

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
SPECIAL MEETING TUESDAY, APRIL 30, 2013 7:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon , Mass.**

Present: Elizabeth R. Hunt, Acting-Chair
C. Jackson Blair
Guy Corbosiero

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

Remote Participation: Robert M. O'Keefe

Absent: Keith Barrows

List of Documents Presented at Meeting:

- Proclamation: W. Scott Bartlett (filed)
- ZBA Resignation – Email from member Rick Germano (attached)
- Permit Applications:
 - Entertainment Permit: Roaming Railroad June 15, 2013 – Unitarian Universalist Church (filed)
 - Charity Auction: May 4, 2013, A Better Tomorrow Cat Shelter/Town of Winchendon (filed)
 - Second Hand Articles: Pattie's Jewelry, Inc. (filed)
- Annual Town Meeting Warrant with Finance Committee's recommendations (attached)
 - Finance Committee's Article One (attached)
 - Amended Capital Planning Committee Article 14 (attached)
- Police Station RFP-FY13-04 Evaluation Committee Email Recommendation (attached)
- Dog Complaint: Corey Goodwin – Police Log dated 4/24/13 noting fence is in place at 15 Cedar St. (filed)
- Minutes:
 - April 22, 2013 Regular Meeting (filed)
 - April 22, 2013 Executive Session (filed)

Acting Chairwoman Hunt called the meeting to order at 7:07 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.

Disclosure of Audio/Video Recording: No one disclosed audio/video recording this evening.

Announce Remote Participation: Hunt announced that Selectman O'Keefe would be participating remotely.

SELECTMEN'S COMMENTS:

PROCLAMATION – Thursday, May 2nd, 2013 W. Scott Bartlett Day - Blair read the proclamation announcing May 2, 2013 to be W. Scott Bartlett Day for his dedication in reclaiming a piece of history of The Winchendon School and the Town. Blair moved acceptance of the proclamation; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously. Blair mentioned that Mr. Bartlett will be presented the proclamation at the annual luncheon of the Historical Society. He's making a trip from Oregon to be honored. The event is open to the public and will be held at the Carriage House Restaurant beginning at 12:00 noon. There will be numerous interesting presentations.

PUBLIC COMMENTS AND ANNOUNCEMENTS: There were none.

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APPOINTMENTS/RESIGNATIONS:

ZBA Resignation – Rick Germano – Hunt announced Mr. Germano’s resignation from the Zoning Board and thanked him for his service. She wished him the best and to keep them in mind in the future.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Entertainment Permit “Roaming Railroad” June 15, 2013 – Unitarian Universalist Church: Mr. John White and Ms. Sue Faucher came before the Board on behalf of the Church. White mentioned this was the day of the Summer Solstice sponsored by the Clark/YMCA on June 15. The Church has a flea market along with the Summer Solstice and in order to raise more funds a proposal came about for this “roaming railroad.” Ms. Faucher spoke about the trackless train that has run in the mall. They are looking to use the section of the road that will be closed off that includes the church. Hunt asked if the concerns of the Police Dept. have been addressed. She stated she talked with Lt. Walsh and that one of his concerns was keeping the road open for police and fire safety reasons. She explained the train is mobile and can drive off the road or into the Church’s driveway if needed. Lt. Walsh, present for the meeting, on another issue, stated he was satisfied with the response but had other concerns with pedestrians that will be walking back and forth within that closed off area. The Fire Chief also notes that concern in his Department Head response. Kreidler offered that he has ridden the train with his daughters and that it maneuvers well and runs in a mall with a lot of people. Hunt asked if they had reached out to the Clark YMCA. Ms. Faucher replied, just yesterday and that they had wished we had talked with them sooner and collaborated together as part of the Summer Solstice. With no more questions being asked and by roll call vote of all aye, the motion carried unanimously.

