

TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING MINUTES
MONDAY, SEPTEMBER 12, 2022
Town Hall, 2nd Floor Auditorium, 109 Front Street, Winchendon, Mass.

Present:

Audrey LaBrie, Chair
Rick Ward, Vice-Chair
Barbara Anderson
Danielle LaPointe
Amy Salter (6:50PM)

Justin Sultzbach, Town Manager
Linda Daigle, Executive Assistant

List of Documents Presented at Meeting:

- Draft Proclamation – Childhood Cancer Awareness Month Proclamation (filed)
- Email from Linda Daigle to Guy Corbosiero dated August 27, 2022 pertaining to Planning Board seat adjustment (Garret Wante to Alternate Member and Amanda Phillips to Full Member) (filed)
- James McCrohon's Resignation letter from CPA Exploratory Committee (filed)
- Joe Rosa's Resignation letter from CPA Exploratory Committee (filed)
- American Legion Post 193 Entertainment Permit Application for Sunday, September 18, 2022-American Legion End of Summer Party (filed)
- Approval Request-Winchendon Community Park Sponsorship for Grand Opening of Performing Arts Center (filed)
- Water and Sewer Abatement Application-Jennifer Viana, 105 Eagle Road (filed)
- Memo from Town Manager dated 9-12-2022 regarding Municipal Aggregation (filed)
- Memo from Linda Daigle, Executive Assistant dated 9-8-2022 regarding Cable Television License Renewal (filed)
- Memo from Town Manager dated 9-12-2022 regarding STM Draft Warrant 10-24-2022 (filed)
- Memo from Town Manager dated 9-12-2022 regarding Wastewater request for Proposal (RFP) Update (filed)
- Memo from Town Manager dated 9-12-2022 regarding Special Municipal Employee (filed)
- Memo from Town Manager dated 9-12-2022 regarding Community Impact Fee (filed)
- Town Manager's Report
- Minutes for Approval:
 - July 25, 2022 Regular Meeting
 - August 1, 2022 Joint Meeting with the Master Plan Implementation Committee

Chair LaBrie called the meeting to order at 6:30P.M. All rose for the Pledge of Allegiance. LaBrie asked if anyone would be audio or video recording this meeting tonight to which there was no response heard.

1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:

Ward thanked the Fire Department for holding their annual September 11th remembrance ceremony. He also thanked the Town Clerk Wendy Stevens, staff and Deputy Warden and townspeople who worked the state primary and election.

LaBrie noted that Halloween will be held on Monday, October 31st from 5:30PM to 7:30PM.

1.1. Childhood Cancer Awareness Month Proclamation – Chair LaBrie read the proclamation into the record.

Anderson moved the Board issue the following proclamation recognizing the month of September as Childhood Cancer Awareness Month in Winchendon. Ward seconded. With a vote of all aye, the motion carried unanimously.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS:

Edward Ford Jr, 364 Brown St. came forward with concerns with the drug problems in town. Chair LaBrie asked him to get in touch with the Town Manager to discuss his issues.

3. PUBLIC HEARINGS: None this evening.

4. APPOINTMENTS/RESIGNATIONS:

4.1. Planning Board Members Seat Adjustments - Garret Wante to Alternate Member and Amanda Phillips to Full Member – LaBrie noted two members of the Planning Board wish to change seats they hold. The switch is supported by the Chair.

Anderson wanted to know if this had gone before the full Planning Board; the Town Manager noted both members agreed to switch but he was unsure if the Board in its entirety voted on it.

Anderson moved the Board approve the Planning Board's request to switch Garret Wante to an Alternate Member and Amanda Phillips to the full member seat. LaPointe seconded. By a vote of all aye, the motion carried unanimously.

4.2. Community Preservation Act Exploratory Committee Resignations – LaBrie note the resignations submitted by Mr. McCrohon and Joe Rosa from the CPAEC.

- 4.2.1. James McCrohon
- 4.2.2. Joe Rosa

Anderson moved the Board accept the resignations of James McCrohon and Joe Rosa from the Community Preservation Act Exploratory Committee. LaPointe seconded.

Sultzbach explained the seats as Mrs. Anderson asked about vacancies and quorum issues.

By a vote of all aye, the motion carried unanimously.

