



**Select Board Minutes  
Tuesday March 21, 2017 - 7 pm  
Holland Town Hall  
27 Sturbridge Road  
Holland, MA**

Present: Elias Gillen, Chair  
Lawrence Mandell, Member  
Bettina Schmidt, Member  
Kelli A. Robbins, Esq., Executive Secretary

**Call to Order:**

Mr. Gillen called the meeting to order at 7:02 pm.

**Approval of Minutes**

**Motion 032117-1**, Mr. Mandell to approve minutes of February 6<sup>th</sup> and March 3<sup>rd</sup>. 2<sup>nd</sup> Ms. Schmidt 2<sup>nd</sup>.

Ms. Schmidt, pointed out the need to amend the name of Selectman Larry Mandell to correct spelling. Approved as amended.

**Motion 032117-2**, Mr. Mandell to approve the minutes of February 21, 2017 as written. 2<sup>nd</sup> Ms. Schmidt. So voted, Mr. Gillen and Ms. Schmidt. Mr. Mandell abstained.

**Appointments to Address the Board:**

Joint meeting with Lake Oversight Committee (LOC)

**Request for Proposal (RFP) discussion:**

LOC sent out an RFP for a feasibility study on dredging the lake. The RFP was faulty, published incorrectly and insufficiently posted. Ms. Robbins, as Chief Procurement Officer, stated the Dredging Feasibility Study RFP would have to be recalled and issued at a later date.

There are no available funds for a feasibility study at this time. Seeking funding for the study at town meeting is a necessary step to take prior to the issuance of an RFP. Seeking funds over \$50,000.00, for a project that will affect a tangible asset, with a life of 5 years or more also, must go before the Capital Planning Committee.

LOC submitted an article for town meeting as follows:

Article \_\_

To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of \$XXXXXX for the purpose of paying 75% of the cost of study for the feasibility of dredging Hamilton Reservoir (Petition sponsor -LOC)

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Mr. Gillen stated he would not support this article at Town Meeting. He reminded the LOC that the Hamilton Reservoir Association asked the town to take over weed treatment of the lake because they were saving up for lake dredging needs. The town was asked to pay \$29,375.00 last year for weed treatment.

Ms. McCooe stated the HRA doesn't have enough money to pay for the entire study. Ms. Robbins asked what they paid in the past for weed treatments. Ms. McCooe stated HRA had only paid \$3,500.00 in the past for treating the Connecticut end of the lake whereas the town paid \$11,500 for the Holland sides.

Mr. Gillen pointed out, the article presented, now asks the Town to pay for 75% of a study with no commitment of any sort from HRA.

Ms. McCooe, Chairperson of the HRA, said she would take the request for assistance in funding the study to the HRA Annual meeting for a vote. Ms. McCooe will get back to the Select Board with any amount voted by the HRA at the annual town meeting.

Discussion of ways to write the article or split the billing so it will not be too cumbersome on the town.

It was determined that LOC would need first to go before the Capital Planning Board, then to town meeting with an article for funding. If funding is approved an RFP for the work could be issued.

#### Proposed Bylaw change for Lake Oversight Committee

The LOC provided the following bylaw change;

Article \_\_\_\_\_

To see if the Town will vote to accept the following amendments to

#### Section 2.16 Lake Oversight Committee

Remove Section 2.16.3 "The Lake Oversight Committee shall be a committee to the Board of Selectmen."

Replace Section 2.16.4 with

The Lake Oversight Committee shall oversee lake, dam, and watershed maintenance, safety and preservation, identifying and finding solutions for existing problems and future needs of Hamilton Reservoir.

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Mr. Gillen stated he would not support a bylaw change that attempts to take statutory responsibilities away from the appropriate boards, committees, and departments and vest them in the LOC. He stated he believes this would be illegal and have no force. The LOC has no

enforcement power and no responsibility. Ultimate responsibility for the areas stated in this proposed change is vested in the following boards;

Dam – Select Board

Lake, watershed, - Select Board, Conservation, Department of Environmental Protection  
Safety – Police

Mr. Mandell reminded the LOC their objective is to assist various committees, departments, boards and remind them of upcoming and ongoing lake needs, to identify issues and help find solutions, not direct other boards and committees. The proposed change goes beyond the purpose for which Mr. Mandell supported the committee being added to the bylaws.

Ms. Robbins stated the word oversight, in this context has the legal meaning of authority over the areas proposed in the changed language.

A further joint meeting of the Select Board and the Lake Oversight Committee is scheduled for Monday, March 27<sup>th</sup>, 2017 at 7pm.

### **New Business:**

#### **Recommend Animal Inspector:**

Mr. Gillen explained that the Select Board does not appoint the Animal Inspector, but the State does.

**Motion 032117-3** Ms. Schmidt, to nominate Jaime Howard as Animal Inspector. 2<sup>nd</sup> Mr. Mandell. So voted

#### **New voting machines**

The current voting machines used by the town clerk for election purposes are no longer being made, nor are any parts being manufactured. The Town Clerk's FY17 budget included money to replace the current machines with new ones.

Election rules required that the Select board must vote to change voting machine at public meeting.

**Motion 032117-4** Mr. Mandell To change voting equipment from Optec Eagle to DS200 Precinct Scanner and Tabulator to begin use with the June 13<sup>th</sup>, 2017 election. 2<sup>nd</sup> Ms. Schmidt. So voted.

#### **Warrant**

The warrant closed March 15<sup>th</sup> 2017. Many bylaw changes were submitted.  
Police submitted a complete removal of lake bylaws to be replaced with newly proposed bylaws.  
Police submitted parking bylaw changes  
Conservation submitted a change of bylaws pertaining to fees and enforcement of such

Lake oversight committee submitted a bylaw change creating new authority for itself that overlaps with statutory authority of other boards.

Capital planning submitted a change of report timing.

Considering the complexity of the proposed changes, they will need to go to town counsel for review. There is not enough time to send the proposed changes to Town Counsel in time for the annual town meeting.

**Motion 032117-5** Ms. Schmidt not to include any bylaw changes in the annual town meeting warrant but to wait and hold a special town meeting for just bylaws. 2<sup>nd</sup> Mr. Mandell. So voted.

### Estimate of population

Alcoholic Beverages Control Commission requires an estimate of what the population of any given town will be as of July 10, annually. This estimate is used to determine how many “seasonal” wine and malt, licenses will be available to the local licensing authority, to grant. Any town, with some exceptions for Boston and others, will be allowed to issue 1 seasonal license per 1,000 residents.

Ms. Robbins spoke with the Town Clerk, who stated the approximate population based on available census information is 2,400 +/- . Therefore Holland would be able to issue 3 seasonal licenses, were anyone to seek one.

“Seasonal Liquor License - The local licensing authorities of any city or town, except the city of Boston, may grant one license under the provisions of section twelve for each population unit of one thousand or additional fraction thereof.” G.L. c. 138, § 17

**Motion 032117-6** Ms. Schmidt, to sign estimate to be submitted to ABCC. 2<sup>nd</sup> Mr. Mandell. So voted. Estimate signed.

### New Business:

Ms. Schmidt reported on warrants signed.

### Items not previously anticipated prior to posting

1. Ms. Bak, Community Center Director, changed trash companies from Republic to Le Boeuf at a significant savings, contract to be signed by Mr. Gillan as Chairman. Signed by Chair.
2. Driveway permit from past meeting signed by Highway Surveyor, received at end of day on March 16<sup>th</sup>, Thursday. Now ready for Select. Board signatures. Signed by Board

### **Announcements:**

All Star basketball game was played on March 17<sup>th</sup>. The kids beat the adults by 7 points. The kids played a great game.

George F. Gillen Scholarships are once again available to Holland students. One for a student in the Tech division and one for a student in the academic division.

One year ago the Town signed the Community Compact agreement with the State. Mr. Mandell announced that he has been working with Department of Revenue (DOR) through the Community Compact, on the Long Range Financial Planning and Forecasting and Financial Policies. Holland can expect to see a report done by the DOR within the next 6 months.

All Board Clerk – Ms. Robbins explained there have been rumors regarding the all board clerk position becoming an assistant to the Select Board and the other boards, committees and departments would have to budget funds to pay for any work done by the position. This is false. The all boards clerk is exactly as the name implies, for all the boards. There are no plans and never have been any plans to have the position be part of the Select Board Office. The pay is voted at the town meeting in the budget and does not come out of individual budgets.

Still need conservation member  
ZBA looking for alternate  
Holland Elementary School Committee needs 2 members.

### **Public Access**

None

**Motion 032117-7** Mr. Mandell, to adjourn. Ms. Schmidt 2<sup>nd</sup>. So voted.

Meeting closed 8:10 PM