

Approved:

7/13/2020

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING
MONDAY, JUNE 22, 2020**

**-- Conducted by Remote Meeting –
Zoom Meeting ID: 938 4178 3583**

Present:

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

Keith R. Hickey, Town Manager
Linda Daigle, Executive Assistant
Taylor Tower, Administrative Assistant

List of Documents Presented at Meeting:

- Introduction to Remote Meeting (attached)
- Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 (attached)
- Annual Town Election Results (filed)
- Forristal Road Pole Petition (filed)
- June 18, 2020 Letter from the Town Manager to April Mills of the Conservation Commission (attached)
 - Photos of Trees Removed from 376 Beachview Drive without Permission (attached)
 - Minutes of the June 11, 2020 Conservation Commission Meeting (attached)
- Nicole Elias Letter of Interest to serve on the Conservation Commission (filed)
- Leston Goodrich Letter of Interest to serve on the Planning Board (filed)
- Melissa Blanchard Letter of Interest to serve on the Planning Board (filed)
- Wright Pierce Water and Sewer Rate Study (attached)
- June 17, 2020 Memorandum from DPW Director to Selectmen Regarding Sidewalk Repair Options (attached)
- Report of the Town Manager (attached)
- Minutes approved:
 - Monday, June 8, 2020

Due to Governor Bakers recent Executive Order and state of emergency declaration with the outbreak of the Coronavirus (COVID-19), this meeting was conducted remotely through Zoom Meeting. The public was notified how to join the meeting through instructions noted on the agenda.

Vice Chairwoman, Barbara Anderson, called the meeting to order at 6:31 p.m.

All rose for the Pledge of Allegiance.

Anderson confirmed members present and persons anticipating to speak by calling their name and asking for a response in the affirmative: Salter, yes, Ward, yes, Barbaro, yes. Staff members present and responding in the affirmative were Keith Hickey, Town Manager, Linda Daigle, Executive Assistant, and Taylor Tower, Administrative Assistant. Anderson noted that Conservation Commissioner April Mills was present and Planning Board Alternate Member Leston Goodrich was absent.

Anderson read the “Introduction for Remotely Conducted Open Meetings” which noted Governor Baker’s recent Executive order of March 12, 2020 and outlined the guidelines and ground rules for the meeting this evening.

Chairwoman LaBrie joined the meeting at 6:34 p.m.

Anderson advised all participants that the meeting was being recorded and cautioned screen sharing. When asked if anyone besides the Town was video or audio recording the meeting, there was no response.

1. SELECTMEN’S COMMENTS AND ANNOUNCEMENTS:

1.1. Annual Town Elections Results – Barbaro congratulated Amy Salter on her re-election to serve another term on the Board of Selectmen. Larry Murphy and Greg Vine were also re-elected to their terms on the School Committee; and Karen Kast was elected to serve on the vacant School Committee seat through her write-in campaign. Brian Croteau was re-elected to serve on the Board of Health and Ed Bond won his write-in campaign to fill the open seat on the Board of Health. Barbaro congratulated all those elected and thanked them for their participation.

Barbaro thanked those that were involved in the nice and orderly Black Lives Matter protest. Ward thanked Town Clerk Wendy Stevens and Assistant Town Clerk Debra Skinner and their election worker staff for implementing the COVID-19 guidelines for the election. He described it as safe as possible and gave them kudos for their efforts.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS: None were heard.

3. PUBLIC HEARINGS:

3.1. National Grid and Verizon Pole Petition – Forristal Road - The applicants are seeking permission to install one joint-owned pole on Forristal Road. LaBrie read the public hearing notice into record.

Barbaro moved to open the Pole Petition Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

Mr. Robert Louis Williams of National Grid was present on behalf of National Grid and Verizon’s Pole Petition on Forristal Road. There were no questions or comments from the Board or the public.

