Agent, Development Director and himself was convened on Wednesday. They heard from a property owner who is proposing to develop his 21 acre parcel of land on Rt. 140 in which he will repair, refurbish and recycle large trucks inside of a 50,000 s.f. building. He plans on seeking a Class II permit from the Board to enable him to sell a limited number of vehicles from his location. He plans on employing twenty-five people and adding as his business grows. He is preparing to go before the ZBA for a special permit and expects to move rapidly from there if he is successful. The business is up and running in a different community and has outgrown the space. He has owned this land for over twenty years and is looking to move here. He referred to an attached map outlining the parcel. O’Keefe

encouraged the Town Manager and all who can to assist with this project in any way. Planning Board John White was thanked for putting everyone together and getting this to go forward.

**4. Miscellaneous Updates-**

- a. Housing Authority- Kreidler announced that the town is once again the grateful recipients of two pieces of valuable and useful equipment from the Housing Authority, a 2002 John Deer tractor and a ten year old pickup truck. He couldn't emphasize enough the value of having a locally managed, locally grown and locally connected Housing Authority. The Governor has filed legislation to abolish local Housing Authorities and put six uber-Authorities in their place. He supports our Governor and has appreciated all that he has done for cities and towns in the Commonwealth since he has been in office, but this proposal is NOT friendly to us and is definitely NOT in our best interest. He stated our Housing Authority is very well managed, the units well maintained and the people well cared for and well served. He stated he would invite our local Housing Authority and Executive Director into the Board's next meeting to discuss this very important issue. The Board agreed and wants to fight this piece of legislation.
- 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, was published and bids are due this coming Thursday, February 14, 2013.

**MINUTES:**

Monday, January 14, 2013 Regular Meeting - Hunt moved to approve; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, January 14, 2013 EXECUTIVE SESSION – Hunt moved to approve only; Barrows second. By roll call vote of all aye, the motion carried unanimously.

Thursday, January 24, 2013 Joint Meeting with School Committee – Barrows moved to approve; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Hunt suggested to the Town Manager that all projects (like the Police Station) are identified by a project number with all communication regarding the project referencing that number in hopes of being able to pull up all communication within a project using that number. O'Keefe thought it a good idea to encourage the Town Manager to use when he can but to remember that we have many boards and the information won't be as easy as pushing a button and having all documents at hand. Kreidler offered his regulatory agencies, boards/committees and those that fall under the Selectmen that they could have a joint policy that all projects shall have one master code, possibly the two letters of the department, the year, and project number.

**COMMUNICATIONS:** N/A

**AGENDA ITEMS:** N/A

**EXECUTIVE SESSION:** Corbosiero moved to go into Executive Session under Exemption No. 5 "To investigate charges of criminal misconduct or to consider the filing of criminal complaints" and come out of Executive Session to adjourn. Barrows seconded. By roll call vote of all aye, the Board entered into Executive Session at 9:33 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant