

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, DECEMBER 29, 2014
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present: Fedor Berndt, Chairman
Elizabeth R. Hunt, Vice-Chair
Robert O’Keefe
Keith Barrows

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

List of Documents Presented at Meeting:

- Proclamation – Julia White Cardinal Day – February 1, 2015 (attached)
 - Jane LaPointe’ Letter of Interest to serve as a Library Trustee (filed)
 - Sunday Change of Hours Application – Kwik Stop Liquors (filed)
 - 2015 Class II Annual License Renewal List – (attached)
 - Draft Class II Fencing Requirements (attached w/Town Manager’s Report)
 - Water Sewer Abatement Application for 16 Hale St. (filed)
 - o DPW Director’s Recommendation (filed)
 - Yard/Garage Sale Draft Bylaws (Athol, West Tisbury, Belmont) (filed)
 - Town Manager’s Report (attached)
 - o Cumberland Farms Project Draft Plan
 - o Cumberland Farms Project Plan – Sturbridge, Mass.
 - Minutes for Approval: 11/6/14 (filed)
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Chairman Berndt called the meeting to order at 6:19 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 audio/video recording disclosure – No one announced they would be video or audio recording the meeting this evening when asked by the Chairman.

SELECTMEN’S COMMENTS AND ANNOUNCEMENTS:

PROCLAMATION – Julia White-Cardinal, Library Director - Selectwoman Hunt moved the Proclamation declaring February 1, 2015 “Julia White-Cardinal Day” in the Town of Winchendon in honor of her dedicated and devoted career in public service and being a cultural and literary touchstone for the town and its inhabitants and wishing her a happy retirement. O’Keefe seconded. With a vote of all aye, the motion carried unanimously.

Julia came forward to accept the proclamation. She said she didn’t do it alone with a lot of help from Library Trustees, a dedicated staff, Friends of the Library, from volunteers and also at the state level from folks at the formerly Central Mass Regional library system, now the Mass. Library System, Board of Library Commissioners and CWMARS, a bibliographic database. She said she was grateful for the Board of Selectmen’s support, notably Mr. O’Keefe and Mr. Berndt, for their encouragement to go forward to the Capital Planning Committee with the

Library Accessibility Project. She had one little request for a sign she came across stating “Public Library.” She asked that DPW put it up on a pole outside the library. She concluded and said she will be out of state on February 1st but will be thinking about us. She said it has been a privilege to serve. She hopes that the history of Winchendon is something that continues to be shared at the Library. She thanked the Board and those in attendance. Julia was applauded.

The Library Board of Trustees came forward. Ron Muse, Suzanne Radar and Cindy Darccy presented her with a gift saying it’s been a honor to work with her and how in debt the library is to her. They thanked her.

The Board recessed at 6:27 p.m. for photos and reconvened at 6:32 p.m.

Hunt moved to instruct the DPW to hang the “Public Library” sign where the arrow points to the library; O’Keefe seconded. By a vote of all aye, the motion carried unanimously.

Winter Parking Ban – December 1, 2014 – April 15, 2015 - Berndt reminded everyone of the Winter Parking Ban in place.

Town Hall Holiday Schedule – Berndt announced the schedule.

PUBLIC COMMENTS AND ANNOUNCEMENTS: There were none this evening.

APP OINTMENTS/RESIGNATIONS:

Library Trustee Appointment – Jane LaPointe - Hunt moved to accept Jane LaPointe as a Library Trustee saying she has shown a lot of interest in the community since she has come back home. O’Keefe seconded. By a vote of all aye, the motion carried unanimously. She was welcomed to the position.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Sunday Change of Hours – Vasta, Inc., d/b/a Kwik Stop Liquors – 18-20 Railroad St. – O’Keefe moved to approve; Hunt seconded. By a vote of all aye, the motion carried unanimously.

Draft Class II Fencing Requirements

Kreidler reported at their last meeting a great deal of discussion surrounded around Class II licenses, specifically around the line between the function of a Class II license and a Class III license. The prior week a meeting was held with Town Counsel in which the issue was discussed. We had thought people would have more clarity from this meeting but people came out having less clarity from the meeting. In an effort at addressing it and per your discussion at the last meeting, a draft policy that takes that gray area between a Class II and Class III that exist in the statue and to put a local policy in place to better codify what the requirements would be was included in his report this evening. He reviewed the draft policy with them. He informed them that this is the 1st Reading of a policy and that they would need to have another review prior to approving. The effective date of the policy was discussed whether it being immediate or giving time for compliance until July 1st or putting folks on notice that for next year there would need to be compliance. Discussion was had on what type of fence would be put up and the need for the Board to be clear to the applicant to seek approval before investing in anything. It was agreed to add language to the draft policy and to give them the year to be compliant as well as seek their input on the policy. A draft of the policy could be sent to license holders and time for comments and then an informational session can be held sometime in March to review the policy. They would have the construction season to get it done and be in compliance for the 2016 renewals. It was noted that any new license application would need to follow this immediately.

