

TOWN OF HOLLISTON
SPECIAL TOWN MEETING
OCTOBER 28, 2013

The Special Town Meeting of October 28, 2013 was held at the High School Auditorium and brought to order by Moderator Kevin Clancy at 7:32 with a quorum of 108, and growing.

The moderator read the warrant and went over the preliminary rules for Town Meeting and then read the following motion as required by the Town By-Laws.

PRIOR TO ARTICLE 1

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

Ann McCobb	Health Director/Agent
Leslie McDonnell	Library Director
Mary Bousquet	Treasurer/Collector
David Nalchajian	Town Accountant
Kathryn Peirce	Principal Assessor
Peter Tartakoff	Building Inspector
Brad Jackson	Superintendent of Schools
Sara Ahern	Assistant Superintendent of Schools
Tom Smith	Highway Superintendent
Karen Sherman	Town Planner
John Moore	Police Chief
Brenda Farrell	Housing Authority Director
Cheryl Rudolph	Animal Control Officer
Charles Corman	Technology Director
Charles Katuska	Conservation Agent
James Lynch	Keefe Tech Superintendent-Director

SECONDED

DISCUSSION: Our Town By-Laws require that the Town Meeting vote to allow non-residents and non-voters to address the Town Meeting.

VOTE: Passed by unanimous voice vote.

Prior to Article 1, Ken Szajda, Finance Committee Chairperson, gave an update on the status of the Town's budget.

James Lynch, Keefe Tech Superintendent, wanted to make the Town aware of the Capital roof project that will be presented to Town Meeting in the spring. He also wanted to announce his retirement effective January 4, 2014 and introduce his successor, the current Principal of Keefe Tech, Mr. Jonathan Evans.

The quorum had grown to 142.

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 \$7,795.39 and appropriate the sum of \$184.46 from Water Surplus for invoices from fiscal year 2013.

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 2014 annual budget, previously voted by the Town under Article 15 of the Warrant for the 2013 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 fiscal year 2014 Omnibus Budget:

1. reduce Employee Benefits Account 51750 by \$18,757;
2. raise and appropriate \$1,283 for Board of Health Account 51000; and
3. reduce Debt Service Account 57600 by \$6,332;

SECONDED

DISCUSSION: None

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 2014; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town appropriate the sum of \$1,358,776 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 2014.

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 the Town raise and appropriate the sum of \$400,000 to the Stabilization Fund.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 4 as stated in the motion.

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 the Town raise and appropriate the sum of \$458,776 to the Capital Expenditure Fund.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 5 as stated in the motion.

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 reported by the Highway and Fire Departments: a 1992 Ford Ambulance, a 2001 Freightliner Ambulance, a 1986 Ford pickup, two 1985 Mack trucks and a 1985 Woodchuck chipper.

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 Highway, Police, School, Public Buildings, Fire, Technology, Treasurer/Collector and Accountant 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 the Town appropriate \$200,000 from the Capital Expenditure Fund and authorize a short term borrowing not to exceed three years in the amount of \$175,000 for a Fire Department pumper engine; appropriate \$86,634 for two Police Department vehicles; appropriate \$4,000 from the Capital Expenditure Fund for Police Department weapons; appropriate \$37,800 from the Capital Expenditure Fund for computer hardware and software for Town departments; appropriate \$64,200 from the Capital Expenditure Fund for Munis accounting system upgrades; appropriate \$18,200 from the Capital Expenditure Fund for extraordinary repairs to the Flagg Cole heating system; appropriate \$186,659 from the Capital Expenditure Fund for a data server, switches, Fitnessgram software, desktop computers, Foreign Language and Music Technology lab computer equipment and software, iPads, iPad carts and Notebook carts for School Department Technology infrastructure and classroom technology; appropriate \$119,300 from the Capital Expenditure Fund for carpeting, doors, cafe tables, air conditioning and High School auditorium lighting for School Department building improvements; appropriate \$12,000 from the Capital Expenditure Fund and raise and appropriate \$39,688 for replacement of the Senior Center Roof; and appropriate \$190,000 from the Ambulance Revolving Fund for a new Fire Department ambulance; and authorize the trade-in or sale at auction of used Police Department vehicles and weapons.

