

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, APRIL 27, 2015  
Town Hall, 2<sup>nd</sup> 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  
Debra Dennis, Recording Secretary

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List of Documents Presented at Meeting:

- Proclamation – Selectman Keith R. Barrows (attached)
- Bonfire Permit Application – January 26, 2016 American Legion Post 193 (filed)
- Common Victualler Application - The River Edge, 302 Spring St., Seth Silver (filed)
- Entertainment Permit Application – Charity Auction May 16, 2015 – A Better Tomorrow Cat Shelter (filed)
- Mobile Vendor Application - Katie's Gourmet Dogs, 157 Gardner Rd. – Mr. Jose Fernades (filed)
- Town Manager's Report (attached)
  - o STM/ATM May 18, 2015 Draft Warrant and FY16 Draft Budget (attached)
  - o AFSCME Council 93 Letter dated April 23, 2015 regarding Wendy Stevens acting as Acting Department Head – DPW (attached)
  - o Tracy Murphy's Resume (filed)
- Minutes approved:
  - o Monday, March 9, 2015 - Regular Meeting
  - o Monday, April 6, 2015 - Special Meeting Prior to Special Town Meeting
  - o Monday, April 6, 2015 - EXECUTIVE SESSION
  - o Monday, April 13, 2015 - Regular Meeting

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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: Danielle Hart disclosed she may be audio/video recording the meeting this evening.

The Chairman said he was taking the agenda out of order to address Public Comments.

**PUBLIC COMMENTS AND ANNOUNCEMENTS:**

Janet Corbosiero came forward; she thanked Jim Kreidler, Selectman Barrows and Selectman O'Keefe. She said that she was happy she got to know them and they were an asset to Winchendon. She said that she was sorry they were going to be gone. It's with great sadness to see them go. Applause.

Margaret Bartlett Winchendon Mass came forward; she thanked them for doing the best they could. She said that she was a retired Science teacher. I believe in hypothesis vs. theory. Hypothesis came about because of perfect storm, will show to be a theory.

Joan Potvin came forward with a question for Jim asking about traffic patterns going from Glenallen onto 140 knowing it was a bad time.. I know that there was going to be maybe a study done by John Deline, but with him no longer employed by the town could you comment on it. James Kreidler said it was Glenallen on to Spring. John Deline did begin that process with Tighe and Bond. There is a report that's under way on that traffic pattern, it will involve a look at everything from that intersection at Glenallen and Spring all the way to the intersection of Water and Spring where Ash, Water by the Vallerio Station and Citgo. Jim said John Deline has committed to continue certain projects he is committed to. He's on the Winchendon Enhancement Committee working on Ingleside. He's engaged in the traffic study and the Harris road bridge which he is continuing to monitor for the town.

Joan's concern clearly this may be the last night for some of you maybe all of you, she hates to say. Is there some sort of mechanism where there is some sort of continuity we have no Town Manager, no Board of Selectmen. She asked if there was a checklist, a mechanism, asking if there is anything there is like that. Selectmen O'Keefe said there can be continuity; there are two members of this board who are not up for election. The continuity is built into our charter, similar to the United States Senate or our own School Committee. One third of the body changes each election but because of the perfect storm we are in a situation that we have five seats. If you want continuity, vote against the recall. She asked if there was a way, maybe through minutes, through Linda's position, we don't need another perfect storm. If we end up with no Town Manager and a brand new board, is there anything in place with these new people. Chairman Berndt said they can follow minutes, he's left projects cleaned up, Linda knowledgeable as to what's going on. Selectwoman Hunt said were not at ground zero. The board has put things in place for the future. This is not the only committee, dealing with planning board, DPW, every dept. has there objectives. We have the minutes, and we have the Read Me file. There is transparency. If they look a little deeper it will come. It is there. The system isn't based around these individuals. The system is much better than it was.

Selectman Barrows added color and texture, the beauty of town government is that we don't throw paper away. There is a paper trail that is large. Old saying after election, after the party, the work begins. Dig into files and bring yourself up to speed on the issues so you can bring yourself up to date on them. Selectman O'Keefe commented on what Selectwoman Hunt said, typically you could speak to DPW or the Planning Director. He reminded everyone that the DPW Director has resigned and the Planning Director has also resigned. Linda Daigle maintains a calendar of important items that could be followed. On a personal note Joan said she thanked them all for their years of service and don't let personal things get in the way, they have done a great job.

Rick McAllister came forward to say vote for the recall and vote the five.

Mary Young came forward saying it has been a long tough six seven months and commends everyone sitting there for their strength for putting up with what they did. They have her support. She commends them. She told Jim Kreidler she is really sad and hates to see him go; but told him to be happy.

Chairman Berndt said the Town Manager has a statement.

Jim Kreidler briefly said there has been a lot of discussion over the course of last weekend over the impact of your vote. A flyer was sent around stating unless you vote a certain way the Town Manager could come back. He said that he wanted to equivocally state for the record, this Friday is his last day no matter what. Vote your conscious and not with fear that he may be back.

## **EXECUTIVE SESSION No. 1:**

**Selectman Barrows moved to enter into Exemption No. 6** to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: Subject: Potential TIF (Tax Increment Financing) agreement with Brandywine Farms, Inc., 155 Mill Circle. The Chair so declared, Selectwoman Hunt seconded. By roll call vote of all aye, the Board entered into Executive Session at 6:33 p.m.

**OPEN SESSION:** The Board reconvened Open Session at 6:58 p.m.

**SELECTMEN'S COMMENTS:**

**Proclamation – Keith R. Barrows** - Selectman O'Keefe read the proclamation for Selectman Barrow. Keith Barrows Day - May 4, 2015 Election Day. There was applause. The motion was second by Selectwoman Hunt.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y)**

Selectman Barrows said thank you. It is unexpected and appreciated. Applause.

