

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, JULY 8, 2013  
Town Hall, 2<sup>nd</sup> Floor Auditorium  
109 Front Street, Winchendon, Mass.**

Present: Robert M. O’Keefe, Chairman  
Keith Barrows  
Fedor Berndt

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

Remote Participation: C. Jackson Blair

Absent: Elizabeth R. Hunt, Vice-Chairwoman

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List of Documents Presented at Meeting:

- Proclamation – Linda Bevan (attached)
- Town of Winchendon Water Ban (attached)
- Winchendon’s Property Tax Work-off Program FY14 Announcement (attached)
- Use of Land License Application: The Winchendon School (filed)
- Liquor License Application - Transfer of Ownership: Lucky Dragon Restaurant (filed)
- Liquor License Application – Change of Manager: Toy Town Pub, Inc. (filed)
- Conservation Restriction – Noonday Farms (filed)
- Town Manager’s report (attached)
- Minutes for approval: (filed)
  - 2013: June 10<sup>th</sup> Regular Meeting; June 17th Special Meeting;
    - EXECUTIVE SESSION: Jan. 14, April 8<sup>th</sup> and June 17th
  - 2011: EXECUTIVE SESSION: Oct. 24, Dec. 12th

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Chairman O’Keefe called the meeting to order at 7:05 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.

*Announce Remote Participation:* O’Keefe announced that Selectman Blair would be participating remotely this evening.

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

**PROCLAMATION** – Linda Bevan: Selectman Berndt read a Proclamation honoring Linda Bevan for her many years of service to the Town of Winchendon and proclaimed July 13, 2013 as “Linda Bevan Day.” By roll call vote of all aye, the Proclamation was approved unanimously. All applauded Linda Bevan for her many years of service and for her dedication to the Town of Winchendon. She was not in attendance this evening but wished a happy retirement.

**PUBLIC COMMENTS AND ANNOUNCEMENTS:** None.

**SELECTMEN’S COMMENTS AND ANNOUNCEMENTS:**

O'Keefe reminded everyone of the Town election this Saturday from 9:00 a.m. – 1:00 p.m. and encouraged everyone to come out and vote for the six items on the ballot that are needed for the community.

Water Ban Reminder – O'Keefe reminded everyone that the Town's odd/even water ban is in effect. If your house is odd numbered you are allowed outside water usage on odd numbered days only and if you live in an even numbered home, you may conduct outside watering on even days only. Fines are \$25.00 and up for a violation.

Senior Work-off Program – O'Keefe announced and explained the Senior Work-off Program. There are thirteen spots available with six applications received so far. The Town Manager's office will be accepting applications until all slots are filled. You may contact the office for an application and for more information.

#### **BOARDS/COMMITTEES/COMMISSIONS:**

Parks and Recreation Committee – Diana Ringer and Laura Gaydos, members of the Committee, introduced themselves to the Board. O'Keefe asked them for an update. Ringer stated with their small budget they are able to have the Christmas Tree Lighting, the Easter egg hunt, and the summer concert series. They have decided to scale the summer concert series back four weeks and are planning on doing something in the fall with the 250<sup>th</sup> Anniversary Committee's Harvest Fair. They will be touching base with that committee. They are hoping to do something this winter as well. She welcomed all to attend the summer concert series beginning on July 26<sup>th</sup> with Dave LaPointe's Band and on August 2<sup>nd</sup>, Birds of Prey will be back. They are hoping to line up two more events this summer. The Committee is looking for new members, especially those with young families to bring something new. The Committee and the Board recognized Joyce Thompson for her twelve years of service on the Committee, serving as the Chair for quite some time. Ms. Thompson, due to personal reasons, had to step off the Committee. Ms. Thompson was applauded for her past service. O'Keefe thanked the two Committee members for coming in this evening.

