

**TOWN OF WINCHENDON
BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
MONDAY, JUNE 22, 2020**

-- Conducted by Remote Zoom Meeting --

Present:

Audrey LaBrie, Chairwoman
Barbara Anderson, Vice-Chairman
Amy Salter
Rick Ward
Michael Barbaro

Keith R. Hickey, Town Manager
Linda Daigle, Executive Assistant
Albert Gallant, DPW Director

List of Documents Presented at Meeting:

- Email Correspondence between Town Manager, Keith Hickey and Town Counsel Regarding the Challenge of Unaccepted Roads (April-May 2020) (attached)

EXECUTIVE SESSION: Exemption No. 6 – To consider the purchase, exchange, lease or value of real estate, if the Chair so declares.

LaBrie called Executive Session to order at 8:19PM. She noted they had before them figures pertaining to costs in reclaiming Mellen Rd. and asked the Board for their thoughts for discussion.

Ward asked if the Town has done anything on Mellen Road in the last year. DPW Director, Al Gallant, replied no that they just plow, sand and salt it. They haven't done any work on the private part of the road. They have filled pot holes in the past month for the whole road that the Town owns. LaBrie asked when was the last time the Town did any work on the private part of the road. Gallant replied probably three years ago and noted when he started as DPW Direction, the first and second year he was repairing the road not knowing not to.

LaBrie said she knows we have had a lot of discussion on this issue and wants to make it clear the road is not up to standard so she would certainly not support bringing it to Town Meeting to have voters decide to accept it or not. There is some accountability on the Town side for some of the confusion that we had been doing some work on it and then stopped and also some confusion with votes. She would almost be willing to ask if the voters of Winchendon would agree to expend \$10,000 towards the Mellen Road project explaining how much it would cost the town and how much it would cost the Mellen Road residents. A little bit would come from the Town; this is what we can do, anything else, the individual residents would have to do themselves. Ward questioned the legality of going to Town Meeting and asking to spend money on a private road. Hickey replied, "Yes." He added there a number of other unaccepted roadways in Town that we plow in the wintertime and until three or four years ago maintained in some level that we are no longer doing. He agrees with the Chair that the Town has a little liability/responsibility that the roads should have been completed before house lots were sold and construction started on properties. At the time everyone was trying to do the right thing with the developer to start the second part of Mellen Road. It would be nice to find a happy medium and thinks the Board needs to be prepared to address the other road owners who come forward and want the same treatment. LaBrie recognizes that and said they would review on a case by case basis, thoroughly researching.

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Salter agreed and thinks it should be put out there at Town Meeting and let the voters decide. Something has to be done as she was concerned with spending more and more on legal fees if not resolved. She said it's up to the residents on the road to bring it forward as an article.

Barbaro noted the Mellen Rd. residents are not going to be happy; they want the whole road repaired. The estimated cost is \$155,000. He wouldn't go for that and asked what it would cost to just patch it.

Gallant advised the Board that he gets complaints on a daily basis how bad the roads are in town and the Board would most likely get negative feedback if town funds were used. He feels Selectwoman Salter had the right idea to bring a warrant article to Town Meeting authored by the residents and let the town vote on it. There are multiple streets that are in need as much as Mellen Road that he doesn't have the money, equipment and personnel to fix it as fast as they need it. He thought it best in everyone's interest to let them bring it to the Town floor, maybe not a money value, but simply would the town allow to patch the road and keep it in better shape. This would leave the Board out of the decision to put it out there. LaBrie understands what he is saying but prefers either the Board or the residents come up with a figure for a warrant article.

Hickey offered to reach back out to Town Counsel with potentially either the Board or the residents crafting a warrant article for Town Meeting. He noted there were concerns the Attorney had when he talked with him about upgrading the road from what it is today to a dirt road. He had suggested to have all the property owners on that road waive damages if anything happened while spending money on the road to protect the Town. He offered to bring this issue back before the Board at their next meeting and explain Town Counsel's recommendations of the process for the Board to consider to move forward. He doesn't want to have a step missed. It would show at least the residents of the road that we are communicating with the Attorney and the Board is considering some type of repair to the road way and a process in how to get there. It may not be as simple as someone including a warrant article this summer, it gets approved by people at Town Meeting that evening and we just move forward. There are some things that may need to be considered to protect the town.

Barbaro asked if any of the property owners have withheld their property taxes as has been threatened. Hickey said he did not ask who on that roadway has or has not paid their property taxes but could get that information for the Board.

Ward commented it would be silly to put an article on the warrant that they didn't believe in. If the property owners put in an article with an amount, then the Board could say no. He doesn't think the Town will approve a vote to spend a lot of money on a private road. He asked if it would be a warrant article to accept the road as a town road or just repairs to a private road. LaBrie replied this would not be to accept it but just some way to getting repairs to bring it up to standard and maybe at a future town meeting, it could be considered to be accepted. Ward was concerned that it would open the door for the other private roads. LaBrie agreed.

Salter commented if the property owners can sell this to the voters, good for them. It will be difficult but it can be done. If it's important to them, they will follow through.

Anderson commented before they talk about expending money for a private road, they need to think about the cuts that might be happening in Town and how the Townspeople will feel about that. LaBrie asked about the 1/12th budget with the approval from the state for July. Hickey informed them that he has spoken to Senator Gobi and Representative Zlotnik and they feel there will be monthly budgets for July and August because the budget writers and legislators want to see what comes in for taxes by the July 15th deadline.

DESE anticipates a potential 20% cut in Chapter 70 money. Representative Zlotnik and Senator Gobi don't see anywhere near that type of cut coming forward. They believe it's going to be no more than 5 % of the FY20 Cherry Sheet numbers including Chapter 70. He emailed the Superintendent of Schools and heard back from her this evening that DESE hasn't said anything since Friday. They don't seem to be connecting. No one can be sure. One of the requirements the state is instituting with the schools is no more than ten kids per classroom; we can't do that when we are laying off teachers. Representative Zlotnik is hearing about a second wave of federal funding to assist with potential revenue lost and cost impacts due to what's going on in the last few months with COVID19. This is all speculative at this point but he doesn't imagine the cuts will be much deeper than 5%. He's not sure how they will get to where they need to get to. Salter said we will know the figures by Town Meeting. Hickey expressed he wants to limp along with the 1/12 budget until he knows what the FY21 revenues are and expects Town Meeting to be held sometime in September or October.

Hickey offered to compile a flow chart of both options for the Board to review at their next meeting. One option being the Board bringing forth a warrant article and second to have the residents of Mellen Road bring their own warrant article forward with guidance if they need it. LaBrie replied that would be helpful to get a visual.

Barbaro asked as an option could a figure be given to the residents to patch the road giving them a reasonable number that might be supportive. Hickey commented that he's not so sure it's as simple as offering to patch the road once is satisfying the residents. It's for the Board's consideration. LaBrie asked if we could provide the residents with dollar figures for what it would be to do "a" or "b". Hickey replied he could certainly do that and noted the residents are looking to have the Town accept the road and not a temporary fix. He's not sure how happy they will be with a one-time patch or a mill overlay for \$36,000. It will look nice for a while but it will snow and rain and the road will worsen fairly quickly and we are back to them looking at us to fix it again. He wants to be sure they are looking at a long term fix. LaBrie commented she is not sure there is a long term fix that will be agreed upon but at least we are moving towards something.

Ward commented if the property owners are unreasonable and come back with we want this to be a road and paved, then let's just go to court and let it be resolved once and for all.

LaBrie noted the Board would address this issue again in Executive Session at their July 13th meeting.

With no further discussion, **Barbaro moved to adjourn Executive Session; Ward seconded. By roll call vote of all aye, the meeting adjourned at 8:47PM.**

Respectfully submitted,



Linda Daigle
Executive Assistant