

Approved: August 10, 2020

Amended: September, 2, 2020

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, JULY 13, 2020**

**-- Conducted by Remote Meeting --  
Zoom Meeting ID: 93944336184**

**Present:**

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

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

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**List of Documents Presented at Meeting:**

- Introduction to Remote Meeting (filed)
- Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 (filed)
- National Grid Pole Petition for Gardner Road (filed)
- Judy LaJoie Letter of Interest to Serve as Registrar of Voter (filed)
- Garrett Wante Letter of Interest to Serve on the Planning Board (filed)
- Ken Wante Letter of Interest to Serve on Conservation Commission (filed)
- July Notice of Vacancies (filed)
- Capone's Grillen' Application for a Food Truck at Grout Park (filed)
- Application for Request for Abatement of Water and/or Sewer Charges – 42 Spruce St. (filed)
- Request for Abatement of Sewer Betterment – 275-281 Lincoln Ave. (filed)
- Email from Planning & Development Director Tracy Murphy regarding the Request to Accept Layout of Central Street (attached)
  - Central St. Stamped Survey
- Letter dated 7/6/20 from CHCD re: Consent to Allow Homeowner to Refinance a CDBG Property located at 392B Maple St.(filed)
- Memo dated 7/6/20 from Winchendon Community Park Committee to Restructure Committee (filed)
- FY20 End of Year Budget Transfer Requests (attached)
- Email dated July 8, 2020 from KP Law Regarding Scheduling of Annual Town Meeting (attached)
- Water and Sewer Rate Study Conducted by Wright-Pierce dated 6/24/20 (attached)
- Memo from Town Manger dated 1/10/19 re: Agreement of Operation and Maintenance Services Between Veolia Water North America and the Town of Winchendon (attached)
  - Veolia Contract
- Memo from Town Manager re: Engineer's Report on Recommended Repairs to the Old Murdock Senior Center (filed)
  - Amortization Schedules
  - Emails between Town Manager and Tighe and Bond Engineer dated March/April 2020
- FY21 1/12<sup>th</sup> August Budget Revision (attached)
- Report of the Town Manager (attached)
- Minutes approved:

*Board of Selectmen Minutes  
July 13, 2020*

-Monday, June 22, 2020

*Due to Governor Baker's 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.*

Chairwoman Audrey LaBrie called the meeting to order at 6:31 p.m.

All rose for the Pledge of Allegiance.

LaBrie confirmed members present and persons anticipating to speak by calling their name and asking for a response in the affirmative: Anderson, yes, Ward, yes, Salter, 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.

LaBrie read the "Introduction for Remotely Conducted Open Meetings" which noted Governor Baker's Executive order of March 12, 2020 and outlined the guidelines and ground rules for the meeting this evening.

LaBrie 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.

As is customary for the beginning of each fiscal year, the Board discussed their organization and election of Chair and Vice Chair. Ward nominated Barbaro for chair. Salter nominated Anderson. With two nominees on the table, LaBrie took a roll call vote for each candidate. In support of Mr. Barbaro, the roll call was Anderson, no, Ward, yes, Salter, no, Barbaro, yes and LaBrie yes. Roll call vote for Ms. Anderson was Anderson, yes, Ward, no, Salter, yes, Barbaro, no and LaBrie, no. With Mr. Barbaro elected as Chair, LaBrie opened up nominations for Vice Chair. Barbaro nominated Mr. Ward. With a roll call vote of Anderson, yes, Ward, yes, Salter, no, Barbaro, yes, and LaBrie, yes, Mr. Ward was elected as Vice Chair. LaBrie handed the meeting over to Barbaro.

1. **SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:** Ward thanked Ms. LaBrie for her time spent as chair and opined that he found her leadership to be great. Barbaro concurred and said that he has appreciated Ms. LaBrie's steady hand through tough times.
2. **PUBLIC COMMENTS AND ANNOUNCEMENTS:** Maureen Ward wished to give kudos to the Winchendon Police Department for their professionalism on July 4<sup>th</sup>. They were battered with calls including but not limited to a drowning in Lake Dennison, a motor vehicle accident, a dirt bike crash and multiple firework calls. She said they steadfastly did their job with grace and she wished to applaud them. She also wished to remind residents of the upcoming primary elections. Information is available at [www.townofwinchendon.com](http://www.townofwinchendon.com); early voting begins on August 22<sup>nd</sup>. Registered voters will receive an application to vote by mail that will come from the state. Residents with questions may find answers on the website or from the Town Clerk, Wendy Stevens. Poll workers are needed, any person interested may email Maureen at [mward@townofwinchendon.com](mailto:mward@townofwinchendon.com).
3. **PUBLIC HEARINGS: (6:35PM)**
  - 3.1. National Grid and Verizon New England Pole Petition – Gardner Road, 1 Joint Owned Pole – LaBrie read the pole petition public hearing notice into the record.