Selectman Barrows read the following statement.

By now many of you know that I've decided not to seek a 7<sup>th</sup> term as a member of the Winchendon Board of Selectmen. I have no doubt that I will thoroughly miss the opportunity to debate my vision and goals for our Town with the candidates who've declared their intentions for public office this year but, I think, what I will miss the most is working with the entire team of men and women; Town Administration, Public Safety, Public Works, Educators, Committees, Boards, and other volunteers, who've dedicated their time and passion to making Winchendon a better place for all of us to live.

Over the past 7 months we've experienced an unprecedented level of acrimony in our community. Much of it fueled by rumor, innuendo, half-truths, mis-truths and, sadly, in some cases blatant lies. The majority of this vitriol has been confined to social media internet sites and recent mailings to people's homes. Not too long ago, there was a time when differences of opinion could be debated and ideas could be challenged without the launching of personal attacks, insults, or threats. In our country it's called 'civil discourse' or agreeing to disagree without becoming disagreeable. Unfortunately, what was once a common courtesy seems to have been lost?

Much has been said about members of this board, and me in particular. Many times the politically active group behind these messages would have you believe certain things to be fact yet; they were nothing more than false accusations or ill-informed opinion at best. How do I know this? Simple, because no one from this group has ever had a face to face discussion with me. They've alleged that I've engaged in illegal activity, threatened local businesses, do not have Winchendon's best interests at heart, and even went so far as to suggest I was childhood friends with the Town Manager, went to college with the Town Manager, am a business partner of the Town Managers and, am somehow even related to the Town Manager. Why do I share this with you? Because it's absolute garbage...plain and simple!

To the people who've supported me and trusted me to do what I believed was in their best interests, as well as the community's, over the past 17 years, from the bottom of my heart, I want to extend a sincere thank you for the confidence you placed in me. You've never questioned my commitment to Winchendon because you know the real me. You know I'm 46 years old. You know I moved to Winchendon at the impressionable age of 14. You know that I've served our Town in an elected capacity for a total of 19 years. This represents 60% of my life while living in Winchendon. You know that these demonstrated actions speak louder than any hollow words ever will. In the vein of commitment, I would be remiss if I didn't acknowledge the many members that I've had the privilege of serving with while elected to the Winchendon Board of Selectmen. Though we may not have seen eye to eye on every issue or, in some cases, any issue at all, these 19 men and women are deserving of honorable mention. They are; Donald Duplease Sr., David LaPointe, Burton Gould Jr., Lorenzo Sordoni, the late John Henry White, Mrs.

Cythina Boucher, Richard McAllister, Mrs. Germaine Brooks, the late Walter Moriarity, Esq. , Corey Bohan, Craig Bourque, Mark Shea, Edward Bond, Robert Zbikowski, Guy Corboseiro, and Jackson Blair. Finally, my current board colleagues; Bob O'Keefe, Beth Hunt and Fedor Berndt.

Bob, it has been a true pleasure serving with you over these past 5 years. You took the time to learn, to listen, to question, to understand and to educate. Your commitment to the public, to Winchendon, to voluntary fundraising, and to the many committees and commissions that make Winchendon such a great place to call home is all at once admirable and inspirational. I am grateful for your service and thankful to have made a trusted friend in the process. I'm sure we will stay in touch.

To Beth and to Fedor I'm not sure where to begin. The two of you are the real deal. Your will is strong, you're dedicated to this community, and your hearts are two of the biggest I've seen. In the midst of a difficult challenge facing our Town, the negativity being lobbed your way at every turn, and the distraction created by personal insults, you remained focused and worked toward a solution to bring financial stability back to Winchendon. The plan you helped put in place to effect change in accounting practices, internal controls, and overall communication will have a lasting impact on how future business in our government is conducted. I am a better person for having served with the two of you and I fully support you in your leadership positions. Thank you for all the hard work you've done and continue to do.

To Mr. Kreidler, Jim, I've had the opportunity to serve with 3 Town Managers during my tenure on the Board. With no disrespect intended toward any of your predecessors, they can't begin to compare to your integrity, intellect or professionalism. Over the last 15 years, you've made lasting contributions to the Town of Winchendon through innovative land preservation efforts, local government policy development, economic redevelopment initiatives, fiscal management, and effective utilization of public resources. In the face of overwhelming adversity and repugnant bitterness aimed at you professionally, personally, and toward your family, you've continued to provide sound guidance, counsel, and professional expertise to various boards and committees, as well as, unwavering support and leadership to the municipal employees of Winchendon. Your years of service have been marked by exemplary dedication, commitment, passion and performance in the best interests of our community. Although you may be leaving Winchendon, you will always be remembered by many, this board included, as a municipal professional who was dedicated to both his position and this Town. Jim, I want to thank you for your service and say it's truly been an honor to work with you. I wish you nothing but continued success in your life's pursuits. You have definitely left some large shoes to fill.

In closing, I'd like to share a quote I was reminded of recently about making decisions. "To govern is to make decisions, and to make decisions is to make adversaries." I've made many decisions over the past 17 years and quite a few adversaries. So, to all of my adversaries I'd like to thank you for sharing your perspective and your criticism. My mind and convictions is the entire sharper because of you. To my true friends, who at times maybe disagreed with some of the decisions I made but remained by my side, I want to extend heartfelt thanks for always remembering, that at the end of the day, I was just another tax payer trying to give back to the place I love so much.

