

HOLLISTON BOARD OF SELECTMEN

November 30, 2016
7:30 P.M.

Selectmen's Meeting Room – 105
Town Hall

Present; Jay Leary, Chairman; Kevin Conley, Vice Chairman; Jay Marsden, Clerk and Jeff Ritter, Town Administrator.

MR. MARSDEN MOVED TO APPROVE THE FOLLOWING WARRANT

17-22	GENERAL WARRANT	\$ 165,343.79
	DEBT SERVICE TOWN (001)	\$2,444,175.00
	PAY.COM (APPLICATION FOR MEDICARE HEALTH)	\$ 657.80
	STUDENT ACTIVITY (8030) MILLER SCHOOL	\$ 1,961.16
	ARTICLE FUND (002)	\$ 293,808.69
	CAPITAL PROJECTS (300)	\$ 1,000.00
	HEALTH INSURANCE TRUST (700)	\$ 481,214.00
	AGENCY (890) VETERANS DISTRICT	\$ 338.50
	AGENCY (890) VETERANS DISTRICT PAYROLL	\$ 1,033.64
	TOWN PAYROLL	\$ 105,074.07
	TOTAL PAID WARRANT	\$3,493,573.01

ACCOUNTANT'S NOTE:

ACCRUED DEDUCTION LIABILITIES NOT PAID	\$ 32,115.376
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TREASURER'S NOTE:

WIRE TO HEALTH INSURANCE TRUST	\$ 19,374.95
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THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

COMMENTS FROM THE BOARD

Mr. Marsden wished his wife a happy birthday.

Mr. Conley said that tomorrow night there will be a benefit concert for Embrace Culture. Mr. Conley said that this will take place at the high school from 6:00 p.m. to 9:00 p.m., and all proceeds will go to Embrace Culture.

Mr. Leary thanked everyone who participated in the Holiday Stroll. He said that the weather was perfect.

FINANCE COMMITTEE CHAIRMAN – FY 18 BUDGET GUIDELINES

Ken Szajda, Chairman, was present. He said that we are still not sure about our State Aid dollar amount yet. Mr. Szajda said that the Finance Committee has recommended a 1% guideline for FY 18. He said that there is still some concern out there. He said that this guideline is not approved yet, they will be signing this at their next meeting. He said that the Finance Committee wants to get this information out to the Departments as soon as possible. Mr. Szajda said that they would like to be done with all the budget reviews by March 2017. Mr. Szajda said that last year was the first budget review without our former Town Administrator so there were a few hiccups, but things got straightened out.

Mr. Szajda said that it is the Finance Committee plan to have the Town Accountant look at all the budgets after the Departments have set their budget.

REPORT OF THE TOWN ADMINISTRATOR

Jeff Ritter, Town Administrator, was present. He said that we will be having a six Town regional Board of Selectmen's Meeting on December 8, 2016, starting at 7:00 p.m. at the Senior Center. He said that the discussion is going to be on best practices.

Mr. Ritter said that at Town Meeting, it was approved to purchase some property at 280 Adams Street. He said that the closing was today. He said that there will be a site tour of Chamberlain Pines on December 10, 2016, at 10:00 a.m. He said that he will be meeting with the Park Commission. Mr. Ritter said that the Economic Development Committee is meeting tomorrow morning.

Mr. Ritter said that the lease extension for Johnson Golf has been sent to them, we are waiting for it to be signed and sent back to us. He said that we are starting the second phase of the Green Communities project. He said that the Library, Town Hall and the Senior Center could all benefit from this. He said that they will be applying for a grant sometime this winter for this project.

Mr. Ritter said that he has started the Department Head performance reviews. Mr. Ritter said that the new tax rate was approved by Department of Revenue. Mr. Ritter congratulated the Assessors and their staff for a job well done.

Mr. Ritter said that McMahon and Associates will be attending the Boards next meeting to go over the downtown traffic study. He said that he will be talking to Novis Engineering regarding the Flagg project. Mr. Ritter said that he is putting together the final RFP for the Andrews School.