Charity Auction Permit May 4th, 2013 – A Better Tomorrow Shelter For Cats, Inc. – Sarah Fearing came forward on her fundraising application. She informed the Board the event is this Saturday from 7:00 p.m. to 10:00 p.m. at the Senior Center. She apologized for the late notice thinking she only needed to come before the Board if she was serving food or alcohol. They will not have alcohol and any food will be provided by local businesses and restaurants. The Health Inspector has been contacted on the proper way to serve this food. She expects 150 people at the event that will include a silent and live auction along with raffles. She stated many generous people have donated to the event. Ticket price is \$15.00 to get in. They can be purchased on the website at <http://shelterforcats.org> or you can buy tickets at the door. She stated there are at least a 150 items that were donated and she was hoping for a good turnout. Blair moved to grant this permit; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously. Kreidler stated the shelter is a 501C, non-profit. All items are tax deductible. The shelter located at 202 Central St. is open 12:00 p.m. to 3:00 p.m. on Saturday and tickets will be available.

Junk Dealers: Second Hand Articles Annual License Renewal: Pattie’s Jewelry, Inc., Sherry Erlenmeyer was present on her application. Hunt mentioned her renewal documents are in place but a concern of timely delivery of required reports was noted by the Police Department. Ms. Erlenmeyer stated she has discussed the issue with the Police Department and will get them delivered on time. Blair moved to grant renewal; O’Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Annual Town Meeting Warrant Recommendations – Each article was presented by the Town Manager. Following is the Board’s recommendations:

Articles 1 through 5 - Usual and Customary articles each year: Blair moved to recommend; O’Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

Article 6 – FY13 General Government Budget: Corbosiero moved to recommend, Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Article 7 – Water Enterprise Budget: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 8 – WasteWater Enterprise Budget: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 9 –Transfer Station Enterprise Budget: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 10 –FY14 School Budget: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 11- FY14 School Transportation: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 12 - Senior Work-Off Program: Blair moved to recommend approval; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 13 – CAC and YMCA Grant Authorizations: Kreidler noted that the CAC figure of \$18,000 is not identified and will be moved to raise and appropriate. Corbosiero moved to approve; O’Keefe seconded. By roll call vote of Corbosiero aye, Blair nay, O’Keefe aye and Hunt aye, the motion carried by majority vote.

Article 14 - Capital Planning Committee Bylaw change. O’Keefe being a member of the Capital Planning Advisory Committee noted the revised article that was provided in their packets has been reviewed by Town Counsel and returned by them with only suggestions of matters of punctuation and capitalization. We are in agreement with the new substitution. With no questions being asked, Blair moved to approve. Corbosiero seconded. Kreidler explained the substitute article will not appear in the warrant and advised they include that language in the motion. Blair moved to amend his prior motion to approve the amended substituted article; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 15 – Capital Planning via PILOT Payments: O’Keefe stated the Capital Planning Advisory Committee will be meeting Thursday and he hasn’t seen the final language for a substitute article. He stated they would be revising it to make it legal but that the intent would stay the same to put a portion of the revenue received from the Solar PILOT directly into the Stabilization Fund. He stated a substitute article will go through Town Counsel and be brought to Town Meeting. Blair moved to table the item until the Selectmen’s meeting prior to Town Meeting. Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 16 –DPW Capital-Septic, Drain, Tractor: O’Keefe stated at the last Board of Selectmen’s meeting we moved \$5,200.00 from the DPW maintenance account into our Debt Service account with that money being used to pay this loan. The article needs to be modified so that it directs the money coming out of a loan. Kreidler explained the motion would address it by moving to raise and appropriate by borrowing the sum of and then the rest of the Article. Blair moved to recommend with the understanding of the changes in the language; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 17 – School Capital-Security Cameras: O’Keefe explained the School Dept. reviewed security at a number of buildings and found several areas for the need of additional surveillance cameras and recording equipment. They presented those needs to the Capital Planning Committee and they agreed to put them before the Town. Corbosiero moved to approve; Blair seconded. Hunt commented she didn’t like the idea -- too many cameras. She wondered if there was a problem at the school that she wasn’t aware of or are they being proactive. Blair commented on knee-jerk reactions for past situations and stated we could spend lots of money for school safety. It would be hard to take a stand on anything against safety for our kids. He hoped it could be addressed without spending a fortune. Discussion was had on the other various improvements the School brought before the

Committee. Kreidler brought to their attention that the High School/Middle School serves as a shelter when needed during a storm or crisis. There was an issue the last time the School was activated as a shelter. Additional cameras might have aided in that situation. By roll call vote of all Corbosiero aye, Blair aye, O'Keefe aye and Hunt no, the motion passed by majority.

