

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, August 24, 2010

Present: Robert A. Powilatis, Chairman
Matthew V. Moore, Vice-Chairman
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
David A. DeLuca, Esq. and Michael J. Maccaro, Esq., Murphy, Hess, Toomey and
Lehane, LLP (Town Counsel)

The meeting was called to order at 7:05 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.

MOTION: By Mr. Fuller, second by Mr. Currie, to adjourn to executive session to discuss strategy with respect to collective bargaining related to a DPW arbitration case and litigation related to a Land Court case, and return to open session.

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

8:14 pm: Returned to open session

PUBLIC HEARING on the application of JEAN B. CORDON DBA CORDON ENTERPRISES, for a Livery License for 1 vehicle at 1 Abrams Way:

Present: Mr. Jean B. Cordon

MOTION: By Mr. Currie, second by Mr. Fuller, to open the hearing for the Livery License

VOTE: 5:0

Mr. Cordon explained that he will operate 6 days a week from Holbrook to Boston. Mr. Yunits reported that the requirements of the license had been met.

MOTION: By Mr. Currie, second by Mr. McGaughey, to grant the Livery License for one vehicle to Jean B. Cordon dba Cordon Enterprises, 1 Abrams Way, with a term to expire December 31, 2010.

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Currie, to close the hearing (8:17 pm).

VOTE: 5:0

Discussion on CHARITY POKER / TEXAS HOLD'EM POKER TOURNAMENTS:

Present: Town Clerk M. Shirley Austin, Police Chief William D. Marble, Jr., and
Mr. Paul Anastasio of the South Shore Poker Club, 27 Maple Ave.

Discussion took place regarding the "Checklist for a Nonprofit Organization Holding a Poker Tournament" and some suggested amendments to the form. The fee for a Bazaar/Poker Tournament permit, issued by the Town Clerk's office, and the work involved in issuing such permits, was discussed. Currently, the fee is \$10.00. State law allows the fee to be raised to \$50.00.

MOTION: By Mr. Powilatis, second by Mr. Fuller, to adopt the "Checklist for a Nonprofit Organization Holding a Poker Tournament", as amended.

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Moore, to adopt a \$50.00 fee for a Bazaar/Poker Tournament permit.

VOTE: 5:0

Mr. Anastasio has submitted an application for a One Day SPECIAL LICENSE in order to sell Wine and Malt Beverages on 30 calendar days in 2010. The Chairman suggested that the Board table the request until a letter of approval is received from the landlord. Mr. Anastasio said he spoke to the landlord, but he is reluctant to put anything in writing. The Board indicated that Mr. Anastasio needed to provide a copy of his lease and proof of insurance. Discussion took place regarding the FEE for the license, and the Board indicated that it would be \$50.00 per day, consistent with the current policy.

MOTION: By Mr. Fuller, second by Mr. Moore, to grant a One Day Special License for the sale of Wine and Malt Beverages to Paul Anastasio, South Shore Poker Club, pending the viewing of the lease and proof of insurance to the Town Administrator. The license will be for the first 30 dates listed in the application at \$50.00 per day.

VOTE: 2:0:3 (Mr. Powilatis, Mr. Currie and Mr. McGaughey abstained)

Building Inspector Richard P. Monahan discussed the process regarding ZONING ENFORCEMENT and the limitations imposed under the law when a complaint is received regarding private property. He reviewed the process for obtaining an administrative search warrant, which would allow him to enter private property.

The WATER and SEWER RATES and whether the rates need to be increased was discussed.

MOTION: By Mr. Moore, second by Mr. Fuller, to table a water rate increase at this time.

VOTE: 5:0

As of August 17, 2010, the Tri Town WATER RESTRICTIONS have been raised to Phase IV. There is now no outside use of water allowed.

Mr. Powilatis, Mr. Paul Digirolamo, the Treasurer/Collector, and Mr. Cummings will be meeting with the PENNICHUCK WATER SERVICE CORPORATION regarding the water meter replacement project on September 13th. Mr. Currie indicated that the Town of Randolph is also in need of new water meters.

MOTION: By Mr. Moore, second by Mr. Currie, to meet with surrounding towns to see about purchasing meters cooperatively.

VOTE: 5:0

The Chairman reviewed the history and current situation of the WATER SUPPLY issues affecting Holbrook. Some Board members detailed the latest discussions with Mayor Sullivan of the Tri Town Water Board. Mr. Powilatis explained that the Board unanimously voted and Town Meeting overwhelmingly voted that the Town seek the most cost efficient means of supplying the Town, and if we join with Braintree and Randolph, our share is proportionately based on water consumption.

MOTION: By Mr. McGaughey, that we move forward and approve a deal with Braintree based on Holbrook paying 20% of the cost of construction and 15% of the cost of dredging.

NO SECOND

Mr. Cummings stated that the best thing regionally would be to get all the money that is available from the Federal government.

MOTION: By Mr. Currie, second by Mr. McGaughey, that the Chairman continue negotiations with Tri Town Water.

VOTE: 5:0

Attorney DeLuca discussed his opinion to the Board of June 29, 2010 regarding the current status of the TOWN GOVERNMENT STUDY COMMITTEE, which was established by a special town meeting vote on February 23, 1987. Mr. DeLuca indicated that action under MGL Ch. 41 § 11, was not followed and advised that an article could be placed on the next town meeting warrant to discontinue the prior 1987 committee and authorize the new committee to resume.

Present: Philip F. Paradis, Jr., P.E., Project Manager, BETA Group, Inc.
Anthony T. Lionetta, P. E., Senior Vice President, BETA Group, Inc.
William Pritchard, Esq., former member of the Planning Board

Information was presented related to the development of a proposed HOLBROOK INDUSTRIAL COMPLEX, involving an extension of Harrison Boulevard in Avon, and the use of acreage near the Avon/Holbrook border off of Spring Street.

