

**Holden Board of Selectmen
MEETING MINUTES
September 9, 2019**

6:03PM

Senior Center

Present: Chairman Renzoni, Tyler Gibbs, Geri Herlihy, Robert Lavigne (6:39PM), Chiara Barnes

Others Present: Peter Lukes, Town Manager
 Stephanie King, Assistant Town Manager
 Stephen Madaus, Town Counsel (6:38PM)
 Liz Fotos, Town Recorder

Chairman Renzoni called the meeting to order at 6:03PM. The Board stood to recite the Pledge of Allegiance.

1. Appointments, Licenses, and Permits

Motion by Sel. Gibbs, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED TO APPROVE THE PARADE PERMIT FOR THE 5K FUNDRAISER-DAVIS HILL ELEMENTARY SCHOOL PTA AS PRESENTED. (4-0)**

2. Recognition of Evan Clarke

Sel. Renzoni invited Evan Clarke up to the podium. He stated that it had come to his attention that Evan Clarke went to the US Open Judo National and placed 1st in his weight class.

Mr. Clarke stated that he went on to the IJF Division which was the international division and placed 5th and fought for 3rd.

Mr. Madaus entered the meeting at 6:38PM.

Chairman Renzoni stated that they had prepared a Certificate of Recognition for his accomplishments.

Sel. Lavigne entered the meeting at 6:39PM.

Chairman Renzoni asked if he was still planning on working towards the Olympics.

Mr. Clarke replied that he did not think that he will because he wanted to pursue the military after high school or college.

Chairman Renzoni read the Certificate of Recognition into record and presented it to Evan Clarke. The Board congratulated him and stood to shake his hand and pause for a photograph.

3. HMLD Jane Parenteau, OPEB Transfer

Jane Parenteau was present at the meeting. She stated that along with her were Joe Sullivan and Steve Sendrowski from the Light Commissioners Committee. She stated that at the last meeting, the Committee had voted to transfer \$104,805 of Light Department Funds to the OPEB Funds.

Ms. Parenteau stated that the amount was determined by a March 2019 OPEB Study that was conducted for the Light Department. She stated that after the 2019 contribution the fund will be 92% funded and should be fully funded after the 2020 contribution. She stated that there were about 30 different variables that went into the study and that it was updated every two years.

Sel. Herlihy asked what the average funding level of these trusts is.

Ms. Parenteau replied that in 2018 they funded \$102,000, in 2019 \$104,805, and next year they will fund \$107,000.

Sel. Herlihy asked where we stood relative to other Light Departments.

Ms. Parenteau replied that she would need to look into this.

Chairman Renzoni asked what the plan is once the fund is at 100%.

Ms. Parenteau replied that based on the markets the fund would be self funded to a point with a variable. She stated that a study would be conducted every two years and that it could swing.

Motion by Sel. Herlihy, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROPRIATE \$104,805 OF LIGHT DEPARTMENT FUNDS TO THE TOWN OF HOLDEN OPEB TRUST FUND FOR 2019.**

Mr. Lukes stated that new employees are making contributions and as they reach the point of 100% funded he is hopeful that it will be self funded.

4. Town Manager Update

2019 Holiday Hours: In the past, the Board of Selectmen has allowed town business offices to close the day after Thanksgiving. The closing has not had a negative impact on the public as this is typically a quiet day for customer traffic. The gesture by the Selectmen is greatly appreciated by the employees and has, in my opinion, a positive influence on morale.

Should the Board concur with this recommendation, I suggest that you adopt the following vote to apply this time-off expressly to non-essential personnel only, not public safety employees who are essential personnel.

Motion by Sel. Lavigne, seconded by Sel. Gibbs, AS A GESTURE OF GOOD WILL AT THE HOLIDAY SEASON, THE SELECTMEN VOTE TO CLOSE TOWN BUSINESS OFFICES FOR ONLY NON-ESSENTIAL PERSONNEL ON FRIDAY, NOVEMBER 29, 2019. ONLY ESSENTIAL PUBLIC SAFETY EMPLOYEES WHO ARE SCHEDULED TO WORK OR WHO ACTUALLY WORK ON THESE DAYS WILL BE ELIGIBLE TO RECEIVE UP TO EIGHT (8) HOURS OF COMPENSATORY TIME OFF AT THE DISCRETION OF THE TOWN MANAGER.

