

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, December 14, 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: Michael D. Yunits, Town Administrator  
Thomas R. Cummings, Superintendent of Public Works  
Marjorie E. Godfrey, Selectmen's Secretary

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 to the Flag.

Chairman Powilatis recognized and held a moment of silence to honor the passing of three long-time residents and supporters of the town: Mrs. Rose Cartullo, Mrs. Claire Buckley, and Mr. Phillip (Frank) Leonard, a former member of the Personnel Board.

MINUTES: By Mr. McGaughey, second by Mr. Currie, to accept the minutes of the regular and executive sessions of October 19, 2010, as printed.

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

MINUTES: By Mr. McGaughey, second by Mr. Fuller, to accept the minutes of the regular and executive sessions of November 9, 2010, as printed.

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

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits reported that:

- A resident of Weymouth Street has requested that a discussion of the intersection of Weymouth, Pine and Sycamore Streets be placed on the Selectmen's agenda for an upcoming meeting due to the high number of accidents at that location. Mr. Cummings said that a study was done and recommendations were made regarding the flashing lights, removing brush, increasing the size of the lens on the lights, and that the mast arm extends too short of a distance into the travel lane. He advised that a traffic engineer is required before major changes are made. Following a discussion of the need for a full set of traffic lights, the discussion was tabled to the next meeting.
- A complaint was received about the gate to the parking lot at the Sumner Field being locked, blocking access to the new walking track.
- The Council on Aging has received a grant for \$60,000 for a new van. It requires a matching amount of \$12,073 from the town.
- The President of Little League inquired about placing a sign in front of the town hall regarding sign-ups, and was advised that it would be more appropriate at the playground.

- Letters have gone out to advertisers concerning the lack of town coverage by the Enterprise and Ledger.
- Murphy, Hess, Toomey & Lehane, Town Counsel, has filed court complaints regarding zoning violations at 394 South Street and 120 Union Street.
- The 2008 Annual Town Report is now available.
- Fire Chief Edward J. O'Brien has announced that the Fire Department has been awarded \$4,815 in state funds under the FY2011 Student Awareness of Fire Education (S.A.F.E.) Grant.
- A hearing must be scheduled, and the abutters notified, as the next step in the acceptance of Spring Lane as a public way.
- The sale of the Olsson property off N. Franklin Street is scheduled for December 17, 2010.
- Everyone who contributed to the Festival of Lights, by participating in the program, organizing the event, or making a monetary donation was thanked. The Fire Department, Public Works Department, Holbrook Community Access and Media, Inc., businesses in town, the residents, and those who donated the \$3,050 toward the event were recognized.
- The Assessors' office is moving on the valuations and the new growth figure so that the classification hearing can be held and the tax rate can be set.

The Chairman recognized Boy Scout John Denny, a member of Troop 153, who was in the audience observing the meeting and working toward his Communications badge.

Mr. Yunits reported that regarding the proposal presented by Mr. William Pritchard and BETA Group, Inc. to EXTEND HARRISON BOULEVARD in Avon to land off Spring Street in Holbrook, which the proponents feel would provide the Town of Holbrook with the potential for the development of an industrial park, Mr. Patrick Ciaramella of the Old Colony Planning Council (OCPC) has stated that Avon Selectman Frank Hegarty indicated that extending Harrison Boulevard is not going to happen because it would be too disruptive to the neighborhood. The OCPC worked on a proposal in that area years ago and will coordinate a meeting with Holbrook, Brockton and Avon after the holiday season. If the three communities wish to move forward, Mr. Ciaramella will investigate funding for a study using District Local Technical Assistance funds.

#### **PUBLIC HEARING TO DETERMINE WHETHER TO ISSUE A CABLE TELEVISION LICENSE TO VERIZON NEW ENGLAND, INC.:**

Present from Verizon New England:

Mr. Rick Colon, Regional Director  
Mr. Eric Edgington, Esq.  
Ms. Jill Reddish, Senior Staff Consultant  
Ms. Donna C. Cupelo, President

Present from the Cable Advisory Committee:

Mr. Allan Dunn, Chairman  
Mr. Louis Pransky  
Mr. David Berry

**MOTION:** At 7:20 pm, by Mr. Fuller, second by Mr. Currie, to open the hearing regarding a Cable Television License for Verizon New England, Inc.

**VOTE:** 5:0

Mr. Colon spoke about Verizon's qualifications to provide cable related services and discussed the benefits of the Verizon 100% fiber network. He thanked the Cable Advisory Committee and the Verizon employees who participated in the negotiations of the license agreement.

Mr. Yunits advised that on November 18, 2010, the Cable Advisory Committee voted 3:0 to ask the Board of Selectmen to issue the license to Verizon New England, Inc.

Mr. Dunn explained that it started 18 months ago, and that the Cable Advisory Committee is pleased to offer the services of Verizon to the residents of the town. Mr. Pransky and Mr. Berry of the Cable Advisory Committee were recognized by Mr. Dunn for their hard work in making this agreement come to fruition.

MOTION: By Mr. Fuller, second by Mr. McGaughey, that the Holbrook Board of Selectmen vote to grant and execute a Cable Television License Agreement with Verizon New England, Inc., effective December 14, 2010 for a term of ten (10) years.

VOTE: 5:0

MOTION: At 7:30 pm, by Mr. Currie, second by Mr. Fuller, to close the hearing.

VOTE: 5:0

**PUBLIC INFORMATION SESSION RELATIVE TO THE TRAFFIC SIGNALIZATION PROJECT AT SOUTH FRANKLIN STREET, KING ROAD, AND THE PUBLIC SAFETY BUILDING:**

Present: Mr. Daniel Murphy from Camp, Dresser and McKee (CDM)  
Edward J. O'Brien, Fire Chief

Mr. Murphy explained that CDM prepared the 25% design for the Department of Transportation (DOT). He presented an overview of the project, which includes traffic lights at King Road and the Public Safety Building and ADA compliant sidewalks with ramps. A copy of the plans was available for anyone present to review and ask questions. The project will be advertised during the winter and work will start in the spring. Chief O'Brien explained that the traffic signals were cut from the project when the public safety building was built because they were not critical to the project and were a casualty of the budget. A resident of the Grove spoke in favor of the project and explained the necessity for those exiting King Road.

In response to concerns expressed about the location of a crosswalk, Mr. Murphy said CDM will review the location to see if there are other options. Chief O'Brien said that although the transponders needed to activate the lights are not on the police vehicles right now, the Dispatchers can activate the lights.

It was noted that the house across from King Road has a driveway that is in the intersection.

The project is estimated to cost approximately \$440,000, of which the town has \$200,000.

Motorcycles will be recognized by the system and will trigger the lights. Mr. Murphy will check to make sure that bicycles will not trigger the King Road lights.

It was noted that there is an MBTA bus stop in the intersection.

MOTION: By Mr. Currie, second by Mr. Fuller, that Mr. Thomas Cummings initiate contact with the MBTA regarding the bus stop in the intersection.

VOTE: 5:0

MOTION: By Mr. McGaughey, second by Mr. Currie, to contact our Representative to assist us in getting the proper funding for this project

VOTE: 5:0

Mr. Moore commended the ANASTASIO family, owners of the South Shore Poker Club, for the charity donations the Poker Club has earned, totaling \$32,000, and noted that small businesses have also benefitted from this venture.

**DONATION OF 25 HILLTOP ROAD:**

Mr. Yunits explained that the property is not encumbered, but is worthless to the donor, whose father passed away and left it to them. The information has been sent to the Conservation Commission for consideration prior to the town accepting this parcel. Mr. Cummings said the property is wet and it would be a big expense for the town to keep the property because residents expect that the town will maintain it.

**MOTION:** By Mr. McGaughey, second by Mr. Currie, to table the discussion until further definitive information is received.

**VOTE:** 5:0

**EXECUTE MEMORANDUM OF AGREEMENT WITH AFSCME LOCAL 1395, FIRE DISPATCHERS:**

Mr. Yunits explained that an agreement has been reached, and the Dispatchers have signed the agreement. He said that they are a valuable asset to the community and thanked them for continuing negotiations until a settlement was reached. Chief O'Brien said that the Dispatchers' roles are expanding, including hazmat, dispatching for the Town of Sharon, the Chief is meeting with 9-1-1 to expand the services further.

**MOTION:** By Mr. Moore, second by Mr. McGaughey, that the Holbrook Board of Selectmen approve and sign a Memorandum of Agreement with the Holbrook Fire Dispatcher Unit, AFSCME Local 1395, for the period commencing July 1, 2008 and ending on June 30, 2012.

**VOTE:** 5:0

**ANNUAL LICENSE RENEWALS:**

The Chairman indicated that all license renewals approved will be contingent upon the requirement that all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

**MOTION:** By Mr. Currie, second by Mr. Fuller, to approve the renewal of the Used Car Licenses, Class II, as printed.

**VOTE:** 5:0

**Printed list:**

1. Chester West, P&C Realty Trust, Pine Hill Service Station, Inc.
2. MIKMAR, Inc. dba Regal Motors, Mike Liuzzi
3. Friends Automotive, Inc., William J. Tennant, President & Michael A. Fitzgerald, Treasurer
4. O'Brien Car Care, Inc., William J. O'Brien, President
5. David J. Salvaggio, Pro-Built Transmissions, Inc. dba Weymouth Street Auto Sales
6. Richard E. Federico, President, Revitalize Auto Reconditioning, Inc.
7. Basic Auto Rental, Inc. dba Basic Auto Sales, Robert Cunha
8. N.D. Autos, Inc. dba Barga Motors

MOTION: By Mr. Currie, second by Mr. Fuller, to approve renewal of the Motor Vehicle Junk Licenses, Class III, as printed.

VOTE: 5:0

Printed:

1. Stephen Hill dba Holbrook Auto Body

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the renewal of the Taxi/Livery Licenses, as printed.

VOTE: 5:0

Printed list:

1. Susan L. Mann dba Mann's Livery Service
2. Jean B. Cordon dba Cordon Enterprises
3. John Messia dba Mr. John's Limousine Service

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the thirteen Common Victualler Licenses, as printed.

VOTE: 5:0

Printed list:

1. South Franklin Donuts, Inc. dba Dunkin Donuts
2. Evangelos Yiannousas, Highland Pizza & Calzone, Inc. dba Vinny's Pizzeria & Ice Cream
3. Dimitrios Tombros, H & J Tombros, Inc. dba Holbrook House of Pizza
4. Holbrook Donuts LLC dba Dunkin Donuts
5. Stanney's of Holbrook, Inc.
6. Holbrook Recreation Center, Inc. dba Holbrook Sports Center
7. Crescent Ridge Dairy, Inc.
8. Burger King Corporation (Burger King #5488)
9. Spiros & Sophia Nikos dba Brookville House of Pizza
10. Marylou's News, Inc.
11. AJB Ventures dba Corner Grill and Pizzeria
12. Luis Martinez dba Jimmy's Pizza
13. Elizabeth Aiello dba Cottage Variety

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the four All Alcohol Package Store licenses, as printed.

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

Printed list:

1. Gregg Lake Associates, Inc. dba Highland Liquors
2. Lobo & Veiga Corporation dba Lobo & Veiga Package Store
3. Summit Retail Corporation dba Holbrook Community Package
4. Mary Day Le dba Holbrook Liquors

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the four Wine & Malt Beverage Package Store Licenses, as printed.

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

Printed list:

1. The T. Sikder Corp. dba Tedeschi's #343
2. Shiv C. Lillaney dba Fast Lane Convenience
3. Clerks, Inc.
4. Sendhi Corp. dba Holbrook Food Mart

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the two All Alcohol Club Licenses, Common Victualler and Entertainment Licenses, as printed.

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

Printed list:

1. Building Association of William B. Dalton Post #137, American Legion, dba Dalton Club
2. Building Association of Father Francis X. Bransfield Council, Knights of Columbus #5046

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the two All Alcohol Restaurant, Common Victualler, Entertainment, and Automatic Amusement Device Licenses, as printed:

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

Printed list:

1. Halfway Cafe, Inc. dba Halfway Cafe
2. Zheng's, Inc. dba Golden Pacific Restaurant

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the one All Alcohol Restaurant, Common Victualler, and Automatic Amusement Device Licenses, as printed.

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

Printed list:

1. 73-77 Union Street, Inc. dba The Union Street Pub

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the one All Alcohol Restaurant and Common Victualler Licenses, as printed.

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

Printed list:

1. JD Smith Corp. dba Smith's Restaurant

MOTION: By Mr. Fuller, second by Mr. Currie, to approve the renewal of the three Wine & Malt Beverage and Common Victualler Licenses, as printed.

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

Printed list:

1. Union Street Lanes, LLC
2. Maria's Pizzeria, LLC
3. ANG Pizza, Inc. dba LEGGOS

**MOTION:** By Mr. Moore, second by Mr. Fuller, to approve the renewal of one Wine & Malt Beverage Package Store License, as printed.

**Discussion:** Mr. Yunits explained that the deadline for filing for the renewal of Alcohol licenses is November 30<sup>th</sup>. This application was filed on December 6<sup>th</sup>. The Chairman explained that this licensee has had this license a long time, and a letter should be sent to the ABCC asking that the license be renewed.

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

Chairman Powilatis announced that he will not be running for re-election this spring, and that he will not be serving his third year on the Board of Selectmen. He postponed the reorganization of the Board until a future meeting.

**MOTION:** At 8:18 pm, to adjourn to executive session to conduct negotiations with non-union personnel (Salary Administration Plan employees) and to discuss strategy as it relates to collective bargaining with union (Clerical & Public Works) 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

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Brinsley A. Fuller, Clerk

**Documents:**

Agenda

Information re: Frank Leonard

Draft minutes

Town Administrator's report 12/14/2010

BETA Group, Inc. letter to Mr. Pritchard

e-mail from Chief O'Brien re: SAFE grant

Hearing notice, agreement, and motion for Verizon cable license

Public Information Meeting notice re: Signalization project at Public Safety Building

Information re: donation of 25 Hilltop Road

Fire Dispatcher agreement and motion

List of license renewals

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Minutes of the Regular Session of  
Tuesday, December 14, 2010*