

Holbrook Board of Selectmen

Minutes of the Regular Session of

Wednesday, April 7, 2010

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

In Attendance: Michael D. Yunits, Town Administrator  
Thomas R. Cummings, Superintendent of Public Works  
Temporary Treasurer/Collector Robert Haley

The meeting was called to order at 7:00 pm by Chairman Powilatis, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343, and began with a request that all cell phones be shut off and the Pledge of Allegiance.

The Chairman recognized MR. PAUL DIGIROLAMO, the Town's newly elected Town Treasurer/Collector. Residents voted on April 6, 2010 to keep the position elected, rather than appointed. TEMPORARY TREASURER/COLLECTOR ROBERT HALEY was recognized for his efforts in collecting outstanding money due to the Town, and was thanked for helping out the Town following the resignation of the former Treasurer/Collector. Mr. Haley thanked the Board and the Town for supporting him over the last several months. Mr. Powilatis indicated that another transitional audit will have to be done.

Mr. Powilatis recognized MR. JOHN KEENAN, the Norfolk County Retirement Executive Director, who is a candidate for State Senator Michael Morrissey's seat. Senator Morrissey is running for the position of Norfolk County District Attorney. Mr. Keenan said that he will continue his current position through the summer and fall.

MINUTES:

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the regular session minutes of January 12, 2010, as printed.

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the regular session minutes of January 26, 2010, as printed.

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the executive session minutes of January 26, 2010, as printed.

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits announced:

- o That the Disaster Recovery Center is open in Quincy for anyone who was affected by the recent heavy rains and flooding.

- That the Town Forest Committee will be conducting trail maintenance events in April, May and July.
- The Town Government Study Committee has issued a draft report. They are seeking comments. Mr. Powilatis said that it is important that the department heads review the report so that the responses can be consolidated and considered.
- The Finance Committee met Monday night, and they are currently considering level funding all salary line items. The Superintendent of Schools has indicated that will mean 20-24 layoffs. All expense budgets will be level funded or reduced. The Finance Committee is looking for a budget for the Town Government Study Committee.

Mr. Powilatis indicated that the COMMUNITY DEVELOPMENT BUDGET AMENDMENT has been approved, and asked the Town Administrator to phase in the approved changes. There is also money available to charge the grant for the use of the Town Hall.

Mr. Powilatis pointed out that the FINANCE COMMITTEE has been inconsistent by telling the Town that the budget will not include salary increases for next year for Town employees, but the School employees will be getting raises. Mr. Yunits explained that the Finance Committee will recommend a budget and tell both sides they have to live within the budget whether they give raises or not.

The Town Administrator reviewed some of the articles that have been submitted for the annual and special TOWN MEETINGS.

Mr. Powilatis asked the Town Administrator about the outstanding issue with Mr. Shdeed on Newton Ave. and the cleaners on the corner of PLYMOUTH STREET AND NEWTON AVE. The Town Administrator will get a status report from both parties.

Mr. Cummings advised that the owner of Mogan's TRAILER PARK engaged the services of a private company to look at the water meters in the park because of the high water bills they have been receiving after the spring meter reading. A problem was found internally with the Park's system. Chairman Powilatis asked the Town Administrator to set up a meeting including the owner of the trailer park, Mr. Cummings, and Mr. Powilatis, in order to work out a settlement.

The Town Administrator has received a copy of the settlement sheet on a short sale of a property with a COMMUNITY DEVELOPMENT LIEN on it. The Board will review the information. The lien was released by the Town, upon advice from the Mass. Department of Housing and Community Development.

Mr. Yunits reported that Fire Chief Edward J. O'Brien has a proposal from the Department of Fire Services to do the DISPATCHING for the HAZARDOUS MATERIALS RESPONSE TEAMS in the eastern part of the state. The final agreement will require the approval of the Board of Selectmen. The Chairman said he was remiss in not offering the Board's condolences to the family of JACK BURKE, an elderly resident whose body was found in the woods following a missing person's search. Mr. Yunits reported that complaints have been received from drivers whose cars have been damaged while driving on QUINCY STREET. Mr. Cummings advised that the speed limit is set by the state on that road, and it cannot be lowered without the state's approval. The road is continually patched by the Public Works Department. Discussion took place regarding other roads needing repair, including Weymouth Street, Linwood Street, and North Shore Road. North Shore Road is a private way, but the other streets are Chapter 90 streets. Mr. Cummings advised that Weymouth Street should be the first priority because the water projects are complete now.

SPRING LANE was accepted as a Town way years ago, but it was never recorded and the plan cannot be located. The Town will be asked to vote again, referencing a new plan.

The Chairman asked for a status update on the CVS project at the HIGHLAND PLAZA. The Town Administrator sent a letter to the Mass. Dept. of Transportation (MassDOT) to advise that there was no flooding of the property due to the heavy rains recently and to ask for reconsideration of Mass. Highway's decision that the use of the storm drain on N. Franklin Street is not allowed. Mr. Cummings advised that he has met with representatives of the MBTA. They will be replacing all the RAILROAD TIES, and there will be major detours. The crossings will be replaced at night.

**PUBLIC LIBRARY:**

Ms. Ruth Hathaway, the Director of the Public Library, read a letter from the Mass. Board of Library Commissioners regarding the Town's STATE AID TO PUBLIC LIBRARIES. In FY10, the Town was granted a waiver with reservation because the Library budget was cut disproportionately in comparison to other departments. Ms. Hathaway thanked Mr. Yunits for his assistance in explaining the Town's fiscal constraints in order to secure the waiver for FY10.

The Director introduced Library Trustees Mr. Jeffrey Farash and Ms. Marianne Morelli.

Mr. Farash spoke about the State grant for construction at the Library. Mr. Farash explained that the Library currently has \$364,000 of the \$2.2 million needed to qualify for the grant, and asked the Board of Selectmen to vote to RELEASE THE GRANT FUNDS because the deadline for fundraising cannot be met. The Trustees are planning to use the money raised to make Library improvements, including installing an elevator to make the Library accessible, create a climate controlled enclosure to house historic documents, increase the number of public computer terminals, and hold some money in reserve.

**MOTION:** By Mr. McGaughey, second by Mr. Currie, to accept the Board of Library Trustees recommendation to release the Massachusetts Board of Library Commissioners Construction Grant Project.

**VOTE:** 4:0

Mr. Cummings presented the contract with Camp Dresser and McKee (CDM) for the design of the TRAFFIC SIGNALS at the Public Safety Building. He noted that a 25% design set of plans was never submitted to Mass Highway by the County. The County did an existing condition plan on South Franklin Street in 2004. The plans that were submitted to the state were a conceptual drawing. The June 30, 2010 deadline for \$100,000 state funding of this project was discussed. A request for a 90 day extension of the deadline will be requested from the Mass. Dept. of Transportation (MassDOT). If there is money left after the design, it will be used toward the construction. The Board will vote on CDM's contract at the next meeting.

**LOBO & VEIGA PACKAGE STORE, 41 Plymouth Street:**

The owners of this package store were asked to come before the Board to explain why the business is not operating during the licensed hours.

Mr. McGaughey recused himself and left the meeting.

Ms. Gilda Lobo explained that they were forced to close the store because they cannot continue the operation due to financial problems. The owners have been using their personal money to pay bills for about a year. Ms. Lobo said they have a buyer, and will be closing in 2 - 3 weeks.

Mr. Yunits explained that they are licensed for certain hours, and there is no such thing as a "pocket license". The Alcoholic Beverages Control Commission (ABCC) requires that package stores be open during the hours for which they are licensed. The owners must either be open during the licensed hours or transfer the license. The ABCC recommends that the Board give them six months to either transfer

the license or operate the business as licensed. Ms. Lobo indicated that they are negotiating with a buyer and there are three more potential buyers waiting.

MOTION: By Mr. Fuller, second by Mr. Currie, that the Board of Selectmen vote that Lobo & Veiga Package Store, 41 Plymouth Street, within a period of six months from today, by October 7, 2010, must either transfer their license or open their doors as originally agreed.

VOTE: 3:0

Mr. McGaughey entered the room and took his seat.

#### BOWLING ALLEY & POOL TABLE LICENSE RENEWALS:

MOTION: By Mr. Currie, second by Mr. Fuller, that the Board of Selectmen approve the renewal of the following license, effective May 1, 2010, provided that all taxes, fees, assessments, betterments, and any other municipal charges are paid to date:  
Bowling Alley License:

Union Street Lanes, LLC, 231 Union Street, for 16 Bowling Alleys

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, that the Board of Selectmen approve the renewal of the following license, effective May 1, 2010, provided that all taxes, fees, assessments, betterments, and any other municipal charges are paid to date:  
Pool Table License:

Union Street Pub, 73-77 Union Street – 1 Pool Table

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, that the Board of Selectmen approve the renewal of the following license, effective May 1, 2010, provided that all taxes, fees, assessments, betterments, and any other municipal charges are paid to date:  
Pool Table License:

Zheng's, Inc. dba Golden Pacific Restaurant, 470 No. Franklin St. – 1 Pool Table

#### SPECIAL TOWN MEETING:

MOTION: By Mr. Currie, second by Mr. Fuller, to schedule a special town meeting on Wednesday, May 19, 2010, at 8:15 pm.

VOTE: 4:0

Discussion took place regarding saving the Town money by reviewing the insurance policies, increasing deductibles, and confirming that the covered vehicle lists are up to date, and that all vehicles listed are currently in use.

#### TOWN FOREST RULES:

Ms. Patricia Greely, Chairman of the Town Forest Committee, presented a proposed list of rules for visitors to the Town Forest. The Board reviewed and discussed the rules.

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the Holbrook Town Forest Rules, as amended.

VOTE: 4:0

Holbrook Town Forest Rules (as Amended)

Forest closes at dusk.

No motorized vehicles.

Fishing and hunting activity is governed by the Massachusetts Fish and Wildlife laws.

No fires, except for cooking, and with the permission of the Fire Chief or their designee.

No alcohol.

No dumping of rubbish, litter or yard waste.

Overnight camping is allowed ONLY with written permission of the Town Forest Committee and the Police Chief or their designee.

If you carry it in, you must carry it out.

All dogs must be leashed.

Pick up after your dog and properly dispose of waste.

Do not feed the wildlife.

Reminder – careless use of matches and smoking material can cause forest fires.

ENERGY COMMITTEE:

Mr. Yunits explained that the Town needs to establish an Energy Committee in order to be eligible to seek grants in the future. He provided the Board with information regarding the recommended composition of this committee. All members are to be appointed by the Board of Selectmen. Interested parties were encouraged to submit a letter of interest to the Town Administrator.

MOTION: By Mr. Fuller, second by Mr. Powilatis, that we get the word out and allow the establishment of an Energy Committee.

VOTE: 4:0

Mr. Currie asked Mr. Cummings why there is a contractor parking their trucks on Randolph/Holbrook Joint Water property. Mr. Cummings explained that the Town is gaining the benefit of the contractor screening rubble that has been there for years and making gravel out of it. Mr. Cummings said the Town utilizes it on its own jobs, and it is a substantial benefit to the Town.

MOTION: At 8:30 p.m., by Mr. Fuller, second by Mr. Currie, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel and not return to open session.

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

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