

Approved: \_\_\_\_\_

**TOWN OF WINCHENDON**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**THURSDAY, SEPTEMBER 27, 2018**  
**Town Hall, 2<sup>nd</sup> Floor Auditorium**  
**109 Front Street, Winchendon, Mass.**

**Present:**

Audrey LaBrie, Chairwoman  
Austin Cyganiewicz, Vice Chair  
Barbara Anderson

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

**Absent:**

Michael Barbaro

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**List of Documents Presented at Meeting:**

- Email of Interest From Linda Hofhaug Dated 9/20/18 to serve on the Cultural Council (filed)
- Board of Selectmen Notice of Vacancies Dated 9/27/18 (filed)
- Road Race Application From Amanda Lawler Dated: 9/6/2018 (filed)
- Letter to John Vaillancourt From Keith Hickey Dated 9/6/18 Re: Property Located at 75 Prospect Street (filed)
  - Letter of Interest to Acquire Property at 75 Prospect Street Dated 8/27/18 from John Vaillancourt (filed)
  - Email from Iris A. Leahy, Esq. Dated 9/5/18 Re: Property at 75 Prospect Street (filed)
- Letter of Interest Dated 9/20/18 From David LaDeau Re: Forming a Committee to Bring Back the 4<sup>th</sup> of July Celebration in town (filed)
- Draft Special Town Meeting Warrant of October 29, 2018 (attached)
  - Memo From Superintendent Joan Landers Dated 9/26/18 Re: Warrant Request Information-Director of Curriculum and Instruction (attached)
  - Memo From Superintendent Joan Landers Dated 9/26/18 Re: Warrant Request Information (attached)
- Town Counsel Opinion Dated 9/20/18 Re: Conflict Issue with Board of Selectmen Signing Payroll Warrant with School Salaries (attached)
- Town Manager's Report Dated September 27, 2018 (filed)
- Minutes approved:
  - Monday, July 30, 2018 Regular Meeting
  - Monday, Sept. 10, 2018 Regular Meeting
  - Thursday, Sept. 17, 2018 Special Meeting

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*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 that she was audio recording the meeting tonight.

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

Anderson wanted to remind everyone that the Fall Festival is October 6<sup>th</sup>, with over two hundred vendors. There will be bands, music, and an orchestra.

Hickey then stated it is up to the Board how the paying off of the Deficit Legislation will be announced. He would like to get a certified amount from the State, but is unsure of when they will be able to get a certified number to him. He said he will handle the announcement any way the Board wishes for him to.

LaBrie noted that a month ago the increase in recycling costs was discussed, and noted stickers are available at the Transfer Station and Department of Public Works Office in Town Hall. She added that individuals are only required to pay the additional \$20 if they wish to recycle.

Kuchta noted that the Transfer Station only accepts checks as a form of payment to which Anderson commented the Town should look into getting a tool to accept payments made by cards. Hickey said he would look into it for Anderson.

**2. PUBLIC COMMENTS AND ANNOUNCEMENTS:**

There were no public comments this evening.

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

**4. APPOINTMENTS/RESIGNATIONS:**

4.1 Cultural Council Appointment – Linda Hofhaug- LaBrie noted that Ms. Hofhaug was also appointed to the Recreation Commission. Ms. Hofhaug came forward and introduced herself.

Anderson asked what Ms. Hofhaug's interest was in the Cultural Council to which Ms. Hofhaug replied her grandmother used to teach art at the Boston Museum and her son is a very good artist.

*Anderson moved to appoint Linda Hofhaug to the Cultural Council, seconded by Cyganiewicz. With a vote of all ayes the motion carried.*

4.2 Notice of Vacancies -Anderson read the notice of vacancies.

Hickey noted individuals can contact the Town Manager's Office if they are interested in filling any of the vacancies or apply online. Their interest will be brought before the Board at their next meeting.

**5. PERMIT/LICENSE APPLICATIONS:**

5.1. Road Race Permit for Nov. 3, 2018 – Harper Grace Scholarship- Amanda Lawler and Veronika Patty came forward to represent the application. Ms. Lawler noted that she lost a baby from birth complications and in turn set up the fundraiser to raise money to award scholarships to Murdock seniors going off to college in the Human Services field. This past year, two Murdock seniors received \$1,000 scholarships. It is Ms. Lawler's hope to raise enough funds to award an alumnus the scholarship as well and eventually to help with the surrounding area.

LaBrie gave her condolences to Ms. Lawler and noted that this was a wonderful way to turn something tragic into something beneficial.

