

**HOLDEN BOARD OF SELECTMEN
MEETING MINUTES
November 18, 2019**

6:30PM

Memorial Hall

Present: Chairman Renzoni, Tyler Gibbs, Geri Herlihy, Chiara Barnes

Not Present: Robert Lavigne

Others Present: Peter Lukes, Town Manager
Stephan Madaus, Town Counsel
Stephanie King, Assistant Town Manager
Liz Fotos, Town Recorder

1. Appointments, Licenses, and Permits

Mr. Lukes stated that they were going to pass over the one day licenses for McKinlay's and Specialty Sandwich.

Mr. Lukes stated that Summit Wynds was present in order to get licenses for their Sunflower and Lavender Fest. He stated that this was an event that was held last year as well and that it had been passed through the relevant channels and they suggested approval of these licenses.

Chairman Renzoni welcomed back Amy Parker of Summit Wynds. He stated that they were welcome to come in closer to the event to talk about it but invited her up to the podium now as well.

Ms. Parker stated that they wanted to apply for licenses early because a lot of the vendors that they work with apply to other events and they do not want to lose out of bringing them in for the festival. She stated that the previous year many of the vendors they wanted were committed elsewhere so they wanted to make sure they planned ahead on the vendor side.

Sel. Herlihy stated that she was interested in the parking at the high school.

Ms. Parker replied that after they sold the tickets they saw that they needed more parking so they worked with the district and did shuttles. She stated that it worked out very well and ticket holders will know where to park.

Motion by Sel. Herlihy, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROVE A BEER AND WINE LICENSE FOR THE LAVEDER FEST FOR AMY PARKER OF BEHALF OF THE FARM AT SUMMIT WYNDY, INC ON SATURDAY, JUNE 27, 2020 FROM 10:00AM -9:00PM AND SUNDAY JUNE 28,**

2020 FROM 10:00AM TO 6:00PM AND FOR THE SUNFLOWER FEST ON SATURDAY AUGUST 29, 2020 FROM 10:00AM TO 9:00PM AND SUNDAY, AUGUST 30, 2020 FROM 10:00AM TO 6:00PM AS PRESENTED.

Motion by Sel. Herlihy, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROVE THE PUBLIC ENTERTAINMENT LICENSE FOR AMY PARKER OF BEHALF OF THE FARM AT SUMMIT WYNDYS, INC ON SATURDAY, JUNE 27, 2020 FROM 10:00AM -9:00PM AND SUNDAY JUNE 28, 2020 FROM 10:00AM TO 6:00PM AND FOR THE SUNFLOWER FEST ON SATURDAY AUGUST 29, 2020 FROM 10:00AM TO 9:00PM AND SUNDAY, AUGUST 30, 2020 FROM 10:00AM TO 6:00PM AS PRESENTED.**

2. Town Manager Update

January to June 2020 Selectmen Meeting Schedule; We have prepared the enclosed Board of Selectmen meeting schedule for the period of January 2020 through June 2020 for your consideration.

Motion by Sel. Gibbs, seconded by Sel. Barnes, it was **UNANIMOUSLY VOTE TO APPROVE THE JANUARY TO JUNE 2020 SELECTMEN MEETING SCHEDULE AS PRESENTED.**

Photos with Santa: Holden’s Community Emergency Response Team (CERT) will be hosting their annual photo sessions with Santa Claus Saturday, Nov. 23 from 10-noon and 1-3 PM, and Saturday December 7 from 9-11:30 AM and 12:30-3PM in the Holden Fire Department Annex, 1384 Main Street, next to the Public Safety Building. Families, including pets, can have their holiday greeting card picture taken with Santa with a fire truck background. Photos will be provided as a high resolution digital file for a \$15 cash donation. Pets must be leashed or in carriers until their photo time. Proceeds will help fund CERT equipment and supply purchase as well as community emergency preparedness activities.

Recreation: The basketball and tennis courts at Dawson Rec Area have been re-coated and sealed and new additional pickle ball courts have been painted on two of the tennis courts. Pickle ball has been proven to be enormously popular among diverse age groups and we hope to continue expanding the offering in the spring. All adult activities are currently booked to capacity and once again we are restrained only by our amount of programming space available for town recreation programs.