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



Mark Tapley was present on behalf of National Grid, which is seeking to install one Joint-Owned pole on Gardner Road. He explained this pole petition is on behalf of a new customer that currently has no electricity. National Grid will be extending their lines down the road to reach this new customer.

Barbaro asked if there were any questions or public comments, none were heard. LaBrie clarified that abutters were notified and that the DPW Director had reviewed and approved the pole petition. Seeing no public comment or objections, Barbaro sought a motion on the matter.

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

**Ward moved to approve the Pole Petition for one Joint Owned pole on Gardner Road as presented this evening and authorize the Town Manager to execute the Order on behalf of the Selectboard, seconded by LaBrie. With a roll call vote of LaBrie, aye, Salter, aye, Ward, aye, Anderson, aye and Barbaro, aye, the motion carried unanimously.**

#### **4. APPOINTMENTS/RESIGNATIONS:**

- 4.1. Registrars of Voters Appointment – Judy LaJoie – Judy LaJoie is interested in filling the vacancy on the Registrars of Voters. Hickey noted that Ms. LaJoie could not attend due to a conflict but that she had expressed thanks to the Board for any consideration.

**LaBrie moved to approve the appointment of Judy LaJoie to the Board of Registrars with a term ending March 31, 2023 and to authorize the Town Manager to sign the appointment slip, seconded by Ward. With a roll call vote of LaBrie, aye, Anderson, aye, Ward, aye, Salter, aye, and Barbaro, aye, the motion carried unanimously.**

- 4.2. Planning Board Alternate Member Appointment – Garrett Wante – Garrett Wante has stepped forward to fill in the vacancy of Planning Board Alternate Member. LaBrie said he could not be here due to a conflict. LaBrie asked if this appointment was supported by the Planning Board, to which Hickey indicated yes.

**LaBrie moved to approve the appointment of Garrett Wante as an alternate member of the Planning Board with the term to expire June 30, 2021 and to authorize the Town Manager to sign the appointment slip, seconded by Ward. With a roll call vote of LaBrie, aye, Anderson, aye, Ward, aye, Salter, aye, and Barbaro, aye the motion carried unanimously.**

- 4.3. Conservation Commission Appointment – Ken Wante, 116 Island Rd. – Ken Wante sent an email to the Board seeking appointment to the Conservation Commission. This commission has been plagued with vacancies, making it difficult to reach a quorum and conduct important business.

**Ward moved to approve the appointment of Ken Wante to the Conservation Commission for a three year term to expire on June 30, 2023 and to authorize the Town Manager to sign the appointment slip, seconded by LaBrie. With a roll call vote of LaBrie, aye, Anderson, aye, Ward, aye, Salter, aye, and Barbaro, aye, the motion passed unanimously.**

- 4.4. Board of Selectmen Appointed Board and Committee Vacancies – Barbaro read aloud the list of Boards and Committees that are currently suffering vacancies, a list of which can be found on the Board of Selectmen's webpage.

#### **5. PERMIT/LICENSE APPLICATIONS:**

- 5.1. Mobile Vendor Permit – Capone's Grillen, Kim Capone - Ms. Capone responded to an ad published by the Redevelopment Authority to locate a mobile food truck in the parking lot at the corner of Glen Allen Road and Spring Street. After interviewing Ms. Capone, the Redevelopment Authority voted to approve allowing Ms. Capone to locate a food truck on Redevelopment property pending approval of the mobile vendor permit



by the Board of Selectmen. Barbaro noted on the application the stipulation of the Fire Chief and asked Ms. Capone if she would be addressing these concerns; she answered yes.