Anderson noted that it was a noble way to raise funds for a great cause and asked if the event would be advertised. Ms. Lawler stated that a save the date has been floating around and as soon as approved the event will be open for registration and publicized.

Cyganiewicz thanked Ms. Lawler for all she does and will continue to do, and expressed his condolences. He appreciates making a negative a positive. On a bigger perspective Winchendon is becoming a community of recreation with lots of road races, and triathlons. He especially enjoys the events that give back to the community. He thanked Ms. Lawler.

*Cyganiewicz moved for the applicant, seconded by Anderson with a vote of all ayes.*

Ms. Patty asked if the \$50.00 application fee could be waived.



Cyganiewicz amended his motion; *Cyganiewicz moved for the applicant and to waive the \$50.00 application fee. Motion seconded by Anderson with a vote of all ayes.*

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

7. **NEW BUSINESS:**

7.1. Request by Resident to Waive Past Due Property Taxes on 75 Prospect St.- John Vaillancourt came forward to represent the request. He noted that his father passed away about a year ago and his house located at 75 Prospect Street has a significant amount of taxes owed and the property itself is very messy. Mr. Vaillancourt stated he has had dumpsters delivered to the home and has cleaned the outside of the property. There are still living animals inside the property and something needs to be done, but he is limited on cash and willing to work with the Town to get back on the tax roll if possible.

Hickey gave the Town's perspective on the situation. He stated that four or five weeks ago Mr. Vaillancourt came forward and showed interest in obtaining the property. Having not dealt with this in the past, Hickey was not opposed to Mr. Vaillancourt getting dumpsters on site to clean the house up, and in the meantime was speaking with the Tax Collector and Tax Title Legal Counsel to get more background on the property. There was no Will when the father passed away, and his understanding was there is a number of siblings that had a right to the property. To clarify things, the Town does not own the property; it is still owned in the title of the deceased Mr. Vaillancourt, and taxes have not been paid since 1993. Per Legal Counsel, if the Town has the ability to waive the property taxes there may be an opportunity for us to work with Mr. Vaillancourt. At this point, we do not own the property and legally, cannot do anything. After multiple conversations with Tax Title Legal Counsel, Mr. Vaillancourt was told that the only way to acquire the property was to pay the taxes owed. There has been at least one occasion where Mr. Vaillancourt was offered a payment plan by the Town to remove the property from Land Court. It is Hickey's understanding that Mr. Vaillancourt chose to not exercise that option.

Mr. Vaillancourt noted that a member of the Board has visited the property and gone inside. The property is full of mold, mildew, trash and animals. He believes it is a good opportunity for the town and is willing to give something back to the Town.

Hickey noted he understands and sympathizes with Mr. Vaillancourt and the abutters as it is a well maintained street and people have a great deal of pride in their properties. Yes the issues with the property could prove troublesome for the abutting property values, but as he suggested the Town does not own the property and is not responsible for it.

Mr. Vaillancourt asked who would be held liable if a child gets hurt as a result of the condition of the property.

Hickey replied he is not a lawyer, but the father would be held liable, or the heirs to the property. The Town is not responsible for the mess or infestation of wild animals. He believes that the Board may have some ability to, at some point, waive up to half of the interest owed on the property. Hickey wanted to make it known that State Law does not allow the Town to sell property to an immediate relative if they take ownership of the property through Land Court, therefore Mr. Vaillancourt would not be able to buy the property. At this point the Town is limited in their options. Additionally, as noted before, there are heirs who are entitled to the property. It must be determined if the heirs have any interest in the property, and for the Board to be able to do anything, the Town must take ownership of the property. If at all interested, Mr. Vaillancourt should at least entertain a conversation with Tax Title Legal Counsel and see what sort of payment plan could be worked out. In the past people have asked to be given a property and have taxes waived in lieu of repairs to be made to the property and the Town just legally does not get involved in that.

Mr. Vaillancourt said he would reach out to all of his siblings and get notarized letters submitted to the town. He is not afraid to get dirty and do the work. He is not willing to take more money out of his pocket to take care of the issues at hand seeing how no one else is willing to. He is not willing to move further unless he has something in writing; he does not feel he should have to pay the taxes.

Hickey noted that the Town can waive up to 50% of the interest with a down payment of 25% of the total property tax due. He is aware that the Tax Attorney is trying to reach out to the heirs; if the siblings could contact the tax attorney to help facilitate their interest or lack thereof to help at least make sure there are no other heirs that have a similar interest to Mr. Vaillancourt. It helps to move the process one step closer to some type of resolution. Mr. Vaillancourt replied, stating if the Town is willing to work with him, he will call the Town Attorney and ask how far back the heirs go and within a week all of the necessary letters can be brought in.

Anderson voiced concerns of the wildlife that might be in the home. As there are children residing in the neighborhood it could be hazardous. Hickey said he will check with the Health office and Animal Control; though the heirs to this property are ultimately responsible.

Hickey noted that if the Board wanted to do something for him and had the opportunity to do so they will, but are you (Mr. Vaillancourt) willing to pay the remaining interest after 50% is waived? Mr. Vaillancourt replied that he is only willing to pay \$25,000. Hickey then said he would call Town Counsel to find out what the best plan is going forward.

After further discussion it was decided that the Town would speak with Legal Counsel and put this topic on the agenda for the next meeting.

- 7.2. Request to Reestablish 4<sup>th</sup> of July Celebration- Dave LaDeau came forward and asked the Board to form a minimum of five member board together for the sole purpose of bringing back the Fourth of July Celebration to town. It is good for the town and will bring a lot of people to the area. He was considering holding the celebration at the Poland School, the Winchendon Furniture parking lot, or potentially the Clark Memorial YMCA.

Anderson asked if Mr. LaDeau has reached out to the Clark, as the 4th of July Celebration turned into the Summer Solstice event. Mr. LaDeau stated he is willing to talk to them.

LaBrie stated a formal declaration needs to be made to create the committee.

***Anderson moved to form a research committee to bring the 4<sup>th</sup> of July Celebration back to Winchendon, seconded by Cyganiewicz with a vote of all ayes.***

LaBrie stated that any who are interested in the committee can please submit letters of interest to the Town Manager's office.

***Anderson moved for a two minute recess, seconded by Cyganiewicz with a vote of all ayes the Board entered recess at 7:27PM.***

***The Board reconvened public session again at 7:33PM.***

- 7.2.1. Presentation and Review of Special Town Meeting Warrant- The Warrant Articles for the Special Fall Town Meeting are as follows:



ARTICLE	DESCRIPTION	COST	SOURCE
	<b>SPECIAL TOWN MEETING</b>		
1	Committee Report	N/A	N/A
2	Police Sally Port	\$147,000	Raise and Appropriate or Transfer From Available Funds
3	Transfer to Stabilization	\$100,000	Raise and Appropriate or Transfer From Available Funds
4	FY19 Budget - DPW Vehicle Maintenance	\$14,000	Raise and Appropriate or Transfer From Available Funds
5	FY19 Budget - Dam Inspections	\$4,000	Raise and Appropriate or Transfer From Available Funds
6	FY19 Budget - DPW Highway Personnel	\$11,756	Raise and Appropriate or Transfer From Available Funds
7	FY19 Budget – Fire Personnel – Houseman	\$22,255	Raise and Appropriate or Transfer From Available Funds
8	FY19 Budget – Facility Needs Study	\$75,000	Raise and Appropriate or Transfer From Available Funds
9	FY19 School Budget – Curriculum Director	\$45,000	Raise and Appropriate or Transfer From Available Funds
10	FY18 School Budget – Prior Year Bills	\$3,264	Raise and Appropriate or Transfer From Available Funds
11	Authorize the Use of Free Cash	\$422,275	Free Cash
12	Amend Debt Service Interest Expense and Unemployment Insurance	\$0	Budget Adjustment
13	Water Dept. Enterprise Budget	\$40,000	Retained Earnings
14	Water Dept. Enterprise Budget	\$54,913	Retained Earnings
15	Wastewater Dept. Enterprise Budget	\$4,734	Retained Earnings
16	Wastewater Dept. Enterprise Budget	\$72,467	Retained Earnings

LaBrie asked Hickey how he wanted to go through the Warrant Articles to which Hickey replied there are 16 total articles, 2 of which belong to the school. He requested that the Board address those two articles first so the school representatives didn't have to sit through the rest of the articles.

Hickey stated Article 9 is to see if the Town will vote to raise and appropriate or transfer from available funds the additional sum of \$45,000 to be added to the School Budget voted under Article 10 of the May 21, 2018 Annual Town Meeting, for a total appropriation for FY19 of \$13,424,062.10, or act in relation thereto. This Article would fund the wages for a Director of Curriculum position from January through June. The School Department would include this position in their FY20 budget request.

Joan Landers, Superintendent of Winchendon Public Schools came forward, along with Greg Vine, Chairman of the School Committee, to address the two Warrant Article requests from the School. Ms. Landers stated that she has been having ongoing conversations and meetings with several people associated with the School Department and consultants who worked with the School over the last ten years as well as a representative from the Department of Elementary and Secondary Education. Ultimately the School lacks a Director of Curriculum. The Director of Curriculum would seek grants, do grant oversight and ensure the grant funding received is aligned with a strategic plan of direction. Ms. Landers noted that Winchendon is very fortunate to have the staff they do in their school system; they all have given 100%. Reallocating of job responsibilities is in the works as a lot of people are doing "pieces" of jobs. She is looking to create a system to help enable the district to move forward.

Mr. Vine then stated the position has been lacking for too long, and should be brought to the district. It has been mentioned by the state more than once, even recently brought up at the Tri-Board meeting. He would rather see it happen sooner than later.

Anderson asked when the School expects to not go over their spending budget to which Hickey replied this appropriation would be a one-time thing. It would only put them perhaps an additional tenth of a percentage over their spending limit. Mr. Vine added that the School is committed to writing this position into their next Fiscal Budget.

Hickey then moved onto Article 10. Article 10 is to see if the Town will vote to transfer from Free Cash in the sum of \$3,264 for the payment of bills of Fiscal Year 2018 for the Winchendon Public Schools.

Ms. Landers noted that the sound system used for graduation went just before graduation and they had to rent a system. She has tried to figure out why the bill was not in the system, and discovered that a Purchase Order was not put in for the bill. The company was going to be doing work this fiscal year as well but this certain charge happened last fiscal year. The other invoices listed are for Waste Management as the school cleans out classrooms at the end of the year. Ms. Landers noted she tried getting the fee waived but with no luck.

Mr. Vine stated that hopefully the additional staff in the business office will help prevent errors as such.

Hickey then proceeded to review the additional 14 of the 16 proposed warrant articles, making all aware that the requests for funding will have no impact on the fall appropriation.

Chief Dave Walsh came forward to answer any questions regarding Warrant Article 2. Hickey noted that the initial proposed budget of \$690,610 would be enough for the project, but after receiving the low bid of \$838,000 it left us with a shortfall of \$147,000. Since then, the project has had modifications made to it; a reduction in the amount of storage, the width and height of the sally port, the removal of the forensic lab, and the removal of the holding cell.

Chief Walsh justified each of the adjustments made to the project, noting that various rooms that were removed can be put into the existing building, and the holding cell has not been needed in the past year or more. If in the future a holding cell is needed, the Police Department can reach out to the Greenfield House of Corrections.

Hickey stated that additional costs incurred by this project are intended to be covered by Free Cash, the Police Department, a 911 Grant and a Robinson-Broadhurst Foundation grant. The Town is lucky as the low bidder was willing to hold their bid amount until the Town received approval to move forward from the tax payers. The addition of the Sally Port is necessary as it concerns the safety of the residents, police officers and the prisoners.

After further discussion, Hickey continued review of the Warrant Articles.

Hickey noted that Article 8 is regarding the Fire Department's needs to hire an outside consultant to determine the current and future needs that would be addressed during a future expansion of the fire station. Chief Tom Smith came forward to further explain the needs of the Department. He stated that the current station is outgrown; there is only one locker room inside the bunkroom. It is a challenge during overnight on-call shifts when both male and female staff are on shift together.

Additionally, a tanker is taken out of commission each winter as there is no storage space for it; this is problematic as a fair amount of the community is outside of the hydrant region. Chief Smith stated he would like to have a full assessment done to make sure they know exactly what needs to be done.



The Board continued on discussing the justification of the Fire Department's needs to improve their facility and the remaining Warrant Articles.

7.2.2. Vote of Board to Finalize the Special Town Meeting Warrant- *Anderson moved to finalize the warrant for the Special Town Meeting to be held October 29, 2018. Motion seconded by Cyganiewicz with a vote of all ayes.*

7.2.3. Vote Recommendations of Special Town Meeting Warrant Articles-

*Motion to recommend Article 1 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 2 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 3 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 4 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 5 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 6 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 7 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 8 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 9 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 10 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 11 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 12 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 13 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 14 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 15 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

*Motion to recommend Article 16 made by Cyganiewicz and seconded by Anderson with a vote of all ayes.*

7.3. Vote to Invoke Rules of Necessity to Board Members to Sign School Warrants – LaBrie provided some background on the situation. She stated that a few years ago the Board had to get creative on payroll warrants as there are Town and School payroll warrants that need signatures from Board members. Two members of the Board at the time posed a conflict of interest in signing the warrants as one is an employee at the school and the other's immediate family member is an employee at the school. At the time, the Board had enough signatures to submit the warrant. In light of the recent changes to the Board,

they are now left with two of the four members being unable to sign due to conflict of interest. Hickey has contacted Legal Counsel to see how the Board should move forward with the matter. There is a “rule of necessity” that states the Board of Selectmen may involve the so called rule of necessity to deal with the matter until a new member is elected. It is not a conflict of law, rather created by the courts for times when the Board is legally required to act but cannot with the conflict of interest.

In LaBrie’s opinion, the Board may properly invoke the rule of necessity.

*LaBrie moved that the Board invoke the rule of necessity and allow members Audrey LaBrie and Mike Barbaro to participate in payroll warrants that contain compensation for themselves or immediate family members and such invocation continue until such time there is a quorum of members without such conflict of interest. Motion seconded by Anderson and by a vote of Anderson aye, Cyganiewicz aye and LaBrie abstained the motion carried.*

8. **OLD BUSINESS:** There was none this evening.

8. **TOWN MANAGER’S REPORT:**

1. **Financial Updates-**

- a. There are no financial updates this week.

2. **Personnel Updates-**

- a. Richard (Pez) Pezzolesi has resigned as Wastewater Chief Operator.
- b. Maurice (Red) LeBlanc will be retiring from Public Works on December 21<sup>st</sup>.

Cyganiewicz thanked both of the employees for their service to the Town.

3. **Project Updates-**

- a. The final paperwork for the landfill solar array was completed and returned to the Town on September 19<sup>th</sup>. The solar array should go on line during the week of September 24<sup>th</sup>.

The Department of Environmental Protection had to make a tweak, we are hopeful to have the array online in early October.

4. **Miscellaneous Updates**

- a. Discussion on the Mylec TIF is not on the September 27<sup>th</sup> agenda due to a conflict in Mr. Laperriere’s schedule. Mr. Laperriere was planning on attending the September 24<sup>th</sup> meeting and had made other plans for the 27<sup>th</sup>.

Laperriere will be present for next meeting in October.

Hickey also noted that Tracy Murphy has submitted an application for a Complete Streets Grant for sidewalk improvements. She would like to re-establish the key route on Grove Street which leads to vital town resources such as Toy Town Elementary School and the Winchendon Council on Aging. \$346,000 was requested; we will hear results back in a few months.

Hickey gave a shout out to Tracy Murphy and Nicole Roberts for the incredible work they have done with the Fall Festival coming up a week from Saturday. The Town has close to double the vendors for the event.

LaBrie also gave a shout out to the Winchendon Business Group for all of the work they have done for the Fall Festival.



Hickey then notified the Board that he has posted on Facebook and the Town website that he is having an informal meeting on October 1<sup>st</sup> for members of the public to come in and have conversations with him regarding any questions or concerns they may have.

10. **MINUTES:**

10.1 Monday, July 30, 2018 Regular Meeting-

*Cyganiewicz moved to approve the minutes of the Regular Meeting held on Monday, July 30, 2018. Motion seconded by Anderson. With a vote of all ayes the motion carried.*

10.2 Monday, Sept. 10, 2018 Regular Meeting-

*Anderson moved to approve the minutes of the Regular Meeting held on Monday September 10, 2018. Motion seconded by Cyganiewicz. With a vote of all ayes the motion carried.*

10.3 Thursday, Sept. 17, 2018 Special Meeting-

*Anderson moved to approve the minutes of the Special Meeting held on Thursday, September 17, 2018. Motion seconded by Cyganiewicz. With a vote of all ayes the motion carried.*

11. **COMMUNICATIONS:**

*LaBrie moved to set trick or treating hours for October 31<sup>st</sup> from 5:00PM to 7:00PM. Motion seconded by Anderson with a vote of all ayes.*

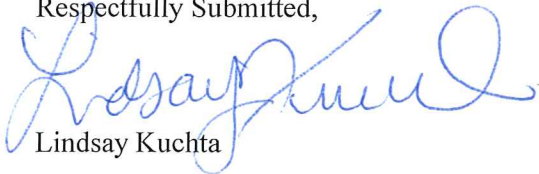
12. **AGENDA ITEMS:**

13. **EXECUTIVE SESSION:**

*LaBrie moved to enter into Emergency Executive Session under Exemption # 5 to Investigate Charges of Criminal Misconduct or to consider the Filing of Criminal Complaints; an open meeting may have a detrimental effect on the negotiating position of the public body and to reconvene into public session for the sole purpose of adjournment, LaBrie so declared, seconded by Anderson. By roll call vote Anderson aye, Cyganiewicz aye, and LaBrie aye the Board entered Executive Session 9:06PM*

14. **ADJOURNMENT:**

Respectfully Submitted,



Lindsay Kuchta