5. PERMIT/LICENSE APPLICATIONS:

5.1. Entertainment Permit, Sunday, Sept. 18, 2022 – American Legion End of Summer Party – LaBrie noted the Legion is having an end of summer outdoor party. They currently hold an annual food permit and already have been licensed for serving alcoholic beverages outdoors under the pavilion. Mainly this permit is for the outdoor music entertainment they will be having.

Karin Wyson, Manager of the American Legion, came forward. She said food would be served at 1pm and music would be from 2-5pm.

Ward moved the Board approve the Entertainment Permit for the American Legion for their End of Summer Party to be held on Sunday, Sept. 18, 2022 as presented this evening. Anderson seconded. With a vote of all aye, the motion passed unanimously.

6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS: Not applicable this evening.

7. NEW BUSINESS:

Anderson moved to pass over item number 7.1; LaPointe seconded. With a vote of all aye, the Board moved to item 7.2 and returned to this section at 7:14PM.

7.1. Winchendon Community Park Sponsorships for Grand Opening of Performing Arts Center – LaPointe disclosed that she and her husband are part of a band that has been contracted for the Grand Opening and might receive minimal payment.

Tiffany Newton came forward asking the Board if they would support sponsorships to help fund the amphitheater grand opening to be held on June 10, 2023. All money collected would be used to fund the event, the bands and other entertainment. She reviewed the flyer showing the tier structure for sponsorship.

There was some discussion about the solicitation of funds and who would be determining where it's spent. Sultzbach offered he would not want to make any decisions in a vacuum and that the Winchendon Community Park Committee is part of the Recreation Committee. Donations received would likely fund the majority of the grand opening, the bulk of that funding coming from the Robinson-Broadhurst Foundation.

Ward commented that there needs to be a public record of businesses contacted and that there be no appearance of pressure when soliciting. The Board felt it would be best to have volunteers doing the soliciting rather than an employee.

With the understanding that solicitors will have no direct ties to the town nor to a committee that business might have to come before, **Ward moved the Board of Selectmen approve a gift account for the Winchendon Community Park and authorize the funds collected for the Grand Opening Sponsorships be spent for the purpose of the Grand Opening of the Winchendon Community Park Performing Arts Amphitheatre to be held on June 10, 2023 as presented this evening. LaPointe seconded.**

The vote was called by the Chair and was approved by majority vote.

Salter (Y), Ward (Y), Anderson (N), LaPointe (Y), LaBrie (Y) 4-1 Approved

7.2. Water and Sewer Abatement Application – 105 Eagle Rd. – Ms. Viana was present on her request. The water pipes of the heating system failed causing extensive damage. LaBrie noted the application has been reviewed by the DPW Director who confirms the claim that the water did not enter the sewer system and approved the request for abatement in the amount of \$10,300.37 on the sewer portion of their bill plus any interest that has accrued on this bill. Anderson reiterated this is for the sewer portion of the bill only because it never went down the drain.

Ward moved the Board, acting as the Water/Sewer Commissioners, abate \$10,300.37 plus any accrued interest on the water/sewer bill for 105 Eagle Rd. Anderson seconded. With a vote of all aye, the motion carried unanimously.

7.3. Winchendon's Municipal Aggregation - Indicative Pricing for Dec. 2022 – Sultzbach said they received support from Colonial Power Group Inc. when going through the Municipal Aggregation process. The bid process current term ends this December with energy increasing. He asked the representatives from Colonial Power Group Inc. to come out this evening and talk about what is causing the trends.

Selectwoman Amy Salter arrived at 6:50pm

Mark Chappadona and Denise Allard from Colonial Power Group came forward. Mr. Chappadona said this is the supply portion of your electricity bill. Energy is going through the roof, especially in New England with a small problem with a natural gas capacity issue that is exacerbated in December, January, and February. They believe, and are hopeful, that at some point the very high price will come down, it will be expensive this winter. National Grid goes out to bid on Wednesday but feels the Town will have a more favorable price. This evening they are asking the Board to give the Town Manager authority to sign off on the next contract with pricing for a short term deal. It would be executable tomorrow.

LaPointe said she loves the short term solution and wondering if 6 or 9 month would be an option. Mark Chappadona replied the options for 12 months are expensive and would be more with the six-month option. Anyone can opt out at any time of the program and go back to National Grid basic service.

