

**THE TOWN OF HOLLISTON
SPECIAL TOWN MEETING
OCTOBER 26, 2009**

The Special Town Meeting commencing on October 26, 2009, was held at the Holliston High School and was brought to order by Moderator Kevin Clancy at 7:30 PM.

Due to weather conditions Celebrate Holliston Day was cancelled. The Celebration Holliston Committee asked permission to honor the Citizen's of the Year before the Town Meeting begins. Margaret Bowles and Jon Juhl are this years recipients. They were honored with flowers, plaques and citations' from the committee, Board of Selectmen, Representative Carolyn Dykema and Senator Karen Spilka's representative Michele Goldberg and a standing ovation from the citizens in attendance at the Town Meeting.

Mr. Clancy read the warrant calling for this town meeting to be held, signed by Constable Shawn F. Moore and dated October 9, 2009.

The Moderator then gave the rules and regulation for the conduct of the Town Meeting.

Prior to the start of the regular business the Moderator read the following Motion as required by Town By-law.

MOTION: Moved that the following non-resident and non-voting Town officials, consultants to committees and petitioners be allowed to speak during the course of this Special Town Meeting:

Leslie McDonnell	Library Director
Mary Bousquet	Treasurer/Collector
Kathryn Peirce	Principal Assessor
Peter Tartakoff	Building Inspector
David Nalchajian	Town Accountant
Brad Jackson	Superintendent of Schools
Tom Smith	Highway Superintendent
Karen Sherman	Town Planner
James Lynch	Superintendent-Director, Keefe Technical School
Tom Lambert	Police Chief
Keith Edison	Police Lieutenant
Brenda Farrell	Housing Authority Director
Cheryl Rudolph	Animal Control Officer
Ronald Sharpin	Water Superintendent
Charles Corman	Technology Director
Charles Turlow	Bullard Memorial Farm

SECONDED

DISCUSSION: None

VOTE: Passed unanimously by voice vote to accept this motion.

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for unpaid bills from prior years; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town raise and appropriate the sum of \$5,168.88 for invoices from fiscal year 2009.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 1 as stated in the Motion.

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of supplementing various accounts of the Town's fiscal year 2010 annual budget, previously voted by the Town under Article 14 of the Warrant for the 2009 Annual Town Meeting; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to make the following changes in the 2010 Omnibus Budget:

1. transfer \$2,858 from the Town Accountant Account 51000 to the Board of Selectmen Account 52000;
2. raise and appropriate \$4,333 to Police Department Account 51000;
3. raise and appropriate \$118,066 and appropriate \$73,988 from the stabilization fund to School Department Account 51000;
4. reduce Solid Waste Account 52120 by \$26,121 to \$1,003,213;
5. reduce Motor Vehicle Fuels Account 54000 by \$23,000 to \$110,000;
6. raise and appropriate \$599,525 to Debt Service Account 57600;
7. appropriate \$185,215 from Water Surplus to Water Department Account 57000.

SECONDED

DISCUSSION: Ken Szajda, Chairman of the Finance Committee reported that at the meeting prior to the Town Meeting the FinCom unanimously voted to support the motion as read. John Cronin had some questions for clarification and asked the FinCom to give better explanations of items in the Warrant in the future.

VOTE: Passed by unanimous voice vote to Accept Article 2 as stated in the Motion.

ARTICLE 3. To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for fiscal year 2010; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town appropriate the sum of \$206,643 from Free Cash for the purpose of resolving any deficits and reducing the amount of money to be raised through property taxes for fiscal year 2010.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept Article 3 as stated in the Motion.

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely Postponed by unanimous voice vote.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely Postponed by unanimous voice vote.

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to hold a public auction for the purpose of disposing of surplus departmental equipment; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Board of Selectmen be authorized to dispose of the following surplus property: a 1997 Ford F150 pickup truck; a Freightliner ambulance vehicle; desks, chairs, tables, file cabinets and other office furniture (Police Department); a 1995 Chevrolet GMT 400 pickup truck and a 1996 Chevrolet GMT 400 rack body cab and chassis (Highway Department); computers and computer equipment (School Department); and a 1999 Dodge RAM Van (Council on Aging).