Finally, to my family; my wife Tracey and my daughters Lindsey and Taylor. You are my heroes, my inspiration, and the true epitome of public servants. I'll never be able to repay the debt of the sacrifices you've all made over the past 17 years; late night meetings, all those Monday night dinners alone, and the unfulfilled good night kisses when I arrived home after your bed time. All of this given up by you, so I could dedicate time to serving the residents of Winchendon. I'm humbled and inspired by your selflessness and unwavering support. I love you. Thank you Mr. Chairman and fellow members.

Selectman Barrows received a standing ovation and was thanked.

### **PERMIT/LICENSE APPLICATIONS, HEARINGS:**

Bonfire Permit – January 16, 2016, American Legion Post 193 - Fran Murphy came forward for his 3rd year for a bonfire permit. He first started with the 250<sup>th</sup> Committee's celebration We try and do fundraising and see to get the fireworks back. It's great for family and kids, and now that Keith has some time he can throw some logs on. Representing the Legion he would like to apply for the bonfire permit. **A motion to move for the applicant was made by Selectman Barrows. The motion was seconded by Selectwoman Hunt.** Selectwoman Hunt talked about the last two events, it is a family event. You had people happy. We hope to continue with it and grow. It's a nice winter festival. We sold 270 tickets and served over 250. We want the Leegion to be part of the community. Selectman O'Keefe asked to join the fundraising committee for fireworks. Selectman Barrows said he is a son of the American Legion however he didn't have a financial interest in the matter and it shouldn't have an impact on the vote.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

It will be held on January 16, 2016 at 6 pm. There will be a meal after. Selectman O'Keefe explained why they applied so early. You can only have one bonfire permit per year per town.

Common Victualler - The River Edge, 302 Spring St. – Seth Silver came forward and said that he was the lucky bidder auction of Il Italiano's. I am living here in Winchendon, with kids in the school system and it only made sense to open a restaurant in Winchendon. We currently do breakfast and lunch now maybe later dinner. The name of my current restaurant is Ugly Omelet in Lunenburg. We have doubled our size and quadrupled the people serving. Selectman O'Keefe asked about the timeframe. Seth said that he has the opening flagged for May 18th as long as he gets the Board of Health and the plumbing finished. Selectman O'Keefe said that a year or two ago, Il Italiano's came to us. The ice machine was running the water bill up. Seth said that he was told that both ice machines were dead. **Selectman O'Keefe made a motion to move for the applicant. The motion was seconded by Selectman Barrows.**

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

Entertainment Permit – Charity Auction May 16, 2015 – A Better Tomorrow Cat Shelter - Sarah Fearing is sick. Gretchen Reynaud came to represent this application being next in line. We are running our charitable auction and is here to petition to have a bartender. We have hired Createn and Company Bartenders. We also have a caterer from New Ipswich, New Hampshire. We are here to ask for permission to have them help us out that night. Jim Kreidler explained that this not what you would normally have seen a one day liquor license because you have a company coming in with all that paperwork in hand. This is a one day entertainment license. The permit application to use Old Murdock has been approved. She said that this is our major fundraiser, we survive on donations. We have found loving homes for 300 cats. **Selectman O'Keefe moved for the applicant. The motion was seconded by Selectwoman Hunt.** Selectwoman Hunt asked about the auctions. They have silent, live and raffle items. Some of our big ticket items, Patriot and Tim McGraw tickets, and art work from local artists, iPod, etc. We have donations from area businesses. We had this event two years ago. The costs of the tickets are \$20 person or \$30 a couple. We have a cash bar that we didn't have last time. We have a piano player coming in. Linda Daigle explained that this type of liquor license hasn't come before the board before. This is a new type of license from the ABCC, the caterer's license. It is a liquor license which is given by the state it doesn't need local approval. The local license is for 30. The police department and the Local Licensing Authority need to be informed if they are going to be holding it. Gretchen gave a copy of the caterer's license to the Executive Assistant.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

On behalf of her and her family she thanked the Town Manager and Board of Selectmen for their years of service.

Mobile Vendor Katie's Gourmet Dogs, 157 Gardner Rd. – Mr. Jose Fernades came forward on this application for a Mobil Vendor permit for a hot dog truck. Selectwoman Hunt asked about getting in and out of the stand and noticed they had removed some of the stone wall. Now you have an entry and an exit. She asked if there will be a flood light there when it gets dark. It is a double lane which goes to a single lane and then there is the stand. He said that there were no problems last year. We plan to open in a month, we haven't had any problems. We will probably be open until 5p.m., but assumes if it gets dark there will be lights. Chairman Berndt said with his Planning Board hat on, he reviewed the site. There were a couple questions which were answered and there were no issues to be found. Selectwoman Hunt asked about being up to date on taxes. Linda Daigle will check. A motion was made by Selectwoman Hunt to move to accept as long as we have everything resolved with the tax collector and the Planning Board feels it is safe. The motion was seconded by Selectman O'Keefe.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

They are planning on opening Monday.

**NEW BUSINESS: None**

**OLD BUSINESS: None**

**TOWN MANAGER'S REPORT:**

**4. Miscellaneous Updates-**

- a. **Town Meeting Warrant-** Jim Kreidler started with this item first in his report so it could be discussed and get finalized. He said they will need to vote each article this evening then vote to post the warrant. He referenced the version they received tonight in track changes mode with Town Counsel's recommendations and reviewed the document with them. It was noted unless the Board raised any objections to the articles, it will be noted as approved.

