

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, May 4, 2010

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

Absent: Richard B. McGaughey, Associate

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 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 turned off and the Pledge of Allegiance.

Chairman Powilatis expressed the Board's condolences to the families of two long-time Town residents who passed away recently. Mr. Herbert Tucker was the Town's first full-time firefighter. Mr. George Jameson served for many years on the Planning Board and as the Town's Recreation Director.

MINUTES:

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the minutes of the regular session of February 23, 2010, as printed.

VOTE: 3:0 (Mr. Moore arrived after the minutes were considered)

MOTION: By Mr. Currie, second by Mr. Fuller, to approve both executive session minutes for February 3, 2010, as printed.

VOTE: 3:0

The Chairman thanked the Department Heads who worked with the Board of Selectmen and the Finance Committee to arrive at a proposed Town budget for FY11 that will maintain level Town services during these difficult financial times.

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits explained that Outback Engineering has submitted a request for a ZONING CHANGE for land off South Street from Industrial to residential on behalf of T.L. Edwards, Inc. It is required under the by-laws that the Board submit the application to the Planning Board for a review and a report. The Town Administrator provided the Board with a CHAPTER 90 report and information on the program. The Town has over \$1 million to be accessed for reimbursement of work that is done on public streets. Fifty-eight percent of the funding formula is based on miles of Town-accepted streets. The South School Ecology Club and the Garden Club were recognized for planting the flowers in MARY WALES PARK.

Mr. Yunits reminded the residents that Saturday there will be a LEAF & YARD WASTE COLLECTION, and next week there will be a BULKY ITEM COLLECTION.

The BLUE HILLS REGIONAL SCHOOL budget request for FY11 was discussed. The Finance Committee has voted not to approve the request.

Mr. Moore asked if the BULKY ITEM & WHITE GOOD COLLECTION is open to all residents, or only those participating in the Town's Pay-As-You-Throw (PAYT) program. Mr. Cummings indicated it was up to the Board.

MOTION: By Mr. Powilatis, second by Mr. Moore, to authorize the Bulky Item and White Good pickup for all residents.

VOTE: 4:0

The Town Administrator provided the Board with an update on the SOUTH SHORE POKER CLUB. The Club has received a waiver from the Handicapped Accessibility Board, passed the final inspection from the Fire Department, and they are in operation. A properly registered charitable organization has to pull the permit for the event in the Town Clerk's office. The Town Clerk and Police Chief go through the process of approval. Currently, the permit fee is \$10, but that will be reviewed because of the amount of work necessary before issuing a permit.

HIGHLAND PLAZA PROJECT:

Present: Mr. Jay Hooper, on behalf of the owner, Ms. Nancy McCarthy, who was also present.
Mr. Phil Henry, of R.J. O'Connell

Mr. Hooper explained that he would provide an update on the project and ask for the Town's financial support of the infrastructure improvements on West Division Street. In preparation for the new CVS store to be built, the drainage will be diverted to the West Division Street side of the property. There is a signed lease with CVS, a signed lease amendment with Family Dollar to be relocated, and verbal agreements with the other stores to be relocated. Mr. Cummings recommended that the Board follow up on the Town's appeal to use the drainage system on Route 37. Mr. Hooper explained that there is a time sensitivity with CVS, and they need to be able to move forward. Ms. McCarthy is looking for the Town to pick up \$233,450 for the hard costs of the project. Mr. Hooper explained that the proposed schedule is to move the stores that are being relocated by September and turn the land over to CVS in October. If Chapter 90 money is used, it must go out to public bid, which may be a lengthy process. The work on West Division should be done before CVS does its site work. Mr. Cummings advised that Chapter 90 money cannot be used on a private project, and the state will not reimburse the Town. He indicated that what should be used is a direct grant. A Chapter 90 project has to be done at the prevailing wage rates. Discussion took place regarding whether upgrading the drainage is a private project or whether this is a project to upgrade the Town's infrastructure to allow for future development. Mr. Powilatis said the Board would get further information on options for the next meeting.

ONE DAY ALCOHOL LICENSE:

St. Joseph School, 143 South Franklin Street, has applied for a One Day Alcohol License to sell alcohol at a School fundraiser on Saturday, May 22, 2010, from 6 pm to midnight.

MOTION: By Mr. Fuller, second by Mr. Moore, that the Board approve the One Day Alcohol License.

VOTE: 4:0

Mr. Powilatis explained that the Town's auditors have recommended that a study be completed of the INDIRECT COST ALLOCATIONS being attributed to the water and sewer enterprise funds. The Chairman provided information regarding the background and qualifications of Mr. Mark Abraham, who could perform this study.

MOTION: By Mr. Fuller, second by Mr. Currie, that the Board authorize the Town Accountant to sign the contract.

VOTE: 4:0

AMBULANCE ABATEMENTS:

MOTION: By Mr. Moore, second by Mr. Fuller, that the Board of Selectmen accept Chief O'Brien's recommendation to abate \$53,395.51 in ambulance receivables for the first quarter, including January 1, 2010 through March 31, 2010.

VOTE: 4:0

The Board reviewed information from the Metropolitan Area Planning Council and MBTA Advisory Board regarding the MUNICIPAL ELECTIONS TO THE BOSTON REGION METROPOLITAN PLANNING ORGANIZATION (MPO).

MOTION: By Mr. Moore, second by Mr. Currie, to designate Town Administrator Michael Yunits as the Proxy, and discuss who to vote for at the next meeting.

VOTE: 4:0

ANNUAL TOWN MEETING WARRANT:

Chairman Powilatis explained the status of the warrant articles to date. He indicated that the article submitted asking the Town to accept MGL Chapter 41, Section 100B requires further study. The article for the repairs to the standpipe will be funded by the Water enterprise fund, and therefore, is not needed. Mr. Powilatis recommended that the article to accept Spring Lane should be moved up toward the beginning of the warrant.

MOTION: By Mr. Currie, second by Mr. Fuller, that for the Annual Town Meeting to be held on Wednesday, May 19, 2010, that Articles 13 (Repairs/Painting of Standpipe) and 15 (Accept MGL Chapter 41, Section 100B) be removed from the warrant, and that Article 14 (Acceptance of Spring Lane) be moved up between articles 4 and 5, and all the other numbers be changed accordingly.

VOTE: 4:0

RESERVE FUND TRANSFER:

MOTION: By Mr. Fuller, second by Mr. Moore, to authorize the transfer of \$1,028.07 from the Reserve Fund, said amount to be transferred to 01-151-5301-000 Town Counsel, Professional/Technical, in order to pay the Town's share of an arbitrator's compensation in the amount of \$3,306.00 for the Firefighters arbitration.

VOTE: 4:0

STREET OPENING PERMITS:

MOTION: By Mr. Currie, second by Mr. Fuller, to grant a Permit to Open Street or Sidewalk to Little Dryden Enterprises, Inc., at 28 Clover Road, installing water service, Dig Safe No. 20101612186, no police officer needed.

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, to grant a Permit to Open Street or Sidewalk to Little Dryden Enterprises, Inc., at 33 Overlook Road, connecting water service, Dig Safe No. 20101612186, no police officer needed.

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Fuller, to grant a Permit to Open Street or Sidewalk to Aspinwall Corp., at 3 Ture Lane, for water connection, Dig Safe No. 20101601038, no police officer needed.

VOTE: 3:0:1 (Mr. Fuller abstained)

Mr. Cummings said he has received the contract with PENNICHUCK WATER SERVICE, and will distribute them to the Board for review. One provision requires that Town Counsel certify that the Board of Selectmen is authorized to sign this 10-year contract on behalf of the Town without town meeting approval.

MOTION: At 8:01 pm, by Mr. Fuller, second by Mr. Moore, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel, discuss strategy as it relates to litigation, and not return to open session.

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

Paul S. Currie, Clerk