

HOLLISTON BOARD OF SELECTMEN

January 8, 2014
6:30 P.M.

Selectmen's Meeting Room
Town Hall

Present Jay Leary; Chairman, Kevin Conley, Vice Chairman; Jay Marsden, Clerk; and Paul Le Beau, Town Administrator.

AT 6:30 P.M., MR. MARSDEN MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS STRATEGY WITH RESPECT TO THE LITIGATION CAPTIONED JOHNSON GOLF MANAGEMENT, INC. V. TOWN OF HOLLISTON.

MR. LEARY SAID THAT EXECUTIVE SESSION WOULD LAST APPROXIMATELY ONE HOUR. A PUBLIC DISCUSSION COULD HAVE A DETRIMENTAL AFFECT ON THE TOWN'S LITIGATING POSITION. THE BOARD WOULD RETURN TO OPEN SESSION.

AT 7:34 P.M. THE BOARD EMERGED FROM EXECUTIVE SESSION AND WENT INTO OPEN SESSION.

Mr. Leary said that this meeting is being taped so that minutes can be transcribed and that this is being broadcasted on HCAT TV. Mr. Leary said that the general public may record this meeting, but must first notify that Chairman of the Board. The recording may not interfere with the meeting.

MR. MARSDEN MOVED TO APPROVE THE FOLLOWING WARRANT

14-29	GENERAL WARRANT	\$514,218.47
	VOIDS	\$ (804.00)
	WIRES/MANUAL: MANUAL CHECK SERAFIM DA SILVA	\$ 1,917.06
	AGENCY (890) VETERANS DISTRICT	\$ 429.19
	HWY CHAPTER 90 (330)	\$ 3,467.50
	AGENCY (890) VETERANS DISTRICT PAYROLL	\$ 1,086.51
	GENERAL PAYROLL WARRANT	\$ 98,525.31
	TOWN PAYROLL	\$ 99,611.82
	TOTAL PAID WARRANT	\$619,644.04

ACCOUNTANT'S NOTE:

ACCRUED DEDUCTION LIABILITIES NOT PAID	\$ 26,992.05
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TREASURER'S NOTE:

WIRE TO HEALTH INSURANCE TRUST	\$ 16,134.38
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THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

COMMENTS FROM THE BOARD

Mr. Conley said that the First Annual Lantern Walk was a great success. He said that a lot of time and energy went into making this New Year's Eve a great time. He said that the boy Scouts were giving away hot dogs and there were camp fires along the way to keep warm.

Mr. Leary said that he will be at Coffee Haven for office hours on Saturday, January 11, 2014, from 8:00 a.m. to 9:00 a.m. He also said that Jim Lynch the Superintendent of Keefe Tech has retired. Mr. Leary

wished him luck with his retirement. Mr. Leary thanked the Highway department for a job well done with the past two storms. Mr. Leary said that he drove around with the Highway Superintendent for a few hours during one of the storms. He said that they work in less than ideal conditions.

Mr. Le Beau thanked the men and women of the Fire Department who all showed up when we had a water sprinkler pipe break at Town Hall. Mr. Le Beau thanked Chief Cassidy and Andrea Minihan who devoted most of their weekend getting the Town hall back in shape.

COMMENTS FROM THE AUDIENCE

Tom Dicecco, 191 Cedar Street, said that his water pressure is very low. He said that he and his neighbors can only get one gallon per minute of water from the tap. Mr. Dicecco said that the Water Department found a clog in the street, but the pressure is still not enough. He said that there are several booster pumps that can't run. He said that he can't take a shower and have the water running in the kitchen-sink there is not enough pressure. He said that he and his neighbors are in a water ban in the dead of winter. He is looking for more water. Mr. Dicecco said that he has spoken with Ashland and they said that they would take him on but it would cost over two thousand dollars to put a valve in a pit.

Mr. Leary said that he would look into it.

ANTHONY'S ON THE GREEN ALCOHOLIC BEVERAGE LICENSE APPLICATION – PINECREST GOLF COURSE

At 7:46 p.m., Mr. Marsden read the hearing notice for Anthony's on the Green

Michael Ficco was present to talk about his application for Anthony's on the Green for alcohol. Mr. Leary said that there were a few items that had not been filled in. Mr. Leary and Mr. Ficco finished filling in the blanks on the application. Mr. Leary said that if the application is not complete the ABCC will send it back.

Mr. Conley asked about the snack shop on the course, who owns it? Mr. Ficco said he owns it.

There were no questions from the audience.

