

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, DECEMBER 13, 2021
Town Hall, 2nd Floor Auditorium, 109 Front Street, Winchendon, Mass.**

Present-

Audrey LaBrie, Chair
Rick Ward, Vice Chair
Danielle Lapointe via zoom
Barbara Anderson
Amy Salter

Justin Sultzbach, Town Manager
Linda Daigle, Executive Assistant
Tamarah Casavant, Admin. Assistant

List of Documents Presented at the Meeting

- National Grid's High Street Pole Petition No.#30249058 (filed)
 - November 17 Memo from DPW Director to BOS Regarding Pole Petition
 - December 1, 2021 Abutter's Public Hearing Notice
- Notice of Interest to become an alternate member of the Zoning Board of Appeals from Evelyn Higgins (filed)
- Club Change of Manager/Change Officers/Director Application for American Legion EM Connor Post 193 (filed)
- Transfer of Lodging License Ownership of R & G Trust, 306 Central St. (filed)
- Class II License Amendment - Update of Ownership R& M Auto Center, Inc., 230 Baldwinville State Rd. (filed)
 - Town Counsel Opinion regarding Class II License Internet Sales
- Class III Business Structure Change Application, Warren Field, dba Like New Auto Parts (filed)
- 2022 License Renewals
 - List if 2022 License Renewals Sorted by Company and by Category (filed)
 - ABCC Renewal Certification 2022
- Town Manager Memo dated 12/13/21 regarding Marijuana Establishments Licensing Discussion (filed)
Email communication dated 12/7/21 from KP Law re: Cannabis Local Licensing Question
- Town Manager Memo dated 12/13/21 re; Water Rate Study Update (filed)
 - Professional Services Agreement between the Town of Winchendon and Raftelis Financial Consultants, Inc. (filed)
- Report of the Town Manager December 13, 2021

Chair Audrey LaBrie called the meeting to order at 6:30 p.m. All rose for the Pledge of Allegiance. LaBrie asked if anyone in the audience was video or audio recording, to which there was no response.

1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:

- 1.1. Winter Parking Ban - Ward read the Town of Winchendon Bylaw 7.18 Winter Ban. The Winter Parking Ban is now in effect from December 1st through April 15th. Section 7.18 of the Town's Bylaws prohibits parking on all public ways between the hours of 11:00pm and 6:00am. Thank you all for your cooperation.
- 1.2. Christmas/New Year's Holiday Hours - LaBrie noted the holiday hours for Town Hall, closed Wednesday the 22nd at noon, reopening Monday the 27th. The Transfer Station hours are as follows: Open the 23rd from 8a.m.-4p.m., Friday the 24th 8a.m. -12p.m., Closed Christmas Day. New Year's Hours will follow the same schedule.
- 1.3. Garden Club Thank You - LaBrie extended a thank you to Jane and Edward Galat and the Winchendon Garden Club for the beautiful wreaths that adorn the outside of Town Hall and the care of the gardens they provide around town all year round.

Anderson extended a thank you to resident Tina Santos and Willie's Christmas Trees' who donated their time and evergreen bough to help spruce up downtown for the holiday season.

7.1 Meet And Greet New House Delegation – With Representative Jon Zlotnik and Representative Suzanne Whipps in the audience, the Board addressed item 7.1.

LaBrie introduced Representative Zlotnik and they spoke about the census and rezoning (re-appropriating) for the senate and house congressional districts. Representative Zlotnik explained this latest redistricting round eliminated an entire western Massachusetts house district. All the districts in Central Mass will need to shift to accommodate the population loss in the West Berkshires. Representative Zlotnik will lose Westminster and gain Templeton. Winchendon moving forward will not be included in precinct one but will now be included and split between Representative Suzanne Whipps from Athol who represents the 2nd Franklin District, and Representative Zlotnik the 2nd Worcester District. This doesn't mean too much difference moving forward. We all work together as representatives regardless of party line or district. It would really only look different on your ballot when you vote depending on where you live. Representative Whipps introduced herself and provided us with her contact information and her background as a member of the Athol Board of Selectmen, and as the only independent member of the Massachusetts legislature, mainly focusing on substance abuse, mental health and recovery. Her phone number at her Athol office is (978)895-9606. Her staffers name is Rachel.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS: None were seen or heard.

3. PUBLIC HEARINGS:

- 3.1. Pole Petition - National Grid & Verizon New England to Relocate One Joint Owned Pole – High St. Plan No. 30249058 - Ward read the pole petition public hearing notice into record. LaBrie noted that Brian Croteau, DPW Director, has reviewed each petition and finds each one acceptable. Abutters have been notified.

Anderson moved to open the Pole Petition Public Hearing, seconded by Ward. With a roll call vote of all aye, the public hearing was opened at 6:48 p.m.

Anderson asked if this plan met the approval of the Historical Commission. Mr. Croteau explained that Mary Harrington, an abutter, was notified and originally opposed, made no grievances about the attached plan. Ward also confirmed that the Historical Commission spoke at length about the plans at the meetings.

Ward moved to close the Pole Petition Public Hearing, seconded by Anderson. With a roll call vote of all aye, the hearing was closed at 6:57 p.m.

Ward moved to approve the Pole Petition to relocate one Joint Owned pole on High St. as presented this evening. Anderson seconded and with a roll call vote of all aye, the petition was unanimously approved.

4. APPOINTMENTS/RESIGNATIONS:

- 4.1. Zoning Board of Appeals Alternate Appointment – Evelyn Higgins - LaBrie spoke about the Zoning Board of Appeals Alternate vacancy and Evelyn Higgins willingness to help on this board. She has served in many capacities over the years and will be a valuable asset to the board. Anderson thanked her and her husband for their years of service.

Ward moved to approve the appointment of Evelyn Higgins to the Zoning Board of Appeals as an alternate member with the term to expire June 30, 2022. Anderson seconded. With a roll call vote of all aye, the motion was unanimous.

5. PERMIT/LICENSE APPLICATIONS:

- 5.1. Change of Manager/Officers/Directors –American Legion EM Connor Post 193, 295 School St. -

Mark Desmarais, Senior Vice Commander at the American Legion, the proposed bar manager Karin Wyson, and the new finance officer, Trent Solomon, were present to speak to the license change. They were looking to formally appoint Ms. Wyson as manager of the liquor license and to update their officers/board of directors due to the untimely passing of Scott Gauthier, the previous manager.

Ward moved to approve the Change of Manager, Change of Officers/Directors for the All Alcohol Pouring Club license of the American Legion EM Connor Post 193, located at 295 School St. and to forward to the ABCC for state approval. Anderson seconded. With a roll call vote of all aye, the motion carried unanimously.

- 5.2. Transfer of Lodging License Ownership – R & G Trust, 306 Central St. – The applicant was not present to speak to this matter. Chair LaBrie explained the applicants were seeking to change the license ownership due to the passing of Mr. Gordon. They still had some outstanding paperwork to complete with the license renewal process, and it was requested that they approve the license under the condition that the license renewal paperwork is completed. Executive Assistant Linda Daigle informed the board the new license holder dropped off the paper work today and she was confident they would be able to complete the process without issue.

Ward moved the Board of Selectmen approve the license ownership of R & G Trust Lodging, located at 306 Central St. to be transferred to Mr. Gordon's wife, Nancy Gordon, and to her daughter Karla with the condition that all the required application paperwork is in order and with any estate rules being followed. Anderson seconded, with a roll call vote of all aye, the motion carried.

- 5.3. Class II License Amendment – R&M Auto Center, Inc., 230 Baldwinville State Rd. - Owner Addition - LaBrie noted the previous owners are listed on the license and the additional new owner has not been approved by the Board. She also noted if approved this evening that it be granted pending the required inspection of the books of the business by the Police Dept. Anderson noted that the owner had previously missed appointments with the Police Dept. to satisfy this requirement. Anderson preferred to have R&M Auto Center meet the requirements before approving their license and that they should reach out to us. LaPointe agreed and recommended tabling this until the required inspections have been met. It was also noted R&M Auto Center had outstanding property taxes for November.

Anderson moved to table this request from R&M Auto Center until such time as the requirements of the Town are met. Ward Seconded. With a roll call vote of all aye, the motion carried unanimously.

- 5.4. Class III Change of Business Structure – Warren Field, dba Like New Auto Parts, 401 School St. – LaBrie noted Warren Field is looking to change business structure of his Class III license removing the corporate structure and listing under his name doing business as “Like New Auto Parts.” Warren Field was present to speak to his business restructuring stating it was on the advice of his Accountant for tax purposes. Anderson asked about the fencing requirement, which Warren confirmed was going to be addressed with the Planning Dept.

Ward moved the Board of Selectmen approve the Class III Change of Business Structure for Warren Field, removing the corporate name of “Delfi Excavating, Inc.,” and license the Class III under Warren Field, Doing Business As “Like New Auto Parts” as presented this evening.” Seconded by Anderson. With a roll call vote of all aye, the motion carried unanimously.

- 5.5. 2022 Board of Selectmen Annual License Renewals – LaBrie explained the license renewal process that the office goes through every year. There is one business that is not renewing their liquor license because they are only allowed so many licenses and they do more business in other areas. Linda Daigle thanked all the Department Heads and Tamarah Casavant for all the assistance in getting the licenses completed.

Ward moved the Board of Selectmen approve the renewal of the 2022 licenses as presented this evening with the exception of R&M Auto Center, and also to execute the “Renewal Certification 2022” form to

the Alcoholic Beverages Control Commission. Seconded by Anderson, with a roll call vote of all aye, the motion carried unanimously.

- 5.6. New Year's Eve Closing for Section 12 Liquor License Holders. LaBrie explained this was customary every year for Section 12 Liquor License holders to extend the hours of operation until 2:00 a.m. on New Year's Day. Linda Daigle, Executive Assistant, confirmed the Police Chief has no issue with extended hours for the holiday.

Ward move the Board of Selectmen authorize to extend the hours of operation for Section 12 liquor license holders until 2:00AM on New Year's Day. Seconded by Anderson, with a roll call vote of all aye, the motion carried unanimously.

6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS: Not applicable this evening.

7. NEW BUSINESS:

- 7.1. Meet and Greet House Delegation – This item was addressed under Selectmen Comments.
- 7.2 Marijuana Establishments Licensing Discussion - LaBrie said the question before us tonight is do we now add marijuana dispensaries to the annual licensing process here at the town level? Town Manager Justin Sultzbach spoke to this and said that this topic came up organically with the upcoming opening of the Bud Barn on Spring St. and that we had reached out to legal counsel for advisement about how other communities handle this in the Commonwealth.

They advised that only a handful of communities have an additional licensing process and the reasons being, 1.) the Host Community Agreement (HCA) they enter into with the cannabis entity effectively acts as the licensing arm state, and if the business doesn't abide by the agreement set forth by the HCA, the Board has the authority to bring them in and effectively shut them down; 2.) the cannabis industry is already heavily regulated by the Commonwealth of Massachusetts, more so then you would typically see with alcohol and 3.) there really isn't any separate financial gain for the community due to a court case in 1984 in Massachusetts we can only charge how much it reasonably takes us to produce a license.

The Town Manager concluded that he didn't feel the additional local licensing would provide any real benefit but deferred to the Board with whatever preference they have. LaBrie asked for questions and comments from the Board.

Anderson asked for clarification about how we would handle an establishment not abiding by the rules. With liquor licenses we can bring them in for a hearing and she thought this should work the same way. Sultzbach agreed and pointed out that the Host Community Agreement has the same effect with the Town already having that authority to bring them in.

Chair LaBrie noted that she appreciated that the Host Community Agreement did that but liked the idea of being able to reach out and touch base with each business annually. She said she could see both sides. Ward stated that the Host Community Agreement and the State both cover this item. This is the most controlled business in the state and he didn't see a need for an additional level on top of this. Salter agreed and said we have enough in place that if something were to happen, we could stop them. LaPointe asked for clarification about the Host Community Agreement, (she was having difficulties hearing via zoom.) Sultzbach gave another overview of the power the Host Community Agreement saying we have the same authority as with alcohol licenses. He stated he could call her to update her if she still could not hear. LaBrie asked for clarification about the license start date; Sultzbach replied it would begin as soon as they opened this year.

Ward moved the Board defer to the individual Host Community Agreements as a licensing process for local cannabis operations. Salter seconded.

Town Manager Sultzbach offered to have the marijuana establishments come in once a year for a sit down with the Board and Anderson replied no, that it wasn't the same. LaBrie offered that she would like them to come in once a year.

With a roll call vote of Salter aye, Ward, aye, Anderson, no, LaPointe, aye, and the Chair, aye, the motion carried 4 to 1.

8. OLD BUSINESS:

- 8.1. Water Rate Study Update - Town Manager Sultzbach noted the DPW Director was in attendance this evening to speak to this matter as well. This is just a follow up from our last meeting on November 22nd, regarding our search for a team do a full water rate study on behalf of the community. Sultzbach thanked DPW Director Brian Croteau for his help in the search. They have secured the services of Raftelis Financial Consultants, Inc. They are one of the largest organization in the nation that do this type of work. The fee came in at \$19,500 and will cover everything that they had requested previously which would include a final letter of memorandum and model as well as an in person presentation to the Board sometime in February reporting on their findings.

9. TOWN MANAGER'S REPORT:

Financial Updates-

- a. The Department of Revenue has approved our FY22 Tax Rate of \$15.11.
- b. FY22 Actual Tax Bills are set to go out to the printer to be delivered for the New Year, due on February 1st.
- c. CARES reporting is complete, and we will continue to monitor ARPA spending. ARPA will be reviewed as a group at the Joint Meeting in January.
- d. The Capital Planning Committee is set to meet on Monday, December 20th. This will review progress at the Old Murdock, a proposal from the Library Board of Trustees, and update for the Winchendon Fire Station, and a review of the FY23 Capital Planning Process.