WRECC Expansion: Holden and Paxton officials met with the 9-1-1 contractors on Thursday, September 5 for a kickoff organizational meeting to expand Wachusett Regional Emergency Communications Center to include Paxton as the latest member town. The meeting went according to form which has now become familiar to Holden Public Safety officials and the administration. We expect Paxton to go live within a year. There are quite a bit of logistics involved as far as extending our fiber network and calibrating operations, but Chief Armstrong and his staff have become adept at these projects and we are confident that Holden, Paxton, and WRECC will benefit from this new union.

Holden Days: The Wachusett Area Chamber of Commerce held its annual Holden Days festival on Saturday, August 24. It was well attended with thousands of people meandering through our center of town, enjoying a showcase of our local businesses and organizations. Included in your packet is a letter from Chamber Director Jen Stanovich thanking the Town, our departments and employees for their support and assistance in making the event so successful.

Furniture Bank at Wachusett Recycling Center: A furniture collection event will be held Thursday, Sept 12 from 5-7 PM at the Wachusett Recycling Center, 131 Raymond Huntington Highway, West Boylston. Gently used furniture is being collected by Fresh Start Furniture Bank, who will pass it on to some of the 700 families in need that they are working with this year. If the furniture is accepted by Fresh Start it will go from the resident's vehicle directly into the Fresh Start truck. If they do not accept it, residents can leave it at the Recycle Center for the usual fee or take it back with them.

For more information on Fresh Start please check the website:

<https://freshstartfurniturebank.org>

2019 Summer Recreation Program: Enclosed in your packet is the information on attendance, daily cash receipts and other data related to the summer recreation programs for 2019. The report was prepared by Denise Morano, Holden Recreation Director, it includes a three year breakdown comparison showing program participation and pool

passes sold by type, along with 2019 revenues from pool passes, the snack bar and programs.

Mr. Lukes stated that David Lindberg, Building Commissioner, was appointed to the MA Federation of Building Officials. He stated that they work to increase public awareness for public safety in the building environment. He stated that it is a prestigious appointment and he wanted to congratulate him.

5. WRSD Budget Shortfall

Sel. Lavigne stated that he wanted to speak about this as it is a significant impact to Holden. He stated that he has been asked what we were going to do about the shortfall and what the impact on us would be so he wanted an update on the financial impact to the town. He stated that the one thing he has learned is that the shortfall is about \$800,000 with about half going to Holden. He asked what the impact would be and wanted to have a conversation about this.

Mr. Lukes stated that based on his conversation with the Superintendent, he feels the majority of the shortfalls will be eaten up through the savings generated from retirement savings elsewhere in the budget and may fund excess at the end of the fiscal year that they can't carry over. He stated that he does not think that it will impact the Town and that the general consensus is that it sounds worse than it will be and that they are not sure if it will come to fruition but that he had been assured by the administration that they feel it will be resolved before the end of the fiscal year.

Sel. Lavigne asked how they planned to resolve it.

Mr. Lukes replied through their own movement of accounts. He stated that he thinks the original estimate was high.

Sel. Lavigne stated that he worries that they just keep moving money and that the problem is not being fixed. He stated that this was the second time this has happened in ten years.

Mr. Lukes replied that it was his understanding that it was generated from improper billing of Medicaid and Medicare reimbursements. He stated that he believed they wanted to hire a professional so it didn't happen again but that was for discussion.

Chairman Renzoni stated that he agreed with Sel. Lavigne. He stated that Holden would see half of the repercussions. He stated that they say it is only a 1% error for the operational budget that was presented but that the budget was presented as barebones and they are able to find these funds. He stated that this is a tough situation but it is hard to support the budget when it is not exactly what is presented.

Sel. Lavigne asked to plan a get together.

Chairman Renzoni replied that he had asked the Town Manager to do so.

Mr. Lukes stated that he spoke to the Superintendent and he believed it would be for late October.

Sel. Lavigne stated that he thought one person from each board was a better set up.

Chairman Renzoni replied that he agreed.

Mr. Lukes agreed and stated he felt that format worked well.

6. Selectmen Miscellaneous

Sel. Gibbs asked if there was any update on the Eagle Lake Report. He asked when they thought they would have that.

Mr. Lukes replied that they were waiting on it and there was no way to know exactly when it would be in.

Sel. Herlihy: none

Sel. Barnes: none

Sel. Lavigne: none

Chairman Renzoni stated that he knows that most of the Board had completed the Town Manager evaluations. He stated that he was working on them and that the Town Manager had also done a self evaluation. He stated that he planned to email a draft to the Board but to please make sure that they did not reply all to the email. He stated that at the next meeting they could work on the proposed evaluations and either edit it or approve it. He stated that additionally if the Board could email him any goals that they have for FY2021 he can put together a goal sheet and the Board can agree upon it with the Town Manager Budget season.

7. Citizen Address

None

8. Selectmen Subcommittee

Sel. Gibbs: none

Sel. Herlihy stated that the DPW Building Committee would meet on September 16th.

Mr. Lukes stated that they should have a new schematic at that point and cost estimates.

Sel. Renzoni stated that they want to invite the DPW Building Committee in to brief the Board on the project.

Sel. Barnes stated that the EDC would meet on September 10, 2019 at 6:30PM in the Starbard Building.

Sel. Lavigne stated that the Eagle Lake Committee is waiting on the report. He stated that he spoke to the Chair last week and they appreciated being at Holden Days and they felt that they had some good momentum with residents.

Sel. Lavigne stated that he thought there was some confusion regarding the EDC. He stated that Sel. Barnes had been appointed but that he would like to be a part of it as well if possible.

Chairman Renzoni stated that they can look into appointments at the next meeting. He stated that EDC had a lot of energy right now.

Sel. Lavigne stated that it was a great committee and that he had never seen a committee so ready to work.

Chairman Renzoni: none

Chairman Renzoni called a recess at 7:02 PM.

9. Hearing on Dog Complaint Owner: James and Meridith Ramsey, Boulder Hill Road, Jefferson, MA

Chairman Renzoni called the meeting back to order at 7:05PM.

Motion by Sel. Gibbs, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED TO OPEN THE PUBLIC HEARING FOR DOG COMPLIANT, JAMES AND MERIDITH RAMSEY, BOULDER HILL ROAD, JEFFERSON, MA.**

Chairman Renzoni stated that the Public Hearing was open. He asked that anyone intending to speak should please stand up so that he could administer an oath.

All people that intended to speak on this matter were sworn in.

Chairman Renzoni asked Karen Bullis, The Animal Control Officer, for a recap of the event.

ACO Karen Bullis stated that she had asked for a dog hearing for an incident that occurred on May 8, 2019. She stated that a woman was walking with two small dogs and she was passing by 101 Boulder Hill Road. She stated that a dog came off the property and charged her and when that happened she fell over her own dog and got injuries to her wrist. Ms. Bullis stated that the woman received treatment from a hand surgeon and ended up with antibiotics that failed and then needed to go on IV antibiotics.

ACO Bullis stated that she wanted to mention that the dog hearing was not to place blame on the dog. She stated that the dog, Sidney was a nice dog. She stated that the dog had no prior history of any indiscretions or attacks or making anyone feel fearful. She stated that the issue was that this one time, the dog charged a woman and her dogs caused an injury. ACO Bullis stated that after she did her investigation she thought that a hearing for a dangerous dog was appropriate and she appreciated it being opened so that they can speak about what happened.

ACO Bullis stated that the dog of the woman who was injured had to be quarantined for 10 days. She stated that Sidney did not injure anyone with her mouth but that the other dog was fearful when Sidney charged her. She stated that the dog came through the quarantine successfully and that the Ramsey's were issued a \$50 citation for Article 8; the Leash Law.

ACO Bullis stated that the Board should have photos and statements from the victim as she could not be present at the meeting. She stated that she had asked her (Bullis) to speak via her statement on her behalf. She stated that she would like to give the Board a recommendation.

Chairman Renzoni allowed it.

ACO Bullis stated that her recommendation was that Sidney shall wear a collar on the property and shall be leashed if and when they are in the yard. She stated that what she did find was that the incident was caused because there was a changing of the collar. She stated that the Ramsey's have an electronic fence and that she escaped when they were changing her. She stated that using a slip lead will ensure that the owners will have control when changing the collar. ACO Bullis stated that she would like the Ramsey's to pay the civil citation and would like to see that they were vigilant to not let the dog run wild. She stated that if there are no other incidents then in one year the slate would be wiped clean. ACO Bullis stated that she additionally recommended that Sidney receive training in recall and that at some point if there was an issue that they should think about fencing the yard.

Chairman Renzoni opened up the matter for questions.

Sel. Lavigne stated that the issue was that a dog was being walked and when the owners were changing the collar this incident happened.

ACO Bullis replied that it was two dogs walking at the same time as the Ramseys were coming back from his walk. She stated that when they got back into their yard they were changing the collar to an electric collar and that was when the dog got loose. She stated that there were other dogs present and that caused Sidney to be more excited, it was during the change of the leash, with no control over the dog when Sidney charged the victim.

Chairman Renzoni stated that it was mentioned that the woman fell as a result of the dog. He stated that it said that she got up and the dog was within two feet. He stated that he did not see that she fell or that the fall was the cause of the injury. He stated that it sounded as though her own dog's claw caused it, not the fall. He stated that it was conflicting information.

ACO Bullis stated that the woman stated that it was the fall when the dog was charging. She said she went to pick up one dog and she stumbled and then the claw went into her hand and she fell onto the hand so the dog would not be attacked or potentially killed.

Chairman Renzoni asked if there were any other people present for Elizabeth Williams.

No other people stepped forward.

Sel. Lavigne confirmed that Sidney did not have any history of attacks or aggression.

ACO Bullis replied none that she knew of.

Sel. Lavigne asked why the other dog was in quarantine.

ACO Bullis replied that when the skin breaks an animal has to be quarantined. She stated that when Elizabeth fell onto her dogs there was skin break.

Sel. Lavigne asked if her hand was cut on her dogs tooth.

ACO Bullis replied that the claws almost went through her hand.

Mr. Madaus stated that they were uncertain if the dog in question made physical contact with Ms. Williams or her dogs and it was his understanding that the answer was no.

ACO Bullis agreed.

Mr. Madaus stated that she (Bullis) was not there so that her testimony was based on what Ms. Williams told her.

ACO Bullis replied that she spoke to Ms. Williams today (September 9, 2019) and that she advised her that if she shared what was stated in the emails it would be her testimony.

Mr. Madaus stated that Ms. Bullis was reporting what Ms. Williams told her. He stated that she was aware of the hearing and was unable to attend.

ACO Bullis agreed.

James Ramsey, 101 Boulder Hill Road was present. He stated that he is the owner of Sidney and that he had statements from people who knew their dog.

Mr. Ramsey stated that he wanted to mention that they were unaware of any emails or pictures that the Board may have so he was not prepared to speak about those.

Mr. Ramsey stated that he took Sidney for a walk. He stated that they have an invisible fence and he has a collar on his belt and when they get back on the property he puts it back on. He stated that as they approached his home, the Plants had their golden retriever there as well. He stated that Sidney got excited when she was playing and because he did not put the collar back on she was allowed to leave the yard.

Mr. Ramsey stated that Sidney was not kicked; he stated that Phillip Plant went over to get in between the dog and the other woman. He stated that Mr. Plant asked if the woman was okay and she said she was. He stated that their first knowledge that she was injured was the next day when she said she was hurt.

Mr. Ramsey stated that when he received the citation he did pay it. He stated that it was mailed on May 30th and that he can verify that. He stated that he is not saying that Sidney did not leave the yard but she would not have if the collar had changed. He stated that they have foxes across the street and they have a one acre yard and she has never left before.

Mr. Ramsey stated that they have precautions in place and that they are satisfactory in his opinion. He stated that Sidney is friendly, other neighbors would say she is friendly with young kids and other dogs and that this is the first time this had happened. He stated that she never bit the woman and that the allegation that the dog is dangerous, which she is not, but he does not think they have enough information to make that determination.

Sel. Lavigne asked how old the dog was.

Mr. Ramsey stated that she is four and they have had her since about 16 weeks.

Philip Plant, 197 Mason Road was present at the meeting. He stated that he had lived in Holden for 60 years. He stated that his wife and he walk their dogs up to the Ramsey's yard. He stated that it is a big yard and a collection place for people with dogs. He stated that they were walking north on the road when they approached the home they walked up the driveway and the dogs were getting ready to play. Mr. Plant stated that Mr. Ramsey was getting the dog ready to play by putting the collar on her. He stated that the woman was coming up with two small dogs. He stated that Sidney was running a loop and that he ran diagonally to intercept the 3 dogs. He stated that it was probably about 10 feet away with no contact. He stated that he asked the woman if she was okay and that she said she was fine.

Mr. Plant stated that he was surprised how the report read as though the ACO was present at the event and she was not there to witness it. He stated that regarding the incident it was unfortunate it happened and that you don't want to see people hurt but it happens.

ACO Bullis stated that she wanted to add that at no point in the hearing is she faulting the dog. She stated that this was an owner error and it was to keep the dog under control. She stated that she was not looking to harm the dog. She stated that the Board could deem the dog dangerous or a nuisance or do nothing but that there was a situation. She stated that if someone is being attacked, a lot of time they don't realize they are injured at the time because of adrenaline.

Sel. Lavigne stated that he had been through a few of these hearings in the past and that he takes them very seriously. He asked Town Counsel for clarification about the definition of a dangerous dog; he stated that his recollection was that it was a dog that attacks a person or poses a threat. He stated that based off what they heard and read, he does not think they can say attack in this situation. He stated that he thinks the dangerous dog is dismissed. He stated with that being said they can then look at if this dog is a nuisance dog. He stated that the ACO agreed that this was more of an owner error. He stated that things happen and people make mistakes. He stated that taking one collar off to put another on and basic human error occurred. He stated that he does not think that they should take any action on this. He stated it sounded as though Sidney was a playful dog and someone got scared. He stated that there is already an electronic fence and the dog is walked on a leash. He stated that if going forward the owner can put the electronic collar on first before removing the other collar this will be resolved.

Sel. Herlihy stated that she agrees with Sel. Lavigne. She stated that there was no contact and it is unfortunate that the woman fell but that is different from a dangerous dog.

Mr. Plant stated that the woman never fell.

Sel. Herlihy asked the ACO for clarification on the matter.

Mr. Plant stated that he does not want to beat a dead horse but she never fell. He stated that he was sorry that she was hurt but that she reached down and must have grabbed the dog. He stated that he asked if she was hurt and that if she was he would have helped her back to her house.

Sel. Lavigne stated that whether or not she fell he does not think it meets the elements in the law.

Sel. Gibbs stated that he agreed. He stated that if this was a repeat nuisance dog he may be more inclined but that he appreciated what the owners were doing by changing the collars from the walk to the yard.

Chairman Renzoni stated that he did not disagree with the Board.

Motion by Sel. Lavigne, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR DOG COMPLAINT; OWNER JAMES AND MERIDITH RAMSEY, BOULDER HILL ROAD, JEFFERSON, MA.**

Motion by Sel. Lavigne, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO DISMISS THE COMPLAINTS AGAINST THE DOG, SIDNEY, FOR OWNER JAMES AND MERIDITH RAMSEY, BOULDER HILL ROAD, JEFFERSON, MA.**

Chairman Renzoni stated that it sounded as though the owners do a great job with their dog. He stated that he agreed that the report was written in first person.

Sel. Lavigne stated that regardless of weather the woman fell or not, the dog has a history of good behavior versus bad behavior and this was a pure accident.

Chairman Renzoni called a recess at 7:50 PM.

Chairman Renzoni called the meeting back to order at 7:55 PM.

10. Public Hearing –Restaurant All Alcoholic Beverages License Quinn Capital, LCC, DBA Quinn’s Blue Plate, 661 Main Street.

Motion by Sel. Lavigne, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO OPEN THE PUBLIC HEARING FOR RESTAURANT ALL ALCOHOLIC BEVERAGES LICENSE, QUINN CAPITAL LLC, DBA QUINN’S BLUE PLATE, 661 MAIN STREET.**

Tim Quinn, owner of Quinn’s Capital was present at the meeting. He stated that he was applying for the All Alcoholic Beverage License. He stated that the plan is for 4,000 sq. ft. with 98 seat occupancy. He stated it would be a full bar and restaurant with a full service kitchen for lunch and dinner. He stated that there would be a full basement and two bathrooms. Additionally there would be storage and office space. He stated that there were 48 parking spaces in the lot and at this time everything would be indoor. He stated as mentioned it would be for lunch and dinner, 7 days a week and brunch on Sundays.

Sel. Gibbs stated that the foundation was poured; he asked how things were going.

Mr. Quinn replied that they were aiming for the beginning of summer realistically.

Sel. Lavigne asked if there was a Planning Manager on site.

Mr. Quinn replied there was.

Sel. Lavigne stated that he thinks this is fantastic. He stated that they had heard that this was coming to Town and that everyone is very excited about it.

Sel. Herlihy asked if he would be going back and forth between Holden and Worcester.

Mr. Quinn replied that when Holden opens he will be here full time. He stated that he has a few managers in Worcester that were fully trained and could jump in but that he would be in Holden once it is open.

Chairman Renzoni asked if there were any recommendations from the police or any citations at the other location for underage drinking.

Mr. Quinn replied they had 0 citations.

Sel. Lavigne asked if there were any other investors that will be actively participating.

Mr. Quinn replied that he was 100% owner.

Motion by Sel. Lavigne, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR RESTAURANT ALL ALCOHOLIC BEVERAGES LICENSE QUINN CAPITAL, LLC, DBA QUINN'S BLUE PLATE, 661 MAIN STREET.**

Motion by Sel. Lavigne, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROVE THE ALL ALCHOLOIC BEVERAGES LICENCE FOR QUINN CAPITAL, LLC, DBA QUINN'S BLUE PLATE, 661 MAIN STREET.**

Motion by Sel. Gibbs, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO ADJOURN THE SEPTEMBER 9, 2019 BOARD OF SELECTMEN MEETING AT 8:01PM.**

APPROVED: _____12/2/19_____