

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MEETING MINUTES  
MONDAY, APRIL 12, 2021  
Town Hall, 2<sup>nd</sup> Floor Auditorium  
109 Front Street, Winchendon, Mass.**

Present:

Michael Barbaro, Chair  
Rick Ward, Vice Chair  
Barbara Anderson  
Audrey LaBrie  
Amy Salter

Stephen Delaney, Interim Town Manager  
Linda Daigle, Executive Assistant  
Taylor Tower, Administrative Assistant

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List of Documents Presented at Meeting:

- Screengrab from Website Posting of 2021 Annual Town Election Information (attached)
- National Grid's Robbins Road Pole Petition No. 30297982 (filed)
  - March 29, 2021 Memo from DPW Director to BOS Regarding Pole Petition (filed)
  - March 31, 2021 Abutter's Notice (filed)
- Alteration of Premises Application from Little Anthony's Seafood Emporium (filed)
  - April 1, 2021 Notice of Public Hearing – Liquor License – Alteration of Premises (filed)
- Mobile Food Permit Application from SAY CHEESE! (filed)
- Entertainment Permit Application from HEAL Winchendon (filed)
  - Flyer for Taste of Winchendon Event to be Hosted by HEAL Winchendon (filed)
- Junk Dealers: Second Hand Articles Renewal Application from Daniel Brewer (filed)
- Junk Dealers: Second Hand Articles Renewal Application from Ed's Scrap Metal (filed)
- Junk Dealers: Second Hand Articles Renewal Application from Pattie's Jewelry, Inc. (filed)
- Request for Written Consent for Transfer of Not Your Grandpa's Tobacco (filed)
- Revised FY22 Water Enterprise Budget (attached)
  - Water Revision Calculation (attached)
- Revised FY22 Wastewater Budget (attached)
  - Wastewater Revision Calculation (attached)
- Draft Warrant for the May 17, 2021 Special and Annual Town Meeting (attached)
- April 8, 2021 Town Manager Report (attached)
- Minutes to be Approved:
  - March 8, 2021 Regular Meeting
  - March 22, 2021 Joint Meeting with the Finance Committee
  - March 29, 2021 Special Meeting

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Chairman Michael Barbaro called the meeting to order at 6:30 p.m. All rose for the Pledge of Allegiance.

**1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:**

Anderson wished to remind everybody that there are still COVID restrictions in place and asked everyone to remain diligent, conscious and aware.

1.1 Annual Town Elections May 3, 2021 – Ward reminded everyone that the Annual Town Election is on May 3<sup>rd</sup> from 8:00 a.m. to 8:00 p.m. The warrant and sample ballot can be found online on the Town's website. The deadline to register to vote is April 13<sup>th</sup> at 8:00 p.m.

LaBrie informed everyone of the COVID-19 vaccination clinic to be held April 14<sup>th</sup> at the Old Murdock Senior Center. She thanked all those involved to make this happen in such a short timeframe.

Referring to Mellen Road residents that wish to place a warrant article on the Annual Town Meeting, Barbaro said that his research had indicated that the forest was turned over by the Town in 1965. The Town is still searching for a registered deed, and if the Board is so inclined, there will be two warrants at the Annual Town Meeting – one for a special act of legislature to allow easements, and the second to accept the road as is.

## **2. PUBLIC COMMENTS AND ANNOUNCEMENTS:**

David Watkins of 235 Mellen Road questioned the geographical location mentioned in the Mellen Road warrant article. He wanted to confirm that it spans from 213 Mellen Road to number 565. He would like to see the article to ensure that the language meets his specifications. He also implored the Board to consider reopening the warrant so that he could submit a citizen's petition. After some discussion, Barbaro offered Watkins the option of sending his proposed warrant article to the Town Manager. After review by legal counsel, it could be placed on the warrant on behalf of the Town, preventing Watkins from having to submit a citizen's petition.

It was announced that Edward Ford Jr. of Brown Street was audio and video recording the meeting.

Tina Santos of 117 Mill Street reminded everyone to wear their masks and to continue disinfecting all surfaces after they have been touched. She questioned the cleaning schedule of the Town Hall auditorium, to which Barbaro informed her that it is cleaned after each meeting. Daigle also clarified that the microphones and tables were disinfected at the last meeting after each presenter and it will be done during this meeting, as well.