Barbaro moved to close the Pole Petition Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

Barbaro moved to approve the Pole Petition for one Joint Owned pole on Forristal Road, and to allow the Town Manager to sign the Order on the Board’s behalf, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

4. APPOINTMENTS/RESIGNATIONS:

4.1. Discussion on the Removal of April Mills from the Conservation Commission – April Mills was before the Board to discuss unpermitted tree removal she had conducted at her property on Beachview Drive. LaBrie asked for questions and comments from the Board. Ms. Mills asked if she could speak; LaBrie allowed it. Mills stated that her understanding is that her role on the Conservation Commission is being reconsidered due to her removing trees that she believed to be

diseased. She initially wished to resign but upon further consideration, she wants to honor the commitment she made to the Conservation Commission. Mills noted that she believes she was within her rights to remove the trees and she declined the opportunity to discuss her role in executive session in an effort to maintain transparency. She explained that she first moved to her lake-front property in October 2018 and it was explained to her that there are special rules regarding conservation due to the proximity to the water. She wished to be involved in the community and support the beautiful area and decided to join the Conservation Commission. Over the winter, Mills said that storms rolling across the lake further damaged already diseased trees on her property. She said one tree was dangerously hanging over the neighbor's pathway utilized to access the beach. Several trees are alleged to have had metal cables embedded in them which cause damage. Mills stated that her concerns were confirmed by two separate arborists. She was concerned about trees falling and taking down power cables, hurting people or damaging property, and said that insurance will not cover claims if there was a dangerous situation that the homeowner failed to address. Mills said she filed her permit application to remove the trees in April, hoping to address the topic at the May Conservation Commission meeting. Following permitting guidelines, the trees in question were tagged and committee site visits were conducted. Due to Conflict of Interest laws, Mills was prohibited from voting on her own permit application. Coupled with the committee being short a member, the Commission was not able to hold a quorum and they were not able to hold a vote on the matter. In her research on the rules and regulations, Mills interpreted that she was able to invoke an "imminent danger" clause, remove the trees, and then file for permission after. The complaints alleged against Mills claim that she removed two more trees than initially requested. Mills stated that this was due to the high level of complaints when the road was closed to conduct the tree removal. She wished to remove them all at once and get it over with, rather than needing to remove the two additional trees and close the road again at a later date. Mills stated that the Commission is already short a member and that she wishes to continue in her role to protect wetlands and lakes. She thanked the Selectmen for their time and consideration.

Ward stated that while he is not an arborist, he conducted his own site visit and does not believe the trees to be dead or diseased. He said that the stumps looked healthy and had no holes in the middle. That aside, his main concern is maintaining the credibility of the Conservation Commission. The main task they are charged with is to enforce Article 29 of the Town Bylaws, which pertain to wetlands. The procedure is clearly written out, and removing trees within a wetland without approval violates everything that the Commission stands for. He maintained that it is an issue of public trust and takes away from the Commission's right to penalize homeowners when they say they were not aware of the rules and procedure before conducting unpermitted work. While he understands her frustration, he did not think all of the trees were diseased and said that the main incentive to remove the trees was likely due to their obstruction of the view of the lake. It would be wrong to allow this to continue, homeowners approaching the Commission will want the same treatment, and it is a violation of the oath to follow the Bylaws of the Town.

Mills contested Ward's statement that the trees are healthy, and argued that the stumps had no residual sap, which indicates no life. She also stated that removing the trees had little to no impact on her view of the lake and that she enjoyed the view of the trees better. Ward reiterated that the main issue here is a violation – the Town cannot have board members that violate their own board policies. Mills wanted the Board to understand that the metal cables were embedded in the tops of the trees, not the stumps, and that is what attracted the insects that cause further damage.

Anderson asked Mills if she had thought to ask the Conservation Agent, Alison Manugian, how to proceed due to difficulty obtaining a quorum. Mills said she would if she had known what she does now, and she thought that the commission had full authority and that her trees would be covered by

the imminent danger clause. If she had to do it again, she would have contacted Manugian. Anderson noted that Mills has Manugian's contact information and the first thing to do would be to reach out and ask how to proceed. Barbaro thanked Mills for her statement and said that the integrity of the Conservation Commission is now at stake.

