



**TOWN OF HOLLISTON  
BOARD OF SELECTMEN**

**703 Washington Street  
Holliston, MA 01746**

**508-429-0608**

**BOARD OF SELECTMEN  
MEETING MINUTES  
HOLLISTON TOWN HALL  
SEPTEMBER 24, 2018**

Present: Jay Marsden, Chairman; Mark Ahronian, Vice Chairman; John Cronin, Clerk

Also present: Jeff Ritter, Town Administrator

**1.) Warrant:** J. Cronin read the Warrant and made a motion to approve the weekly vendor (expense) and payroll Warrant (19-13) in the amount of \$2,388,652.42. Second, M. Ahronian. Voted 3-0

**2.) Public Comment:** J. Cronin recognized all the volunteer who worked to make Celebrate Holliston an outstanding success. He thanked the Holliston Police Department for all their work before during and after the event. Finally, he recognized the two (2) Holliston Citizens of the Year.

M. Ahronian said the crowds appeared larger than last year. He also recognized those who worked to make the Annual Harvest Fair a huge success. He thanked HCAT for filming both events.

J. Marsden said he was sorry he was not able to attend but had a previous commitment.

Joan Lee-Thai, 23 Mohawk Path asked when her street was going to be accepted by the Town. There are between 20 and 30 children at several bus stops but since the development is not an accept public way children have to walk great distances to get to a bus stop. Mr. Fafard says he has done everything the Town has required and the Town says he has not.

J. Marsden said Mr. Fafard needs to complete the punch list of items that need to be addressed developed by the Planning Board once he has done that we can talk.

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J. Marsden said the developer has not delivered. Sean Reese the Director of the Department of Public Works said the Town is watching out for the interests of the residents and we even explored withholding future building permits but were told that cannot be done under the law. So unfortunately, residents are caught in the middle.

J. Cronin asked if the residents have considered a homeowner's associate and if the performance bond is still in place. S. Reese said the bond is still in place but why would we take a \$200,000 bond when there is \$3.0 million in work to be done.

J. Marsden said we hear this every two (2) years the developer tries to blame the Town for not accepting the road when in fact it is their lack of performance in delivering the final product, that's the problem. Until they complete the punch list there is nothing the Town can do.

Another resident (did not get his name or address) reportedly said 89 Old Cart Path, no known address, said they cannot get final inspections completed on the entire sub-division and they cannot get streetlights because of the dispute between the developer and the Town.

J. Marsden there is a difference of opinion the Town cannot assume the liability for a sub-standard sub-division.

Another resident (did not get his name or address) reportedly said 176 Mohawk Path, no known address, said there are falling rocks one of which hit his home.

J. Marsden said if there falling rock in the common area the responsibility is on the developer.

J. Cronin said the home owners and property owners should organize. J. Marsden noted the roads are not owned by the Town until everything is completed, the lay out is complete and Town Meeting votes to accept the road as a public way.

J. Marsden said we can invite Mr. Fafard, the Planning Board and Town Counsel to have a discussion. S. Reese volunteered to look into why the school buses are using Mayflower Landing and not other roads.

J. Cronin said the residents need to organize into a committee to address the open items with the developer.

It was agreed the DPW Director, Planner, Building Inspector would develop a punch list, send the punch list to Mr. Fafard, invite him to a meeting with residents and ask him to address the open items with a timeline. If that approach did not work Town Counsel would get involved.

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**3.) Report of the town Administrator:** This item was delayed due to a previously schedule Public Hearing.

**4.) Dog Hearing – Morgan’s Way:** All parties providing testimony were sworn to the truth. Dona Walsh, Holliston/Ashland Animal Control Officer reviewed the events leading up to the September 16, 2018 dog on dog attack after being contacted by the Holliston Police Department.

Daniel and Kerrilyn Pessin, 120 Morganø Way were present. They are the owners of Rocky a German Shepard. Rocky attacked and killed Sadie on or about September 16, 2018 who is owned by Kathy Chisholm, from 72 Kim Place.

D. Walsh review the events leading up to the first attack. Kathy Chisholm and Diane Reganwere walking in the area of 120 Morganø Way when the first attack occurred. D. Walsh spoke with the owner and issued a 14 day quarantine order including a muzzle and restraining order. The first attack took place on or about August 16, 2017 Sadie was injured but not killed. Sadie was taken to the Vet the next day.

D. Pessin was advised of his options but an invisible fence would not work in holding back Rocky.

D. Walsh said a complaint was received that is why we are having this hearing.

J. Cronin asked where Rocky went after the attack. D. Pessin said he took him back to 120 Morganø Way. D. Walsh confirmed this fact.