## **3. PUBLIC HEARINGS:**

- 3.1. National Grid and Verizon New England Pole Petition – Robbins Rd. – Ward read aloud the pole petition abutter's notice that was sent out to neighboring residents.

**LaBrie move to open the pole petition hearing, seconded by Anderson. With a vote of all aye, the hearing was opened at 6:55 p.m.**

Mr. Javier Morales of National Grid informed the Board that National Grid must relocate the poles so that the DPW can complete their bridge project. Barbaro confirmed that all abutters were notified and asked if there were any in attendance that would like to speak. Hearing none, and with no questions from the Board, the following motion was made:

**LaBrie moved to close the pole petition hearing, seconded by Anderson. With a vote of all aye, the hearing was closed at 6:57 p.m.**

**LaBrie moved to approve the Pole Petition to relocate two (2) Joint Owned poles on Robbins Rd. as presented this evening, seconded by Anderson. With a vote of all aye, the motion carried unanimously.**

- 3.2. Alterations of Premises – Little Anthony's Seafood Emporium, Inc., 678 Spring St. - LaBrie read aloud the public hearing notice.

**LaBrie moved to open the public hearing, seconded by Ward. With a vote of all aye, the public hearing was opened at 6:58 p.m.**

The applicants, Marla and Walter LaGrassa, approached the Board. Walter explained that they are asking the Board to allow alcohol to be served in the pavilion. Noting the temporary permit they received over the summer due to COVID-19, Walter said they were very fortunate to have been able to serve outside. LaBrie said there was no opposition from Department Heads, and Chief Smith had noted that the setup was well run over the summer.

**LaBrie moved to close the public hearing, seconded by Ward. With a vote of all aye, the public hearing was closed at 7:51 p.m.**

**LaBrie moved the Board, acting as the Local Licensing Authority, approve the Alteration of Premises for the All Alcoholic Beverages On-Premise License of Little Anthony's Seafood Emporium, Inc.**

located at 678 Spring St. and to forward the application to the ABCC, seconded by Ward. With a vote of all aye, the motion carried unanimously.

Ward moved to take item #13 out of order and go to item #13, seconded by Labrie. With a vote of all aye, the motion carried unanimously.

LaBrie moved to enter into executive session under exemption #2 to conduct strategy session in preparation for negotiations with non-union employees, the subject being the new Town Manager Contract Discussions. This motion was seconded by Ward. With a roll call vote of Anderson, aye, Ward, aye, Salter, aye, LaBrie, aye, and Barbaro, aye, the Board entered into executive session at 7:03 p.m.

The Board reconvened at 7:15 p.m., and Barbaro announced that the contract negotiations for Justin Sultzbach, Town Manager, have been finalized.

LaBrie moved to approve the contract, seconded by Ward. With a vote of all aye, the motion carried unanimously.

4. **APPOINTMENTS/RESIGNATIONS:** None were scheduled tonight.

5. **PERMIT/LICENSE APPLICATIONS:**

- 5.1. Mobile Food Permit - SAY CHEESE, Teresa Goulette – Mobile Food Permit - Ms. Goulette was not able to attend the meeting but was hopeful the Board would consider her application this evening. She has set up at past and recent events at Smith's Country Cheese, Fall Fest, etc. and would like to obtain an annual permit to eliminate the need for a separate permit for each event. She is associated with the Food Commissary in Boylston, MA for her commercial kitchen requirements for sanitization purposes. She has applied for a food service permit for events with the Board of Health. Barbaro confirmed that all fees have been paid.

LaBrie moved to approve the Mobile Food Vendor permit for Teresa Goulette, SAY CHEESE, seconded by Ward. With a vote of all aye, the motion carried unanimously.

- 5.2. Entertainment Permit - HEAL Winchendon Event, "Taste of Winchendon" June 12, 2021 – Jeremy Diaz and Miranda Jennings of HEAL Winchendon came before the Board to explain their event. Diaz described the event as providing access to a diverse variety of food to those who may not usually have access. Local restaurants and businesses will provide unique products specific to them. Jennings said that HEAL Winchendon is about community and creating economic development and celebrating diverse cultures. This event will showcase a variety of food and cultures. Barbaro asked why this event is slated to be held at the library, and not the community park, to which Jennings explained that the library offers more accessibility for people to walk to. The Library welcomes events like this and will be hosting an art show next door on the same day. Anderson asked if Pleasant Street will be closed during the event, Diaz answered that he hoped it would be. Anderson was concerned about the impact of closing the street to which Jennings answered that they are very flexible. Anderson asked if there will be someone there to enforce social distancing. Jennings explained that there will be volunteers to ensure compliance with COVID-19 restrictions. Ward supported the idea and the concept but warned the applicants that the event could be cancelled depending on COVID-19 regulations and requirements.