**LaBrie moved to approve the issuance of a mobile vendor permit to Capone's Grillen' for mobile food truck to be located in the parking lot of Grout Park, pending Fire Department and Health Department inspection, and to authorize the Town Manager to sign the permit on behalf of the Board of Selectmen, seconded by Ward. With a roll call vote of LaBrie, yes, Ward, yes, Salter, yes, and Barbaro, yes, the motion carried 4-0-1. Anderson was absent for the vote.**

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

**7. NEW BUSINESS:**

- 7.1. Request for Abatement of Water and/or Sewer Charges Application – 42 Spruce St. – Ms. Jing Lin, owner of the property, states that it has been unoccupied since October 2019. On January 12<sup>th</sup>, it was discovered that a significant leak had occurred in the laundry room. The water was subsequently turned off and the leak repaired on the 13<sup>th</sup>. The work was completed by a relative rather than a licensed plumber, as required by the abatement application. Due to the property owners not following the abatement criteria, staff recommends not granting the abatement, but has calculated a recommended abatement of \$449.39 in the case that the Board would like to provide relief. Barbaro asked Gallant to speak to this; he said that he had calculated the suggested abatement amount and although it was not repaired by a plumber, he believes Ms. Lin is being truthful. The water did not go through the sewer system which is why he calculated the aforementioned amount. Barbaro asked Ms. Lin to speak on this matter. She reiterated that she was not in the home when the leak occurred and that it was fixed by a relative. She called a plumber to certify the repair but since he did not fix it himself, he could not certify it. LaBrie asked Gallant where the leaked water went since it did not go through the sewer; he said it seeped down into the cellar through the floor and walls.

**LaBrie moved to approve the sewer abatement application for 42 Spruce Street as presented this evening, seconded by Ward. With a roll call vote of LaBrie, aye, Ward, aye, Salter, no, Barbaro, aye, the motion carried 3-1. Anderson was absent for the vote taken.**

- 7.2. Sewer Betterment Abatement – 275-281 Lincoln Ave. - The Tax Collector is seeking to abate the sewer betterment on a town piece of property located at 275 Lincoln Avenue Extension. This abatement is for the FY'20 amount due only. The lien would remain on the property to be transferred to a new owner if the property is ever sold. Hickey informed the Board that this is town owned, Town staff wishes to abate this in the hopes that the Town can sell the property and the sewer betterment will go with the property. Staff is seeking an abatement in the amount of \$126.41 as there is no need to collect on Town-owned property.

**Ward moved to approve the FY'20 sewer betterment abatement as presented this evening, seconded by LaBrie. With a roll call vote of LaBrie, aye, Ward, aye, Salter, aye, Anderson, aye, and Barbaro, aye, the motion carried unanimously.**

- 7.3. Request to Accept Layout of Central Street – Hickey explained to the Board that as a part of the Reconstruction of Central Street, a checklist is mandated by MassDOT. The checklist includes an accepted layout of the road; which brought to the attention of Town staff that a portion of Central Street was never formally accepted by the Town. The Town Clerk and Public Works Director have been working with engineers at Tighe and Bond to review the information on the matter. Their research showed that small portions of Central Street where it meets Summer Street and Railroad Street were never accepted. Hickey said that they are seeking Board of Selectmen approval so that they can forward it to the Planning Board for their review and consideration. Upon Planning Board approval, it will be forwarded back to the Board of Selectmen at their August 10<sup>th</sup> meeting for the final vote and approval to place the item on the Annual Town Meeting warrant, where residents will vote to accept or reject the layout of Central Street. LaBrie asked which parts of Central Street are



currently unaccepted; Hickey clarified that he is seeking approval of the whole street in an effort to make the process smooth and uncomplicated, in addition to the portions of Railroad Street and Summer Street that abut Central Street. Barbaro asked Hickey if this matter will delay the CDBG work being done on Railroad Street, Hickey said no, it will not.

**Ward moved the Board of Selectmen approve the Central Street layout presented this evening and to forward the layout to the Planning Board for their consideration, seconded by LaBrie. With a roll call vote of LaBrie, aye, Ward, aye, Salter, aye, Anderson, aye, and Barbaro, aye, the motion passed unanimously.**

- 7.4. Request to Allow Homeowner to Refinance Home Purchased through a CDBG Affordable Housing Program - Winchendon homeowners bought a house through an affordable housing program funded by DHCD and administered by the Greater Gardner CDC. Terms of their mortgage include a deed rider that includes the following – “the Property shall not be leased, refinanced, encumbered (voluntarily or otherwise) or mortgaged without the prior written consent of the Undersecretary and the Municipality.” The homeowners request permission to re-finance their property for a more favorable interest rate (half of their existing rate). DHCD has approved this request. Hickey said the Town has to approve refinancing; the homeowner has completed all steps. There is no issue on behalf of town staff and no reason not to recommend approving this request.

**LaBrie moved the Board of Selectmen approve the request of the homeowners of 392B Maple Street to refinance their home as required by the CDBG Affordable Housing Program and authorize the Town Manager to sign any documentation on behalf of the Board of Selectmen, seconded by Ward. With a roll call vote of LaBrie, aye, Ward, aye, Salter, aye, Anderson, aye, and Barbaro, aye, the motion carried unanimously.**

- 7.5. Request by Winchendon Community Park Committee to Restructure Committee – The Winchendon Community Park Committee is seeking to restructure their committee into two subcommittees - an Infrastructure Committee and a Community Programming (usage) Committee. This recommendation and the resulting proposal for each committee has been approved by the entire WCPC. Members of the committee, Jane LaPointe and Dave Romanowski were in attendance. Romanowski said that the committee has been in existence for a few years and has made quite a few improvements within the park. Throughout their work, they have found there are two main functions of the committee. One function is to maintain the park and to work with Town staff on development. The other function is possible activity and programs within the park. The committee wishes to separate those groups and become more nimble at both. A larger committee has posed issues with meeting quorum and this will allow the group to meet more than once a month. Ward wished to clarify the wording presented to the Board said “subcommittee” and that these new groups are actually committees on their own. He noted that one committee specifies it is 5-7 members and the other committee is 5 members, and asked if members can serve on both; Romanowski answered yes. Tiffany Parkhurst, a member of the WCPC, has volunteered to be the temporary Chair of the Programming Committee until the Board is established and can vote on organization. Barbaro informed Romanowski that committees have the authority to nominate and vote on their own Chair and Vice Chair positions. Hickey sought clarification if the Board were to approve these two new committees that they will be Town Manager-appointed positions; Romanowski answered yes.

**Ward moved the Board of Selectmen approve the restructuring of the Winchendon Community Park Committee into an Infrastructure Committee and Community Programming Committee, seconded by LaBrie. With a roll call vote of Anderson, aye, Salter, aye, Ward, aye, LaBrie, aye and Barbaro, aye, the motion carried unanimously.**

Barbaro thanked Romanowski for all the work of the committee, and said that the Board looks forward to seeing the park when it is all done.



- 7.6. FY20 End of Year Budget Transfers – Hickey said that the second batch of transfers are the final transfers for fiscal 2020. There are ten transfers needed to address a number of shortcomings and the reasons why they came to be are listed below.

**LaBrie moved to approve the following transfers and to allow the Town Manager to sign the transfers on behalf of the Chair:**

	Dept. Requesting	Account to be Transferred from	Account to be Transferred to	Amou	Reason
1	Police Department	012101-511023 Reserves Police	012151-511020 Dispatchers	\$ 1,050.00	To cover shortfall due to resignation
2	Police Department	012101-511023 Reserves Police	012151-513000 Dispatch Overtime	\$ 700.00	To cover shortfall due to resignation
3	Police Department	012101-511023 Reserves Police	012151-519010 Cert. Train & Dispatch	\$ 800.00	To cover shortfall due to prior year training grant deficit
4	Fire Department	012311-519010 Ambulance Certification	012201-511026 FD Housemen	\$ 1,397.22	Shift coverage due to FF out on medical and 2 unexpected surgeries from on-duty injuries
5	Fire Department	012311-511028 Ambulance EMTs	012201-511026 FD Housemen	\$ 8,130.00	Shift coverage due to FF out on medical and 2 unexpected surgeries from on-duty injuries
6	Town Manager	010033-533001 School In-Town Transportation	011562-524300 Hardware Support	\$ 852.00	To cover shortfall in account
7	Town Manager	010033-533001 School In-Town Transportation	01840082-565010 Regional Transit	\$ 85.76	To cover shortfall in account
8	Public Works	014211-511010 DPW Highway Foreman	014911-511010 Cemetery Foreman	\$ 450.00	Shortfall in original budget (leap day)
9	Public Works	014222-521000 DPW Fleet Electric	014242-521000 DPW Street Light	\$ 2,600.00	To cover shortfall in account
10	Fire Department	012202-585000 FD Equipment	012201-511026 FD Housemen	\$ 29,000.00	To cover firefighters unexpected injuries and absences in FY'20

**This motion was seconded by Ward. With a roll call vote of Anderson, aye, Salter, aye, Ward, aye, LaBrie, aye, and Barbaro, aye, the motion carried unanimously.**

- 7.7. Discussion on Setting Annual Town Meeting Date - The Town Manager sought input from the Board of Selectmen regarding whether to schedule the FY'21 Annual Town Meeting prior to the Commonwealth distribution of their FY'21 Cherry Sheet figures. In prior meetings, the Board had voted to wait until revised state budget numbers were released before establishing a Town Meeting date. Hickey said he still believes having a Town Meeting today or soon would not provide voters a lot of comfort that information and numbers from the state are accurate or current. He anticipates the State releasing their revised cherry sheets sometime in early August and that they will provide guidance. He suggested that it may be appropriate to schedule Annual Town Meeting for some time in September. He reminded the Board of the timetables required for posting Annual Town Meeting – a week for the final warrant to be posted, if quorum will be released, it will require two weeks, and twenty days for the Town Clerk to order and receive ballots. Holding a Town Meeting before September will create a condensed schedule and put significant pressure on the Selectmen and the Finance Committee to meet and deliberate on a budget they feel comfortable supporting at Town Meeting. Hickey hopes that by the August 10<sup>th</sup> Board of Selectmen meeting, there will be better speculation as to where the state is with budget fixtures.

LaBrie asked Hickey how the 1/12 budget is going, and asked if the state has approved July, August and September's proposed budgets. Hickey answered that the state is only approving one month at a time, and they have approved July. Barbaro said the only problem he foresees is with school starting in late August, they will not be able to have sufficient staff without a solid budget in place. He asked if the Board met on August 10<sup>th</sup>, could they hold Annual Town Meeting before school starts. Hickey explained that the Town Clerk needs twenty days from August 10<sup>th</sup> to have the ballots available and that they also need to consider when Labor Day falls this year. The Town is anticipating a cost of \$100,000 a month for unemployment and that some School Department employees will not have positions available to them right now. The State Senator is aware of Mr. Hickey's concerns of not being able to recoup that money. He has sought and received written approval from the Department of Revenue to use as much of the \$900,000 COVID-19 grant toward unemployment, which may help although he is unsure if that is the primary intent of the funding. He



would hope to be able to retain some of this funding in the case of a second wave, in order to allow for proper equipment and improvements to public buildings. Money from this funding has already been spent on School Department technology to allow employees to work from home, in addition to disinfectant machines that have been used to disinfect Police and Fire vehicles, and all School and Town buildings. Larger disinfectant machines have been ordered to be used primarily on school classrooms and hallways to ensure the safest environment for children. Unfortunately, there is no perfect situation available. The Massachusetts Department of Revenue is indicating that there will be at least a 20% cut in funding.

Barbaro asked for a motion to delay Town Meeting. Hickey asked the Board if they would like to see a schedule put together for the August 10<sup>th</sup> meeting that will depict Town Meeting taking place in late August/early September. LaBrie would like to see something in the works with the possibility that it will need to be adjusted. Ward agreed and would like to see a plan. Salter indicated that being on the fiscally conservative side, she thinks the Board needs to wait longer, she is concerned and would like to see more numbers from the state. She is also concerned about the safety of voting. Anderson agreed with Ms. Salter and thinks she is not ready to vote on a date; she thinks that without knowing firm numbers, they could get into a lot of trouble. LaBrie echoed the sentiment that Town Meeting cannot be held until the figures are available but asked if the Board could see benefit in having a tentative plan that can be adjusted until firm numbers are available. Anderson and Salter are okay with a tentative schedule provided that it can be adjusted and that there will be no vote to hold Annual Town Meeting until numbers are presented. Ward said a tentative schedule will be beneficial to allow the Town Manager time to present the budget to Finance Committee, post the warrant and order the ballots. Salter said it might be confusing to residents if it appears that a meeting is scheduled and then delayed several times. Barbaro clarified the general Board opinion is that Annual Town Meeting will be delayed until further notice but that a tentative timeline and more information will be presented at the August 10<sup>th</sup> Board of Selectmen meeting.

**Ward moved that the Town Manager will come up with a tentative Annual Town Meeting schedule to present at the August 10<sup>th</sup> meeting for Board consideration, seconded by LaBrie. With a roll call vote of Anderson aye, Salter, aye, Ward, aye, LaBrie, aye, and Barbaro, aye, the motion carried unanimously.**

#### **OLD BUSINESS:**

- 7.8. Water and Sewer Rate Study Recommendation – The Selectmen were presented with an updated rate study that now includes the annual long term debt for the Central Street project for both water and sewer. The impact on rates by including the Central Street project is 6.82% per year for water and 14.28% per year for sewer, up from 5.02% and 12.88% respectively. LaBrie noted that the study includes annual long term debt and asked if the Central Street project is still on schedule for the state to do the work and asked if we are aware when the bill will hit. Hickey said they are still planning on fiscal 2021, he had reached out to the state but did not receive a call back or confirmation that it had been pushed to fiscal 22. He reminded the Board of the October 2019 Special Town Meeting, voters approved \$250,000 of free cash for both water and sewer to reduce the impact of the debt payments. The money has been obligated and not yet expended. He thinks he speaks both for the DPW Director and himself that it is important to replace the existing water and sewer lines on Central Street while it is being reconstructed. While the cost seems expensive, it is the best possible scenario to do the work while the street is already open and under construction.

Anderson informed the Board that she had done independent research on Veolia, the Town's contracted water and sewer treatment company, and found information she believes to be unflattering. She said that they are the largest wastewater firm in the world and they are strictly for-profit and cautioned the Board not to make decisions based on studies that relied on information from Veolia. She wished to see the Board table this discussion so that she can share her information and readdress the topic at a later date. Hickey said he would like to see the information so he can share it with Veolia and hear their response, which he will forward to the Board. He said that the information presented by Veolia that was used in the study was reviewed both by himself and Al Gallant, Director of Public Works. They were not in dispute with their information presented. Mr. Gallant and Veolia have done a great job of reducing costs where possible. Due to the age of the water and sewer system, dozens of hydrants have had to be replaced and backflow testing has not been able to be kept up with as required by the state. He assured the Board that he and Gallant do not



take these rate increases lightly but that the condition of the water and wastewater systems mandate a higher rate to keep up with maintenance and repairs. If the Board would like to table this discussion until August 10<sup>th</sup>, he is happy to reach out to Veolia and ask for a response to bring to the next meeting. Ward said he would like to hear Veolia's comments and would like to see a representative present at the next meeting. Salter agreed, she would like to hear Anderson's research and Veolia's response; LaBrie concurred that it would be beneficial to hear both sides.

Barbaro stated that he sees a consensus of having Veolia attend the August 10<sup>th</sup> meeting and asked Anderson to forward her research and concerns to Mr. Hickey, who will forward the information to the rest of the Board.

**Ward moved to table the study, seconded by Anderson. With a roll call vote of LaBrie, aye, Ward, aye, Anderson, aye, Salter, aye, and Barbaro, aye, the motion carried unanimously.**

