

**HOLDEN BOARD OF SELECTMEN
MEETING MINUTES
May 6, 2019**

6:33PM

Memorial Hall

Present: Chairman Geri Herlihy, Tyler Gibbs, Anthony Renzoni, Robert Lavigne, Jeremy Kurtz

Others Present: Peter Lukes, Town Manager
 Liz Fotos, Town Recorder

Chairman Herlihy called the meeting to order at 6:33. The Board stood to recite the Pledge of Allegiance.

1. Appointments, Licenses, and Permits

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO APPROVE ROY FRASER FOR REAPPOINTMENT TO THE ZBA.**

Mr. Lukes stated that Seven Saws Brewing, LLC was requesting three single day Beer and Wine pouring licenses on May 27, 2019; July 4, 2019; and August 24, 2019 to coincide with the Memorial Day Parade, the Fourth of July and Holden Days.

Mr. Lukes stated that they have discussed it at length with the applicants and the Town believes that it will not effect the neighbors based on the events in town on those days. He stated that they had spoken with the Fire Chief and the Police Chief as well.

Sel. Lavigne invited Mr. Anderson, Seven Saws up to speak.

Tom Anderson, 23 Holly Circle, was present at the meeting. He stated that they had their ZBA meeting and it was unanimously accepted to move forward with the new building on Industrial Ave. He stated that they received good feedback from the ZBA and now they are working on soil testing, barriers for DCR, and contractors and architects. He stated that they could not thank the Town enough for their support and they are very excited to move forward.

Mr. Anderson stated that with regards to the pour days, they would love to put some high level renderings up to show the public what they were thinking about doing, the caveat being that nothing is yet approved. He stated that this was their one year anniversary and they just wanted to thank the Town for their support.

Mr. Anderson stated that with regards to the 3 day events they wanted to have an outside space with tents and fencing for families to hang out during the parade. He stated that they are going to card and bracelet people to ensure there is no mistake on the age and

they will also have someone outside manning the driveway to ensure that traffic is flowing.

Chairman Herlihy asked if this would be located behind the tavern.

Mr. Anderson confirmed it would be.

Chairman Herlihy asked if younger children would still be welcome.

Mr. Anderson replied they would be welcome. He stated that they wanted to make it similar to Holden Days last year with games etc.

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO APPROVE SEVEN SAWS BREWING, LLC FOR THE THREE DAY BEER AND WINE LICENSE (MAY 27/ JULY 4/ AUGUST 24 11:00AM TO CLOSE) AS PRESENTED.**

Mr. Lukes reminded the applicant that a tent permit would also be required.

2. Pine Tree Lane Development

Mr. Lukes stated that at least one Selectman had asked for an update on this matter. He stated that after speaking with Town Counsel there is a question with regards to the impact on water, sewer and electricity.

Mr. Lukes stated that he had spoken with the DPW Director and the General Manager of HMLD and with regards to water there is no shortage. He stated that sewer capacity was a different question in that area and they would need to do an engineering study that would be paid for by the developer to determine the capacity.

Mr. Lukes stated with regards to HMLD, they too may require upgrades, however a study would need to be done and it would be paid for by the developer. He stated after the study was completed anything that would need to be upgraded would again be to the cost of the developer.

Mr. Lukes stated that the Town would likely not have any answers until the studies were completed. He stated that if 100+ units were approved it also would not happen overnight as Holden has a Phase Growth Bylaw, so it would be years in the making.

Chairman Herlihy asked if the water/sewer and electric would have to be done from the beginning.

Mr. Lukes confirmed it would.

Chairman Herlihy asked if all this would occur after Planning.

Mr. Lukes replied the Planning Board, the Conservation Commission and other parties would have to look into it. He stated that it was a preliminary plan that was brought forward at this time.