Anderson offered she didn't like it asking them to put a lot on the residents of Winchendon with increases in water and sewer rates. This is too much for the residents. Mr. Chappadona offered anyone has the ability to opt out for National Grid basic service but he believes basic service is going to be higher this coming winter. He noted the program so far has saved the town \$1.8 million dollars.

Sultzbach explained National Grid owns the infrastructure, this is for the energy source itself. LaBrie clarified it's the supplier portion of your National Grid bill.

The Board discussed the length of the contract being less than a year. Sultzbach warned that the prices could go up in three months. There is no way to predict this.

LaBrie asked if prices drop, put in contract to renegotiate. The Town Manager didn't believe that was an option.

Anderson didn't want to make a rash decision, she needed to think about it.

Denise Allard said National Grid requires a 60-day notice and National Grid goes out to bid on Wednesday.

Sultzbach said National Grid numbers will be out by the next meeting at which point these bidders might raise their numbers. He didn't feel he has much play here with the numbers being what they are.

Ward moved to authorize the Town Manager to negotiate and enter into this Municipal Aggregation Agreement not to exceed one year on the town's behalf; LaPointe seconded.

Salter (Y), Ward (Y), Anderson (N), LaPointe (Y), LaBrie (Y) 4-1 Approved

7.4. Cable Television License Renewal – The Town Manager said this initiative has been handled by Linda Daigle noting it has been a several month long process in collaboration with the Communications Committee. Ms. Daigle said the Communication Committee has been conducting meetings over the past year working on contract negotiations for the upcoming ten-year renewal. PEG Access Capital Support was negotiated to be \$120,000, up from \$45,000 in the former contract. This will be paid out in four equal annual installments of \$30,000. PEG Access Support, which is the quarterly franchise fee, was negotiated to 3.25%, up from 1% in the prior contract. Comcast has agreed to give us a second HD PEG Access channel that the School can utilize. Another win was the minimum density which has been listed to be at least (20) dwelling units per aerial mile and (40) dwelling units per underground mile. This was agreed to be changed to (18) dwelling units per aerial mile and (35) dwelling units per underground mile. There are a couple items outstanding from the Communications Committee that they would like to see still addressed; one being the senior citizen discount. Secondly, Town Counsel is negotiating to cap the costs to secure an HD channel at \$30,000. The Committee is asking the cap to be \$10,000 to \$15,000.

Daigle said this has been placed on the agenda as part of the renewal requirements to have a public meeting allowing for public comments and for the Board to review the draft and eventually vote to execute the ten-year contract prior to October 1, 2022. Unless Comcast agrees to the changes requested by Town Counsel today, the Communications Committee has asked the draft go back before them for further discussion and their recommendations back to the Selectmen. This would go back before the Board at their September 26th meeting.

Ward asked about the Senior Citizens discount. Are you looking at across the board to have a 15% discount? Ms. Daigle replied yes but Town Counsel doesn't think this will happen.

Sultzbach informed the Board one big win on the Town side is the capital support piece. The Town has been operating with a meager percentage and effectively we are tripling that amount in this contract. He wanted to stress to the residents of Winchendon that the current broadcasting capabilities, all of our equipment, the struggles with audio, hybrid meetings come from the fact of an excruciating limited budget. Over the course of this new contract, the town will be able to effectively communicate with its residents.

Tina Santos asked with the second HD channel would it be possible to utilize it to broadcast two meetings at once.

Mr. Ed Ford came forward and commented that the town should use Facebook more to livestream meetings noting that it was free.

Keith Kent came forward in criticism of Comcast and encouraged residents to explore other low cost options.

The Board will continue this topic at their next meeting on Sept. 26th.

7.5. Presentation of Draft Special Town Meeting Warrant for October 24, 2022 – The Town Manager reviewed the draft Special Town Meeting warrant with the Board.

Article 1 - Committee Report – This is a standard article.

Article 2 – Payment of Prior Year Bills – The specifics for this Article is still being tabulated, however we do not anticipate the total figure to be significant.