Mr. John (Jack) Hardy, from Affordable Motors, a Class II license holder, was recognized. He said everything they were saying, he isn't doing. He said he sells a hundred cars but doesn't have two hundred wrecks. He buys and fixes wrecks; he doesn't sell parts. People drive by from Vermont and New Hampshire and see that he sells cars. He's done this his whole life for a living. He's concerned about putting a fence up and people won't see what he does. He said everyone with a Class II does wrecks like he does. He brought someone with him from the State Police that can verify that he certifies the wrecks he fixes and that it was legal.

Ms. Sheila Donofrio asked to speak saying she does a lot of business with Mr. Hardy and expressed her concerns about the cost of doing fencing for him and other Class II license holders. These are hard working poor people, working six, seven days a week and late at night. Her thought was people wouldn't know what his place was if he made changes. She thought someone could go out and give ideas on how to organize it or perhaps looking at a small fence. This is a family business. We don't want to push businesses out of town or out of business. Let's work with them so they can be successful. She said we are not a wealthy community and do not have the resources and asked the Board to think out of the box. She asked for them to visit Affordable Motors and come up with some suggestions out of the box on how he can organize and help them be successful and put food on the table. Berndt replied he has and Planning has tried to figure ways to clean his site up. They are not trying to put anyone out of business and need to come up with something that looks acceptable. This policy was the best answer. It's a draft. We are asking for input prior to us making this policy. Ms. Donofrio said the Board has an idea of what they want and Jack could do it but not the right way. She thought it would be a good idea for them to go up there, not as a Board, but individually and give him suggestions. Jack would be able to show you what he does. His strong suit is not being organized but making a beautiful car is. She said what he does is miraculous with a junk to become a saleable car. Berndt offered to go by his business Wednesday morning at 8:00 a.m. Mr. Hardy agreed.

O'Keefe appreciates the feedback they were getting on the draft policy and that they are not rushing through this. The process will happen slow enough with enough information. He looks forward to the next meeting to hear about the Chairman's site visit. Chairman Berndt asked for the other Class II license holders that were present or anyone listening to them tonight to share their ideas.

2015 Class II Annual License Renewals – O'Keefe moved to approve the license renewals for the Class II businesses listed on the sheet provided to them this evening; Barrows seconded. By a vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Water/Sewer Abatement – 16 Hale St. – Kreidler pointed out the application goes to the Dir. of Public Works, John Deline, for his recommendation. Dir. Deline has included a letter with his recommendation to not grant the abatement for reasons stated in his letter. Hunt asked about shutting down the filtration system for testing. Kreidler said when the house was purchased by the owner it had a filtration system for the entire house. It does, as a matter of its functioning, require back washing a couple times a day. This is an issue for the owner to consider but she doesn't wish to change the filtration system but that water goes through the system. Mr. Deline states in his letter that it would be unfair for all other users to grant this abatement because the owner chooses to have this type of filtration system. The owner was not present to speak on this request. Kreidler reminded them that the owner had been before them a month or so ago but the application was submitted late. It still is outside of the timeframe but the reason listed for seeking the abatement is noted in the enclosed letter from her personal physician which doesn't fall within the rubric of what you can consider when taking up the question for abatement anyway. For all of those reasons, DPW Dir. recommends you not approve the abatement.

O'Keefe stated one of the requirements submitting an application when claiming there is a leak is to include a receipt for the repair. There is no document of any repair and supports what Mr. Deline is saying there is no leak. He moved the application was out of order and moved to dismiss it; Barrows seconded. There was brief discussion

on a possible leak and if so the property owner needs to have it fixed and submit the bill having it repaired and then we can consider an abatement. By a vote off all aye, the motion carried unanimously.

Yard Sale Bylaw Discussion – Berndt announced there were draft Yard/Garage Sale policies in their packet for review. O’Keefe brought this issue forward because he was asked to by a former Selectman. The concern was someone was having a yard sale every week and this former member said it appeared to be a business and asked for us to do something about it. One thing he didn’t want to do was create some burden, a bylaw that when people want to have a yard sale they have to come before this Board, pay a permit fee and to have it become something very difficult. If they were to do anything, he would like to define what a yard sale is and put some limitations on it without requiring permitting. He noticed one of the samples provided had a small fee and stated no more than four or five yard sale events we allowed on the same premises per calendar year. That alone would take care of the issue that was brought to his attention. He wondered what was reasonable for those wanting to hold a yard sale or desire to. Kreidler said if he was hearing them correctly, instead of a bylaw, they would prefer a Board policy that loosely follows this in stating some number, four or five, no greater duration than two days each at a premise a year and that it gets posted on the website as one of your policies. Citizens are able to know it exists and if aggrieved can bring it forward to Town Hall’s attention as a Selectmen’s policy with enforcement coming to the Selectmen’s office and your staff. A phone call, knock on the door or a letter to the person holding the yard sale can be made letting them know the policy exists. O’Keefe liked the idea to start with a policy and if that doesn’t work they could take more formal steps of creating a Bylaw. Kreidler said he would take the three versions included in their packets and put something together for their next meeting. He asked if they had specifics they liked, to let him know.