**SPECIAL TOWN MEETING WARRANT ARTICLES**

**Article 1** – Committee Reports – customary, no objection.

**Article 2 and 3** – Jim Kreidler said these two articles together reflect the expected borrowing under the deficit legislation and was explained to Town Meeting back in November. These are the same figures we have been talking about. The \$100,000 for veterans and \$400,000 for Health Insurance deficits. He expects that these figures will be less. It will say in the motion to borrow pursuant to the deficit legislation those amounts. This will bring us to the projected 3.47 million total deficits. **No objection**

**Article 4**-\$60,000 to upgrade the Financial Accounting Software which was a DOR request. No objection.

**Article 5**-\$163,996.21 to be used for all costs associated with the FY2015 unanticipated out-of-district special education tuition which was submitted by the School Committee. Jim Kreidler said when that is moved on town floor, it would have to define a specific chose. Counsel's comment, raise and appropriate, is not eligible. The next operative is transfer from available funds and or stabilization. The maker or mover of this article will need to specify some other fund or stabilization. Selectwoman Hunt asked when the school's next meeting was. Jim said he didn't know but the Finance Committee has a public hearing this Thursday. Michael Barbaro who was in the audience said it was voted at the last meeting. He said he believed it would come from stabilization unless funds became available. The board objects to this. **A motion was made by Selectman Barrows to move to not approve. The motion was seconded by Selectman O'Keefe.**

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Not Approved**

Jim said this takes net school spending plus \$300,000 and asked to increase this which would put us close to \$550,000 above net school spending. Jim said that he is not suggesting that this is a bad thing and could be a goal but it deviates from the cost agreement we have and addressed in subsequent years and not current year. Selectman O'Keefe said in prior conversations with the Town Manager we specified a goal of getting net minimum plus 25%. He said that he is completely against this article and the next article. He thinks we could fund the school more but doesn't think the school should overspend their budget. Last year they received \$430,000 over net minimum. On the town side we cut the budget in November. The school didn't cut it and they continue to spend over. I say no to this but in the future support an increase in their budget. We have to learn to live with whatever our budget is.

Article 6- \$82,985.40 to be used for all costs associated with the FY2015 unanticipated unemployment costs; which was submitted by the School Committee. Jim said this is a twin article lesser amount same story Selectman O'Keefe said this one is slightly different than the prior one, out of district special education could be unanticipated. Describing unemployment as unanticipated is ridiculous. If you lay people off it is not unanticipated. **A motion was made by Selectman O'Keefe to not approve Article 6. The motion was seconded by Selectman Barrows.**

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Not Approved**

## **ANNUAL TOWN WARRANT ARTICLES**

**Article 1-Finance Committee Report-No objections**

**Article 2-Discharge the 250th Committee-No objections**

### **Usual and Customary Articles**

**Article 3-Establishing Revolving Accounts which wouldn't exceed \$20,000 for the following:**  
Student Parking Fees, Land Use Restitution and/or Insurance Reimbursement, Athletics Advertising Fees, Agricultural Commission Fees, Public Health Clean-up Lien Receipts Received in Connection with Board of Health Property, and Clean-up Planning and Development Large Format Copier and Plotter Fees-**No objections**

**Article 4-Senior Tax Work off- Selectman O'Keefe asked what the sum is. Jim said last year it was reduced \$5,000 and this year it is increased. There have been a couple people who have come in and there were no spots available. The numbers have increased so we have increased. No objections**

**Article 5-\$18,000- Community Action Committee, no objection.**

**Not usual and customary**

Article 6- \$7,500.00 to fund the required GASB 45 study- Jim not usual and customary, required 5years reevaluation of Government.Standards Board.legal obligation to do that every five years.

**No objections**

**Article 7-** \$11,017,194.36 for the operating budget of the Town for the fiscal year beginning July 1, 2015.

Jim Kreidler explained this budget goes to level of department, by level of expense by level of salary. Town can go down and look at each line item and ask to cut. Chairman Berndt asked why dog fees are at \$0.0. Jim said the Town Accountant said it should go to general fund fees not left out in revolving. Also noted water receipts, wastewater receipts and transfer station indirect costs. Historically amounts of indirect cost for Enterprise items showed as individual line item. The Department of Revenue has said well not inappropriate, they prefer this mechanism. In the back of each enterprise, it showed each line item, directly from DOR Since 1999 changing mechanism advice and recommendation of DOR. In order to do that you have, the entire enterprise budget and the indirect costs. You see the entire expense borne in the budget. John Deline’s salary for instance was born 1/3 water, 1/3 sewer and 1/3 general government budget. This is why general government budget looks like it's increased so much. Additionally per your direction the infrastructure investment fund shows \$290,000. This is the fund set in 1999 when the capping and closing of landfill, grade and shape. The town is allowed to spend half of the revenue in the infrastructure fund. There was an article that failed on the floor of town meeting. This article seeks to pay off the note this year. It will save us \$150,000. It will show our reserves going down, but response is we have paid down a debt. Selectman O’Keefe said the town meeting wanted, and the money is staying there. We decided to take advantage of paying this off early and save \$150,000. There is now more money in the fund to help with issues in the future that town meeting had concerns with. **No objections**

**Article 8-**\$761,003.54 (Water Receipts of \$717,189.54 and Retained Earnings of \$43,814.00) for the operating budget of the Water Department Enterprise Fund for the fiscal year beginning July 1, 2015. Jim said this notes in the footnote, a 6% increase. The rates haven’t increased since 2008. He has frequently advocated to them as the Board Water/Sewer Commissioners to go up 1 to 2 % every year. This reflects a 1 to 2% increase if had that happen each year. Selectwoman Hunt said the new board should do exactly what you recommended in making a policy to do that each year.