3. Formal Briefing on Eagle Lake

Mr. Lukes stated that White Oak intended to start the draw down of Eagle Lake as they are legally able to do and have a standing order to do so. He stated that they have the ability to start the draw down of 4.5 feet over 9 weeks which would be about 6" a week to allow for vegetative growth to fill in as the water was removed. He stated that they have not started it yet.

Mr. Lukes stated that Eagle Lake has a flat water race and that may be why it was not started.

Mr. Lukes stated that they are still discussing and meeting with the owners of the dam, White Oak, and the Eagle Lake group to see what to do moving forward. He stated that he had spoken with the state to see what they were able to provide to the Town or to a non-profit (White Oak) and what can be done for rehab. Mr. Lukes stated that the general message from the State and Federal Government was that it is a man made dam and they want it to be returned to the natural state.

Mr. Lukes stated that in addition, there are concerns about the liability of the dam. He stated that they are concerned that there could be a catastrophic failure and damage could occur. He stated that the engineering study indicated that with a 100 year flood, the water could go over the dam and the damage could be catastrophic. He stated that if they were unable to meet the standards the report detailed the loss downstream could be great.

Mr. Lukes stated that White Oak did not want the liability. He stated that the report indicated that it could be about \$100,000 to bring the dam from poor to standard, however to make the dam truly solid it would be another \$900,000. He stated that even with those cost, there could still be liability issues that concern them (White Oak).

Mr. Lukes stated that in addition, they are unaware of what the dam could withstand in terms of building. He stated that even with that amount of work done, the water level of the lake could rise so much that it could flood the properties surrounding it. He stated with climate change and extreme weather there were many concerns.

Mr. Lukes stated that with regards to the Town taking over the dam, he did not see how they could realistically do that. He stated that he did not believe the Town's insurance would allow for that to happen because of the liability.

Mr. Lukes stated that with all that being said, the conservation and body of water remain the same and the recreational area surrounding it needs to be maintained and enhanced as a Town asset.

Sel. Lavigne stated that there was a lot of misinformation on this matter circulating social media. He stated that to clear it up, the Town was not trying to drain the lake to build more houses. He stated that all the noise was getting in the way of the Friends of Eagle Lake doing their job and the Town doing its. He stated that if anyone with questions could reach out to the Town Manager's Office or the Board. He stated that the Town does not have a horse in this race and they want the area to be maintained as an asset.

Sel. Renzoni stated that he also thinks it is important to note that the area will evolve if it goes back to its original state and the Town would not want an eyesore. He stated that if it got drawn down the Town would deal with its property.

Chairman Herlihy stated that it was also important to note that it was out of compliance for many years and is not safe at this point.

Sel. Lavigne stated that there was good information in the report from TNH. He stated that there was misinformation that the brush clearing took the dam from poor status to good status. He stated the Town was unable to pour money into the dam, as it was not Town Property. He thanked Mr. Lukes for meeting with the state and local people in an ongoing attempt to help them.

Chairman Herlihy stated that it was not about the money. She stated that it was not viable to build it back up at this point.

Sel. Renzoni stated that he thinks it's about the liability. He stated the Town was not going to take over the risk knowing that there is potential for a catastrophic loss.

4. Town Manager Update

Lloyd Starbard Scholarship Fund: The balance in the Starbard Scholarship Fund as of December 31, 2018 was \$17,380.04. Interest accrued in 2018 was \$298.27.

Sel. Lavigne asked when they awarded this.

Mr. Lukes replied in the summer.

Sel. Renzoni stated that he believed they could award anything over \$15,000.

Sel. Kurtz stated that they are unable to go over the \$15,000 threshold and they usually use the interest accrued for the year but as it had not been awarded in a few years they would be able to award a meaningful scholarship.

Sel. Renzoni asked the Town Manager to advertise the scholarship without objection and they can speak about it after the reorganization of the Board.

Holden Days: The annual Holden Days event sponsored and organized by the Wachusett Area Chamber of Commerce will be held Saturday, August 24. Traditionally,

the Town has waived permit fees for this event due to the public benefit that the Town receives. The Wachusett Area Chamber of Commerce has requested the same resources from the Town as it has in the past, and is asking for the Board approval to waive permitting fees related to the event.

Motion by Sel. Renzoni, seconded by Sel. Kurtz, it was **UNANIMOUSLY VOTED TO AUTHORIZE THE TOWN MANAGER TO WAIVE THE PERMITTING FEES FOR THE WACHUSETT AREA CHAMBER OF COMMERCE FOR HOLDEN DAYS 2019.**

Annual Water Ban: In accordance with the requirements of the Water Management Act Final Permit issued to the Town of Holden by the Massachusetts Department of Environmental Protection, the Town is required to enact Water Use Restrictions from May 1st until September 30th, between the hours of 9am to 5pm. The ban restricts daily “nonessential” outdoor water use from public water sources. Examples of “nonessential” out door water uses include:

- irrigation of lawns via sprinkles or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety, and;
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement.

5. Citizens Address

None

Town Manager Update Cont.

Jerry and Mabel Show: The Holden Senior Center will host the Jerry and Mabel Show, which is a live comedy performance, free of charge, on Wednesday, May 8, starting at 1:00PM. To reserve a seat please call the Senior Center in advance of the event at 508-201-5570

Town Election / Annual Town Meeting: The Annual Town Election is scheduled for Monday, May 13th, polls will open at 7:00AM and close at 8:00PM and the Adjourned Annual Town Meeting is scheduled for Monday, May 20 at 7:00PM at the Wachusett Regional High School.

Shrewsbury Street and Doyle Road Improvement Project: The DPW will hold a second public meeting on May 8, 2019 at 7:00PM at the Holden Senior Center, 1130 Main Street. Project updates can be found at a dedicated page on the Town’s website, under DPW there is a dedicated page for updates and design plans on the project.

Eagle Lake Boat Races: Friends of Eagle Lake is again sponsoring their second annual canoe/kayak/SUP boat race on Saturday, May 11, 2019. Registration starts at 9:00AM and races start at 11:00AM.

Eagle Lake Dam Drawdown: White Oak Society has a standing permit to drawdown the dam at Eagle Lake that will take effect on May 1, 2019. The organization has indicated that they would begin drawdown, but I believe it is being delayed until at least after the board race event on May 11th. I will be meeting with concerned parties and stakeholders next week to once again discuss options going forward for the future of the lake and dam. As you know, the Town does not own the dam and the dam has been in poor condition for several years. The Town commissioned an engineering study of the dam from Tata and Howard last year at a cost of \$65,000 which was completed a few weeks ago, it indicated that the dam was in dire need of at least \$100,000 of immediate repairs and another \$900,000 of repairs thereafter. It also reported that the dam could not withstand a 100 Year Flood or ½ Maximum Flood Potential (MFP) which are two measurements of viability in worst case scenarios.

White Oak and two other private owners of the dam obviously do not want to carry this burden or liability any longer. The major problem emerging, besides the cost to repair the dam, involves the liability potential for a catastrophic disaster in terms of a major storm event. According to the Tata and Howard Study there is basically no physical means to secure the dam so that it can withstand the catastrophic storm standards while preserving the lake as we know it. In other words, a dam the size and scope necessary to prevent a massive spillover during a catastrophic storm would also flood the lake to the point where the water would overrun the existing structures and conservation land surrounding the lake. Never the less, we will continue our meetings and discussions while trying to plan a course forward that will include multiple options, many of which will encompass ideas for financing and preserving as much of a vibrant waterway as possible, along with improving the surrounding recreation area in the future.

6. Selectmen Minutes

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO APPROVE THE MARCH 18, 2019 BOARD OF SELECTMEN MEETING MINUTES AS CORRECTED.**

Motion by Sel. Renzoni, seconded by Sel. Gibbs, it was **VOTED TO APPROVE THE MARCH 4, 2019 BOARD OF SELECTMEN MEETING MINUTES AS CORRECTED BY A VOTE OF 4-0-1** (Lavigne: abstain).

7. Selectmen Subcommittee

Sel. Lavigne stated that he had no updates with the exception of the Friends of Eagle Lake that the Manager already covered.

Sel. Renzoni stated that the VA Advisory Committee was looking for a band for the Memorial Day Parade. He stated that they had a band that let them know that they were unable to support the event and the Committee was looking for a marching band, fife, drum, bag pipe or anything that could potentially honor the event. He stated that he had heard from a band today and are hopeful that it would work, however if it does not, they will honor the event with the church bells and a sound system. He stated that they invited new members to join. He stated that they have been contacted by a cheerleading squad and are also working with the Fire Explorers to expand their footprint. He stated that they are also always looking for antique vehicles or military vehicles to join the parade.

Sel. Lavigne asked if there was a date for flagging the cemetery.

Sel. Renzoni replied that he believes it will be Saturday, March 11th, he will put up post on social media.

Sel. Renzoni stated that there was no update for Fin Com.

Sel. Renzoni stated he did have a question about the Community Garden. He asked about the water collection at the Community Garden site and he was not sure if there was a plan, but it is a committee set by the Board of Selectmen and they should do their best to support them when possible.

Chairman Herlihy replied that she will look into that and she also wanted to note that Jessica Cosenza and Nicole Pisano of the Community Garden Group were receiving a Secretary Award for excellence for their work at Davis Hill.

Sel. Gibbs stated that the Agricultural Commission was having a meeting at the Senior Center on May 9, 2019, "Learn about Your Soil."

Sel. Kurtz: none

Chairman Herlihy stated that she did not have an update for the DPW Building Committee.

8. Selectmen Miscellaneous

Sel. Lavigne congratulated Jake Michalaski from Troop 180 for his Eagle Scout Project. He stated that he set up a library shelving unit in the Grafton Street School that freed up storage and allowed them to set up a library. He stated that he was headed to NC State for a Mechanical Engineering Degree and intended to do ROTC and enlist in the Air Force.

Sel. Lavigne stated that Troop 180 is having their plant sale on May 11, 2019 and it is the same day as the Town Wide yard sale.

Sel. Lavigne stated that he went to McGreevy's new barber shop in town, it is a local place and a fantastic barber shop, and people should stop in.

Sel. Renzoni stated that the Wachusett Varsity Lacrosse team is holding their annual Camo Game. He stated that both teams take collections for the non profit, Project New Hope. He stated that they also pass a can for collection on site and do a formal presentation at the game. He stated it is at 7:00 PM on Monday, May 13th.

Sel. Renzoni reminded the Chair to post a meeting for reorganization.

Sel. Gibbs stated that at the last meeting they had spoken about the railroad crossing at Quinapoxet. He stated that he followed up with Congressman McGovern's Office and they indicated that they will follow up with the Federal RR Administration. He stated that he will stay on top of the issue and the office is aware that it is an ongoing issue.

Sel. Kurtz stated that he wanted to take a minute to thank the citizens for their trust to have him serve on the Board of Selectmen for the last six years. He thanked the Town Manager and all department heads. He stated that he would recommend that anyone interested in serving reach out to any Selectman or the Town Manager. He stated that it was very rewarding experience.

Sel. Lavigne thanked Sel. Kurtz for the work that he had put in over the years.

Chairman Herlihy stated that this was her last meeting as Chair and she wanted to thank everyone as well. She thanked Sel. Kurtz for all his help and advice. She presented Sel. Kurtz with a Citation from the Board of Selectmen in addition to a Citation from Rep. Ferguson's Office for his years of service.

Motion by Sel. Kurtz, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO ADJOURN THE MAY 6, 2019 BOARD OF SELECTMEN MEETING AT 7:18PM.**

APPROVED: June 3, 2019