

Approved: April 24, 2023

**TOWN OF WINCHENDON**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**MONDAY, April 10, 2023**  
**Town Hall, 2<sup>nd</sup> Floor Auditorium, 109 Front Street, Winchendon, Mass.**

Present:

Audrey LaBrie, Chair  
Rick Ward, Vice-Chair  
Danielle LaPointe  
Barbara Anderson

Justin Sultzbach, Town Manager  
Mary Calandrella, Executive Assistant  
Debra Dennis, Administrative Assistant

Absent: Amy Salter

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List of Documents Presented at Meeting:

- *Farmer Series Pouring for Malt, Wines, and Distillery permit Applications-Bull Spit Brewing Company (filed)*
- *Letter from Council on Aging Appointment-Nancy Romanowski (filed)*
- *Letter of Interest to serve on Cultural Council-Coral Grout (filed)*
- *Parade permit Application-June 17, 2023Summer Solstice-Clark Memorial/YMCA (filed)*
- *Road Race permit Application-June 17, 2023, Clark Memorial/YMCA (filed)*
- *Entertainment permit Application-Summer Solstice, June 17, 2021-Clark Memorial/YMCA (filed)*
- *Draft Special and Annual Town Meeting Warrant May 15, 2023 (filed)*
- *Memo from Town Manager-Re: Draft Warrant dated April 10, 2023 (filed)*
- *Donation & Sponsorship Forms (filed)*
- *Draft Public Participation at Meetings of Public Bodies Policy (filed)*
- *Draft Public Comment Procedure Policy (filed)*
- *Draft Code of Conduct Policy (filed)*
- *Memo from Town Manager-Re: Bull Spit Draft Lease Agreement (filed)*
- *Memo from Town Manager-Re: Old Murdock Qualified Low Bidder dated April 10, 2023 (filed)*
- *Town Manager's Report April 10, 2023 (attached)*
- *Draft Executive Session Board of Selectmen Minutes: January 9, 2023*
- *Draft Board of Selectmen Minutes: March 27, 2023*
- *Draft Amended Executive Session Board of Selectmen Minutes: 2/6/23, 2/13/23, and 2/21/23*

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5:45 PM Chair LaBrie called the meeting to order at 5:47pm.

*Pledge of Allegiance to the Flag of the United States*

Chair LaBrie asked if there was anyone audio or video recording. There was no reply.

1. **SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:** Ward said there are contested seats for the Board of Selectmen and the School Committee. If you want to see and hear the candidates, there is going to be a candidate's forum on April 19<sup>th</sup> to be held at the Town Hall in the auditorium. Anderson reminded everyone the weather is getting nicer, pick up your trash on the bike path, and stop littering. LaBrie said she attended the Easter egg hunt at GAR park. She said it was great to see so many people attend.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS: Anderson shared her concern that some people might be showing up around 6:30 who would might have public comment. She requested this agenda item be asked again later. There were no public comments at this time.

3. PUBLIC HEARINGS:

3.1. Liquor License Public Hearings – Farmer Series Pouring Permits for Malt, Wines and Distillery - Bull Spit Brewing Co., 4 Summer Drive-Ward read the public hearing notice into the record as followed:

The Winchendon **BOARD OF SELECTMEN**, acting as the Local Licensing Authority, is holding a public hearing on **Monday, April 10, 2023** beginning at **5:45 p.m.** in the Town Hall Auditorium, 2<sup>nd</sup> Floor, 109 Front Street, Winchendon, MA on the On Premises Section 12 Farmer Series Pouring Permits for **MALT, WINES AND DISTILLERY**, for Bull Spit Brewing Company, located at 4 Summer Drive, Winchendon, Mass., James Hunt, Manager. Anyone wishing to make comments is encouraged to attend. *Audrey LaBrie, Chair Winchendon Board of Selectmen.*

Anderson called the public hearing to order and LaPointe seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

Keith Kopley owner and Jim Hunt, Manager came forward. Ms. Calandrella said the legal ad has been placed in the Gardner News, and the abutters have been notified. If approved tonight documents will be submitted to the ABCC. Anderson asked what is the difference between a farmer's series pouring license and a regular pouring license. Ms. Calandrella said this is just based on the brewery. They don't have a brewery selection. This is all new with the state that is why they are doing this type of pouring license. LaBrie said it's a farmers brewing license because they are making it. Anderson asked if they would be allowed to sell other brands of alcohol. Mr. Hunt said they would just sell the products that Bull Spit Brewing Co. produces. LaBrie asked if there are any public comments, no one replied. LaPointe made a motion to close the public hearings and Ward seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

Ward moved to approve the farmer series pouring permits for malt, wines and distillery for Bull Spit Brewing Co. located at 4 Summer Street, and LaPointe seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

Anderson made a motion to take agenda item 8.1 out of order, and LaPointe seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

4. APPOINTMENTS/RESIGNATIONS:

4.1. Council On Aging Appointment - Nancy Romanowski-LaBrie said the Board received a letter from Judith Mizhir, Chairman of the Winchendon Council on Aging. The Council in the letter expressed their unanimous support of Nancy Romanowski being appointed. Ward pointed out Nancy Romanowski is very involved with the town. He thanked her for her involvement in the town. **Ward moved to approve the appointment of Nancy Romanowski for a term of three years and Anderson seconded the motion.** Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