**Selectwoman Hunt made a motion to increase the rates by 6% for water and sewer starting July 1, 2015. Selectman O’Keefe said we spoke about having automatic incremental increases and asked to have in motion as well. He would not recommend more than 2%. Selectwoman Hunt amended her motion to add a ½ % increase on July 2017 annually unless voted differently by the water commissioners. The motion was seconded by Selectman O’Keefe. Selectman O’Keefe added remembering issue to take a vote to raise the water sewer rates, double digits, out of fear not wanting to take the vote to raise someone’s taxes. If there is a need, dictated by cost to run the system, it can be dictated by board.**

**BERNDT(Y)          HUNT(Y)          O’KEEFE(Y)          BARROWS(Y)**  
**Approved**

**Article 9-**\$1,018,546.00 ( Sewer Receipts of \$636,554.86 and Retained Earnings of \$111,991.14, and Betterment Revenues of \$270,000.00) for the operating budget of the Wastewater Treatment Department Enterprise Fund for the fiscal year beginning July 1, 2015. Jim said if you recall when the sewer extension sewer upgrade project was voted at town meeting the property owners could prepay. They were promised that this amount would be held in



reserve for future needs. Each year we draw down this amount towards that debt. This also requires the companion 6% vote if you wish the same ½% moving forward. **Selectmen O'Keefe moved the identical motion to the water one. The motion was seconded by Selectmen Barrows. (Motion is to increase the rates by 6% for water and sewer starting July 1, 2015 and to add a ½ % increase on July 2017 annually unless voted differently by the water commissioners)**

**BERNDT(Y)            HUNT(Y)    O'KEEFE(Y)    BARROWS(Y)**  
**Approved**

**Article 10-** \$143,458.00 from Transfer Station Receipts for the operating budget of the Transfer Station enterprise fund for the fiscal year beginning July 1, 2015. Jim said this is near and dear to the people in town. Someone smart should study the electric issues about closing the transfer station. A grass roots committee put their heads together to keep it open. John Deline said to not close it completely with running this deficit, but to close it one day. Open Friday and Saturday only. One day of one employee will now be picked up in the general government highway line. We can give this a go for a year. Our bags are capped out at \$4.00 and stickers you could raise but it's not going to generate what we need to close the gap. With economics being respectful, those using it love it and want to keep having it. **No objection.**

**Article 11& 12-**Jim Kreidler said that this is a placeholder Article. There have been two articles here in the past with good communication with the School Department and Superintendent. Note that it says less indirect costs. If it is not specified in the article at town meeting it will have a net affect. It will be double appropriated. It is appropriated here and in the general government budget that has already passed. He said he won't be there. Whoever is moving the article, the indirects need to be recognized on the floor or we will be out of balance \$3.8 million dollars. Town meeting can choose 11 or 12. Jim explained amount held back to pay for things in the general government that benefits the school like teacher health insurance and worker's compensation. That number has actually gone down, its \$3.7. This will be UPDATED before put on wall. Driven we have seen confirmation from Blue Cross BlueShield that it will be flat and not increased. Selectman O'Keefe said it is the desire of the Superintendent to use the most accurate figure possible. Should that figure change, that does impact earlier in the budget and asked how that gets handled. If you go by the agreement since 2006, we set the number in the warrant article and it doesn't move. We ran into some difficulty when we were at minimum school spending. If there is a variance and the school had a tab. We had an issue. Jim talked about net minimum but we are at least \$300,000 above. At end of year, it gets settled at end of year but no longer an issue because we are \$300,000 above. Selectwoman Hunt asked Mike Barbaro if they had the same concerns. Mike said the school board is looking at total number. The Town Manager brought to your attention that indirect cost needs to be ferreted out; if it's all spelled out, he's ok. Numbers can be adjusted as we speak. There are now being adjustments to indirect costs because of health insurance. Barbaro said personally he'd vote to pass Article 11 by. Jim said Barbaro makes a point to come back to. All of this is based on government House 1 numbers. A long way to go before its finalized; we are obligated to set our budget before they set theirs. A lot is riding on chapter 70 figures. To point, house budget coming out needs to go through the amendment process. The Senate budget comes out and they then wrestle over the differences. Long way to go yet. These are the best numbers they have to date. **A motion was made by Selectman O'Keefe to recommend to pass over Article 11. The motion was seconded by Selectwoman Hunt.**

**BERNDT(Y)            HUNT(Y)    O'KEEFE(Y)    BARROWS(Y)**  
**Approved**

**Selectman O'Keefe made a motion to recommend Article 12 with the figures being updated as Town Manager has specified reducing indirects. The motion was seconded by Selectwoman Hunt.**

Selectmen O'Keefe said that he would like to see the 2 ½% increase be added into the budget. Jim was asked about the impact of the budget. Jim said that he will do it if it is the wish of the board. Selectman O'Keefe amended his motion to include the \$7,500 added back in and the indirect figure being adjusted to what we now know. The motion was second by Selectman Barrows. Selectman O'Keefe said that the difference is giving more in the budget but not approving over spending. Even when I leave this board I will work to help the School District. He talked about the override and the need for more funding.