Barbaro moved to remove April Mills on the Conservation Commission, seconded by Anderson. LaBrie wanted to allow everyone a chance to speak and asked Barbaro to consider temporarily retracting his motion to allow for further discussion. **Barbaro rescinded his motion, seconded by Anderson.** LaBrie asked Salter if she had any thoughts, to which Salter said it has already been said. She agrees that the integrity of the Board needs to be upheld. LaBrie drew parallels from this case to that of Mr. Hesselbee, a former Board of Selectmen member who had resigned due to questions regarding his Winchendon residency. She does not want to discourage potential volunteers from serving on Town committees and asked how the Board can move forward when an error is made. She asked if there were any further questions from the Board; when none were heard, she drew attention back to the motion on the floor. **By roll call vote of Ward, aye, Anderson, aye, Barbaro, aye, Salter, aye, and LaBrie, no, the motion passed 4-1.**

LaBrie thanked Mills for appearing before the Board and providing her testimony. April thanked the Board and wished them luck in filling the new vacancy.

4.2. Cultural Council Appointment – Nicole Elias – Nicole Elias, a Visual Arts teacher for the Winchendon Public Schools, is interested in filling a vacancy on the Cultural Commission. Elias was present at the beginning of the meeting but lost connection due to a loss of internet connection. Jill Sackett, Chair of the Cultural Council, advocated for Ms. Elias and said that the council is excited to have the perspective and training of an employee of the public school system. She will be an excellent addition especially since the council has struggled to meet a quorum and they have been working hard to solicit new volunteers. LaBrie mentioned that she knows Nicole personally due to her role as an arts teacher at the High School and thinks she will be a great addition.

Barbaro moved to approve the appointment of Nicole Elias to the Cultural Council for a term to expire June 30, 2023 and to allow the Town Manager to sign the appointment slip on the Board's behalf, seconded by Anderson. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

4.3. Planning Board Regular Member Appointment - Les Goodrich – Mr. Goodrich currently serves as an alternate member of the Planning Board and is seeking to be appointed to the regular seat that will be vacated by Scott Robillard on July 1, 2020. LaBrie noted that he is familiar with the Board and will be helpful as a regular member.

Barbaro moved to approve the appointment of Les Goodrich as a regular member of the Planning Board for a term to expire June 30, 2023 and to allow the Town Manager to sign the appointment slip on the Board's behalf, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

4.4. Conservation Commission Regular Member Appointment – Melissa Blanchard – Melissa Blanchard wishes to be appointed to the vacant position on the Conservation Commission. This commission has suffered vacancies and struggled to meet a quorum to conduct important business, resulting in delays to homeowner's work. Melissa has been a resident for 19 years, and due to her trade as a plumber, is familiar with Mass. General Laws and code. She has a large interest in conservation,

lived on a lake for 29 years and is big on ecology and environment. She loves that Winchendon is a Right-to-Farm community and wants to see the community safe.

Barbaro moved to approve the appointment of Melissa Blanchard as a regular member of the Conservation Commission for a term to expire on June 30, 2023 and to allow the Town Manager to sign the appointment slip on the Board's behalf, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

LaBrie thanked Blanchard for stepping forward.

5. PERMIT/LICENSE APPLICATIONS: There were none scheduled for tonight.

6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENT: There were none scheduled for tonight.

7. NEW BUSINESS:

7.1. Presentation of Water and Sewer Rate Study by Wright-Pierce – Mr. Hickey introduced two representatives from Wright-Pierce, Neil Cheseldine and Kevin Olsen; the primary authors of the water and sewer rate study. Cheseldine said the scope of the study was to review the water and sewer enterprise fund, which is funded by user rates. The past few years were reviewed and the authors took into account estimated future budget costs such as labor, O&M (operation and maintenance), capital improvements and debt service. Cheseldine clarified that some costs are fixed, such as debt and contractual arrangements, versus discretionary costs such as repairs on existing infrastructure, capital improvements, and inflation. Other factors of revenue include if the service area were to be expanded, if there is town growth within the already existing service area, water usage trends, the effectiveness of collections and abatements on customer bills. Cheseldine highlighted that costs of repairs, maintenance and capital improvements are increasing and the user rates need to be high enough to cover those unavoidable costs. Relying on the reserve fund to subsidize the Town's cost is not feasible. While the Town cuts costs by sharing water service with Ashburnham and contracting with Veolia, we are still responsible for the operation and maintenance of the sewer collection system, thus accounting for a higher sewer rate. Cheseldine showed a survey of neighboring comparable communities and their rates, depicting that Winchendon has lower water and sewer rates than the regional average. The last rate increase implemented by Winchendon was 4% and took effect in 2017. Due to having no increases since, the past couple years the budgets have run a deficit and relied on retained earnings accounts to fund that deficit. Continuing at this rate will accrue a deficit of \$80,795 this year and \$472,199 over four years. As the infrastructure continues to age and mandate significant investment, the rates need to be raised to accommodate the cost to the Town.

LaBrie thanked Cheseldine and Olsen for their comprehensive study. Anderson asked how this study was funded, to which Hickey answered the water study was paid for through the Town's water department and the wastewater study was funded indirectly through Veolia. They had proposed the rate study and the Town will pay for it through funds that are appropriated every year to pay Veolia and make repairs to the wastewater system. Anderson asked when the contract with Veolia expires, Hickey said it is renewed in two years. He explained that Veolia has saved the Town a significant amount of money through their operations of the wastewater systems and that their contract has nothing to do with the needed increase. Gallant informed the Board that the Veolia contract will expire in February 2022. Barbaro sought clarification on aforementioned long-term maintenance upgrades and asked what they anticipate in terms of major obstacles and upgrades in the next five to ten years. Cheseldine replied that in coordination with Veolia, capital projections

were examined and broken down between immediate priority items over the next five years and then in the longer term. The contract is laid out with basic line items for the operation of the facilities, and then repair and maintenance is discretionary. The breakdown is 15% in the repair and maintenance line item, leaving the rest for operations. Veolia indicated that their forthcoming budget is adequate for current planned investments but that longer term and higher investments may be needed to maintain the facility. There may be regulatory mandates from the EPA and DEP that require the facility to be upgraded.

LaBrie asked what the life expectancy is for the infrastructure involved. Cheseldine said mechanical equipment ranges around twenty years, piping can last fifty to one hundred years, and buildings and tanks have a similar expectancy. Gallant indicated that in his opinion, investment is most critical for the infrastructure in the streets.

Barbaro asked if the reconstruction of Central Street was included or taken into consideration for the current proposed repairs to the infrastructure, to which Cheseldine said no. Gallant clarified that his main objective currently is to just balance the budget in the near future.

Barbaro moved to accept the study, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Anderson, no, Barbaro, aye, and LaBrie, aye, the motion carried 4-1.

Hickey said that he and Gallant will work with Wright-Pierce to evaluate the Central Street project and incorporate that activity, and he will bring the topic back to the Board in July. LaBrie thanked Cheseldine and Olsen for their time.

7.2. Discussion on 2020 Sidewalk Repairs – Al Gallant, Director of Public Works, provided the Board with a memorandum regarding 2020 sidewalk repairs. The Robinson-Broadhurst Foundation generously provided a grant for this purpose and Mr. Gallant is seeking Board input on dispersing these funds. The current options before the Board are to:

- a. Upgrade approximately 50 curb cuts to comply with ADA requirements on School Street, Grove Street and Central Street from Maple to the High School
- b. Repair a combination of sidewalks and curb cuts on Grove Street
- c. Repair a combination of sidewalks and curb cuts on the east side of Central Street beginning at Maple Street.

Ward inquired on the first option and asked how close it would bring the Town to meeting the ADA requirements. Gallant said that it will increase compliance by 10%, and that the original estimate to bring the Town to total compliance was \$1.8 million over the next ten years in sidewalk work.