Chairman Renzoni stated that it was brought to his attention that the fences at the basketball court were 4ft tall and that the tree line was not cut back. He stated that if they were continuing upgrades in that area maybe they could look into that.

Pine Tree Development: The Pine Tree proposed development of over 100 housing units in the form of mostly multi-unit structures off of Salisbury Street has filed a definitive site plan and will likely be scheduled for a hearing in front of the Planning Board some time in December or January. Once the hearing is scheduled, my office will notify the Board of Selectmen and obviously make it known to the general public via social media, as this was a topic of considerable interest at the preliminary site plan hearing a few months ago.

Chairman Renzoni stated he was there and that it looked like they were squeezing a lot of housing in. He stated that there were grading issues and they were looking for about 54 exceptions so hopefully they will continue to work through the process with the appropriate Boards and Commissions.

Street Parking Policy for Snow Emergencies: Overnight on street parking is not permitted in Holden between the hours of 1:00AM and 6:00AM year round. Over the last few years, we have increasing issues with on-street parking during snow emergencies. The Town has taken a gentle approach through the plow drivers reporting such impediments and Holden Police trying to follow up with residents and asking them to move their vehicles. Obviously, during a difficult storm and in the middle of the night, this process has met little success. DPW will be embarking on a public awareness campaign this year, to be unveiled in December, which will educate the public regarding our newer policy of ticketing and towing vehicles that are parked on the street during a snow emergency. DPW Director John Woodsmall will be at the next BOS Meeting on December 2 to go over details and present much of the media that will be used for public education campaign in the coming weeks.

Recycling Costs: As most of us are aware, costs for recycling have skyrocketed in recent years. Fees for the Wachusett Recycling Center have increased recently, which will impact the town of Holden, as well as our contract with Casella, which is up for renewal in under two years from now. Unfortunately, this is a national issue and the likelihood of recycling fees increasing continuously over the next decade is certain. My office is studying what communities throughout Massachusetts and in other states are doing to address the issue and we will bring those strategies to our contract negotiations in the future.

Chairman Renzoni asked if they could have Pam Harding, Director of Planning work on some analysis so they can ease into any rate increase.

Mr. Lukes stated that they have already started to look into it.

Bond Rating: Town Accountant, Lori Rose, Town Treasurer, Sharon Lowder and myself participated in our bond rating interview and conference calls with representatives from Standard and Poor's over the last two weeks and I am pleased to announce that S & P have maintained the town's bond rating at AA++. We have enjoyed this favorable ability to borrow money as a result of several years of conservative spending, conservative borrowing, and solid overall financial planning. The S&P report praised our

fiscal record and had only minor suggestions for how long to improve our rating in the future, which mostly hinged on maintaining a stable long term record of taking the same path as we have in the prior years.

FY 21 WRSD Round Table Meeting: The annual round table discussion between WRSD Administration and member town Select Boards, Finance and administrators was hosted at our Senior Center on November 7. The primary outcome of the meeting was a proposal to request no more than 3% increase in the overall WRSD budget for FY 21. I have not yet heard from any of the member towns as to their votes or consensus yet, but the town of Holden again offered to take the lead and collect whatever consensus can be derived from member towns as a request to the school district as they prepare their budget.

Presents from Santa: The Holden Fire Fighters Association will host “Presents from Santa” once again this year. The program was enormously popular last year. Delivery dates will be December 8th, 14th and 15th which will allow for 200 deliveries. Entries will be drawn at random and will be accepted until 8:00PM on November 20, 2019. Resident may enter online through a link that is on the Town’s website and our Facebook page. Questions should be directed to Holdenlocal4557@gmail.com.

Town Clerk: I would like to thank our Town Clerk, Dale Hickey, for her many years of dedicated service to the Town of Holden and wish her well in the future. She informed me last week of her plans to retire at the end of 2019, and she will be missed. As most of you know, her husband Brian retired from HMLD not very long ago, and now his solo vacation will come to an end.

