

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, November 9, 2010

Present: Robert A. Powilatis, Chairman
Matthew V. Moore, Vice-Chairman (Arrived at 7:05 p.m.)
Paul S. Currie, Clerk
Richard B. McGaughey, Associate
Brinsley A. Fuller, Associate

In attendance: Thomas R. Cummings, Superintendent of Public Works
Cynthia M. Brennan, Town Accountant
Marjorie E. Godfrey, Selectmen's Secretary

The meeting was called to order at 7:04 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 to the Flag.

MINUTES:

MOTION: By Mr. Fuller, second by Mr. Powilatis, second by Mr. Powilatis, to accept the minutes of the executive session of September 8, 2010, as printed.

VOTE: 3:0:1 (Mr. Currie abstained. Mr. Moore was not present when this motion was made, and did not vote)

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the first executive session minutes of September 28, 2010, as printed.

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the second executive session minutes of September 28, 2010, as printed.

VOTE: 5:0

It was announced that:

- o There will be a BULKY ITEMS AND WHITE GOODS COLLECTION on the weeks of November 15, 2010, and December 6, 2010.
- o There will be a LEAF AND YARD WASTE COLLECTION on Saturday, December 4, 2010 and Saturday, May 7, 2011.

The Chairman commended Town Clerk M. Shirley Austin and her staff for the work they did for the election on November 2nd, and commended the Police and School Departments for assuring the public's access to the voting place.

The Board reviewed an engagement letter from MELANSON HEATH & COMPANY, PC for auditing services for fiscal years 2011, 2012, and 2013.

MOTION: By Mr. Currie, seconded by Mr. Fuller, to engage the services of Melanson Heath & Company, PC, and authorize the Chairman to sign the engagement letter.

VOTE: 5:0

The Chairman asked the Town Accountant to request a copy of Melanson Heath & Company's peer review report, as indicated at the bottom of page 7 of the engagement letter.

Fire Chief Edward J. O'Brien submitted, for the Board's approval, the AMBULANCE ABATEMENTS requested by New England Medical Billing for the quarter including July 1, 2010 to September 30, 2010.

MOTION: By Mr. Fuller, second by Mr. Currie, to grant the ambulance abatements, in the amount of \$72,009.72, as submitted.

VOTE: 5:0

Thirteen people have indicated that they are interested in being appointed to eleven vacate positions on the INDUSTRIAL DEVELOPMENT COMMISSION.

MOTION: By Mr. Moore, second by Mr. McGaughey, to remove the names of Mr. McGaughey and Mr. Currie from the list, and appoint the others to the Industrial Development Commission in the order they are listed:

Terms expiring 6/30/2012: Alexander Mann and Gerald Graham

Terms expiring 6/30/2013: Shawn Smith, Francis Goldrick & Anthony Antonellis

Terms expiring 6/30/2014: Chris Nickerson, Robert Austin, and Michael Yunits

Terms expiring 6/30/2015: Douglas Samaha, John Smythe, and Charlie Waterman

VOTE: 5:0

HEARING to consider the revocation of the Retail Package Store License in the name of LOBO & VEIGA CORPORATION DBA LOBO & VEIGA PACKAGE STORE at 41 Plymouth Street, as per Mass. General Law Chapter 138 §77. At a hearing held on April 7, 2010, the licensees were ordered to open and operate the store during the hours listed on the license or transfer the license, within 6 months.

Present: Jonathan J. Moriarty, Esq., representing Ms. Gilda Lobo & Ms. Estefania Veiga
Ms. Veena Punjabi, the proposed buyer of the package store license

MOTION: At 7:18 pm, by Mr. Fuller, second by Mr. Currie, to open the hearing on said property.

VOTE: 4:0:1 (Mr. McGaughey abstained)

Mr. Moriarty explained the current status of the transfer of the package store license to a new owner. The first applicant failed to submit a completed application in a timely manner, and a new buyer has been found. The purchase and sale agreement is being reviewed by Ms. Punjabi's attorney, and the transaction is expected to be completed in 30 days. Mr. Moriarty will provide an update on the status of the application at the Board's November 23, 2010 meeting.

MOTION: By Mr. Currie, second by Mr. Fuller, to allow an extension of thirty (30) days.

VOTE: 4:0:1 (Mr. McGaughey abstained)

MOTION: By Mr. Currie, second by Mr. Fuller, to continue the hearing to November 23, 2010.
VOTE: 4:0:1 (Mr. McGaughey abstained)

Mr. Cummings provided the Board with an update on the status of the TRAFFIC SIGNALIZATION PROJECT at the Public Safety Building. After contacting the State about the contract date, it has been confirmed that the design phase has a December 31, 2010 deadline, and the construction will be in the spring. The town will have to review the plans, send them to the Department of Transportation, and hold a public hearing.

Mr. Cummings explained that the traffic signals at the railroad tracks on Union Street are under the control of the Mass. Bay Transportation Authority (MBTA) and the Town of Randolph. The last TRAFFIC STUDY done at the intersection of Routes 37 and 139, Holbrook Square, was done in 2002 when the square was renovated. Mr. McGaughey discussed an issue with drivers going through the pedestrian lights, and taking a right turn on red when the pedestrian signal is on, since the red and yellow pedestrian lights were abandoned.

Mr. Cummings indicated that the STREET OPENING PERMITS are not required to come before the Board for a vote, but the town has historically done it that way. They will be taken care of administratively by the Superintendent (DPW) going forward.

Resident Ms. Nancy Morrison, 114 Union Street, presented the Board with a folder of information and pictures of the property next door to her at 120 UNION STREET. She expressed an ongoing concern about a junk business being run in a residential zone. She explained that the noise, 7 days a week, is unbearable, the property is littered, and it has been affecting her family's quality of life for almost a year. She asked for assistance from the Board. She indicated that the Building Inspector told her it would be cleaned up, but Ms. Morrison feels it should be gone, not cleaned up. The Board indicated that the Town Administrator will send a letter to the Building Inspector asking about for a status report on the issue and indicating that he should take the necessary steps to eliminate it. Ms. Morrison said there has been a building permit issued on the property for the building of a garage, but that there are wetlands involved. Mr. Fuller indicated that the Conservation Commission could send someone down to inspect, and if appropriate, an enforcement action could be issued.

MOTION: At 7:40 pm, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union and non-union personnel, and not return to open session.

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

Paul S. Currie, Clerk

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Documents:

Agenda

Draft minutes – Exec. Session 9/8/10

Exec. Sessions (2) 9/28/10

Open Session 9/28/10

Bulky Items & White Goods Collection notice

Leaf & Yard Waste Collection notice

Letters & e-mails re: Lobo & Veiga Package Store

Engagement letter – Melanson Heath & Company, PC

Ambulance Abatement request from Chief O'Brien

Industrial Development letters of interest & list of available appointments

5 Street Opening Permit applications

Copy of folder re: 120 Union Street

Request from Salary Administration employees to negotiate