

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN AGENDA  
MONDAY, JANUARY 13, 2014  
4<sup>th</sup> Floor Robinson-Broadhurst Conference Room  
Town Hall, 109 Front Street**

Present: Robert M. O’Keefe, Chairman  
Elizabeth R. Hunt, Vice-Chairwoman  
C. Jackson Blair  
Keith Barrows  
James M. Kreidler, Jr., Town Manager  
Linda A. Daigle, Executive Assistant

Absent: Fedor Berndt

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List of Documents Presented at Meeting:

- Winchendon’s 250<sup>th</sup> Anniversary Committee:
  - Kick-off Bonfire and Pig Roast - List of Upcoming Events flyer (attached)
- Race Permit Application – Max Performance 8<sup>th</sup> Annual Mass. State Triathlon (filed)
- Confirmatory Deed – 60 Franklin St. (attached)
- Letter of Support – MRPC Application to EPA FY14 Revolving Loan Fund Grant (attached)
- Town Manager’s Report (attached)
  - STM/ATM Calendar (attached)
  - Indirect Cost Agreement effective 7/1/2005 (attached)
    - Email request from Town Manager to SC Chair, FC Chair, BOS Chair regarding review of agreement (attached)
  - Recommendation letter to award the Owner’s Project Manager to CDR Maguire (attached)
  - Draft letter of response to the Inspector General regarding Procurement of Site for New Police Station (attached)
- Minutes for approval:
  - Monday, November 25, 2013                      Regular Meeting
  - Monday, December 9, 2013                      Regular Meeting (Passed over)
  - Monday, ~~December 9,~~ Nov. 25 2013 EXECUTIVE SESSION (Passed over)
  - Monday, December 16, 2013                      Special Meeting
  - Monday, December 30, 2013                      Special Meeting at Special Town Meeting

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Chairman O’Keefe called the meeting to order at 7:02 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:** Hunt commented on the nasty fire that had recently occurred saying that everyone in the family was safe. She congratulated the Police Dept., Fire Dept. and anyone else who was involved.

**PUBLIC COMMENTS AND ANNOUNCEMENTS:**

State Representative Jonathan Zlotnik announced he would have office hours on Saturday, January 25, 2014 from 10:00 a.m. -11:30 a.m. at Beal’s Memorial Library. Additional office hours and further information is available on his website [www.jonzlotnik.com](http://www.jonzlotnik.com) or on his Facebook page.

**BOARDS AND COMMITTEES:**

Winchendon's 250<sup>th</sup> Anniversary Committee – Janet Corbosiero and Cindy Darcy came before the Board to announce the Kick-Off event on Saturday starting at 6:00 p.m. with a bonfire, pig roast, dance and ugly sweater contest. She said the pig roast has sold out but to come and enjoy the bonfire, dance and ugly sweater contest. She mentioned a large 8' thermometer in front of 117 Central St. We are tracking the sale of the legacy bricks and spoke about the brick program. Ms. Darcy showed a sample of the brick that can be purchased to be put in front of Town Hall in memory or in honor of someone. They need to sell 946 bricks; today they have sold 115 bricks. They are taking names of volunteers to help out with the upcoming events and asked those interested to please contact any committee member to sign up. They thanked the Board for the time and hoped to see everyone on Saturday. There was some discussion on having a shuttle bus on June 21<sup>st</sup>, the day of the Anniversary celebration, with some streets being shut down. More information will be forthcoming. The Committee was thanked. The following is a list of scheduled upcoming events:

Kick-off Bonfire and Pig Roast January 18, 2014  
Gala Ball – April 26, 2014  
Parade Float Seminar – Late April  
Meet Mary Rowlandson – One Person Show – May 3, 2014  
Jug O'Punch Concert – May 17, 2014  
Classic Car & Motorcycle Show – May 18, 2014  
Strawberry Festival – June 13, 14 and 15  
Charter Day – June 14, 2014  
Art Walk – June 14, 2014  
250<sup>th</sup> Anniversary Celebration – June 21, 2014  
Kiwanis Family Fun Day – August 2, 2014  
Firemen's Handtub Muster – August 8, 2014