Hunt asked the Town Manager to explain the "capital exclusion" listed in the article. Kreidler explained in Massachusetts your limited in how much real estate tax you can raise in a given year by Proposition 2 ½. There are exclusions to that rule; a "capital exclusion," a "debt exclusion, or a "general operating override." With "capital exclusion," instead of borrowing and paying it over a number of years, its one year, one payment, he explained. That tax revenue is no longer taken in subsequent years. The School cameras equal \$10.27 on a house valued at \$100,000. Double it if your home is valued at \$200,000, etc.

Article 18 – Fire Dept. Capital-4x4 Pickup Truck and Software Licenses for Ambulance and Office: Kreidler stated this is also a Capital Exclusion Article and would be an additional \$8.13 per \$100,000 for one year. O'Keefe stated the Capital Planning Advisory Committee choose a Capital Exclusion so taxes would be raised for only one year. They didn't want to go into debt for small items. Corbosiero moved to approve; Blair seconded. By roll call vote of all aye, the motion was unanimous to recommend.

Article 19 – DPW Capital-1 Ton Truck w/Plow and Sander - O'Keefe stated the Committee met with DPW Supt. Deline. The Department needs a lot of equipment that regularly will need to be replaced. After their meeting, the Committee determined that the one ton dump truck with plow and sander were the largest needs that should be fulfilled this year. Blair moved to approve; Okeefe seconded. The amount taxes will increase for a one year capital exclusion is \$8.56 for a home valued at \$100,000. By roll call vote of all aye, the motion was unanimous to recommend.

Article 20 – DPW Capital-Water Box Utility Truck and Snow Plow: This article was submitted by DPW Supt. Deline and calls for the Town's consideration for a \$55,000 truck to replace the existing 1999 truck in the Water Division. With bringing the Water Dept. in house, the snowplow potential of this piece is important. It is being proposed paid for using our existing Water Enterprise Funds without raising rates in any fashion. Corbosiero moved to approve; Blair seconded. O'Keefe stated Capital Planning is in favor of this. By roll call vote of all aye, the motioned passed unanimously.

Article 21 – DPW Capital-Garage Roof Project: Kreidler stated this article was submitted by DPW Supt. John Deline. This is a Debt Exclusion for \$180,000 to do repairs on the roof of the Public Works facility including adding some code compliant insulation. This is a "Debt Exclusion" for ten years with an impact of \$2.93 on a home valued at \$100,000 annually and would continue for ten years. Corbosiero moved to approve; Hunt seconded for discussion. Kreidler offered information about the Stretch Energy Code and the Green Communities Designation. He stated we already have three of the five requirements and if the Stretch Code passes it would give us the fourth requirement. With a Green Communities designation, we were informed from Mass. DOER that grant funding would be \$160,000 to \$170,000 with the caveat that you would have to use this for energy efficient upgrades. Kreidler suggested passing over this article where it contemplates a Debt Exclusion for ten years and see if the Stretch Code passes and we could possibly get this done without going through the taxpayers pocket. O'Keefe stated Capital Planning was not going to put forth this article, but should the Stretch Code not pass or Winchendon does not acquire the Green Community designation, they planned on bringing it back in the Fall or at the next Annual Town Meeting. It was agreed it needed to be done. He spoke about asking the Moderator to take this article after Article 28, the Stretch Code Article and then his vote would be different. By roll call vote of all no, the motion failed by majority vote. Kreidler explained the procedure and advised the Board that if the Stretch Code passes, you would want to pass over this article completely and take it up again at a Special Town Meeting in the fall rewording it. This article authorizes, as it is written, a Debt Exclusion.

Article 22 – DPW Capital – Sidewalk Tractor: Kreidler stated this article is submitted by the DPW Supt. Deline and is also a Debt Exclusion article to purchase a municipal tractor for sidewalk snow removal. The cost to the

taxpayer is \$1.69 per \$100,000 home evaluation for five years. Corbosiero stated we really need this and moved to approve; Blair seconded. O'Keefe thanked Mr. Deline for seeking the \$60,000 grant towards it and is in favor of the article. By roll call vote of all aye, the motion passed unanimously.

