

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING MINUTES
MONDAY, SEPTEMBER 10, 2018
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present:

Audrey LaBrie, Chairwoman
Austin Cyganiewicz, Vice Chair
Barbara Anderson
Michael Barbaro
Charles Husselbee

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

List of Documents Presented at Meeting:

- Petition for Joint or Identical Pole Locations- Happy Hollow Rd., No. 23432284 (filed)
- Community Outreach Meeting for Proposed Adult Use Marijuana Cultivation Facility Legal Notice (filed)
- Linda Hofaug's Email of Interest to serve on the Recreation Commission (filed)
- Dylan Romanowski's Email of Interest to serve on the Ingleside Utilization Committee (filed)
- Rob Bushay's Email of Interest to serve on the Zoning Board of Appeals (filed)
- Request for a Water/Sewer Abatement -15 Webster St. (filed)
- Opinion letter dated 9.6.18 from Legal Counsel Re: Selectman Charles Husselbee-Alleged Residency Issue (attached)
- Request dated 7.23.18 from MART to Approve Revised Council on Aging contract with MART (filed)
 - Memo dated 9.15.18 from Sheila Bettro, COA Director, Re: MART contract (filed)
- Town Manager Memo dated 9/6/18 Re: Summary of Requests to Withdraw Land from Chapter 61B and proposed Pilot Arguments (filed)
 - Notice of Intent to convert Chapter 61B Recreational Land- First Right of Refusal- Parcel 9 and 17, Hall Road Property (filed)
 - Notice of Intent to Convert Chapter 61B Forest Land- First Right of Refusal- Parcel 65 Lincoln Avenue, Parcel 12, Rear Robbins Road, and Parcel 15, Rear Lincoln Avenue. (filed)
 - Notice of Intent to Convert Chapter 61B to Convert Forest Land- First Right of Refusal- Parcel 64 Lincoln Avenue (filed)
- PILOT Agreement Happy Hollow Road Solar 1, LLC (filed)
- PILOT Agreement 978 Solar Development, LLC (filed)
- Request for Partial Release for a Housing Rehab Mortgage at 31 Spring Place (filed)
- Town Manager's Report (attached)
- Minutes Approved:
 - Monday, June 25, 2018 Regular Meeting
 - Monday, August 20, 2018 Regular Meeting
 - Thursday, August 23, 2018 Tri-Board Meeting BOS/SC/FINCOM

LaBrie called the meeting to order at 6:30 P.M. followed by the Pledge of Allegiance to the Flag of the United States of America.

Doneen Durling announced she was audio recording tonight's meeting.

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

Anderson thanked everyone who came out to vote in the Primary Election last week, the Town Clerk's office and all of the poll workers. They did an awesome job and there were quite a few people present for just a Primary Election.

Cyganiewicz echoed Anderson's comments about the election staff; he spent a good amount of time last Tuesday night with many city and town clerks and thought the Town of Winchendon was probably the most put together.

Husselbee addressed his residency that was brought up at the last meeting by reading a prepared written statement to give those who wish to speak on the matter later on in the meeting time to think their comments over. He started off by stating in January of 2017 he submitted his nomination papers. In late March, due to a family hardship, he had to move from his Winchendon home and find housing in a short period of time and was forced to move temporarily out of Town. In April 2017, he moved to Athol and stayed until February 2018 when housing became available in Winchendon. During that time frame, he said he remained a Winchendon registered voter. He noted he had been approached twice by the Town Manager regarding the rumors of living out of Town, to which the first time he lied and gave the Town Manager a P.O. Box number for Winchendon. He was recently approached again by the Town Manager and Chairwoman LaBrie who noted someone was going to be addressing the matter at an upcoming meeting. A legal opinion has been obtained by the Town Manager stating this temporary move was OK as he remained a registered voter in Winchendon. He apologized to the Board, the Town Manager, and the voters for not being honest. He looks forward to hearing the comments from the Board and the public and appreciates the opportunity to be here.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS:

Rick Lucier of Maple Street came forward and thanked DPW Director, Al Gallant, for all of their hard work at Ingleside, now called the Winchendon Community Park. They worked on removing branches in the field and around the barn, swept and did well beyond what was expected of them. Their work helped to make the opening day for the park much more pleasant to look at. Mr. Lucier also thanked Mr. Hickey.

Tina Santos and Amy Salter came forward. Ms. Santos started off by stating she is not on a witch hunt but is simply bringing an issue up. LaBrie then noted that the topic Ms. Santos was addressing was an agenda item later in the meeting and should be discussed at that time; Ms. Santos interjected stating "Audrey could you please stop interrupting", and said she was being rude, noting she (LaBrie) was "very rude" at the meeting held on August 20th. Ms. Santos continued to speak over LaBrie; LaBrie commented she is the Chair of the Board of Selectmen and this is the public comments section and the topic she (Ms. Santos) is trying to address is later on in the agenda. Ms. Santos interrupted LaBrie again stating the topic was not listed correct on the agenda. Ms. Salter asked if LaBrie would like for Ms. Santos and herself to discuss the matter later in the meeting, when Ms. Santos then interjected, saying she would appreciate it if LaBrie would speak to Ms. Santos as she does to others during the public comment section. She said she looked back at the August 20th meeting and stated LaBrie was very straight forward and mean, to which LaBrie tried to reply. Ms. Santos raised her voice and continued to talk over LaBrie, and at that time LaBrie gaveled and asked Ms. Santos to please step back.

3. PUBLIC HEARINGS 6:30 P.M.

3.1. Petition for Joint or Identical Pole Locations – Happy Hollow Rd., No. 23432284- Cyganiewicz read the public hearing notice.

Motion to open the public hearing was made by Barbaro and seconded by Husselbee. With a vote of all ayes, the motion carried.

Mr. Rich Nalewski, Manager of the Athol Department of National Grid, came forward and stated the purpose of the poles is to shorten the two present single phase spans in the area so the spans are suitable for a three phase line extension to connect a solar array at Happy Hollow Road.

Barbaro stated that the Town has been having a hard time with National Grid for the last two plus years; he knows it has nothing to do with Mr. Nalewski, but the Town has been waiting for their solar array to be

turned on, and while the Town waits, several other projects have been moving forward and being turned on. It is frustrating to be told “we will get back to you,” and have nothing done.

Mr. Nalewski asked if it was regarding another solar field at a different location to which LaBrie replied yes, conversations have been had with several other people. Barbaro added that we are still sitting and our tax payers are waiting to get a reduced cost.

Barbaro moved to close the hearing, seconded by Cyganiewicz, all ayes.

Cyganiewicz moved to allow National Grid to install two poles on Happy Hollow road for the purpose of a solar project, seconded by Anderson. By a vote of Anderson aye, Husselbee aye, Cyganiewicz aye, LaBrie aye and Barbaro no, the motion carried by majority.

Barbaro moved to take agenda item number 4, “Appointments and Resignations” out of order, seconded by Anderson with a vote of all ayes.

4. APPOINTMENTS/RESIGNATIONS:

4.1 Appointment of Linda Hofhaug to Recreation Commission- LaBrie stated she understands the Recreation Commission supports Ms. Hofhaug’s appointment to the Commission.

Cyganiewicz moved to appoint Ms. Hofhaug to the Recreation Commission as she volunteers with various organizations, seconded by Barbaro with a vote of all ayes.

4.2 Appointment of Dylan Romanowski to Ingleside Utilization Committee- Dylan and Dave Romanowski came forward. Dylan noted he heard his father (Dave Romanowski) talk about the project quite a bit and decided to become committed to it as he has already put in countless hours mowing lawns and taking out brush.

Anderson noted that she was in attendance at the park on Saturday, opening day for the Winchendon Community Park (WCP), and saw that both Dylan and Keith Bussiere had done an extensive amount of work mowing all of the trails and the entire property as well as cleaning up and lugging trash. It is great to see younger people committed to the Park.

Dave Romanowski noted that he held off in public comments but wanted to piggy back on Anderson’s comment regarding opening day at the WCP. Over seventy- five people showed up being notified basically by word of mouth, and everyone enjoyed it to his understanding. He is looking forward to further utilizing the WCP.

Anderson stated that the community has done work with posters and the presentation was great. Rick Lucier put in countless hours and it amazes her, the amount of work put in by Dylan Romanowski.

LaBrie added that years ago people were asked to volunteer and be part of the Ingleside Utilization Committee, and were given duties stating here, figure it out. Dylan’s letter mentions the generational divide; it is good to see youth involved.

Barbaro moved for the applicant, Mr. Dylan Romanowski, seconded by Anderson with a vote of all ayes.

Dave Romanowski then asked Keith Bussiere to come forward as he was unable to attend the meeting the night of his appointment to the Ingleside Utilization committee.

Mr. Bussiere came forward and stated that great things are being done for the community at the WCP. The Town hasn’t seen anything yet; the members of the Ingleside Utilization Committee are treating the property like their own.

4.3 Appointment of Rob Bushay to the Zoning Board of Appeals- Rob Bushay came forward and noted that he always kicked around the idea of getting involved with the community and with the recent project proposed in his neighborhood which caught him off guard, he wanted to contribute to the community and be part of the process.

LaBrie thanked Mr. Bushay for stepping forward, and Anderson stated the best way to have a louder voice in Town is to get involved.

Barbaro moved for Rob Bushay's appointment to the Zoning Board of Appeals, seconded by Cyganiewicz with a vote of all ayes.

Barbaro moved to take item number "7.0 Request for a Water/Sewer Abatement – 15 Webster Street" out of order, seconded by Anderson with a vote of all ayes.

7.0 Request for a Water/Sewer Abatement – 15 Webster St.- Susan Bettencourt and Lionel Cloutier came forward. Ms. Bettencourt noted when there were three residents in the house her water bill stayed in the \$250.00 vicinity. Once her husband passed away, the water bills stayed in the same vicinity. Out of nowhere Ms. Bettencourt received a bill of approximately \$500. She questioned the DPW about the bill, who stated she should wait for her next bill to see if the amount is the same. When the next bill was received, it had returned to Ms. Bettencourt's average amount. Ms. Bettencourt stated she had a plumber look at the property and pipes, as well as Mr. Cloutier, her neighbor, to try and figure out the issue, but nothing could be found. She stated that she does not know what could happen in that time frame; according to the Water Department, two days had spiked usage.

Hickey noted that it is staff recommendation to not approve this abatement as the water has gone through the meter and waste water pipes, and has been paid for by the Town.

Ms. Bettencourt stated her husband told her if it was freezing the bathroom faucet should drip a few times a day and night and she would run the sink for a few minutes to ensure the pipes were still moving. The water was not running all night or day.

Hickey noted that he understands Ms. Bettencourt can't remember back to February when the water spiked, but noted that it did in fact spike. The meter is working fine and the water had been run through the meter.

LaBrie asked if there was an option to abate a portion of the bill to which Hickey replied the Board has the power to abate some, all or none of the bill.

Cyganiewicz added that the portion of the abatement application filled out by a plumber is missing, and he would like to see what the plumber had noted.

Hickey stated he figured out the average of Ms. Bettencourt's water bills, with the exclusion of the \$500 bill, and came out with \$329.15. The difference between the high bill and an average bill is \$215.63.

Anderson said for the lack of any specific evidence, the spike is too bizarre; it is unknown what happened or whether or not it went down the sewer. She does not believe it to be negligence.

Anderson moved to approve the abatement for Ms. Bettencourt in the amount of \$215.64, seconded by Cyganiewicz.

Barbaro asked who will be picking up the cost and stated that discussions have been had about people with leaks or no leaks. With the exception of one, the Board has not granted any abatements. The water had to have gone through the meter and sewer.

With a vote of Anderson aye, Cyganiewicz aye, Husselbee aye, Barbaro no and LaBrie no the motion passed by majority.

Ms. Bettencourt thanked the Board.

3.2 Community Outreach Meeting for Proposed Adult Use Marijuana Cultivation Facility - 2 Juniper- Hickey introduced Curated Leaf Services, LLC and the employees coming forward to represent the proposed adult use marijuana cultivation facility. Hickey stated he and Tracy Murphy, Planning and Development Director of Winchendon, have been working closely with Curated Leaf Services, LLC.

Barbaro moved to open the public hearing, seconded by Cyganiewicz. With a vote of all ayes the motion passed.

Wendell Orphe, Operations Manager and Joseph Lupo, Director of Cultivation came forward and thanked the Board and Town for the opportunity to present their cannabis cultivation and manufacturing facility.

Mr. Orphe then provided the Board and meeting attendees with a presentation that reviewed Curated Leaf Services LLC's business plan and the benefits that would be provided to the community within.

Anderson asked if there is enough space at 2 Juniper Street for the proposed operation to which Mr. Orphe replied the building itself is not a good space to do the cannabis facility; they are looking to build a brand new facility on the lot.

Hickey reminded the Board that if this Community Host Agreement is approved it will still have to go before the Planning Board to be reviewed and commented on if it receives approval from the Cannabis Control Commission (CCC).

LaBrie asked if the company had any sense of how many jobs they would be able to produce for the Town to which Mr. Orphe replied he does not have a concrete number, but they are looking to start at eight employees, and hopefully hire local residents. LaBrie then asked if the building was going to be one or two stories to which Mr. Orphe replied he is still at the beginning of the process and wants to ensure that the building is efficient, there may be a need for two stories. LaBrie also asked if they would be eventually going for a Tier 3 (three) license to which Mr. Orphe replied they are not looking to go past Tier 2 (two). They would like to remain conservative and maintain compliance with the State.

LaBrie then questioned the proximity of the distance between the cultivation facility and the Wendell P. Clark Memorial YMCA. Tracy Murphy, Planning and Development Director, came forward to address the comment. Ms. Murphy stated that both cultivation and retail licenses have the five hundred foot buffer on Central Street. This particular property lies outside of the five hundred foot buffer.

Barbaro then asked out of all of the available places in Town, why they chose this location. Mr. Orphe replied that it was zoned appropriately, and square footage wise this property was perfect. They are looking to be conservative and grow within the building with room to expand. Barbaro then asked why not start from scratch rather than tear down a building and rebuild; what drew them to this location specifically. Mr. Orphe stated the property already has public sewage, the power will need a little upgrading to meet the needs of the sort of facility they are looking to run, and the price point is very attractive.

LaBrie then asked if there would be any exterior signage to identify the business to which Mr. Lupo replied there will be no signage; they would rather remain discreet. They are not looking for any retail licenses or things of that nature. No signage is necessary.

Hickey stated that when he sat down with Curated Leaf Services, LLC. to discuss the community host agreement, the terms agreed upon are consistent with all of the other community agreements. Some discussion was had but they understand why we are proposing what we are. There will be a 3% host fee for

the first five years, and at the end of five years the agreement will be renegotiated to reflect the actual costs incurred by the Town from hosting the business.

Anderson asked if they were looking to start or already had other operations outside of Winchendon to which Mr. Orphe replied no.

Dan Thibodeau, an abutter to the proposed facility came forward. He stated he lives close to the facility on the corner of Maple and Juniper Street. He believes increased traffic would be an issue as there are a lot of kids in the neighborhood of the four way intersection. He has been there for thirty years and doesn't believe it is a good location.

Tom Clinkscale, Pastor of Bethany Bible Chapel located on Spring Street and soon to be abutting the proposed facility came forward. Pastor Clinkscale noted that children will be congregating at the new location, as well as individuals with addiction and other needs that will be regularly present at the Chapel's new location, formerly known as Joanne East Dance Studio. Pastor Clinkscale noted that he is against the use of marijuana and the intoxicating of the mind; it is not wise to do. He wanted to make sure it was understood and recognized as a location where children and others that would be affected by the proposed facility.

