

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN EMERGENCY  
EXECUTIVE SESSION MINUTES  
THURSDAY, SEPTEMBER 27, 2018  
Town Hall, 4<sup>th</sup> Floor Robinson-Broadhurst Conference Room  
109 Front Street, Winchendon, Mass.**

**Present:**

Audrey LaBrie, Chairwoman  
Austin Cyganiewicz, Vice Chair  
Barbara Anderson

Keith R. Hickey, Town Manager  
Linda Daigle, Executive Assistant

**Absent:** Michael Barbaro

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**List of Documents Presented at Meeting:**

- Memo dated 9/27/18 from the Town Manager Re: Executive Session this evening
    - Letter dated 5/3/18 to Mr. Kevin LaBarge Re: Illegal Connection to Municipal Water
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**EMERGENCY EXECUTIVE SESSION:**

Exemption No. 5 to Investigate Charges of Criminal Misconduct or to Consider the Filing of Criminal Complaints

Chairwoman LaBrie called Executive Session to order at 9:05 p.m.

The Town Manager provided information for them this evening in their packets regarding the illegal connection to municipal water by Mr. LaBarge at 11 Old Gardner Rd. Mr. LaBarge was sent a letter on May 3, 2018 notifying him of the amount due to the Town of Winchendon for the estimated water use for the past two years and the penalties and fees applied:

Water Tampering Fee	\$3,000.00
Water Tie In Fee	\$1,890.00
Estimated Water Usage (based on 6 people for two years)	<u>\$2,314.60</u>
Total Due to the Town	\$7,204.60

Mr. LaBarge has not been cooperative and the DPW Director, Al Gallant, has been summoned to Gardner District Court tomorrow as we have filed charges against him for this theft of service. A judge will try to mediate a settlement between some amount of \$0 and \$7,000. He's hoping the Board will give him authorization this evening to agree to a settlement amount that he and Mr. Gallant are satisfied with so the judge doesn't make the order conditional of the Board of Selectmen approval on October 15, 2018.

According to Chief Walsh, a prosecutor will be present tomorrow representing Mr. Gallant and the Town and they believe the judge will want to find a way to not prosecute him and come up with a repayment schedule. If it is left up to the court, he would pay the court directly and if in default, they would arrest him. The Town Manager asked the Board if they were comfortable for him to negotiate a settlement for restitution that would not be any less than a certain number below \$7,000 that they would accept.

There was further discussion disclosing that Mr. LaBarge was a plumber and that he had done this twice. All three Board members felt the Town should get full restitution.

*Board of Selectmen  
Emergency Executive Session  
September 27, 2018*

Anderson moved to instruct the Town Manager to not negotiate the amount owed for Mr. Kevin LaBarge; Cyganiewicz seconded. By a roll call vote of all aye, the motion carried unanimously.

Anderson moved to adjourn from Executive Session; Cyganiewicz seconded. By a roll call vote of all aye, the session adjourned into Open Session at 9:33 p.m.

Cyganiewicz moved to adjourn; Anderson seconded. By a vote of all aye, the meeting adjourned at 9:33 p.m.

Respectfully submitted,



Linda Daigle  
Executive Assistant