

Approved: May 11, 2020

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MINUTES  
MONDAY, APRIL 27, 2020 6:30 P.M.**

**-- Conducted by Remote Meeting --  
Zoom Meeting ID: 968 4211 4751**

**Present:**

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

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

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**List of Documents Presented at Meeting:**

- Introduction to Remote Meeting (attached)
- Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 (attached)
- Junk Dealers: Second Hand Articles License Amendment & Renewal Application
  - Ed's Scrap Metals (filed)
- Underground Storage Tank License Amendment, 234 Spring Street (filed)
- Annual Report of the DPW Director (filed)
- Discharge of Housing Rehab Mortgage for 8 Baldwinville State Road (filed)
- Draft Deficit Legislation Amendment (attached)
- Report of the Town Manager (attached)
- Minutes approved:
  - Thursday, April 13, 2020 Regular Meeting

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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 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 6:30PM.

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

LaBrie asked each speaker this evening to please state their name before each presentation, comment or question and that all votes would be taken by roll call.

LaBrie read the "Introduction for Remotely Conducted Open Meetings" which noted Governor Baker's recent Executive order of Mach 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.

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LaBrie asked if anyone had any questions to which there was no response.

## **1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:**

- 1.1. 2020 Federal Census – Mr. Ward said that Town Clerk Wendy Stevens has been in communication with the 2020 Federal Census and it has been noted Winchendon's response rate is lacking especially the "west side of Town." He urged all to please either return their census form received in the mail or go to [www.my2020census.gov](http://www.my2020census.gov) and complete the questionnaire on-line and list everyone who lives in their house as of April 1<sup>st</sup>. Each response is critical and assists the Town in receiving necessary federal funding.
- 1.2. Annual Town Election Postponed – LaBrie noted that due to the current State of Emergency with COVID-19, the municipal town election scheduled for May 4, 2020 has been postponed. The new date is tentatively being planned for June 15, 2020. She encouraged registered voters to apply for an early ballot to be mailed to them. The early ballot application can be found on the Town Clerk's page on the Town's website and can be printed and completed, then sent to the Town Clerks office by mail, dropbox in front of Town Hall, or emailed to: [wstevens@townofwinchendon.com](mailto:wstevens@townofwinchendon.com). As soon as the ballots arrive at the Town Clerk's office, they will be mailed out to the Early Voting applicants.
- 1.3. Annual Town Meeting Postponed – LaBrie noted that the Annual Town Meeting previously scheduled for May 18, 2020 is also postponed. The new date is tentatively being planned for June 29, 2020.
- 1.4. Due Dates for Real Estate Taxes, Personal Property Taxes, Water and Sewer Bills Deferred – LaBrie reminded all that Massachusetts State Legislature has passed municipal relief legislation which will provide communities with the authority to defer due dates on property tax bills and waive interest on taxes due. To assist taxpayers during this challenging time, real estate and personal property taxes typically due on May 1st will now be due June 1st and the deadline to apply for exemptions on taxes has been extended from April 1st to June 1st. Additionally, interest and penalties will be waived on any property and excise tax, betterment assessment, water or sewer bill with a due date on or after March 10, 2020 if payment is made by June 30, 2020. LaBrie hopes that extending the dates taxes are due and waiving interest will provide some relief to those impacted by the COVID-19 virus.
- 1.5. Montachusett Public Health Network – COVID-19 HOTLINE – LaBrie stated that the Montachusett Public Health Network COVID-19 Hotline is 1-844-968-3323. Please call for any information or questions you may have regarding this virus.
- 1.6. Hazard Mitigation and Municipal Vulnerability Preparedness Plan Listening Session – LaBrie said that there will be an online presentation and discussion on Thursday, April 30th at 2:00PM with the intent of planning for a future with a changing climate. Weston & Sampson is hosting through the Planning and Development Department. Watch the discussion and meeting live on Zoom at <https://tinyurl.com/WinchendonMVP> or Dial in at 1-929-436-2866. The Zoom meeting ID: 952 5601 0328; Password: 023990. This information has been posted on cable television channel 8, Facebook and the Town's webpage.

LaBrie said she hopes all are staying safe and sane during these difficult times.

## **2. PUBLIC COMMENTS AND ANNOUNCEMENTS: None were heard.**



3. **PUBLIC HEARINGS:** There were none scheduled.