Street Light Review Working Group Update – Mr. John Deline, Supt. of Public Works came before the Board on behalf of the Committee. Members in attendance this evening were Jack Blair (remotely), Tom Smith and John White. Deline stated they continue to make progress. A meeting was held on the 25<sup>th</sup> and another one will be held next week. They decided to use the CodeRed system to get the word out and reach more people. We have seventy requests for streetlights to date and hoped to get everyone's request by this Wednesday. The requests received will be matched up with those the Police Department recommends. Those lights will be turned on first. He informed them that some calls received asked for the streetlights not to be put back on but didn't want to be on a formal list. He stated there are more than four-hundred lights that are turned off and it is a big task. He's reached out to National Grid to see what lights are on our bill and they don't know. He holds no hope in getting information from them on which ones are supposed to be on or off. Deline explained a bit about looking at the lights and determining what needs more lighting. He plans on getting a list to National Grid after their meeting and said it depends on them how quickly the lights will be turned back on. Deline reported that five of the seventy request received are paying for the light themselves. National Grid hasn't been able to provide him with this list either because there is more than one street light list making it complex. Also, if you pay for a streetlight yourself, you can't illuminate the street, only your yard because if a resident is paying for a street light, it's a liability to them. Kreidler asked if you have an interest of a light turned back on, just call the office at 297-0085 or email through the town's website and include the street, pole number and public purpose. Deline stated this is a big task and his office is going through lists and correcting the database but wasn't sure if National Grid will be correcting their inventory. He believes National Grid's inventory is, optimistically, seventy-five percent correct. O'Keefe thanked him for the efforts and looked forward to getting some lights turned back on.

Blair wanted an understanding that if a street light is turned off that an additional light would be turned on. He thinks it is embarrassing to ask taxpayers to pay to have their own street light on. Deline asked those people paying for their streetlight to call in because National Grid hasn't been able to supply him with a list. O'Keefe mentioned that if there are lights going to be turned off, you will get notice. Deline mentioned there are lights on that we are not paying for. O'Keefe mentioned if those lights are turned off, we would have the opportunity in the future to turn them back on. There was mention of the CO2 emissions from street lights. Kreidler wanted to

make certain that everyone was on the same page and clarified that if a light is to be turned off, there will be an additional light turned on, so the net is a positive amount of lights turned on that there has been an appropriation. It could happen, he continued, that all the need is met and there is still money left in the appropriation. He stated he wouldn't, and hoped the Board wouldn't, want to just turn lights on just to spend the appropriation. O'Keefe stated he would hate to see lights turned on without the desire simply to spend money; it would be foolish and it's not his intention. Blair agreed. O'Keefe closed by saying if the Street Light Committee runs out of funds and if there are other lights needed, it could be addressed at that time. The Board thanked Mr. Deline and looked forward to hearing from him next month.

**APPOINTMENTS/RESIGNATIONS: N/A**

**PERMIT/LICENSE APPLICATIONS, HEARINGS:**

**PUBLIC HEARING: Use Of Land License:** The Winchendon School Underground Storage of Liquid Petroleum Gas Tanks – Blair recused himself from this agenda item due to his association with the School. The Public Hearing notice was read. Art Gagne from Eastern Propane and Mr. Mike Gromley, Director of Facilities for the School, were sworn in. Mr. Gagne informed the Board of the plans for the School in building a new dining hall, new cafeteria and the furnace to be converted to propane. They are looking to put in six 1,000 gallon tanks in the ground with a six foot fence. Mr. Gromley passed out a new drawing showing the six tanks replacing the plan they had received showing only three tanks. The increase was to plan for future needs. O'Keefe mentioned they would need Planning Board approval. Kreidler noted the Fire Department has signed off and approved. No abutters came forward when asked if they would like to speak. Barrows asked about any safeguards in place in case of a leak of propane gas. Mr. Gagne stated there is a hydrant and a problem would be detected by smell and a hissing sound. The tanks are underground and it was mentioned that there are six of them at the Memorial School now for fifteen years and there have been no issues. Berndt moved to accept the license pending Planning Board review; Barrows seconded. By a roll call vote of four ayes, the motion carried.

Amend Existing Use Of Land License dated Sept. 6, 2007 for The Winchendon School – O'Keefe stated this is just an address change to more appropriately list the address to be 67 Hatch Lane. Berndt moved change of address; Barrows seconded. By roll call vote of four ayes, the motion carried. Blair recused himself from this issue as well.

