

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING MINUTES
MONDAY, MAY 14, 2018
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present:

Barbara Anderson, Chairwoman
Audrey LaBrie, Vice Chair (6:45 PM.)
Austin Cyganiewicz
Charles Husselbee

Keith R. Hickey, Town Manager
Linda Daigle, Executive Assistant
Lindsay Kuchta, Recording Secretary

Absent:

Michael Barbaro

List of Documents Presented at Meeting:

- Citation for Rachel Spivey, Recipient of Girl Scout Gold Award (filed)
- National Public Works Weeks 2018 Proclamation (filed)
- LT. F.W. White VFW Auxiliary Permit Application for Distribution of Poppies (filed)
- Winchendon History and Cultural Center Voluntary Toll Booth/Boot Drive Application (filed)
- 2018 Boot Drive Schedule (filed)
- Winchendon Kiwanis Club Annual Family Fund Day Entertainment Permit Application (filed)
- Tim Richmond, Max Performance Road Race/Cycling Portion of Triathlon Permit Application (filed)
- Tim Richmond, Max Performance Special One Day Liquor License Application (filed)
- Winchendon Veteran's Services Memorial Day Parade Permit Application (filed)
- Immaculate Heart of Mary Entertainment Permit and 2 Special One Day Liquor Licenses (filed)
- Clark Memorial YMCA Road Race Application (filed)
- Wendell P. Clark Memorial YMCA Parade Permit & Entertainment Permit (filed)
- C&S Pizza License for Innholders, Common Victuallers and Other Keepers of Restaurants and Other Establishments (filed)
- Town Manager's Memo dated 5.10.18 regarding Review of MYLEC TIFF Agreement (attached)
 - MYLEC'S TIFF Agreement (attached)
 - MYLEC'S Proposed Jobs and Job Creation Data Spreadsheet (attached)
- Marijuana Facilities Application Procedures-First Draft (filed)
- Town Manager's Report (attached)
- Minutes for approval
 - Monday April 9, 2018 Regular Meeting
 - Monday April 23, 2018 Regular Meeting
 - Monday May 7, 2018 Special Meeting

Anderson called the meeting to order at 6:38 P.M. followed by the Pledge of Allegiance to the Flag of the United States of America.

Announce audio/video recording disclosure – No one announced they would be recording the meeting this evening.

1. SELECTMEN'S COMMENTS AND ANNOUNCEMENTS:

- 1.1 Candidate for State Senate Steven Hall – Mr. Hall came forward and introduced himself to the Board. He informed the Board of his background as a nursing home consultant and how he came about joining the race for election. He aims to improve nursing homes, health care and the costs that incur, and to be a voice of reason at Beacon Hill. He then asked the Board what the struggles of the Town were.

Anderson responded noting that the infrastructure is definitely crumbling, there is a great need for road work, improvement in education, dams and the lack of receipt of funds promised from years ago. She also noted Winchendon is generally a blue collar town.

Mr. Hall stated he wants to be a voice of reason when it comes to unreasonable spending and can't comprehend the costs to build a bridge for \$480,000,000. We need to stop wasting money and look at every taxpayer dollar. He wants to be a reasonable person to point that out. There are a lot of unfunded mandates. He sees individuals not taking their medication because of costs of health care, many have to pay out of pocket for things they need. It's a cost to run a town, and he hopes to be a good resource at Beacon Hill.

1.2 Recognition of Rachel Spivey Girl Scout Gold Award – Husselbee read the proclamation recognizing Rachel Spivey for her outstanding achievement. Rachel came forward and said she is a resident of Winchendon, is a senior at Monty Tech this year, and has been a girl scout for twelve years.

1.3 Proclamation - National Public Works Week May 21st through May 27, 2018 – LaBrie read the proclamation designating week of May 21st through May 27th 2018 as National Public Works Week, paying tribute to the public works professionals. Unfortunately, Al Gallant, the Director of Public Works, was unable to attend the meeting this evening. Hickey took his place accepting the proclamation.

Husselbee mentioned a resident asked why the Town has a water ban. Hickey replied that the Town has a water ban along with Ashburnham to conserve as much water as possible in the lake. The ban has been in place for a few years now, so we don't get in a situation where a more restrictive ban has to take place.

Cyganiewicz announced the Winchendon Garden Club is having a plant and bake sale at the History and Cultural Center. All proceeds go to planting in town as well as a scholarship. The sale will be held on June 2nd from 10:00AM to 1:00PM. Seppies is also opening on that day.

Anderson thanked all who came out to vote. Both she and Selectman Barbaro retained their seats. Over two hundred people came out to vote.

2. **PUBLIC COMMENTS AND ANNOUNCEMENTS:** There were none.

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

4. **APPOINTMENTS/RESIGNATIONS:** There were no appointments or resignations addressed this evening.

5. **PERMIT/LICENSE APPLICATIONS:**

5.1 Poppy Sale Permit Application for May 25th and May 28th – Lt. F.W. White VFW Auxiliary - Bette Jane Mire and Alice McGovern came forward saying they will be distributing poppies for Memorial Day Friday and Saturday at Colonial Cooperative Bank, Cumberland Farms and on the side of the Post Office.

Husselbee moved for the applicant, seconded by LaBrie with a vote of all ayes.

Mr. Hickey asked the Board to skip over item 5.2 as the applicant is the Town's IT Director who is helping the Recording Secretary with laptop issues.

LaBrie so moved to take Agenda Item 5.2 out of order, seconded by Husselbee with a vote of all ayes.

5.3 Entertainment Permit – Kiwanis Club Annual Family Fun Day & 34th Mass. State Chili Cook-off 8/4/18 - Mr. George Bousquet came forward representing this application. He stated it is the 34th year this event will take place, and it is the only authorized state chili cook-off and family fun day in Massachusetts. It will be back at Bentley field located behind the Winchendon Senior Center due to the size of the area needed. There will be more events for kids, a large craft fair, a band, music, and judging for the best chili. Four contestants have gone on to Nationals from here. As long as the sun is out, it is a very good event.

Husselbee moved for the applicant, seconded by LaBrie, all ayes.

5.4 Max Performance 12th Annual Mass. State Triathlon - July 8, 2018:

5.4.1 Request for Road Race Permit Application - Tim Richmond came forward representing the event to take place at Lake Dennison, Sunday July 8th. He's excited to bring the multisport triathlon to Winchendon. Approximately four hundred fifty to five hundred participants have applied for this year. Additionally, Mr. Richmond noted the event has partnered with Wachusett Brewing Company. Max Performance has been working well with the property owners hosting the race regarding the liquor license and allowing the event to happen. The map for the cycling course is the same as it has been in the past, a large one loop course to allow traffic to flow which works well for the police to manage. Mr. Richmond stated he has reached out to the Lieutenant about the police detail this past winter, and he will reach out again.

Husselbee moved for the applicant, seconded by Cyganiewicz, all ayes.

5.4.2 Request for Two Special One Day Liquor Licenses Application – Anderson noted that the application is for two days and Friday the license is for set up. Cyganiewicz asked how people would be contained when consuming alcohol to which Mr. Richmond replied there will be hard fencing with only one exit to go in and out of. The Massachusetts Environmental Police will be on site, and folks who are 21 and older will get wristbands. The event is managed very tightly.

Husselbee moved for the applicant to approve Two (2) One Day Special Liquor Licenses, seconded by Cyganiewicz, all ayes.

LaBrie moved to address item 5.2 Voluntary Toll Booth/ Boot Drive Application for 5/19/18 for the Winchendon History & Cultural Center, seconded by Husselbee, all ayes.

5.2 Voluntary Toll Booth/Boot Drive Application for 5/19/18 – Winchendon History & Cultural Center – Don O'Neil, President of the Winchendon History & Cultural Center, came forward representing the boot drive to be held Saturday, May 19th from 9:00AM to 12:00PM. After discussion, it was decided that potential inclement weather would not work well for the boot drive, and Mr. O'Neil stated he would like to withdraw his application for the boot drive.

LaBrie moved to pass over item 5.2 Voluntary Toll Booth/Boot Drive Application for 5/19/18 – Winchendon History & Cultural Center, seconded by Husselbee, all ayes.

5.5 Memorial Day Parade Permit Application – Veteran's Agent Scott Gauthier – Mr. Gauthier, the Veteran's Agent for the Town of Winchendon, came forward stating his application is for the annual Memorial Day parade and hopes it doesn't rain this year. He explained the annual event, and noted he looks forward to it; it is great for townspeople and other attendees as well. The ceremony will be beautiful even if it must happen indoors. It is a nice ceremony with the Girl and Boy Scouts and the Chamber Singers.

Husselbee moved for the applicant, seconded by LaBrie, all ayes.

5.6 Entertainment Permit/Special One Day Liquor License – Immaculate Heart of Mary Strawberry Festival June 15-17, 2018 - Father Mike came forward, Pastor of Immaculate Heart of Mary Church, to address the annual permit for the Strawberry Festival to be held on Father's Day weekend. He noted there will be a few upgrades this year, more baked goods will be provided other than just strawberry shortcake, such as jams and jellies, and the event will also have a bouncy house, a big tent, as well as their usual games and booths. The tent will be inspected by the Building Inspector, and the proper food permit will be obtained as well.

Austin moved for the applicant, seconded by Husselbee, all ayes.

5.7 Clark Memorial/YMCA Summer Solstice Festival - June 16, 2018

5.7.1 Request for Morin 5K & McDonald's Fun Run Permit- Julie Whittemore, Director of aquatics at the Clark Memorial YMCA, came forward to represent the application for the Summer Solstice, Morin 5K and McDonald's Fun Run Permit. Ms. Whittemore noted the Morin 5K is the same route as previous years.

Anderson asked how long the Clark has been doing the McDonald's Fun Runs to which Whittemore replied this was her fifth year doing it, and the Clark has been doing it for at least six or seven years.

LaBrie moved that the Board approve the application for two races on Summer Solstice weekend, seconded by Husselbee, all ayes.

5.7.2 Request for Entertainment Permit & Parade Permit

Cyganiewicz moved for the applicant, Husselbee seconded for discussion.

Anderson asked if there was anything new going on with this event, to which Whittemore replied the parade is the same route, and they are finalizing the bands for the day that will be set up outside of the field house per usual.

By a vote of all ayes the motion passed.

5.8 C&S Pizza Amusement License Transfer- Daigle noted a few months ago a Common Victualler License was transferred to the new owner of C&S Pizza, but the Amusement License still needs to be transferred over. The establishment has one juke box and one video machine.

Husselbee moved for the applicant, seconded by LaBrie, all ayes.

6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS:

There were no Boards/Commissions/Committees/Department matters at tonight's meeting.

7. NEW BUSINESS:

7.1 Status of Mylec TIFF Agreement- Rick Laperriere, owner of MYLEC came forward to discuss the TIFF Agreement with the Board.

Hickey opened up the discussion by disclosing he has checked with Town Counsel and ensured that there is no conflict as Hickey and Mr. Laperriere's sons played hockey together at Southern New Hampshire University and maintain a friendship. Hickey noted legal counsel believes it is safe to have open discussion.

Anderson noted that residents of Winchendon are concerned that MYLEC has not lived up to the original TIFF agreement and the conditions that lie therein.

Mr. Laperriere responded to Anderson by stating the company is doing the best they can. Retail has been in a severe tailspin, and those matters are out of control. He assures the Board that they (MYLEC) are working as diligently to add as many jobs as they can. He added that 2018 has shown improvement to the business, and they are currently working on hiring a few individuals at this time. The company is looking to expand into new markets and working to fulfill their obligation to the Town.

Hickey noted that Mr. Laperriere met with the Board about a year ago, and at that time MYLEC was lacking a presentation of the current job status required by the TIFF. He has spoken with Mr. Laperriere on the matter and he is aware that the information is owed by June 30, 2018. To expand, the TIFF agreement indicates twenty-

four employees be hired from town; an economic grant that was applied for indicates that these positions will be filled by 2011, and by 2013 twenty additional employees shall be hired. A current job count shows that it has been the same as the past few years, and Hickey doesn't know that jobs have increased, because the economy hasn't allowed him to hire more employees. Mr. Laperriere is providing the documentation the TIFF requires. The Board can make a motion to pursue to have the TIFF agreement cancelled. The impact it has had in FY18 is approximately \$4.00 per \$100,000 to the taxpayer. If there is no TIFF the tax bill for MYLEC will be double the amount than with the TIFF. When the TIFF reduces to 60% in 2019, MYLEC will generate an additional \$7,100 in property taxes for the Town. It isn't a huge difference, but will impact small amounts. Ultimately the Board has the choice to allow the TIFF to continue or to decertify it.

Anderson stated she is curious if the TIFF was passed at Town Meeting why would it not go back to Town Meeting. Hickey replied legal counsel has informed him the Board of Selectmen has the right to abolish the TIFF.

LaBrie asked if other components of the agreement have been met to which Hickey replied the amount invested in equipment in the building has been met exceedingly so, and the vehicles are also registered in the Town of Winchendon.

Mr. Laperriere added the condition to put rinks up providing recreation for people in the community was also met. He has held his pricing down, and assured everything possible to create more jobs. Even through struggle the company has not done any big employee layoffs, and 90% of the employees are residents of Winchendon.

Husselbee asked how many jobs Mr. Laperriere is anticipating to have in the next few years, to which he replied maybe six to eight, it is hard to say. Husselbee noted he is aware of how important MYLEC is to the community.

Mr. Laperriere noted that MYLEC tries to be a good neighbor and donates to the Kiwanis Club, the High School as well as participate with the Clark Memorial YMCA. MYLEC also hosts events that encourage attendees to support businesses in Town, restaurants and gas stations and shops alike.

Anderson replied to Mr. Laperriere's comment by stating the bigger concern is the lack of complying with the TIFF all while receiving a great tax break. MYLEC was expected to create jobs for the town. The question is why get a tax break when others don't. There is an inequity to it, an agreement was made and the Town isn't seeing the jobs or growth from MYLEC.

Hickey stated the Board needs to decide if they remain willing to allow this agreement to stay in place knowing that there is a significant element of the agreement that has not been met.

Mr. Laperriere stated that MYLEC has invested close to \$5,000,000.00 in improvements and have made it perfectly clear that the goal has always been to create more jobs. The TIFF was needed by the business to offset loans with the bank, and they had to make a choice between paying the loans or paying taxes.

LaBrie noted the agreement states in section eight if the company fails to meet the Town's requirements the Board of Selectmen may take action to cancel or shall discontinue the TIFF benefits provided as set forth herein commencing with the first fiscal year in which the company fails to meet such commitments. LaBrie asked if the Board votes to decertify the Tiff would the town have to collect back taxes.

Hickey replied he cannot say definitively that it needs to be done as such, but if legal counsel finds it so, it must be done.

LaBrie noted she would like to know whether or not the collection of back taxes would be mandated or not before she makes a decision.

Anderson asked how many employees MYLEC has, to which Mr. Laperriere replied twenty three.

LaBrie stated it is great to be able to sit on both sides and to say that they must be able to create the jobs. She noted that she worked in retail for a decade or so, and when it tanks it really tanks. We need to look at how the TIFF is done again.

Hickey noted that Tracy Murphy, Director of Planning and Development, did some research and it is recommended to not have jobs as a requirement for TIFF agreements; it is too hard to oversee and manage.

Cyganiewicz asked Mr. Laperriere if he thought the twenty full time job requirement was a bit unrealistic to which Mr. Laperriere replied it probably was. Shame on me for listening when people said "don't worry;" he is a manufacturer, not a politician".

Anderson asked what the average wage of the workers were at MYLEC to which Laperriere replied there are a few minimum wage employees but most employees are long time employees and are paid more than minimum wage.

Anderson then noted that MYLEC was supposed to provide a report to the Town, and she hasn't seen it yet. Hickey noted it is in the drop box file with a summary of jobs submitted by MYLEC from 2010-2018. This form was used back in 2012-2013 so MYLEC provided the same documentation as before. If asked for a narrative Mr. Laperriere may consider that. The form is all that is asked of MYLEC.

Husselbee asked how present MYLEC is in the online market to which Mr. Laperriere replied very present. Husselbee then asked if Mr. Laperriere sees growth in the future of online business to which Mr. Laperriere replied yes.

Anderson stated that a TIFF agreement was made, and it looks like MYLEC has not come to terms with that agreement.

Laperriere replied he hopes the Town sticks with MYLEC a little bit longer as they try to make things work.

Anderson thanked Mr. Laperriere for coming in front of the Board, and stated she understands it must not be easy for him.

After discussion it was decided that more information would be gathered for a future meeting so the Board can make more of an informed decision.

Husselbee moved to postpone the current issue until meeting to be held on July 2, 2018, seconded by LaBrie, all ayes.

7.2 Discussion on Proposed Retail Adult Marijuana License Process-Hickey noted that in the Board's packet there is information on the proposed process of Adult Use Marijuana Retail Licenses developed by Planning and Development Director Tracy Murphy and Hickey with the help of legal counsel. If the process is approved, no later than next week the Town will be issuing potentially three licenses. All incoming applications will be reviewed by Hickey and Murphy, checking for completeness, criteria, and using a scoring sheet to allow staff to review each application to ensure all requirements are met. After application review, the top five candidates will be brought before the Board to have a public hearing so the public is able to ask questions. At the end of the process, three applicants will be chosen to be awarded licenses. We are trying to put something in place before applicants come in so we are prepared to have a fair process and move it as quickly as possible.

Murphy noted that the office has been flooded with calls for retail. Murphy has attended several informational meetings, gone to the Cannabis Control Commission, and asked questions about vetting applications on the local level as they must go through the Town first. Once the Town has approved the applications, they are sent to the State for approval; the first three applications to return will be the three licenses awarded. She stated that both she and Hickey are open to suggestions as far as the presented process goes, and she would just like to have a policy in place before applications start coming in.

Anderson noted that after looking it over she finds it similar to an application for employment, sifting through applicants to find the most likely to succeed. She asked how long the state process is, and commented that it sounds daunting. She also noted that the RFP is to be complete by June 11th and reviewed by June 28th. She stated it is a short window for review and for the vetting process before coming to the Board, and that she likes that window.

Hickey noted that to Murphy's point, any company or individual interested in investing will have everything they need in place and the time frame will not be too tight for them. The idea is to review the applications and submit them to the State before there is a back log of applications from other communities. The aggressive timeline will weed out people who aren't as serious as others about being a player in this community.

LaBrie commented that the timeline shows commitment on both sides. She then asked if something falls through in the state process for an approved applicant will they be pushed to the back of the line to which Hickey replied he didn't think so. He believes there would not be a refused license because of a change of location.

Murphy noted that the matter of location could be clarified in the Community Host Agreement. Applicants will not make it through the State process until they have a set site with the State. The State will notify the Town to make sure there are no zoning or issues of any other sort and the Town will approve of the application.

Hickey noted a letter could be drafted up from the property owner indicating an agreement and must be submitted to show that this is where they want the business to ensure it has come to terms with the property owner.

Anderson asked if local applicants will get extra points to which Murphy replied residents will be given priority if they are from Winchendon.

LaBrie thanked Murphy and Hickey for looking into the matter from all angles. Murphy replied it is important to have this in place prior to Town Meeting; as long as something is in place, retail won't be first come first serve.

Anderson asked if there would be zero control if the policy is not adopted to which Murphy replied that is subject to interpretation.

Hickey stated that Murphy came up with 99% of the process. It makes sense, is fair, and favors locals which is what we want to do. He apologized to the Board for submitting this process so close to Town Meeting but he wanted their consideration, and is hopeful they agree.

Anderson stated how grateful the Board is for all of the work Murphy and the Planning Board have done. It has been a daunting experience.

Husselbee wanted to note he loved the language stating the potential hiring of twenty plus employees in the RFQ, as well as the request to hire locally if possible.

LaBrie noted that retail store is its own entity and asked if they will have specific hiring guidelines from the State to which Murphy replied yes, absolutely.

Murphy stated if the process is approved she would like to get it posted as soon as possible so interested applicants can get to work.

Husselbee moved for the process as amended to be approved, seconded by LaBrie, all ayes.

Murphy was thanked for her time.

8. OLD BUSINESS:

8.1 Board of Selectmen's Policies and Procedures Review and Amendment- After discussion the Board decided to wait until every member could be present to review the Policies and Procedures. Anderson asked the Board members to go and review the Policies until the entire Board is able to meet and take a vote.

9. TOWN MANAGER'S REPORT:

1. Financial Updates-

- a. The Finance Committee approved the three budget transfers that were approved by the Selectmen at your May 7th meeting.
- b. Town Accountant Bill Schlosstein closed the town's financial records for the month of April. The town remains in solid financial shape ten months into the fiscal year. The one area that is expected to be over budget is the Snow and Ice budget. After the \$30,000 transfer, the Snow and Ice budget remains \$46,000 over-expended. The Snow and Ice budget over expenditure is one of the reasons I recommended rescinding the \$50,000 November 2017 vote to use Free Cash for the local share of a sidewalk grant that the Town ultimately did not receive.

Hickey added he anticipates a Finance Committee member making a motion to have the \$50,000 deposited into the Stabilization Fund. I would hope the Board would speak against that motion if it is made at Town Meeting. Perhaps the Board could allow him to speak against the \$50,000.00 to be deposited into the Stabilization Fund. The Goal is to pay off the deficit to allow more flexibility going forward. He is trying to eliminate the need to tie up Town funds and utilize every penny available to pay off the deficit during FY19.

2. Personnel Updates-

- a. Shelley Berry has been hired as the part time Department of Public Works clerk.

Hickey added that Brian Croteau, Senior Water Operator, has submitted his resignation and will leave later in June. The Town wishes him well; he has been a great employee.

3. Project Updates-

- a. Crack sealing of roads has begun.
- b. Street sweeping and lining of roads has also begun. Striping should be complete by the middle of June.
- c. Parks and cemeteries will be cleaned up prior to Memorial Day weekend.
- d. Route 12 sidewalk construction should be completed by the end of May. The repaving of Route 12 will occur shortly after.
- e. The landfill solar field remains on schedule to begin producing power by the end of May.

4. Miscellaneous Updates –

- a. I have provided the Board with an update on where I stand with my FY18 goals and objectives. That update is attached to the report.
- b. The Winchendon Fire Department will be holding a training session in the Winchendon Public Works parking lot on Saturday, May 12th.

Hickey noted if there are no agenda items for the meeting usually held right before Town Meeting, Chairwoman Anderson can decide whether it be cancelled or not.

Additionally Hickey stated that the summer schedule hasn't been discussed yet, but he will try and work on summer meeting dates. If there are any dates Board members find they will not be available, please let Linda know this week so we can properly decide on a schedule.

Anderson noted she was reminded when giving the DPW their proclamation that the second Sunday in June is dedicated to fallen fire fighters. She would like to recognize them and the police as well.

10. **MINUTES:**

10.1 Monday, April 9, 2018 - Regular Meeting

Cyganiewicz moved to approve the minutes of Monday April 9, 2018, seconded by Husselbee, all ayes.

10.2 Monday, April 23, 2018- Regular Meeting

Husselbee moved to approve the minutes of Monday April 23, 2018 as amended, seconded by LaBrie, all ayes.

10.3 Monday, May 7, 2018 - Special Meeting

Husselbee moved to approve the minutes of Monday May 7, 2018, seconded by LaBrie, Cyganiewicz abstained, all others aye.

11. **COMMUNICATIONS:**

Upcoming Board meetings will be held on Monday May 21st and Monday June 11th.

12. **AGENDA ITEMS:**

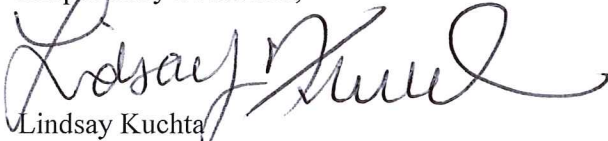
13. **EXECUTIVE SESSION:**

There was no executive session this evening.

14. **ADJOURNMENT:**

Husselbee moved to adjourn, seconded by Cyganiewicz, all ayes at 8:54PM.

Respectfully Submitted,



Lindsay Kuchta
Recording Secretary