Article 3 – \$100,000 Supplemental Downtown Streetlight Improvements \$65,000 to fund the gap in funding for streetlights on Central Street due to the decorative lighting increases and \$35,000 for lighting for the new park at Lake and Spring Street as well as potential lighting for the new parking lot on Pleasant Street. The Capital Committee has met and is still narrowing down figures.

Article 4 – Supplemental Library Phase 2 Repairs – \$215,000 for Phase 2 repairs. This project has gone out to bid and is the third time on town meeting warrants for Phase 2. The Town Manager explained the town meeting of May 17, 2021 was the first time it appeared as an article. The article was amended on the floor and may have been misspoken with numbers being done on the fly. There were 3 components to this article requesting \$597,000; to use free cash, to borrow and a potential contribution from the Robinson-Broadhurst Foundation. The Foundation announced right before the meeting they were going to award \$200,000. With that information, the borrowing was reduced to \$100,000 with \$200,000 from the Robinson-Broadhurst Foundation and \$300,000 from free cash. When we went back to the most recent annual town meeting in 2022, the additional amount of \$314,500 from free cash was to make up for the error and amendment that was done on town meeting floor in 2021.

Sultzbach continued the grand total amounts to \$100,000 borrowing, \$200,000 from the Robinson-Broadhurst Foundation and \$300,000 from free cash in 2021 and \$314,500 from free cash in 2022 for a total of \$914,500. The low bid for construction was \$998,785; the difference there being \$84,285. We are requesting in this article 4 \$215,000 which is the soft cost representing the engineering and architectural fees.

Ward inquired about the \$75,000 remaining from Phase 1 not being added in. The Town Manager believed it was a funding source in this past May's appropriation for the library but would check on it.

Article 5 – Supplemental FY23 Highway Materials – Pleasant / Summer / Island – This is to supplement highway material lines requesting \$95,000 from free cash. Given escalating paving costs we are looking to put these funds to work before the winter.

Article 6 – Fire Station Design – The Town Manager noted that \$618,750 is being requested for the Fire Station Design through a Debt Exclusion. The scope of work has been reduced from \$12.5 million to \$8.5 million. This request is just for design services. The Capital Planning Committee feels this should be a debt exclusion article with a referendum for community support. Chief Smith was present and reviewed the article with the Board.

Article 7 – Clean Water and Drinking Water State Revolving Funds – \$9,560,000 request to repair the main water line running into town from the Ashburnham-Winchendon Water Filtration Plant. The Town Manager said the main water line has been deficient for a decade. It's never been a good time to fix this. Originally it was a \$6.5 million pipe when he came here and now it will cost ten million dollars. The town can't put this off any longer. This article is trying to address with a more updated engineering plan. He spoke of the funding sources such as the Clean Water and Drinking Water State Revolving Fund which the town could borrow the money and stretch out the payment over thirty years.

Article 8 – Fund OPEB Trust Account – Sultzbach explained this is a \$110,593 figure commitment made as part of our Financial Policies and is 10% of our annual healthcare costs.

Article 9 – Fund Contractual Separation Pay-outs – Sultzbach explained \$50,000 is also a recommendation from our Financial Policies and is a set figure.

Article 10 – Fund Stabilization Account – Sultzbach explained \$160,000 is a placeholder, it won't be higher than that. It's all savings which will help our financial position

Article 11 – Finance Committee Special Reserve for Energy Costs - Sultzbach noted he is seeking to get aside this \$50,000 out of an abundance of caution for energy related costs for electricity in FY23. Anyone requesting these funds would have to go to the Finance Committee to release them in a public meeting.

Article 12 and 13, Sultzbach said these are Charter amendments recommended by the Charter/Bylaw Committee that were approved at the May 2021 Annual Town Meeting but not followed up with a ballot vote, meaning a new town meeting vote is required.

Sultzbach noted he would be presenting the final warrant to the Board on September 26th. He said the Finance Committee public hearing is September 27th at 7pm. He said he believes the Board would be voting their recommendations on October 10th and October 24th will be the Special Meeting.

8. OLD BUSINESS:

- 8.1. Wastewater Request for Proposal (RFP) Update –Sultzbach noted that the only firm to show up was Veolia North America. The existing contract for Wastewater services agreement was set to expire in June 2022, however we issued a brief extension with the Boards approval this summer. The agreement does allow for two additional renewals in three-year periods. The fee for this extension would need to be negotiated. Given the lack of interest in the released RFP, we are asking the Board this evening to consider authorizing our team to terminate the RFP process and begin the negotiation process for a one-time extension. The terms of which would ultimately need the approval of the Board. He said he separately walked the plant with Selectwoman Anderson and LaBrie and will do it with Selectwoman LaPointe tomorrow.