Article 23 – Fire Dept. Capital – Aerial Tower: Kreidler stated this article was submitted by the Fire Chief and is another Debt Exclusion to fund \$850,000 for a new aerial tower. The cost to the taxpayer is \$7.28 per \$100,000 home evaluation for each of twenty years. O'Keefe commented that the Town Manager described various types of overrides. This is a perfect example to use a Debt Exclusion for a large purpose. However, he stated that Capital Planning did not put forward this because they have not seen this listed in past years and viewed it not as critical for this year to put in the warrant. Corbosiero moved to not recommend; Blair seconded. By roll call vote of all aye, the motion to not recommend was unanimous.

Article 24 – Stabilization Fund: Kreidler stated this is a usual and customary article. A dollar figure is not attached to it not knowing if any amount would be remaining to be best put in Stabilization until the financial articles occur at Town Meeting. Blair moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion was unanimous to recommend.

Article 25 – Redevelopment Authority Land: Kreidler stated this is the only General Business Article seeking Town Meeting's consideration to transfer from the Board of Selectmen to the Redevelopment Authority a parcel of land (little over ½ acre) in the back of Town Hall parking lot where the garage is. He stated there is a need from a variety of potential players on Central Street for this piece to make it a nice even parcel. The consideration in going forward would be for the Redevelopment Authority to put out a minimum bid to be set equal to or greater than the cost to replicate this building and the use inside to be located at the Winchendon Fire Dept. We would have a newer better building and this piece in active tax rolls. Blair so moved; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Article 26 – General Bylaw-Littering: Kreidler stated this article was submitted by the DPW Superintendent. It would give him the ability to fine someone for littering. This is the run of the mill, heavy bag on the side of the hill littering. Blair commented he would like to see enforcement with other bylaws. Corbosiero moved to recommend; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

Article 27 –General Bylaw-Historical Commission/District: Kreidler stated this article was submitted by the Historic District Commission/Historic Commission. Kreidler explained this bylaw amendment would give them additional tools to address things like architectural details and other aesthetics. O'Keefe moved to approve; Corbosiero seconded. Hunt asked if there would be any exceptions to the rule. Kreidler replied this gives them the discretion, not an obligation. By roll call vote of all aye, the motion carried unanimously.

Article 28 - Stretch Energy Code: – Kreidler explained briefly the code change which makes the energy component of the building code higher. Kreidler stated this will increase the cost of the building or renovation but the return on the investment is now shorter than it was three years ago and it's an opportunity, an obligation we all have for energy conservation in our country. Kreidler stated this is one of the requirements that needs to be met to be designated as a Green Community. With that designation, the possibility of the \$160,000-\$170,000 initial grant funding and future competitive rounds thereafter. O'Keefe pointed out one of the items, in addition to saving you money, is the assurance the contractors are using energy efficient products because part of the code requires testing. Kreidler stated a representative from DOER will be present to make a brief presentation if the Moderator allows it. Blair moved to approve; O'Keefe seconded. By roll call vote of all aye, the motion carried unanimously.

The Board agreed on who would be presenting the articles at Town Meeting:

Article 1 – Finance Committee

Articles 2 through 7 – Selectman Blair

Articles 10-11 – School Department

Articles 8, 9, 12, 13 – Selectman Barrows
Articles 14-18 – Capital Planning Advisory Committee
Articles 19-24 – Vice-Chairwoman Hunt
Articles 25-28 – Chairman O’Keefe

With this being Selectman Guy Corbosiero’s last Selectmen’s meeting, Blair thanked him for all his service and stated how much he will be missed. He hoped he would return someday. Mr. Corbosiero replied thank you through the applause of those present at the meeting.

John White, the Planning Board Chairman, stood to say the Planning Board was pleased to “loan” Selectman Corbosiero to the Board this past year and stated the Planning Board will be “loaning out” another member, Fedor Berndt, starting with the next Selectmen’s meeting. Hunt thanked him for breaking them in.