4. **APPOINTMENTS/RESIGNATIONS:** There were none scheduled.

5. **PERMIT/LICENSE APPLICATIONS:**

- 5.1. Junk Dealers: Second Hand Articles License Renewals – Mr. Vaillancourt is seeking to add his son Michael Vaillancourt to his license. The application was submitted to department heads and there were no issues noted as it is a grandfathered use per Zoning Enforcement. Hickey noted that Mr. Vaillancourt had paid his past-due taxes, and that all department heads had reviewed and were in support of the application.

**Barbaro moved to approve the Junk Dealers: Second Hand Articles License Renewal and amendment to add Michael Vaillancourt to the license for Ed's Scrap Metals, located at 64 Main Street, seconded by Anderson.**

**With a roll call vote of Salter aye, Anderson aye, Barbaro aye, Ward aye and LaBrie aye, the motion carried.**

- 5.2. Underground Storage Tank License Amendment – The applicant has submitted a license amendment for Underground Storage Tanks for 234 Spring Street. LaBrie noted that the tanks were replaced with DEP and Fire Department supervision and that there were no issues from department heads.

**Barbaro moved to approve the license amendment for the Underground Storage Tanks at 234 Spring Street, seconded by Anderson.**

LaBrie asked if there was any further discussion.

**With a roll call vote of Salter aye, Anderson aye, Barbaro aye, Ward aye and LaBrie aye, the motion passed.**

6. **BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENT:**

- 6.1. Annual Update from Dept. of Public Works Director, Albert Gallant – Mr. Gallant addressed the Board and stated that he hopes everyone is safe and healthy. He started with an overview of the Highway Department, which in the past year paved the lower end of West Street, Front Street, Royalston Road North, Murdock Avenue and Otter River Road. These were all overlays and not total reconstructions. In the past year, there were 142 work orders for complaints which resulted in 397 tons of cold patch and 668 tons of hot top being used.

Mr. Gallant informed the Board that due to the uncertainty regarding the State budget and Chapter 90 Funds, he is unable to put any project out to bid currently. He said that his Department is currently investigating the option of paving River Street from Tannery Hill Bridge to Front Street/Spring Street. Three years ago, this section of road way received crack sealing but with the high volume of daily traffic, it will soon need repaving.

Gallant noted due to an accident last year that totaled a one-ton vehicle, the Department is now down a vehicle. Another accident occurred when a truck was plowing and ripped a manhole out of the ground. The manhole flipped up and caused the plow to hit the fender. While we are very fortunate that nobody was harmed, the damage substantiated a \$7,500 insurance bill.

In regards to snow operations, Gallant stated that his Department is attempting to treat with more salt and less sand to meet MS4 requirements. The less sand used in the future, the better, as the Department is required to record how much sand is used, how much is cleaned out of the basins, and how much is swept out of the streets. When sand is cleaned up and collected during street sweeping operations, it must be disposed of as hazardous material which is costly and tedious.

Gallant informed the Board that due to finding a new trash collector with lower prices, he hopes that the Department will not have to raise any prices at the Transfer Station. Hickey mentioned that it is a reputable company and he is hopeful that the Town will enjoy a successful recycling program.

The Department replaced 15 hydrants last summer, with a few left to complete. With each routine flushing of the hydrants, the Department locates new issues that require replacement or repairs. Gallant said that the water meters on the hydrants are running at five gallons per minute, which is not ideal, but necessary to keep the lines clean. He noted that his Department will need to address that in the near future. There were 7 water main breaks last year, an improvement from past years.

Water Department staff is scheduled daily, year round, to perform critical inspections of all lift stations and water control pump stations. Staff rotates on-call every other week, year round. Their hard work is evident as the Town has been awarded Water Quality accolades as recently as 2018.

Gallant expressed his pleasure with the current operations of the treatment plant. He stated that the Town has saved \$50,000 from just switching to recycled water to power the pumps rather than using fresh, treated Town water. Staff has also turned on air control motors in the main tank which lowers the amount of chemicals needed to meet standard operating limits.

The Inflow & Infiltration (I&I) work this year will include using a camera in the sewer line on High Street. This area of Town experiences the worst flow on a rainy day, which triples the normal flow.