AT 7:54 P.M., MR. MARSDEN MOVED TO CLOSE THE HEARING. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

MR. MARSDEN MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FOR MICHAEL FICCO D/B/A ANTHONY'S ON THE GREET AT PINECREST GOLF COURSE. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

7:56 P.M. CONTINUATION OF THE AXTON CROSS DENIAL HEARING

Mr. Le Beau said that at the December 18, 2013, meeting, Mr. Wexler was asked to provide the Board with information on the finances of Axton Cross with respect to the property. As of yesterday Mr. Wexler sent along information that suggested that there is about one hundred and forty thousand dollars available. Mr. Le Beau said that our files show that Mr. Wexler submitted information back in September 2013, indicating that there was about two hundred and one thousand dollars. Mr. Le Beau said that it appears that the balance he is reporting has declined over fifty thousand dollars since

September. Mr. Le Beau said that the Board asked Attorney Healy, who represents Axton Cross, if he could determine if the DEP or the EPA have any liens on the property. Mr. Le Beau said that we have not heard anything from Attorney Healy. Mr. Le Beau said that Ms. Bousquet has been in contact with the DEP and the EPA and they have suggested that there are no liens on the property. Mr. Le Beau said that they have done an on-line review with the registry and nothing showed up with respect to any liens from the DEP or the EPA. Mr. Le Beau said that at the last meeting the Board asked the Building Inspector and the Fire Chief to take a look at the property and provide the Board with an assessment of their view of the property.

Mr. Le Beau said that he and the Treasurer/Collector had a conversation with three officials at the DEP in Worcester. The feedback that they got was they were uncomfortable with taking the building down because of the unknown potential of possibly disturbing the site.

Chief Cassidy said that he and the Building Inspector, conducted an inspection on December 23, 2013, at Axton Cross and found that there was not a lot of disrepair to the building itself. Chief Cassidy said that the building looks structurally sound from what was visible from the floor level. He also said that the life safety systems are still working and he would like to see them maintained.

Peter Tartakoff, Building Inspector said that Mr. Wexler led us to believe that there were many leaks in the roof and massive amounts of water in the building. Mr. Tartakoff said that they found a few minor leaks. He said that with some maintenance and repairs, it could be fixed. He also said that there is an out building that is rotting and needs to come down. He said that the larger building with the loading dock is in pretty good condition. He said that the office area has had new windows and the heat was working.

Ms. Bousquet said that she and Mr. Le Beau spoke with the DEP and they do not suggest taking down the building. She said that there could be contaminants.

Mr. Le Beau said that if the Town were to become the owner of the property through foreclosure and tax title, then we would be responsible for an IRA (incident remediation action) if there was an incident that resulted in human or environmental exposure while we are the owner. He said that we would not assume liability for what has been done in the past. Mr. Le Beau said that if we take over the property and retain it for our purposes as a Town property, we would also be responsible for engaging in a comprehensive remediation plan. We would become responsible for taking care of the site. He said that there has been talk about the cost of cleanup and it could be over one million dollars.

Mr. Marsden said that it would be our responsibility in the long run. The Highway Department would have to board up windows and set up a fence to keep people out. Mr. Marsden said that he does not want the responsibility of owning it. He said that he has a new vision with what he has been told about the building from the Fire Chief and the Building Inspector, the building is not in that bad of shape. He said that Mr. Wexler said that the roof was leaking and there is lots of water in the building and that is not the case.

Mr. Conley said that he does not know who we are dealing with. Mr. Conley said that he thinks that they are in debt more than we know.

Mr. Marsden said that he does not think that they should get a permit to take down the building. He also said that the DEP does not think that it is a good idea to do as well. Mr. Marsden said that we should take the one hundred and forty thousand dollars and that would reduce the amount of taxes that are owed by that amount. Axton Cross would still own the property and the building.

Ms. Bousquet said that if we take the one hundred and forty thousand dollars instead of applying it to the taxes, put it into an escrow account so that if something comes up we will have the money to deal with it.

Chief Cassidy said that if the building remains vacant and there is no money to keep it heated they could shut down the sprinklers. Chief Cassidy said that he thinks that it is the intention of Mr. Wexler to shut off the water and the other utilities.

Ms. Bousquet said that the Town's Attorney has agreed to talk to Mr. Wexler and Attorney Healy about this.

Pat Duffey, 5 Regency Drive, said that with all the environmental issues on that property, we can't let the building burn in a fire. She asked how are we going to get the one hundred and forty thousand dollars? Mr. Leary said that Mr. Wexler has offered the funds.

Mr. Marsden said that if there were a fire, it would be fought from the outside, no one would go in.

Ms. Duffey asked if the Town owned the property could they apply for a grant to clean it up.

Mr. Leary said that the owner could apply.

Mr. Le Beau said that he did not want to give the impression that there were grant funds available for the entire cost of the cleanup.

Mr. Marsden said that we would have to compete for the grant.

Chief Cassidy said that there is nothing in the building and it is mostly made of block and metal. He said that the only wood in the building is the bump out for the office.

Mr. Tartakoff said that he has an application for demolition on his desk. Mr. Tartakoff said that because they have not paid their taxes, no permit is allowed. Mr. Tartakoff said that if the Town takes the one hundred and forty thousand dollars, it still is not going to get them a permit.

