

**HOLDEN BOARD OF SELECTMEN  
MEETING MINUTES  
SEPTEMBER 15, 2014**

6:30PM

Memorial Hall

Present: Chairman Anthony Renzoni, Robert Lavigne, Mark Ferguson, Jeremy Kurtz, Kenneth O'Brien

Others Present:        Jacquelyn Kelly, Town Manager  
                             Peter Lukes, Assistant Town Manager  
                             Stephen Madaus, Town Counsel  
                             Elizabeth Fotos, Recording Secretary

Chairman Renzoni opened the meeting at 6:30PM. The Board stood to recite the Pledge of Allegiance.

**1. Appointments and Permits**

The Board discussed the reappointment of Kimberly Lynch as a constable of Holden. Chairman Renzoni pointed out to the Board that they discontinued granting 3 year terms based on the fact that individuals were not paying.

Sel. Lavigne stated that he thought there was a change in the language used and that therefore 3 year appointments were allowed.

Mr. Madaus stated that he thought that all appointments were made on the condition of compliance.

Chairman Renzoni recommended tabling the discussion until the language could be verified.

Sel. Lavigne asked if this decision needed to be made today (September 15, 2014) in order for Ms. Lynch to stay in business.

Ms. Lynch addressed the Board and stated that she does serve papers on a regular basis and that she needed to be a constable in order to serve papers.

Mr. Madaus provided a memo that he prepared on February 18, 2014 which spoke to this issue. The memo stated "To properly establish local authority to rescind the appointment of a constable, the Board of Selectmen may consider including in every future appointment a specific condition that the constable "shall adhere to the general laws, including Sections 95A and 95B of Chapter 41, and failure to do so may result in a rescission of this appointment by the Board."

Motion by Sel. Lavigne, seconded by Sel. Kurtz, it was **UNANIMOUSLY VOTED TO REAPPOINT KIMBERLY LYNCH AS A CONSTABLE FOR A 3 YEAR APPOINTMENT AS LONG AS SHE ADHERES TO THE GENERAL LAWS INCLUDING SECTION 95A AND 95B OF CHAPTER 41 KNOWING THAT FAILURE TO DO SO MAY RESULT IN A RESCISSION OF THIS APPOINTMENT BY THE BOARD.**

Motion by Sel. Lavigne, seconded by Sel. O'Brien, it was **UNANIMOUSLY VOTED TO APPROVE JEAN E. DANIELSON ON BEHALF OF COLONY RETIREMENT HOMES FOR A COMMON VICTUALER BAKE SALE AND FLEA MARKET ON SATURDAY, OCTOBER 18, 2014 FROM 9:00AM UNTIL 1:00PM.**

Motion by Sel. Lavigne, seconded by Sel. Kurtz, it was **UNANIMOUSLY VOTED TO APPROVE CONSTANCE J. HAMILTON ON BEHALF OF FRIENDS OF THE RED BARN FOR A COMMON VICTUALAR BAKE SALE ON SATURDAY, OCTOBER 18, 2014 FROM 12:00PM UNTIL 4:00PM.**

Sel. Lavigne asked if there was any approval needed by the fire chief as there was a pizza oven present.

Ms. Kelly stated that she would double check.

Sel. Lavigne asked if the Board could reach out and have Ms. Hamilton come to the next meeting and speak out to help generate interest in the event.

Motion by Sel. Lavigne, seconded by Sel. O'Brien it was, **UNANIMOUSLY VOTED TO APPROVE LINDSAY DUPUIS ON BEHALF OF MAYO ELEMENTARY PTA FOR A PARADE PERMIT ON SUNDAY OCTOBER 5, 2014 FROM 8:00AM TO 12:00PM.**

Motion by Sel. Lavigne, seconded by Sel. Ferguson, it was **UNANIMOUSLY VOTED TO APPROVE KERIN O'GRADY ON BEHALF OF ST. MARY'S CHRUCH FOR A ONE DAY WINE AND BEER LICENSE ON SATURDAY OCTOEBR 4, 2014 FROM 2:00PM UNTIL 9:00PM WITH A RAIN DATE OF OCTOBER 18, 2014 FROM 2:00PM UNTIL 9:00PM.**

## **2. State Revolving Funds Bond (Document Enclosed)**

Ms. Kelly stated that she had passed out the document to the Board. It was approved at the last Town Meeting in May of 2014 and is set to fund again at a very low cost.

Sel. Lavigne verified that it was not for all tax payers just for water users. Ms. Kelly confirmed and stated that it did need to be in our records.

Motion by Sel. Kurtz, seconded by Sel. Lavigne, it was **UNANIMOUSLY VOTED TO APPROVE THE VOTE OF THE BOARD OF SELECTMEN REGARDING THE STATE REVOLVING FUNDS BOND AS PRESENTED.**

Chairman Renzoni verified that the Bond or Bonds were for the amount of \$525,000.

## **3. Purple Heart Community**

Chairman Renzoni stated that he felt the Board should visit with the Veterans' Agent and then make a recommendation regarding this designation. He stated that Holden's Agent (Karen Greenwood) was not present at the meeting and that he would like for her to be present in order to answer any questions.

Sel. Kurtz recommended designating August 7<sup>th</sup> Purple Heart Day for the Town of Holden as well.

Sel. Ferguson asked what exactly the Purple Heart Designation would entail. He asked for further details about the program and wanted to know why any town would be considered exempt.

Chairman Renzoni encouraged the Board to hold their questions until the Agent met with the Veteran Advisory Committee and they have a chance to review the request.

**4. Town Manager Miscellaneous**

- a) Gas Leak, Big Y Plaza: On Thursday morning, September 11, 2014, there was a major natural gas leak at the Big Y Plaza caused by a contractor working in the area. Our Town Personnel, Fire, Police, DPW, and others, responded immediately, summoned the NSTAR emergency crews, and evacuated the Plaza and neighbors within a quarter mile area. Code Red messaging was used in addition to our Facebook and Website pages to notify the public. About fifty people were transported to the Senior Center, mostly from Colony Retirement Homes. When NSTAR arrived on the scene to shut off the leak, our emergency response teams had the situation under control and taken precautions to secure the safety of the residents, shoppers, and business people. Within less than two hours, after the leak was shut down, and after doing a business by business and house by house check, businesses were reopened and residents could return to their homes. The Town Manager wanted to commend and publically thank Chief Jack Chandler and his Department, Chief Dave Armstong and his Department, DPW Director John Woodsmall and the employees of his Departments and Divisions, Louise Charbonneau from the Senior Center, Robin Farrington of the Town Manager's office and others. As far as is known, no one was hurt and no property, other than the gas main, was damaged. Congratulations for a job well done. Our residents can rest assured that the professional men and women of our Town who are highly trained and dedicated individuals, respond to emergencies of all kinds and as a group we are our most important town resources.

Chairman Renzoni stated without objection, please pass along to the Fire and Police Chiefs, DPW, and Senior Center Staff our thanks for an incredible response.

- b) DPW Monthly Reports: Ms. Kelly provided the Board with the monthly operational reports prepared by John Woodsmall, DPW Director.

Ms. Kelly announced that after speaking with Chairman Renzoni, she had invited Mr. Woodsmall to speak to the Board specifically about unaccounted for water and to review the status of the plan.

Chairman Renzoni asked for any concerns to be forwarded to his attention by this Wednesday (September 17, 2014) before the meeting so Mr. Woodsmall would have time to incorporate the Board's questions into his report.

Sel. O'Brien asked if the Board could have the packet from Mr. Woodsmall a few days earlier than the standard Friday delivery so they would have time to review it and submit any further questions.

Chairman Renzoni again stated that any questions should be to him by Wednesday and then Ms. Kelly could ask for the information to be delivered prior to Friday.

Sel. O'Brien also thanked Ms. Kelly for the work that was being done on the hydrants.

- c) Summer Recreation Statistics: Ms. Kelly provided the Board with the summary of attendance and participation statistics for the Summer Recreation Programs prepared by Denise Morano, Recreation Director. Ms. Kelly congratulated Ms. Morano and her staff for providing high quality, safe, and fun activities for all the residents in the community during the Summer of 2014.

Chairman Renzoni also wanted to thank Ms. Morano specifically for finding a leak at the pool and subsequently decreasing the water bill immediately.

- d) Update on Industrial Park Project: Ms. Kelly attached a memorandum prepared by James Robinson, HMLD General Manager. It summarized the joint project by HMLD, the DPW, and Charter, to install underground cable services to serve the Industrial Park businesses.
- e) Package Store Sunday Open Time: Ms. Kelly provided the Board with a notice from the Alcoholic Beverages Control Commission (ABCC) regarding Off-Premises Retail (Package Store) Licensees being allowed to open at 10:00AM. Effective from October 23, 2014 package stores licensees will be permitted to sell alcoholic beverages beginning at 10:00AM on Sundays. Should licensees choose to open at 10:00AM, they must notify the Local Licensing Authority about the change of hours and we in turn complete a notice and file it with the ABCC.
- f) The Chamber/ Townies Softball Game: The game is being held at the same time as the Board of Selectmen meeting.
- g) The Mountview School Groundbreaking: Groundbreaking Ceremony is on Saturday September 20, 2014 at 9:00AM. Everyone is invited.
- h) Memorial Hall Update: the park in front of Memorial Hall has been partially completed and is looking good so far.

#### 5) Citizens' Address

Mr. Peter Schirduan, 477 Bullard Street took the podium.

Sel. Ferguson left the meeting at 6:56PM to speak with Mr. Ed Meyer of Fort Sumter Drive.

Sel. Ferguson returned at 6:57PM.

Mr. Schirduan spoke to the Board about Holden Youth Soccer. He detailed the differences between the proposed Holden Soccer Fields and the Lancaster facility. Mr. Schirduan stated that the Lancaster fields were in a much more commercial/ industrial area and that the neighborhoods themselves were very different. He stated that he intended to present this information to the other Boards, however he urged the Board of Selectmen to help partner in order to find a better location for this facility.

Mr. Schirduan also spoke to the Board about the traffic issues he felt were present in his neighborhood. He gave a detailed description of the neighborhood and stated that the road was very narrow, there were no sidewalks, and the trees were very close to the road. He suggested placing a number of stop signs throughout the area to help slow traffic down. He stated that his intention was to bring this to the Planning and Zoning Board but asked the Selectmen to consider his proposal as well.

Mr. Alan Sullivan, 411 Bullard Street addressed the Board about Holden Youth Soccer. He was concerned with the distance of the fields to his home and wanted the Board to know that the homeowners in that vicinity were concerned. He also stated that he intended to follow up with the Zoning and Planning Boards.

Mr. Ed Meyer, Fort Sumter Drive addressed the Board about unaccounted for water. He reiterated a number of facts taken from the annual statistical reports that the Town is required to file each year with the state. Mr. Meyer stated that the numbers and the calculations that he provided were verifiable and indisputable.

Mr. Mark Ferguson, 244 Bailey Road spoke to the Board about Town Meeting. He stated that his need to do it at the podium was because he had asked for it as a Selectman twice and he was ignored. Mr. Ferguson stated that in order to have a quorum 1% of the registered voters are required. He commended Sel. O'Brien for reaching out to have people attend Town Meeting in order to get to that percentage.

Chairman Renzoni reminded Mr. Ferguson that it was against the rules to refer to specific Selectmen by name.

Mr. Ferguson stated that it took 45 minutes to get a quorum and that many Town residents were frustrated. He stated that he wanted to do something to eliminate the frustration and had suggested representative town meetings, lowering the quorum from 1% to 0.5%, and even coming up with an arbitrary number of 100. Mr. Ferguson also recommended starting the Town Meeting at 6:30. He asked the Board to please recognize the problem and try to work towards a solution.

Chairman Renzoni closed Citizens' Address.

#### 6) Selectmen Minutes

Motion by Sel. Lavigne, seconded by Sel. O'Brien, it was **UNANIMOUSLY VOTED TO APPROVE THE SEPTEMBER 2, 2014 MEETING MINUTES MAKING THE CHANGE TO PAGE 2 SECOND PARAGRAPH FROM THE BOTTOM TO STATE "RATE PAYER" INSTEAD OF "TAX PAYER"**.

#### 7) Selectmen Subcommittees

Chairman Renzoni asked Sel. Ferguson if he had attended the Agricultural Commission meeting.

Sel. Ferguson stated he had not.

Sel. Lavigne: Winter Festival has been meeting weekly and is scheduled for the first Saturday in December. He also thanked the local businesses that have supported the festival thus far.

Sel. Kurtz: EDC has not yet met due to the Central Mass Business Expo. The next meeting is scheduled for October 13, 2014.

Memorial Day Committee will have its kick off meeting next month.

Budget Task Force is meeting Wednesday, October 1, 2014 to continue the discussion of a productive budget.

Sel. O'Brien: Handed out information to the Board from the OPEB meeting. They will be meeting again September 29, 2014. Sel. O'Brien briefly reviewed the charts that he gave to the Board and encouraged them to read the reports so the Selectmen could see where they stood as a whole and move forward with a joint meeting with the Finance Committee.

Municipal Electric Power Advisory Board has not yet met.

Chairman Renzoni: The Veterans Advisory Committee is meeting on September 23, 2014. They will discuss the Purple Heart Community and then make a recommendation to the Selectmen.

**8) Follow up to Citizens' Address**

Sel. Lavigne reminded everyone that it is not proper to direct personal comments to town employees during Citizens Address.

**9) Selectmen Two-Minute Speeches**

Sel. Ferguson stated that he wished to speak about Citizens' Address.

Chairman Renzoni stated that he may raise his hand and be addressed by the Chair.

Sel. Ferguson stated he did.

Sel. Ferguson requested to speak to the gentlemen who were with Holden Youth Soccer. He encouraged him to get in front of the issue and meet with the abutters directly. Sel. Ferguson stated that he believed there was probably some middle group that could be worked out between HYS and the neighbors. He stated that he is hopeful that a representative of HYS hears him, goes to the neighborhood, and answers any of the questions the residents have.

Chairman Renzoni stated that he had spoken to the citizen and that while back and forth is not encouraged, his comments and concerns are welcome during Citizens' Address. Chairman Renzoni again encouraged the citizens to contact both the Zoning Board and the Planning Board as those were the entities that would be most helpful in this particular case.

**Selectmen Two-Minute Speeches cont.**

Sel. Ferguson stated that he passed for the moment.

Chairman Renzoni moved along.

Sel. Ferguson asked if he now missed his turn.

Chairman Renzoni stated that the Board would start from the left tonight (September 15, 2014)

Sel. O'Brien wanted to comment on the paving work the town was doing. He stated that they used the code red system and he felt fully informed the entire time. The trees were cut down quickly and efficiently and that the Town saved a lot of money from the bid process. He stated he was pleased with the work that was done. He also said that the DPW was doing a great job especially through their work with the fire hydrants.

Sel. Kurtz passed on his two minutes

Sel. Lavigne reminded the public that the Mountview Ground Breaking would be on September 20, 2014 at 9:00AM. He also stated that he protested the use of the podium by a Selectman to promote their own agenda.

Chairman Renzoni asked Sel. Ferguson if he wanted his two minutes.

Sel. Ferguson questioned why the Selectmen only received two minutes. He stated that sometimes two minutes was not enough and that he was surprised the rest of the Board was okay with that policy. He also stated that he submitted the Town Meeting issues twice and was ignored twice.

Sel. Ferguson also stated that he felt the need to begin to speak about the next liquor license and how it was going to be given out as we were fast approaching the number of citizens to get another liquor license. Sel. Ferguson also asked if Holden had a baby safe haven.

Chairman Renzoni told Sel. Ferguson his time was up and asked Ms. Kelly to reply regarding the question of the baby safe haven.

Ms. Kelly replied that Holden does have a baby safe haven and that it is the Police Station.

Chairman Renzoni stated the use of the two minute speeches was to aid in controlling the meetings.

Sel. Ferguson interrupted and asked if he could ask a question.  
Chairman Renzoni replied he may not.

Sel. Ferguson asked if the Board members could have three minutes.

Chairman Renzoni gaveled Sel. Ferguson.

Sel. Ferguson continued to speak.

Chairman Renzoni continued with his two minutes. He stated that he had never received any requests for a quorum discussion and that the only emails he could respond to were emails coming from official town emails. Chairman Renzoni verified he did this to protect all parties in the case of discovery with lawsuits.

#### 10) Executive Session

Motion by Sel. Lavigne, seconded by Sel. O'Brien; Chairman Renzoni opened up the motion for the Selectmen to speak regarding the motion.

Sel. Ferguson began passing out the Town Manager's Contract.

Chairman Renzoni stated that the motion at hand was not regarding the Town Manager's Contract; it was to enter into executive session.

Sel. Ferguson continued to speak.

Chairman Renzoni gaveled Sel. Ferguson.

Sel. Ferguson continued to speak.

Chairman Renzoni stated that Sel. Ferguson was speaking out of order.

Sel. Ferguson continued to speak.

Chairman Renzoni stated that Sel. Ferguson was again out of order and in violation of the Code of Conduct. He stated that the question had been moved and if Sel. Ferguson could not restrain himself he (the Chairman) would find him in violation of the Code of Conduct and the Chairman would have no choice but to censure him (Sel. Ferguson).

Sel. Ferguson replied to censure him.

Chairman Renzoni moved the question and roll called the vote to enter into executive session.

Motion by Sel. Lavigne, seconded by Sel. O'Brien, it was **VOTED TO APPROVE ENTERING INTO EXECUTIVE SESSION PER MGL c. 30A§21(a), NO. 2: TO CONDUCT STRATEGY SESSIONS IN PREPARATION FOR NEGOTIATIONS WITH NON-UNION PERSONNEL/ THE TOWN MANAGER AND TO CONDUCT CONTRACT NEGOTIATIONS WITH NON-UNION PERSONNEL/THE TOWN MANAGER AND TO APPROVE EXECUTIVE SESSION MINUTES AND TO RETURN TO REGULAR MEETING WITH THE SOLE PUPPOSE OF ADJOURNMENT.** (Roll Call: Lavigne: yes; Kurtz: yes; Renzoni: yes; O'Brien: yes; Ferguson: no).

Motion by Sel. O'Brien, seconded by Sel. Lavigne, it was **VOTED TO ADJOURN THE SEPTMBER 15, 2014 BOARD OF SELECTMEN MEETING AT 8:27PM BY A VOTE OF 4-0.** (Roll Call: Lavigne: yes; Kurtz: yes; Renzoni: yes; O'Brien: yes; Ferguson: not present).

APPROVED: October 6, 2014

## VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Holden, Massachusetts, certify that at a meeting of the board held September 15, 2014, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

VOTED:

1. That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$525,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed May 20, 2013 (Article 14) as amended don May 19, 2014 (Article 22), which authorized a total borrower of \$525,000 for the drinking water project identified in such amended vote (the "Project");
2. that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note of notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$525,000;
3. that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;
4. that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific inters rate or rates of the bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the bonds or Notes;
5. that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
6. that the treasurer and the other appropriate Town officials are each hereby authorized to take an and all actions necessary or convenient to carry out the provisions of the vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreements (s) relating to the Project.

I further certify that the vote was adopted at a meeting open to the pubic, that no vote was taken by secret ballot, that notice stating the place, date time and agenda of the meeting (which agenda included the adoption of the above vote) was filed

wit the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal buildings that the office of the Town Clear is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 Hours, not including Saturday, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.30A, §§18-25, as amended. I further certify that the vote has not been amended, supplement or revoke and remains in effect on this date.

Dated: September 15, 2014

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Clerk of the Board of Selectmen

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