SECONDED

DISCUSSION: John Cronin, 40 Holly Ln, asked Mr. Dowd why he voted against the Ambulance. William Dowd, 95 Shaw Farm Rd, doesn't feel it's prudent to have 3 ambulances. Ken Szajda, 676 Fiske St, said that the Fire Dept. is rotating this ambulance into service not adding a 3rd ambulance.

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 2014 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**)

MOTION:

1. Move: to appropriate the sum of \$3,000 for fiscal 2014 from the Community Preservation Open Space Reserve to assist the Conservation Commission with the development of a signage program for conservation parcels acquired with the use of CPA funds; all funds to be expended within three years of the October, 2013 town meeting.

SECONDED

DISCUSSION: Frank Chamberlain, 333 Hollis St. and Chair of the CPC, gave a brief explanation of the 3 Motions. Marty Lamb, 57 Wingate Rd., asked if there are written details of the Conservation Restriction. Mr. Chamberlain said the language is still being negotiated. John Cronin, 40 Holly Ln., asked Mr. Kaslow why he abstained from voting on this Article. Charles Kaslow, 19 Kingsbury Ln, said the he was not at the meeting where the discussion took place and felt he did not have anything to contribute.

VOTE: Passed by unanimous voice vote to accept the first Motion in Article 8.

2. Move: to appropriate the sum of \$300,000 for fiscal 2014 from the Community Preservation Undesignated Reserve as the Town portion of the cost for acquisition of a Conservation Restriction on 111 acres of the property know as Bullard Farm, contingent upon acceptance of the terms of the Conservation Restriction and the Conservation Management Plan by the Bullard Memorial Farm Association, receipt of a State Land Grant in the amount of \$400,000 and additional grant funding from the Trustees of Reservations in the amount of \$350,000. Funds are to be expended within two years of the October, 2013 town meeting.

SECONDED

DISCUSSION: Rachel Kane, 175 Winthrop St., gave a presentation on Bullard Farm. Marty Lamb, 57 Wingate Rd., agrees that this land should be preserved, but feels uncomfortable that the language is still being negotiated. He made a motion to

Indefinitely Postpone, which was Seconded. Ann Marie Pilch, 107 Juniper Rd., said the Board of Selectmen and the Conservation Commission will have to approve the final language of the Conservation Restriction. Walter McClennen, 432 Fiske St., feels that with the BOS and Con Com having the ability to review the final document the Town's interests are protected. David Keating, 56 Pinecrest Rd., wants to know if the Conservation Restriction will eliminate the possibility for a possible water resource. Ms. Pilch responded that it would be restricted. Barbara Gardner, 114 Jennings Rd., serves on the board of the Charles River Watershed and feels confident that the Town will be protected due to the State's strict restrictions. Jay Marsden, 32 Wendy Ln., said the Board of Selectmen will make sure there is open access to the property.

The motion to Indefinitely Postpone, was defeated by voice vote.

VOTE: Passed by unanimous voice vote to accept the second Motion in Article 8.

3. Move: to appropriate the sum of \$79,260 for fiscal 2014 from the Community Preservation Undesignated Reserve for professional services, including but not limited to the preparation of real estate appraisals, environmental reviews, boundary surveys and title reviews in preparation for property acquisition by the Trails Committee; all funds to be expended within two years of the October, 2013 town meeting.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept the third Motion in Article 8.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to acquire a conservation restriction on two parcels of land comprising one hundred eleven (111) acres, more or less, owned by the Bullard Memorial Farm Association and located off of Bullard and Central Streets and shown as Lot 1 of Block 1 and Lot 38 of Block 4 of Assessor's Map 9; to determine whether the Town will accept a grant of up to \$400,000 from the Massachusetts Executive Office of Energy and Environmental Affairs, a grant of \$350,000 from the Trustees of Reservations and other grants or gifts for this purpose; to determine whether such acquisition shall be by borrowing, by transfer of available funds, by appropriation of Community Preservation funds or by some combination thereof; to determine whether such property shall be acquired for conservation purposes under section 8C of Chapter 40 of the General Laws; or take any action relative thereto. **(Open Space Committee)**