Mr. Ritter said that the Policeman's luncheon will be on December 5, 2016, at the Senior Center. He said that on December 6, 2016, is a Holliston Community stake holders meeting, with the police Department starting at 9:30 a.m. He said that December 7, 2016, is the 75th anniversary of the bombing of Pearl Harbor. He said that Town Hall will be holding a Flag Ceremony at 7:45 a.m.

Mr. Conley asked about the traffic count in Mudville? Mr. Ritter said that the Board will get a report next week about that.

Mr. Leary thanked the Assessors, Treasurer/Collector, the Accountant and the Town Administrator for all their hard work with the tax rate. He said that many different departments have to help with the final number.

BOARD BUSINESS – EXECUTIVE SESSION MEETING MINUTES

MR. CONLEY MOVED TO APPROVE AND RELEASE THE EXECUTIVE SESSION MEETING MINUTES OF JUNE 1, 2016. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

REGIONAL SELECTMEN MEETING PLAN

Mr. Ritter said that the Selectmen have a package on the topic of discussion for the six town meeting on December 8, 2016. He said that if the Board has anything important that they want to add to just let him know and he will add it to the agenda.

Mr. Leary said that he thinks that this meeting will only be for about one hour to one and half hours.

Mr. Conley said that this is going to be a review session, to see how other towns do things and they can bring their ideas to the table.

ANDREWS SCHOOL DRAFT RFP

Mr. Ritter said that this is the second draft of the RFP for the Andrews School and it is more refined.

He said that this RFP is under a review process by the Planning Board, Zoning Board of Appeals, Board of Health and Conservation Commission. He said that he has heard back from the Planning Board.

Mr. Leary said that he would like to see what other departments are thinking about this project.

Mr. Marsden said that the bids will be reviewed and matching it to the proposal.

Mr. Marsden said that this property could be used for multifamily housing or a few single family homes.

Mr. Conley said that he would like to see a plan for the property.

Mr. Ritter said that this will be on the Selectmen's agenda next week for approval.

Mr. Ritter said that the Andrews School is a top priority for the Board. That is why we are moving forward on the RFP.

Mr. Leary said that the longer we wait the more the building will be deteriorating.

Mr. Leary said that as a Board they can reject any bids that they do not like.

BALANCING ROCK ASSOCIATION

Mr. Leary said that this is a Condominium Association and they would like to have weekly trash and recycling pickup.

Larry Dennin, 20 Glacier Way, is the President of the Balancing Rock Condominium Association. He said that fellow Board members and many residents are attending this meeting. Mr. Dennin thanked the Board for allowing them to attend this meeting. Mr. Dennin said that in May 2015, the Association sent a letter to the Board of Selectmen requesting the Town provide trash and recycling pickup at Balancing Rock. He said that this request was sent because Selectmen Conley suggested it. Mr. Dennin said that Balancing Rock does not get many town services in relation to the amount of taxes that they pay. Mr. Dennin had copies of the letter that he sent to the Board in May 2015. Mr. Dennin said that in June 2015, he received a phone call from then Town Administrator Paul Le Beau that the request had been approved by the Board of Selectmen. Mr. Dennin said that service would begin June 10, 2015. He was told that they would have to follow all the trash and recycling rules that the Town follows. Mr. Dennin said that in order to follow the Town's rules, each homeowner had to dispose of the 90 gallon barrel that they were using and get 35 gallon barrels. Mr. Dennin said that it cost the Association \$5,000 to remove all the larger barrels and another \$1,000 to purchase the 35 gallon ones. He said that it was an expensive move for the Association. Mr. Dennin said that things have been running very well until October of 2016, when they read in the Holliston Reporter and the Metro West Daily News that another Condominium Association requested trash and recycling pickup through the Town. Mr. Dennin said that in the article, it said that the Selectmen felt that they had made a mistake in allowing Balancing Rock to join the trash and recycling program. In the article, it said that the Selectmen should look back into this decision. Mr. Dennin said that he wanted to let the Selectmen know that they are willing to work with them and they want to be notified of any decision that is made. Mr. Dennin said that in the paper it said that the Board was going to grandfather Balancing Rock for one year and then terminate the trash and recycling pickup by the Town. Mr. Dennin said that Balancing Rock is an over 55 community and there are 49 units. He said that 3 units are 40B units. He said that they pay in taxes about \$389,000 that includes the Community Preservation surcharge. He said that they also pay the \$300 water infrastructure charge. He said that in total, they are paying over \$400,000 to the Town. Mr. Dennin said that they receive very few services they pay for their own road repairs and snow plowing. He said that they have no impact on the school system. Mr. Dennin said that they should be treated fairly and have

