

**HOLDEN BOARD OF SELECTMEN
MEETING MINUTES
April 25, 2022**

6:30PM

Memorial Hall

Present: Richard Bates (Participating Remotely), Chiara Barnes, Anthony Renzoni, Geri Herlihy, Robert Lavigne

Others Present: Peter Lukes, Town Manager
Stephanie King, Assistant Town Manager
Steve Madaus, Town Counsel (6:42PM)
Liz Fotos, Town Recorder

Chairman Barnes called the meeting to order. The Board stood to recite the Pledge of Allegiance. Chairman Barnes announced that Sel. Bates was participating remotely and all votes would be taken by a roll call vote. Sel. Bates replied that he was present.

1. Citizens Address

None

2. Appointments, License, and Permits

None

3. Town Manager Update

None

4. FY 2023 Budget Discussion

Mr. Lukes stated that all that was left was the Stabilization fund, OPEB, and some Rec Funds.

Sel. Renzoni stated that there was a vote of 7-2 to support the newly revised Water/Sewer rates. He stated that they could wait to hear from the DPW Director regarding that though.

5. Open, Set, and Close the Town Meeting Warrant

Sel. Renzoni stated that he liked that they had spread out some of the articles; he asked about moving education further down the Town Meeting Warrant.

Sel. Lavigne stated that while he sees the point he thinks it's far enough into the Warrant to keep quorum. Sel. Lavigne stated he had two things he wanted to address, redevelopment of Shrewsbury Street and eminent domain.

Mr. Lukes stated that Mr. Woodsmall was best suited for this discussion and they could wait for his arrival to get further into the discussion.

Sel. Lavigne asked why they were doing this.

Mr. Lukes replied that the article would give authority to the Town to go through the eminent domain process but it did not fund it. He stated this would allow them to move through the process.

Sel. Renzoni stated that he was happy to have this debate at Town Meeting as this has been a long standing issues with regards to the vacant properties on Main Street. He stated that he is not a fan of eminent domain but that Town Meeting would allow the public to have the debate.

Sel. Lavigne stated that he thinks it would be a dangerous precedent to set. He stated that he was not necessarily concerned about this Board and their intentions but it would open up future Boards to be able to do this.

Mr. Madaus entered the meeting at 6:42PM.

Mr. Lukes stated that this could not be done with a vote from Town Meeting.

Sel. Renzoni stated that he understood that but that they were the last stop before something went to the floor of Town Meeting. He asked if they wanted to discuss this further and perhaps study it or move it to Town Meeting.

Sel. Lavigne stated that he thinks this needs to be studied more. He stated that while he thinks they are terrible neighbors but they have paid taxes over the years, he has concern when government can now go in and take property.

Sel. Renzoni stated that the Boards debate is if they want to push this forward to Town Meeting. He stated that he thinks this is the nuclear option and they have recently seen some movement of vacant properties along Main Street. He asked if they even had enough information to bring this forward to Town Meeting.

Sel. Lavigne stated that if they are making a motion they should be able to speak to this and support it and this is the biggest thing they have brought forward in a decade and it feels like they are doing it without a lot of preparation.

Sel. Renzoni agreed.

Sel. Lavigne stated that as much as they are hindering the town sitting on the properties, they are paying taxes and doing minor upkeep so not sure more can be done. He asked about assessments on zombie properties and fines on vacant properties.

Sel. Renzoni stated that without research and sitting down with the Town Manager and professionals he could not support this. He asked what Mr. Lukes thought of this.

Mr. Lukes stated that there was no funding mechanism for this which was a vital piece. He stated that this was the beginning of the process. Mr. Lukes stated that for years they have all heard about why properties were allowed to remain vacant for decades; this would be the first step to bringing about change. It would put property owners on notice and the Town could move in that direction if they needed.

Sel. Renzoni stated that he did doesn't disagree with the idea, just with the process. He stated that he does not think that they have done enough consideration as a Board to put the matter to Town Meeting. He stated he values personal property rights and thinks this will be a big change.

Sel. Herlihy asked if owners had notice that this could be on the warrant.

Mr. Lukes replied that they did not until it was on the warrant.

Sel. Renzoni stated that he had a lot of other questions with regards to the Shrewsbury Street project and the eminent domain for that project.

Mr. Woodsmall was present at the meeting.

Mr. Woodsmall stated that they have a meeting tomorrow (April 26, 2022) with the abutters. He stated that there is a right of way process that needed to be followed because of state/federal funding. He stated taking a step back, there had been three meetings since 2019 and in all the meetings abutters had been noticed. He stated additionally there were design plans on the website and they solicited comments and collected comments from those present.

Mr. Woodsmall stated the abutters meeting would have plans available to allow abutters to see a brief presentation and look at plans and ask questions. He stated there were 80 different properties impacted ranging from temporary easements to permanent easements. He stated that these easements would be used for guide wire anchors and sidewalks but that this was a very regimented process that had to follow state and federal guidelines.