Ward moved to approve the Entertainment Permit for Heal Winchendon for the "Taste of Winchendon" event to be held on Saturday, June 12, 2021 and advise the applicant that the most recent order/phase from the Governor's office pertaining to the COVID-19 pandemic is followed and adhered to with the understanding that the event may be cancelled if determined by the Board it would be in the community's best interest if the event was cancelled due to the current status of the pandemic. This motion was seconded by LaBrie. With a vote of all aye, the motion carried unanimously. LaBrie moved to waive the application fee, seconded by Salter. With a vote of all aye, the motion carried unanimously.

- 5.3. Junk Dealers: Second Hand Articles License Renewals  
5.3.1. Daniel Brewer, 900 Lincoln Avenue  
5.3.2. Ed's Scrap Metals, Edward Vaillancourt, 64 Main St.  
5.3.3. Pattie's Jewelry, Inc., Sherrie Erlenmeyer, 15 Central St.

Daigle reminded the Board that this is a renewal process and applicants were not asked to attend the meeting. Department heads have reviewed and have no issues with the renewals, and fees have been collected.

**LaBrie moved to approve the Junk Dealers: Second Hand Articles License Renewals effective on May 1, 2021 for the following: Daniel Brewer, 900 Lincoln Avenue, Ed's Scrap Metals, Edward Vaillancourt, 64 Main St., Pattie's Jewelry, Inc., Sherrie Erlenmeyer, 15 Central St. This motion was seconded by Ward. With a vote of all aye, the motion carried unanimously.**

**6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS:**

**7. NEW BUSINESS:**

- 7.1. Request Town's Written Consent for Transfer of Ownership and Control of Not Your Grandpa's Tobacco, Inc. located at 703 School St. – Isaac Stahl of Stella5.LLC came forward to speak on behalf of the request to transfer ownership and control. Barbaro clarified his understanding that Mr. Stahl is buying the property and will be the owner on record. He is also purchasing the rights to the business. Tiffany Newton, current licensee and owner, has offered to stay on as a manager to ensure a smooth transition. Stahl explained that the facility will manufacture and cultivate marijuana products. The license currently allows for retail and cultivation but does not discuss manufacturing. LaBrie said she recalls there being discussion on zoning restrictions that may not allow for manufacturing. The Board was concerned that the transition of this license and the zoning of the area may not be allowed for manufacturing. Barbaro noted that if it is not zoned for what the applicant is requesting, it will have to go before the Fall Town Meeting to change the Zoning.

**Ward moved to table this discussion, seconded by Anderson. With a vote of all aye, the motion carried unanimously.**

Barbaro asked the applicants to come back in two weeks while the Town Manager researched the allowed use and transfer of license.

- 7.2. FY22 Street Paving with Chapter 90 Funding – DPW Director, Brian Croteau, came before the Board to inform them which roads would be paved with Chapter 90 funding this year.

*Mill Glenn Road from Town Farm Road to Gardner line  
Mill Glenn Road from Baldwinville Road to Stoddard Road  
Town Farm Road from Baldwinville Road to Mellen Road  
Baldwinville Road from Mill Glenn Road to Baldwinville Line.*

Ward asked how these roads are selected, to which Croteau explained that there is a pavement management program that ranks the roads by their condition. LaBrie asked Croteau to look for other sources of funding, such as grants. Croteau explained that is a priority that he shares with Tracy Murphy, the Director of Planning & Development, and they are always working together to obtain whatever funding the Town is eligible for. Anderson asked Croteau why he does not use his own judgement to decide which roads will be paved. Croteau explained that the pavement management program is required in order to obtain Chapter 90 funding. Noting the vicinity of some of these roads to Mellen Road, Anderson asked why the DPW does not just complete the repaving of Mellen Road. Croteau explained Chapter 90 funds cannot be used on legally unaccepted roads. Delaney explained to the Board that this is the only community he has seen that completely relies on Chapter 90 funding and does not designate any of its budget towards the roads. He said the pavement management program is worth its weight in gold but the Town really needs to supplement the Chapter 90 funding with additional Town funding. From what he has seen, the DPW is doing quite a job with very limited financial resources. Barbaro lauded the emphasis that Murphy and Croteau place on obtaining grants, listing several recent grants very recently received, totaling over \$300,000. He thanked them for the work they do with very limited resources and praised their diligence.

- 7.3. Vote of Approval of Revised Enterprise Funds: Water and Waste-Water – Delaney explained that the prior approved budgets did not include the capital items that are being funded in FY22.

**LaBrie moved to approve the amended Water and Waste-water Enterprise budgets for FY22 as presented this evening.**

Anderson questioned a proposed rate increase and asked why it was listed. Delaney said there are not proposed rate increases, but if she does not feel comfortable voting, he suggested tabling this item until the next meeting.

**LaBrie moved to table this discussion, seconded by Ward. With a vote of all aye, the motion carried unanimously.**

- 7.4. Discussion of Re-opening the Special and Annual Town Meeting Warrant - Barbaro explained to the Board that he would like to open the warrant for a twenty-four hour period to put the acceptance of Mellen Road on there. It would need to be sent to legal counsel to make sure all requirements are met. He described this process as long and arduous for everyone involved. Anderson said that when the Board voted on the Town Meeting schedule at their January 25<sup>th</sup> meeting, the dates were described as temporary, so the public was misled. She also said that she had an issue with the Board of Health “Earth Day” Article from 2018 Town Meeting. Delaney said that the article appropriated money for an Earth Day cleanup and it was intended to be an annual appropriation. With everything happening in 2020, it went off the radar. Legal counsel suggested adding this as a line item, and said it does not need to be a warrant article because the intent of annual appropriation was clear. Moving forward, the money will be appropriated every year into that line item under the Board of Health.

Barbaro sought a motion to open the warrant on Tuesday, April 13<sup>th</sup> at 9:00 a.m. and to close it again on Wednesday, April 14<sup>th</sup> at 9:00 a.m.

**LaBrie moved that the Board reopen the warrant for the May 2021 Annual Town Meeting for a period of 24 hours beginning Tuesday, April 13th at 9:00 a.m and closing April 14<sup>th</sup> at 9:00 a.m., seconded by Salter. With a vote of all aye, the motion carried unanimously.**

Watkins asked for 48 hours to obtain signatures. Barbaro explained that he had offered Watkins the option of submitting the warrant article on his behalf, meaning that he would not have to obtain signatures. Watkins was unwilling to pursue that avenue, saying that the Town would not word the warrant article correctly. He chose to pursue a citizen’s petition instead.

- 7.5. Draft Special and Annual Town Meeting Warrant for May 17, 2021 – Delaney reviewed the summary sheet of the draft warrant for Town Meeting. He suggested that the Board would have the opportunity to finalize this warrant at their April 26<sup>th</sup> meeting. Barbaro noted that the repairs to the senior center would cost \$68,000 a year, and that it was clear at the most recent Town Meeting that citizens do not want debt exclusions for the senior center repairs. Salter was concerned about the lack of requests for funding for the Fire Station, due to the level of repairs needed. Delaney said that with the current budget review, he did not feel confident recommending the proposed funding for repairs and it will be revisited at the Fall Town Meeting.

**8. OLD BUSINESS:** There was none scheduled tonight.

**9. TOWN MANAGER’S REPORT:**

**9.1 Financial Updates; Personnel Updates; Project Updates; Miscellaneous Updates -**

1. **Zoom for future meetings.** The logistics are presenting a challenge to incorporate Zoom as part of in-person meetings at Town Hall. We are working closely with Don O’Neil to determine if we can utilize existing equipment, or if additional equipment is necessary, and if so, at what cost. This is a work in progress, and we will keep you advised as we get further into the process.

2. **Opening plan for Town Hall.** We are watching/reviewing the guidance from the State relative to a further opening of Town Hall to public access. The logistics for such a full opening, if warranted, will be a challenge. I am not recommending a full re-opening at this time given the ongoing health concerns. Although not ideal, I am impressed by the level of service that our staff is able to provide all residents during this trying period.
3. **RFP for water rate study.** At our last meeting you had asked that we begin the process of drafting a Request for Proposals to undertake a water rate study and related examination of a cost benefit analysis of contracted services vs. town operated water and sewer services. Before I drafted such an RFP, I wanted to take a moment to share the likely components that I think should be included in such a study to be sure that the RFP reflects the goals of the Board of Selectmen. Possible elements of a study:
  - a. Rate analysis based upon current operational configuration
  - b. A cost benefit analysis of contracted services vs. town operated services, with a rate analysis for both options
  - c. Capital needs assessment with related financial implications and financing options
  - d. Based upon current users of both utilities, and the potential for growth to offset expenditures, a prognosis for the long term financial health of the water/sewer utilities
4. **Question on debt service related to water and sewer budgets.** There is no debt coming off these budgets this fiscal year.
5. **Hydrants.** There was a question related to hydrants...how many and are any out of service. We have 345 hydrants, with none out of service. The flushing program began this week.

#### **Other topics**

6. **Audit.** The FY20 audit is complete and the final audit report is expected on, or before, April 12, 2021.
7. **Mellen Road informational letter.** I had sent out an informational letter to all residents on Mellen Road, with a copy to all members of the Board of Selectmen. An additional copy is appended to this document.
8. **Town awarded \$243,600 grant from the Mass DOT Shared Streets Program.** The work associated with this grant will focus upon pedestrian safety improvements in the upper Central Street area, including routes connecting Murdock High School, Memorial Elementary School, and Broadview Assisted Living Center. Work will include, among other items, ADA compliant curb ramps, cross walk delineations, and pedestrian flashing crossing lights. A big thanks to Planning and DPW staff who spearheaded the effort to land this grant!
9. **Veterans' Services.** Our effort continues to implement a satisfactory plan for the replacement of the Veterans' Services Agent as a result of Scott's untimely passing. We have been utilizing the part time services of an agent from another community on a temporary basis, with mixed success. There have been a few glitches in paperwork, which have prevented the timely distribution of benefits to several veterans, which is not acceptable. We are correcting problems as they are discovered, and we are working on a longer term solution, which could include a part time person, or perhaps joining a regional group, which in my view, would be the ideal solution. I will keep you posted.

Anderson asked for an update on incorporating Zoom access to live meetings. Delaney said that staff has tried to do it a few ways, and they experienced unwanted feedback coming through. They are still working on the issue and will provide updates as they become available.

With regard to reopening Town Hall, Delaney is not recommending it at this time. He explained the logistics would be challenging, and that a staff person would have to monitor the number of people exiting and entering the building. He commended staff for their creativity in continuing to assist residents while the building remains closed. Anderson asked for a "Plan B" for Annual Town Meeting if COVID numbers

mandate an alternative option. Delaney explained that staff is being very sensitive to guidance from the state and he does not think we will have to postpone.

10. **MINUTES:**

10.1 Monday, March 8, 2021 Regular Meeting – Ward moved to approve the minutes of the regular meeting held March 8, 2021, as presented this evening, seconded by Anderson. With a vote of all aye, the motion carried unanimously.

10.2 Monday, March 22, 2021 JOINT Meeting with the Finance Committee – LaBrie moved to approve the minutes of the joint meeting with the Finance Committee held March 22, 2021, as presented this evening, seconded by Anderson. With Salter abstaining and the remaining members voting aye, the motion carried 4-0-1.

10.3 Monday, March 29, 2021 Special Meeting – LaBrie moved to approve the minutes of the special meeting held March 29, 2021, as presented this evening, seconded by Ward. With a vote of all aye, the motion carried unanimously.

11. **COMMUNICATIONS:**

12. **AGENDA ITEMS:**

12.1 Discussion of Date for Board to Vote Recommendations to STM/ATM Warrant Articles – It was decided that the Board would like to wait until the Finance Committee makes their formal recommendations, before a vote is held by the Board. A special meeting will be held on Wednesday, April 28<sup>th</sup>.

13. **EXECUTIVE SESSION:** Executive Session was held earlier this evening.

14. **ADJOURNMENT:** Ward moved to adjourn, seconded by LaBrie. With a vote of all aye, the meeting adjourned at 8:46 p.m.

Respectfully submitted,



Taylor Tower  
Administrative Assistant