

**HOLDEN BOARD OF SELECTMEN  
MEETING MINUTES  
APRIL 4, 2011**

6:30 PM

Memorial Hall

**Present:** Chairman David White, Robert Lavigne, Anthony Renzoni, James Jumonville

**Absent:** Kimberly Ferguson

**Others Present:** Nancy Galkowski, Town Manager  
Stephen Madaus, Assistant Town Counsel  
Elizabeth Helder, Recording Secretary

Chairman White opened the meeting at 6:30PM. The Board participated in the Pledge of Allegiance. He reported that State Representative Ferguson had a legislative obligation in Boston and would not attend the meeting.

### **1. Selectmen Licenses & Appointments**

Chairman White announced that prior to the meeting, he and Sel. Renzoni interviewed Ms. Judy Haran for a position on the Agricultural Commission to serve as an alternate for one year. Ms. Haran said she was interested in the promotion of local agriculture. She and several other local growers have recently started an organization to promote local agriculture. Ms. Haran described herself as a high-energy person dedicated to promoting the benefits of growing your own food. She started a small community garden on her property last summer and is in the process of starting a church-organized garden. All produce from the church garden will be donated to the Wachusett Food Pantry. Ms. Haran, who served many years as an active member of the White Oak Land Conservation Society, said she was no longer volunteering for them.

Motion by Sel. Renzoni, seconded by Sel. Jumonville, it was **VOTED 4-0 TO APPOINT MS. JUDY HARAN AS AN ALTERNATE TO THE AGRICULTURAL COMMISSION TO SERVE A ONE YEAR TERM.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO APPROVE A PARADE PERMIT TO HOLLY MAKI ON BEHALF OF AMERICAN CANCER SOCIETY FOR SUNDAY, JUNE 12, 2011 FROM 8AM-10:30AM.**

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **VOTED 3-0 TO CONFIRM THE MANAGER'S REAPPOINTMENT OF MICHAEL J. KRISONIS AS A MEMBER OF THE HOLDEN CONSERVATION COMMISSION TO A THREE YEAR TERM EXPIRING DECEMBER 31, 2014.**

### **2. Introduction of Susan Scott, Library Director**

The Manager introduced Ms. Susan Scott, the new Director of the Gale Free Library. Ms. Scott began her employment with the Town on March 31, 2011. Sel. Renzoni commented that the Town was lucky to have hired another great Library Director. Ms. Scott commented that the quality of the library collection and local cultural opportunities drew her family to the area.

### **3. Vote Intention to Lay Out Blair Drive for Street Acceptances**

Motion by Sel. Lavigne, seconded by Sel. Jumonville, it was **VOTED 4-0 OF THE INTENTION TO LAY OUT ON APRIL 19, 2011 BLAIR DRIVE FROM STATION 16+09.46 TO STATION 32+94.30 FOR A DISTANCE OF APPROXIMATELY 1,684.84 FEET AS RECOMMENDED BY THE ADMINISTRATION.**

Chairman White encouraged residents of Blair Drive to come forward on April 19, 2011 to voice any concerns with their street. He also asked the Manager to check with the DPW to ensure that there are no outstanding punch list items.

