

## HOLLISTON BOARD OF SELECTMEN

October 3, 2011  
7:30 P.M.

Town Hall  
Selectmen's Meeting Room

Present: Jay Marsden, Chairman; Jay Leary, Vice Chairman; Kevin Conley, Clerk; Paul Le Beau, Town Administrator. Andrea Minihan, Administrative Assistant, was absent.

### **MR. CONLEY MOVED TO APPROVE THE FOLLOWING WARRANT:**

12-15	GENERAL WARRANT	\$370,371.03
	VOIDS	\$ (7,595.50)
	HEALTH INSURANCE TRUST	\$481,683.06
	AGENCY (890)	\$ 148.72
	PINECREST (8050)	\$ 10,000.00
	PAYROLL	\$101,356.81
	TOTAL WARRANT	\$955,962.12

### **ACCOUNTANT'S NOTE:**

#### **ACCRUED DEDUCTIONS NOT PAID**

\$ 28,899.76

### **TREASURER'S NOTE:**

#### **WIRE TO HEALTH INSURANCE TRUST**

\$ 18,355.88

**THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

### **COMMENTS FROM THE BOARD**

Mr. Conley said that this is the second meeting that they have had today. He said that the first meeting was at the Senior Center. He said that they had 20 seniors present asking many questions. He also said that Celebrate Holliston was this past Saturday and he said that it was a great time. Mr. Conley congratulated Craig Denman and Joanna Apesos on being named Citizens of the Year.

Mr. Marsden said that it was a busy day. He said that Celebrate Holliston was a big success. Mr. Marsden thanked all the public safety officials who helped out with traffic.

### **COMMENTS FROM THE AUDIENCE**

William Dowd, 95 Shaw Farm Road said that he was stunned to receive an email communication verifying that he had received all the documents that he had requested. He said that since the date he requested them, ten days have passed and he has not heard a word from the Board of Selectmen or the Selectmen's Office. He said that he has not received any communication what-so-ever in response to his letter of September 12<sup>th</sup>, in reference to Article 29 resolution. He said that he is still waiting for the memorandum of May 9<sup>th</sup> and the cost of savings analysis for the police contract. He said that it means that those documents do not exist.

Mr. Marsden said that it was his understanding that Mr. Dowd did get what was a communication from the police department. Mr. Dowd said that it was not signed by anyone and it was not dated. Mr. Marsden said that Mr. Dowd received a communication with everything that had been talked about with negotiations on the police contract. Mr. Dowd said that he has that document, but he wants to know why it could not of been given to him with-in ten days. He said that he has been waiting since May 25<sup>th</sup>. Mr. Dowd said that it is frustrating for him and embarrassing for the Selectmen that a request went three months before it was answered. Mr. Dowd asked about a cost and savings document. Is it safe to assume that it does not exist? Mr. Marsden said no it does not exist and they not done it in the past. It has not been their practice. Mr. Dowd said that request was made on June 27<sup>th</sup>, and repeated on July 12<sup>th</sup> at a Selectmen's Meeting and repeated to Mr. Leary twice in August. Why, was he not told that it did not exist? Mr. Leary said that he has spoken to Mr. Dowd many times by phone, not too many email conversations. Mr. Leary asked if Mr. Dowd wanted everything in writing from now on.

Mr. Leary said that Mr. Dowd has had many conversations with everyone on the Board by phone and email.

Mr. Dowd said that the Selectmen have failed to meet their legal obligations to provide a timely response for the request of public records.

Mr. Marsden disagreed with that comment. He said that they all have had many conversations with Mr. Dowd. Mr. Dowd said that the Selectmen were the only Board that did not respond to him. Mr. Leary said that the Board gets many requests and they do not document all of those requests.

Mr. Conley said that he met with Mr. Dowd on September 8<sup>th</sup>, and they spent an hour together talking about his concerns. Mr. Conley took those concerns to Mr. Le Beau. On September 16<sup>th</sup>, they sat down again, and Mr. Conley gave Mr. Dowd all the answers to all of his questions. Mr. Conley said that Mr. Dowd did not like the answers. He wanted something else that does not exist. Mr. Conley said that he can't make-up documents that do not exist.

Mr. Dowd said that in all the conversations that they have had, no-one ever said that those documents did not exist. Mr. Dowd also said that on May 23<sup>rd</sup>, Mr. Porter even asked for clarification to ensure that the document that he was looking at was different than the document that he had signed on May 9<sup>th</sup> memorializing the police contract. Mr. Dowd said that coming from that conversation, he took it to mean that document did exist. Now he is told that it did not. Mr. Dowd would like to have all communications answered with in ten days.

Mr. Marsden said that each Selectmen did give him an answer.

Mr. Dowd said that he is looking for more information via a public records request dated October 3<sup>rd</sup>. He is requesting invoices from Labor Counsel, Town Counsel and any other advisor that the Board would be using for labor relations or employee benefits. He would also like to listen to or get a copy of May 23<sup>rd</sup>, Selectmen's Meeting. He said that he also made a request to Holliston Cable Access to view the video and audio recording of the May 23<sup>rd</sup> meeting. He said that he was told that request had to go through the

Selectmen's Office. He said that if he does not get them, can he be told in writing within the required time frame?

Mr. Marsden said that if they are required to, yes they will get back to him in writing.

Mr. Marsden asked if Mr. Dowd was interested in joining the Finance Committee. Mr. Dowd said that he is not interested.

Mr. Leary asked that if Mr. Dowd has a question, not to send it to Town Counsel, because a bill may be generated by it. Mr. Dowd said that if a bill is generated by Town Counsel, he is willing to pay for it.

### **STREET OPENINGS – REGAL STREET AND ASHLAND STREET**

Mr. Marsden said that both streets were just paved.

Mr. Benjamin from Regal Street was present. He wants to put in a gas line and change from oil heat to natural gas. He said that he has a failing oil system.

Mr. Benjamin said that Regal Street was paved in 2007 and he said that it has a five year moratorium, he said that they are on year four. He is hoping that the Board would take this into consideration.

Mr. Conley said that his concern is bringing the street back to its original state.

Mr. Le Beau said that we have been through this with NSTAR in the past. Mr. Le Beau said that NSTAR has a bond in place with the Highway Department to cover cost of repairing patches in the event that they do not do the work. Mr. Le Beau said that they know the rules and follow them.

**MR. CONLEY MOVED TO APPROVE THE STREET OPENING ON REGAL STREET TO PUT IN A NATURAL GAS LINE. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

Faith Antonioli of Ashland Street was present with Carl Damigella. Ms. Antonioli is asking permission to open Ashland Street so that she can put in natural gas. Mr. Damigella said that it would be more cost effective to convert the house to natural gas. She said that she knows that the road was just recently paved. Mr. Damigella said that he would be in touch with the Highway Superintendent when the job is being done so that he can go and make sure that the inspection goes well and that the trench is closed up correctly. Mr. Damigella said that the moratorium is up in January 2012, but after November 15<sup>th</sup> you can't open a street.

**MR. LEARY MOVED TO APPROVE THE STREET OPENING ON ASHLAND STREET TO PUT IN A NATURAL GAS LINE. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

### **BOARD BUSINESS**

**MR. CONLEY MOVED TO APPROVE THE MINUTES OF AUGUST 22, 2011, AS WRITTEN. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

**ONE DAY ALCOHOLIC BEVERAGE PERMIT – VETERANS LUNCHEON**  
**MR. LEARY MOVED TO APPROVE A ONE DAY BEER AND WINE PERMIT FOR THE VETERAN'S LUNCHEON ON NOVEMBER 11, 2011 IN THE UPPER TOWN HALL. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**MR. LEARY MOVED TO WAIVE THE RENTAL FEE FOR THE VETERAN'S LUNCHEON ON NOVEMBER 11, 2011. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**MR. LEARY MOVED TO WAIVE THE LIQUOR PERMIT FEE FOR THE VETERAN'S LUNCHEON ON NOVEMBER 11, 2011. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**ONE DAY ALCOHOLIC BEVERAGE LICENSE – SOCCER - DATE CHANGE**  
**MR. LEARY MOVED TO APPROVE AN ALL ALCOHOLIC BEVERAGE LICENSE WITH DATE CHANGED TO OCTOBER 15<sup>TH</sup>, 2011, FOR THE HIGH SCHOOL SOCCER TEAM IN THE UPPER TOWN HALL. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**PERSONNEL CLASSIFICATION, COMPENSATION AND BENEFIT STUDY RFP**

Mr. Leary said that Mr. Dowd added four bullet points.

