

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
INCLUDES JOINT MEETING WITH FINANCE COMMITTEE
THURSDAY, SEPTEMBER 2, 2020 6:30 P.M.**

-- Conducted by Remote Zoom Meeting --

Board of Selectmen

Present:

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

Keith R. Hickey, Town Manager
Joanne Goguen, Town Accountant
Linda Daigle, Executive Assistant
Taylor Tower, Executive Assistant

Absent:

Amy Salter

Finance Committee

Present:

Tom Kane Jr., Chairman
David Alexander
Keith Kent

Douglas Delay
Charles Corts

Absent:

Maureen Ward
Philip Levine

List of Documents Presented at Meeting:

- August 28, 2020 Letter of Interest to the ZBA from Bryan Vaine (filed)
 - August 27, 2020 Email from Alison Manugian Regarding ZBA Support of Bryan Vaine (filed)
 - Town Manager's Memo dated August 24, 2020 Regarding the Revised FY'21 Budget (attached)
 - Final FY'21 Proposed Budget (attached)
 - August 26, 2020 Memo from Town Manager to BOS and FC Regarding Proposed Changes to the FY'21 Budget (attached)
 - Minutes to be Approved/Released:
 - Amendment to the July 13, 2020 Minutes
 - August 17, 2020 Regular Meeting
 - January 9, 2017 Executive Session
 - May 22, 2017 Executive Session
 - June 12, 2017 Executive Session
 - January 8, 2018 Executive Session
 - February 12, 2018 Executive Session
 - February 26, 2018 Executive Session
 - July 2, 2018 Executive Session
 - February 11, 2019 Executive Session
 - February 25, 2019 Executive Session
 - March 11, 2019 Executive Session
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Due to Governor Bakers recent Executive Order and state of emergency declaration with the outbreak of the Coronavirus (COVID-19), this joint meeting was conducted remotely through Zoom Meeting. The public was notified how to join the meeting through instructions noted on the agenda.

Board of Selectmen Chair Michael Barbaro called the Board of Selectmen meeting to order at 6:30 p.m. and requested members to confirm their attendance remotely. Those present this evening were Chairman Barbaro, Selectmen Rick Ward and Audrey LaBrie; staff members confirming their presence were Town Manager, Keith Hickey, Executive Assistant Linda Daigle and Administrative Assistant Taylor Tower. Finance Committee members confirming their presence was Chairman Tom Kane, members Keith Kent, Doug Delay and Charles Corts.

Barbaro read the introduction to remote meeting.

Selectwoman Barbara Anderson joined the meeting at 6:33 p.m.

Finance Committee member David Alexander joined the meeting at 6:33 p.m.

Chairman Tom Kane called to order the Finance Committee meeting at 6:35 p.m.

All stood for the Pledge of Allegiance.

1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:

Ward reminded everyone listening of the September 8th Finance Committee public hearing for the warrant and the budget.

LaBrie wished to clarify something that has been repeatedly brought up at almost each recent Board of Selectmen meeting. Some residents have complained about the Board referring to the Town Manager, stating that they do not wish to speak with him. She referred to the Town Charter, Section 3.2 explains the relationship between the Town Manager and the Board of Selectmen – “nothing in this section shall be construed to authorize any member of the Board of Selectmen to become involved in day to day administration”. In the course of Zoom meetings, she said, residents will see the Board refer to the Town Manager quite often depending on the topic. It is necessary, as the members are prohibited from being involved in the day to day administration of the Town.

Barbaro thanked the poll workers that covered the recent State Election; and noted with strict COVID-19 regulations, they did a great job keeping everyone safe. Early voting and mail-in voting went smoothly as well.

Selectwoman Anderson was having technical sound difficulties and was not able to comment at this time.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS: None were heard.

3. APPOINTMENTS/RESIGNATIONS:

3.1. Zoning Board of Appeals Appointment – Bryan Vaine – LaBrie noted that Mr. Vaine attended a recent Zoning Board of Appeals meeting and is interested in becoming a member. The Board is currently having issues with approving applications due to a super majority vote. She is pleased to see him coming forward.

LaBrie moved to approve the appointment of Bryan Vaine to the Zoning Board of Appeals with his term expiring on 6/30/23, seconded by Ward. With a roll call vote of Ward, aye, LaBrie, aye, and Barbaro, aye, the motion carried 3-0-1. Selectwoman Anderson was not able to respond due to technical difficulties.

4. JOINT MEETING WITH FINANCE COMMITTEE:

4.1 Final Review of the Town Manager's Recommended Fiscal Year 2021 Budget – Noting feedback from the last Board of Selectmen / Finance Committee meeting, Hickey made some changes to the budget which is outlined in a memorandum that has been provided to both Boards. The YMCA Account was mistakenly budgeted at \$25,000 and has been reduced to \$10,000. There was also \$5,000 set aside for the Fall Festival which has been

cancelled. In regards to Elections, strict rules and regulations have been implemented in an effort to prevent the spread of COVID-19; resulting in increased costs. Hickey is seeking to take \$12,000 to increase the line item in Voter Registration to account for additional expenses the Town will incur. \$8,000 will be added into the Materials budget for the Highway Department. The bottom line of the budget has not changed, but there are four changes to the contents of the budget itself. Hickey noted that he initially proposed a special reserve fund from deficit appropriation, which he learned needs to be a warrant article.

Members were asked if they were any questions, to which none were heard.

Dave Watkins, 235 Mellen Rd., asked how the Board can continue to hold their meeting with Anderson's microphone currently not working, Chairman Barbaro noted she could phone in if she needs to.

Ward moved to approve the Town Manager's proposed Fiscal Year 2021 budget, seconded by LaBrie. With a roll call vote of Ward, aye, LaBrie, aye, Anderson, aye and Barbaro, aye, the motion carried unanimously.

4.2 Review Draft Special Town Meeting/Annual Town Meeting Warrant – The draft warrant was included for the Board of Selectmen and Finance Committee to review. The warrant is scheduled to be voted on and finalized at the Board's next meeting on September 14, 2020. Hickey noted that there are two articles included for the Special Town Meeting and twenty-seven included for the Annual Town Meeting. He reviewed each article.

ARTICLE	DESCRIPTION	COST	SOURCE
SPECIAL TOWN MEETING			
1	Committee Report	N/A	N/A
2	Payment of Prior Year Bills	\$6,141.75	Free Cash
ANNUAL TOWN MEETING			
1	Committee Report		
2	Establish/Discharge Committees		
3	Authorize New Revolving Fund	N/A	N/A
4	Senior Tax Work-Off Program	\$8,800	Raise and Appropriate
5	Community Action Committee Non-Profit Support	\$25,000	Raise and Appropriate
6	FY21 General Government Budget	\$15,254,266	Raise/Appropriate and/or Transfer
7	FY21 Water Dept. Enterprise Budget	\$1,058,871	User Fees
8	FY21 Wastewater Enterprise Budget	\$1,421,838	User Fees/ Betterment Rev.
9	FY21 Transfer Station Enterprise Budget	\$212,051	User Fees
10	FY21 School Budget	\$13,787,063	Raise/Appropriate and/or Transfer
11	FY21 Monty Tech's Assessment	\$837,901	Raise and Appropriate
12	Acceptance of the Layout of a Portion of Central Street	N/A	N/A
13	Authorization to allow Selectmen to Acquire Temporary and Permanent Easements for Central Street Reconstruction	\$150,000	Free Cash
14	Issuance of Long Term Debt for Senior Center Repairs	\$3,762,000	20 Year Debt Exclusion
15	Permanent Repairs to a Portion of Mellen Road	\$86,165	Free Cash
16	Temporary Repairs to a Portion of Mellen Road	\$4,200	Free Cash
17	Fund Wastewater Deficit	\$40,046	Free Cash
18	FY21 Budget – Capital Items	\$165,032	Free Cash
19	FY21 Budget – Withdrawal of Deficit Reserve	\$323,776.09	Deficit Legislation Reserve
20	Transfer of Remaining Funds From Capital Accounts to General Fund to Offset Long Term Debt Costs	\$682.02	N/A

21	Transfer Sale of Town Property Reserve to General Fund to Offset Long Term Debt Costs	\$14,000	N/A
22	Acceptance of Bayberry Circle and Pinewood Drive	N/A	N/A
23	Authorize Board of Selectmen to Accept Parcel of Land Known as Grout Park Map 5C4, Parcel 5	N/A	N/A
24	Sale of Property on Summer Drive Map 5B3, Parcel 160	N/A	N/A
25	Sale of Property on Summer Drive 5B3, Parcel 158	N/A	N/A
26	Consideration of Funding Gold Star Property Tax Exemption	N/A	N/A
27	Citizen Petition for the Maintenance and Repair of a Portion of Mellen Road		

LaBrie asked for clarification on Article 4, Hickey explained this is a Senior Work-off Program. This program allows seniors to work off a portion of their tax bill in an effort to assist those living on limited income.

Ward referred to Article 15, which is proposing \$86,165 to bring Mellen Road to a dirt road that will meet Town standards. If this article passes, then the following warrant article, which proposes to simply patch the holes on the road, will not be necessary. He asked when the work will be done if the article passes, noting that it will need to be done before winter. Hickey said it should be done before the end of the year, but he cannot contract with a company until the funding is available (after Town meeting, if the article passes).

Ward asked if Bayberry Drive is fully acceptable to the Town. Hickey answered it is up to Town standards, and has been reviewed by the Planning Board and the DPW. Ward said he drove the road recently and there is a dirt section that is unfinished and has holes. DPW Director, Al Gallant, said it is Town property and he allowed it to happen because there was no funding available. It is just an emergency exit.

Anderson asked if Article 5, the appropriation for the Community Action Committee, was an increase; Hickey answered that it is not an increase from approved fiscal 20 spending. It was increased from \$18,000 to \$25,000 in fiscal 19 or 20, but it is not an increase from the past fiscal year. Anderson said that she is concerned that Article 15 is not what the Mellen Road residents want. She said they find this resolution unsatisfactory and they have no interest in a dirt road, and wonders why the Board is even presenting this warrant article. Barbaro noted that this topic was discussed at length at a prior meeting and was voted on by Board members. Watkins expressed his extreme opposition to a dirt road; claiming it will be rutted out in no time and that the Town will need to maintain it weekly. Dominique Muldoon of 446 Mellen Road expressed her belief that the road is public, and noted that the state forest property often attracts heavy logging trucks travelling on the road, expressing that she feels it is not possible to maintain a dirt road with that traffic. She said that school busses have already gotten stuck in the winter and had to be pulled out. She informed the Board that her husband is currently in a wheelchair, mandating a medical van to take them to and from appointments. If, for some reason, the road was not passable and the medical van was unable to access their house, it would be a life-or-death situation. She implored the Board to reconsider their decision to make it a dirt road, asking that they instead patch the existing potholes. Marc Dorwart of Mellen Rd. asked the Board to make Mellen Road a Town Road by Prescription, claiming that it is a rare circumstance but that he believes this situation fits it to a tee. He stated again that he believes the road to be public. Bill Shea of 275 Mellen Road expressed his opinion that ripping up the existing tar will be more costly in the long run, and not in the best interest of the Town. He noted that previous meetings have been very heated and said he just wants to reach a resolution. Residents feel they are not being heard and they are trying hard to resolve this situation the right way. He asked the Board to reconsider the warrant, as he feels it is a step backward, and to take care of the road. Jason Tavares of Mellen Road said that the Board needs to recognize the Road by Prescription and fill potholes and maintain the road as they had done in years prior. Dorwart claimed Town Counsel has ill-advised the Town Manager and the Board, and that the Town Manager has misinterpreted their letters.

Barbaro said the Board is not trying to leave residents out in the cold and they wish to reach an amicable resolution. He is getting the sense that the majority of residents do not want to see this road reverted to a dirt road, and they wish to see the road patched before winter. Frances Cuskey of Mellen Road wishes to see the road

grooved and brought to a dirt road standard, stating that potholes will simply blow out after a week. Muldoon asked if all of Mellen Road would be turned into a dirt road, Barbaro answered only the unaccepted portion, and that the DPW would grade this portion several times a year. Gallant said a good portion of the proposed money would be expended to layout the road and establish metes and bounds so the Town can legally accept it. Barbaro noted that once brought to a dirt road standard, Chapter 90 funds would be available, allowing the Town to maintain the road to the best of its ability. Al Gallant, DPW Director, noted that approved funds could be used to patch the road while the metes and bounds are established. LaBrie noted that this topic has been discussed quite a bit, and she suggested coming back in a couple weeks and voting to accept or reject the warrant at that time. At this point, she thinks the Board needs to move forward. None of these articles are set in stone. Watkins expressed his concern that if the road is made to a dirt road, it will never be paved again.

Anderson referred to article 22, which relates to Bayberry Drive. She also noticed a section of the road is unfinished, and asked if, in lieu of all the difficulties the Town is currently facing, there is a bond on this road by the developer. Tracy Murphy, Planning and Development Director, answered there is a bond still currently out on this project. She wished to clarify that the dirt portion at the end was granted an amendment to the subdivision approval, due to a National Grid pole in the right of way. The developer was unable to get National Grid to remove it, so the Planning Board waived that subdivision approval. Dorwart asked if this is the same developer that dropped the ball on Converse Drive; Murphy answered that this developer had nothing to do with Converse Drive. Anderson asked how long the bond is held for; Murphy replied until the road is accepted.

Kane sought a motion to adjourn the Finance Committee meeting. **Corts motioned to adjourn, seconded by Delay. With a roll call vote of Corts, aye, Delay, aye, Alexander, aye, Kent, aye, and Kane, aye, the Finance Committee adjourned at 7:40 p.m.**

Kane reminded everyone that the Finance Committee will be hosting their public hearing on the Town Warrant next Tuesday, September 8th at 7:00 p.m.

5. **NEW BUSINESS:** There was no new business.

6. **OLD BUSINESS:** There was no old business.

7. **MINUTES:**

7.1 Monday, July 13, 2020 - Regular Meeting Amendment/Clarification **LaBrie moved to approve the amendment to the Monday, July 13, 2020 meeting as before them this evening; seconded by Ward. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye and Barbaro, aye, the motion carried unanimously.**

7.2 Monday, August 17, 2020 - Regular Meeting – Ward wished to see one amendment – on page four, it refers to a resident by only their last name, which is not clear. **Ward asked to see it changed to Mr. Marc Dorwart, the resident who is referenced at that moment. Barbaro also asked to have Mr. Dorwart's address noted in the minutes. The motion was seconded by LaBrie, with a roll call vote of LaBrie, aye, Anderson, aye, Ward, aye, and Barbaro aye, the motion carried unanimously.**

Executive Session Minutes for Release:

7.3 Monday, January 9, 2017 - EXECUTIVE SESSION Redacted – **LaBrie moved to release the redacted executive session minutes of Monday, January 9, 2017; seconded by Ward.** Ward clarified that members can vote to release minutes even if they were not a member at the time the meeting was held. Anderson asked why these minutes are all being released now; Hickey answered because Ms. LaBrie had asked to review and release any minutes that no longer need to be confidential. **With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.**

7.4 Monday, May 22, 2017 - EXECUTIVE SESSION – **LaBrie moved to release the executive session minutes of Monday, May 22, 2017, seconded by Anderson. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.**

7.5 Monday, June 12, 2017 - EXECUTIVE SESSION Un-redacted - LaBrie moved to release the executive session un-redacted minutes of Monday, June 12, 2017, seconded by Anderson. With a roll call vote of Anderson, aye, LaBrie, abstain, Ward, aye, and Barbaro, aye, the motion carried.

7.6 Monday, January 8, 2018 - EXECUTIVE SESSION Redacted - This item was inadvertently passed over.

7.7 Monday, February 12, 2018 - EXECUTIVE SESSION - LaBrie moved to release the executive session minutes of Monday, February 12, 2018, seconded by Anderson. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

7.8 Monday, February 26, 2018 - EXECUTIVE SESSION Redacted - LaBrie moved to release the executive session redacted minutes of Monday, February 26, 2018, seconded by Ward. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

7.9 Monday, July 2, 2018 - EXECUTIVE SESSION - LaBrie moved to release the executive session minutes of Monday, July 2, 2018, seconded by Anderson. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

7.10 Monday, February 11, 2019 - EXECUTIVE SESSION - Ward moved to the executive session minutes of Monday, February 11, 2019 be released; seconded by LaBrie. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

7.11 Monday, February 25, 2019 - EXECUTIVE SESSION - Ward moved to the executive session minutes of Monday, February 25, 2019 be released; seconded by LaBrie. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

7.12 Monday, March 11, 2019 - EXECUTIVE SESSION - LaBrie moved to release the executive session minutes of Monday, March 11, 2019; seconded by Ward. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

8. **COMMUNICATIONS:** Anderson asked that the Board recognize the Fire Department; noting that they received an EMS award that should be honored at the next meeting.

Recording secretary Taylor Tower asked for Board guidance on the length of the meeting minutes, noting there has been significant discussion at past meetings that is not always conducive to the intent of the minutes. Barbaro suggested trying to get to the main point of the discussion. Ward noted the Open Meeting Law guide, which specifically states minutes should be a summary of the discussion, and that a transcript is not required. Past meeting minutes have essentially been a transcript. LaBrie noted it's a fine line, of course, pertinent information should be included. Anderson said Tower has done a fabulous job, and that everyone's input should be included because we have to refer back to it.

9. **AGENDA ITEMS:**

10. **EXECUTIVE SESSION:**

11. **ADJOURNMENT:** LaBrie moved to adjourn, seconded by Ward. With a roll call vote of Anderson, aye, LaBrie, aye, Ward, aye and Barbaro, aye, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Taylor C. Tower

Taylor Tower, Administrative Assistant