- 7.9. Veolia North America Contract – At the request of LaBrie, the Selectmen received the current contract with Veolia and the Town Manager's memorandum from January 2019 recommending the award of the contract to operate the wastewater plant to Veolia. LaBrie said there was a lot of information in the rate study, and that questions were raised regarding the contract. She asked to see this topic on the agenda for discussion if there was anything that Board members would like to discuss. No comments were heard.
- 7.10. Repairs to Old Murdock Senior Center – LaBrie had asked that this topic be placed on the Board agenda for further discussion. Presented were the engineers report, amortization schedules and email correspondence between the Town Manager and the engineers. Ward expressed his opinion that this topic has been repeatedly pushed off and the Board needs to vote whether it will be on the Town Meeting warrant. It is a disservice to the seniors and the residents of this Town not to vote on this matter now. At the October 2019 Special Town Meeting, voters overwhelmingly transferred \$24,000 from free cash to conduct a study of needed repairs to this building. A study was done and although it will be costly, residents spent \$24,000 of their money and they deserve the right to vote on the matter. On February 27, 2020 the Town Manager informed the Board and Sheila Bettro, Director of the Senior Center, that a warrant article for Phases One and Two for a total of \$3.762 million for repairs would be drafted for the Town Meeting. It is not right for Board members to keep this matter from coming to a Town vote. The longer the building deteriorates, an additional \$100,000 of repairs a year will be tacked on to the grand total. Ward continued to say that while it is a historical building and in poor shape, the basis of the building is solid and the Board cannot let it fall apart just because we have fallen on tough times. Article 16 of the Board of Selectmen bylaws state that we must preserve and protect historically significant buildings.

Anderson said that it would be premature to discuss this matter at a time when an Annual Town Meeting date has not even been set. There are many unknown factors, such as what our finances will be and if schools will open up. Frankly, she said, we don't even know when the Senior Center will open up again, and that this matter is not on her list of priorities. Salter said it would be irresponsible considering it is an unknown if the Town will even have the funds. She acknowledged it is a historically significant building but she feels that there are other suitable buildings that could be dedicated to the seniors. She could not possibly endorse this as we are at a time when society and gatherings are going to change.

Resident Marc Dorwart said that the Town cannot even hold Annual Town Meeting yet, so he agrees with the consensus that the Selectmen cannot vote on this matter at this time.

Barbaro said he understands Ward's concerns, but believes he cannot vote to have this placed on the warrant when the Senior Center is not even open at this time. He said he will not deny the voters the



right to vote on this topic and that the Selectmen will vote on the matter prior to the closing of the warrant.

- 7.11. FY21 1/12<sup>th</sup> August Budget Amendment - These amendments are recommended by Department Heads, Town Accountant and Town Manager to address expenditures necessary to be made in August. LaBrie asked for a total value, Hickey said \$159,389. LaBrie asked if this was addressed by the Finance Committee. Hickey answered that this an emergency funding request and that the Finance Committee does not need to vote on approving 1/12 budget matters.

**LaBrie moved the Board of Selectmen approve the August 2020 monthly budget amendments as presented this evening, seconded by Ward. With a roll call vote of Salter, aye, Anderson, aye, Ward, aye, Ward, aye, LaBrie, aye and Barbaro, aye, the motion carried unanimously.**

LaBrie asked Keith if there would be any way to backfill the large amount of money the Town is having to pay toward unemployment insurance, or if it is an expense we will just have to absorb. Hickey answered the latter, and that there might be a second round of COVID funding available but it is not a guarantee.

9. **TOWN MANAGER'S REPORT:**

1. **Financial Updates-**

- a. The Accounting Office has begun closing the FY20 year. I anticipate a shortfall in the actual vs. estimated revenues but should have unexpended appropriations to more than cover the revenue shortfall.
- b. The CARES Act funding awarded to the Town was \$961,998. In addition, FEMA has declared a state of emergency allowing the Town to be reimbursed 75% for COVID related items. The CARES Act funding is used for items not eligible for FEMA reimbursement. Below is a breakdown of the expenses incurred through July 8<sup>th</sup> for each of the funding programs.

<u><b>Funding Program</b></u>	<u><b>Amount Expended</b></u>	<u><b>Comments</b></u>
FEMA Core Services	\$97,274	\$58,000 expended on Fire Dept. OT, \$8,800 spent on cleaning the Senior Center after Town elections.
FEMA Expanded Health Mission	\$6,586	Supplies purchased to control social distancing
FEMA-Services to Support Residents	\$22,946	School lunch deliveries
CARES Act Funding	\$302,781	\$198,061 expended on school distant learning, \$64,576 on Library technology for remote work, and \$34,175 for the Town's 25% FEMA contribution

Barbaro noticed that municipal services to residents is noted among the CARES Act funding expense and asked if the Meals on Wheels program can be included. Hickey said that it has been factored in, and that the Town is seeking reimbursement for additional services that are being provided beyond what was already being expended. He said that these costs will be eligible to be reimbursed through this funding.