Gallant has been diligent in requesting grant funds and will continue in this endeavor to minimize the impact on Town funding. Seeking and requesting grant funds also shows the State that the Town is taking initiative to reach compliance. Barbaro stated his preference is to avoid Central Street due to the oncoming Central Street Reconstruction Project, which has state funding that may include the sidewalk work. He would like to see Grove Street finished first as it attracts a high volume of traffic due to the Senior Center and the ballpark. He thinks one street should be done at a time in order to avoid backtracking and partially completed projects. LaBrie stated that the third option indicates Central Street beginning at Maple Street, which would not interfere with the project, to which Barbaro stated he thinks it would be prudent to wait in the case that the State decided to redo the sidewalks in that area. Gallant said that his department repaired the sidewalks on Route 12 from School Street all the way down to Lincoln Street and thinks that they can finish it. Salter asked what curb cuts are. Gallant replied they are the yellow tiles at intersections that are angled at a specified incline to allow accessibility to the handicapped. Anderson asked about the entirety of School

Street; Gallant said that the State will only do what they own. Anderson said that the State paved after Mill Street and that before Mill Street belongs to the Town. Gallant clarified that School Street from Front Street to Mill Street is owned by the Town. There is a grant by the name of TIPS that is a five-year process but he is happy to apply for it. Ward said he would like to see the first option done because the ADA requirement is important to address.

Ward moved to approve upgrading sidewalk curb cuts to comply with ADA requirements, seconded by Salter. With a roll call vote of Anderson, no, Barbaro, aye, Salter, aye, Ward, aye, and LaBrie aye, the motion passed 4-1.

8. OLD BUSINESS:

8.1. **Board of Selectmen Summer Meeting Schedule** – The current proposed dates for the months of July and August are July 13th, August 10th and August 31st. Barbaro indicated he is okay with those dates and that if needed, more meetings can be added. Barbaro moved to approve the meeting schedule of July 13th, August 10th and August 31st, seconded by Ward. **With a roll call vote of Anderson, aye, Salter, aye, Barbaro, aye, Ward, aye and LaBrie, aye, the motion carried unanimously.**

9. TOWN MANAGER'S REPORT:

1. Financial Updates-

- a. Roselli and Clark began their preliminary work for the FY20 annual audit today. They will be in Winchendon for most of this week.
- b. Brandywine has not complied with the payment arrangement they agreed to in 2019 on their past due property taxes. The Town's tax title attorney traded emails with the property owners who have now threatened to take the Town to court over what they perceive as an incorrect Tax Increment Financing and Brownfield Agreements. I strongly disagree with both allegations made by the Giovanoni's; they are without merit.

2. Personnel Updates-

- a. Zoe DuPont has been hired as the Assistant Treasurer/Collector. Zoe begins on July 6th.
- b. Tracy Murphy was accepted into the MMA-Suffolk Certificate in Local Government Leadership and Management to be held in Shrewsbury during the 2020-2021 academic year. Tracy will attend sessions on Fridays from September to May.

3. Project Updates-

- a. There are no project updates this week.

4. Miscellaneous Updates –

- a. The Transfer Station will be closed on Saturday, July 4th.

LaBrie asked if the change to the payment due date applies to Brandywine; Hickey said no, they are too far behind.

10. MINUTES:

10.1 **Monday, June 8, 2020 Regular Meeting** – Barbaro moved to approve the minutes as presented this evening, seconded by Ward. **With a roll call vote of Barbaro, aye, Salter, aye, Ward, aye, Anderson, aye, and LaBrie, aye, the motion carried unanimously.**

LaBrie sought Board opinion on the level of detail of recent minutes and wanted to ensure that the Board was okay with them. Ward said the minutes are fine and that the level of detail will provide

assistance in future research. Barbaro stated he is happy with how the minutes have been presented at this time.

11. **COMMUNICATIONS:** There were none heard.

12. **AGENDA ITEMS:**

13. **EXECUTIVE SESSION:** Barbaro moved to enter into Executive Session under Exemption #6 to consider the purchase, exchange, lease or value of real estate, if the Chair so declares and to adjourn in Executive Session after that. LaBrie so declared. The motion was seconded by Ward. By roll call vote of Barbaro, aye, Salter, aye, Ward, aye, Anderson, aye, and LaBrie, aye, the Board entered into Executive Session at 8:19 p.m.

14. **ADJOURNMENT:** Regular session concluded at 8:19 p.m.

Respectfully submitted,



Taylor Tower
Administrative Assistant