Personnel Updates-

- a. We have reached an agreement with the Union to advertise for a part time Conservation Agent, part time Planning & Development Administrative Assistant, and re-scoped role for the Planning & Development coordinator. Advertisements for these roles were released last Friday.

Project Updates-

- a. The grant funded project on Railroad Street has been closed for the winter. All utility work is complete. A final topcoat for the road and sidewalks will be installed in the spring.
- b. The review panel for the Old Murdock OPM met last week, narrowing down the pool of candidates to three. In person interviews will be held this upcoming Thursday the 16th.
- c. The Design Phase for the Winchendon Community Park Amphitheater is nearing completion, with the project expected to go out to bid this winter.
- d. We are in the process of finalizing the transfer of the Beech Street properties to the Town of Winchendon. In the meantime we are working with the business owner to remove existing stockpiles of tires and other debris on the site.
- e. A volunteer group is looking to install an outdoor skating rink at the Winchendon Community Park. It would be located at the former site of the house.

Chairwoman LaBrie asked to ensure the Winchendon Community Park committee is aware of this.

Miscellaneous Updates –

- a. The Executive Director of the Community Preservation Coalition joined us virtually today for a preliminary discussion about the Community Preservation Act, and what impact that would have on Winchendon. The conversation was joined by a member of the Board of Selectmen, Finance Committee, Historic Commission, and Conservation Commission.

- b. I had the opportunity to come up to town on Saturday for the Festival of Lights. Special thanks to the Library and Recreation Commission for all of their family friendly activities held throughout the day. Their volunteerism is appreciated!
- c. Thank you to our staff, Boards, Committees, and other volunteers for all of their hard work throughout the year. Their dedication to our community is appreciated. Wishing everybody a Happy Holidays and a safe, healthy, and Happy New Year!

Anderson asked for clarification of the "Personnel Update" pertaining to the restructuring of the Planning and Development Department explaining the roles. Sultzbach responded that this was due to the limited interest in the advertisement and working with the Development and Planning team in structuring more appealing roles for the current job market and still covering all our obligations and supplying support to the boards and committees, staying within the Town Manager approved budget. Historically, the roles were divided and then combined. The Conservation aspect is very specialized and requires certain specifications and backgrounds. Breaking it out as a standalone role, the Town may have a better response. Also this allows for opportunities for internal growth for existing employees. He didn't want to make the decision in a vacuum and brought it up at the last Selectmen's meeting; he also met with union representatives and received supportive input. Sultzbach continued that this plan will allow us to get stronger applicants to serve the roles and needs we have at town hall in a way it won't negatively impact employees, in a way that will encourage growth for existing employees and in a way it won't negatively impact the budget. Anderson said her problem is this was the first time she recalled hearing about it and it was the Board of Selectmen who had combined the positions of part time Conservation agent to a full time position adding in Planning duties and now it is being changed. Sultzbach offered to bring this back before the Board at their next meeting with more detailed information, including actual job descriptions as Ms. Anderson suggested.

Anderson asked about the signs as well, and stated that the people who had asked for approval to put their signs out should now remove them.

Selectwoman LaPointe stated she was having technical difficulties and will exit the meeting and rejoin which she did.

10. MINUTES: There were no minutes ready for your review this evening.

11. COMMUNICATIONS: LaBrie noted there was a Tri-Board meeting scheduled for January 11, 2022 and their regular meeting on January 10, 2022.

12. AGENDA ITEMS:

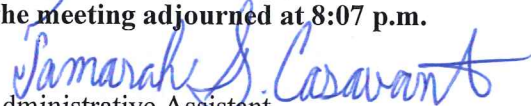
13. EXECUTIVE SESSION:

- 13.1. Executive Session 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: National Opioid Litigation

Ward moved to enter into Executive Session under Exemption #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. The Chair so declared and added with returning to Open Session with the sole purpose of adjournment. Salter seconded the motion. With a roll call vote of Salter aye, Ward, aye, Anderson, no, LaPointe, aye, and the Chair aye, the meeting convened into Executive Session at 7:54 p.m.

14. ADJOURNMENT:

The Board reconvened Open Session at 8:06 p.m. **Ward moved to adjourn, seconded by Salter. With a roll call vote of all aye, the meeting adjourned at 8:07 p.m.**

Respectfully submitted, 
Tamarah S. Casavant, Administrative Assistant