the Town pick up their trash and recycling. Mr. Dennin said that he was told by Mr. Ritter that when the Town granted Balancing Rock trash and recycling pickup in 2015, there was not an increase in the fee from the trash company. He asked how much, did it cost the Town in 2016, to collect their trash and recycling?

Mr. Leary said that he did not know, he would have to look into it.

Mr. Dennin said that he suspects that it was a minimal charge. Mr. Dennin said that because they recycle there is a benefit to the Town.

Mr. Leary said that recycling does benefit the Town.

Mr. Dennin said that they want to be treated fairly. He would like the Board to reconsider and allow Balancing Rock to continue with trash and recycling pickup.

Paul Chalupa, 24 Piedmont Drive, said they gave the Board a letter from the Association Lawyer. It appears that their Lawyer is trying to get Town trash and recycling picked up for several other Condominium Associations. Mr. Chalupa said that in this letter shown that there are thirty-six different Condominium Associations that have been granted Town trash and recycling pick up in different towns throughout the State. Mr. Chalupa said that there is a second list with several that are being worked on for trash and recycling pickup. He said that there are about thirty more on this list. Mr. Chalupa said that they are only interested in Balancing Rock only. Mr. Chalupa said that Balancing Rock is a historic sight. He said that as an Association they maintain the property.

Leonard Zavalick, 26 Glacier Way, said that he is the Secretary for the Association. He said that he has lived at Balancing Rock for almost ten years. He said that Balancing Rock is a Town landmark. He said that the Town must be proud of Balancing Rock because it is on the Town's webpage. He said that there is conservation land surrounding Balancing Rock. He said that the Balancing Rock Association takes care of the area including mowing the grass and plantings, along with snow plowing. He said that a few years ago someone spray painted the rock, he said that it cost the association a few thousand dollars to have it removed. He said that they have had trees come down and they hire a contractor to remove them. Mr. Zavalick said that they had a tree that was struck by lightning that caused electrical damage. He said that they treat the rock and the property around it as if it were part of their home. He said that they pay their taxes like everyone else and trash pickup should be included.

Bruce Hall, 25 Piedmont Drive, he said that they have followed the rules to get approval for the trash to be picked up by the Town. He said that this was approved by the Town. And now, the decision to pick up their trash has been reversed. He said that now other condominium associations are coming to the Town asking for trash pickup. He said that he was told that is opening a can of worms. He said that they do not get any services from the Town. They have a private contractor take care of the plowing and they have a landscaper. There are no children living at Balancing Rock and they do not use the schools. Mr. Hall said that he is looking for the logic behind the change in reversing their trash pickup.

Mr. Marsden said that they are revisiting this because other condominium associations are all asking for trash and recycling pickup. He said that the commercial buildings will be asking for trash and recycling pickup as well. He said that commercial buildings don't ask for a lot of services, they don't put their kids in the schools. Mr. Marsden said that what prompted revisiting this is there are other over 55 Community condominium Associations that are asking for trash pickup. Mr. Marsden said that the Board will have to set a policy about condominium association trash and recycling pickup.

Mr. Conley asked what is the cost per unit for private trash collection?

Mr. Zavalick said that they were paying \$6,600 per year for trash pickup. He said that if you divide that by 49 units, each unit will be paying \$135 per year.

Mr. Conley asked Mr. Zavalick if he knew what the costs were going to be when you purchased your condominium? Mr. Zavalick said yes. Mr. Conley said that Towns and Cities love the over 55 community. The Town does not offer them any services, it is all included in their condo fees.

Mr. Conley said that if every condominium association asks for trash pickup, it will get very expensive for the Town. Mr. Conley said that he is going to a five or six town Selectmen's Meeting next month and this is going to be one of the agenda items.

Mr. Leary said that there really was no official action taken to allow Balancing Rock trash pickup. He said that they has looked in their records and there was never an official vote taken.

Mr. Zavalick said that the Board of Selectmen sent a letter of approval. Mr. Leary said that letter came from the Town Administrator, not the Board of Selectmen. Mr. Leary said that he is concerned about other condominium associations all asking for trash pickup. Mr. Leary said that he was a condo owner for 20 years and he was always responsible for his own trash pickup. He said that the Town never picked it up. He said that it was not a service that they offered. He said that as a condo owner he was responsible for his trash pickup. Mr. Leary said that in January 2018 Balancing Rock will be responsible for their own trash pickup. He said that this will give Balancing Rock time to find a trash company to pick up their trash and recycling.

Mr. Zavalick said that he is an attorney and this is one of the questions that he always asked at closings, is what town services will we be getting? He said that they will not be getting snow plowing or road repairs because these roads are private. He said that they will never be accepted as public streets. Mr. Zavalick said that on the topic of trash pickup, he was told that the developer never requested trash pickup. Mr. Leary said that as part of the condo fee, you are paying for trash pickup. Mr. Zavalick said yes in the beginning, because the developer never requested trash pickup.

Mr. Marsden said that they will have to come up with a policy, either yes we will pick up all condominium associations trash or we will not. He said that way we will be fair to everyone. Mr. Marsden said that the Selectmen can vote on this or we could go to a Town Meeting vote.

Mr. Zavalick said that if a builder builds a new house, he does not have to go before the Board of Selectmen to get trash picked up for the new owner.

Mr. Leary said that that building would have to be on an accepted road. If it is not built on an accepted street, then they could ask for trash pickup, if and when the street is accepted. Mr. Leary said that the Town does not plow streets that are not accepted.

A resident asked how much does it cost to have the trash picked up?

Mr. Leary said that he did not know off the top of his head. Mr. Leary asked the resident how long have you been living at Balancing Rock? She said since 2008. Mr. Leary said then you have had private trash pickup. She said that she paid the builder for trash pickup.

The resident asked again what does it cost per resident to have the trash picked up?

Mr. Leary said that he has taken some round numbers and asked not to be quoted on them. He said that it cost more money to take trash away. He said that there about five thousand houses that we pickup from and the cost is one million seven hundred thousand dollars. He said on average \$206 per residents. Mr. Leary said in round numbers it would cost about \$10,000 per year to pick up Balancing Rock.

The resident said they did have expenses when they went to Town pickup. She said that they followed all the rules about the trash can size. They all had to get new trash barrels. If they go back to have private pickup then all the residents will have to purchase new trash barrels. The resident asked who is going to pay for them?

Mr. Leary said that if this goes to Town Meeting, things may not change for them.

Vonnell Stahl, 32 Glacier Way, she said that she is new to Holliston and new to MA. She said that it would be fair to pickup trash for everyone. She said that with all the over 55 communities there is lots of money that is not spent on town services. She said that with all the extra income the Town should be able to afford to pickup their trash at Balancing Rock. She said that the Selectmen are reneging on a promise that was made to the residents of Balancing Rock. Ms. Stahl said that the Selectmen did not even notify the Association.

Mr. Leary said that this is the fifth discussion about the trash pickup at condominium associations.

Mr. Dennin said that he has come to a Selectmen's meeting to see what the Board was going to do about the trash pickup at Hollis Hills. He said that at the meeting, the Board of Selectmen postponed their decision.