**4. Town Manager Miscellaneous**

1. The Town Manager reported several honors and awards recently given out to the Holden Police Department. Lt. David Armstrong was accepted at the FBI Academy at Quantico, VA to a 10-week training program beginning April 4<sup>th</sup>. The FBI developed the intensive program for local, state, and international officers. Lt. Armstrong was selected from officers around the country based upon his training, education, and experience. He is the first employee of the Holden Police Department to attend the prestigious program. The Holden Chamber of Commerce has nominated Officer Tammy Foy as their "Public Safety Person of the Year." The Chamber will recognize Ms. Foy for the exceptional job she did on July 5, 2010 when she received a call from a frantic parent whose child was found at the bottom of a swimming pool. Officer Foy calmly gave instructions on how to perform CPR until Fire/EMS personnel arrived on the scene. The Chamber will recognize Officer Foy on Tuesday, April 26<sup>th</sup> at their annual awards breakfast. Lastly, Police Chief Sherrill has been selected as one of 50 Police Chiefs from around the country to attend a department of Justice workshop in Annapolis during the first week in May. The Chiefs will develop a guidebook for other police departments who may begin the long process of constructing new police or public safety facilities.
2. The Manager informed the Selectmen that a new telephone system would be installed and activated at the Light Department within a week. The new main number at the HMLD will be 508-210-5400.
3. The Manager announced the spring composting schedule. The DPW will accept leaves and grass clippings at the former landfill site on River Street on Saturday, April 23, April 30, May 7, May 14, and May 21 from 8AM-2:30PM. Brush chipping will be performed at the Adams Road Garage and is limited to branches with diameters greater than 1 inch and less than 6 inches. Further information may be found at [www.townofholden.net](http://www.townofholden.net).
4. The Selectmen reviewed a copy of the summer recreation brochure. Residents are encouraged to register with the Recreation Department on-line. Sel. Lavigne reported that he received a lot of positive feedback regarding the new on-line recreation registration program.
5. The Selectmen reviewed the year to day revenue and expenditure reports for the period ending February 2011 as prepared by Town Accountant Lori Rose.
6. The Selectmen reviewed the FY2010 Audit Report.
7. The Manager reported some feedback she received about questions raised from the new water restrictions being imposed by the DEP. She said the DEP had informed her that car washes performed as fundraisers are allowed during the water restricted hours of 9AM-5PM. Chairman White reminded residents that the DEP has not imposed a water ban during these hours; it is a water restriction. Hand held watering of outdoor plants is still allowed during the hours of 9AM-5PM. Sel. Renzoni encouraged residents concerned about the water restriction guidelines to contact him directly.

**5. Citizens' Address**

No one came forward to address the Board. Sel. Lavigne read an email from a concerned resident regarding landscape companies distributing their advertisements on homeowners' properties. Is this considered littering? Attorney Madaus commented that while a canvassing bylaw could be adopted to curtail this type of advertising, this type of advertising is considered free speech and is difficult to monitor/control. He said he would look into the enforcement of the law.

**6. Discussion of Revisions to Town Charter**

Sel. Renzoni said the results from the review of the Town Charter had been presented to the Board on March 7, 2011. The Manager informed Selectmen that the Town Charter had been placed on the May 2011 Town Meeting Warrant (Articles 25, 26, 27, & 28). Sel. Renzoni asked the Board to discuss the proposed revisions to the Town Charter and take positions on the warrant articles.

Town Counsel clarified that the recall provision (Warrant Article 28) was not included in the Town of Holden Charter Advisory Committee Official Report dated March 7, 2011. He said this provision would limit the recall process and may be cause for court action later on. Mr. Madaus said the recall provision had not been included in the Committee's final report until the Board could discuss the legality of the matter further.

Sel. Renzoni said that it was the intent of the Committee to have the recall provision as presented included in the final report. Sel. Lavigne concurred with Sel. Renzoni.

Sel. Jumonville said he did not want perimeters included in the recall provision. He said elected officials should "sink or swim." He said no bylaw should prevent someone for running for an elected position by placing provisions on them. He expressed concern that the way the recall provision was written violated the constitutional rights of those wanting to serve or serving as an elected official. Mr. Madaus said that while it is a constitutional question, he believed that it was possible to prevent someone from running.

Sel. Lavigne stated that the Committee reviewed approximately 50 communities in the Commonwealth to research information on how they handle recall provisions. Many of the communities in Massachusetts are now itemizing the methods/circumstances/provisions by which an elected official can be recalled. He said that Town Counsel had reviewed the Committee's official report for its legal content.

Sel. Renzoni said it was the intent of the Charter Review Committee that their recommendations be discussed and debated on the Town Meeting floor. He said he did not want to see the recall vote including the discretionary provision changed, obstructed, or recommended by the Selectmen. Sel. Renzoni said he would not support the recall vote if the discretionary language were removed on Town Meeting floor. Sel. Lavigne concurred with Sel. Renzoni's comments.

Sel. Jumonville said he did not believe that the discretionary voting provisions included in the language of the bylaw were constitutionally legal.

Chairman White said he supported the work of the Charter Review Committee. Its efforts and recommendations should be presented on the Town Meeting Floor for public debate and vote.

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO PLACE WARRANT ARTICLE 28 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED BY THE CHARTER REVIEW COMMITTEE.**

The Selectmen discussed Warrant Article 27 (Town Manager Term of Office). Sel. Jumonville said he did not understand the wisdom of the Committee's recommendation regarding the language of this article. He commented that politics are always involved in the decision making. Sel. Renzoni said it has becoming common practice to hire the best candidates in a market that is becoming increasingly competitive. The Committee's recommendation would give the Board, as the hiring authority, the flexibility to make offers to accommodate a candidate beyond a three-year contract. He said that politics never entered into his decision to hire the Town Manager. He said he hired the best candidate.

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO PLACE WARRANT ARTICLES 26 AND 27 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED BY THE CHARTER REVIEW COMMITTEE.**

Sel. Lavigne will speak to these articles on the Town Meeting floor.

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO PLACE WARRANT ARTICLE 25 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED BY THE CHARTER REVIEW COMMITTEE.**

Sel. Renzoni will speak to this warrant article on Town Meeting floor.

#### **7. Set Warrant for Annual Town Meeting**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 1 THROUGH 5 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 6-1 THROUGH 6-9 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 7 AND 8 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 9 THROUGH 14 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 15 THROUGH 20 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLES 21 THROUGH 24 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLE 29 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLE 30 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLE 31 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLE 32 ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

The Manager requested the Board vote to hold a placeholder for Warrant Article 33 for a zoning by law change for dogs off leash in a designated dog park.

Motion by Sel. Lavigne, seconded by Sel. Renzoni, it was **VOTED 4-0 TO HOLD A PLACEHOLDER FOR WARRANT ARTICLE 33 FOR A TOWN BY-LAW CHANGE FOR DOGS OFF LEASH IN A DESIGNATED DOG PARK.**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO SET WARRANT ARTICLE 34 (CITIZEN PETITION) ON THE MAY 2011 TOWN MEETING WARRANT AS PRESENTED.**

## **8. Selectmen Subcommittees**

**Sel. Jumonville: Memorial Day Parade Committee:** Next meetings April 13 and April 27.  
**Skate Park:**

**Sel. Lavigne: EDC:** Have not met.  
**Open Space Committee:** Looking to finalize the report.  
**Town Charter:**

**Sel. Renzoni: Water/Sewer Advisory Committee:** Will meet on April 11<sup>th</sup> in a joint meeting with the Selectmen and the Finance Committee at the Senior Center at 7PM.

**Master Planning Committee:** Have not met.

**Sel. White: PSBC:** Next meeting 4/6 at 6PM at the Police Department Conference Room.  
**Mountview Building Committee:** Waiting for OPM approval from the MSBA. An interview between the MSBA office and Mr. Gary Kaczmarek the OPM candidate was held on April 4<sup>th</sup>.

## **9. Selectmen Miscellaneous**

**Sel. White: 1.** Installation of the Message Board was not awarded in a timely fashion and had to be rebid.

**2.** Process of water rate structure. Sel. Renzoni said that he would like to have a public hearing to announce the restructure of the water and sewer rates and receive public comment at the April 19<sup>th</sup> meeting. It was not determined whether the Board would vote to approve the rate structure at that meeting or wait until the first meeting in May.

**3.** Status of the emergency preparedness plan is on going. Manager recently attended a Manager's meeting where an emergency preparedness plan book was presented. Fire Chief Jack Chandler is reviewing the book for relevant information for the Town to implement. Sel. Renzoni said he would like to review changes and improvements to the plan since the Town experienced the December 2008 Ice Storm. Chairman White said that he would like to see members of the Board invited to any tabletop exercises as observers.

**4.** Inquired about the status of the landscaping efforts at the 122A/Shrewsbury Street? DPW will resume planting efforts at the end of April/beginning of May.

## **10. Approval of Minutes**

There were no minutes submitted for approval.

**11. Executive Session**

Motion by Sel. Renzoni, seconded by Sel. Lavigne, it was **VOTED 4-0 TO ENTER INTO EXECUTIVE SESSION AT 8:09PM TO DISCUSS POTENTIAL LITIGATION AND RETURN TO REGULAR SESSION FOR ADJOURNMENT PURPOSES ONLY. ROLL CALL: RENZONI: YES: LAVIGNE: YES; JUMONVILLE: YES; WHITE: YES.**

**12. Adjournment**

Motion by Sel. Lavigne, seconded by Sel. Ferguson, it was **VOTED 4-0 TO ADJOURN THE APRIL 4, 2011 MEETING AT 8:18PM.**

**APPROVED: April 19, 2011**