Gallant indicated that this summer will be an extremely busy one for the Cemetery Department. There are only two full-time employees in the Cemetery Department, and with the work-load, this necessitates the allocation of Highway staff to assist with Cemetery Department tasks. It is difficult to keep roads and drainage basins clean when staff is moved to accommodate the workload. Gallant asked the public to bear with the Department this summer, and expressed that the staff is out there full-time cutting, although it may not be visible at all times. The Bike Path is 2.5 miles long and is difficult to maintain. Last summer it was mowed twice as other priorities make it difficult to allocate time to dedicate to the Bike Path.

Gallant informed the Board that his Department received grant money for the Whitney Pond Dam. Engineers Tighe & Bond have been working to devise a repair plan that will move the dam from poor to fair condition so that an inspection will only be mandated every two years, rather than every six years at a cost of \$2,200. The project is currently on hold as National Grid has delayed the permit process with permission to access their land.

The State is currently reviewing the plans for the Robbins Road Bridge repair. Gallant hopes that the project may start next spring, and anticipates that the road will be detoured for about a year. The bridge is in very poor condition and is in critical need of repair.

Barbaro thanked Gallant and his Department, and noted that it is an already small department that is short-handed most of the winter and the entire year. He stated that Gallant and his staff carry themselves professionally and maintain the roads as best they can. He commended Gallant for implementing a second



shift in the winter, as this has made a marked difference with the crew, and has allowed the Department to have crews out at all times without incurring massive overtime costs.

Ward thanked Mr. Gallant for his comprehensive report. He continued to state that unfortunately, folks in Town think of the Department of Public Works and only think of the roads. There is so much more involved that the DPW is responsible for, and they are not heavily staffed. Ward gave kudos to Gallant and thanked him for all the information presented tonight.

Hickey offered guidance to the Board if they were so willing. He noted that there were a couple different options to pave roads this summer if we receive federal funding. The first option is to pave some of the main roads in town. The second option is to pave Monomonac Road, Kemp Street, Hale Street and Brown Street. He asked the Board if they would like to wait until the town receives Chapter 90 money to discuss, or if they would like to discuss earlier in order to give Gallant and his Department a sense of schedule and priority.

Barbaro said as far as the main roads in Town, the infrastructure bond through the federal government is what's called a "shovel-ready project". He would like to see more side roads repaired rather than just one main road. He stated that the government is going to try to jumpstart the economy, and some of that initiative entails funding for infrastructure.

Anderson noted that she would like to see Monomonac Road paved, as it is in poor condition. She indicated that the road is often utilized as a shortcut to get to the Asbhy/Townsend area. Although it may be a small backroad, it is heavily travelled and it is in poor condition. She asked Gallant if, in regards to the two costly motor-vehicle accidents incurred in the last year, there was any professional development or training offered to Public Works staff. Hickey noted that MIIA trainings have been offered to the staff. Gallant stated that many trainings have been offered, especially after worker's compensation claims were submitted, MIIA and the State stepped in and the Department was mandated to participate in many comprehensive trainings. Hickey added that the Department has also scheduled MIIA representatives to come to the Public Works Department and conduct a training with a simulator sometime this summer. This training has been delayed because of the Covid-19 pandemic, but will take place at some point. He stated that Police, Fire and Public Works all work to address any shortcomings they may have in an effort to minimize accidents in the future.

LaBrie asked if the Board had answered Hickey's earlier question about road paving priorities; he answered yes.

LaBrie informed the Board that in her teaching capacity at the High School, she introduced a water unit teaching to her students. They started by reading the 2018 Water Quality Report, and Gallant offered his time in the classroom to speak with the students regarding water quality. LaBrie thanked him for his time and efforts.

## **7. NEW BUSINESS:**

- 7.1. Discharge of Housing Rehab Mortgage – 8 Baldwinville State Road – The property owners will be paying the Housing Rehabilitation loans as a result of the impending sale of the home later this week. The discharge will be submitted after the two mortgages are paid in full.