Felicia Nurmsen came forward and stated she was interested in knowing what Chief Walsh thinks about the proposed facility. Hickey replied that the Chief will enforce the regulations of the community. He doesn't think you will find a police chief to promote this, but it is allowed in the Community and in the State. Ms. Nurmsen stated, regarding employment, it is a great location as it creates downtown business and will increase abutting businesses as well.

Sandy Thibodeau of 23 Maple Street came forward and asked what the business could do to the value of homes in the neighborhood. Hickey replied he is unsure at this time what affect it could have on abutting property values as it is too early to tell. The proposed building will be much better than the one currently standing, and where it sits now it could help offset any increase in property tax rates. You won't see a market difference as one building is being built.

Barbaro asked if once it is built, will it be fenced in and have security cameras, to which Mr. Orphe replied yes. Barbaro then asked about the impact of traffic to which Mr. Lupo stated the traffic will be minimal. Barbaro said he was trying to paint a picture of a multi-million dollar building that will go up and add to the potential for tax impact of the abutting properties. He is trying to alleviate what others fear. Individuals won't have access to the property, it will be secure. Mr. Orphe noted that there will be cameras in and around the facility.

Husselbee noted, to the point regarding the new location of Bethany Bible Chapel, if the facility is put in before it goes in front of the Planning Board does it take the property out of play of the foot area? Ms. Murphy noted when the Planning Board discussed where children would congregate, the churches did not factor in.

Husselbee added that the Church also provides counseling services for those who struggle with addiction. He asked if that fell under any of the zoning requirements for a Cannabis cultivation establishment to which Ms. Murphy replied Town Counsel would be able to answer that question better. It was not discussed when the buffers were being decided. Husselbee then asked if the facility is not there yet, will it be something the Planning Board would consider when talking about zoning at their next meeting whether it is put into that place or not considering the location of Bethany Bible Chapel. Ms. Murphy stated she believes that the application for Juniper Street has already been filed and the 07-10 application has already begun. The dates of application will have to be looked at for Curated Leaf Services, LLC and Bethany Bible Chapel.

LaBrie noted that Mr. Thibodeau made a good point regarding the traffic at the intersection of Juniper and Maple Street. In the event that this facility is approved, site lines and stop signs could use some improvement

in that area. Hickey replied, the Planning Board will address all of that during their review. It can be written into the decision to require the developer to make site line improvements as part of the project.

Dave Romanowski came forward and asked why the company chose to build their establishment in Winchendon, is it just Winchendon or do communities state-wide attract businesses of this sort? He wants to know if there is any method in place to attract other types of businesses.

Hickey noted that the zoning will help attract different businesses to town. The zoning bylaw approved in May, created through a lot of work done by the Planning Board and Community, helped to identify proper areas for retail and cultivation of cannabis. He is speaking not to advocate for the business but will say that in all likelihood you will not know that you are driving by a growing facility as it will be discreet. He also suggests that, as mentioned, there will not be any signage as it is a cannabis growing facility. The Zoning Board of Appeals determines whether a business relocates in Town, what is allowed and what is not allowed. He suggests that most communities are wrestling with the same situation. Marijuana is now legal to be sold and there are businesses that want to fill the needs to grow and sell it. It is approved by both the Commonwealth and the communities within.

Mr. Romanowski noted that the Winchendon Community Park will bring foot traffic to town and a certain population in and outside of town to downtown. He feels that having a non-script property downtown will not attract people.

Anderson stated that the area is set back from Central Street and doesn't detract from the downtown village.

Barbaro moved to close the public hearing, seconded by Husselbee with a vote of all ayes.

Anderson moved to approve the Community Host Agreement between the Town of Winchendon and Curated Leaf Service, LLC. Motion seconded by Barbaro.

Hickey suggested amending the motion to state the Town Manager sign the agreement on behalf of the Board of Selectmen.

Anderson amended her motion to approve the Community Host Agreement between the Town of Winchendon and Curated Leaf Services, LLC and to allow the Town Manager to sign the agreement on behalf of the Board of Selectmen. Motion seconded by Barbaro.

Cyganiewicz clarified for both the Board and public that this does not mean the cultivation facility has approval to move forward immediately; there is still State and local approval to be had before the facility can move forward.

With a vote of all ayes the motion carried.

5. **PERMIT/LICENSE APPLICATIONS:** There were none this evening.

6. **BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENTS:** There were none this evening.

7. **NEW BUSINESS:**

7.1 Resident Request to Discuss Selectman Charles Husselbee's Legal Right to run for the Board of Selectmen in May 2017- LaBrie opened up the topic by stating it is her job as Chair of the Board of Selectmen to run the meetings as best as she can. It is not her intention to be mean, cutting or rude to anyone coming before the Board, but public comment is not the place to speak on an item that appears later on the agenda.

Tina Santos and Amy Salter came forward. Ms. Santos started off by saying she is not on a witch hunt, but simply following up on a rumor and wants transparency in Town. She stated that Husselbee did not live in

Winchendon for a period of time during his time on the Board of Selectmen, and when confronted he lied and gave a Winchendon P.O. Box as proof of address, which does not confirm a permanent address. She wanted to point out that as a resident of Athol, she does not believe he was supposed to attend or vote at the Town Meeting in Winchendon. She asked if the Board has reached out to Legal Counsel, and if his nomination would be null and void. Ms. Santos thanked the Board.

Husselbee noted that the legal opinion will be heard in a minute. He stated that he did make a mistake. His reason behind lying is embarrassing; he did not want to admit there was a family hardship. Husselbee said he wanted to apologize to Ms. Salter.

Ms. Salter replied that she was part of the Stand Up for Toy Town Committee that replaced the prior Board. She is telling this Board that there won't be any secrets, and people will have to be held accountable for their actions. Husselbee did have the right to win the election, but she wouldn't have voted for him had she known that he was living in Athol.

Husselbee continued, saying he wanted to make sure he addressed Ms. Salter's concerns. As it was said before, he apologizes to Winchendon. This is not what the Board should represent; his actions represent him, not the Town or the Board.

Ms. Salter stated she had emailed the Town Clerk, amongst several others questioning his residency. Husselbee replied stating it was brought to his attention twice; the second time he was a resident of Winchendon.

LaBrie noted that a legal opinion had been requested.

Hickey stated that on August 20th he and Chairman LaBrie had a discussion with Attorney Brian Riley from Town Counsel, and made him aware with the situation. Council was provided a timeline by Husselbee to avoid any misunderstanding. Attorney Riley stated that from a legal standpoint, Husselbee had the ability to run and was able to be elected in May 2017, and is allowed to retain his seat on the Board of Selectmen, as his intention was to move back to Winchendon as soon as possible. Hickey went on to say that as far as the investigation goes, it was brought to staff's attention in 2017. Hickey said he can't recall when he went to Husselbee and indicated that there may be a question about his residency. At that time Husselbee said he did live in Winchendon. He had thought that the Chair was aware of the situation at the time and wasn't sure there was much else he could do. Husselbee was approached again in 2018, but at that time was living in Winchendon.

LaBrie commented that her understanding of proof of residency is through voter registration. At no time was Husselbee removed from the Winchendon roll.

Hickey stated that there is a process that could have been followed by anybody who had questions about Husselbee's ability to remain on the Board. A complaint could have been filed with the Clerk's office and the Voter of Registrations. They and Mr. Husselbee would have gone before the Board of Registrars where a decision would be made whether or not to allow Husselbee to be on the voter list in Winchendon. But no complaints were filed.

Ms. Salter stated that the ability to bring forward a complaint was lost when Husselbee lied about his residency, to which Hickey replied he does not disagree, but if someone felt strongly enough that he wasn't being honest they could have filed a complaint with the Board of Registrars who may have required him to bring in proof of residency.

Hickey noted that Husselbee feels tremendous regret about his action, and he is aware that on this Board, things should be done in the open. This Board as well as the Board that Ms. Salter sat on have worked hard to get out from under the debt and will be out from under that debt in two months. A large part of this success is because of the way the Board conducts themselves and handles business. He understands that

people in the public have the opportunity to criticize, but the people sitting at this table come together every two weeks and continue to show the community that nothing is being hidden. Hickey is happy to back any decision the Board makes.

Husselbee added that Hickey did ask him for a utility bill sometime in mid to late February of 2018. At that point, Husselbee noted he was already back in town.

Rick Lucier came forward and said when Husselbee raised his right hand with the Town Clerk to be sworn in he knew that he was not a resident in Winchendon.

LaBrie replied that legally, Husselbee is a valid member of the Board of Selectmen. That is the legal opinion.

Felicia Nurmsen came forward and thanked Hickey for his comments and the legal opinion. She then added that she is interested in hearing from the Board regarding their feelings on the matter.

Barbaro stated that personal feelings set aside, Husselbee should resign. Barbaro added that he was not aware of this issue until just before the meeting held on Thursday night and that this event hurts the Board's ability to move forward.

Anderson noted that when the Board was asked what they are going to do about it she decided to go back and read the charter and procedures. She found that the Board has the power to censure fellow members if they do something egregious, but, for lack of better words, do not have the power to "impeach" a fellow board member.

Ms. Nurmsen stated she wants the Board to take a vote of no confidence and ask for Husselbee's resignation, if so compelled.

Husselbee said he wants to hear the opinions of the Board. If they decide that they would rather he step down because of this, he will do so. He does not want to tarnish anything the Board has done.

LaBrie started by saying she has given this matter much thought after becoming aware of it on August 20th. Her biggest struggle with it is finding space in public service for the allowance of making a mistake. Without having experience, is there a place for that allowance? She stated that she has messed up in the past and learned from the mistakes, though it has never been in a situation where the trust of the Town she lived in needed to be retained. She did say she would support a censure.

Cyganiewicz stated this is nothing the Board wants, but ultimately he has confidence in the Town Manager and current Board, and the opinion from Legal Counsel. He would like to see the opinion be made public as it makes a strong argument. The opinion states Husselbee was a regular voter in Winchendon and was eligible to be a Selectman.

Ms. Salter stated the issue at hand is Husselbee lying to the Town Manager and Town Clerk.

Cyganiewicz replied by saying he understands the issue, but thinks Husselbee was the first person after all of this to say that he made a mistake and was sorry. Cyganiewicz added that he feels torn as the Chair mentioned, and thinks that that is what every public official knows; they can never make a mistake. Even when we apologize we can't move on. He wants to see the Town move on with accomplishing the great things. Own the mistake and move forward.

Rick Ward came forward and said Husselbee could have taken the easy way out and resigned. Instead he came here and bared his soul. He did make a mistake and should have been up front with the Board, but has done wonderful things and has done a great job. Yes, he made a mistake, but leave him alone; he has confessed and begged for mercy. Mr. Ward stated he voted for him and would vote for him again. After hearing this tonight Mr. Ward believes that the vast majority of the public will not be against him, but rather

respect him even more and let it go. Just as Selectman Cyganiewicz said, when will we stop the banishment of people for making mistakes? Let's move on.

Ms. Santos stated she understands it was a mistake that was made, but none the less an ethics complaint had been filed and to her understanding he can be fined for his actions.

Husselbee stated that what he believes he needs to do now is regain the trust of the community. He would like to hear from the rest of the Board. If they have confidence in him he will stay and fix what went wrong. If not, he will resign.

Anderson noted she is conflicted on the matter. She commended Husselbee for the admission. After listening to what Ms. Salter and Ms. Santos had to say tonight, some key things were brought up. It would be a double standard to not take action as we did with the previous Board. She agreed with Barbaro, that there is a portion of residents who won't believe the vote, but at the same time Husselbee has worked very hard at attending events and meetings and has been a good Selectman.

Husselbee stated that yes he did attend meetings and try his best to represent the community but that is not what this is about.

LaBrie said that as a Board the decision to be made was do we put the Board first, or an individual member first? Do the needs of the one outweigh the needs of the Board; or vice versa?

Husselbee then said he believes the needs of the Town and Board are more important than the needs of an individual. He must do what he was elected to do, put the needs of the voters first, as much as it hurts. He then announced his resignation, effective immediately, and gave thanks to all who voted for him, reiterating he is very sorry for what he did. He said he will still be around and work hard to regain the confidence of the Town.

With regret LaBrie moved for the resignation of Husselbee, and thanked him for his service. Motion seconded by Barbaro. By a vote of Barbaro aye, LaBrie aye, Husselbee aye, Anderson aye, and Cyganiewicz no, the motion carried by majority.

Husselbee stated he believes this is what needed to happen, and thanked Ms. Salter and Ms. Santos as well as everyone else who has given him the time and opportunity to serve on the Board as an Executive Member. Husselbee also thanked Hickey and Executive Assistant Linda Daigle.

Barbaro moved for a five minute recess, seconded by Anderson with a vote of all ayes.

The Board entered a five minute recess at 8:35 P.M.

The meeting was called back to order at 8:41 P.M.

LaBrie opened the meeting back up with a comment regarding what just happened. She stated people tell us they want transparency and honesty. We sit here tonight addressing what has been called from both sides, a rumor. A rumor without a name on it, without data to back it up, an accusation, which is just that, a rumor. LaBrie went on to ask, where is the transparency from the community? If there is a concern, then please bring it to the Town Manager or Selectmen's attention rather than going behind our backs and filing a complaint and threatening a recall when the issue hasn't even been addressed yet. She said that what she said tonight was not because she's worried about a recall, as that is the democracy we live in, but because it was the right thing for her to do. Transparency is a great word, but it must work both ways. Most of the members of the public are not aware of the anonymous emails we receive, making wild accusations of falsified records and more. We are here to do our job as transparently as we can, but we need to ask you to do the same if we want to get anywhere in this town.

LaBrie excused herself, leaving Cyganiewicz to step in as Chair.

7.2 Request to Approve Revised Council on Aging Contract with MART- Hickey noted that Sheila Bettro, Council on Aging Director, was present to answer any questions. Included in the Board's packet is a revised contract between the Town and MART. MART will reimburse up to \$2,000 with the accompanying invoice for insurance for the new van. Daigle has called MIIA to find out what the cost to cover the van would be, discovering it to be just over \$1,600.00 annually. The \$2,000 provided by MART will cover the cost of this particular van.

Anderson asked if the Council on Aging still provides rides to the grocery store to which Hickey replied yes. Ms. Bettro has kindly increased the amount of trips to two a week; seats can be reserved on the bus by calling or going to the Senior Center.

Ms. Bettro came forward and provided some numbers to give a perspective on how many miles the Council on Aging puts on their vans. In August, the vans collectively traveled a total of 3,536 miles, 66 miles in medical trips, 46 miles in lunch trips, 13 miles for shopping, and others for miscellaneous in town trips such as hair appointments, pharmacy visits, etc. These miles carried 206 passengers, and the Senior Center served 896 meals. Between July and August the amount of meals served increased by 176 plates. The MART van alone is used for longer trips as MART pays for the gas and the driver, totaling a little over 1,500 miles.

Hickey noted that Sheila and her staff do a great job with very little.

Cyganiewicz stated that he is member on the MART board. They are actively working quarterly to ensure that services as such are still provided. As Winchendon is a smaller community there is a smaller ridership but as a Board they recognize the importance of the service. The MART Board has collectively worked hard to ensure Federal and State funding for the program. He then noted with that, he is happy to support the approval of the contract.

Barbaro moved to approve the Contract between the Council on Aging and MART, seconded by Anderson. With a vote of all ayes the motion carried.

Hickey asked that the Board authorize the contract to be signed by either the Board Chair or Town Manager.

Anderson moved to authorize LaBrie or Hickey to sign the contract, seconded by Barbaro with a vote of all ayes.

7.3 Request to Convert Chapter 61B Recreational Land - First Right of Refusal – Parcel 29 and 17, Hall Road Property- Hickey noted that there seemed to be confusion at the previous meeting when the three requests to withdraw land from Chapter 61B was brought up. John Motta from Dynamic Energy Solutions, LLC is present to answer any questions that may be had regarding the request of conversions before the Board tonight. The Winchendon School request will allow a private company to lease the property to construct a solar array at the golf course. Parcel 29 is a 106 acre parcel of which 27 acres is currently in Chapter 61B. Parcel 9 is a 6 acre parcel, 4.5 acres of which is being removed from Chapter 61A. This particular property has gone before the Planning Board and Conservation Commission and both support the withdrawal of Chapter 61B and the site plan has been approved by both boards. This conversion will allow the Town to collect \$14,000 in property taxes not charged for 2015 through 2019 due to the land being taxed at a reduced rate during that period of time. LaBrie thanked him for the clarification and format to understand the process.

Barbaro moved to approve the request to convert from Chapter 61B Parcel 29 and 17 on Hall Road. Mr. Motta clarified that it is Parcel 9 as well and that Parcel 29 and 17 are the same parcel.

Barbaro amended his motion to say Parcel 29 and 9. Mr. Motta commented that technically the action would be a non-exercise of the First Right of Refusal.

Barbaro amended his motion to say the Board does not exercise their First Right of Refusal on Parcels 29 and 9 Hall Road; seconded by Anderson. With a vote of all ayes, the motion carried unanimously.

7.4 Request to Convert Chapter 61B Forest Land - First Right of Refusal – Parcel 65 Lincoln Avenue, Parcel 12, Rear Robbins Road, and Parcel 15, Rear Lincoln Avenue.- Hickey noted that this request for conversion was for the same purpose as above. The three parcels 200 acres of which 59 acres are being sought to be removed. The Planning Board and Conservation Commission have both voted to support the withdrawal of the property from Chapter 61. The site plan has been approved by both boards. The Town will receive \$12,345 in property taxes not charged for years 2015-2019.

Barbaro moved to not exercise the First Right of Refusal for Parcel 65 Lincoln Avenue, Parcel 12, Rear Robbins Road, and Parcel 15, Rear Lincoln Avenue, seconded by Anderson with a vote of all ayes.

7.5 Request to Convert Chapter 61B to Convert Forest Land - First Right of Refusal – Parcel 64 Lincoln Avenue- Again, Hickey noted that this request was the same as the two preceding it. It consists of approximately 59 acres all in Chapter 61B. The applicant is looking to remove 6/10ths of one acre. This project has gone before the Conservation Commission and Planning Board and they see no issues with the removal. Mr. Motta explained there are really only three projects and this part is an easement that needs to come out.

Barbaro moved the Board not exercise their First Right of Refusal on Parcel 64 Lincoln Avenue, seconded by Anderson with a vote of all ayes.

Hickey thanked Mr. Motta for his attendance this evening.

7.6 Request to Approve of PILOT Agreements:

7.6.1 Happy Hollow Road Solar 1, LLC, Map 13 Lot 61- Hickey gave a brief overview of the PILOT agreement.

Anderson stated, just so there is a better understanding, it is great to know that these have been approved at Town Meeting and have gone to the Conservation Commission and the Planning Board. With that being said, she still has concerns after hearing Cyganiewicz's concerns at the last meeting. How many of these will be cleared and we start to have environmental concerns? She has visions of fields and fields of solar and no more trees.

Hickey introduced Zack Fargus from Borrego Solar who was present to answer any questions. Mr. Fargus noted that the first project at Happy Hollow Road will take place in an already open gravel pit; no mature trees will be cut down. The second project located off of Gardner Road will require approximately 15 acres of tree removal.

Barbaro moved for the applicant at Happy Hollow Road Solar 1, LLC, seconded by Anderson with a vote of all ayes.

Cyganiewicz recused himself at 9:12P.M. as the following project is located behind his house.

7.6.2 978 Solar Development, LLC, 135 Gardner Rd., Map 12, Lot 49- Hickey noted that the property is owned by the Boucher Living Trust and currently is not in 61B. The Conservation Commission and Planning Board have paired the project down from the original size based on a wetland concern. The Developer has worked with the Conservation Commission to address the concerns as far as size goes. As Mr. Fargus mentioned it is a wooded lot, and fifteen acres of trees will be removed.

LaBrie asked if the solar panels will allow for the growth of vegetation to which Mr. Fargus replied yes, wildflower seeds will be planted to allow for a meadow-like area when the solar arrays are removed. The site will be mowed and maintained during its term.

Barbaro moved to approve 978 Solar Development, LLC, 135 Gardner Rd., Map 12, Lot 49, seconded for discussion by Anderson.

Anderson requested the motion be amended to be approved pending approval from the Planning Board.

Barbaro amended his motion and moved to approve 978 Solar Development, LLC, 135 Gardner Rd., Map 12, Lot 49 pending approval of the Planning Board. Motion was seconded by Anderson.

Hickey clarified with Mr. Fargus that holding off on approval will not slow down the project to which Mr. Fargus said there will be no issues pending approval.

By a vote of all ayes the motion carried.

Cyganiewicz returned to the table at 9:16 P.M.

7.7 Request for a Partial Release for a Housing Rehab Mortgage at 31 Spring Place- Tracy Murphy came forward and stated she was here on behalf of the client requesting the partial release for a Housing Rehabilitation Mortgage. She stated that 470ft was taken off of the parcel owned by the client and transferred to the abutter. However the land transferred, Parcel A, is included in the mortgage held by the town on the entire parcel. Ms. Murphy is seeking the partial release only to give a clear title.

Barbaro moved to partially release the Housing Rehabilitation Mortgage at 31 Spring Place, seconded by Anderson.

Barbaro amended his motion to partially release the Housing Rehabilitation Mortgage at 31 Spring Place in the amount of \$8,559.75. The amended motion was seconded by Anderson. With a vote of all ayes the motion carried.

8. OLD BUSINESS: There was none this evening.

9. TOWN MANAGER'S REPORT:

1. Financial Updates-

- a. The FY18 financial audit field work will begin on Monday, September 17th.

2. Personnel Updates-

- a. Timothy Prue has been hired as DPW Foreman.
- b. Wendy Stevens was hired as the Assistant Town Accountant. Wendy was the DPW Executive Assistant. An advertisement will be placed next week to fill the DPW position.
Hickey added any who are interested may apply online.

3. Project Updates-

- a. Road paving has begun. All of Summer Street, Cedar Street from Woodlawn to Highland and West Street from School Street to Royalston Road intersection, have been paved. Portions of Vine (Maple to Cedar), Robbins Road from School Street to the NH State Line and all of Forestall Road will be paved this summer/fall.

4. Miscellaneous Updates –

- a. The tenants at the Ingleside property have left the property.

Hickey added that the house is now vacant and the Ingleside Utilization Committee is looking at finding a caretaker to potentially live on the property in the fall.

- b. The new fire engine was delivered September 10th and should be in service by the end of September.
- c. All of the costs associated with the heating oil spill at the DPW garage will be covered by the Town's property/liability insurance. The environmental cleanup company will be on site for the next couple of weeks doing the necessary cleanup. There will be monitoring wells installed behind the DPW building that the Town will need to have tested for an undetermined amount of time.

Additionally, Hickey noted that the accident occurred when the fitting was struck on the old displaced oil tank that was unknowingly present for a better part of thirty years. An estimated 250 gallons of oil was leaked out and found on Sunday. All the oil remained on site. Property liability coverage will pay for all cleanup related to the damaging of the oil tank. The Department of Environmental Protection has been out as well as the insurance company. Any expenses incurred on the contamination of the property not related to the damaging of the oil tank will not be covered by insurance. Monitoring wells will be installed and will need to be funded in the future. He doesn't think it will be a tremendous amount.

- d. Brandywine held a public meeting on Thursday, September 6th "for the Stakeholders of Winchendon in reference to White's Mill Dam and Pond." Town staff did not attend the meeting.

Hickey also noted he found it could be inappropriate for staff to attend the meeting held as there could be questions asked by a developer or staff hired that could be leading questions that may give appearance that the Town is not supportive of what they are considering to be done with the dam. No information has been given to the Town as no information has been gathered regarding the removal of the dam.

Additionally, Hickey noted that Brandywine has decided to foreclose on the property. He is not sure what that means; not sure if they are being foreclosed on or are going in a different direction someday. He is waiting to hear from the owner of the property.

LaBrie asked in the case of tax title, is it considered a foreclosure on the property, to which Hickey replied it is a taking. The property is currently in tax title.

- e. I was informed that Brandywine has some type of offer for their property that they plan to accept. I will let the Board know if I find out anything more.

Hickey also notified the Board that the Third Congressional District Primary is being challenged. Judy Lajoie, Town Clerk, scheduled a recount Friday morning to be held in the fourth floor conference room.

10. **MINUTES:**

10.1 Monday, June 25, 2018 Regular Meeting:

Cyganiewicz moved to approve the minutes of Monday, June 25, 2018, seconded by LaBrie. With a vote of Anderson aye, Cyganiewicz aye, LaBrie aye and Barbaro abstained, the motion passed.

10.2 Monday, July 30, 2018 EXECUTIVE SESSION for Release:

Cyganiewicz moved to release the Executive Session minutes of Monday, July 30, 2018, seconded by Anderson. By roll call vote, Anderson aye, Cyganiewicz aye, LaBrie aye and Barbaro abstained, the motion passed.

10.3 August 20, 2018 Regular Meeting:

Cyganiewicz moved to approve the minutes of Monday, August 20, 2018, seconded by Anderson. With a vote of Anderson aye, Cyganiewicz aye, LaBrie aye and Barbaro abstained, the motion passed.

10.4 Thursday, Aug. 23, 2018 Tri-Board Meeting with School Committee and Finance Committee:

Barbaro moved to approve the minutes of the Tri-Board Meeting with the School Committee and Finance Committee held on Monday, August 23, 2018, seconded by Anderson. With a vote of all ayes the motion passed.

11. **COMMUNICATIONS:**

Cyganiewicz noted that tomorrow is September 11th, and asked that all remember it.

12. **AGENDA ITEMS:** The Board will discuss their October meeting schedule at their next meeting on the 17th.

13. **EXECUTIVE SESSION:** There was no Executive Session this evening.

14. **ADJOURNMENT:**

Barbaro moved for adjournment, seconded by Cyganiewicz. By a vote of all ayes, the meeting was adjourned at 9:27PM.

Respectfully Submitted,



Lindsay Kuchta
Recording Secretary

