

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MEETING
MONDAY, JUNE 1, 2020 6:30 P.M.**

**-- Conducted by Remote Meeting --
Zoom Meeting ID:958 2378 7615**

Present:

Audrey LaBrie, Chairwoman
Barbara Anderson, Vice-Chairman
Amy Salter
Rick Ward
Michael Barbaro

Keith R. Hickey, Town Manager
Linda Daigle, Executive Assistant
Taylor Tower, Admin. Assistant

List of Documents Presented at Meeting:

- Introduction to Remote Meeting (attached)
- Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 (attached)
- Annual Town Election Warrant (attached)
- Letter to Abutters re: Hill Street Pole Petition (filed)
- DPW Director Letter to Board re: Hill Street Pole Petition (filed)
- Legal Notice of Public Hearing – CDBG-CV Grant Application (filed)
 - Memo from Tracy Murphy, Director of Development re: Details of Grant (filed)
- Application for Graduation Celebration Vehicle Parade (filed)
- Bylaws of the Town of Winchendon – Water Use Restriction (attached)
- Memo from Keith Hickey re: Landfill Closure Agreement (attached)
 - Draft Landfill Closure Agreement (attached)
- Memo from Keith Hickey re: Temporary FY21 Budget (attached)
- An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From Covid-19 (attached)
- FY'21 Proposed 1/12 Budget for the Months July – September 2020 (attached)
- Report of the Town Manager (attached)
- Minutes approved:
 - Monday, May 11, 2020 Regular Meeting

Due to Governor Bakers recent Executive Order and state of emergency declaration with the outbreak of the Coronavirus (COVID-19), this meeting was conducted remotely through Zoom Meeting. The public was notified how to join the meeting through instructions noted on the agenda.

Chairwoman, Audrey LaBrie, called the meeting to order at 6:30PM.

LaBrie confirmed members present and persons anticipating to speak by calling their name and asking for a response in the affirmative: Ward, yes; Salter, yes; Barbaro, yes; and Audrey LaBrie, yes. Staff members present and responding in the affirmative were Keith Hickey, Town Manager, Linda Daigle, Executive Assistant, Taylor Tower, Administrative Assistant, Joanne Goguen, Town Accountant and Tracy Murphy, Director of Planning & Development.

LaBrie asked each speaker this evening to please state their name before each presentation, comment or question and that all votes would be taken by roll call.

LaBrie read the “Introduction for Remotely Conducted Open Meetings” which noted Governor Baker’s recent Executive order of March 12, 2020 and outlined the guidelines and ground rules for the meeting this evening.

LaBrie advised all participants that the meeting was being recorded and cautioned screen sharing. When asked if anyone besides the Town was video or audio recording the meeting, there was no response.

1. SELECTMEN’S COMMENTS AND ANNOUNCEMENTS:

Library Trustee Vacancy – Ward informed the public that there will be a vacancy on the Board of Library Trustees. He has been a member for many years and has thoroughly enjoyed his experience. He encouraged those who may be interested in working in a historic building with a dynamic library director and great staff to apply. They are seeking a candidate who is eager to brainstorm ideas to benefit the community. The Board meets once monthly. Those interested in the position will need to simply write a letter of interest to the Town Manager’s Office.

Transfer Station Extended Hours - Ward announced that the Transfer Station has extended their hours effective June 1st and ending October 1st. They will be open Thursday from 8:00 a.m. to 7:00 p.m. and Friday and Saturday from 8:00 a.m. to 4:00 p.m.

Graduating Seniors - Barbaro wished to congratulate the graduating seniors at Murdock and Monty Tech. It has been a trying year with many disappointments due to the loss of traditional moments such as prom and a graduation ceremony. He is heartbroken for those seniors but hopes they understand that these steps are essential for their safety and that they will have their time to celebrate and congregate.

Conservation Commission Vacancy - LaBrie said that the Conservation Commission is seeking additional members. Important hearings have been forced to be postponed due to a lack of quorum. She asked that anyone interested please reach out to learn more and send a letter of interest to the Town Manager’s Office. It is a five-member board and important projects cannot be completed if they cannot reach a quorum.

1.1. Annual Town Election - LaBrie announced that Annual Town Elections will be held Monday, June 15th from 8:00 a.m. to 8:00 p.m. at the Old Murdock Senior Center, 52 Murdock Avenue. The following offices are seeking to be filled:

- One Member of the Board of Selectmen for three years
- Two Members of the School Committee for three years
- One Member of the School Committee for two years
- Two Members of the Board of Health for three years

She asked that anyone who may be interested reach out to the Town Clerk or the Town Manager’s Office with questions. Early ballots are available and each vote is essential. Ward advised that of the two members that are known to be campaigning for the School Committee, only one name is on the ballot. The Board of Health also has only one name on the ballot. He said that any person wishing to run that is not on the ballot just needs to gather support and campaign as a write-in candidate.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS: None were heard.

3. PUBLIC HEARINGS:

3.1. National Grid Pole Petition #28720347 – Hill Street - National Grid is seeking approval to install one Single-Owned pole on Hill Street so primary can be brought from pole 8 to pole 7-50 and continue down the road. Mr. Diego Villarreal, representing National Grid, was present through Zoom Meeting. LaBrie read the public hearing notice into record.

Selectwoman Anderson joined the meeting at 6:44 p.m.

Babaro moved to open the Pole Petition Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye, and LaBrie, aye the motion carried unanimously.

LaBrie asked Mr. Hickey if this was a straightforward application, to which he answered yes. She noted the Public Works Director, Al Gallant, has reviewed the application and has no reservation with the application.

There were no questions or comments from the public.

Barbaro moved to close the Pole Petition Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

Ward moved to approve the Pole Petition for one Single Owned pole on Hill Street as presented this evening, seconded by Barbaro. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

A second vote was taken to have the Town Manager execute all documents pertaining to this matter. Barbaro moved to authorize Mr. Hickey to execute all documents pertaining to this matter, seconded by Anderson. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

- 3.2. Community Development Block Grant COVID19, CDBG-CV – LaBrie read the public hearing notice into the record.

Barbaro moved to open the CDBG Covid-19 CDBG-CV Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

Director of Development, Tracy Murphy, was present to speak about a new CDBG opportunity for small businesses and public social services. This grant opportunity can award grants up to \$400,000 per community. The Department of Housing and Community Development is administering this grant and has recommended that communities apply as a region rather than individual communities.

Murphy informed the Board that after speaking with the grant administrator and surrounding communities, a joint application was created. Due to the scale of impact, the grant administrators would prefer to see communities apply as a region; as such, Athol has taken the lead and is submitting the grant application. The due date for this application is June 5th and the Community Development and Planning Department is still working on the budgeting and compiling information. The grant administrators hope to announce the award date in July. Murphy hopes to have a contract in place so applications can be submitted in August. She outlined the criteria, which includes Microenterprise and Public Social Services. Microenterprise is defined as a business with five employees or less, one of which is the owner, who has to qualify as low-to-moderate income. The income and number of employees is to be calculated at the time of application, post COVID-19 impact on the business. Each business is eligible for up to \$10,000 in assistance. The proposal includes the outside administration service that will administer this, and Murphy stated that her department is in negotiations with a company that already has a system in place. At the time of the meeting, only nine businesses had completed the survey. Murphy urged all Winchendon business owners to complete the survey; she knows the need is here within the community but she needs to substantiate the need. Nicole Roberts, Land Use Coordinator, had called and interviewed twenty-two businesses.

Murphy detailed the Social Services eligible programs, which includes Haven of Hope – their numbers have tripled during this pandemic. Murphy and her team have been working with their organization to show numbers from July 1st to December 30th and then from January to June 30th.

Barbaro expressed that there is a high volume of self-employed people within Winchendon and they are feeling very real effects of the virus and being out of work. He said that they may not be aware that this service is available. He asked if it is available on the website, to which Murphy replied it is posted on the website, Facebook and Cable 8 channel. Barbaro asked if letters could be mailed out; this information should be accessible to all. Murphy answered that her department would mail letters out the following day, in addition to the cold calls already done by Roberts and Murphy. Ward encouraged all those listening to tell friends and anyone they know that owns a business. Word of mouth will be extremely helpful in soliciting more attention from businesses. LaBrie said that she saw the post from the Town of Winchendon Facebook page and she shared it with the “Winchendon Residents” group where it garnered some attention. She hopes it will gain sufficient traffic.

LaBrie opened the topic up to public comment; none were heard.

Barbaro moved to close the CDBG Covid-19 CDBG-CV Public Hearing, seconded by Ward. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

Barbaro moved to support the CDBG application presented this evening and authorize the Town Manager to sign any related paperwork, seconded by Anderson. With a roll call vote of Ward, aye, Salter, aye, Barbaro, aye, Anderson, aye and LaBrie, aye, the motion carried unanimously.

The Board thanked Murphy for her efforts.

4. APPOINTMENTS/RESIGNATIONS: There were none scheduled.

5. PERMIT/LICENSE APPLICATIONS:

5.1. Parade Permit for June 7, 2020 Celebrating MMHS Graduating Class of 2020 – The School Department is requesting a parade permit for June 7, 2020 to celebrate the MMHS graduating class of 2020. Students will line up on Central Street at a social-distancing appropriate distance of six feet while vehicles drive down Central Street. Chief Walsh has approved the application and will close the street for the parade which begins at 2:00 p.m. with an estimated time of ending to be 3:30 p.m. Barbaro was glad to see something being done for the graduating seniors and he hopes this brings sunshine to their year.

Barbaro moved to approve the MMHS Class of 2020 Graduation Celebration Parade for June 7, 2020 from 2:00 p.m. to 3:30 p.m., seconded by Ward. With a roll call vote of Ward, aye, Anderson aye, Salter, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

LaBrie said this parade will be a great thing.

6. BOARDS/COMMISSIONS/COMMITTEES/DEPARTMENT: Not applicable this evening.

7. NEW BUSINESS:

7.1. Discussion on Town of Winchendon’s Water Ban – The Town of Winchendon is currently under an Odd/Even Day Outdoor Watering Restriction in accordance with Section 20.5 of the Town Bylaws. Anderson had a couple of questions, the first of which was to seek clarity on the odd/even conservation status. When she had first seen the Facebook post from the Town of Winchendon, it had incorrect information about the days of the week. Daigle clarified that it was incorrectly posted but almost immediately rectified, and she apologized for the misinformation. In addition, Anderson reminded the Board that the hours allowed water use needs to coincide with the Town of Ashburnham, as the municipal water is sourced from there. Her biggest concern is that the hours of operation is too restrictive to families with young children that are forced to stay at home. With public beaches and pools being closed, options for young children to play in the water and cool off are limited. Anderson thought it to be unfair that children could not simply run through the sprinklers during the daytime.

LaBrie noted that the water conservation status is a bylaw of the Town and that to change it, it would have to be presented and voted on at Town Meeting, despite the Board's authority as Water Commissioners. With Town Meeting being postponed indefinitely, this law cannot be changed in the meantime. Salter asked for clarity as to the definition of "outdoor watering". Her interpretation is that it included sprinklers for the sole purpose of watering the lawn. Anderson recalled this topic being discussed at past meetings and said she believes the definition entails any sprinkler use and washing cars, although she believes watering a garden is an exempt use. Salter asked if this specific definition was included in the bylaw, Hickey answered no and that to Ms. Salter's point, the intent of the water conservation status is not to negatively impact families and kids playing in sprinklers. He understands the concern and feels that due to the currently safe water level and kids being home with little other options for entertainment, it would not be harmful to allow. However, if there was to be a drought next year, it would be harmful. It was Hickey's opinion that there should not be a problem with children playing in the sprinklers. He reminded the Board that due to the water being sourced from Ashburnham, Winchendon must comply with their rules and regulations. There is a balance with regard to water usage and what is allowed to be used. LaBrie clarified that the bylaw cannot be changed at this point and advised water customers to exercise prudence. Anderson was concerned about attempting to anticipate a problem and that a neighbor without good intentions could call the police on families washing their car with their kids or playing in the sprinklers. Since the bylaw cannot legally be changed at this point, LaBrie said there is no way the Board can offer any guidance. Anderson wondered why the Board did not have to approve this water conservation status, as she recalls having to approve it in the past. Daigle said she will investigate and report back to the Board. LaBrie asked if their authority as Water Commissioners granted them the power to decline putting the water conservation status in place. Hickey said the Water Commissioners can set the policy for water and wastewater usage, and that the bylaw can provide guidance to the Board and the public on how and when water is used; however, the water conservation status is mandated by the Massachusetts Department of Environmental Protection. There is not much flexibility afforded to the Town on this matter. He understands the challenges of young families currently lacking access to beaches, lakes and pools, and said he will speak to the Public Works Director to see if there is any assistance the Town can offer. Ward noted that while the Town of Winchendon is not currently in drought conditions, we are already down two inches of rain compared to past seasonal precipitation. Areas in southern New Hampshire are already experiencing drought conditions and it is not improbable that the Town could face a drought this summer.

7.2. Consideration of Landfill Closure Agreement Between the Town of Winchendon and 580 River Street LLC

The Selectmen were presented with a memorandum from the Town Manager along with the proposed agreement between the Town and 580 River Street. To refresh the Board, Hickey said that the Town was approached late summer last year by the Mabardy group to negotiate an agreement with the Town of Winchendon regarding the impact on Town resources and assets while the Mabardy's close their landfill. The closure of this landfill is being mandated by the Massachusetts Department of Environmental Protection, and the closure must comply with their regulations in full. Hickey had access to earlier guidelines approved by the Town that allowed for a certain number of trips per day. He examined the agreement and the requirements placed by the state and used said information to negotiate a landfill closure agreement between both parties. As part of their mandated landfill closure, Mass. DEP is also requiring the Mabardy group to bring all fill necessary over a two year agreement that begins when the agreement is authorized by all parties. The shape of the landfill must be consistent with engineer plans approved by DEP. After the two year period allocated to bring in all fill, the Mabardy group will have one year to shape the landfill and place the required 2-3" covering over the landfill. These plans were designed and approved by DEP to close the landfill permanently. With these stipulations in mind, Mabardy has estimated 350 tons of fill to be brought to their site daily; which necessitates 64 vehicle trips per day with the definition as a "trip" to mean a round trip to and from the facility. Mabardy had indicated that due to weather conditions and the availability of fill and drivers, these trips will not happen every business day. The hours of operation is limited to 7:30 a.m. to 4:30 p.m. Monday through Friday. Mass. DEP representative Jim McQuaid has stipulated that the type of fill is important, and that every vehicle loaded up with fill will be tested by the company selling the fill and then tested again by a Town representative upon arriving to jobsite. This fill is required to meet all DEP requirements for allowable fill regarding a landfill. If the fill is not acceptable per these guidelines, it will be rejected and will not be allowed to come to Winchendon. A Town representative will be onsite periodically throughout the length of the project to ensure compliance with the executed agreement. While there will

obviously be an impact on River Street and the condition of the road, Hickey held many conversations with the Mabardy group and with neighbors on a plan to best address this issue. A requirement of the agreement is that Mabardy will hire Tighe and Bond to conduct an assessment of the current conditions of the road. Mabardy will be required to return the road to the current standard and if that includes doing an overlay, that will happen. Mabardy is required to pay to the Town of Winchendon one dollar per ton of fill hauled to their jobsite for the impact of the roadway and assets. An estimated amount of \$350,000 will be paid to the Town of Winchendon to use as needed. Hickey would like to see that money used three to four years from now to completely reconstruct the road upon completion of the closure of the landfill. This decision will come before the Board and the voters. Hickey expressed his appreciation to the Mabardy group for their willingness to meet with neighbors to address the additional road traffic. Overall, neighbors are not thrilled about the work but are mostly understanding that it is being mandated by the DEP. Many concerns were expressed regarding the speed of motorists down this road; in response, additional police presence has been dispatched. The Mabardy's are meeting and complying with all state requirements. Town Counsel reviewed the agreement and their comments are incorporated within. LaBrie asked if the agreement included a requirement as to the amount of time allowed to restore the road to its previous condition upon the closure of the landfill. After some discussion, it was agreed upon that one year is a fair timeline to all parties and it will be included in the agreement. Mabardy mentioned they have an additional incentive to complete the roadwork in the form of a \$300,000 bond. LaBrie asked which entrances will be used, to which Mabardy answered they will only be using the main entrance at the corner. Barbaro expressed concern for additional impact to other roads in Town. He would like to see the trucks approach River Street from Templeton, utilizing route 202. He informed Mabardy that a major construction project will be taking place on Central Street. Mabardy expressed that his company has been in business and using Town roads since 1972 and this traffic will be nothing new. The route the drivers take depend on from where the fill is being sourced. Barbaro asked the average weight of a truckload, to which Mabardy answered 80,000 pounds. Barbaro was concerned about that weight travelling downtown. Salter responded to Barbaro and said that it is a public road and the Board has no right to limit passage to certain people. Mabardy noted that if there is a construction project, his staff is happy to take another route.

Barbaro moved to approve the Landfill Closure Agreement between the Town of Winchendon and 580 River Street, LLC as amended this evening and to allow the Town Manager to execute any documents; seconded by Anderson.

Hickey asked if with regards to the time restriction on repairing the roadway, the Board would like a stipulation included in addition to the \$300,000 bond that Mabardy holds. LaBrie said yes and that she would refer to Hickey and Gallant to decide on a reasonable time frame. Mabardy had no issue and proposed a year. This was amenable to Hickey and the Board and will be included within the agreement.

LaBrie addressed the motion on the table. With a roll call vote of Ward, aye, Anderson aye, Salter, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

Mabardy thanked the Board and Mr. Hickey for their time. LaBrie stated that she was on the Finance Committee when the Town had to close their landfill and she is aware what a project it is.

- 7.3. Proposed FY21 Monthly Budget for July-September –Hickey addressed the Board and said that the state has provided legislation to allow communities to seek approval for temporary funding on a month-to-month basis. He has worked with Department Heads to compile a budget for the months of July, August and September. The 1/12 budget is based on the approved budget for FY'20 and allows for exemptions on one-time purchases such as health insurance and property liability insurance. A detailed budget was provided with all the line items normally presented at Town Meeting. The Department of Revenue is only requiring a bottom-line amount. Hickey offered the Board the option of approving all three months of the budget or just July. The General Fund, Transfer Station, Enterprise and Water and Sewer budgets were presented; the School budget will be presented on Monday, June 8th. Barbaro thanked Joanne Goguen for her thorough work on presenting a detailed list of what will be funded in

the coming months. He noted that the Town is cutting back whatever it can, and minimizing costs is the first step. Ward asked if the monthly budgets reflect Town-Meeting approved pay raises; Hickey answered that it will include any bargaining unit's prior approved contractual raises. Department Heads are forgoing their raises. Anderson stated that she appreciates all of Joanne's hard work and that it would be unnecessary to make her present a budget to the Board every month. Salter agreed and expressed the Board should approve three months of the budget until numbers are available from the state.

Barbaro moved to accept the Town Manager's proposal for the Town 1/12th budget for next three months, seconded by Ward. With a roll call vote of Ward, aye, Anderson aye, Salter, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.

8. **OLD BUSINESS:** None were scheduled.

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

1. **Financial Updates-**

a. Treasurer Donna Spellman was notified by the Town's health insurance provider, MIIA, that they are providing a premium holiday to all of their members. Members will be charged 50% of the normal monthly health insurance premium. In addition, the July monthly premium will be reduced by 60%. This announcement by MIIA will save the Town a total of \$65,000. The MIIA Health Trust Board of Directors voted to release \$25 million of its reserves to provide this premium relief.

2. **Personnel Updates-**

a. There are no personnel updates this week.

3. **Project Updates-**

a. No project updates this week.

4. **Miscellaneous Updates –**

a. I spoke to the representative from the EPA about the anticipated start date for the Lincoln Ave. Extension remediation project. I was told the EPA Regional Administrator anticipates authorizing the start of work during the week of June 1st. Work is expected to begin shortly after that.

b. Tracy Murphy and her staff have found a new CDBG opportunity for small businesses and public social services. This grant opportunity can award grants up to \$400,000 per community. The Dept. of Housing and Community Development is administering this grant and has recommended communities apply as a region rather than individual communities. Winchendon has teamed with Athol, Phillipston and Templeton for grant submission. The due date for grant submission is June 5th with awards being made in July. Below is an outline of the grant perimeters.

Eligible Programs include – Microenterprise Assistance & Public Social Services.

Microenterprise

Microenterprise is defined as a business with 5 employees or less, one of which is the owner. The owner (S) must income qualify at <80% LMI. Income and number of employees to be calculated at the time of application not pre-COVID, opening up to more. Each business is eligible for up to \$10,000 in assistance. Planning and Development have proactively reached out to numerous businesses and determined that there is a need. We (CDBG Consultant, Athol &

Winchendon) reached out to New Vue Communities to administer the business assistance program. Info on them can be found at: <https://newvuecommunities.org/>

Public Social Services

This portion of the grant focuses on supplementing the programs offered by the CAC, most specifically food insecurity and homelessness. We are currently gathering data and performing an analysis on how best to accomplish this.

Hickey announced he received today the grant awards from the Robinson-Broadhurst Foundation totaling \$568,000 funding a good portion of the requests made. They are doing something different this year allowing for a round of second applications to assist with COVID-19. These grant applications are due August 31st and awards will be made the end of September. The Town will apply for additional grant funds relating to COVID-19 that will not be supplied by state or FEMA grants.

LaBrie asked if the Brandywine group had paid their back taxes; Hickey indicated that they are not up to date. He had checked two to three weeks ago and they had a \$25,000 payment due May 1st that was not made. Town Counsel has been directed to speak with the Brandywine legal team to find the status and report back to Hickey on a schedule for payment. Hickey said he would check tomorrow and that due to land courts being closed, he is not able to pursue it further.

LaBrie also wished to follow up on an animal neglect case and inquired as to the status. Hickey said it was addressed last fall and he was notified recently that they were bringing more items back to the site, not including animals. The Health Officer and the Building Commissioner met with the land owners to ensure they are complying with all current zoning laws.

10. **MINUTES:**

10.1 Monday, May 11, 2020 Regular Meeting – **Barbaro moved to approve the minutes as presented this evening, seconded by Anderson. With a roll call vote of Ward, aye, Anderson aye, Salter, aye, Barbaro, aye, and LaBrie, aye, the motion carried unanimously.**

11. **COMMUNICATIONS:** There were none heard.

12. **AGENDA ITEMS:** LaBrie noted the Board meets next Monday on June 8th and then again on June 22nd.

13. **EXECUTIVE SESSION:** **Barbaro moved to enter into Executive Session under Exemption #6 to consider the purchase, exchange, lease or value of real estate, if the Chair so declares and to reconvene into public session for the sole purpose of adjournment. LaBrie so declared. The motion was seconded by Anderson. By roll call vote of Anderson aye, Barbaro aye, Salter aye, Ward aye and LaBrie aye, the Board entered executive session at 8:10 p.m.**

14. **ADJOURNMENT**

Regular session concluded at 8:10 p.m.

Respectfully submitted,



Taylor Tower
Administrative Assistant