Ms. Stahl said that when she purchased her condominium the trash was picked up by the Town.

Mr. Leary said that they have had a few requests for trash pickup in other condominium associations.

That is why they are planning on stopping all trash and recycling pick up in condominium complexes.

A resident said that they do not use the schools so they should get free trash pick up.

Mr. Marsden said let's get this correct, if you live in an over 55 community and you do not have any kids in school you should get free trash pickup, but if you live in an over 55 community and have kids in school, you should pay for trash pickup.

Some of the residents said yes and some said no.

Diana Pedersen, 43 Piedmont Drive, said that she does understand that as a resident in an over 55 community that they do not get any town benefits. But is it fair that if their condominiums are valued as much as a home or more and this home has five or six children they use the schools? She said that education dollars are very expensive.

Mr. Leary said that a condominium owner you are not entitled to town benefits. He said that trash pick up is one of them. Mr. Leary said that they have given the condominium association until January 1, 2018, to find a private trash hauler. He said that is giving your association well over one year to do this. He said that they could have pulled the plug in 2017, but they thought that they were being fair to the residents to give them time to set up pick up.

Wayne Fisher, 36 Piedmont Drive, said that they should be grandfathered in. He said that if you make a new policy you just can't take it away.

Annette Angelo, 10 Glacier Way, she said that we need to get back to the policy. She said that there is the assumption that the residents were going to get trash pick up. She said that she knows that the roads are not plowed because they are not accepted streets. She said that there is nothing in the policy that says the condominium residents can't get trash pick up. She said that the Selectmen are making a new policy.

Mr. Leary said that he will research this to see if and when this condominium association was established, there must be a memo by the Planning Board saying that there will not be any town trash pick up, it must be done privately.

Ms. Angelo said that the Town Administrator, acting on the Town's behalf, sent them a letter telling them that they would be getting trash pick up by the Town, now you are trying to take it away. She said that is changing the policy.

Ms. Angelo said that they are being discriminated against by because of their age.

Mr. Marsden said that they are going to make this very clear, they are not discriminating against them. He said that age has nothing to do with this decision. He said that is about a policy that is going to relate to all condominium associations in the Town of Holliston. Mr. Marsden said that Balancing Rock asked for town trash pick up, it was granted. He said that was a mistake. He said that permission should never have been granted to have trash picked up by the Town. So to correct that mistake, they will be weaning Balancing Rock off this policy that they have benefitted from for the past few years so that they can apply this new policy uniformly to all condominium associations in Holliston. He said that this is not age specific.

Ms. Angelo said that they are home owners and you don't need to treat business owners the same as homeowners. She said that the policy need to address that as well. Mr. Marsden said that he knows that they are unhappy with this decision.

David Maloney, 35 Piedmont Drive, said that it has already been decided that trash pick up will be taken away from them. He said that they have paid through their taxes to get trash pick up. He said that it is a service that is now going to be taken away, but we are still paying the same amount in taxes. He said that he pays \$8,000 in taxes and he gets fire and police protection. He said that they do not have anything to do with the school system. He said that everything is self contained in Balancing Rock. He said that they only thing that leaves the development is the trash. He said that they take care of the roads, and the up-keep of Balancing Rock. He said that they pay for their own streetlights. Mr. Maloney said that there is a large population of senior citizens and it is going to continue to grow. He said that there are going to be more over 55 communities that will be coming to town. He said that trash pick up is a very small thing for a town to offer.

Mr. Leary said that this is the only condominium association that is getting trash pick up. He said that Hollis Hills, Pulte and Burnap Road are all condominiums and they do not get town trash pick up.

Mr. Maloney said that when he moved in he was paying for private trash pick up in his condo fees.

Mr. Maloney said that the Town will take as many over 55 communities and get all the tax money and not offer any services.

Ed Koffron, 38 Piedmont Drive, asked if the question on trash pickup for condominium associations was going to go to Town Meeting?

Mr. Leary said that he is sure that everyone knew that they had to have private trash pick up living in a condominium complex.