Salter asked if our options are either we extend what we have or put it out for rebid. Sultzbach responded if you open it up to bid again, it is known that there isn't a lot of people willing to bid and it will probably be higher.

DPW Director, Brian Croteau, said there are limited ways to make money. When Veolia came in the first time, they capitalized on the ways to save money. There are less municipalities running plants because there are less operators out there.

This was tabled until the September 26, 2022 meeting.

8.2. Special Municipal Employee – The Town Manager said that following the hiring of Glenn LaRochelle at our Department of Public Works, the question of Special Municipal Employee status arose given his recent appointment to the Board of Health and Conservation Commission. This is a typical potential conflict for smaller municipalities. He said he has confirmed with Legal Counsel that this is a policy decision that may be made at the discretion of the Board of Selectmen.

He said that the Board of Health and Conservation Commission are both unpaid roles, he recommended to vote those two Boards as Special Municipal Employees. A record of this would be kept at the Town Clerks office. Should the Board vote in the affirmative, any employee that would fall within this category would also be required to fill out a form to be filed with the Town Clerk.

After some discussion and a concern if this was needed, the Board tabled the topic to bring back to the next meeting on September 26th.

8.3. Revision – Host Community Agreement – Bud Barn (202 Trading Company, Inc.) – Sultzbach informed the Board that “An Act Relative to Equity in the Cannabis Industry” was signed by Governor Baker on August 11, 2022 that impacts some of the active Host Community Agreements (HCA). This piece of legislation places a considerable burden on communities to justify the Community Impact Fee. This was a concern that he identified several months ago, and has been working with the town’s Legal Counsel. At this time, it would only actively impact our agreement with the Bud Barn. They have issued several checks to the Town to satisfy their Community Impact Fee. These funds have been set aside. He recommended that the Board vote to return any Community Impact Fee payments made to date and the Board vote to authorize him to amend any existing HCA’s to remove the 3% Community Impact Fee component. This would not impact the 3% retail tax.

LaPointe said this is an issue much larger than the Board, a lot of people voted on this with the fee and thinks it’s wrong.

Ward moved to authorize the Town Manager to return any Community Impact Fees collected to date, as well as to amend any existing Host Community Agreements to waive the Community Impact Fee requirement. Salter seconded.

Anderson agrees with Ms. LaPointe, people voted on this because of funds coming in to town for it. To pass the law after the fact, we basically sold it to people under false pretense. LaBrie pointed out that taxes are still being received.

Salter (Y), Ward (Y), Anderson (Y), LaPointe (N), LaBrie (Y) 4-1 Approved

8.4. Illegal Dumping and Littering – Sultzbach reported there has been some success putting a camera on the bike path seeing limited instances on Black Bridge. There are still some areas that are an uphill battle. We will continue to work on it and will place it on the agenda to keep on everyone’s mind.

LaPointe asked about holding people accountable, try and trace it.

Keith Kent came forward, speaking as a resident, finding a lot on the hill section of River Street, going to dump maybe signage would help, picking up large items, bulky waste. A lot of people at the transfer station, not tying up loads, things flying off. Henry Finch used to pick up on Tannery Hill but isn’t any more at 82. Tannery Hill now needs to be picked up once a week.

Ed Ford came forward and said he has 5 hours any day of week to put towards project.

Ward thanked Keith Kent for cleaning but encourages him not to do it late in the evening. He would like to see quarterly Earth Day clean ups. He also mentioned an “Adopt a Road Program” get a certificate or something. Get organizations like the American Legion, or Auxiliary to clean. Programs don’t cost a lot of money.

9. TOWN MANAGER'S REPORT:

The Town Manager's Report is attached following these minutes.

Selectman Ward asked when the wrapping around the tower at Old Murdock would be put back up. The Town Manager replied it will be before the winter. There was some concern as to moisture getting in and freezing. It's been delayed a little bit since we are trying to figure out the design piece.