4.2. Cultural Council – Coral Grout-Anderson asked what rules have changed that would allow Ms. Grout to serve on the Cultural Council since she is the town Moderator. Sultzbach recommended checking with town hall, he said the rules change from time to time. **Ward moved to approve the appointment of Coral Grout for a three -year term on the Cultural Council, and Anderson seconded the motion.** Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

5. PERMIT/LICENSE APPLICATIONS:

5.1. Summer Solstice, Parade Permit, Road Race Permit and Entertainment Permit Applications for June 17, 2023 – Clark Memorial/YMCA, 155 Central St.

Parade permit-The Board members discussed having a police detail. **Anderson moved to approve the parade permit for the Clark Memorial/YMCA provided there is a police detail and LaPointe seconded the motion.** Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

Road Race Permit-June 17<sup>th</sup> start at 9am.-The Board discussed having a police detail. **Ward moved to approve the road race permit Clark/YMCA to be held on June 17<sup>th</sup> with police detail and Anderson seconded the motion.** Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

Entertainment Permit-June 17<sup>th</sup> 11am-4pm Anderson asked will we be closing down part of Central Street. DPW Director Brian Croteau said construction might not be done by then. He said the anticipated schedule

is sidewalks will be done. It depends if we get bad weather or delays. LaBrie noted that on the checklist it says as directed by DPW. **Ward moved to approve the entertainment permit for the Clark/YMCA summer solstice as presented this evening and LaPointe seconded the motion.** Anderson said she would like to check with Winchendon Police Department since we are not sure if Central Street will be closed or not. **Ward amended his motion to say work with Winchendon Police Department and Department of Public Works regarding the road condition, closing. LaPointe seconded the amended motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.**

## **6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS – JOINT MEETING WITH FINANCE COMMITTEE:**

6.1 Special and Annual Town Meeting Draft Warrant Presentation-The joint meeting with the Finance Committee was tabled. Ms. Calandrella will reach out to the Finance Committee to reschedule. LaBrie asked the Town Manager Sultzbach when will the figures be in the draft warrant? Sultzbach said all figures are predetermined in the budget that was presented. The first draft is to show what articles will be on there. LaBrie said the Finance Committee was concerned. Sultzbach said the warrant closed last week. Ward questioned looking at the final warrant on the 24<sup>th</sup>. When will we get the complete warrant? Sultzbach said the Friday in advance of the meeting. Sultzbach commented this was a meeting to look at the non-financial items. Anderson said some numbers were questioned at the last meeting. Sultzbach said revenues were questioned which won't change the numbers. LaBrie said past precedence the numbers were included. She wanted them entered and given to the Board as soon as possible. Sultzbach said the numbers were pre-established. He will get them out at the end of the week. Ward wanted to go through the draft warrant. Sultzbach reviewed the draft warrant. There are twenty-eight annual town meeting articles and three special town meeting articles.

Article 2: Anderson questioned why make it a peg media enterprise account. Sultzbach said financial best practice. The Comcast funds are to be directly slated. At end of year the fees are absorbed. They are supposed to be set aside. LaBrie said fees will go into that enterprise account. Anderson asked why can't we just have a specific account not an enterprise account. Sultzbach commented if you continue to run as a normal account the funds get turned back at the end of the year. Anderson said residents that don't have Comcast but utilize the broadcasting don't fund this account. Sultzbach said if funds fall back into the general fund you are in breach of that contract.

Sultzbach said articles 3-5 are regarding the opioid settlement. The revenues need to be slated and appropriated.

Article 3: Sultzbach said this is establishing an account.

Article 4. Create a regular appropriation for the revenues

Article 5. Dedicate the revenue receipts from the settlement for specific reasons.

Article 6 Revolving Funds which is a usual and customary article.

Article 7 Senior Work Off Program

Article 8 WCAC has been increased \$2,500

Article 9-Organizational Chart-Sultzbach said this will be provided with the final draft. LaBrie asked if the working group school committee/town be included. Sultzbach yes it will be. Sultzbach went over his memo: FY2024 Revenue Calculations.

Article 24-LaBrie asked if the spreadsheet with a list of capital improvements will be handed out at Town Meeting. Sultzbach said it will be a hand out. Cemetery Expansion: Brian Croteau said the goal is to put a few rows and go into the lower section of the town land. We can't predict the numbers. It's going to take a couple of years. Ward said this should be explained so that people don't think we are buying land. It should be clarified that we are clearing the land.

Article 25-Sultzbach review it in the fall. Intent is to get all vital town documents in one place. LaBrie leave it on there for now. Mary Calandrella read a document contract signed in 2018. Codifying all general bylaws. Grant received from Robinson Broadhurst. Next step is to adopt it. Ward a lot of information. Issue is information would prefer a charter bylaw committee comparing it with bylaws we have now. Someone needs to go through to make sure it is the same. A committee needs to be formed to look at the document verses our bylaws. Come back to us and say ok or not. The Board members agreed.

