

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, SEPTEMBER 9, 2013 7:00 P.M.
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, MA**

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

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

List of Documents Presented at Meeting:

- Proclamation – Beal Memorial Library 100th Anniversary (copy attached)
- Pole Petition – North Ashburnham Road (filed)
- Letter dated 8/30/13 from Supt. Steven Sharek, Montachusett Regional Vocational School regarding Stabilization Account support (attached)
- Letter of Interest from Dr. Grout regarding appointment to the Cultural Council (filed)
- Permit/License Applications:
 - Entertainment Permit: Immaculate Heart of Mary Church Car/Motorcycle Show and Chicken Barbeque for Sept. 15, 2013 (filed)
 - Special One Day Liquor License: Immaculate Heart of Mary Church for Sept. 15, 2013 (filed)
- Community Development Strategy (attached)
- Draft Letter of Response to Inspector General’s office regarding their letter dated 8/22/13 (attached)
- WRA letter of interest pertaining to 0 Hall Rd. First Right of Refusal (attached)
- Town Manager’s Report (attached)
 - Resume of Tracy Murphy (filed)
 - Resume of Debra Skinner (filed)
 - Resume of Ashlyn White (filed)
 - Memo from Town Manager to the Board on behalf of the WRA regarding 0 Hall Rd, First Right of Refusal (attached)
- Minutes for approval:
 - Monday, August 19, 2013 Regular Meeting (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.

Disclosure of Audio/Video Recording: No one announced they would be audio recording the meeting this evening when asked by the Chairman.

SELECTMEN’S COMMENTS:

PROCLAMATION – Beal’s Memorial Library 100th Anniversary - O’Keefe read the Proclamation honoring the library for its many years of service to the Community and proclaiming September 2013 as Beals Memorial Library Month. Blair moved to approve the proclamation; Berndt seconded. By a vote of all aye, the motion carried unanimously. O’Keefe stated he would be presenting it to the Library at their upcoming celebration.

VETERAN'S AGENT ANNOUNCEMENT:

Scott Gauthier – Unveiling of World War II Monument – Our Veteran's Agent, Scott Gauthier, stepped forward and informed the Board that finally the World War II Monument was going to be unveiled. He invited the Board to attend the ceremony on Saturday, Sept. 21st at 11:00 a.m. in Legion Park. He also invited them to be their guests between 10:00-10:30 a.m. at the Winchendon Historical Society, along with the Robinson-Broadhurst Foundation members and our World War II veterans. He stated they still had a lot of leg work to do but are ready to go. Parking was being addressed with the Police Dept. Coleman Nee, Secretary of Veterans' Services, would be the guest speaker and Chairman O'Keefe was asked to speak as well. They will be recognizing 1,105 names of individuals that are on the back of the monument that served in World War II. Names will be read of the twenty-six members of the community that didn't come back. O'Keefe stated he would be happy to speak at the ceremony.

PUBLIC COMMENTS AND ANNOUNCEMENTS: None.

POLE PETITION PUBLIC HEARING:

With the time being after 7:05 p.m., O'Keefe opened the Public Hearing by reading the notice for the Pole Petition for North Ashburnham Road. Don Walters, of Nexamp, the developer, contractor and company for this project, came forward to address the Board. He was sworn in by the Chairman. He explained Verizon is putting up just one pole as an upgrade for the solar facility being built. He stated he was not the petitioner, Verizon is but wanted the Board to know that this is what all the solar farms do. Verizon was not present and no one else stepped forward when asked if they wanted to speak. O'Keefe closed the hearing at 7:11 p.m. Blair mentioned no abutters have stepped forth to address the pole petition and moved to approve the order; Berndt seconded. By a vote of all aye, the motion was unanimous.

TOWN ACCOUNTANT:

Welcome new Town Accountant – Donna Allard, the new Town Accountant, was welcomed by the Board. It was explained that she had to start her position here with us without the benefit of any training. It was planned that the retiring accountant would work with her for a month but has been unable to. A couple people from other municipalities have come in to help which we are grateful for. Allard stated she is still happy to be here and will make their way through. That is her intention and she is committed to see it through. She invited the Board to come by and say hello. Hunt told her she was very happy she was here especially with the situation. Allard replied you have to roll with what is dealt with you, sometimes you can't control what happens, you deal with what you have to and keeps the integrity of the office as her goal. She was thanked for coming in this evening.

BOARDS/COMMITTEES/COMMISSIONS:

Library Trustees/Director of Development - Project Update: Director of Development Gerry White came forward to update the Board. He has conversed with the Architect, Dave Pollack, through email, reviewed the plans as submitted eliciting the assistance of the Building Commissioner, Mr. Blanchard, to look at some of his concerns to make sure they were not going to spoil the support of the structure or anything of that nature. What he looked for was anything that wasn't necessary for accessibility so as not to risk CDBG funding. He emailed the Architect with his list. He responded that they are logical choices to reduce the cost but wanted to speak with the Library Trustees because it was what they had wanted to go in there. There was some discussion on reducing the current cost by eliminating elements that can be done later on and keeping the barrier removal items, the elevator shaft and handicap bathrooms in. It was also discussed the possibility in holding off and apply for the FY15 grant where the amount awarded could be up to \$900,000.

Another item, Mr. White, wanted to bring forth is that in any application, the chairman has to sign certain certifications. One of them is signing that the funds we are applying for are not replacing funds that already exists. Knowing that funds exist, the project has to come down. This is a barrier removal project, not a remodeling project. You'll have to feel confident that we are not replacing funds. It needs to come down to bare bones, handicapped elevator, handicapped bathroom, handicapped door knobs, countertops and stuff of that nature. Things that he has asked to be reviewed by Mr. Pollack is the big window at the front of the new entry

way and the balcony. O'Keefe explained the project we are talking about is the removing barriers at our library. Currently the library is not handicap accessible and there is a desire to have it accessible. O'Keefe asked the Town Manager about other funds that are available. Kreidler replied there are no general government funds available but Trust funds have been donated to the library for this purpose. He recapped a couple months ago the meeting the Selectmen had with Gerry, the Grant Writer, the Architect and the Library Trustees. We went away from that meeting that the project scoped out by the Architect and supported by the Library Trustees is roughly \$700,000. That was too big for the \$1,000,000 grant that we put in for and now it is clearly problematic when we are looking at \$400,000 for the funded CDBG grant. Simply put, the Trustees and the Architect either need to work with Mr. White and get it barebones to \$250,000, \$275,000 to put in just the access issues and do the rest later through other funds in their possession or perhaps looking at what the Architect has recommended and doing the project in FY15 when our capacity goes back up to the \$900,000-\$1,000,000.

Further discussion and explanation of the grant process occurred.

Kreidler wanted it to be clear on the record that they are not doubting the judgment of the Architect or the wisdom of the Library Board of Trustees; they know what is best for this building and know what they wish for this building to look like for the next 100 years. The designs are beautiful and they are functional; the window large, serving function of letting light in, the balcony does allow for people on the floor to see who people coming from down below. We are not doubting the judgment of anybody, we are saying as a matter of practicality, this pot of money will not look favorably on this large application.

Members of the Board of Library Trustees came forward. Ron Muse, the Chairman, stated he has to look more closely at the recent communications between Gerry and the Architect and for the Board to meet to discuss. They discussed a date that they could meet.

Julia Cardinal White, the Librarian, stated she wasn't aware that CDBG would fund the project at a specific amount for handicapped accessibility but if the library had \$450,000 to put forth in the project they wouldn't want them to use their money in any other way to enhance the building. The library has served the public for a hundred years and a real obstacle is the stairs. We need an entry that doesn't have stairs. The Trustees wanted something that looked good, went with the building and that the library deserved this.

O'Keefe said we have to try and fit what the library needs and what the grant funding will support. Kreidler offered a linear way of answering; if we know that doing just the accessibility portion that is eligible to be funded means the other things next year cost this much more, how much is that much more; and is it more than the \$250,000 that is available to do the accessibility issues today. If it is going to cost more than that or less than that, that gives us guidance.