Mr. Koffron said that when he moved in he was paying the contractor for trash pick up through his condo fees. He said that he was not sure if the contractor had an agreement with the town for a private organization for trash pick up.

Mr. Leary suggested that Mr. Ritter break down the tax bill to see where everyone's dollars go to.

Mr. Marsden said that condominium owners are different than home owners.

Mr. Conley said that this could be great for the Town, if they offered trash pick up for over 55 communities. He said that it would have to be approved by Town Meeting vote.

Ms. Fischer, 36 Piedmont Drive, said she believes a By-law should be in place. She said that she knows that the Selectmen are not in favor of giving trash pickup to condominium associations. She said that if you do it for one, then you have to do it all. She said that the Selectmen have already made up their mind. Ms. Fischer said that they have it now and it should not be taken away.

Bill Foniri, 3 Piedmont Drive, said that everyone has made their case very well. He said that to him it was so disappointing. He said that Selectmen love 55 and over communities. He said that they bring in the tax dollars and they do not get any town services. Mr. Foniri said that the Board has to re-assess their assessment to see what is really fair.

Mr. Leary said that it does not matter to him who moves in to town. He said that he grew up in town, he has lived here for 48 years and it is a great place to live.

Ron Whinnem, 46 Piedmont Drive, he asked what is the bottom line on what it costs the town to pick up their trash.

Mr. Leary said \$205 per unit give or take a little.

Mr. Whinnem asked if the Board took that into account when they were granted trash pick up?

Mr. Leary said that they the Board did not take a formal vote to approve trash pick up on Balancing Rock.

Mr. Whinnem said that the Selectmen went through a process to give Balancing Rock trash pick up.

Mr. Leary said that he does not remember any conversation with the Town Administrator about this topic. Mr. Leary said that the Board takes formal votes. Mr. Leary said that the Board did not take a formal vote on this issue. Mr. Leary said that trash was granted to Balancing Rock without a formal vote.

Mr. Whinnem asked for a breakdown of what it will cost to pick up trash at all the condominiums in town.

Mr. Ritter said that it cost the town over one million dollars per year to have trash picked up.

Mr. Whinnem asked how much do we get back for recycling?

Mr. Leary said that we do not get anything back for recycling, it cost less to get rid of.

Mr. Leary said that this is going to go before Town Meeting.

Mr. Whinnem asked if they could talk and give a presentation on this? Mr. Leary said yes.

A resident said that he is having difficulty with the remarks about how this happened. He said that no one remembers. He presented an e-mail from the former Town Administrator dated June 22, 2015. It said that trash and recycling will start at Balancing Rock on July 10, 2015.

Mr. Leary said that the best way going forward is not to collect trash from any condominium association.

Denise Koffron, 38 Piedmont Drive, said that the Board took a vote to grandfather Balancing Rock for trash pick up through December 31, 2017. She said that it is a vote that should not be taken back.

Mr. Leary said that they are giving the condominium association more than one year to find a company to pick up their trash. He said that this will go to Town Meeting in May and if the Town says yes they can have trash pick up then they are all set. But if the Town Meeting votes against it then the vote by the Board is overruled, and they will have to start their own pick up sooner.

HOUSING TRUST WAIVER OF FEES

Mr. Marsden said that the Housing Trust has asked that the fee be waived for the inspection of the house on Wedgewood Drive.

MR. MARSDEN MOVED TO APPROVE THE REQUEST OF THE WAIVER OF FEES FOR THE HOUSING TRUST ON THE INSPECTION OF THE HOUSE ON WEDGEWOOD DRIVE. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

ADAMS STREET

MR. CONLEY MOVED TO APPROVE THE RECORDING OF THE PURCHASE OF THE ADAMS STREET PROPERTY. THE MOTION WAS SECONDED BY MR. MARSDEN. ALL IN FAVOR.

AT 9:56 P.M., MR. MARSDEN MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.

Respectfully submitted,

Donna A. Muzzy

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