Article 26-Sultzbach said this is the same thing as Article 25 but it is for zoning bylaws.

Article 27-Sign bylaws change.

Article 28-Authorize the Stormwater asset management project. This would require a specific amount of buy in. He recommended use ARPA funds.

Sultzbach said this is a review of the draft warrant. He said we will remove article 25 and 26, and then take the pre-established numbers and input them in the warrant.

LaBrie wanted the codifying of the general and zoning bylaws at a future meeting after the Town Meeting.

## 7. NEW BUSINESS:

7.1. Accept Donation for Recreation Department-\$500 from ARA Construction and \$25 from "in Memory of Mary Jane Ducharme-Helie =Total \$525.00-LaBrie said a huge thank you. **Ward moved to accept the 500 donation from ARA Construction five hundred dollars and the twenty-five-dollar donation in memory of Mary Jane Ducharme Helie. LaPointe seconded** Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

**Anderson made a motion to take 8.2 out of order and LaPointe seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.**

7.2. Board of Selectmen Draft Policies- 1st Reading

- Public Participation at Meetings of Public Bodies Policy-LaBrie said this talks about the public comment period. She did an overview of the policy. Anderson had the following issues with the document: doesn't want people who speak having to state their address, she recommended having a sign in sheet. She disagrees with authorization to speak only by the chair. It should be also by the Board. She disagreed with having only one person allowed speak for the group. Ward agreed that the committee members have always been permitted to speak. The second reading will be reviewed at the April 24<sup>th</sup> meeting.
- Public Comment Procedure Policy-LaBrie did an overview of the policy. Anderson said she doesn't like only allowing a certain amount of time for public comments. LaBrie said this is only for the public comment section. When we get to an agenda item she said she is open to anyone coming forward and making comments. LaPointe said if people want to speak we should allow them to. Ward said when people repeat themselves the chair needs to allow only new discussion.
- Code of Conduct Policy-LaBrie did an overview of the policy. Anderson wanted a definition of respectful discourse. You can't restrict someone's free speech. Ward said it's the respect you show each member of the Board.

7.3 Follow-up Discussion on General Code ATM draft Article-ATM draft Article-Info on General Code. After some discussion by the Board members decided to table this until it can be double checked.

## 8. OLD BUSINESS:

8.1. Final Lease Agreement with the Town of Winchendon and Bull Spit Brewing Company, 4 Summer Drive Outdoor Space-Sultzbach no substantial changes. Standard boilers plate lease agreement. Legal Council has reviewed. Board authorize Sultzbach to sign the lease agreement. Short time lease. Ward asked if the town is protected by liability. Anderson asked about electricity, and utilities use. Sultzbach said if they are using water we can bill it back. It is not hooked up at this time but the intent is to not include it for free. **Ward moved to approve lease agreement date for Bull spit brewery and authorize the town manager to execute for the Board of Selectmen. Anderson seconded. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.**

8.2 Old Murdock Update-Sultzbach said this went out to bid for phase I. Contracting Specialist Incorporated was awarded the bid at a base bid of \$719,445. Andy Barr from Russo-Barr Associates came forward. Phase 1 doing permanent repairs to the masonry of the clock tower. This does not include the clock face. Slates around tower will be removed and will not be replaced as part of this project phase. It will be made water tight. Phase II potentially in the fall. Get real numbers for town

meeting. Phase II is the largest of the phases. Phase III would be completion of the building (windows/doors).

9. **TOWN MANAGER'S REPORT:** Sultzbach read the report which included demolition of the garage on Beech street, update on Town Hall Cupola and the Amphitheater. He said the office was notified of the approval of the \$9,560,000 DWSRF for the water main transmission line with a 19% forgiveness. The 19% is just a little under two million dollars.

DPW Superintendent Croteau informed the Board of a hole in the Front Street bridge. He said tomorrow there will be two stop signs placed to eliminate use of one side of the Bridge. Ward asked about the work on Central Street. Croteau gave an update of the proposed work schedule.

10. **MINUTES:**

10.1 Executive Session Minutes – 1/9/23-LaBrie made a motion to approve as to form and to release. Anderson seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

10.2 Regular Meeting 3/27/23-Ward made a motion to approve the meeting minutes of March 27, 2023 as presented, and Anderson seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

10.3 Amended Exec Session minutes 2/6/23, 2/13/23 & 2/21/23 to include document list-Ward made a motion to approve and release the Board of Selectmen Executive Session minutes of February 6, 2023, February 13, 2023, and February 21, 2023 as amended to include the document list. Anderson seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

11. **COMMUNICATIONS:** There is none at this time.

12. **AGENDA ITEMS:** The next meeting is April 24, 2023.

13. **EXECUTIVE SESSION:** There were no scheduled executive sessions this evening.

14. **ADJOURNMENT:** LaPointe made a motion to adjourn and Ward seconded the motion. Vote: Ward aye, Anderson aye, LaPointe aye, and LaBrie aye.

The meeting was adjourned at 8:59pm.

Respectfully submitted

*Debra Dennis*

Debra Dennis, Administrative Assistant