**Barbaro moved to approve the Discharge of Mortgage for 8 Baldwinville State Road, seconded by Anderson. With a roll call vote of Barbaro aye, Anderson aye, Salter aye, Ward aye and LaBrie aye, the motion carried.**

- 7.2. Discussion of Submission of Deficit Legislation Amendment – Hickey stated that in the last few weeks, he has been trying to identify how the town can find other sources of revenue due to the unknowns of the state budget and how anticipated revenue shortfalls will affect our budget. He reminded the Board that deficit legislation required the town to deposit money into a supplemental reserve during the life of the bond. The Town set aside \$323,000 that, according to the language of the deficit legislation, was required to stay in the account until two years after the bond was paid off. The bond was paid off in FY'19, so according to that stipulation, the town would have to wait until FY'22 to access those funds. Hickey called a representative from the Department of Revenue last week to verify this information, and while she confirmed that requirement, she also indicated that it was her opinion that the Department of Revenue would not oppose a legislative amendment to the deficit legislation to allow the town to access those funds. She suggested that Hickey reach out to Senator Gobi. After speaking with her, Senator Gobi sent Hickey some proposed language that she drafted with the assistance of the Department of Revenue. Hickey clarified that he is seeking Board determination to ascertain whether the Board would like Hickey to submit the proposed language to allow the Town to access the money within the supplemental reserve. This money would help the Town to balance the FY'21 operating budget.

Ward clarified that while Hickey is seeking authorization to obtain the funds, the use of any of these funds would still have to be presented before voters at Town Meeting. Hickey answered absolutely, he is just hoping to get his hands on said funds in order to assist the voters of the community and present a budget that, with the huge unknowns of the state revenues, is balanced.

Salter expressed that her only concern is that these funds were forced savings. She would hate to see it used in general operations when the intent of it was for capital expenses or to be put back into a savings account. She said that if the town doesn't have enough money for general operations, then cuts need to be made. Hickey agreed and said that he hopes to use the supplemental reserve to fund the OPEB account and would hate to use it to balance the budget. He indicated that he is currently looking at capital cuts.

Barbaro noted that if it comes to it, it will go before the voters as free cash. Given the condition of the state budget, if it came down to public safety or layoffs, the town would be hard-pressed not to chase any available money. He would hate to lose staff when some departments are already understaffed as it is. Given what is happening fiscally, the state is hemorrhaging millions of dollars with no avenue to recoup said losses. Through the economic roundtable that Mr. Hickey attended, it was learned that the state is facing a 19% unemployment rate. This will be hard to recover from, and the state government has requested 1.2 billion dollars to assist in recovery. If received, it may still not fulfill all the needs the state is pushing for, especially not in terms of education. Barbaro reiterated that we need to maintain public safety and public services, and as such, we would be remiss not to seek these funds.

LaBrie clarified that Mr. Hickey is seeking a formal vote whether the Board will seek this initiative.

**Barbaro moved to support submitting the deficit legislation amendment reducing the waiting period to access the supplemental reserve funds from two years to one, seconded by Anderson. With a roll call vote of Anderson aye, Barbaro aye, Salter aye, Ward aye and LaBrie aye, the motion carried.**

**8. OLD BUSINESS:** There was no old business tonight.

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

**1. Financial Updates-**

- a. The Town was notified by its property/liability insurance carrier, Massachusetts Interlocal Insurance Association (MIIA) that our property deductible will increase from \$5,000 to \$10,000 due to the large losses over the past few years. During FY20, a circulator pump failed in the



School Department, causing a claim of \$683,000. There were also a few smaller claims: \$48,000 in DPW for plow incidents and \$38,000 pending in Reserves for Police Department motor vehicle incidents.

In FY'19, claims totaled \$740,000 driven primarily to one large claim, a \$500,000 oil spill. Claims were also filed in the amount of \$132,000 for a fire engine which backed into the Fire Department building, a \$48,000 plow incident, \$42,000 in police motor vehicle accidents, and \$19,000 sewer back up at the YMCA.

FY'18 had no losses over \$10,000. The total amount of claims was \$43,662.

In FY'17 claims totaled \$156,933 with the major claims being a DPW plow incident in the amount of \$40,000; the WWTP experienced a large power surge due to a storm with electrical damage in the amount of \$59,000 and lastly damage in the amount of \$45,000 to the water storage tanks caused by ice abrasion.

- b. I reviewed the language in the 2015 deficit legislation to determine when the supplemental reserve funds would be available. The bill states that "beginning two years after the end of the fiscal year the bonds, notes or amortization authorized hereunder have been paid or completed, any funds remaining in said reserve fund shall be available for appropriation for any legal purpose." I confirmed that based on the existing language, the supplemental reserve would not be available until Fiscal Year 2022.

I have contacted Senator Gobi who is willing to submit an amendment to the deficit legislation language asking to allow access in Fiscal 2021 if needed. With the Board of Selectmen's approval I will work with Senator Gobi to draft language to allow the Town to utilize the supplemental reserve in FY21 if necessary.