OLD BUSINESS: N/A

TOWN MANAGER’S REPORT:

1. Personnel Updates – There were none.

2. Financial Updates –

a. The Deficit Legislation – Kreidler reported the deficit legislation has passed the Senate as of Christmas Eve day and was advised by Rep. Zlotnik that it is currently in the House for a vote. He spoke with Rep. Zlotnik today and it has made it through one Committee today and he will be speaking again with him tomorrow.

b. The FY16 Budget Memo – Kreidler reported the FY16 budget memo went out to all departments last week. Budgets and financial article requests are due January 22, 2015. He has spoken with Finance Committee Chairman Tom Kane on ways the Finance Committee can be more involved in the annual budget process. He expects to have the annual budget calendar before them at their next meeting for their consideration of approval. The Finance Committee has appointed a sub-committee comprised of Bob Guenther and Christian Orbello who will meet with him to discuss how they can interface better.

3. Project Updates -

a. Phase 5 North Central Pathway – Kreidler announced six bids for the bike path were received and opened. All bids qualified. Three were bunched together closely, the other three quite higher. Of the three, one has been awarded that is within the budget scope. The notice to proceed should go out before the end of the calendar year. Unless weather allows, it’s likely that they won’t be able to do anything until this spring.

b. Cumberland Farms – Kreidler enclosed a copy of the Sturbridge Mass. Cumberland Farms project plan as well as the preliminary Winchendon site plan for the Cumberland Farms project. He reviewed the document with them including the highlighted section that is the patio area they

are contemplating installing which will have three round tables with umbrellas right up on the street scape in addition to the building with this being a nod to the Historical Commission fronting on Central St. the way buildings would have historically. The access ways will be on or about where they are currently. He referenced the Sturbridge plan which is similar to what is being proposed for Winchendon.

c. Proposed Business -

- i. Kreidler reported Salvadores Auto group's proposed Jeep dealership project at the intersection of Rt. 140 and Rt. 12 is scheduled to be before the Planning Board next week. It will be an exceptional gateway business and create new tax base and jobs for the town.
- ii. Kreidler reported we have been working with another business who wishes to remain anonymous in an effort at landing them in town. They are expanding from another location within the region and their projection is twenty skilled and unskilled jobs.

d. Police Station Filed Sub-Bids – Kreidler reported the engineers and architects are revisiting the specifications and plans to introduce some additional value engineering. He is expecting a group meeting before their next meeting and Selectman O'Keefe, designated by the Board to be the liason, and himself will have a better update for them. He explained after they evaluated the sub-bids that came in, they recognize again that the electrical sub-bid primarily is still coming in roughly twenty percent higher than what reasonably would have been projected. They are going back in, delve down and have a value engineering done by another group in their shop to see if there is something that they see differently in how the specifications are laid out. He should have an update for them at their next meeting.

4. Miscellaneous Updates

a. Class 2 Policy – Already addressed this evening.

5. Tickler File - Kreidler mentioned this is a new section in the Town Manager's Report at the request of Selectwoman Hunt to keep things on the radar screen.

a. Yard Sale Bylaw -This will reappear at your next meeting as a draft policy.

b. Multifamily Residential Unit Inspections - This will also reappear at the next meeting and will take the form of a draft bylaw for Annual Town Meeting.

MINUTES:

Monday, November 6, 2014 - Special Meeting – Hunt moved to accept; O'Keefe seconded. By vote of all aye, the motion carried unanimously. Hunt commented there was a lot of information at this meeting that can help bring us to the next tier and be our turnaround plan (regarding the fiscal deficit legislation).

The following minutes were tabled to the next meeting: Monday, November 10, 2014 Regular Meeting; Monday, November 24, 2014 Prior to Special Town Meeting and Monday, December 8, 2014 Regular Meeting.

COMMUNICATIONS: N/A

AGENDA ITEMS: Quarterly Joint Meeting with School Committee – January 12th and February 9th will be offered to the School Committee and Finance Committee as the possible next scheduled Joint Meeting.

ADJOURNMENT: With no Executive Session needed, Hunt moved to adjourn; O'Keefe seconded. With a vote of all aye, the meeting adjourned at 7:37 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant