

Approved: 1/11/2021

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING MINUTES
MONDAY, DECEMBER 28, 2020
Conducted by Remote Zoom Meeting**

Present:

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

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

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)
- December 2020 Notice of Vacancies (filed)
- FMJ Motors LLC Class II License Application (filed)
 - Planning Board Site Plan Decision (filed)
 - Zoning Board of Appeals Use Decision (filed)
 - Agent Parking Sketch (filed)
 - Draft Minutes of the 12-15-2020 Planning Board Meeting (filed)
- Water and Sewer Abatement Application for 83 Brown Street (filed)
- Map of Miller's Run Subdivision (attached)
 - Minutes of the December 16, 2017 Conservation Commission Meeting (attached)
- December 28, 2020 Town Manager's Report (attached)
- Minutes to be Approved:
 - November 9, 2020 EXECUTIVE SESSION for Release
 - December 14, 2020 Regular Meeting
 - December 14, 2020 EXECUTIVE SESSION

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.

Chairman Michael Barbaro called the meeting to order at 6:30 p.m.

Barbaro confirmed members present and persons anticipating to speak by calling their name and asking for a response in the affirmative: Ward, yes, LaBrie, yes, Salter, yes, Anderson, yes and Barbaro, yes. Staff members present and responding in the affirmative were Keith Hickey, Town Manager, Linda Daigle, Executive Assistant, and Taylor Tower, Administrative Assistant.

Barbaro 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.

Barbaro 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.

All rose for the Pledge of Allegiance.

*Board of Selectmen Meeting Minutes
December 28, 2020*

1. **SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:** LaBrie thanked the DPW for all their work with snow removal, and wished everyone a happy New Year. Barbaro also wished everyone a happy New Year and asked everyone to be as safe as possible.
2. **PUBLIC COMMENTS AND ANNOUNCEMENTS:** None were heard.
3. **PUBLIC HEARINGS:** None were scheduled.
4. **APPOINTMENTS/RESIGNATIONS:**
 - 4.1. Board of Selectmen Appointed Committees and Boards List of Vacancies – Barbaro read aloud a list of the current vacancies on Boards and Committees appointed by the Board of Selectmen, and asked anyone interested in volunteering to contact the Town Manager's Office.
5. **PERMIT/LICENSE APPLICATIONS:**
 - 5.1. Class II Application - FMJ Motors, LLC, d/b/a FMJ Auto Services, 131 Spring St. – Fernando Florian of FMJ Auto Services wishes to obtain a Class II license for his location at 131 Spring Street. He was not present before the Board but Linda Daigle, Executive Assistant, described the review and approval by the Planning Board and the Zoning Board of Appeals. Their hours of operation will be Monday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 12:00 p.m. with no working hours on Sunday.

LaBrie moved to approve the Class II license application for FMJ Motors, LLC, d/b/a FMJ Auto Services located at 131 Spring St. as presented this evening, seconded by Ward. With a roll call vote of Anderson, aye, Salter, aye, Ward, aye, LaBrie, aye and Barbaro, aye, the motion carried unanimously.

LaBrie moved to authorize the Town Manager to sign the license, seconded by Salter. With a roll call vote of Anderson, aye, Salter, aye, Ward, aye, LaBrie, aye and Barbaro, aye, the motion carried unanimously.
6. **BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENT:**
 - 6.1. Update from Fire Chief Tom Smith – Fire Chief Tom Smith was before the Board to give an annual update on the happenings of his department. In 2020, the total calls to date have been 2,202, with that number being comprised of 1,493 ambulance calls, 521 fire calls and the rest being service calls. He said that numbers don't always reflect the challenges. For example, with the pandemic, all ambulance calls turned into high-priority calls whether it was for a sprained ankle, difficulty breathing or if it was actually a code. Smith praised his staff, saying they handled these challenges well and they have gone above and beyond with their performance this year. At the beginning of the pandemic, there was no PPE available for the Town to purchase. A couple members tested positive early in the pandemic. After additional evaluation, the department managed what they had on hand for protective equipment at that time. An additional member was established, thanks to the CARES act. Also due to the grant, the department was able to purchase disinfectant machines for ambulances, fire engines and around the station. Many important grants were applied for and received in 2020 allowing the department to continue to function and grow. A DFS washer/extractor grant was obtained to purchase a new gear extractor to wash turnout gear for staff. A two-part SAFER grant was also received, among several other grants. In terms of ambulance revenue, Smith described the Town as fortunate in having done well and covering all the calls of the Fire Department. The total amount brought in was \$496,275.10. Along with a Medicare Supplemental, this put the ambulance revenue well over the half million mark for 2020.

Barbaro thanked Smith and all of his department, describing this year as challenging at best. He said he does not take it lightly when staff is exposed and commended the Fire Department staff for running in when everyone else runs away.

Anderson thanked Smith for all the grant work he did this year.

7. NEW BUSINESS:

- 7.1. Water and Sewer Abatement Application – 93 Brown St. – The former homeowner of 93 Brown Street, Roy Graves, is requesting an abatement due to an old, slowed-down meter that did not accurately read his usage. Graves said that the meter was required to be replaced as part of the final meter reading during the process of the sale of the home. Brian Croteau, Director of Public Works, explained that the meter was swapped out because the existing meter was old and dying. He told the Board that situations like this are why the Town Manager and Croteau were before the Board last week to propose a meter change initiative. Mr. Graves is not the first case of this situation, and he will not be the last. Barbaro asked Croteau if the water was used; he answered yes, the water was pulled through the meter. Graves did not wish to debate that the water was used, but his concern is in how the water usage is being accounted for. LaBrie asked if the whole meter, including the actual meter in the basement and the remote on the outside, were replaced. Croteau answered that the whole meter was replaced. The analog meter in the basement, a T2 meter, was read by dial and transmitted to the electronic portion. The reason why the water usage was not correctly accounted for in the older meter is because the meter in the basement was not correctly corresponding with the remote on the outside. Hickey elaborated further, telling the Board that the reader on the outside of the house is read by the Water Department staff. The remote readers on the outside of the houses are showing their age and slowing down, not accurately reflecting the reading of the water usage from the meter in the basement. In this case, it was discovered because the final water meter reading had to be conducted so that the house could be sold. The meter itself is reflecting high usage because the outside dial is not accurate and unfortunately, there is no way to know that without actually inspecting each meter and remote. The Board has seen this in the past, where a resident receives a “catch up” bill because the water was not accurately tracked. LaBrie, referring to last week’s decision by the Board to begin replacing meters throughout Winchendon, said that she knows the new meter software allows homeowners to track their water usage through an app. She said that she hates seeing people have to pay “catch up” bills, but the water was used. She proposed an abatement in the amount of \$93.00, explaining that she came to that number by calculating an average of the last two water bills.

LaBrie moved to approve the water/sewer abatement application for 93 Brown Street in the amount of \$93.00; seconded by Anderson. With a roll call vote of LaBrie, aye, Anderson, aye, Salter, no, Ward, no and Barbaro, no, the motion failed 2-3 and the requested abatement was disapproved.

Barbaro explained his vote to Mr. Graves, telling him that the water did go through the meter, and other residents have to pick up the cost of abatements. He is sorry that Mr. Graves had to go through this but said that meters are being replaced which will help to prevent this in the future.

- 7.2. Miller’s Run Open Space Acceptance – Hickey reminded the Board that as part of the Miller’s Run subdivision, the developer provided open space to be donated to the Town for conservation purposes. The Conservation Commission has voted to approve the donation and is looking for the Selectmen to do the same. The open space was refused by the Selectmen in 2016, when the Board asked the developer to create a homeowner’s association (HOA) to take ownership of the property. The developer attempted to establish a HOA, but because the Planning Board and Conservation Commission approved the site plan with the open space being donated to the Town and house lots were sold prior to the Selectmen’s refusal of the land, the developer could not give the land to a HOA. Hickey introduced Keith Glenny, the attorney for the developer. Glenny further explained that the deeds of the lots have already been recorded, and they do not contain the language of a HOA. He offered an anecdote, saying that it is not possible to put the toothpaste back into the tube. LaBrie asked if there were any thoughts or plans from the Town at this point. Hickey answered that it will primarily be used for conservation and recreation, and there has been some talk about using it for soccer fields. Ward said that he had read the October 30, 2017 Board of Selectmen meeting minutes, in which it is inferred that the area would need to be cleaned thoroughly due to the potential of buried pipes and debris. He asked if any cleaning had taken place since. Hickey said that there had been some allegations made by a Conservation Commission member at the time that items were buried on the property. The owner assured the Town that nothing of that nature had happened. Barbaro said that the property was previously a sandpit that was leveled.

Anderson noted the proximity of private backyards to this land, and said that public access to this land seems to be limited. Tracy Murphy, Director of Planning & Community Development, said that there is a road on the biggest part of the parcel that leads right to the land, but some other parts are fragmented. Anderson asked what good it is to the Town. Hickey said that back in 2017, he had raised the same concern. The property is fragmented, with no connection with Town-wide conservation land. There was pushback from the Board, and the developer was asked to see if there was an opportunity to create a HOA to take responsibility. As Attorney Glenny mentioned, the developer tried to do that but the subdivision was already approved and agreed upon. Hickey noted perhaps this is a lesson learned to the Town to not try to take land just for the sake of receiving free land. However, the developer cannot be forced to take this piece of property back and they would like the Town to abide by the original agreement. The Town allowed the developer to work under the assumption that the property would be transferred to the Town, and the subdivision was approved based on that. Anderson asked why. Hickey answered that the Conservation Commission and the Planning Board were very supportive of taking the open space, and the developer went on to develop and mark the subdivision based on votes taken by both those committees. Murphy further expanded, advising the Board that in 2004, the special permit was approved with a condition that the open space be conveyed back to the Town of Winchendon. This was standard practice in 2004, she said, and we have learned since then. Nowadays, there would be the condition of a HOA but it is too late to have the developer create one. The developer did exactly what the Town told him to do.

Ward moved to approve the donation of open space for conservation purposes in the Miller's Run subdivision as shown in the subdivision plan, seconded by LaBrie. With a roll call vote of LaBrie, aye, Salter, aye, Anderson, no, Ward, aye and Barbaro, aye, the motion carried 4-1.

8. OLD BUSINESS:

- 8.1. Endorsement of the Final Draft Master Plan – This item was passed over and will be revisited at the first official board meeting in January.
- 8.2. Presentation of Interim Town Manager Candidates by Community Paradigm Associates, Inc. – Bernie Lynch of Community Paradigm Associates was before the Board to present his recommended Interim Town Manager candidates. He reported that he ended up with five qualified candidates, and of those five, he is recommending two. In his opinion, both have the appropriate experience and can walk through the door and do the job. The first candidate, Stephen Delaney, has been in the business for thirty-plus years, and has served as interims in other locations. He has even written a book about being an interim Town Manager. The second candidate, Nina Nazarian, has served in Princeton, Littleton and Tyngsboro and has an engineering background. Lynch feels confident that either candidate would be able to do the job well for the Town. Barbaro divulged to the Board that after speaking with Lynch earlier in the day, he decided that he would like to conduct these interviews via Zoom rather than in-person, as was originally discussed. Lynch noted that it is a strange world right now, but his company has been interviewing candidates via Zoom since March with no issues.

Ward moved the Board of Selectmen approve the Interim Town Manager candidates presented by Community Paradigm and request Mr. Lynch to set up interviews with the candidates on December 30th, seconded by LaBrie. After some discussion, it was established that the first interview will begin at 6:00 p.m. with 45 minutes allotted per candidate. With a roll call vote of Salter, aye, LaBrie, aye, Anderson, aye, Ward, aye and Barbaro, aye, the motion carried unanimously.

- 8.3. Discussion on Questions for Interim Town Manager Candidates – Lynch informed the Board that in his preliminary interviews, he aims to get to know the candidates, their background, experience, and why they are interested. He asked for their knowledge of Winchendon, particularly as it relates to what the Town has gone through in the last seven, or so, years. He knows of other Towns that have gone through similar financial turmoil with health insurance funds, that still bear scars twenty years later. An Interim Town Manager will have to be sensitive to that. As far as the role of Interim Town Manager, the Board will have to decide what they

want from their Interim. Lynch described two kinds of Interim candidates, saying that one comes in to make sure that the lights stay on and the other kind, which is not just a caretaker. He noted that the FY'22 budget will be completed before Hickey leaves, but we still do not know what is happening with state aid and COVID costs. It is clear that there is much happening in town in terms of projects, such as marijuana establishments, a microbrewery, the Central Street reconstruction, veteran housing, and more. Department Heads will need a manager able to provide guidance, and the Board will certainly need it as well. Project management skills are essential, as well as human resources experience and the ability to relate to the public. All these qualities needed by the Town will translate to questions asked during their interview with the Board. LaBrie reminded the Board that she was involved in the 2015 search for a Town Manager, and said she would be happy to dig up her score card and the questions asked and send them to the Board. Anderson asked why these candidates seek an interim position. Lynch said that Mr. Delaney is a retired Town Manager, and this is now what he does for a living. Such is common with retired managers. Ms. Nazarian is currently in a position where she is serving as an interim doing special projects, but she wants to be a manager and Winchendon has a story to tell.

9. TOWN MANAGER'S REPORT:

1. Financial Updates-

I have authorized the expenditure of \$98,000 for emergency repairs to the Old Murdock clock tower. The work is expected to begin in mid-January.

2. Personnel Updates-

Interview for the Treasurer/Tax Collector position began last week. The deadline to submit an application is December 29th. If any qualified candidate submit a resume prior to the submission deadline they will be interviewed later this week.

3. Project Updates-

I am working on a grant to assist in the repairs of the Senior Center. The grant is being funded by the Massachusetts Historical Commission.

4. Miscellaneous Updates –

I have no miscellaneous updates.

10. MINUTES:

10.1 Monday, November 9, 2020 EXECUTIVE SESSION for Release – LaBrie moved to release the Executive Session minutes of Monday, November 9, 2020, seconded by Ward. With a roll call vote of Salter, aye, LaBrie, aye, Anderson, aye, Ward, aye, and Barbaro, aye, the motion carried unanimously.

10.2 Monday, December 14, 2020 Regular Meeting – Ward moved to approve the Board of Selectmen Regular Meeting Minutes of Monday, December 14, 2020 as presented this evening, seconded by LaBrie. With a roll call vote of Salter, aye, Anderson, aye, LaBrie, aye, Ward, aye and Barbaro, aye, the motion carried unanimously.

10.3 Monday, December 14, 2020 EXECUTIVE SESSION – LaBrie moved to approve only the Board of Selectmen Executive Session Minutes of Monday, December 14, 2020 as presented this evening, seconded by Ward. With a roll call vote of Salter, aye, LaBrie, aye, Anderson, aye, Ward, aye and Barbaro, aye, the motion carried unanimously.

- 11. COMMUNICATIONS:** Barbaro noted that the Board would next meet on December 30th to interview candidates for the Interim Town Manager position. He asked the Board if they are comfortable voting to appoint a candidate at that meeting or if they would like to schedule a second meeting. LaBrie replied that she would prefer to vote at that meeting due to current time constraints. With no objections from the Board, it was established that the Board would

interview candidates in regular session and then go to executive session to work out contract details with their chosen candidate.

David Watkins of 235 Mellen Road asked when the executive session minutes of July 13, 2020 meeting are being released. Barbaro answered that these minutes contain details of the Mellen Road situation. Spring 2021 Town Meeting will host a vote to accept the previously unaccepted portion of Mellen Road, and after such vote has taken place, the minutes can be released. Until then, they hold confidential, legal information and should the road not be accepted, which he does not anticipate happening, the minutes would be subject to use in court. Legal advice has already been sought on whether to release these minutes. Watkins said that he thought minutes were supposed to be released after three months, and asked how long the Board could hold the minutes without ever actually releasing them. He also was concerned about the potential of much of the information being redacted. Barbaro explained that minutes are always released after resolved, and do not have information redacted, unless they hold confidential information such as personnel matters.

12. **AGENDA ITEMS:** There were no agenda items tonight.
13. **EXECUTIVE SESSION:** There was no executive session scheduled tonight.
14. **ADJOURNMENT:** LaBrie moved to adjourn, seconded by Ward. With a roll call vote of Salter, aye, LaBrie, aye, Anderson, aye, Ward, aye and Barbaro, aye, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Taylor C. Tower

Taylor Tower

Administrative Assistant