Mr. Marsden said that he likes the language because it goes across the board.

Mr. Le Beau said that in a discussion with Mr. Szajda, he said that it is practical to keep in the statement that there is a \$30,000 appropriation in the document. He said that the Finance Committee had discussed taking it out. Mr. Le Beau said that it is a public record voted at Town Meeting.

Mr. Le Beau said that separately from Mr. Dowd they clarified a couple of the benefits items. He said they distinguish between what benefits are paid for fully by employees and those that are not. Mr. Le Beau said that most of the information was provided by the Treasurer/Collectors Office.

Mr. Leary asked when the Finance Committee was going to vote on this. Mr. Marsden said on October 4<sup>th</sup>.

**LIEUTENANT POSITION FOLLOW UP**

Mr. Marsden said that they have been talking about releasing the personnel files of each candidate to the three Chief Committee, for the Lieutenant search.

Mr. Leary does not think that the records should be used in this decision by the Committee. He said that he thinks the Police Chief and the Board of Selectmen would get the chance to look at those files.

Mr. Marsden said that he thinks the same way. Mr. Marsden said that Committee can make their choice with-out the files.

Mr. Conley said that he is in favor of the Chief Committee having access to the files. Mr. Leary said that he has had discussion with a few people and they were in that area or could of done this and he said that two of the three people who he had spoken to said that in the past, they did not access files.

**MR. LEARY MOVED THE PROCESS FORWARD AS IN THE PAST WITH THE EXCEPTION OF THE PERSONNEL RECORDS THAT WOULD BE RESTRICTED FROM THE CHIEF SELECTION COMMITTEE, ONLY TO BE LOOKED AT BY THE CURRENT POLICE CHIEF AND THE BOARD OF SELECTMEN. THE MOTION WAS SECONDED BY MR. MARSDEN. TWO IN FAVOR. MR. CONLEY OPPOSED.**

**AT 8:08 P.M., THE BOARD HAD A SHORT RECESS. THEY RESUMED AT 8:15 P.M. FOR THE STREET ACCEPTANCE HEARINGS.**

**AT 8:15 P.M., THE BOARD EMERGED FROM THEIR RECESS AND WENT TO A PUBLIC DISCUSSION**

**STREET ACCEPTANCE HEARING – SPRINGDALE CIRCLE**

**AT 8:15 P.M., MR. CONLEY MOVED TO OPEN THE HEARING.**

Mr. Marsden said in a memo from Highway Superintendent Tom Smith, he had no problems with accepting the road.

Chief Cassidy sent a memo saying he had no problems with accepting the road.

Chief Moore in a memo had no problems with accepting the road.

Mr. Le Beau said in a memo from the Town Planner, Karen Sherman, she said that the Planning Board consultant did not find any problems with the road.

**MR. LEARY MOVED TO ACCEPT SPRINGDALE CIRCLE. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

Mr. Conley said that the Selectmen had a meeting at the Senior Center today at 1:00 p.m. He said that there were about 22 people there. He said that they discussed many things. Mr. Marsden said that the Center gets lots of donations of food. They have a nutrition program at the Center. He said that lunch is served twice a week. Mr. Marsden said that they are always looking for volunteers at the Center.

Mr. Conley said that they will be outgrowing the Center before long.

Mr. Conley asked if there was a program to freeze taxes on a senior's house with an attachment that when the house sells, the back taxes can be paid.

Mr. Le Beau said that there is a program through the Assessors' office. Mr. Le Beau said that they would have to qualify by age and income. They would only have to pay interest

on the tax bill, not the principal. Then the bill would become a lien on the property and at the time of the sale of the property the principal of the taxes is paid to the town. Mr. Le Beau said that all information for abatements and exemptions are available at the Assessors office.

Mr. Damigella said that at the 8:15 hearing the hearing was never closed and the audience did not get a chance to ask questions.

Mr. Marsden asked if anyone had any questions on the street acceptance hearing?

Mr. Leary asked if Mr. Le Beau had any questions? Mr. Le Beau said no.

**AT 8:27 P.M., MR. LEARY MOVED TO CLOSE THE STREET HEARING FOR SPRINGDALE CIRCLE. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

Mr. Damigella said that some of the seniors were complaining about not being able to get a ride to Celebrate Holliston. Mr. Damigella said that Ms. Arena-DeRosa had a van all set to take the seniors back and forth on the 24<sup>th</sup> of September, but we had to change the date to October 1<sup>st</sup>, and there was no driver available.

Mr. Leary read a memo from Police Chief Moore about the highest percentage of calls the Police go to, medical emergencies, suspicious activity, suspicious motor vehicles, motor vehicle crashes, business alarms and assist citizens calls.

He said that the highest calls for patrols is traffic enforcement, motor vehicle stops, building checks, check prisoner calls and community interaction.

**STREET ACCEPTANCE HEARING – INDIAN RIDGE SOUTH  
AT 8:30 P.M., MR. CONLEY READ THE NOTICE OF HEARING TO OPEN THE HEARING.**

Mr. Marsden said in a memo from Fire Chief Cassidy, he has no issues with the road Police Chief Moore has no issues with the road.

Mr. Marsden said that the Board held the bond on this road and the Highway Department has completed the work on it. The only thing not completed is the sidewalk, due to lack of funds.

Jay Marino, 54 Indian Ridge South, said the he is the street representative. He said that the police and the fire have signed off on the street. He said however, was sidewalk construction factored into this process?

Mr. Marsden said that they viewed it as an as is condition, or as built condition.

Mr. Le Beau said that the Fire Department looks to make sure that their vehicles can get down the street. The Police look from a patrol and traffic safety view.

A representative of the group home that is on Indian Ridge South said that her concern is for the four elderly women who live in the house. They are disabled. She said that if there were to be an emergency in the house, they have worked out a plan for them to evacuate to the driveway, but with-out sidewalks, there is no place for them to go that would be safe with all the fire equipment.

Mark DiGregorio, 51 Indian Ridge South, said that the street was originally planned with a sidewalk. He said that from a safety issue they would like to reiterate this. He also wanted to take into effect the condo complex. Mr. Marsden said the bond that was taken did not have enough funds to put in a sidewalk. He said that they can look into a stop sign at the corner of the street. Mr. Leary said that there may be some funding mechanism to put in the sidewalk, but there is no guarantee or a promise that it will happen. The residents do not want this to drop off the radar. Mr. Leary said it is all about funding. Mr. Damigella asked if the Selectmen could put a restriction on the final lot and not issue a building permit on that lot until the builder comes to an agreement with the Town. Mr. Marsden said that he is fine with that. Mr. Leary said that he is fine with that as well. Mr. Le Beau said the estimate for a sidewalk would be thirteen thousand dollars, but they were given that price was back in August.

**AT 8:45 P.M., MR. LEARY MOVED TO CLOSE THE HEARING. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**MR. LEARY MOVED TO ACCEPT INDIAN RIDGE SOUTH AND HOLD IN ADVANCE OF ANY PERMITS ISSUED TO THE EXTENT LEGALLY ALLOWED FOR PURPOSES OF FINISHING OFF THE SIDEWALK. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

#### **FALL TOWN MEETING WARRANT**

Mr. Le Beau said that there are nineteen Articles for the Town Meeting Warrant, but there may be one more. The Assessors will be meeting to discuss the GIS Article that they want to put on the warrant, but they will not be meeting until tomorrow the 4<sup>th</sup> of October. He also said that the Planning Board did not accept Deer Run as a public way, and the developer is not happy with them. The Planning Board thought that Deer Run was not ready to be accepted. Mr. Le Beau said that the developer may seek a citizen's petition with 100 signatures to go before Town Meeting. Mr. Le Beau said that they would have to have the petition by Friday October 7<sup>th</sup>. Mr. Le Beau said that if it is acceptable to the Board, they can approve the Warrant, subject to the possible elimination of Article 3 if the Assessors choose not to go forward or the insertion of a citizen's petition if one does come in this week.

**MR. LEARY MOVED TO ACCEPT THE TOWN MEETING WARRANT WITH THE POSSIBILITY OF A CITIZEN'S PETITION AND THE APPROVAL OF THE GIS FROM THE BOARD OF ASSESSORS. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**AT 9:03 P.M., MR. CONLEY MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

Respectfully submitted,

Donna A. Muzzy

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