**BERNDT(Y)          HUNT(Y)      O'KEEFE(Y)      BARROWS(Y)**  
**Approved**

**Article 13-** \$874,554.00 to fund the Town's assessment to the Montachusett Regional Vocational Technical School. Jim said roughly up \$100,000 from last year. Selectmen Barrows said that if he remembers correctly a lot of discussion around this article. A lot of money going out of the Winchendon School District to Monty Tech. Question came up about setting a limit on seats. He feels like there is not much they can do. Assessment comes in we have to put on warrant and the money goes out. Selectwoman Hunt said we have more kids going out of school then our graduating class. It's very disturbing. If a child wants to go elsewhere to get an education, then they should be able to. Jim said you have a district agreement dated back to 1965, it's a formula. If one community does not fill that quota, those seats are up for grabs. At one time it has been political, but now it is based on achievement. There is no throttle of our local representative to grab those seats. The town can have a Monty Tech representative that refuses to do that. The town can throw that throttle. Mr. Gould has never been challenged. He was elected and was appointed for another 5 years. It's not school choice, not that it can't be throttled but the community has to put a representative in place that can throttle it. Selectman Barrows offered point he is making the discussion took place because assessment increased \$100,000 last year and another \$100,000 is leaving the school district. If there is an allotment by town, have it fair and equitable. Keep dollars local and improve the school system. Barrows talked about unspent money at Monty Tech that goes into a capital improvement fund. If we need improvements here in Winchendon we have to go to town meeting and override. Selectman Barrows said can we continue to do this? Have an allocation, assessed on population, that's what we should be doing. If we had money in the coffers we could let everyone go that wanted to. Selectman O'Keefe focus is on money but relationship just isn't about money. Monty Tech takes the kids that are the brightest and those that are planning on going to a four year school. That's reducing the brightest students from our school. May be a need to address formula and maybe we should speak to our representative; we need to look at how Monty Tech is choosing. Monty Tech only takes our best. A motion was made by Selectman O'Keefe to not recommend Article 13. The motion was seconded by Selectman Barrows.

**BERNDT(Y)          HUNT(Y)      O'KEEFE(Y)      BARROWS(Y)**  
**Not Recommend**

**Article 14-**\$1,352,865.00 for School Transportation for the following purposes:

In town Transportation:	\$ 726,705.00
Special Education Transportation:	\$ 580,000.00
McKinney Vento Homeless Transportation	\$ 35,000.00
Crossing Guards:	\$ 11,160.00

Jim said this contemplates TMS taking up task of reviewing this. We have seen the school population decrease but the busses haven't. It probably needs to be reviewed. TMS said they will be reviewing this and they should have something within the quarter. Contract does provide refiguring routes and pluck a bus if it is doable. They said they would have something from them at the 1st quarter of fiscal year. Selectman O'Keefe said this is an activity born on the school side but the cost on the town side. If TMS does analysis and reduces the expense of the town, maybe the school district should share in some of those savings and maybe might come up in the fall at town meeting.

Selectwoman Hunt said we are looking at a \$300,000 override, a \$7,500 increase, and \$100,000 additional to Monty Tech and additionally \$100,000 to buses. Over \$500,000 going to the school system above their requested budget. **No objection.**

**Article 15-** Exclude the amount of \$207,833 from the Indirect Costs of the School Department, which represents the principal and interest charges resulting from the Town deficit repayment. Jim said this article seeks to have the school not pay their share of the agreement for the payback. In the fall the DOR required town proper, the Board of Selectmen, to submit a deficit reduction plan. He submitted it, heard comments from the Finance Committee and the School Committee. Ultimately the plan submitted and accepted had language the school will pay its prorated share of the deficit. The plan went to the state and was accepted. The amount of \$207,833 is included. They do not want to pay it. We could argue whether it is fair. His argument is consistently; ultimately the School Department spent the money. You can say Munis gave the report. At the end of the day the school spent \$2 million of the three. We spent \$1 million. The prorated share is this amount. If the school has to absorb the \$2 million it would cripple them. It is a gift from the Commonwealth to give us the ability to pay off \$3.4 over years with .5% and not cripple both sides of the house. It is only fair, pay off incrementally in 10 years pay it off and to be grateful. Having said that, the article is technically flawed. Town Counsel cites Section 603 CMR 10.04 how Massachusetts Code of Regulation that said you can charge administrative cost one of three ways. If there is a disagreement, it specifies how to handle it. It then goes to the DESE to the Commissioner to be mediated. This is an inappropriate article to be considered at Town Meeting.

**A motion was made by Selectman O'Keefe to move to not recommend this article at Town Meeting. The motion was seconded by Selectwoman Hunt.**

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Not Recommend**

**Article 16-** To see if the Town will vote to petition the Legislature for the creation of a special fund, to be known as the Capital Stabilization Fund, to which shall be credited without further appropriation all revenues received in accordance with any Solar Payment in Lieu of Taxes (PILOT) agreements, whether characterized as such or as structured tax payment agreements, which funds may be appropriated by Town Meeting by a 2/3 vote for any capital purposes of the Town, and to authorize Town Counsel to draft such petition; or act in relation thereto. (Submitted by the Town Manager). Jim said this was approved at the last Town Meeting but failed to make it through the legislative session.

**A motion was made by Selectmen O'Keefe to move to recommend. The motion was seconded by Selectman Barrows.**

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Recommend**

**Article 17-** \$13,999.05 for the contractual sick leave buyback for the retired Library Director Julia White-Cardinal, Jim said lack of increase in Health Insurance; our share is enough to fund these two articles. **No objection**

**Article 18-** \$45,100 for additional audit work performed by the Town's independent auditor Roselli, Clark and Associates. Jim said that this is additionally above the annual \$34,000. Height of our situation of fall, there was an increase in scrutiny, directed by DOR; this is the bill for the work. Not from stabilization. **No objection**

**Article 19-** Sums from the FY15 appropriation for Police Expense for payment of prior year's bills of \$20.79 for Bellettes, \$19.41 for National Grid and \$169.49 from Ricoh. Jim said can't be paid legally because not submitted on time. It requires town meeting action. Super majority vote for this. **No objection**

**Article 20-** Jim explained the board did negotiate with Brandywine Farms, owner now of former White's Mill Complex. A number of their financial sources are grant related, historic tax credits. There is a grant available to them if they get a TIF including the filing of an Economic Opportunity Area application. Brandywine came in with a TIF that was a reasonable proposal. It is an eight year TIF. The Incremental value gets raised, new taxable value then they pay 15% in year one, 30% year two, 45% year three and incrementally 11% after up to 100%. **No objection.**

**Article 21-** To accept portions of West Street and Harris Road as public ways. **No objection.**

**Article 22-**To authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements located in the Town of Winchendon in certain parcels of land adjacent to and/or contiguous to West Street and Harris Road. **No objection.**

**Article 23-** To adopt a general bylaw asked to create the Winchendon Audit Committee. This would be comprised of one member of the Select Board, Finance Committee and School Committee. They would appoint two citizens with preferable Municipal experience to also be on the Committee. **No objection.**

**Article 24-** To adopt a new General Bylaw to be titled, Group Insurance and Benefit Committee, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it is in compliance with the numbering format of Town Bylaws. Jim said that this would be comprised of one member of the Select Board, Finance Committee and School Committee. They would appoint two citizens with preferable Municipal Insurance experience. **No objection.**

**Article 25-** Jim said that this is long and cumbersome. But we were asked to consider a bylaw with teeth on local level inspections of multifamily units. **A motion was made by Selectman O'Keefe to not recommend. The motion was seconded by Selectman Barrows.** Jim said that this version substantially needs to be trimmed down. It is an issue that is important and needs to be addressed. Selectman O'Keefe said he wouldn't mind reaching out to Lionel himself.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Not Recommend**

**Article 26-Zoning Bylaws**

Mr. Corbosiero came forward to discuss these articles. We are adding definitions and adjusting definitions. It makes things more clear. Define more fully what recreational vehicles are and split up marine because they didn't have a definition for. **No objection.**

**Selectman O'Keefe abstained from the next few articles pertaining to C1 and C2. He is not sure if his properties are affected. Selectwoman Hunt recused herself as well as a possible conflict.**

**Article 27-** Mr. Corbosiero said that it is just adding allowing a special permit for sales and service to expand the uses. They are now allowing them with special permits in industrial. Adding a note that forces any vehicle not registered to be screened. **No objection.**

**Article 28-** Mr. Corbosiero said this is adding Gallery definition which was not noted before. This will allow Gallery Auctions to be in C1 and C2 by special permit. **No objection.**

**Article 29-** Mr. Corbosiero said this adds to industrial use, open air salvage yard and junk yard and Class III to it. This is to just define the category. **No objection.**

**Article 30-**Mr. Corbosiero said this has to do with car crushing. Some car dealerships or junk yards will allow them to do car crushing on site. **No objection.**

**Article 31—** Mr. Corbosiero said this came up because of boat dealership, about allowing displays in front closer than the set back. All that is being changed is that you are adding to end of sentence, can't be stored on property line unless allowing provision in there, Selectman Barrow said. Mr. Corbosiero said allows Planning Board to do a site plan review. Selectman Barrows said you are taking something possibly prohibited, and clarifies. **No objection.**

**Selectman O'Keefe and Selectwoman Hunt returned to their seats.**

**Citizen Petition**

**Article 32-** Jim read the citizens petition. Selectman O'Keefe asked when the last charter review was done. Jim said started in 2009 and appeared in 2010 town meeting warrant and sent to legislature. Typically you want to do a review at least every ten years ending in 0. Audrey LaBrie asked for a Point of Information stating the Charter says at least every ten years. Selectman Barrows objected to doing it sooner than that. **A motion was made by Selectman O'Keefe to approve to recommend the article. The motion was seconded by Selectwoman Hunt.**  
**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(N)**

**Recommended**

Selectman O'Keefe moved that all other articles we recommend unanimously. The motion was seconded by Selectman Barrows.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**  
**Recommended**

Chairman Berndt said that the warrant is approved with recommended articles.

**1. Personnel Updates-**

**a. Acting Director of Development-** Ms. Tracy Murphy, the Town Planner, has been performing an extraordinary amount of the extra workload since Gerry White's departure. He is appointing Ms. Murphy to the position of Director of Development effective this week. The action will be funded from the line items in the existing budget for Planning and Development. Action needed if it would please the Board, a vote to affirm the action. Selectman O'Keefe so moved; Selectman Barrows seconded.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

**b. Acting Public Works Director-** Ms. Wendy Stevens, the DPW Office Manager, has been performing an extraordinary amount of the extra workload since John Decline's departure. The union has recommended, and the contract allows, that Ms. Stevens be granted a temporary pay increase, to be funded from the vacant Superintendent's line item, for performing these duties. This is to my thinking all the more reasonable given my departure. The union's request is to split the difference between John and Wendy's rate. He will negotiate the amount between the Union and himself somewhere between Wendy's rate and John's rate subject to appropriation. She will receive this rate until a permanent Superintendent is hired. The Superintendent's position has been posted and we have received eight resumes thus far. He didn't think it would be appropriate for him to

pick someone of that nature when he is walking out the door. In the meantime, it would accommodate Wendy for the additional workload on her shoulders.

Selectman O'Keefe asked about other items that would be falling to the Board of Selectmen as soon as the election occurred questioning whether a meeting should be scheduled out of the regular for them to be addressed. With a few candidates in the crowd and the two incumbents, it was asked if people wish the Board of Selectmen to post and call the meeting for the day after the election so the then Board of Selectman can act on these open items rather than waiting a full week. Could ask the town clerk to be sworn in at the meeting by inviting the Town Clerk if they hadn't been sworn in yet. They all agreed and it was decided for Wednesday at 6:15 due to a Planning Board meeting conflict on Tuesday.

Selectman O'Keefe moved to post a Board of Selectmen's meeting next Wednesday, May 6<sup>th</sup> at 6:15 p.m.; Selectman Barrows seconded.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

## **2. Financial Updates-**

**a. FY16 Budget-** Jim Kreidler said we already took care of this topic.

### **b. Project Updates-**

c. Police Station Project- After a review of the recently submitted filed sub-bids and general contractor's bids we are at a standstill. According to the review conducted by the project manager and architect we are approximately \$80,000 short of being able to award the contract. While it would have been possible to have negotiated negative change orders to reduce scope and cost once contracted, given that we do not have the total amount required to execute the contract that option is not available to us.

At this juncture I recommend that the Board reconvene the Police Station Review Committee to revisit scope and design issues to consider alternatives moving forward. While it is clear that we can get a police station built utilizing the courthouse and assembled parcels given how close the bids were to budget, it may be necessary to phase some of the work in order to get the department moved into the new space and then work in the subsequent phases thereafter with any combination of Monty Tech services, Prisoner labor and staff and citizen contributions.

**d. Town Solar Farm -** There was a Boston Globe article regarding our project last week. The same article hit all of the national solar and renewable trade journal. We were broadcast internationally.

## **4. Miscellaneous Updates-**

**a. Town Meeting Warrant-** This was already addressed this evening.

### **MINUTES:**

Monday, March 2, 2015 - Joint BOS/SC/FC Meeting - not ready. Passed over

Monday, March 9, 2015 - Regular Meeting - **A motion was made by Selectman Barrows to approve. The motion was seconded by Selectwoman Hunt.**

**BERNDT(Y) HUNT(Y) O'KEEFE(A) BARROWS(Y)**

Monday, April 6, 2015 - Special Meeting Prior to Special Town Meeting –**A motion was made by Selectman Barrows to approve. The motion was seconded by Selectman O'Keefe.**  
**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

Monday, April 6, 2015 - EXECUTIVE SESSION – **A motion to approve and release the minutes was made by Selectman Barrows. The motion was seconded by Selectman O'Keefe.**  
**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

Monday, April 13, 2015 - Regular Meeting – **A motion to approve with corrections stated by Linda Daigle was made by Selectman Barrows. The motion was seconded by Selectwoman Hunt.**  
**BERNDT(Y) HUNT(Y) O'KEEFE(A) BARROWS(Y)**

#### **COMMUNICATIONS:**

Selectman O'Keefe said under communications he put this on. He received a letter from the State Ethics Commission. Ethics is very important to him. Someone in the community contacted the state ethics with what they thought might have been an action taken in November before the Special Town Meeting. A lot of information circulating around town I sent by email to friends and family and asked where he got the email addresses from. He must have got from the School Committee. I am proud to say the ethics commission has investigated the matter. We are satisfied this matter doesn't require any further action on their part. However, this is not true with everybody in town. When I saw it last week I saw a letter in the Winchendon Courier on Friday. The letter from the incumbent member of the School Committee announcing his candidacy. It is a political posting. In their letter for replies he put his School Committee email address. That is an ethical violation. You cannot use any town property for any political or personal use. He filed one on School Committee member Andrea Suhocki. When she receives her letter, it will not end with they are satisfied. People who run this town, public bodies, we all have to take a state ethics course; there is no excuse to use public resources for political or private use. He questions how we might have people like this being rewarded by being reelected. He thinks not.

**AGENDA ITEMS:** N/A

#### **EXECUTIVE SESSION No 2:**

**Executive Session No. 2** - Selectman Barrows moved to enter into Executive Sessions under Exemption No. 2 to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. Subject: Fire Chief and Town Manager, and also under

**Exemption No. 3** to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Subject: AFSCME Council 93 AFL-CIO Local 1717 - Administrative and Clerical and International Association of Firefighters, Local 1751. The Chair so declared. Selectwoman Hunt seconded. By roll call vote of all aye, the Board entered into Executive Session at 9:10 p.m. and would return to Open Session following.

**The Board reconvened Open Session at 10:18 p.m.**

(Note: This section of the minutes completed by the Executive Assistant, Linda Daigle)

Selectman O'Keefe moved to ratify the agreement just offered in Executive Session; Selectman Barrows seconded the motion. Barrows said, for informational purposes, the agreement ratified is just a clarification of indemnification

rights between the Town of Winchendon and James M. Kreidler, Jr. By a vote of all aye, the motion carried unanimously.

Chairman Berndt brought up one other piece brought to his attention from Town Labor Counsel, Marc Terry. He advised the Board appoint someone to a temporary position of Acting Town Manager. He said that with Mr. Kreidler's last day being Friday, May 1<sup>st</sup>. This person can be a current employee to list legally on paper and a person in the seat. It could be the Police Chief, Fire Chief, Accountant, the Tax Collector, the Secretary; someone the Town Manager recommends would be trusted in the seat until an Interim is selected. Jim Kreidler replied he would recommend one person, Linda Daigle, who already told him today that she couldn't do it. Discussion was had on assigning the task to a member and the Town Manager to find and hire an Interim Town Manager by the end of the week for a few days at a minimum until the new Board is convened on Wednesday, May 6<sup>th</sup> not wanting the Board to be open to liability between those periods of time. Linda Daigle offered if the position was only for a few days that she would be willing to hold the position to protect the Town. **Selectman O'Keefe moved to make Linda Daigle the Acting Town Manager from the end of the Manager Kreidler's term until the close of the day on Wednesday, May 6<sup>th</sup>; Barrows seconded.** She would be compensated as the Acting Superintendent of Public Works has just been discussed this evening, with the difference between her salary and the Town Manager's salary. Linda Daigle would be covered by the Town's indemnification and other liability protections.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

**ADJOURNMENT:** A motion to adjourn was made by Selectwoman Hunt. The motion was seconded by Selectman Barrows.

**BERNDT(Y) HUNT(Y) O'KEEFE(Y) BARROWS(Y)**

Open Session was adjourned at 10:28 p.m.

Respectfully submitted,

Debra Dennis  
Recording Secretary