

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, January 26, 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
Robert Haley, Temporary Treasurer/Collector

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 the Pledge of Allegiance.

The Chairman recognized and congratulated SENATOR SCOTT BROWN, a Republican, who was just elected to fill the vacancy created by the death of Senator Edward M. Kennedy.

MOTION: By Mr. Moore, second by Mr. McGaughey, to accept the MINUTES of the Regular Session of October 13, 2009, as printed.

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to accept the October 13, 2009 MINUTES of the Executive Session, as printed.

VOTE: 5:0

The TOWN ADMINISTRATOR REPORTED that a call was received from Mrs. Perry on Lakeview Ave. expressing a concern about the drainage issue on that street. Mr. Cummings explained that a large growth of roots was recently removed from the pipes, and the pipe has been checked and found to be clear.

The Finance Committee has requested that the Board provide them with FUNDING SOURCES for the special town meeting articles. The FinCom would like an explanation about the two water articles on that warrant, and an explanation of the Planning Board article.

The FinCom voted to support the article for the APPOINTED TREASURER.

Mr. Yunits advised that in planning for fiscal year 2011, the Town needs to plan on a 10% cut in LOCAL AID. The Governor has indicated he will level fund Local Aid, but the Chairman of the House Ways and Means Committee has indicated that will not be possible.

The list of upcoming Town board and committee meetings was reviewed.

The Town Administrator advised that the Dept. of Revenue (DOR) has indicated they will not approve the TAX RATE until the audit is complete. Since tax bills will not be able to go out until after the end of January this year, payment will not be due until May. Mr. Haley indicated that with increased efforts to collect overdue amounts, it should not be necessary for the Town to BORROW to maintain cash flow.

Mr. Powilatis presented the Treasurer with a copy of the qualified bond statute that allows towns to appeal to the State Emergency Finance Board to get the better of either the state's or the town's INTEREST RATES, if it is necessary to borrow.

Mr. Moore asked for a status report on the properties surrounding the TOWN FOREST that are in TAX TITLE. Mr. Haley said he will research it further, but taking the properties for the Town Forest would be a 2 to 4 year process in Land Court.

The Chairman cited M.G.L. Chapter 41, §95A, which he said states that CONSTABLES who provide services in the Town should be submitting 25% of their revenues to the Town. The Town has not been receiving this revenue. The Town Administrator was asked to look into it.

St. Joseph Parish has requested a ONE DAY ALCOHOL LICENSE for a social for former priests to be held in the School Auditorium on March 20, 2010, from 5:30 pm until midnight.

MOTION: By Mr. Powilatis, second by Mr. Fuller, to grant the One Day Alcohol License to St. Joseph Parish.

VOTE: 3:0:2 (Mr. Currie and Mr. Moore abstained)

PENNICHUCK WATER SERVICE COMPANY:

Present: Stephen J. Densberger, President

Mr. Cummings briefly explained that the Town recently received bids for a 10 year water meter program for the Town. Pennichuck has been in the water industry for over 150 years, and Mr. Cummings has conducted the research for this contract.

Mr. Densberger explained they will install state-of-the-art meters with radio interface units. A truck that will drive by and collect 1,500 – 2,000 readings per day. One-third of the town will be read each month, and billing will be quarterly. Pennichuck will mail out the bills, and deposit the payments directly into the Town's bank account.

Discussion took place regarding how the mobile home park will be billed. Mr. Densberger said generally, in that situation, the billing is sent to the owner of the property.

The first year of the contract has a \$262,000 base price, and thereafter, the price rises up 4% per year to cover Pennichuck's increased cost. It is expected that the Town's water revenue will increase when accurate meters are installed.

Roland Oliver, Esq., legal counsel for Pennichuck Water Service, asked whether a contract for a term of 10 years required town meeting approval. Mr. Cummings said he researched Chapter 30 Section 39M, and no reference to that requirement.

Discussion took place regarding the 4% per year cost increase, and whether there was another financing option that could be worked out that would be more financially beneficial to the Town. The suggestion that the Town provide the funding for the capital outlay was discussed.

MOTION: By Mr. Fuller, second by Mr. Moore, that the Board of Selectmen award a contract to furnish, install and finance water meters and radio frequency meter interface units and perform quarterly meter reading, billing and collection for water and sewer to the Pennichuck Water Service Company, 25 Manchester Street, Merrimack, New Hampshire 03054 for a year one base bid of \$262,764.00 (\$21,897.00 monthly) and with said award being subject to a binding contract to

be mutually agreed upon, including without limitation the financing of the project, between the Pennichuck Water Service Company and the Town of Holbrook.

VOTE: 5:0

While exploring an alternative to the Town of Holbrook joining with Braintree and Randolph to build a new WATER TREATMENT PLANT, Mr. Powilatis said that he has met with officials from the Mass. Water Resources Authority (MWRA) about the MWRA supplying the Town with water. Tonight, AQUARIA WATER LLC was before the Board to discuss supplying water to the Town of Holbrook.

Present: Mr. Jeff Henson & Mr. Dave Wilson, representing Aquaria Water LLC
Mr. Henson explained the company structure, history, and the operation of Aquaria Water LLC's Taunton River plant. They are currently under contract with Norton and Brockton. The contract with Brockton was explained. The Norton contract, similar to what Holbrook would get, is a 20 year contract, renewable to 50 years. New pipes may be needed in Brockton if Holbrook ties in, and a booster station may be needed due to Holbrook's higher elevation. Holbrook would have to acquire a permit from the Mass. Dept. of Environmental Management (DEM) in order to change over to Aquaria Water. Mr. Cummings cautioned that changing the direction of flow in pipes that are 50, 60 or more years old could cause problems. It was discussed that switching over to Aquaria for Holbrook would be more expensive than the Town is currently paying, but less than the Town will pay for the improvements that are required now. Mr. Henson advised that the best option for Holbrook would be an inter-municipal agreement with Brockton to purchase the water from Brockton. Mr. Henson advised that if the Town were to reserve 100,000 gallons per day now, the price would be a fixed fee of \$178,000.

The Chairman introduced MR. RON COGLIANO from Merit Construction Alliance, an association of open shop and non-union construction workers, who spoke about the TRI TOWN WATER legislation. He indicated that there are two points in the legislation that are disconcerting: An exemption from the State competitive bidding statutes on the construction of a new water treatment plant, and a project labor agreement (PLA) which would mandate the use of union labor only. Mr. Powilatis explained that the upcoming special town meeting warrant includes two articles that, if passed, will allow the Town of Holbrook other options to procure water other than through Tri Town Water.

MOTION: By Mr. Moore, second by Mr. Fuller, that the Board of Selectmen send a letter to the Inspector General in opposition to PLA's in any contract that we are a party to.

Discussion: Mr. Currie said that the Board should hear both sides of this issue.

VOTE: 4:1 (Mr. Currie opposed)

ANNUAL TOWN MEETING:

MOTION: By Mr. Currie, second by Mr. Fuller, to schedule the Annual Town Meeting on Wednesday, May 19, 2010 at 7:15 pm at the Junior-Senior High School.

VOTE: 5:0

Congressman Stephen Lynch's office asked that the Board forward any Federal Appropriation Requests for FY2011 to his office. The Board discussed the need for storm water infrastructure, traffic signals on Weymouth Street and at the Public Safety Building, and the renovation of the fire station adjacent to the Town Hall.

Mr. Cummings cautioned the Board that the grant for the traffic signals at the Public Safety Building will expire if they do not move quickly. The State has approved the project and is supplying the funding for the engineering, but the Board has not awarded the contract. Mr. Cummings said that it is anticipated that Chapter 90 funds would be used to pay for the construction.

MOTION: By Mr. Moore, second by Mr. Fuller, to include these recommendations and others in the Federal Appropriations Request and that the list be compiled in a timely fashion to be able to be submitted by February 19th.

VOTE: 5:0

ANNUAL LICENSE RENEWALS:

MOTION: By Mr. Fuller, second by Mr. Currie, that the Board of Selectmen approve the renewal of the Livery License in the name of Kevin McGrath dba Colonial Livery Service of Holbrook and the Livery License in the name of John Messia dba Mr. John's Limousine Service, effective January 1 through December 31, 2010, provided all taxes, fees, assessments, betterments, and any other municipal charges are paid to date.

VOTE: 5:0

MOTION: At 9:22 pm, by Mr. Fuller, second by Mr. Currie, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel, strategy as it relates to contract negotiations with non-union personnel, 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. McGaughey – Yes
Mr. Moore – Yes

Paul S. Currie, Clerk