O'Keefe stated he wasn't going to sign a document stating we don't have funds, if we do. Kreidler explained generally that question can be answered "is there an appropriation that has been made by the Town for this building." We can say, no there is not; but in all honesty and disclosure we can say however there is this \$450,000 bequest, but that is not something that we can dictate to the Board of Trustees.

Kreidler added that we have not had a discussion about Town Meeting funds being brought to bear for this project. Is their value in having a discussion in the Capital Planning Committee? O'Keefe stated he would address it at their next meeting being on the Committee and also mentioned we will be having a Fall Town Meeting soon. It was concluded with the Library Board of Trustees agreeing to meet with Mr. White to further discuss.

Montachusett Regional Vocational Technical School - Request for a Stabilization Account – Supt. Steven Sharek introduced himself along with the Business Manager, Tammy Lajoie, the School Committee Vice-Chair, Barbara Reynolds and in the audience Burt Gould, Winchendon's representative on the Committee and Austin Cyganiewicz, Winchendon's school's student representative. He briefed the

Board on the enrollment process and the achievements of the students of the School as well as the big initiatives at the school involving a \$10.7 million dollar project. It's named "Performance Contracting Project" and is funded largely through energy savings generated through the project and will consist of roof and roof top unit replacements, installing a new boiler system, upgrading lighting, etc. It will be paid through savings generated through the project. He spoke of other projects as well and mentioned the numerous projects in Winchendon that have been worked on by the School, mentioning that Mr. Gould is a strong advocate for the Town.

Supt. Sharek explained the Stabilization Account request. He said they need ten affirmative votes from the School District to establish a Stabilization Account. They have that number now and will do it in FY15. He said Winchendon did not place the vote before Town Meeting and they were here tonight in hopes the Town would join in and support this creation of a Stabilization Account. Discussion was had on how capital improvements were done in the past at the school. The Superintendent explained the process of getting votes in the affirmative from each community. The process to put money into the capital improvement account was explained by Ms. Lajoie. She stated it can only be put in through the budgeting process. The Financial Planning Committee would have to approve putting any amount in the budget process. It would be a separate account housed outside of the regular general fund regular money. Once that is approved, it then goes before the School Committee, and it would be put before each community. A report would be given to each community annually. All expenditures would go through the School Committee and would require a two-thirds vote to spend money out of it or even put money in it. There are twenty-two people on the Committee. She explained the Capital Plan process.

Ms. Lajoie gave the Board an example of what the costs to the Town would be. She said the Winchendon capital percentage is .0661. If we were going to put in \$25,000.00 into this stabilization account, Winchendon's amount would total a \$1,652.00 assessment. She said, putting it into perspective, the Town of Petersham's might be \$500.00. She also pointed out that they have a rainy day fund, what they call excess and efficiency, and additional revenue or savings goes into it. The School Committee has committed to using most of those funds annually to offset member assessments. The balance July 1, 2012 was \$485,000; \$350,000 was approved to offset assessments leaving only \$100,000 for our rainy day fund. They realize the economic climate and want to keep the regional assessments as low as possible. Ms. Lajoie explained the difference in numbers between what the Governor's numbers were and the final numbers from the state legislature were for the Town's assessment that came out finally in July. The difference will be included with the FY15 assessment. They did not want to come back to the Town's who have already set their budgets for the year. O'Keefe felt they are a good steward of the communities funding. Mr. Gould was asked for his opinion. He stated he voted against it and still is.

O'Keefe feels the dollar amount is relatively small for Winchendon and it would ultimately save money and has changed his decision. He motioned asking the Board to support an article on the Fall Town Meeting instructing the Town Manager when the warrant is open to enter this article to approve and request a creation of a Capital Stabilization Account. The motion was not seconded.

Kreidler offered a comment of caution given the fact that a Capital Stabilization Account exists, it is dangerous to him as a proposition to ask an open town meeting, as a community, if they like it or not knowing that it doesn't matter. He feels it would potentially engender some ill will.

O'Keefe commented they had changed at least one Board member's mind and thanked them for their time.

APPOINTMENTS/RESIGNATIONS:

Cultural Council Appointment – Coral May Grout, Ed.D. – O’Keefe read Dr. Grout’s letter of interest to the Board. Blair moved for the appointment; Barrows seconded. By vote of all aye, the motion carried unanimously.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Entertainment Permit – Immaculate Heart of Mary Car/Motorcycle Show & Chicken Barbeque, September 15, 2013 – Mr. Don Cuomo came forward representing this application. Blair moved to approve; Berndt seconded. By vote of all aye, the motion carried unanimously.

Entertainment Permit – Immaculate Heart of Mary – Special One Day Liquor License, September 15, 2013. Blair moved approval; Berndt seconded. Barrows asked if the maker of the motion would agree to three one-day liquor licenses for the purpose of obtaining the alcohol from a local distributor and then returning the unused stock. Blair approved; Berndt agreed. By vote of all aye, the motion as amended was unanimous.

OLD BUSINESS:

0 Hall Road – First Right of Refusal: Winchendon Redevelopment Authority – Realtor Penny Maliska and Bud Fletcher came before the Board on this issue. Representing the Redevelopment Authority this evening were Beth Hunt, Gerry White and the Town Manager. O’Keefe explained the matter of the First Right of Refusal from the last meeting and that a letter of interest had been received by the Redevelopment Authority. Ms. Maliska explained over the course of the week it was learned that this property would not be coming out of Chapter 61 and the First Right of Refusal process should not have been initiated and they were before the Board to see what could be done. The Town Manger explained the process couldn’t be stopped but that the Board could waive the First Right of Refusal. Blair moved to waive their First Right of Refusal based on the testimony and the information received from the Town Manager and the Realtor today; Hunt seconded for conversation. Berndt asked if we had anything vested in this. The Town Manager explained the Redevelopment Authority had a partner teed up with a far more complicated transaction if this were to go forward but if its not to go forward it hasn’t cost us any money. Mr. Fletcher was asked on his preference and he replied he would like the Selectmen to waive their First Right of Refusal. By roll call vote of Berndt aye, Blair aye and O’Keefe aye and no response from Hunt or Barrows, the motion carried by majority vote.

NEW BUSINESS:

Community Development Strategy (CDS) Meeting – Development of Director, Gerry White, came forward and explained the CDS process which requires public meetings and the community at large being the source of information and decision making regarding the priority list and the target area. The Planning documents are pulled together to form this document. He explained the document before them tonight was from last year and it will be changed as we get into the process and have their meetings to get it ready for the FY14 grant application. Mr. White spoke a bit on the activity list and the target area in the document. There was discussion on the documents used, the Master Plan, the Open Space Plan, etc., being reviewed and updated more often than it currently is and the resources that would be needed. Kreidler offered that in his report he will be informing the Board of the appointment of a Planner and that the Master Plan was already a discussion they had. White explained how specific areas are targeted through the meetings and the requirements of the grant application which are to meet the needs of low and moderate income families or to eliminate slight and blight. Mr. White announced that there would be future meetings. Kreidler stated you will see in the next iteration of this document that the Chairman of the Board eloquently stated that these documents were stale and that it would be more meaningful if they were more accurately represented what the communities vision was today and we were happy to say at the very same meeting that we appointed a Planning Director whose specialty is envisioning and long term master planning. O’Keefe suggested a spreadsheet of each project with what the expected score would be would be helpful in viewing. Kreidler offered getting the information on the Planning and Development webpage of what the scoring looks like and offered to get more information out there about this process as it goes along. Mr. White was thanked for his attendance.

Letter of Response to Inspector General's letter dated August 22, 2013 – The Board discussed the current letter received from the Inspector General regarding an Open Meeting Law violation and the response drafted by Town Counsel. They offered their dismay at the past requests of the Inspector General the Town had to respond to and the wasted dollars and manpower. Nothing has been found, stated O'Keefe, and the Inspector General didn't even follow the Attorney General's complaint process. Blair emphasized that the cost to respond to these complaints sometimes tallies up to more than the complainer is concerned about. In this instance, we spent \$40,000 in numerous hours responding to a letter after which, apparently we are unfounded. Blair moved to commend Town Counsel for the letter they have drafted and shown to them and approve it being sent; Berndt seconded. Blair added the letter be made available to the public. O'Keefe asked about considering amending his motion to include the signature block for the Selectmen. Blair amended his motion to join Counsel in sending the letter; Berndt seconded. Hunt expressed her frustration of the 200 plus hours put into this and also wanting to learn from these state agencies. There was some discussion on the procedure to be followed that wasn't by the Inspector General's office and how their investigation since 2012, according to O'Keefe, should be the definition of "waste in government." Kreidler offered his frustration that instead of having an indication of what the problem or question is, you have a blank slate of what the issue or concern is. It would be helpful going forward, if you have a concern, bring it to that Board to address it. If it can't be addressed to their satisfaction, then pursue other avenues that are available to you. Even at the state level, let us know what is being sought. We are spending hours and hours of time and tens of thousands of dollars in taxpayers' resources responding to a vacuum at an unknown question. It is wasteful. O'Keefe stated the IG cannot force us to reply to their responses and we should look at what we have spent in the past couple years and if we get another request in, he would call a meeting and they could decide if they wanted to respond or they could send a letter stating their request is too broad and we as a community cannot afford to spend another \$40,000. The IG could forward to the Attorney General who could take us to court. The IG would have to respond and tell us why they want that information. Then maybe the individual involved would be made public. By vote of all aye, the motion carried unanimously.

TOWN MANAGER'S REPORT:

1. Personnel Updates-

- a. **Board of Assessors-** Kreidler reported the new GIS and property card web application is up in test format with still a bit of GIS text conversion work to be done. The public will have access to the Town's property maps and cards from anywhere in the world with an internet connection hopefully within thirty days.
- b. **Board of Assessors-** Kreidler announced his appointment of two people from Regional Resource Group to fill two of the vacant seats on the Board of Assessors, Harald Scheid and Jeff Reynolds. They are currently providing us our Assessors services. Berndt moved to affirm the appointments of Harald Scheid and Jeff Reynolds to the Board of Assessors; Barrows seconded. By vote of all aye, the motion carried unanimously.
- c. **Town Hall Positions-** Kreidler announced the following three positions.
 - **Planning Agent (20 hrs.)-** After a review of the resumes and interviews conducted by John White, Planning Board Chair, Gerry White, Director of Development and himself, Ms. Tracy A. Murphy of Petersham was appointed. He stated this was Tracy's second career. She has gone back to school to receive her Bachelor's and Master's degree in Landscape Architecture. She is a big planner, a big thinker. The hours were discussed and Kreidler informed them it was a budgetary issue and hoped with the approval of the CDBG grant that money would be available to increase the hours for this position if necessary. Berndt moved to approve; Blair seconded.
 - **Assistant Town Clerk (20 hrs.)-** After a review of the resumes and interviews being conducted by the Town Clerk, Judy Ruschioni, and himself he has appointed Debra Skinner of Winchendon. Judy felt very strongly about Ms. Skinner and he found nothing

but positive about her. Barrows moved to affirm; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

- **Floating Clerk (37 hrs.)-** Kreidler reported after a review of the resumes submitted, and interviews being conducted he has appointed Ms. Ashlyn White of Winchendon. He said the bulk of work will be done in the Building Dept. It was the Building Inspector's view, as his, to take a candidate that has a good building block of skills, has intellect, has computer skills and initiative and train them to do this strange job in the building office rather than have someone from another municipality. The thought is that it is harder to train someone who has worked somewhere else and set in their ways. Ashlyn is out of college, possesses computer skills, has drive and initiative. Barrows moved to affirm; Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

2. Financial Updates-

- a. **Year End-** Kreidler reported our new Town Accountant, Donna Allard, has been experiencing the proverbial "baptism by fire" since starting with us referencing her beginning without the benefit of working alongside our longtime and retiring Town Accountant Charlotte Gallant. She's under a great deal of stress and we are doing everything we can to equip her with outside assistance and internal support. She's doing a great job and we are happy she is still coming in each day.