M. Ahronian asked if there were other complaints about Rocky. D. Walsh said no.

M. Ahronian asked after the first attack did the Pessinø do everything that was asked of them. D. Walsh told them they should fence in the yard but that was not done.

M. Ahronian asked fencing around the entire property or a section. D. Walsh said she left that decision up to them.

K. Chisholm asked why this could happen and why the owner did not restrain Rocky after the first attack. The second attack has now turned into a public safety issue and she had to go to the hospital with a dog bite to the hand.

J. Cronin asked about Rockyø history was there any sign of abuse.

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D. Pessin said no, he was sorry and they have four (4) children. He reviewed Rocky's history. Rocky was born in Mississippi and then transferred to Tennessee. They purchased Rocky and brought Rocky to training but this limited training apparently did not work. Rocky had been checked out by the Holliston Animal Hospital with no problems. Rocky has been a good dog. Many children have been to their home with no problems.

D. Pessin said he received proposals to install a fence around the yard and he will do what's right but asked for the Board to spare Rocky's life.

J. Cronin asked about a physical fence. D. Walsh said yes a physical barrier was needed and the owner was told.

J. Cronin said on September 16, 2018 Rocky went right through the invisible fence and asked about other attacks. D. Walsh said the 1<sup>st</sup> attack Sadie was across the street. The 2<sup>nd</sup> attack was not even across the road it was closer to 14 Morgan's Way.

K. Chisholm read a statement that Rocky would not stop, the dog has a very unpredictable behavior do not understand what triggers Rocky's behavior.

J. Marsden asked if there have been any event inside the house. D. Pessin said no.

Cathryn Kelly, 64 Kim Place read a statement about walking dogs in the neighborhood she feared Rocky does not listen to the owner. Dog training is a continuous process and it is only as good as the owner's commitment to the training program. D. Pessin had the opportunity to do the right thing after the first attack and he did not.

R. Chisholm, 72 Kim Place said he was attacked by a German Shepard twelve (12) years ago and he has the scars to remember it. Rocky has to go.

J. Marsden said the Board had four (4) options. First, do nothing. Second, declare Rocky to be a nuisance. Third, declare Rocky to be dangerous. Fourth, euthanize Rocky. Given the history he would go with the fourth option.

J. Cronin agreed with J. Marsden and said the event was very troubling. M. Ahronian said the event was disturbing and a dog is like part of the family. However, this is the second event and he considered the testimony of K. Chisholm and C. Kelly and he agrees with J. Marsden and J. Cronin to euthanize Rocky for the overall safety of the public and to issue an order to euthanize Rocky.

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J. Cronin made a motion to euthanize Rocky. Second, M. Ahronian. Voted 3-0

**5.) Trash and Recycling Request for Proposals:** Michael Lavin and Kathi Mirza: Michael Lavin, Chairman of the Sustainability and Recycling Committee and Kathi Mirza, from the Department of Environmental Protection were present.

M. Lavin reviewed the status of the Trash and Recycling Request for Proposals (RFP). He noted that contract for trash removal were exempt under 30B given the current state of the recycling market this is not the ideal time to be issuing the RFP. Some towns are paying \$80-\$100 per ton just to dispose of recycling.

M. Lavin said the RFP should be ready to go by December.

J. Cronin asked about customer service and if there was language in the RFP to address this issue especially missed pick-ups, with the call center out of state, is there any way we can insert some teeth into the RFP.

M. Lavin said there will be fines for missed pick-ups and typically they would have 24 hours to respond. He has found it to be helpful to understand who the drivers are and their cell phone numbers so he can call them directly. The provider should give the Town a list of drivers with contact information each month.

J. Cronin asked if other towns were preparing to go out to bid and is there any opportunity to join that bid process.

K. Mirza said in her region about six (6) communities go out to annually.

J. Cronin asked about yard waste. M. Lavin said to collect curbside yard waste is very expensive and time consuming.

J. Cronin asked about liquated damages have those increased in the new RFP. M. Lavin said yes all the fees have increased.

J. Cronin asked about single stream vs. dual stream collection. M. Lavin said they are currently looking a dual stream but the RFP is structured to allow for all the options to be considered.

J. Cronin asked to look at page 30. Regarding the Prevailing Wage Law there might have been some changes to that.

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J. Cronin asked about Hazardous Waste Collection Day and who provides that service. J. Ritter said Clean Harbors.

M. Lavin said we need to get a report from Republic Services about the number of bulk pick-ups there have been. J. Ritter will request the report.

M. Ahronian noted that there would most likely be better pricing if the vendor had their base of operations closer but we also have to look at service not only pricing.