**PUBLIC LIQUOR LICENSE HEARINGS:**

Lucky Dragon Restaurant – Transfer of Ownership – O'Keefe read the Public Hearing notice into the record. Atty. Mark Goldstein and Chau Thai, the Manager of Lucky Dragon, were sworn in to tell the truth. Atty. Goldstein explained the business is just looking to transfer the license name individually into the corporate name which was set up in 2000. The family has been running the restaurant for fifteen years now. It's the same people, the same individuals. Berndt asked to explain the delay. Daigle stated she noticed during license renewal that the word "Inc." was included in the paperwork and discovered that this change had not been through the Board or the ABCC. Once Lucky Dragon was made aware, they acted to correct this omission, not knowing that needed to be done. They apologized for the delay. O'Keefe appreciated that they jumped on it right away and thanked the Executive Assistant for pointing it out. Barrows moved for the applicant, Berndt seconded. By roll call vote of all aye, the motion passed unanimously.

With consideration that the license fee has been paid through the year and that no material change other than the technical name of the business, Barrows moved the transfer be allowed with no additional fee to the Town; Berndt seconded. It was noted that the \$200 fee to the state would apply. With a roll call vote all aye, the motion carried unanimously.

Toy Town Pub, Inc. – Change of Manager – At 9:52 p.m. O'Keefe read the Public Hearing notice. Ms. Brenda Brewer and Atty. Richard Paris came forward on this application and were sworn in to tell the truth. Atty. Paris stated he was the Executor of the Estate of Sue LaBonte. Ms. Brewer stated she has been managing the Pub since Ms. LaBonte had been sick and since her passing and has worked there for seventeen and a half years. She

hopes to be able to purchase it with her husband and thought the first step is to become the official manager. Barrows moved that the Board vote in favor of the Change of Manager for Toy Town Pub, Inc.; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

#### **BOARDS/COMMITTEES/COMMISSIONS (Cont.):**

Library Trustees – Update: Ron Muse, Cindy Darcy, and Suzanne Radar, members of the Library Trustees, came before the Board. Chairman Muse thanked the Board for letting them come before them this evening to speak of the project in making the library more accessible with an elevator. He invited the library’s architect, David Pollak, to come before the Board with his short presentation on the needs of the library, specifically plans to make the library handicapped accessible. Mr. Pollak gave a brief history of some of the schemes thought of in the past and the current schemes by Abacus Architects. They are hoping funding will be available through the Community Development Block Grant (CDBG) and has been working with Gerry White, the Town’s Grant Administrator. He explained the types of projects that would be and not be funded by CDBG regarding barrier removal projects. He then presented a PowerPoint presentation of what he had come up with and informed the Board he had bid ready plans and specs for the CDBG application. He spoke about DHCD and Mass Historic Commission and a ruling in November permitted the old brass door knobs and the staircase to be left as is but there were three other conditions needing improvement; a portable chairlift, code compliant handrails on the front stairs and to vary the existing layout of the stacks. He showed the latest drawing that was approved reducing three bookshelves.

That’s where the project is, he stated. The price tag from our cost estimator includes two handicap spaces, the walkway, the lighting places, the lighting, the entrances, the elevator, the bathrooms, and a the small ramp down to the future children’s area and then putting the plaster back together is \$698,000. That’s a challenging number for the Town to come up with. The CDBG application limit is \$800,000 for a single project or \$900,000 if you have more than one project in your grant application. He said it’s good to included more than one project in your application because it gives the Town points. The challenge for you is between the library trust funds and any other monies the town can come up with and how the town configures their CDBG. How can all of this work, he inquired.

The Town’s Librarian, Julia White Cardinal, came forward and she wanted to correct one thing that Mr. Pollak wasn’t aware of because he was on vacation. She mentioned she appealed the decision regarding the stage. The stage is rarely used as a stage; it’s more of a table. They agreed to the waiver if the library Board of Trustees created a policy that it would not be used as a stage if any participant couldn’t access it. That was done so we will save money with not needing a portable lift. We also filed an appeal to keep the stacks as they are but feels they will go forward with the altering of the stacks making provisions for handicapped users.

Gerry White, Grants Administrator, was asked to come before the Board. He stated it is imperative that there are combined projects when applying for the CDBG. To be competitive you need to put in at least two projects. We will get five bonus points, not two. He said that it makes it difficult with a \$900,000 project you are going to spend approximately \$150,000 on soft costs. He has not gone through this budget, but it is a lot higher than he had thought and he is not confident with it because it needs to be put together in a way that it will go through and be approved. The architectural oversight of the project, not knowing if it would be covered by the Library Trustees or by the grant, is an allowable expense. The preliminary design and bid specs have to be done completely and ready to be handed out prior to the application otherwise they won’t even look at it. He wanted to go over the design a bit more knowing DHCD likes leaner designs. The five bonus points on multiple activities are imperative. The challenge is to get this down and looking at other funds. He has seen these types of projects run \$300,000-\$400,000 which he can do. He needs multiple projects and likes to use Housing Rehab to help low to moderate income people. He generally does five to seven Housing Rehab projects with each grant at \$35,000 apiece. Community involvement is needed for the grant showing public meetings and he would have liked to have been made aware of this meeting earlier so he could have used this as a public hearing which is part of the requirements of the grant. The biggest issue will be the budget.