**APPOINTMENTS/RESIGNATIONS:** None.

**PERMIT/LICENSE APPLICATIONS, HEARINGS:**

Race Permit: Max Performance 8<sup>th</sup> Annual Massachusetts State Triathlon – July 13, 2014 - Mr. Tim Richmond, Race Director, came forward on this application. He spoke of the annual race starting at Lake Dennison, doing a swim, bike, and run. Last year the number jumped from 550 to 600 participants and they were designated as a USA Triathlon's Northeast Qualifier for the National Championship. He's excited about it again this year and is proud to have partnered with the Alzheimer's Association. Last year, close to \$40,000 was raised for the Association. They have reached out to the community, to the Winchendon School and folks from Gardner to volunteer and are always looking for more groups to assist. Extra staffing will be added in the front of the park. Folks that will be visiting were asked to arrive early and to avoid parking on the road. He's looking into possibly finding other parking and shuttles for the visitors. Blair moved to approve the application with the condition that they continue to work with the Police Department with traffic concerns; Barrows seconded. They are not a non-profit organization and the fee would apply. By a vote of all aye, the motion carried unanimously. For more information, visit their website at [www.maxperformanceonline.com](http://www.maxperformanceonline.com).

**NEW BUSINESS:**

Confirmatory Deed, 60 Franklin Street – Mr. Gerry White, Director of Development, came forward to explain. This parcel was conveyed over to the Winchendon Redevelopment Authority for economic development purposes. The attorney who did the closing didn't submit the recording within the fifteen day requirement. He explained the history of this property and stated the Confirmatory Release Deed is just confirming this did take place and the Board is just reaffirming this. Blair moved to execute the document; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Deed for Conveyance: Town Hall Garage to Winchendon Housing Authority- Kreidler stated this item should have been listed as the "Winchendon Redevelopment Authority" not the "Housing Authority" on the agenda this evening. To keep make things certain and clear, it would be put off until the next meeting.

Letter of support – MRPC application to EPA FY14 Revolving Loan Fund Grant and Environmental Site Assessment Grant – MRPC is asking for this letter of support from the community they serve in this application. Blair moved the Board sign this document; Barrows seconded. By a vote of all aye, the motion carried unanimously.

FY14 CDBG Grant Application – Mr. White was before the Board to give them an update on this grant application and let them know of meetings that had taken place and decisions that were made and get the Board’s blessing on them. The grant application maximum amount that can be applied for this year is \$450,000 due to the fact that we received a full grant last year. Mr. White suggests doing multiple activity projects which would help get bonus points. He spoke about the meetings he has had and his strategy. Infrastructure has been number one. Shorter roads were looked at that were pretty bad, Summer St., Chestnut Street and Walnut Street. Walnut Street is the worst according to Supt. Deline. He spoke also about the bad sidewalks on Central Street. Through the process it came down to Walnut Street and some of the sidewalks along Central Street to be included in the grant application.

O’Keefe asked Mr. White if there was any action from the Board this evening because he is a property owner at the location discussed. Mr. White said he is seeking a confirmatory vote. O’Keefe recused himself and Hunt took over as Chair. Mr. White talked about the Walnut St. project explaining the budget with some of the work, specifically paving, possibly being paid through Chapter 90 funds. Once we have our budget, we’ll know exactly how many linear feet we will be able to pave, and hopefully we won’t need Chapter 90 funds. That’s the FY14 application, Mr. White concluded, and asked for a vote of confidence from the Selectmen agreeing with the process and project as described. Blair so moved; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Chairman O’Keefe rejoined the meeting at 7:30 p.m.

#### **OLD BUSINESS:**

Blair asked about the Class III license application for Nicks Used Cars and Auto. The Town Manager reported he has come in and applied for his Class III as required.

Blair then asked about Hungry for Pizza. Kreidler stated he has not come in to renew his license for 2014 but he could come in and seek the Boards approval in the future.

#### **TOWN MANAGER’S REPORT:**

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

- a. **Police Patrol Officers** - Kreidler announced his appointment of Brian Wightman and Brennan Jacoby to the positions of Patrol Officers and asked for the Board’s affirmation. Blair moved to affirm the appointments; Barrows seconded. By a vote of all aye, the motion carried unanimously.

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

- a. **FY15 Budget-** You should have each received the budget memo for FY15, Kreidler said. This memo goes to all departments and sets the deadlines for receiving requests for financial consideration on operating budgets, capital budgets and special articles.

Kreidler presented a draft Special Town Meeting/Annual Town Meeting (STM/ATM) calendar for their review and vote. He said he pulled the meeting in a little bit earlier due to some of the responses from last year. There is now a two week window to give more meaningful dialogue if needed with the Board or the Finance Committee. The schedule is suggested as follows:

- STM/ATM Warrant Opens – Tonight, January 13, 2014
- STM/ATM Warrant Closes – Monday, March 17, 2014 at 6:00 p.m.
- STM/ATM Posting – Monday, April 28, 2014
- STM/ATM to be held on Monday, May 12, 2014 at 7:00 p.m. at MMHS

He noted that the Finance Committee meeting dates are not included in the calendar as they have suggested he not do that so they could determine their meeting dates. The Finance Committee would notify the office when those dates are set.

Blair moved the STM/ATM warrant be opened this evening and closed on March 17<sup>th</sup> at 6:00 p.m.; Hunt seconded. By roll call vote of all aye, the motion carried unanimously.

Hunt moved to set the Special and Annual Town Meeting for May 12, 2014 at 7:00 p.m. at MMHS; Barrows seconded. By roll call vote all aye, the motion carried unanimously.

- b. **FY13 Year End-** Kreidler reported as a result of the actions taken at Special Town Meeting of December 30, 2013, we were able to come back to Town Hall that very night and finalize the submittals for the State Department of Revenue. DOR personnel came into work at 7:00 am on December 31<sup>st</sup> to review our material that was then approved. The tax rate was certified at 8:10 a.m. that morning. O'Keefe was impressed that the DOR came in to work at 7:00 a.m. to work on this. Hunt moved to send a letter of appreciation for them coming in and working on that; Barrows seconded. By roll call vote of all aye, the motion carried unanimously. Kreidler pointed out that it was our Accountant Donna Allard's relationship with our DOR Representative Deb Wagner that allowed for this to take place. A tip of the hat to Donna for that. O'Keefe added in addition to the DOR and our Accountant, there were Town Hall staff that also came back to Town Hall to do the needed work to get this done and wanted to give them credit as well.
- c. **Indirect Cost Agreement-** Kreidler spoke about the level of scrutiny that has been brought to bear against the currently agreed upon Indirect Cost Agreement between the School side of the budget and the general government side. He sent a request to review the agreement and has heard back from members of this Board, the Finance Committee Chair, the Town Accountant and the School Business Administrator at the time of this written report. He has received a response from the School Committee Chairman, who adopted the School Superintendent's response that did not come to him directly, that they do not want to participate in this committee that was suggested to be put together. The Town Manager's suggestion was to take the Superintendent, the School Business Manager, the Town Accountant, himself, and to populate the committee with a member from each of the three primary boards – the Selectboard, the School Committee and the Finance Committee for a committee of seven. The response back from the School Committee Chairman, in agreement with the Superintendent, is that there is currently a School/Finance Sub-Committee comprised of two members of the Selectboard, two members of the Finance Committee, two members of the School Committee, the Business Manager, the Superintendent and the Town Accountant. He judged that his suggestion is preferable because of the number of ten members being overly cumbersome and because he is not part of the School's/ Finance Sub-Committee. Kreidler asked for some guidance.

O'Keefe mentioned the two ideas being suggested. The signers of the last agreement are in the committee the Town Manager is suggesting and could work. The suggestion you are presented with where you are not even a member is ridiculous. How can a group get together to prepare a document you are going to be asked to sign and you are not a party of. That can't be so there is only one suggestion remaining. O'Keefe suggested a date and time for the meeting be set and invite the School. They need to show up. Blair said if they don't show up, then they have to live with it. Kreidler stated it gets dicey here. Ultimately, the State Department of Elementary and Secondary Education will view any indirect cost agreement to see it meets the four corners of the law. It would make a difficult document if they didn't participate. We have an Indirect Cost Agreement already that would stay but it would be better to have this discussion with the agreement being ten years old. It was discussed that the Town Manager, Town Accountant, School Superintendent and Business Manager get together administratively to work on the agreement and then report back to both the Board of Selectmen and the School Committee at a Joint Meeting. Blair moved that the Committee would consist of the four who would report back to both the School Committee and Board of Selectmen who can then ask to have it fine-tuned at that point; Barrows seconded. By a vote of all aye, the motion carried unanimously.

### 3. Project Updates-

- a. **Police Station Project- Request for Qualifications (RFQ): Owner's Project Manager (OPM)-** Kreidler reported after the review and interview process, the Review Committee unanimously recommends the OPM contract be awarded to CDR Maguire. Kreidler read his recommendation letter in support of CDR Maguire. Hunt moved to accept the unanimous recommendation of the Committee and a vote to award the OPM contract to CDR Maguire pending the Town Manager's successful negotiation of final terms and conditions of a contract to be approved as to form by Counsel. Barrows seconded. By a vote of all aye, the motion carried unanimously.
- b. **Request for Qualifications (RFQ): Designer-** Kreidler reported once the OPM is on Board we will move forward and we will issue an RFQ to contract with a design engineer to develop bid ready design specification plans. He thought if things go as well as they could, in two weeks we could have a contract finalized and in another two weeks the RFQ would be out.
- c. **Request for Proposals (RFP): Construction Services-** Kreidler reported last we will then issue an RFP or IVB (Invitation for Bids) for a construction contractor to build out the project per the design specification plans.
- d. **DRAFT Letter of Response to the Inspector General-** Kreidler said enclosed is a draft letter to the Inspector General composed by Counsel with input from himself. This is in your packets for your review and consideration and asked the Board's thoughts of it being sent with their signatures.

O'Keefe agreed with the letter and would like his signature on it; Barrows agreed wholeheartedly. Hunt agreed. Blair said this is a really detailed draft and involved; it's wise to take their advice. O'Keefe pointed out one of the items. The Inspector General's Christmas Eve letter mentioned the former Courthouse property could not have qualified to be accepted because it didn't have appropriate square footage. O'Keefe stated it does meet the square footage. Not only does it meet the needs, but it will end up being almost 2,000 square feet greater than the minimum needs stated. The Inspector General didn't read the report where it states adding a sally port. Town Counsel and the Town Manager have done a lot of research where the Inspector General is in error again and again. We have produced volumes and volumes of documents. We sent 1,000 pages of documents to them that they have acknowledged receiving. We are responding to them in giving them the facts. O'Keefe would like the Inspection General to send a letter back that they were in error and would like another letter that the Town did not violate Chapter 30B or any other section or code. After hours of our time, that letter is deserved. We need to advise Counsel and make a decision of what to respond with. Kreidler asked to amend the document on page 4, the second paragraph, to include the percentage of square footage being 18% in excess.

O'Keefe moved to authorize Town Counsel to send the letter with the correction the Town Manager noted and for the Board to countersign the letter; Barrows seconded. By a vote of all aye, the motion carried by unanimous vote.

Barrows wanted to make the public aware that this is in no way shape or form us firing a shot back at the Inspector General's office. This was a political issue obviously brought to their office garnering some attention. They get a lot of projects and are probably not looking at it as closely having other projects which could account for some of the miscalculations on their part. Ultimately, they are just making sure we comply with Chapter 30B and that we are proper stewards of the Town's finances, as are we. Most importantly to him, this is their opportunity to set the record straight. The response going back is accurate and it is a courteous response. O'Keefe said this Board, our Town Manager and everyone involved in this Police Station is really looking to control the cost. We looked at \$2.75 million at Town Meeting; that was improved. The Inspector General is stating we should have asked for more in this one issue and has not really looked at the people's money. The Inspector General faults us for putting out a request that the bids must come in and not exceed \$2.75 million and says we

should have let it come in at any cost. A question was asked if the Inspector General could come back and stop the project and send the Town back to look for another place for the Police Station. O'Keefe stated the Inspector General has never told us to stop or cancel and they could have.

4. **Miscellaneous Updates**- None.

- a. **Municipal Electrical Aggregation** - Kreidler reported that finally, the final rulings in front of the Department of Public Utilities have been issued and are entirely in favor of Colonial Power. Colonial is scheduled to come in this week to move the municipal aggregation forward. This is a follow-up to the Town Meeting vote to authorize Town Government to contract with a company to procure for electricity for not only the government but for the private property owner, commercial, and residential. Colonial will be contracting to get the whole Town of Winchendon load, aggregated it out and go to the marketplace to get the best rate. Kreidler informed them that everyone will be in unless they opt out by filling out the checkout box on the form sent to them. Barrows asked if a resident decides they want to opt out would there be an opportunity to opt back in. Kreidler thought there would be within a period of time. It was agreed that Colonial will be at their first meeting in February to answer any questions.

**MINUTES:**

Monday, November 25, 2013, Regular Meeting – Barrows moved to approve; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Monday, November 25, 2013 EXECUTIVE SESSION – Not ready for approval this evening.

Monday, December 9, 2013 - Regular Meeting – Not ready for approval this evening.

Monday, December 16, 2013 -Special Meeting – Barrows moved approved as printed: Hunt seconded. By a vote of all aye, the motion carried unanimously.

Monday, December 30, 2013 - Special Meeting at Special Town Meeting – Barrows moved approval; Hunt seconded. By vote of Hunt aye, Barrows aye, O'Keefe aye and Blair abstention due to him not being present, the motion carried unanimously.

ADJOURNMENT: With no other business before the Board and no need for Executive Session, Hunt moved to adjourn; Barrows seconded. By vote of all aye, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant