

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, March 9, 2010

Present: Matthew V. Moore, Vice-Chairman  
Paul S. Currie, Clerk  
Richard B. McGaughey, Associate  
Brinsley A. Fuller, Associate

Absent: Robert A. Powilatis, Chairman

In Attendance: Michael D. Yunits, Town Administrator  
Thomas R. Cummings, Superintendent of Public Works

The meeting was called to order at 7:00 pm by Vice-Chairman Matthew V. Moore, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

MOTION: By Mr. McGaughey, second by Mr. Fuller, to accept the minutes of the regular session of November 24, 2009, as printed.

VOTE: 4:0

MOTION: By Mr. McGaughey, second by Mr. Fuller, to accept the minutes of the executive session of November 24, 2009, as printed.

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits explained that the Town holds a mortgage on a home that is up for sale, and is part of a short sale. The Town Administrator asked the Board to consider granting the Vice-Chairman the authority to sign the necessary documents, in the absence of the Chairman, to allow the Town to forgive the amount owed on a Community Development Loan. The State Department of Housing and Community Development (DHCD) has advised that homeowners facing foreclosure or a short sale would already be losing everything, and the loan should be forgiven. Mr. Yunits has contacted the first mortgagee about the amount due to the Town, and is waiting for a response.

MOTION: By Mr. Currie, second by Mr. McGaughey, to give Vice-Chairman Matthew Moore the authority to sign off on a loan as soon as the Town Administrator hears back from the bank.

VOTE: 4:0

Mr. Yunits advised that the Town Community Development Office can now begin taking applications for the FIRST TIME HOMEBUYER PROGRAM, which will provide 6% down

payment assistance and 1% of the closing costs, with a maximum loan of \$17,500. Holbrook has the funding for 2 loans.

The TOWN HALL PROJECT for the restoration of the second floor windows is underway. Removal of the windows will be completed in 2-3 weeks. It will take 4 weeks for the restoration of the windows, 6 weeks for the delivery of the storm windows, and 3 weeks to install all the windows.

Mr. Yunits reported that he attended a legislative update meeting at the Mass. Municipal Association (MMA) last week. The QUINN BILL proposal is that cities and towns will not be responsible for the payment of the state portion unless it is spelled out in the Police contract. The HEALTH CARE proposal gives cities and towns the ability to make plan design changes like the state can without negotiations. The PENSION proposal is to spread the schedule out to 40 years.

The MMA reported that the best economists predict that state local aid will not be back to 2007 levels until 2014.

Mr. Yunits thanked Mrs. Patricia Greely, the Chairman of the Town Forest Committee, for giving the license plate numbers of owners of vehicles using all terrain vehicles (ATV's) in the Forest to the Police Chief. The Police Chief followed up with letters to the three vehicle owners. The electric company has agreed to post signs on their property prohibiting ATV's. Discussion took place regarding notifying the abutters of the by-law regarding vehicles in the Town Forest. The Town Administrator reminded everyone that the Town's website is now available and located at [holbrookma.gov](http://holbrookma.gov).

The draft FY09 audit has been received from Melanson Heath and Company. The Dept. of Revenue (DOR) has requested that the Board of Selectmen vote to place an article on the town meeting warrant asking the Town to reduce the sewer enterprise account by \$500,000, and the Town Administrator prepared an article for the Board's review.

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the article as presented, to be placed on the special town meeting warrant

VOTE: 4:0

HEARING ON THE APPLICATION OF ANG PIZZA, INC. DBA LEGGOS (TERESA BOERMAN, MANAGER), 120 NORTH FRANKLIN STREET, FOR A COMMON VICTUALLER'S LICENSE TO EXPOSE, KEEP FOR SALE AND TO SELL WINE AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES AND AN EXTENSION OF THE HOURS OF BUSINESS ON THE COMMON VICTUALLER'S LICENSE:

Mr. McGaughey recused himself and left the room.

Present: Ms. Teresa Boerman

MOTION: At 7:15 pm, by Mr. Currie, second by Mr. Fuller, to open the hearing on the application for a Common Victualler's Wine and Malt Beverages License at 120 North Franklin Street and an extension of the hours on the Common Victualler's license

VOTE: 3:0

Ms. Boerman explained that she would like to extend the hours of the business to include some dinner hours, and she is requesting a license to serve wine and malt beverages. An alcohol license was approved for Ms. Boerman's former business in Lynn, but she sold the business without ever using the license. In response to a question about the hours Ms. Boerman is requesting for the sale of beer and wine, she responded that she would like whatever is legal, especially the hours of noon to 10 pm, and 9 pm on Sunday, but she would like to be able to experiment and adjust the hours as necessary. Discussion took place regarding the outside seating. Mr. Currie cited the precedence set by requiring the Halfway Cafe to move its outside seating to the rear of the building, instead of along the street. Mr. Yunits advised that the outside area would have to be enclosed if beer and wine were to be served there.

**MOTION:** By Mr. Moore, second by Mr. Currie, to grant the license to ANG Pizza, Inc. dba LEGGOS, 120 North Franklin Street, for wine and malt beverages to be consumed inside the building, and allow the applicant to adjust the hours as they see fit on the Common Victualler's license they already have.

**VOTE:** 3:0

**MOTION:** By Mr. Currie, second by Mr. Fuller, to close the hearing on LEGGOS at 120 North Franklin Street.

**VOTE:** 3:0

Mr. Yunits reported receiving complaints regarding the condition of the pavement on Quincy Street. The pot holes are filled by the Public Works Department, but the road needs complete reconstruction.

Mr. Cummings indicated that PENNICHUCK WATER COMPANY's lawyers are currently processing the contract with the Town for the new water meter program. When it is forwarded to Mr. Cummings, a lawyer will review it on behalf of the Town.

The Superintendent of Public Works said that the numbers are being reviewed on the TRAFFIC SIGNALIZATION PROJECT at King Road and South Franklin Street. The State Department of Transportation and District 5 are being contacted regarding some of the requirements of the project. Mr. Cummings said that there is no way the project will be designed and completed using the budget figure of \$100,000. Camp Dresser and McKee has been prequalified by the state to do the project.

**HEARING ON THE APPLICATION OF LUIS MARTINEZ DBA JIMMY'S PIZZA, 424 NORTH FRANKLIN STREET, FOR A COMMON VICTUALLER'S LICENSE:**

**Present:** Luis Martinez

**MOTION:** By Mr. Fuller, second by Mr. Currie, to open the hearing for Jimmy's Pizza, located at 424 North Franklin Street.

**VOTE:** 3:0

Mr. Martinez explained that he has been in the pizza business for about 6 years and decided it was time to open his own business. Mr. Yunits confirmed that all the paperwork for the application is in order, but there are outstanding taxes and water and sewer bills owed by the

owner of the building. Temporary Treasurer/Collector Robert Haley explained that after he contacted the owner, a partial payment was made and an agreement was put in place for the balance. The owner of the building was present, and promised that the payments will continue as agreed. Mr. Martinez plans to be open from 11 am to 9 pm, seven days a week.

MOTION: By Mr. Fuller, second by Mr. Currie, to grant the Common Victualler's for Jimmy's Pizza at 424 North Franklin Street.

VOTE: 3:0

MOTION: At 7:40 pm, by Mr. Currie, second by Mr. Fuller, to close the hearing

VOTE: 3:0

Mr. McGaughey re-entered the room.

Mr. Moore expressed the Board's gratitude to Mr. Ron Luz, Drapery Maintenance, Woburn, MA for his company's generous donation of new blinds for the Selectmen's Meeting Room, and requested that a letter be sent to Mr. Luz.

Mr. Mark Hauck, of SCOTTS LAWN SERVICE, 30 Woodrock Road, Weymouth, and Mr. Brian Lowes, the General Manager, were present requesting that the Board allow the company to solicit door-to-door to all residential properties in Holbrook, as per the Holbrook By-Laws, Section 5-4, House Soliciting. It was explained that Scotts Lawn Service does background checks on all employees, and they will be in uniform. Scotts Lawn Service will be soliciting from mid morning until sunset, Monday through Saturday.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to grant the right to canvas the Town to Scotts Lawn Service, 30 Woodrock Road, Weymouth.

VOTE: 3:1 (Mr. Currie against)

MOTION: By Mr. Fuller, second by Mr. McGaughey, to amend the vote to include the condition that Scotts Lawn Service check in with the Police Department and the Town Administrator with the list of the personnel, and the dates, times and locations they will be canvassing.

VOTE: 3:1 (Mr. Currie against)

Mr. Moore announced that last week the School Department had a hearing on a School Choice program. The Superintendent's PowerPoint presentation is on the School Department's website, and residents were encouraged to contact members of the School Committee with any questions or comments.

Town Accountant Cynthia Brennan informed the Board that the FY09 draft Audit and Management Letter have been received, and an Audit/Financial Team meeting has been scheduled to review them. Schedule A has been submitted, and the Balance Sheets have been accepted. The goal now is to complete the FY10 audit by September, which will require the cooperation of all department heads.

The Town Administrator informed the Board that the only budget request for FY11 that has not been received is the one from Blue Hills Regional School, which could significantly impact the FY11 Town budget.

Temporary Treasurer/Collector Robert Haley reported that the delinquent payment of water and sewer bills and excise tax bills continues to be an issue in the Town, even with the new bills being issued. The Board requested a comparison of the total outstanding amount owed the Town one year ago versus the total outstanding amount owed the Town now, in order to determine how the collections are going.

On Saturday, March 13, 2010, the Winthrop Congregational Church will hold a St. Patrick's Day dinner.

Mr. Cummings announced that the pickup of bulky items will be held during the weeks of April 5 and May 10, 2010. The leaf and yard waste pickup will be held on Saturday, May 8, 2010.

ADJOURN:

MOTION: At 8:05 pm, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel, strategy as it relates to litigation, and not return to open session.

ROLL CALL VOTE: Mr. Moore – Yes  
Mr. McGaughey – Yes  
Mr. Currie – Yes  
Mr. Fuller – Yes

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Paul S. Currie, Clerk