3. Project Updates-

- a. **Police Station-** Kreidler read from his report regarding the future new Police Station and the hazardous materials testing performed at the former Winchendon Courthouse. He reported the study was performed by our Town on-call engineering firm, Tighe and Bond, and as expected based upon earlier studies, there were several areas in which asbestos or asbestos containing materials were located. He reported that as of last Thursday the owner's contractors finished the remediation work and that we have our agent going back in for compliance retesting next week. The target closing date is set for the middle to the end of next week and is still being finalized between the respective counsels. One outstanding issue he informed the Board was that there were a couple areas not accessible to our contractor at the time, specifically under ceramic tile or under carpeting, including the wood floors beneath, that would have required demolition. Not wanting to rely on a document from a previous contractor that is now decades old certifying that there is no asbestos on the second or third floors or our belief there is nothing there, we've constructed a hold back from the proceeds of the sale. If that money needs to be spent within a defined time period, it is available. The estimate is around \$15,000 in remediation if every square foot had to be removed. We've multiplied by one and a half and that is the agreed upon hold back provision amount to be put in escrow.

Kreidler informed the Board about another issue that has come up in the last week. Town Meeting authorized \$2.75 million for the Police Project. Six weeks ago, knowing closing was imminent, Bond Counsel was contacted. The process is in the works but it has been determined that they won't be able to issue Bond until sometime in the next two weeks. There is a possibility that we are ready to close but not able to pay the check because the Bond hasn't cleared. After discussions with the Town Accountant, Town Treasurer and Town Counsel, it has been suggested to do an internal borrowing from our Stabilization Account. This has happened in the past, he explained. After discussions today, he is before them tonight asking for their support, if needed, if the Bond proceeds have not cleared, to do an internal borrow, a revenue anticipation note in-house against our Stabilization Account. Barrows inquired about the amount. Kreidler recommended \$850,000 for the closing costs and for additional costs the project has incurred. Hunt moved to authorize the borrowing not to exceed \$850,000. Berndt seconded. By roll call vote of all aye, the motion carried unanimously.

- b. **Route 140-** The Town Manager reported on the project of resurfacing and safety improvements to the section of Route 140 from the Gardner city line to the intersection of Teel Rd. I am advised that the project is well ahead of schedule and is hoping to be completed before winter.

4. **Miscellaneous Updates-**

- a. **Hall Road Right of First Refusal-** Kreidler stated we have already disposed of this earlier this evening but wanted to close the loop. In short, what happened, he explained is that they asked a question that gave a certain response from us that started this whole process. Had they not asked the question the way they did, we would have not had the discussion of Right of First Refusal. They couldn't pull it back automatically but you can make it go away by granting a waiver of Right of First Refusal. End of the day, that land is held exactly as it has and the seller has the sale that he wanted. He did commend the Redevelopment Authority for how quickly they had mobilized and how creative they were.
- b. **Municipal Electrical Aggregation-** Kreidler reported there is still one matter that is specific to Municipal aggregation still awaiting ruling from the Attorney General's office. As such, we remain in a holding pattern. He will advise once the final piece is addressed and when he believes he can roll out the program to the benefit of our local electricity users.

MINUTES:

Monday, August 19, 2013 Regular Meeting – Berndt moved to accept the minutes as written; Barrows seconded. By vote of all aye, the motion carried unanimously.

COMMUNICATIONS: N/A

AGENDA ITEMS: N/A

ADJOURNMENT: With no Executive Session being held this evening, Blair moved for adjournment. Barrows seconded. By vote of all aye, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant