

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN MEETING MINUTES  
MONDAY, OCTOBER 7, 2019 6:30 P.M  
Town Hall, 2<sup>nd</sup> Floor Auditorium  
109 Front Street, Winchendon, Mass.**

Present:

Audrey LaBrie, Chairwoman  
Barbara Anderson, Vice Chairwoman  
Amy Salter  
Rick Ward

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

Absent:

Mike Barbaro

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List of Documents Presented at Meeting:

- Board of Selectmen License Renewal Lists for Period beginning January 1, 2020 (filed)
- Town Manager Letter Dated 9/17/19 “Notice to Quit- 8 Front Street” (attached)
- Presentation of Closure of the Former Mabardy Landfill at 580 River Street, LLC- (attached)
- Special Town Meeting Summary Sheet (filed)
- Town Manager’s Report (attached)
- Minutes
  - Regular Meeting Minutes, Monday, September 23, 2019

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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.

No one announced they were audio or video recording tonight’s meeting.

1. **SELECTMEN’S COMMENTS AND ANNOUNCEMENTS:** Ward reminded everyone that the annual Senior Wellness Day will be held at the Old Murdock Senior Center on October 23, 2019 from 9:00 a.m. to 12:00 p.m.; Representatives from various health organizations will be present. He noted if you are a senior, are going to be a senior, or know a senior, it is important to be present to get some helpful information.

Anderson thanked all who came out to the gazebo dedication for Burt Gould at Hyde Park. She also reminded everyone to please rinse out their recyclables before bringing them to the Transfer Station, and asked that those who utilize the station please dispose of their trash and recyclables in the proper receptacles.

- 1.1 Winchendon’s Fall Festival, Saturday, Oct. 12<sup>th</sup> from 10:00AM to 3:00PM- LaBrie noted her fingers were crossed that the weather behaves for the upcoming Fall Fest, and added there will be music, food, fun for kid’s and for everyone. Central Street will be closed off, and there will be lots of vendors; we are also still looking for volunteers for the pumpkin booth, if nothing else.

1.2 Trick or Treat in Winchendon, Thursday, Oct. 31st -5:30PM -7:30PM- LaBrie warned folks to watch out for goblins and ghosts out there; Trick or Treat will be held in town on October 31<sup>st</sup> from 5:30 p.m. to 7:30 p.m.

2. **PUBLIC COMMENTS AND ANNOUNCEMENTS:** Rick Lucier of Maple Street came forward seeking help from the Board or Town Manager's Office regarding the park at Ingleside. The park is now getting more usage and plenty of people are coming with their dogs. Two things; dogs should be leashed at all times, he noted he has seen some instances of dogs running free, because there are no visible signs stating dogs need to be leashed. Secondly, he asked if there were any signs posting the park's rules.

LaBrie asked if there was anything else that needed posting to which Mr. Lucier replied Town Council gave the Winchendon Community Park Committee a list of the things that need posting.

Hickey stated he will ask the Committee to have the signs laminated. He then noted there are openings on the committee, and if Mr. Lucier is concerned about how things are done, he can become a voting member.

LaBrie asked if there would be waste disposal to which Hickey replied if the dog signs are up, there will be some bags and a place for the bags to be disposed of.

LaBrie asked if there were any other public comments this evening, to which none were heard.

3. **PUBLIC HEARINGS:** There were no public hearings this evening.

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

5. **PERMIT/LICENSE APPLICATIONS:**

- 5.1. Board of Selectmen License Renewal List for the Period beginning January 1, 2020- Daigle noted she sorted a list provided for the Selectmen alphabetically by company, and also one sorted by license category for licenses seeking renewal for 2020. She asked if the Board had any questions.

Anderson asked as they move forward in the process, does somebody go out to the property to ensure they are complying with the bylaw and rules, to which Daigle replied yes, the Police Department goes to check Class I, II, and III books, and all license holders for posting requirements, as well as the Fire Department, Building Department, and the Board of Health, who conduct their associated inspections.

LaBrie reminded all license holders that the Town Manager's Office will be reaching out to all of the licensed businesses soon.

6. **BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENT:** There were no Boards, Commissions, Committees, or Department matters addressed this evening.

7. **NEW BUSINESS:**

- 7.1. Update on Mabardy Landfill Closure on River St. - Hickey introduced Bruce Haskill, who was present this evening as a representative for the Mabardy property regarding the landfill closure. Hickey continued, as the Board may be aware, Mr. Haskill has a presentation regarding the landfill closure plan, and previously has met with some Town Hall staff to discuss the issues that may arise with the

landfill closure. Hickey stated it would be worthwhile to have Mr. Haskill come forward to make the public and Board aware of what is happening and why.

Mr. Haskill came forward, and noted he worked for Langdon Environmental, LLC. He then proceeded to provide the Board and public with the overview and background, closure approach, and the strict controls under current regulatory standards. He noted that there is financial assurance for the completion of the cap and post through a bond with MassDEP. If the project fails, the Bond can be pulled by the State and the project will be completed through post closure obligation. Additionally, there are limits on the amount of trucks that pass through daily. Mr. Haskill continued, noting the closure will protect the water quality of the Miller's River and can be used as open space or even a solar array field. Throughout the project, the town will be paid \$0.50 per ton of materials brought in, adding up to approximately \$300,000 that can be utilized to the Town's discretion, for road maintenance or even third-party oversight. Any of the grading and shaping materials used for this project go through regulated site testing prior to their use to assure they are approved as safe use materials. The maximum amount of times a day trucks will be passing through is capped off at 40 trips per day. Mr. Haskill then asked if there were any questions.

Anderson commented that this seems to spark a lot of concern with residents in the area who have reached out to their State Representatives with concerns. When you say impacted soils, have they been tested for contaminants? Mr. Haskill replied yes.

Anderson then asked what would be done with the \$300,000 that the town would be receiving, to which Hickey replied it would be appropriated and would have to be ran through the Town Meeting process. If we know far enough in advance when the start and end will be for the project, and how much money the Town will receive, we can estimate the revenue and offset the appropriation in Free Cash and bring it to a Special Town Meeting to ask for the Free Cash to be used for whatever purpose we wish.

LaBrie then asked if payments would be lump sum or ongoing to which Mr. Haskill replied he would assume ongoing.

Ward asked how long the project should take, to which Mr. Haskill replied the project will take about three years total, two for the filling process, and one year to cap the landfill, considering all of the proper materials are available during that timeline.

Salter asked who pays for post closure maintenance and monitoring to which Mr. Haskill replied the owner is responsible. The DEP also has a post closure financial cash assurance that will hold funds in the case that they need to come and complete the work.

LaBrie asked if there was anything further, to which no questions or comments were heard.

7.2. Discussion on the Timeframe to allow Commercial Tenants to Remain at Recently Tax Deeded 8 Front Street- Hickey stated as the Board is aware, the property located at 8 Front Street is a former warehouse manufacturing facility that hasn't been in full operation for many years. The Town learned upon taking ownership of the building, that there are four small businesses operating out of there. Building Commissioner Geoff Newton and Hickey both went and spoke with three of the four business owners. It is understood that they have been in the building for some time and have been paying rent to the former property owner as well as paying for the electricity in the building. First and foremost, Town Counsel, KP Law recommended we provide each of the business owners with a notice to quit on September 17<sup>th</sup>, giving them a certain amount of time to remove all of their belongings out of the building. It is Hickey's understanding that the Board has to approve the

notice to quit. It is the tenants desire to remain in the warehouse until next spring. KP law has provided Hickey with a copy of the agreement if the Board wishes to allow them to stay until the spring. Legal counsel recommends we do not charge rent and have each business owner sign a Hold Harmless agreement. The building does not have running water, bathrooms, or a fire suppression system. The waiver would remove the Town from any responsibility. The health officer would also like to see two port-a-potties placed at the property. Hickey continued, stating he is seeking the Board's consideration to allow the business owners to stay if they sign the waiver. It was also recommended by legal counsel to not charge the business owner to avoid further complicating the situation.

About 75% of the building is taken up by a pallet company, which is owned by the one gentleman who, thus far, has not communicated with the Town at all. If he fails to sign the hold harmless waiver, he will be evicted as soon as possible.

Salter stated that first off, the Town is not in the business of being landlords. She feels bad, and cannot get over the fact that there is no water at the property. With that said, would we let anyone else rent that property out with no water? Additionally, the building is at least 100 years old, to which Ward replied the property was built in 1850. Salter continued, respectfully to Town Counsel, the hold harmless only covers so much, even if they sign off on the hold harmless, they will still sue the Town.

Hickey noted he agrees with all of that. If the Board is looking to make a decision not based on emotion, the businesses should be out by November 21<sup>st</sup>. The decision is up to the Board.

LaBrie stated she feels bad for the business owners, but she believes the situation is putting the Town at too great of a risk; she would like to keep the notice to quit as is, with a date of November 21<sup>st</sup>. If the deadline is upon us and one of the business owners approaches the Town in need of an extension, she would not be opposed to granting an extension as long as progress has been made.

Anderson noted they must have some sort of heating elements in there, the building is one where fires cannot be put out. Hickey replied that as he walked through the building, he did not see any heating elements. Anderson and LaBrie both agreed that the thought of them heating the space with space heaters in the winter is scary.

After further discussion a motion was made.

***Anderson moved the Board approve the terms of the Notice to Quit presented this evening by November 21st, seconded by Salter with a vote of all aye.***

7.3. Special Town Meeting Motions- Noted below is each Warrant Article being brought to the floor at Town Meeting, and the corresponding Board member who will be presenting it.

7.3.1. Assignment of Town Meeting Warrant Articles to be presented by Board Members on October 28, 2019-

***Article 1 to be presented by the Finance Committee.***

***Article 2: Establish Revolving Fund Annual Spending Limits- To be presented by Anderson, LaBrie will recuse herself.***

*Article 3: Replace Water and Sewer Lines on Central Street- To be presented by LaBrie.*

*Article 4: Raise funds for architectural, design and development of construction documents for the Fire Station Renovation Project- To be presented by Anderson.*

*Article 5: Raise funds for Owners Project Manager for the Fire Station Renovation Project- To be presented by Ward.*

*Article 6: Raise the Town's share of the Robbins Road Small Bridge Replacement Project- To be presented by Barbaro.*

*Article 7: Raise the Town's share of the Central Street Reconstruction project- To be presented by LaBrie.*

*Article 8: FY20 Budget- Department of Public Works Highway and Material Account- To be presented by Ward.*

*Article 9: Raise the Town's share of the Police Department Boiler Replacement Project- To be presented by Barbaro.*

*Article 10 to be presented by the School.*

*Article 11: Raise Funds for the Engineering Costs to Determine Necessary Repairs to the Old Murdock Senior Center- To be presented by Ward.*

*Article 12: Amend FY20 Wastewater Budget- To be presented by Anderson.*

*Article 13: Authorize the Board of Selectmen to convey property located on Oak Street- To be presented by Ward.*

*Article 14: Authorize the Board of Selectmen to acquire by gift a certain parcel of land on Maple Street adjacent to the Winchendon Community Park- To be presented by LaBrie.*

*Article 15: Consider Adopting Massachusetts General Laws Chapter 41, Section 110A- To be presented by Anderson.*

*Article 16: Rescind Previous Debt Approvals- To be presented by Barbaro.*

*Articles 17 through 20 will be presented by the Planning Board.*

8. **OLD BUSINESS:** There was no old business discussed this evening.

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

9.1 Financial Updates; Personnel Updates; Project Updates; Miscellaneous Updates

1. Financial Updates-

a. The Tax Collector will be holding an auction at the Winchendon Town Hall on October 23<sup>rd</sup> on the following properties:

PROPERTY ADDRESS	MAP/LOT	LOT SIZE - ACRE	REQUIRED DEPOSIT	ASSESSED VALUE	OUTSTANDING TAXES	TAX POSSESSION DATE	PROPERTY INFO & DESCRIPTION (example: 2 family, vacant lot, single family)
33 Morse Avenue	5B2-51	0.25		\$114,000	31,699.43	5/21/2018	property card states 2 family operated as single family
Morse Avenue	5B2-50	0.11		\$4,500	625.20	5/21/2018	vacant lot w/house above
25 Nash Road	4-48	0.87		\$95,000	11,762.72	8/7/2019	single family
122 Hale St	8A1-24	.79		\$127,800	14,186.50	9/27/2018	single family
20 Mechanic St	5B2-77	0.21		\$172,600	31,593.09	4/2/2019	2 family

Anyone who is interested in obtaining more information on any of the properties should contact the Tax Collector's Office at (978) 297-0152.

- b. The FY19 Balance Sheet has been submitted to DOR for review and Free Cash certification.

Hickey added we could know the amount as early as tomorrow.

- c. The FY20 Fall Town Meeting warrant will be presented to the Finance Committee for their consideration on Wednesday, October 9<sup>th</sup>.
- d. I have taped a tv show that will be airing this week through Town Meeting to provide additional background on all of the articles on the Fall Town Meeting warrant. Chief Smith will be taping a show on Tuesday about the Fire Station proposal until Town Meeting.

Anderson noted she would like to have the Blue Devil Weekly videos put on Channel 8. LaBrie added that there is a class who makes the videos and uses their own editing equipment. If the show gets 100 likes on YouTube, the class can request their own short URL.

**2. Personnel Updates-**

- a. There are no personnel updates this week.

**3. Project Updates-**

- a. The EPA has begun work to remove the former Diehl building. An excavator is on site now and demolition will begin shortly. The EPA received the court order they need to demolish the former Alaska Freezer building on October 2<sup>nd</sup>. Demolition will commence on that property after the Diehl demolition is complete. Work will continue until complete or it becomes too cold. I would like to thank MassDEP and the EPA for their assistance and funding this project. The EPA estimates the cost of this project to be \$2 million. Once the former Diehl building is down I would suggest the Town pursue a brownfield grant to assist with the cleanup of the land. If the Town is tax deeded the former Alaska Freezer property I would recommend following the same path to prepare the properties for future redevelopment.

Hickey added that last Wednesday, he received a letter approving the work for the Alaska Freezer building. It will be a few months before the project is finished. He also took the opportunity to thank the EPA and MassDEP as they have assisted the Town in taking care of this project.

Anderson then made the Board aware that she has been receiving a lot of calls from residents who are concerned about the demolition of the historic building. The history will be gone once the building is taken down. Hickey replied, noting he has asked that the large beams be saved from inside the building, but the downside is the cost to decontaminate them as they have been inside the building soaking up the asbestos. In the end, the cost to remove the asbestos outweighs the need for saving the beams.

**4. Miscellaneous Updates –**

- a. The Town Manager's Office recently received a complaint about a door to door salesman soliciting residents to move to a different electric supplier instead of National Grid or Town's Community Choice Power Supplier Dynegy Energy Services. This individual's name is Jared and does not have a solicitation permit from the town. He has been told he needs one but doesn't seem interested in obtaining the necessary permit. If he comes to your door please excuse yourself and call Winchendon Police Dispatch at (978) 297-1212.

Hickey added that he is waiting to hear back on a timeline for the repairs to be done at the Senior Center. We will hear back once proposals are reviewed we will get a better idea of the time frame.

Governor Baker has submitted legislation to modify the education finance bill, which to Hickey's understanding, would fund all transportation costs for out of district special education students. If this were to pass, there would be some sort of reduction in the transportation for SPED. It makes things easier, in this particular situation the Town has spoken with Senator Gobi and Representative Jon Zlotnik.

LaBrie asked if there were any further questions to which none were heard.

**10. MINUTES:**

10.1 Monday, September 23, 2019 Regular Meeting-

*Anderson moved to approve the minutes of Monday, September 23, 2019 as presented, seconded by Ward with a vote of all aye.*

**11. COMMUNICATIONS:** There were no communications this evening.

**12. AGENDA ITEMS:** The Board's next meeting is tentatively set for October 24<sup>th</sup> if there is anything to address. It was then asked who could be present for a short meeting prior to Town Meeting to which all replied they could meet for 6:15 at Murdock Middle High School for a meeting.

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

**14. ADJOURNMENT:**

*Anderson moved to adjourn, seconded by Ward with a vote of all aye the meeting was adjourned at 7:41 p.m.*

Respectfully Submitted,



Lindsay Kuchta  
Administrative Assistant