MOTION Moved that the Town vote to acquire a conservation restriction on two parcels of land comprising one hundred eleven (111) acres, more or less, owned by the Bullard Memorial Farm, Inc., and located off of Bullard and Central Streets and shown as Lot 1 of Block 1 and Lot 38 of Block 4 of Assessor's Map 9; place the management and control of the conservation restriction with the Conservation Commission in accordance with

Massachusetts General Laws, Chapter 40, section 8C and Chapter 44B, section 12(b), for conservation and passive recreation purposes; authorize the Board of Selectmen and the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition, including the conveyance of a perpetual conservation restriction, which conservation restriction may be granted to the Trustees of Reservations or any other organization qualified and willing to hold such a restriction, in accordance with Massachusetts General Laws Chapter 184 as required by section 12(a) of Chapter 44B; authorize the Open Space Committee to file on behalf of the Town any and all applications deemed necessary under the Self-Help Act, Massachusetts General Laws, Chapter 132A, section 11, or any other applications for funds in any way connected with the scope of this acquisition; appropriate \$1,135,000 for such acquisition and to meet such appropriation accept a grant of up to \$400,000 from the Massachusetts Executive Office of Energy and Environmental Affairs; appropriate \$85,000 from the Open Space Fund, appropriate \$300,000 from the Community Preservation Fund for such acquisition; accept a grant or gift of \$350,000 from the Trustees of Reservations; and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$400,000 for the property acquisition and to issue any bonds or notes that may be necessary in anticipation of any grant, as authorized by Massachusetts General Laws, Chapter 44, section 8C and Chapter 44B (Community Preservation Act), or any other enabling authority appropriate for such acquisition.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 9, as stated in the Motion.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of the OPEB Trust Fund; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice vote to accept Article 10 as stated in the motion.

ARTICLE 11. To see if the Town will vote to amend the Town of Holliston By-laws by deleting "ø\$25.00ö" and inserting in place thereof "ø50.00ö" at the end of Section 5 ö Penalty for Unlicensed Dogs of Article XXIX ö Animal Control; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to amend the Town of Holliston By-laws as stated in the Article.

SECONDED

DISCUSSION: None

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 transfer certain parcels of property, acquired by the Town through tax title foreclosure, to the Conservation Commission as follows:

1. Map 7 Block 7 Lots 381, 380, 384 located off Juniper Road;
2. Map 7 Block 5 Lot 24 located off Alpine/Hanlon Road;
3. Map 11 Block 2 Lot 144 located off Mellen Street; and
4. Map 4 Block 2 Lot 37 and located off Adams Street;

or take any action relative thereto. (**Planning Board and Conservation Commission**)

MOTION: Moved that the Town vote to transfer the care, custody and control of the parcels of property described in the Article to the Conservation Commission for conservation purposes.

SECONDED

DISCUSSION: Jim Carboneau, 457 Chamberlain St., asked if these were buildable lots or being used for trails. Paul LeBeau, 147 Karen Cir., said that they are from developers who couldn't build on them and the Conservation Commission felt they would be good for open space.

VOTE: Passed by unanimous voice vote to accept Article 12 as stated in the motion.

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to seek special legislation substantially as follows:

AN ACT AUTHORIZING THE TOWN OF HOLLISTON TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, there is hereby established in the town of Holliston a department of public works, hereinafter called "the department", which shall be under the supervision and control of the board of selectmen, hereinafter called "the board".

SECTION 2. Unless otherwise noted in this act, the board of selectmen shall have all the powers and duties now or from time to time vested by general or special act or town by-law in the following boards, commissions, departments or officers: highway department, including the highway superintendent and the surveyors of highways; and the water department, including the board of water commissioners. The board of water commissioners is hereby abolished. No existing contract or liability in force on the effective date of this act shall be affected, but the board shall in all respects be the lawful successor of the entity so abolished.

SECTION 3. The department of public works shall have all the functions now or from time to time vested by general or special law or town by-law in the following departments and offices: highway department and water department. The department of public works shall assume the responsibility for the operations of the streets and those functions of the park commission related to management, care and maintenance of real property as the park commission may designate in writing. All equipment, property, facilities, funds, assets and liabilities under the care, custody and control of the abolished board of water commissioners as of the effective date of this act, shall be under the care, custody and control of the board of selectmen. The provisions of section 69B of chapter 41 of the General Laws or the provisions of section 53F1/2 of chapter 44 of the General Laws shall control water related funds, assets and liabilities.

SECTION 4. The department of public works may have such additional powers with respect to collection and disposal of garbage and refuse, the maintenance and repair of street lights, the maintenance and repair of town buildings and property, with the exception of buildings and property under control of the school committee or the board of library trustees unless said committee and trustees consent in writing, and the performance of such duties of any other boards, departments, and offices of the town as may be reasonably related to the duties of a department of public works, as the town may from time to time, by by-law provide, any other provisions of law notwithstanding.

SECTION 5. No later than 120 days prior to the beginning of each fiscal year, the board of selectmen shall convene a public hearing to determine the ensuing fiscal year water budget and set equitable prices and rates for usage of the water system. The date, time and place of the hearing shall be included in all water bills mailed for the second quarter of each fiscal year. At least two weeks prior to the proposed hearing, the board shall

cause notice to be published in at least one newspaper of general circulation in the town of Holliston, and posted at town hall and on the town's Web site. The board will take testimony from any interested party and shall submit its recommendations to the town meeting, which shall act upon the budget in the same manner as all budgets.

SECTION 6. The board of selectmen shall appoint, fix the tenure and compensation of and enter into a contract with a director of public works, subject to appropriation and the provisions of town by-laws and personnel by-laws. The director shall exercise and perform, in conformity with the policies of the board, such powers, rights, and duties conferred upon the board of selectmen under the provisions of section 2 as said board may from time to time delegate. The director of public works shall have full charge and authority over the employees, equipment, and facilities within the department, subject to the requirements of law, by-laws, regulations, and such direction and such policies of the board of selectmen.

The director of public works shall hold, at a minimum, a Bachelor's degree in civil engineering or other appropriate discipline, and shall have a minimum of five years of relevant professional experience in public works construction and management. The board of selectmen may establish other requirements such as registration as a professional civil engineer within the commonwealth. During his or her tenure, the director of public works shall hold no other elective or appointive office, nor shall the director of public works engage in any other business or occupation without prior express written authorization of the board of selectmen. The director of public works shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties in such sum and upon such conditions as the board may require. The town will pay the premium for said bond.

The director of public works may designate, by letter approved by a vote of the board of selectmen and filed with the town clerk, a qualified officer of the town to perform the director's duties in the case of absence or disability. Pending the appointment of a director, the filling of any vacancy, the failure of the director to designate a temporary director, or during the suspension of the director, the board shall appoint a suitable person to perform the duties of the director's office.

SECTION 7. The director of public works shall appoint, remove and supervise employees of the department in accordance with the town's personnel by-law and any applicable collective bargaining agreements. The director shall appoint and remove such employees as the director deems necessary, subject to town meeting appropriation and approval of the board of selectmen. The director of public works shall supervise, direct and be responsible for the efficient administration of all departments, offices, boards and committees appointed by the director.

The director of public works shall keep full and complete records of the department. Such director shall render to the board of selectmen, as often as may be required by said board but at least quarterly, a full report of all the operations under his or her control during the period reported upon, and annually shall render to the board and file with the town clerk a report of all the operations under his or her control, including, but not

limited to: a full financial report of all accounts, funds and grants, a work plan with related finance plan for the subsequent fiscal year, and a report on the accomplishments and progress made under the work plan from the preceding fiscal year. The director of public works shall have access to all town books, records and documents necessary for the proper performance of the assigned duties and responsibilities.

The director of public works shall keep the board of selectmen fully advised as to the needs of the town within the scope of his duties, and shall annually, in conformity with the requirements established by said board, furnish to the board a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for department enterprise funds established under [section 53F1/2 of chapter 44](#) of the General Laws required during the next fiscal year for the proper exercise and performance of all said rights and duties.

The director of public works shall perform such other duties consistent with the office as may be required by the by-laws of the town, by vote of town meeting, or by majority vote of the board of selectmen.

SECTION 8. The board of selectmen shall retain all powers, duties and responsibilities associated with incurring debt.

SECTION 9. Once established, the town of Holliston may modify the duties, powers and responsibilities of the department of public works. Integration of agencies, departments, or districts not described in this act shall require approval by a majority vote at a town meeting. Public works functions, once integrated, may be constituted as independent organizations or departments by a majority vote at a town meeting.

SECTION 10. This act shall take effect upon its passage.;

or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to authorize the Board of Selectmen to file special legislation substantially as stated in the Article. *To take effect on or after July 1, 2014.*

SECONDED

DISCUSSION: Jay Leary, 146 Karen Circle, made a presentation on the proposed Department of Public Works. Jared Adams, 3 Peter St., provided some history of the Town's Water Department from the mid 1940's when the Town acquired it from a private Water Company. Jack Blaise, 25 Mitchell Rd., made a motion to Indefinitely Postpone Article 13, which was seconded. Mark Schultz, 21 Wedgewood Dr., spoke in favor of the DPW and stated that he has been for a long time. He also wants to know what the cost savings or financial benefits will be for the town, and will there be a plan for the aging infrastructure. Kevin Conley, 44 Cranberry Ln., said there are grants that other surrounding towns have received that we could be eligible for. He also said that we are paving roads that could have bad pipes under them, and with a DPW we could be

more pro-active than re-active. Jay Marsden, 32 Wendy Ln., said that initially our costs will increase, but this plan is in conjunction with the current Water Superintendent retiring which would free up some salary money. Even though our costs will be up, productivity will be up. Doug Foss, 1225 Washington St, wants to see analysis on how many employees each department currently has and how many the DPW will have 5 yrs. down the road, he would also like to see the same comparison for each budget. The lack of this information makes him lean toward postponing this article. John Losch, 2345 Washington St, is against a DPW he feels the presentation was too vague and wants more facts and a definitive plan, once we go to a DPW we can't go back. He also feels that an article of this magnitude should be brought before the Annual Town Meeting which will attract more voters. Mr. Leary, rebutted some of the arguments against; quoting DPW Director Salaries from some comparable towns, which were considerably less than a previous speaker had said. He also stated that water revenue will remain for water use only, as required by law. The Selectmen would hire professionals to run the department, similar to the professionalism of our Fire Chief. Joan Souza, 31 Old Cart Path, feels that in the long run we will be saving money with a DPW. Geoffrey Zeamer, 583 Winter St, is in favor of a DPW, but feels the Selectmen are acting before they have a proper plan in place, ie. Budget & staff. He is in favor of postponing this article to the Annual Town Meeting. John Cronin, 40 Holly Ln, made a motion to Move the Question, which was seconded and passed by voice vote.

VOTE To Indefinitely Postpone Article 13: Defeated by voice vote

Parashar Patel, 3 Metcalf Dr, asked what would change with the Park and School Departments with regard to their fields. Mr. Leary said the current structure would not change. David Keating, 56 Pinecrest Rd, said the Water Commissioners voted 2-1 in favor of the DPW.

Mr. Keating made a motion to amend Article 13 to include an effective date "To take effect on or after July, 1, 2014". Seconded

VOTE to Amend Article 13: Unanimously passed by voice vote

VOTE: Passed by hand count vote to accept Article 13 as stated in the Motion, amended above in italics.

Yes: 95 No: 27

ARTICLE 14. To see if the Town will vote to accept the provisions of section 53F1/2 of Chapter 44 of the General Laws and establish an Enterprise Fund for the Holliston Water Department to become effective July 1, 2014; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to authorize the Board of Selectmen to establish a Water Enterprise Fund in accordance with the provisions of section 53F1/2 of Chapter 44 of the General Laws to become effective July 1, 2014.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 14 as stated in the motion.

A true record, ATTEST:

Elizabeth T. Greendale, Town Clerk