K. Mirza said we are seeking the best value for the Town not just the low bid.

M. Lavin said he has found it to be very help to have the route supervisors contact information.

J. Marsden said the next would be to forward the draft RFP to Town Counsel for review. M. Lavin said we still need to collect a couple of data points but yes that would be the next step.

J. Marsden said this process appears for timely, less pressure and more thoughtful. M. Lavin said we will also be seeking a five (5) year contract initially.

**6.) Wastewater Treatment Plant Expansion:** Tom Parece, from AECOM was present and reviewed the condition of the treatment plant. The capacity of the plant is about 32,000 gpd and the current use is approximately 10,000 gpd. This is an asset of the Town and it is being underutilized.

AECOM was previously engaged with the town center sewer study so they know the system and the climate in Holliston. Their proposal is analyze the current conditions of the plant. Review groundwater discharge. What can be done with the nitrogen levels. Is it possible to expand the use to include down town areas and or public buildings. What it would cost. There are 2% low interest loans and 0% low interest loans. Finally, if the upgrade and or expansion would be placed on the tax rate or through betterments based on frontage with a lien on the property.

J. Cronin said so the current permit allows for 32,000 gpd could that number be increased.

T. Parece said they would have to calculate and reaffirm the numbers but the draft permit is for five (5) years.

M. Ahronian said the Town has to do something there is a great need to tie in the Town Hall, Library and perhaps the High School. T. Parece said there is a great benefit to having a fully operational plant.

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J. Marsden asked if the land area could accommodate an expansion. T. Parece said once we get the report and modeling that would be the first and then we can start to answer some of these open questions.

#### **7.) Board Business**

**Minutes from September 17, 2018:** M. Ahronian made a motion to approve and release the Meeting Minutes from September 17, 2018. Second, J. Cronin. Voted 3-0

**Downtown Project Change Order #2:** J. Marsden explained there is a \$17,600 Administrative Change Order for the globes to be installed. McMahon has several unbilled items which equals about \$10,000. J. Cronin asked for more details. J. Marsden said McMahon will complete the 2<sup>nd</sup> baseline traffic study in Mudville as a credit which is about \$7,000 and there is an additional credit of about \$3,300 and the Town would make up the difference to equal \$17,600 to complete the project. J. Cronin made a motion to approve. Second, M. Ahronian. Voted 3-0

**Disposal of Surplus Equipment:** M. Ahronian made a motion to declare three photocopiers at the Library as surplus equipment and to have them disposed of. Second, J. Cronin. Voted 3-0

**One Day Alcoholic Beverage License:** M. Ahronian made a motion to grant a One Day Alcoholic Beverage License (beer) John Harvardø/Centerplate for the Cycle for Life event to be held on Saturday, October 6, 2018 at 101 Summer Street from 12noon to 3p.m. Second, J. Cronin. Voted 3-0

**Winehouse Liquor License:** M. Ahronian made a motion to grant and sign a Retail Package Good Store All Alcoholic Beverages License for the Winehouse at 76 Central Street. Second, J. Cronin. Voted 3-0

**Fee Waiver Request ó Senior Center:** M. Ahronian made a motion to approve a waiver of fees for an alcoholic beverage permit for the Senior Centerø 30<sup>th</sup> Anniversary Celebration to be held on September 25, 2018 from 4:00p.m. until 7:00p.m. Second, J. Cronin. Voted 3-0

**Individual Appointment Vacancies:** M. Ahronian made a motion to approve re-appointments for the Dam Inspector, Fence Viewer, Local Water Resource Manager, MetroWest Growth Management Committee Moth Inspector and SWAP Representative. Second, J. Cronin. Voted 3-0

**Snow and Ice Rates:** Sean Reese, Director of the Department of Public Works was present and shared with the Board data gathered from similar communities for rates paid to

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private contractors. M. Ahronian asked if there would be a change to the rate paid to the operator of a front end loader. S. Reese said no.

S. Reese said this is a low cost adjustment that should improve service.

M. Ahronian made a motion to approve the new rates for snow and ice removal work done by private contractors. Second, J. Cronin. Voted 3-0

**Tree Warden Appointment:** The Board asked the open part-time position be posted for two (2) weeks. J. Ritter will take care of that.

**Special Town Meeting Warrant:** J. Cronin made a motion for the Board to include as approved in the Warrant the following Articles, B, C, D, F, K, N, R, S, & T. Second, M. Ahronian. Voted 3-0

**Adjourn:** At 9:39p.m. J. Cronin made a motion to adjourn the meeting. Second, M. Ahronian. Voted 3-0

Respectfully submitted,

J. Jeffrey Ritter  
Town Administrator