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept Article 6 as stated in the Motion.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of capital expenditures, including replacement and new vehicles and equipment, for the Town Clerk, Highway, Police, School, Water and Fire departments, and authorize the Board of Selectmen to trade or sell used equipment toward part of the purchase price; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that Town raise and appropriate \$1,625 for photography equipment for the Town Clerk; raise and appropriate \$28,000 for one Police Department vehicle, appropriate \$298,115 from the capital expenditure fund for computer equipment for the School Department, raise and appropriate \$14,056 and appropriate \$51,944 from the Capital Expenditure Fund for two Highway Department vehicles, and appropriate \$185,000 from the Ambulance Revolving Account for one replacement ambulance.

SECONDED

DISCUSSION: Jack Blais asked the Selectmen and the FinCom if any of the items in the Motion could be postponed. He was told that these items were mostly capital expenses and that putting them off any long was not sensible due to high maintenance costs. Some of the Highway trucks could no longer support a plow and that the streets do need to be plowed.

Liz Theiler expressed her concern about \$300,000 for computers for the schools. Brad Jackson, Superintendent of Schools explained that this item also had been postponed previously and that the computers would not support current software.

Ken Szajda explained that the FinCom has been adding to the Capital account over the past two years and that neglecting the towns capital equipment now will create a fiscal problem in the future that the Town will never recover from. It is not good practice to not spend in hard times and spend like crazy in good times.

VOTE: Passed by unanimous voice vote to Accept Article 7 as stated in the Motion.

ARTICLE 8. To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2010 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any action relative thereto. **(Community Preservation Committee)**

There are five (5) motions to this article and they must be voted separately.

MOVE: (1) To allocate \$360,000 from estimated FY2010 Community Preservation Act surcharge receipts in the following four reserves in the amounts specified.

Community Housing Reserve	\$36,000
Open Space Reserve	\$36,000
Historic Resources Reserve	\$36,000
Community Preservation Fund Budget Reserve	<u>\$252,000</u>
Total	\$360,000

SECONDED

DISCUSSION: Sam Tyler, Chairman of the Community Preservation Committee, had a short power point presentation explaining what his committee has been doing over the past eight (8) years. He also explained the following appropriations for restoration of Historical Buildings on the site of the Historical Society.

VOTE: Passed by unanimous voice vote to Accept (1) Motion of Article 8 as stated in the Motion.

MOVE: (2) To reserve \$123,058 under the Community Preservation Act from state matching funds distributed on October 8, 2009 in the following four reserves in the amounts specified.

Community Housing Reserve	\$12,306
Open Space Reserve	\$12,306
Historic Resources Reserve	\$12,306
Community Preservation Fund Budget Reserve	<u>\$86,140</u>
Total	\$123,058

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept (2) Motion of Article 8 as stated in the Motion.

MOVE: (3) To appropriate \$4,800 for fiscal 2010 from the Historic Resources Reserve for the repair of the roof of the shoe shop building on the Holliston Historical Society's grounds with the stipulation that the repair be completed within a period of two years from the date of appropriation.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept (3) Motion of Article 8 as stated in the Motion.

MOVE: (4) To appropriate \$15,000 for fiscal 2010 from the Historic Resources Reserve for the replacement of the foundation of the shoe shop building on the Holliston Historical Society's grounds with the stipulation that the replacement be completed within a period of two years from the date of appropriation.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept (4) Motion of Article 8 as stated in the Motion.

MOTION: (5) To appropriate \$9,000 for fiscal 2010 from the Historic Resources Reserve for the repair of the roof of the corn shed building on the Holliston Historical Society's grounds with the stipulation that the repair be completed within a period of two years from the date of appropriation.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept (5) Motion of Article 8 as stated in the Motion.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town's matching funds for a state provided handicapped accessible van; or take any action relative thereto. **(Council on Aging)**

MOTION: Move that the Town raise and appropriate the sum of \$10,000 for the Town's share of a matching grant for a handicap accessible van.