OLD BUSINESS:

Police Station RFP-FY13-04 Evaluation Committee Update – O’Keefe stated he serves as the Chairman of the RFP Evaluation Committee and in that capacity he wrote a letter to the Selectmen. After reviewing the RFPs it recommends the proposal of Winchendon Court LLC to the Board. With no questions being asked, he moved that the Board of Selectmen award the purchase of a Police Station site, as outlined in the Town RFP FY2013-04 to Winchendon Court, LLC as set forth in its proposal subject to the successful negotiation of a Purchase and Sale Agreement; Corbosiero seconded. O’Keefe explained if the Board should approve, the Town Manager, as the Procurement Officer, will move ahead with the Winchendon Court, LLC and we will be purchasing that building. The next step after that is engineering, architectural and construction. Blair questioned the word “negotiation” in the motion and what the Town has authorized. O’Keefe replied that the word “negotiation” deals with the process of closing a real estate transaction. Kreidler offered the word “execution” in its place, sensing this is not a negotiation but more of a ministerial execution. O’Keefe replied the word came from a discussion with Town Counsel and would be things like the date of closing, inspections that are needed, etc. but the figure is what it is. Kreidler wanted to be clear for the public record, for those in attendance, and for those watching that there isn’t a negotiation in a typical sense of that word; the proposal is what it is and the number is what it is. Kreidler asked before the Board makes a decision, a follow up motion to include the time frame. O’Keefe stated we will have another motion after this one to have the Town Manager do his next duties and we can add a timeframe. Blair, seeing a member of the audience raise his hand to be recognized asked if the vote could be held off to address public questions. O’Keefe wanting to give the public as many opportunities as possible, withdrew his motion.

Mr. Tony George came forward. His concern, after speaking with the State Building Enforcement officer in Boston, is the ability to bring Winchendon Court, LLC up to the new building codes established in 2006 for Public Safety buildings. He asked if the engineers considered these new codes in their estimates. His understanding is its going to cost a lot more money than what’s presented and the Town will be asked for more funding. O’Keefe replied that the entire line of business of the firm that evaluated the Request For Proposals and did the construction cost estimates is Public Safety buildings. He trusts their estimate. The Board of Selectmen, nor the Town of Winchendon, will build something in violation of a building code. Town Meeting votes offered a very specific amount of money; that’s all we have. We will continue to have meetings that deal with the construction phase. Dialogue continued on his issue and again O’Keefe confirmed he would not go over the \$2.7 million dollar construction costs authorized by Town Meeting. He then moved “that the Board of Selectmen award the purchase of a Police Station site as outlined in the Town RFP-FY2013-04 to Winchendon Court, LLC as set forth in its proposal subject to the successful negotiation of a Purchase and Sale Agreement.” Corbosiero seconded.

Kreidler suggested, if the maker of the motion would consider, amending his motion to include the words “code compliant” in front of the words Police Station which would address Mr. George’s issue. He recognized that Jacunski and Humes, in their experience with their mode of business being police stations, that they will be doing that process to the code. O’Keefe agreed with the inclusion amending his motion to be that the Board of Selectmen award the purchase of a code compliant Police Station site as outlined in the Town RFP-FY2013-04 to

Winchendon Court, LLC as set forth in its proposal subject to the successful negotiation of a Purchase and Sale Agreement. Corbosiero seconded the amended motion. By roll call vote of all aye, the motion passed unanimously.

O'Keefe stated the Board now had to empower the Town Manager to go forward from this point and contact Winchendon Court, LLC and schedule the Purchase and Sale Agreement and ultimately the conveyance. The completion date was discussed. O'Keefe moved that the Board of Selectmen authorize the Town Manager to proceed with Winchendon Court, LLC in completing a Purchase and Sale Agreement and ultimately the conveyance of the site within thirty (30) days. Corbosiero seconded commenting he thought it short time. By roll call vote of all aye, the motion passed unanimously.

Dog Complaint Update– 15 Cedar St. – Blair noted he is satisfied with the report from the Town Manager's office that the fence has been put in place. The deadline was missed but it was put up shortly thereafter and it is functioning. He stated the order needed to be kept in compliance or a secondary action would be needed.

TOWN MANAGER'S REPORT: Annual Town Meeting warrant this evening.

MINUTES:

Monday, April 22, 2013 Regular Meeting - O'Keefe moved to approve; Corbosiero seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, April 22, 2013 EXECUTIVE SESSION – Corbosiero moved to accept but not release; Blair seconded. By roll call vote of all aye, the motion carried unanimously.

COMMUNICATIONS: N/A

AGENDA ITEMS: N/A

ADJOURNMENT: With this being Selectman Corbosiero's last meeting, he moved to adjourn; Blair seconded. By roll call vote of all aye, the meeting adjourned at 9:19 p.m.

EXECUTIVE SESSION: Not held.

Respectfully submitted,

Linda Daigle
Executive Assistant