MR. MARSDEN MOVED TO KEEP THE HEARING OPEN FOR ANOTHER WEEK. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

BOARD BUSINESS

ONE DAY LICENSE- LIONS CLUB

MR. MARSDEN MOVED TO APPROVE THE LION'S CLUB ONE DAY ALCOHOLIC BEVERAGE LICENSE FOR FEBRUARY 13, 2014, IN THE UPPER TOWN HALL FROM 7:00 P.M. TO 10:00 P.M. THE MOTION WAS SECONDED BY MR. LEARY. TWO IN FAVOR. MR. CONLEY ABSTAINED.

MR. MARSDEN MOVED TO WAIVE THE FEE FOR THE LIQUOR LICENSE FOR THE LION'S CLUB WINE TASTING ON FEBRUARY 13, 2014. THE MOTION WAS SECONDED BY MR. LEARY. TWO IN FAVOR. MR. CONLEY ABSTAINED.

MR. MARSDEN MOVED TO APPROVE THE WAIVER OF FEES FOR THE UPPER TOWN HALL FOR THE LION'S CLUB WINE TASTING ON FEBRUARY 13, 2014. THE MOTION WAS SECONDED BY MR. LEARY. TWO IN FAVOR. MR. CONLEY ABSTAINED.

AMBULANCE BIDS

Mr. Leary said the bids were opened on December 11, 2013, and both bids exceeded the Town Meeting appropriation. Mr. Leary said that it is the recommendation of the Fire Chief to reject both bids.

Mr. Leary said that they will look at this again at the next Town Meeting in May 2014.

MR. MARSDEN MOVED TO REJECT THE BIDS AS SUBMITTED BECAUSE THEY EXCEEDED THE TOWN MEETING APPROPRIATION. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

LEASE OF TRAIL PROPERTY

MR. MARSDEN MOVED TO APPROVE A ONE YEAR LEASE FOR THE SIGN PLACEMENT FOR THE RAIL TRAIL. THE MOTION WAS SECONDED BY MR. CONLEY.

CONTRACTED PLOW RATES

Mr. Leary said that Tom Smith the Highway Superintendent, has checked around the surrounding Towns about the rate of pay that they pay their contracted drivers. Mr. Leary said that Mr. Smith would like to raise the rates to be more in line with the surrounding towns.

MR. MARSDEN MOVED TO APPROVE THE RATE INCREASE FOR THE CONTRACTED SNOW PLOW DRIVERS. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

ALL BOARDS MEETING

Mr. Leary said that the All Boards Meeting was going to be today, but they had to change it. Mr. Leary said that it will be held next Thursday, January 16th, 2014, at 7:00, at the Senior Center. Mr. Le Beau said that he will look to see if the Senior Center is available.

Mr. Conley said that it is the start of a new year and he was reviewing his notes. He said that Mr. Le Beau has done a great job with the financial structure of the Town. He also wanted to know how the water ways and canals are doing? Mr. Conley wanted to verify that the Highway Department does not have to keep running to the Conservation Commission every time they want to do something in a water way. He also said that there was talk about putting the resident survey on the web/site. He also mentioned strategic planning and capital plans. He also asked if there could be collaborative meetings with surrounding Towns. Mr. Conley would also like to clean-up all the Board and Committees that the Selectmen are in charge of. See what is active and what is not active.

Mr. Conley said that he would like to have the Planning Board attend a meeting with the Selectmen to discuss the downtown traffic lights. He said that the Planning Board could up-date us on what is going on.

Mr. Leary said that next week we should have an update from the consultant about the lights.

Mr. Marsden said that he thinks that last year was a good year. He said that there are a few things that he would like to do and make a few changes in the New Year.

Mr. Leary said that they are still waiting for a clear deed for the Andrews School. Mr. Marsden said that Carolyn Dykema has been very helpful with getting the paperwork completed for this. Mr. Leary said that Mr. Ficco has done a few functions at the restaurant at the golf course. Mr. Leary said that the functions were very successful. Mr. Leary said that Mr. Le Beau and Ms. Minihan did a great job getting the clubhouse back in shape. He said that it made it so easy for Mr. Ficco to move in.

Mr. Leary said that Town Hall has been in the news because of a broken sprinkler head. Mr. Leary said that this sprinkler head that broke was in a heated section of Town Hall. Mr. Leary said that we are going to solve this problem of broken pipes. Mr. Leary also said that the roof at the Senior Center will

be starting soon. Mr. Conley said that he called the contractor who said that it has been difficult to get the materials from New York. Mr. Conley said that the equipment is ready to go and when they start it should take about two and half weeks to complete.

Mr. Le Beau said that the Town is in good financial shape. He said that with the approval from Town Meeting, there are funds set aside to start the financing of the OPEB trust.

AT 9:00 P.M., MR. CONLEY MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

Respectfully submitted,

Donna A. Muzzy

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