SECONDED

DISCUSSION: Henry Dellicker, Chairman of the Council on Aging made the motion to amend the motion from \$10,000 to \$5,000. He explained that two (2) private organizations have come forth with grants toward the van. One for \$3,000 from the Congregational Church and one for \$2,000 from the Senior Support Foundation. Therefore he requests that the motion be amended to read:

AMENDED MOTION: Move that the Town raise and appropriate the sum of \$5,000 for the Town's share of a matching grant for a handicap accessible van.

VOTE on amendment: Passed by unanimous voice vote to amend the motion for Article 9.

No further discussion.

VOTE: Passed by unanimous voice vote to Accept Article 9 as amended.

ARTICLE 10. To see if the Town will vote to amend the Town's previous vote under Article 11 of the Warrant for the October 27, 2008 Special Town Meeting by changing the date on which unexpended funds will transfer to the Water Surplus account; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Moved that the Town vote to extend to May 31, 2010 the date on which unexpended funds originally appropriated under Article 11 of the Warrant for the October 27, 2008 Special Town Meeting will transfer to the Water Surplus account.

SECONDED

DISCUSSION: Doug Foss asked if this was the article passed last year that had the sunset clause in it and was answered in the affirmative by Ken Szajda. Ken also said that due to the rainy summer the work did not get completed, therefore the extension of time.

VOTE: Passed by unanimous voice vote to Accept Article 10 as stated in the Motion.

ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of complying with the DEP requirement of investigating corrective actions for public water supply well number 2; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Moved that the Town appropriate the sum of \$25,000 from Water Surplus for corrective actions at public water supply well number 2.

SECONDED

DISCUSSION: Liz Theiler asked why the DEP is asking for corrective actions and pleased that they are keeping an eye on contamination. Jeff Weiss, chairman of the Water Commissioners responded that there never was any contamination at this well.

VOTE: Passed by unanimous voice vote to Accept Article 11 as stated in the Motion.

ARTICLE 12. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of constructing a water distribution booster station on Turner Road, and to acquire an easement or other interest in real property on the premises known as 147 Turner Road; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Moved that this article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely postponed by unanimous voice vote.

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of reactivating public water supply well number 4 by establishing wells adjacent to public water supply wells, number 3 and 4, and modifying the treatment processes for said wells; or take any action relative thereto. **(Board of Water Commissioners)**

MOTION: Moved that the Town vote to appropriate \$200,000 from Water Surplus for the purpose of reactivating public water supply wells, number 3 and 4, and modifying the treatment processes for said wells.

SECONDED

DISCUSSION: Liz Theiler asked that the Water Commissioners explain why they are modifying the treatment of the well, the advantage of cluster wells and that she understands that Well 4 has a problem of manganese. Jeff Weise replied that the problem is Iron and that they don't know the reason for it. Hence the need for this pilot study, before they can come up with a plan.

John Cronin wanted to know with over a million dollars in the surplus fund when there might be water rate relief. He was told that there is no talk of rate decrease and probably won't be. Water is available to the citizens 24/7 at ½ a penny a gallon.

VOTE: Passed by unanimous voice vote to Accept Article 13 as stated in the Motion.

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, accept by donation, take by eminent domain or otherwise acquire rights in land or easements necessary for the Highland Street sidewalk project on property shown as Lots 2, 3, 68 and 69 of Block 6 on Assessors' Map 8 and shown as 850, 860, 878 and 892 Highland Street respectively; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, accept by donation, take by eminent domain or otherwise acquire rights in land or easements necessary for the Highland Street sidewalk project on property shown as Lots 2, 3, 68 and 69 of Block 6 on Assessors' Map 8 and shown as 850, 860, 878 and 892 Highland Street respectively.

SECONDED

DISCUSSION: Carl Damigella explained that this is part of the three (3) phase project for sidewalks and will be from the High School at Prentice St to Prospect St. It will be on the High School side of the road for the safety of the children, rather than on the Golf Course side of the road. This involves four (4) property owners and the amount of property involved ranges from 450 sq. feet to 2,000 sq. feet. Hopefully this project will be started in the spring and finished by the start of school 2010.

VOTE: Passed by unanimous voice vote to Accept Article 14 as stated in the Motion.

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to petition the Town's State Representative and State Senator, either or both as the case may be, to file any and all special legislation deemed necessary for the purpose of authorizing and directing the Division of Capital Planning, or any other department of the Commonwealth of Massachusetts laying claim to or in the title to the real estate described herein; to deed, to the Town of Holliston, or its designee, any and all interest which the Commonwealth of Massachusetts has acquired, or is from this date forward, judicially determined to have acquired in any of the real estate located in the Town of Holliston which real estate is a portion of the property shown on a certain plan of land entitled: Plan of Land at the Former Andrews School, Holliston, Massachusetts (Middlesex County), prepared by Beals and Thomas, Inc., dated September 8, 2009; or to take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town vote to authorize the Board of Selectmen to file special legislation as stated in the article.

SECONDED

DISCUSSION: Andy Porter explained that this seems more complicated than it really is but as stated in the FinCom report: "After last May's town meeting vote to change the focus of the proposed housing project at the former Andrews School a title search of the property was completed. That search revealed that there is a potential unresolved issue with a portion of the property. Some of the property was given to the Town in the 1850s with the understanding that if it was no longer used as a school the property would revert to the donor. There are no known heirs of the donor. In such a case, the property would escheat to the state. The proposed legislation would direct the state to transfer whatever right they may have in the property to the Town."

Bob Norton asked what the time frame may be and was told hopefully about 1 year.

VOTE: Passed by unanimous voice vote to Accept Article 15 as stated in the Motion.

ARTICLE 16. To see if the Town will vote to authorize the Board of Selectmen to petition the Senate and House of Representatives in the General Court to enact a Home Rule Petition authorizing the Board of Selectmen to accept a perpetual Conservation Restriction as defined in Massachusetts General Laws Chapter 184, section 31, and as approved by the Secretary of Environmental Affairs as required under section 32 on the land presently owned by the Bullard Memorial Farm Association, said land being a portion of that real estate located at 7 Bullard Lane and shown as Lot 1 of Block 1 on Assessors' Map 9, Lot 38 of Block 4 on Assessors' Map 9, and Lot 102 of Block 6 on Assessors' Map 9, and in consideration for the acceptance of the said perpetual Conservation Restriction to further authorize the Town of Holliston to exempt the real estate described in and made subject to the perpetual Conservation Restriction, from all real estate taxes; or to take any action relative thereto. **(Open Space Committee)**

MOTION: Moved that the Town vote to authorize the Board of Selectmen to petition the General Court as stated in the article.

SECONDED

DISCUSSION: George Johnson, member of the Open Space Committee, gave a presentation of the property in question and explained what this Motion would mean to the Town. This is a 146 acre farm owned by the Bullard Trust. The farm predates Holliston. This is not a purchase of the land. The buildings will continue to be maintained by the trust. The Conservation Restriction will eliminate the possibility of development of any kind. The Town will lose the tax revenue of the property which is approximately \$17,400 a year. The Conservation Restriction is for perpetuity.

VOTE: Passed by majority voice vote to Accept Article 16 as stated in the Motion.

ARTICLE 17. To see of the Town will vote to accept as a public way, Quail Run (Sta. 0+00 to 4+45.65), as shown on the following plan: "Roadway Acceptance Plan of Quail Run in Holliston, MA" dated December, 1999 (revised March 2000 and September 30, 2009) prepared by GLM Engineering Consultants, Inc., Holliston, MA 01746, such way having been laid out as a Town way by the Board of Selectmen; or take any action relative thereto. (**Planning Board**)

MOTION: Moved that this article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely postpone Article 17 by unanimous voice vote.

The motion to adjourn was seconded and passed unanimously by voice vote at 9:30 PM.

A true copy
Attest

Jacqueline S. Dellicker
Town Clerk