Mr. Woodsmall stated the first thing that happens is people are asked if they want to donate the land, if they don't there is an appraisal process that happens and the idea is that this is gone through as a friendly process. He stated that for temporary easements the town would rent the properties. He stated that the state wants to move forward in the fall of next year so there is a limited time they have to work this out.

Sel. Lavigne asked what the calculation was for permanent easements.

Mr. Woodsmall replied that it went back to the land appraisals and two calculations to make that determination.

Sel. Renzoni stated that they would be fixing Shrewsbury Street, fixing Moutview Drive and making the flow more user friendly at Chapel and Holden Street. He stated that they would be cleaning up Main Street/Shrewsbury Street and creating a jug handle. He asked what the benefit of doing this would be if they can not fix or change Main Street. He stated there are 20,000 cars that travel that road a day, there is no way to get cars off that street so what is the benefit of this.

Mr. Woodsmall stated that first it was a much improved corridor for walkers and riders. He stated that this work close to the middle school would be a safer passage for walkers and riders. He stated it would also improve the traffic flow at the lighted intersections. He stated the traffic signals were outdated and the town would need to spend money upgrading those regardless. He stated that this upgrade would help congestion in commuting hours. He stated there is an environmental factor as well. He stated that some of this work needed to be done regardless so the town could spend \$1.5-\$2 million of its own money or they could work with the state on these upgrades.

Sel. Renzoni stated that again they were speaking about eminent domain and again he was not certain about taking of personal property. He stated that this project felt a little different to push forward based on the fact that it was improving the quality of the streets and not taking whole properties mostly using temporary easements and leaving the spaces better than when they found them. He stated that he was not opposed to keeping this on the warrant but he was opposed to the other.

Sel. Lavigne agreed and stated that he appreciated the outreach to the property owners. He stated that he did not have as much of an issue with this because it was not talking about taking homes, it was pieces of property and making it better. He stated he was not opposed to this for now.

Sel. Renzoni asked procedurally if it got to Town Meeting and the Board opposed it if they could pass it over.

Mr. Madaus stated that the Board was the sponsor of the article so they can move to have it passed over and take no action.

Mr. Madaus stated that with regards to eminent domain, they needed a valid public purpose but that this article merely authorized it, they would need 2/3 vote to authorize federal funds that would fund roadways improvements. He stated that this came with all sorts of notice requirements to property owners. He stated that temporary easements start at 3 years and the appraisal is to help determine rental value

Mr. Madaus stated that there is a pre-notice process that happens for property owners to seek modifications but MA Highway requires local municipalities to secure the interest in the project.

Sel. Renzoni stated that as the Board of Selectmen they have very little power and he did not feel like the previous one was in the best interest of the public. He stated that the Board needs to be sure that the argument being used for eminent domain was a valid one.

Mr. Madaus stated that the Board would adopt the order to take so it would get to make the decision.

Sel. Renzoni replied that this Board may not be here and each little step gets closer to doing this. He stated that they could stop this project here tonight and force a petition in the future. He just wanted to make sure that everyone understood the process.

Mr. Madaus asked if the Board had seen all the plans.

Sel. Renzoni replied that they had and there were a few great things being proposed for public safety.

Sel. Lavigne asked if they set the warrant tonight would they be able to change the language if they wanted to.

Mr. Madaus replied that he would defer to the Town Manager for that but that if they set and close the Warrant Articles, the Town Manager can adjust the language. He stated statutorily it is set under their hand so if they want to adjust the working they can instruct the Town Managers office to the scope of the change. He stated that motions were not drafted yet.

Sel. Bates left the meeting.

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **VOTED TO OPEN THE 2022 ANNUAL TOWN MEETING WARRANT AS PRESENTED BY VOTE OF 4-0.**

Sel. Bates returned to the meeting.

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **VOTED TO SET WARRANT ARTICLE 1-20 OF THE 2022 ANNUAL TOWN MEETING AS PRESENTED BY A UNANIMOUS ROLL CALL VOTE.** (Lavigne: yes; Renzoni: yes; Barnes: yes; Bates: yes; Herlihy: yes).

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED TO SET THE WARRANT ARTILCES 22-35 OF THE 2022 ANNUAL TOWN MEETING AS PRESENTED BY A UNANIMOUS ROLL CALL VOTE.** (Lavigne: yes; Renzoni: yes; Barnes: yes; Bates: yes; Herlihy: yes).

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **UNANIMOUSLY VOTED TO CLOSE THE 2022 ANNUAL TOWN MEETING WARRANT BY A UNANIMOUS ROLL CALL VOTE.** (Lavigne: yes; Renzoni: yes; Barnes: yes; Bates: yes; Herlihy: yes).

6. MBTA Zoning Regulations

Pam Harding, Planning Director, Trish Settles, CMPRC were present at the meeting.

They presented *Compliance under section 3A of the Chapter 40A- The Zoning Act*, Monday, April 25, 2022. (See attached).

The Board thanked them both for their presentation and time.

7. Water Sewer Rates

Sel. Renzoni stated that there was not a public hearing on this matter as it was closed last meeting. He stated at this point they were asking the Director for recommendations on rate increases.

Mr. Woodsmall was present at the meeting.

Mr. Woodsmall stated that since the last meeting they took another look at the budget and they were able to reduce the capital item \$50,000 to the meters. He stated that they also looked at various other items and were able to reduce the percentage as previously discussed. He stated that at the initial conversation it was over 11% and now it was just shy of 10%. He stated that they did meeting with Fin Com last week and they had not taken the final vote for the Water/Sewer Enterprise Fund but that there was a long discussion about some capital items. He stated that there was a motion to eliminate a truck that was not accepted by Fin Com so they kept those trucks in. He stated that they went from over \$150 to \$134 average annual increase for the user.

Sel. Renzoni asked to speak about the three trucks; he stated that he wanted to discuss cutting \$50,000 more.

Mr. Woodsmall stated that vehicle replacement was always a difficult subject to talk about as they don't like to replace these unless it is necessary. He stated that when they begin to look at replacing the trucks they look at what happens if they lose a truck, is there a space, and what is the cost for maintenance, records of parts, labor hours, and more. He stated that they were all over 10 years old and all the mileage was over \$120,000. He stated each repair was between \$2,000-\$5,000 and one of the trucks was falling apart and they were unsure about inspections.

Mr. Woodsmall stated that one thing that was hindering them was the amount of time that it would take to actually get the truck. He stated that they were still waiting on a truck they ordered over 10 months ago. He stated the decisions they make now will impact

them down the line. Mr. Woodsmall stated that one thing he looked at was large fleet management and how it looks for overall depreciation. He stated what he found was that if the truck maintenance is greater than 30% it is well time to get rid of. He stated that he knows that this will be a hindrance but trucks are a necessary part of the operation and looking back he wishes that he had left one of the replacements in for last year.

Sel. Renzoni asked why Truck 67 was more expensive.

Mr. Woodsmall replied that it was a crane and utility body and a compressor.

Sel. Renzoni stated that he understands the need but that the roads were worked inside Holden. He asked if there was any flexibility if a truck went down. He asked if there was a creative solution to keep the best of the three trucks in question.

Mr. Woodsmall stated that if they were looking for \$45,000-\$50,000 he could look at the expense budget but while the vehicles stood out that was not where they had movement.

Sel. Renzoni stated that if they could shave \$50,000 off the expenses he would support it.

Sel. Herlihy stated that she was not in agreement of cutting a truck. She stated that she did not want to keep pushing this down the line. She stated that she was also thinking about free cash and asked if they could just readjust those projections.

Mr. Woodsmall replied that it was not in play with the rates.

Sel. Renzoni stated that it would reduce revenue for the next year so if they use that then next year they are pushing rates and would see an increase down the road. He stated that if they can reduce expenses then worse case scenario they would be looking for a mid year rate increase. He stated if that has to happen they could be it on them.

Mr. Woodsmall replied that he can decrease by \$10,000 from the last page of projected surplus.

Sel. Lavigne stated that he liked this approach. He stated he has no problem taking the risk and if they are unable to do it then Mr. Woodsmall could come back to the Board for them to address it together.

Sel. Renzoni stated that they would meet at 6PM at the Annual Town Meeting to finalize.

Mr. Woodsmall stated that Fin Com would have updated worksheets with some additional changes. He stated he could get to \$40,000 cut and would try to get to \$50,000.

8. Selectmen Minutes

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **VOTED TO APPROVE THE OCTOBER 21 2021 BOARD OF SELECTMEN MEETING MINUTES AS CORRECTED BY A ROLL CALL VOTE OF 4-0-1.** (Renzoni: yes; Lavigne: yes; Bates: yes; Herlihy: yes; Barnes: abstain).

9. Selectmen Subcommittee

Sel. Renzoni stated that he had spoken with Fin Com last week and it was his understanding that they were finalizing the vote this week. He stated that there is no plan to meet but the Board should plan to meet with them at Town Meeting to make sure that they are still in sync with each other.

Sel. Renzoni stated that the Playground Committee had the first meeting and he will make himself available for them.

Sel. Lavigne: none

Sel. Herlihy: none

Sel. Bates: none

Chairman Barnes: none.

10. Selectmen Miscellaneous

Sel. Renzoni: none

Sel. Lavigne stated that unfortunately he needed to announce that this was his last Board of Selectmen meeting. He stated that he was resigning from the Board effective immediately because of job related reason. He stated his new position works with municipalities and unions and school districts and based on these conflicts he needed to resign. Sel. Lavigne stated that he has been on the Board for a number of years and has seen lots of great things happen. He wished the Board the best of luck and stated he was very proud of everything that they have accomplished.

Chairman Barnes stated that this was also her last meeting. She stated that she had a great time working with the Board and was sorry to be done but that she needed to move on with her career at this point.

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED TO ADJOURN THE APRIL 25, 2022 BOARD OF SELECTMEN MEETING AT 8:14PM BY A UNANIMOUS ROLL CALL VOTE.** (Renzoni: yes; Lavigne: yes; Bates: yes; Herlihy: yes; Barnes: yes).

APPROVED: 8/29/22