2. **Personnel Updates-**

- a. There are no personnel updates this week.



### 3. Project Updates-

- a. The Town was notified on July 8<sup>th</sup> by MASSDOT that the Central Street project has been deferred until the summer of 2022. I have a call into MASSDOT to lobby to have the project returned to its original construction schedule of 2021.

### 4. Miscellaneous Updates –

- a. The second phase of environmental testing at 4 Summer Street began last week. Testing will include searching for underground storage tanks and hazards in building materials. This work is being funded by a grant from the MRPC.
- b. After becoming aware of a number of wetland violations around Lake Monomonac, a letter from the Planning Office was sent to all lake area residents in late June. The intent is to have a solid foundation so that everyone in that area knows that any work within 100' of the water requires Conservation Commission permissions. Unfortunately, the violations continue to occur. I will be requesting the Conservation Commission to consider levying a fine to property owners who violate the wetland bylaws to show that the Town is serious about protecting our wetlands, which include Lake Monomonac.

Barbaro noted at 8:22 p.m. that Selectwoman Anderson was missing due to assumed technical difficulties.

### 10. **MINUTES:**

10.1 Monday, June 22, 2020, Regular Meeting – **Ward moved to approve the minutes of the June 22, 2020 regular meeting, seconded by LaBrie. With a roll call vote of LaBrie, aye, Ward, aye, Salter, and Barbaro, aye, the motion carried 4-0.**

10.2 Monday, June 22, 2020, Executive Session – **LaBrie moved to approve and hold the minutes of the June 22, 2020 executive session, seconded by Ward. With a roll call vote of Salter, aye, Ward, aye, LaBrie, aye, and Barbaro, aye, the motion carried 4-0.**

### 11. **COMMUNICATIONS:**

Barbaro noted that the next scheduled meetings are August 10<sup>th</sup> and August 31<sup>st</sup>, unless there is new information made available from the state.

### 12. **AGENDA ITEMS:**

### 13. **EXECUTIVE SESSION:**

Exemption No. 6 – To consider the purchase, exchange, lease or value of real estate, if the Chair so declares. - Subject: Mellen Road – Chairman Barbaro declared the Board meet in Executive Session under Exemption No. 6 to consider the purchase, exchange, lease or value of real estate with the subject being Mellen Road. **LaBrie moved to enter into Executive Session under Exemption No. 6 to consider the purchase, exchange, lease or value of real estate, if the Chair so declares with the subject being Mellen Road and to not reconvene into Public Session; seconded by Ward. With a roll call vote of Salter, aye, Ward, aye, LaBrie, aye and Barbaro, aye, the motion carried and regular session concluded at 8:28 p.m.**

Although regular session had concluded but prior to entering into Executive Session, Marc Dorwart, challenged the Board to the appropriateness of the Board going into a closed meeting under Exemption No. 6 – the consideration of purchase, exchange, lease or value of real estate. He sought clarification from the Board on which of the listed items most pertained to this matter. Chairman Barbaro recognized



Mr. Hickey who informed Mr. Dorwart that he had sought legal counsel for the appropriateness of Exemption No. 6 and legal counsel concurred again for this meeting that Exemption No. 6 was legitimate and appropriate for the Board's discussion concerning the value of real property.

Dorwart asked the Town Manager to demonstrate a reasonable basis for this being a closed meeting. The Town Manager replied that he did not need to. Dorwart maintained that none of the listed exemptions apply and asserted his opinion that the Board is violating Open Meeting Law. LaBrie and Barbaro said that the value of Mellen Road is what the Board will be discussing and that the Board is not under the obligation to disclose the matter to the public as doing so would be detrimental to the Board's negotiations. Hickey further explained that the Board is discussing the value of a potential liability on Mellen Road based on assertions made in a letter sent to the Town Manager from the attorneys representing residents of Mellen Road. Legal counsel was sought from municipal attorneys well versed in Open Meeting Law, who indicated that the Board is well within their rights to exercise Exemption No. 6 and to convene in Executive Session.

14. **ADJOURNMENT:**

After further discussion and discord with Mr. Dorwart and with roll call vote to enter into Executive Session already established, the Zoom meeting was ended at 8:35 p.m.

Respectfully Submitted,



Taylor Tower  
Administrative Assistant