10. MINUTES:

10.1. Monday, July 25, 2022 - Regular Meeting - Anderson commented that she feels the minutes are still too brief with not enough information on concerns but would still move to approve.

Anderson moved to accept the regular meeting minutes of Monday, July 25, 2022; Ward seconded. Salter (Y), Ward (Y), Anderson (Y), LaPointe (A) LaBrie (Y) 4-0-1 Approved

10.2. Monday, August 1, 2022 - Jointly Held Meeting with the Master Plan Implementation Committee

LaPointe moved to approve the minutes of the joint meeting with the Master Plan Implementation Committee of August 1, 2022, Ward seconded.

Sultzbach asked to amend to add him as staff support; Ward agreed.

Salter (A), Ward (Y), Anderson (A), LaPointe (Y), LaBrie (Y) 3-0-2 Approved

10.3. Monday, August 15, 2022 - Regular Meeting – These minutes were passed over this evening.

11. COMMUNICATIONS:

12. AGENDA ITEMS:

Next meeting is September 26, 2022 at 7:00pm.

13. EXECUTIVE SESSION:

Anderson moved to enter into Executive Session under Exemption No. 2 to conduct strategy sessions in preparation for negotiations with non-union employees and to reconvene into public session for the sole purpose of adjournment; subject being the Town Accountant Position. LaPointe seconded. Roll call vote was taken:

Salter (Y), Ward (Y), LaPointe (Y), Anderson (Y) LaBrie (Y) 5-0-0 Approved.

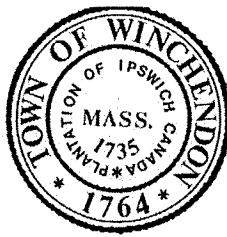
14. ADJOURNMENT: The Board went into executive session at 9:28pm.

Respectfully submitted,



Debra Dennis

Recording Secretary



Report of the Town Manager

September 12th, 2022

1. Financial Updates-

- a. Year end is nearing completion. We are expecting the DOR to certify our Free Cash in advance of the Special Town Meeting.

2. Personnel Updates-

- a. We are currently conducting interviews for the Town Manager Executive Assistant role and the Treasurer/Collector Clerk. Upcoming we will be holding interviews for the Assistant Treasurer/Collector role as well as the Town Manager Administrative Assistant.
- b. I have solicited quotes from two additional firms for the Salary Survey. This include Municipal Resources, Inc. out of Plymouth and Portsmouth, NH, as well as the Collins Center for Public Management out of UMass Boston. I will compile the responses for your September 26th Board of Selectmen meeting.

3. Project Updates-

- a. The Capital Planning Committee has kicked off meetings for FY23, with another meeting scheduled for this upcoming Monday, September 19th.
- b. As part of these discussions it was agreed that the repairs for the Old Murdock would be designed in one shot. This maximizes the efforts from our design team, and should ultimately result in more efficient bidding in the construction phases and allow for cost savings through design efficiencies.
- c. The Amphitheater at the Winchendon Community Park has been moving along, with stairs being installed last week. The WCP subcommittee has been meeting regularly with my office and the Rec. Coordinator to iron out details for an opening event next June.
- d. Special thanks to the DPW for clearing out the properties at Beech St. Not that these structures are vacant we can move forward with redeveloping the space. This included an appraisal of the 2-Family this Monday, as well as cost estimates for garage demo.
- e. Central St. continues to move along. As noted on social media, the asphalt paving on the sidewalks is temporary. The final product will be concrete and will more than likely be poured next spring.
- f. We are working to prepare an application for the Fall 2022 Green Communities grant round. It is our hope to secure funds to improve the heating and cooling efficiencies in Town Hall, particularly given the fluctuations in energy costs seen this past year.

4. Miscellaneous Updates-

- a. We received over 20 cases of COVID Tests for free through the state. Special thanks to Jim Abare and Keith Kent of the Board of Health for assisting in securing these and distributing throughout the community in advance of the cooler weather.
- b. I have secured a meeting with members of Senator Ed Markey's office later this week in an effort to identify supplemental Federal Funding for the \$10 Million Pipe from Ashburnham. Should two members of the Board like to join me it would be helpful to have your voices in the room. The meeting will be held virtually this Thursday the 15th at 12:30pm.