MOTION: By Mr. Moore, second by Mr. Currie, to contact the Old Colony Planning Council * and Metropolitan Area Planning Council for sources of funding.

VOTE: 5:0

* Edited 10/5/2010 to include MAPC

Board members were presented with a copy of reports from The Abrahams Group regarding the indirect cost methodology for the enterprise funds, and the Treasurer's transition audit. The members will review them for a future meeting.

Mr. Yunits will send a letter to LOBO & VEIGA PACKAGE STORE reminding the owners that they must either re-open the store for the hours for which they are licensed or an applicant for a transfer of the license must have submitted a complete application by October 7, 2010, or the owners will be called to a license hearing and the Board will consider revoking the license.

Mr. Cummings submitted his recommendation for the Unleaded GASOLINE, Low Sulfur DIESEL FUEL, and No. 2 HEATING OIL bid awards, which was reviewed by the Board.

MOTION: By Mr. Fuller, second by Mr. Currie, that the Board of Selectmen vote to award a contract for the supply of Unleaded Gasoline, Low Sulfur Diesel Fuel and No. 2 Heating Oil to Global Montello Group Corp., 800 South Street, Waltham, MA 02454 at the bid price received by the South Shore Purchasing Group, and as recommended by the Superintendent of Public Works in his letter dated August 17, 2010. Said contract shall expire on August 31, 2011.

VOTE: 5:0

Town Administrator Yunits presented the Board with a draft letter he recommended be sent to ANSAR ENERGY terminating the Letter of Intent issued to Ansar in October, 2009, for a PHOTOVOLTAIC (PV) SOLAR PROJECT at the site of the former landfill. To date, no progress has been made on the project.

MOTION: By Mr. Moore, second by Mr. Fuller, to authorize the Chairman to sign the letter to Ansar Energy LLC terminating the Letter of Intent.

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Fuller, to re-issue a Request for Proposals (RFP) for the Solar Array project on the landfill.

VOTE: 5:0

Mr. Cummings updated the Board on the TRAFFIC SIGNALIZATION PROJECT at the Public Safety Building, 300 South Franklin Street and King Road. One proposal was received for the engineering design services and limited construction phase services, totaling \$99,145.00, as follows: \$81,900 for design and \$17,245 for other additional tasks.

Ms. Annette Grennan, 24 Chandler Street, submitted a letter of interest in being appointed to a vacant position on the RECREATION COMMISSION.

MOTION: By Mr. Moore, second by Mr. McGaughey, to appoint Annette Grennan to the Recreation Commission, with a term to expire on June 30, 2011.

VOTE: 5:0

Fire Chief Edward J. O'Brien submitted the AMBULANCE ABATEMENTS from New England Medical Billing for the quarter ending June 30, 2010 for the Board's approval.

MOTION: By Mr. Fuller, second by Mr. McGaughey, to grant the ambulance abatements for the quarter including April 1, 2010 – June 30, 2010, for a total of \$52,531.12 in abatements.
VOTE: 5:0

Holbrook Community Access Media (H-CAM) DONATED A LAPTOP COMPUTER to the Town for use in displaying the open meeting notices and agendas for all Town committees, 24 hours a day, in a window of the Town Hall, in compliance with the new Open Meeting Law, effective July 1, 2010.

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the gift of a laptop computer from Holbrook Community Access Media (H-CAM).

VOTE: 5:0

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the following Street Opening Permits:
Bay State Gas Co., for 236 N. Franklin Street, to install a new gas service off Noonan's Lane, Dig Safe No. 20102910739, no police officer needed, and one FIRE DEPARTMENT detail authorized by the Superintendent of Public Works;
Bay State Gas Co., for 2 Thayer Ave., to install test station and anodes, Dig Safe No. 20103000930, no police officer needed;
Bay State Gas, for 18 Sylvan Road, to install test station and anodes, Dig Safe No. 20103000927, no police officer needed;
Bay State Gas, for 179 Pine Street, to install test station and anodes, Dig Safe No. 20103000921, one police officer needed;
Bay State Gas, for Glen Road at Border Road, to re-install a test station and anodes, Dig Safe No. 20103000911, no police officer needed;
Bay State Gas, for Water Street at Pole 11, to re-install a test station and anodes, Dig Safe No. 20103000936, no police officer needed;
A.T.L. Construction, Inc., for West Division Street, for drainage, Dig Safe No. 20103410346, no police officer needed.

VOTE: 5:0

MOTION: At 10:50 pm, by Mr. Fuller, second by Mr. Currie, to adjourn the meeting.

VOTE: 5:0

Paul S. Currie, Clerk

Documents:

Agenda

License application – Jean B. Cordon dba Cordon Enterprises

Checklist for Nonprofit Organization Holding a Poker Tournament

Application for Special License – Paul Anastasio, South Shore Poker Club

Email to Building Inspector regarding Zoning Enforcement

Tri-Town Water Restrictions notice

Water and Sewer enterprise fund calculations and 6/3/10 memo from the Town Administrator

Opinion from David DeLuca, Esq., regarding Town Government Study Committee

Email and business cards from BETA Group, Inc., and map of area discussed – Industrial Complex

Report from The Abrahams Group on the indirect cost methodology for the enterprise funds

Report from The Abrahams Group on the Treasurer's transition audit

Gasoline, Diesel Fuel and No. 2 Heating Oil bid award letter and motion

Ansar Energy Letter of Intent, draft letter to terminate the LOI, and memo from Mr. Yunits

Letter from Ms. Annette Grennan regarding appointment to Recreation Commission

Letter from Chief O'Brien and New England Medical Billing regarding abatements

Copies of 7 street opening permits