**2. Personnel Updates-**

- a. Two of the injured Public Works employees have returned to work full time.

**3. Project Updates-**

- a. No project updates this week.

**4. Miscellaneous Updates –**

- a. The Planning Board held a remote meeting on Tuesday, April 21<sup>st</sup> where they discussed whether to hold a public hearing using remote meeting software to discuss a site plan and special permit for the retail sales of marijuana at 678 Spring Street. The Planning Board decided to wait to schedule the public hearing until the public could attend a meeting in person.
- b. Some department heads and I will be participating in a video conference with FEMA over the next week regarding reimbursable items related to the COVID-19 Emergency Disaster Declaration. Information on the declaration process, program eligibility criteria, document preparation, application procedures, administrative requirements, and funding will be reviewed during the meeting. Departments have been tracking all expenses incurred related to the COVID-19 outbreak.

Hickey spoke about the Senior Center repairs not being on the agenda this evening being concerned the state budget hasn't been clarified yet. He offered to place it on the agenda for May 11<sup>th</sup> for the Board to decide if they want to table the discussions or have additional

discussions. He stated Town Elections are tentatively scheduled for June 15<sup>th</sup> and to meet the Town Clerk's deadlines for postings, the Board may have to make a decision for having an election in June. He added that the Annual Town Meeting can be decided on another night.

Anderson noted that she is concerned about people voting with the current conditions of the Covid-19 pandemic and asked what the Town Clerk recommends. Hickey agreed that it is a real concern. The Town Clerk is supportive of elections on the 15<sup>th</sup> and expects a large amount of absentee ballots and early voting, which may decrease the amount of voters in person. He also indicated that the Board of Selectmen have the authority to change the hours of the election.

Barbaro said that the governor is supposed to inform the Town what the plan is moving forward, in terms of whether he will extend the stay at home advisory. After that, they will work on easing restrictions from the CDC and the government. He expressed a wish to hold off on voting on anything until May 11<sup>th</sup> to set the election, which will allow the Town more time to wait for more established guidelines. He said he is confident that voting will be different and the Town may be well-served to wait until May 11<sup>th</sup> to receive more clarity from the state.

LaBrie noted that Mr. Hickey will add said discussion to the May 11<sup>th</sup> meeting agenda.

10. **MINUTES:**

10.1 Monday, April 13, 2020 - Regular Meeting – **Anderson moved to approve the minutes of the April 13, 2020 regular meeting, seconded by Barbaro. With a roll call vote of Anderson aye, Barbaro aye, Salter aye, Ward aye, LaBrie aye, the motion passed.**

11. **COMMUNICATIONS:** There were none heard.

12. **AGENDA ITEMS:** Labrie noted that the next scheduled meeting is Monday, May 11<sup>th</sup>. The second meeting of the month currently falls on Memorial Day. She asked the Board what they would like to establish for a meeting schedule. After some discussion, meeting dates were clarified by LaBrie to be May 11<sup>th</sup>, June 1<sup>st</sup> and June 8<sup>th</sup>.

Hickey stated that while he wished he had mentioned it earlier, he wonders if the Board will grant him the authority to sign approved permits, rather than having Board members enter the Town Hall. Anderson feels Board members should avoid the Town Hall and the Police Department if possible, and have Hickey sign on their behalf.

**Anderson motioned to grant Hickey the authority to sign on their behalf. Barbaro offered a more comprehensive motion to grant Hickey the authority to sign approved documents needed to move the town forward until normal duties can resume, seconded by Ward.**

**With a roll call vote of Barbaro aye, Salter aye, Ward aye, LaBrie aye and Anderson aye, the motion carried.**

13. **EXECUTIVE SESSION:** **Barbaro moved to enter into Executive Session under Exemption #3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the Chair so declares – Subject: American Federation of State, County and Municipal Employees AFSCME,**



Council 93, Local 1887, Barbaro so declared, seconded by Anderson, for the sole purpose of adjournment.

By roll call vote of Anderson aye, Barbaro aye, Salter aye, Ward aye and LaBrie aye, the Board entered executive session at 7:48 p.m. Regular session concludes at 7:48 p.m.

14. **ADJOURNMENT:**

Respectfully Submitted,

*Taylor C. Tower*

Taylor Tower  
Administrative Assistant