Kreidler said there is a need for a public library and access to the library. There is a want to continue to have an excellent quality library and make it accessible. Getting the price, it gets to be difficult. Say we have \$900,000, back out \$150,000 for soft cost, that leaves us with \$750,000 which we have to do two competitive projects which without would be an effort in futility. Use \$150,000 in Housing Rehab and now we are down to \$600,000. Best case scenario, of the scope we have seen with Mr. Pollak's and the Library Trustee's presentation, much of their credit, they have had to balance between what is appropriate architecturally, what is appropriate culturally, but what is realistic financially. Where do we get to that \$600,000? There are funds from the Trustees that they have brought, funds they want to save some of; but how do we get \$697,000 down to \$600,000. We are at a full stop without that.

There was some discussion on how to apply to CDBG and their reluctance to fund barrier removal projects. Pollak wanted Gerry to review the documents because he's taken a lot of barrier removal elements out of the design already. In good conscious, Pollak stated he couldn't lower his cost. He stated an independent cost estimator came up with the \$697,000 and that he's concerned more about being on budget with time passing and not with it being padded. It's a question about looking about ways to economize with this design and looking to build a budget up from whatever sources are available.

O'Keefe stated he supports the library barrier removal project 100%. He explained the \$150,000 soft costs go towards funding the Planning and Development office. If we don't get the grant, we still need the personnel in the Planning and Development office. Mr. White has expertise in this field and has been able to get grants that we never thought we would. Over and above supporting the barrier removal, we need to support a grant that will be funded or we will not get the grant. Mr. White has an expertise and skill set that is desperately needed here. You have to let us know if it can't be done at a certain dollar amount because if we put in an application that makes people happy but doesn't get funded, that harms us. We have to get an application in that gets funded.

Kreidler pointed out that we need to do a better job at communicating. Close communication is needed in how we get this number within Gerry's comfort level, within the Trustee's level of need/want and in a fashion that gets it funded. DCHD also is legendary for having favorite types of projects which come and go. He hasn't looked at the last round but knows barrier removal has gone out of favor in recent years. That shouldn't dissuade us in tackling something that is needed. We need to make certain whatever funds are available are brought to bear. He would like to see how that \$600,000 is broken down and if Gerry thought it was appropriate. He stated he would do a better job communicating.

Mr. White stated he doesn't have a number with the grant amount not being released. He wants to take the grant down to its elements that he can fund. In addition to the soft costs there are other costs that will be incurred, like the Clerk of the Works, estimated at \$35,000. Adding money other than the grant source is looked upon favorably. Kreidler asked what other funds may be available from the library, the Trustees. The Librarian, Julia White Cardinal, stated they are using funds from the bequest from the late Bertha Churchill. We've spent \$25,000 for the feasibility study, another \$40,000 for the plans so far and we wanted to have money to work on the children's room, the bathroom, a bicycle rack and grass steps in the back. Also, she said not covered in the \$697,000 is the Clerk of the Works and the Architect's oversight costs. She quick figured an amount of around \$400,000 was left in the bequest money. Some of it was used for roof and heating system repairs. The original bequest was over half a million. She stated they also have gift money from George Beals who gave the library a gift of stock that's been built up over the years. She wanted to put this aside for unexpected project costs. The Beal's fund would be another \$50,000.

There was some discussion of funding from the Robinson and Broadhurst Foundation. Julia was looking to seek a grant to help with additional work with the children's library in the future and stated that they have helped fund some drainage work they had done. Kreidler said before we get to the grant submission, he thought there would be great value of having a peer review done for the cost estimating. Julia inquired how to do this peer review with the bid ready specs that have been provided. With the conversation lasting over an hour, O'Keefe asked that it

continue between the Architect, the Librarian, Gerry White and the Town Manager and report back to them in September.

#### **NEW BUSINESS:**

Conservation Restriction – Noonday Farms – Jay Rasku from Mt. Grace Land Conservation Trust came before the Board on this Conservation Restriction (CR). He explained that Mt. Grace helps landowners to conserve land. He said he has been working with Beth Ingham and Bob Jennings, the Farm Managers of Noonday Farms off of Windsor Road. They have been producing organic food and running educational workshops for the community for a couple decades now. They have produced 6,000 pounds of free organic food to Winchendon and Gardner residents. He is working with them to put a CR on the 18.5 acres of property. He is here for any feedback the Board may have and to seek the Board's sign off as required by the state. The CR will be held by Mount Grace; Noonday Farm will own the land in fee. He asked the Board to execute the document. He stated the Conservation Commission is supporting this project. Barrows moved that the Board vote to approve the Conservation Restriction of Noonday Farms, 96 Windsor Road of Winchendon to Mt. Grace Land Conservation Trust; Berndt seconded. By roll call vote of all aye, the motion passed unanimously and the document was executed.

Authorized Signatures Designation for Bills/Invoices - O'Keefe explained the Accountant is seeking who is approved to sign bills/invoices of the Selectmen's budget. Barrows moved to designate the Town Manager; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

Worcester County Selectmen's Association – Blair thought we should join and so moved; Barrows seconded. By roll call vote of all aye, the motion carried unanimously. O'Keefe was chosen to be the voting member.

#### **OLD BUSINESS:**

#### **TOWN MANAGER'S REPORT:**

1. Personnel Updates:
  - (a) Board of Assessors - Kreidler informed the Board that the private company, Regional Resource Group, began work this week and that GIS services will commence soon.
  - (b) Public Safety Dispatcher – Barrows moved to affirm the appointment of Rebecca Wood; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.
  - (c) Public Works – Berndt moved to affirm the appointment of both Operator 1 candidates Leonard Tenney and Albert Gallant; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.
- 2) Financial Updates – None.
- 3) Project Updates:
  - a) Route 140 – Kreidler informed the Board of a pre-construction conference on Tuesday, July 2 at Mass D.O.T. in Northampton and informed the Board on the preconstruction timeline and the work to be done. The road will remain open but delays should be expected. Pedestrian comments were offered at the meeting and some additional information will be provided.
- 4) Miscellaneous Updates:
  - a) Special Election Ballot – Kreidler informed the Board that Article 4 was an error on the printed ballot for the Special Election. It pertains to the Water Dept. truck that was voted at town meeting as a regular purchase and not as a debt exclusion. According to Town Counsel it has no independent legal authority.

#### **MINUTES:**

Monday, June 10, 2013 Regular Meeting - Barrows moved to approve; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, June 17, 2013 Regular Meeting – Berndt moved to approve; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

Monday, June 17, 2013 EXECUTIVE SESSION - Berndt moved to approve only; Barrows seconded. By roll call vote of all aye, the motion carried unanimously.

**EXECUTIVE SESSION MINUTES FOR RELEASE:**

October 24, 2011 – Barrows moved to release as they are no longer privileged under the Open Meeting Law; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

December 12, 2011 - Barrows moved to release; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

January 14, 2013 - Barrows moved to release as reason previously stated; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

February 11, 2013 – Hold, Executive Session privilege still applies.

March 25, 2013 - Hold, Executive Session privilege still applies.

April 8, 2013 – Barrows moved to release; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

April 22, 2013 - Hold, Executive Session privilege still applies.

**COMMUNICATIONS:** N/A

**AGENDA ITEMS:**

Next Meeting Scheduled for August 12, 2013 – Consideration to Re-schedule (Not discussed.)

**ADJOURNMENT/EXECUTIVE SESSION:** Barrows moved the Board move into Executive Session under Exemption No. 2 to discuss strategy sessions in preparation for negotiations with non-union personnel and No. 6 to consider the purchase, exchange, lease, or value of real property and to reconvene in Open Session for the sole purpose of adjournment. The individual name under Exemption No. 2 is the perspective Town Accountant Donna Allard and the particular property for consideration is the courthouse as a Police Station. The Chair so declared that an open session may have a detrimental effect on the negotiating position of the public body. Berndt seconded the motion. By roll call vote of all aye, the Board entered into Executive Session at 9:21 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant