

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, August 31, 2015
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present: Michael Barbaro, Chairman
Barbara Anderson, Vice-Chair
Audrey LaBrie
Amy Salter
Austin Cyganiewicz

Bernard Lynch, Acting Town Manager
Linda Daigle, Executive Assistant
Debra Dennis, Recording Secretary

List of Documents Presented at Meeting:

- All Alcohol Liquor License Transfer/Change of Location – Shiva Convenience, Inc., 670 Spring St. (filed)
 - Public Hearing Procedures (filed)
- Solicitation Permit Application – Daniel Lynch, Solar City (filed)
- Town Municipal Aggregation Information from Colonial Power Group
 - Community Choice Power Supply Program Current Status (attached)
 - Frequently Asked Questions (attached)
- Gift Fund Setup Request from TTP-Winchendon Enhancement Committee (attached)
 - Fall Festival Flyer (filed)
- Review of the Recusal Process – M.G.L. 268A and State Ethics Commission Selectman Summary (attached)
- Report of the Acting Town Manager
 - Town Manager Advertisement
 - Town Manager Position Profile
- Minutes Approved:
 - Monday, July 20, 2015 - Regular Meeting
 - Monday, August 10, 2015 - Regular Meeting

Chairman Barbaro called the meeting to order at 6:30p.m. with the Pledge of Allegiance to the Flag of the United States of America. The meeting aired live on local cable access channel 8.

Announce audio/video recording disclosure.

PERMIT/LICENSE APPLICATIONS, HEARINGS: LIQUOR LICENSE PUBLIC HEARING: Transfer of Liquor License/Change of Location-Shiva Convenience, Inc., d/b/a Gateway Convenience 670 Spring Street-Chairman Barbaro read the hearing notice. Attorney Arthur Pearlman, representing the owner, Madhuben Patel/Shiva Convenience, Inc., came forward. Chairman Barbaro asked

if anyone was going to testify. No one except Atty. Pearlman came forward. He was sworn in. He said Shiva Convenience, dba Gateway Convenience, is currently located at 670 Spring Street and would like to transfer the liquor license from 674 Spring Street, Swiya Liquors, Inc. to their location at 670 Spring St. He mentioned last Thursday they found out that the taxes were not paid and they took care of on Thursday. Also, they found out that an employee wasn't TIPs certified and had him certified on Sunday. He said everyone is certified now. Atty. Pearlman said the manager will be at the store around 30 to 40 hours a week. They play by the rules and want to work with the town. He talked with the Police and the back part of the store will be roped off and the freezer will be chained so that no alcohol will be served during off hours. He gave Linda Daigle a check for the expenses for the legal notice and mailing to abutters. Chairman Barbaro asked if any abutters were present. There was no reply. Selectwoman LaBrie asked about the Fire Department notes which said ok with change as long as appropriate inspections are done. Atty. Pearlman said the Fire Department determines when they are done. Chairman Barbaro asked how many staff they will have during the day. He replied two members. Chairman Barbaro said it is rare that a convenience store is a liquor store also. He said having liquor accessible by anybody lends itself to problems. He said he is not comfortable with it. Atty. Pearlman said beer and wine in a convenience store is common. He said the owners have run stores for a long time and they know how to deal with it. Selectwoman LaBrie asked how long was the employee not TIPs certified. Atty. Pearlman said he was a new employee and they assumed he was certified. Selectwoman LaBrie questioned the post and chain to block off the liquor. Atty. Pearlman said they spoke with Police and this is what they recommended. All liquor will be behind the ropes and posts. He said the layout has been changed. The wine shelf is behind the ropes. He will provide an amended floor plan for the record. Chairman Barbaro asked for a motion to close the public hearing. **A motion was made by Selectwoman LaBrie to close the hearing. The motion was seconded by Selectwoman Anderson.**

BARBARO (Y) ANDERSON(Y) SALTER(Y) LABRIE(Y) CYGANIEWICZ(Y)

The public hearing was closed at 6:55 p.m.

Chairman Barbaro said it's up to the board to make a decision. Selectwoman LaBrie explained the floor plan. Selectwoman Anderson said where the store is located there isn't a lot of children in the area. She said because of the area it changes how she makes her decision. **A motion was made by Selectwoman Anderson to approve of the transfer of the liquor license. The motion was seconded by Selectwoman Salter.** Selectwoman Salter asked as a group maybe we should go down and see how they rope it off. Chairman Barbaro, Selectwoman LaBrie and Selectwoman Anderson said they were ok with it and they didn't need to. Selectman Cyganiewicz said he doesn't think its necessary he looked at the floor plan. Selectwoman LaBrie asked Mr. Lynch and Linda Daigle if they could ask for a 60 day review. Mr. Lynch said it's a yes or no. He said the petitioner could come back and let the board know. Mr. Pearlman said they have to renew their liquor license in November which could provide a chance for review. Selectwoman LaBrie withdrew her comment.

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Atty. Pearlman said you approve the transfer now you need to approve the change of location.

A motion was made by Selectwoman Anderson to approve the change of location. The motion was seconded by Selectwoman Salter.

BARBARO (N) ANDERSON(Y) SALTER(Y) LABRIE(Y) CYGANIEWICZ(Y)

EMERGENCY DOG HEARING: Chairman Barbaro said this issue was resolved on Friday and there is no need for this hearing at this time.

SELECTMEN'S COMMENTS:

Selectwoman Anderson publicly thanked the town's Historical Commission for all their work. She said she supports them and encourages them. She commented on the Winchendon Courier article that said the DOR report was on the Town's Webpage. She said she doesn't see it. Mr. Lynch said it is on the Department of Revenue website and it should be on the town's website. Selectwoman Anderson commented that we have a volunteer running the webpage and it should be a town employee. Mr. Lynch said the DOR said to move it in house. He said it is being managed by Linda Daigle. Chairman Barbaro thanked everyone who attended the DOR meeting. He said we talked about and addressed the situation. He said we are on the right path and thanked everyone involved behind the scenes. Chairman Barbaro said the kids are back in school so please be careful.

PUBLIC COMMENTS AND ANNOUNCEMENTS: None.

BOARDS/COMMITTEES/DEPARTMENT HEADS: None.

APPOINTMENTS/RESIGNATIONS: None.

PERMITS/LICENSE APPLICATIONS, HEARINGS:

Solicitation Permit-Daniel Lynch, Solar City-Mr. Daniel Lynch came forward. Chairman Barbaro said we have permitted the time frame of 11 a.m. to 7 p.m. in the past and asked if that was ok with him. Mr. Lynch said it was. Selectwoman LaBrie said we have had multiple applicants come before us how do you keep from repetitive solicitation. Mr. Lynch said our managers set up certain areas for us so that we don't go to the same residents. **A motion was made by Selectwoman LaBrie to move for applicant pending payment of the \$25.00 fee. The motion was seconded by Selectman Cyganiewicz.**

BARBARO (Y) ANDERSON(Y) SALTER(Y) LABRIE(Y) CYGANIEWICZ(Y)

Mr. Lynch recused himself at 7:10 p.m.

NEW BUSINESS:

Town Municipal Aggregation Information-Colonial Power Group-Mr. Mark Chappadona, President of Colonial Power Group, came forward to explain where the municipality stood and where we are headed. He mentioned we have been through the state process, the DOER Public Hearing and that we are waiting on an order from the Dept. of Public Utilities. We will then go out and test the marketplace for price terms from competitive suppliers. We will bring a 6 to 24 month term to the table for the Town along with what options can be done. Chairman Barbaro asked what the average contract is. Mr. Chappadona said the City of Lowell had a 3 year plan and then moving to a longer term deal. He said the product is 100% green. He said you have to opt out of this municipal aggregation. He said the town is bringing a Community Choice Power Supply Program to its residents. A person can get out or in at any time without any penalties. He

said this is for people who only have basic service. It doesn't affect those who already have a contract. We are probably looking at a low .10, high .09 profile. Selectwoman Anderson asked about residents with solar panels. Mr. Chappadona said it is offset by your solar. Chairman Barbaro asked when he anticipates a ruling of the Department of Public Utilities. Mr. Chappadona said normally it would be six to nine months but there is a tremendous backlog. The Select-board thanked him for coming.

Mr. Lynch returned to the table at 7:20 p.m. Selectwoman LaBrie asked about the solar farm. Mr. Lynch said there is a consensus with legislature and the Governor to modify the net metering credit program and lift the cap which would allow SunEdison to go back into the market and move it forward. We are also facing the interconnect with National Grid which has expired. That is being worked on and when the cap is lifted they will be able to move forward. He will get an update in the next month or so.

Gift Fund-TTP-Winchendon Enhancement Committee-Mr. Dave Romanowski and Ms. Jane LaPointe, members of the Winchendon Enhancement Committee, came forward. Mr. Lynch said this is a vote to set up an account so they can receive gifts to continue their work. The gift fund would be set up for donations to the Fall Festival. **A motion was made by Selectwoman LaBrie to set up a gift fund. The motion was seconded by Selectman Cyganiewicz.**

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Acting Town Manager 3 month Contract Renewal- Selectwoman Anderson thanked Mr. Lynch for all the work he has done. She also acknowledged Sheryl Wright and all the work she has done. Mr. Lynch said Ms. Wright worked well behind the scenes with Donna Allard the Town Accountant. Chairman Barbaro said to Mr. Lynch that he was highly recommended and appreciates his work. He has helped the community and staff. **A motion was made by Selectwoman Anderson to renew the Acting Town Manager's contract. The motion was seconded by Selectwoman Salter.**

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Chairman Barbaro said Selectwoman LaBrie has brought forward information concerning Chapter 268A, Section 19. Chairman Barbaro said we should go over what we should or shouldn't be doing. He said previously in the last meeting when he recused himself he was then a private citizen. He said as far as he was concerned it was not an ethics issue and has spoken to the Ethics Commission about it. He said in the future if you recuse yourself, you should go to the end of the room.

Selectwoman LaBrie proceeded to go over Mass General Law Chapter 268A Section 19. She said there was some concern which Chairman Barbaro has addressed. She said it doesn't state you have to leave the room but they suggest you do. Chairman Barbaro said we have a meeting with the lawyer and all the boards. He said we are working on the date. Mr. Lynch said it will be very useful having that meeting. He said there are some changes and there is on line certification.

OLD BUSINESS: None.

ACTING TOWN MANAGER'S REPORT:

Mr. Lynch said the financial status was covered in the August 24th meeting with the Department of Revenue. He said he has engaged Cook and Company to perform an enrollment audit and an analysis of

our re-insurance claims to insure receipt of all monies due the Town. He said they will also do an analysis of various health insurance options for FY17 in order to reduce costs for the Town and its employees. Mr. Lynch said they will be looking at GIC, MIIA and other health insurance plans. Selectwoman LaBrie said she has had questions from citizens concerning in network and out of network costs. She asked Mr. Lynch to keep this in mind when having discussions. Mr. Lynch said GIC has so many plans.

Mr. Lynch said there were no personnel updates. He said the sub-bids for the police station are due on September 15th and the General Bids are due on September 22nd. Selectwoman Anderson asked how many times has the town gone out to bid for the Police Station. Mr. Lynch thought it was the third time. He said the market gets worse and worse for us. He informed the Select-board that the bike path construction is ongoing and basically on schedule.

Mr. Lynch said under miscellaneous updates he is looking at electricity savings for the town until the solar farm is built. He has entered into a 16 month contract with Constellation Power and he is locking in a rate of \$0.854/kwh. We have been paying the basic rate. He said he anticipates producing a savings of \$35,000 to \$40,000 for the Town. Selectwoman LaBrie asked is this the aggregation. Mr. Lynch said the aggregation will be for residents. He said this is for the Town.

Selectwoman LaBrie asked about the petition for 41 Juniper Street. Mr. Lynch said he spoke with the person who brought it in and the Select Board will get a report. He said there are issues being investigated. He said the petition asks for the people to be forced to move.

TOWN MANAGER SEARCH UPDATE:

Mr. Lynch said at the meeting last week of the Town Manager Search Committee they talked about questions to ask the applicants. He said they are meeting on September 22nd for him to give resumes to them. He said we are also meeting on September 29th to whittle down the applicants to a reasonable amount. The next step is to set up dates to interview candidates which will be in executive session. Mr. Lynch said on the third week of October we will have three to five finalist. The Select board would then interview the finalist publicly. He said so far he has thirteen resumes and many have good municipal experience. He has put together a positive profile and is forwarding it out to candidates who have expressed interest or who he hopes will apply. The profile includes where we've been, what we have done and where we hope to be. Selectwoman LaBrie said there is a history of the town on You Tube. She said the link could be included.

MINUTES: Selectwoman Anderson said there were two changes to the July 20, 2015 meeting minutes. To change the word "charity" to "chili" and to add "d" to the word "statue" in paragraph 3 on page 3. **A motion was made by Selectwoman Anderson to approve the minutes of July 20, 2015 as amended. The motion was seconded by Selectwoman Salter.**

BARBARO(Y) ANDERSON(Y) SALTER(Y) LABRIE(Y) CYGANIEWICZ(Y)

A motion was made by Selectwoman Anderson to approve the minutes of August 10, 2015. The motion was seconded by Selectwoman Salter.

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COMMUNICATIONS: None

AGENDA ITEMS:

Chairman Barbaro informed the Select Board that Mr. Lynch will not be able to make a meeting on Monday, September 14th. Chairman Barbaro would like to change the date to Tuesday, September 15th and he asked the select board if there were any issues. The members were ok with the meeting date change. Chairman Barbaro said the next meeting will be September 15th at 6:30 p.m. He asked for the meeting to be placed on the town calendar.

The Sept. 28th meeting will include a Joint Meeting with the School Committee and Finance Committee and asked members to forward any topics for the agenda to him.

ADJOURNMENT:

A motion was made by Selectwoman Anderson to adjourn the meeting. The motion was seconded by Selectwoman Salter.

BARBARO(Y) ANDERSON(Y) SALTER(Y) LABRIE(Y) CYGANIEWICZ(Y)

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Debra Dennis
Recording Secretary