3. Sharon Lowder, Treasure/ Collector: Board to Review, approve and sign issuance of Bond Anticipation Notes

Ms. Lowder stated that she laid all the papers she needs signed out on the table. She stated that the Board would take a vote tonight to review and accept the borrowing that has been done and that Sel. Barnes will sign off that the Board voted on it. She stated that this was a temporary BAN borrowing \$9 million for the new DPW Facility and the rest was for water projects in Jefferson, and water rehab projects for a total amount of \$12,590,000. She stated that this was awarded to Jefferies LLC with a coupon rate of 2% but with the premiums the net interest rate was 1.2052% for a one year term.

Mr. Lukes asked if anyone had any questions or comments.

Motion by Sel. Herlihy, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROVE THE BOND AS PRESENTED.** (See Attached).

4. WRSD Regional Round Table Report

Chairman Renzoni stated that he knows some of the Board was at the roundtable but that it was for all 5 member towns. He stated that it was largely agreed to recommend to the

district that the towns could absorb a 3% increase and still maintain municipal services. He stated that for the last ten years, Holden has been hit harder at almost 6%.

Chairman Renzoni stated that additionally, the Board had asked for transparency and the School District indicated they were happy to do that. He stated that they were also looking at population and a new school. He stated that they had invited the Holden delegation of the School Committee to a meeting on December 2, 2019 in order to have a conversation about the budget process. He stated that he is not sure that the School Committee understands the limitations that we have and how it impacts the taxpayers. He stated that hopefully they come in and it allows us to better understand each others problems.

Sel. Gibbs stated that he thinks that there may have been some confusion at the meeting and that was why they didn't have the overall consensus from the member towns. He stated that he believed last year there were two meetings and that could have been were some of the confusion lay.

Sel. Herlihy stated that she thought it was a good meeting. She stated that she felt that the transparency was important and that she looked forward to having the delegation come in to speak. She stated she knew that they spoke about the parity especially across middle school lines. She stated that she does think that the communication is better than it had been in the past so that was a good step forward.

Chairman Renzoni asked if the Town Manager's office could put together a letter.

Mr. Lukes replied that he thinks if they do not that Superintendent McCall still understands the 3% and that he thinks he (McCall) knows it to be a goal regardless.

Chairman Renzoni held off on Citizens Address to observe a moment of silence for Edward Hall who served his country in the Army Air Corp and served the Town as a Board of Selectmen. All those present in Memorial Hall observed a moment of silence.

5. Citizen's Address

None

6. Selectmen Miscellaneous

Sel. Gibbs: none

Sel. Barnes: none

Sel. Herlihy asked if when the Town Manager and Town Treasurer had their bond rating if the agency had any conversation about the school districts.

Mr. Lukes stated that they always ask about it but that they always show that it is out of the Towns control.

Sel. Herlihy asked if they were concerned with the OPEB liability.

Mr. Lukes stated that they did not ask.

Chairman Renzoni stated that they brought it up at the roundtable. He stated that as they know Holden has taken aggressive steps towards knocking that down. He stated that as a Town we are tackling it while other towns are not.

Chairman Renzoni stated that with regards to the one year beer and wine for Specialty Sandwich and McKinley's Liquor store, it was not necessary because it is covered by their business license. He stated that they were going to have an event on November 23, 2019 for a beer and wine tasting with food and music. He stated that he will find the flyer and share it on his social media page.

7. Continued Public Hearing: On-Premises All Alcoholic Beverages License Lilac Hedge Farm, LLC 106 Bond Road

Motion by Sel. Herlihy, seconded by Sel. Barnes, it was **UNANIMOUSLY VOTED TO CONTINUE THE PUBLIC HEARING FOR ALL ALCOHOLIC BEVERAGES LICENSE FOR LILAC HEDGE FARM, LLC 106 BOND ROAD.**

Ryan MacKay, Lilac Hedge Farm was present at the meeting.

Mr. MacKay stated that over the last two weeks he went back and forth with fire and had good conversation with them. He stated that they were able to firm up the maps to have a better layout and figure out all the questions that the fire department had about getting onto the property. He stated that they added a few things as well; he handed the Board a copy of a new map.

Mr. MacKay stated that he wanted to reiterate a few things from the last meeting as well. He stated that he has a lot of respect for the fire and police department and what they do. He stated that the make decisions based on codes and that he thinks that their opinions should carry weight. He stated that the other thing that he wanted to add regarding the alcohol is that they don't intend to sell alcohol after 8PM. He stated that they are envisioning a seasonal business from June-October though he doesn't want to rule out November because of their turkey business. He stated their intentions are to have day time activities. He stated that they do not want drunken people on their property as it is their liability. He stated that his staff is all TIPS certified and that the license from the ABCC is a responsibility.

Mr. MacKay stated that they wanted to foster a family friendly environment with the idea of the outdoor venue being day time family events. He stated the concerns about traffic are different than the alcohol license. He stated that is within the parameters of zoning and agriculture. He stated that they have gone through the steps for the Agricultural Restriction already.

Mr. MacKay stated that they need to expand and they need to go straight to retail on the home farm. He stated that he wanted to touch back on all those matters and that they are asking for help to help strengthen the farm.

Chairman Renzoni stated that this was a Public Hearing and that the microphone was open to public comment.

Gary and Mara Dix, 2381 Main Street, Jefferson, MA were present at the meeting. She stated that they have no issues with farmers and that is part of the reason that they moved to this location was because of the farm. She stated that the only issue she has is the alcohol. She stated that she appreciates what Mr. MacKay is going through but she wants to point out that there were two accidents and she has had people come up her property sideways because of alcohol.

Cindy Dinoia, 2323 Main Street, Jefferson was present at the meeting. She stated that she too had an accident from someone hitting into the back of a friends car. She stated that she also promotes agriculture and the retail store but she does not promote the alcohol. She stated that additionally Thursday – Sunday will create traffic issues.

Ms. Dinoia stated that she also does not know how the Board can decide this before the APR is decided. She stated that this is a deed restricted farm and she does not know how they could be okay with this prior to that approval.

Chairman Renzoni stated that they can go back and forth with this dialogue but that it is his suggestion that they are part of the process. He stated that the APR could say the same thing about the Board of Selectmen; but that someone has to be first and they are all part of the process and all need to be approved.

Ms. Dinoia stated that no one has answered her questions; she stated she emailed everyone and she wants to make sure that everyone is doing their due diligence.

Chairman Renzoni replied that they have codes and bylaws that are in place to protect all the parties. He stated that the Board has an obligation to their citizens but that they also have an obligation to property owners. He stated that he is comfortable with this and the Boards decision is not the last one, it is just one of the decisions that needs to be made.

Jim Dunn, 199 Muschopauge Road, Jefferson was present at the meeting. He stated that he is about $\frac{3}{4}$ of a mile away from Mr. MacKay and he owns a 40 acre farm that he has improved and managed for nearly 23 years. He stated that he has been in agriculture most of his life and the one thing that is constant in agriculture is that a small farm needs much diversify or it will die. He stated that they needed to do more than one thing or they won't be able to make a living. He stated that it was great that they had open fields but they must diversify. He stated that this is true across the country for all small farms.

Mr. Dunn stated that Mr. MacKay has tried to diversify with his Back 40 event and it has been successful but it is a lot of time and effort for one weekend. He stated that he needs to spread his risk over the year to remain viable and so that the open fields can stay open.

Mr. Dunn stated that one thing they should do is look at the applicant. He stated that they Board may not know but that Mr. MacKay is active in the Holden Agriculture Commission, President of Worcester Farms Association and past president of the Young Farmers and Ranchers and Director of MA Farm Bureau. He stated that this was all time consuming because it helps the rest of the farmers. He stated that he enthusiastically supports this in all aspects. He stated that Mr. MacKay stated that the alcohol would be ancillary to what he wanted to do and that it won't be an issue and he takes his word.

Chairman Renzoni stated that right now they are looking at an All Alcohol License. He stated that if someone wanted to say something about the noise level, this was not the time to do that. It could be addressed in the future when the public entertainment license was brought forward. He stated with that in mind, they can limit noise and hours and could add restrictions if they felt that was necessary. He stated that they could open it back up for comment, entertain an approval or pass this over, it was up to the Board.

Sel. Herlihy asked about the APR; she stated that the Board would decide on the license but then the state would still have to decide if it was allowable.

Mr. Lukes replied that it was a separate and distinct issue and one did not need to preclude the other.

Sel. Gibbs stated that he had the opportunity to tour the farm and speak with Mr. MacKay last week. He stated that this is a heavy thing they were deciding and he got to speak to him about his plans. Sel. Gibbs stated that he trust that Mr. MacKay was going to do what he said he was and that if he broke the trust there would be repercussions. He stated that he appreciates the concerns that the public brought forward as well but he hopes people can recognize the bigger picture. Sel. Gibbs stated that he thinks that Mr. MacKay is working hard to manage the farm and bring its success through creativity and hard work. He stated that he can see the history and the path that Mr. MacKay wants to take and he does not think this is something that will get out of hand. He said he was happy that he was able to go and speak with him.

Sel. Herlihy asked if these were the only parking spots shown on the map.

Mr. MacKay showed her the main source of parking and the overflow parking.

Sel. Herlihy stated that for the festival they had 3,000 people come for the weekend.

Mr. MacKay replied on a given day.

Sel. Herlihy stated that they had no issues for the festival. She stated that she appreciates the willingness to keep this open space and to diversify the business and she does not envision people coming in to drink.

Mr. Lukes stated that if the alcohol was ancillary they could elaborate on that as well. He stated that the primary purpose was selling the farm products. He stated that with regards to the traffic concerns and the curb cuts, that would be a transportation issue. He stated that when they were speaking about CRA there were a number of changes made and they had to go through quite a bit. He stated that they were ultimately improving the site. He stated that the entertainment license was also a different matter and the Board would have discretion on that and help shape how it will impact the neighborhood. He stated that if Mr. MacKay was offering voluntary restrictions then the Board could come to a meeting of the minds and incorporate whatever the restriction was into the license approval.

Chairman Renzoni suggested that someone make a motion and then the Board could debate whatever restriction they deemed appropriate.

A motion was made by Sel. Herlihy to approve the All Alcohol License for Lilac Hedge Farm, it was seconded by Sel. Gibbs. The Board opened it up for conversation.

Chairman Renzoni suggested that one restriction that could be suggested was to issue a license with a review period of one year. He asked if they could set a time for review.

Mr. Madaus stated that he had never seen a liquor license with that restriction.

Chairman Renzoni stated that if they are unable to do that then he would say that they could move forward very carefully with regards to days and hours. He stated that Mr. MacKay suggested that he did not see anything late so maybe they could consider a time restriction of 8PM.

Sel. Herlihy asked if they should think about the same times they used for the Summit Wynds.

Chairman Renzoni stated that he thought that this was a different question. He stated that this license would not allow him to have the Back 40 event as that would be a separate license. He stated that he did not expect this to be an issue but if there were issues then the Board would have lots of control of the Back 40 event. He stated with that being said, he did not have any reasons to think that Mr. MacKay wouldn't keep his word

Mr. Lukes stated that the public entertainment license could be limited to this premises and the Back 40 is on a different property so it would be a different license. He stated that legally, local licensing authorities do not have the ability to limit hours, it would have to be done voluntarily.

Chairman Renzoni asked what would happen if consumption did become an issue.

Mr. Lukes replied that any time there was a violation a review would occur. He stated at that point the license could be restricted or suspended.

Chairman Renzoni stated that they have suspended businesses in the past; although he did not think this would be an issue. He stated that going back to Mr. MacKay's character, there were no complaints about his prior events as well. He stated that he understood why people were coming out now but that there is no reason to think that he won't keep his word.

Chairman Renzoni stated that the Town Manager informed them that they could not put restriction on him, but he asked to hear from Mr. MacKay with regards to days and hours of operation.

Mr. MacKay replied that for days he was thinking Thursday through Sunday and he did not want to serve after 8PM. He stated the Back 40 went past 8PM but they had a lot of money into that and they were trying to recoup it over a two day time period. He stated ideally they only wanted to entertain during daylight. He stated that Stone Cow in Barre had hours Thursday-Sunday with closing at 6PM on Sunday and at 8PM on Friday and Saturday.

Chairman Renzoni asked if they envisioned this as a 7 day a week operation.

Mr. MacKay replied he did not; he felt the alcohol would be Thursday-Sunday.

Sel. Herlihy asked if this would impact Back 40.

Mr. Lukes replied it would not.

Mr. Madaus stated that the application is defined and shows the only place you could serve.

Chairman Renzoni stated that the alcohol was being limited to a small area at the grain silo of about 120FT by 100FT.

Mr. MacKay showed where they were anticipating the location.

Sel. Lavigne asked the location of this compared to the residents south of the property.

Ms. Dix replied that they could see the location from their window.

Chairman Renzoni stated that the Board could not limit the times but the applicant seemed willing to.

Chairman Renzoni asked if Mr. MacKay wished to offer any restrictions.

Mr. MacKay stated that 8PM was a good time and he suggested Thursday through Monday taking into consideration the amount of Monday holidays there were.

Chairman Renzoni asked when he was going to open.

Mr. MacKay suggested 10AM.

Chairman Renzoni reminded him that 11AM would be the earliest. He agreed.

Chairman Renzoni stated that Mr. MacKay was offering to limit the license from 11AM-8PM Thursdays through Mondays.

Sel. Herlihy agreed to the amended motion and accepted the restrictions presented by the applicant. Sel. Gibbs seconded it.

Sel. Herlihy stated that she appreciated that the applicant would put voluntary restrictions on the business. She stated that she has full faith that this will be a family oriented business and that they will be able to diversify the farm. She stated that she thinks a lot of people frequent Stone Cow and this was an opportunity to have it in Town.

Sel. Gibbs stated that this shows that the applicant is willing to work within parameters and they will hold him to it.

Chairman Renzoni stated that looking at the motion on the floor, he does not know when they will be coming in with the Public Entertainment License. He stated the way he views it is that the Board brokers between concerned residents and business owners. He stated that he feels as though property rights are very important. He stated that as a property owner you have the right to develop and plan something and if it is within the town bylaws you should be allowed to move forward. He stated that Mr. MacKay showed an act of good faith to limit and restrict his license. Chairman Renzoni stated that when they were speaking about the Public Entertainment license with noise levels, he thinks that the neighbors should also be able to enjoy their properties and should not be hearing things. He stated that they want to make sure that Mr. MacKay's operation is his operation and not that of the neighbors.

Chairman Renzoni stated that he will say that they want him to produce and they have not had an issue but they are still talking about this moving forward with good faith. He stated that Mr. MacKay comes before the Board often and that they will hold this against him if need be. He stated that he thinks this is necessary to survive but that they should have a long conversation over multiple meetings to discuss restrictions on the public entertainment side of the license.

Mr. Lukes stated that there was a lot more to it than just this piece. He stated that speaking with Town Counsel there is an extent of this service that has to be inclusive of the farm products. He stated that Mr. MacKay is aware of this and other legal requirements on him.

Chairman Renzoni asked if there were any additional public comments at this time.

Kathy Peterson 2382 North Main Street, Jefferson was present at the meeting. She stated that she had a conversation with Mr. MacKay and thinks this is a communication issue. She stated that he reassured her that he is up to this challenge and that he will do his best to operate this liquor license and restaurant to the best of his abilities. She stated that he was going to run this as a family business and that she endorses this operation.

Motion by Sel. Herlihy, seconded by Sel. Gibbs, it was **UNANIMOUSLY VOTED TO APPROVE AN ON PREMISIS ALL ALCOHOLIC BEVERAGES LICENSE FOR LILAC HEDGE FARM, LLC 106 BOND ROAD WITH THE LIMITED HOURS OF THURSDAY THROUGH MONDAY FROM 11AM TO 8PM.**

Chairman Renzoni thanked everyone for coming out and told Mr. MacKay that he looked forward to working with him in the future. He wished him good luck.

8. Selectmen Minutes

None

9. Selectmen Subcommittee

Sel. Herlihy stated that the DPW Building Committee was meeting tonight and they were looking to firm up the schematic design and to dig deeper into analysis.

Motion by Sel. Gibbs, seconded by Sel. Barnes, it was **UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR ON PREMISES ALL ALCOHOLIC BEVERAGES LICENSE FOR LILAC HEDGE FARM , LLC 106 BOND ROAD.**

Motion by Sel. Gibbs, seconded by Sel. Herlihy, it was **UNANIMOUSLY VOTED TO ADJOURN THE NOVEMBER 18, 2019 BOARD OF SELECTMEN MEETING AT 7:45PM.**

APPROVED: 12/2/19