

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, January 25, 2011

Present: Matthew V. Moore, Chairman
Paul S. Currie, Vice-Chairman
Brinsley A. Fuller, Clerk
Richard B. McGaughey, 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 Moore, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343 and began with the Pledge of Allegiance.

Town Treasurer/Collector Paul Digirolamo reported that the balance of OUTSTANDING RECEIVABLES is slightly less than a year ago. \$650,000 is due on real estate taxes, including \$324,000 from 2010. The parcels with outstanding 2009 taxes will be placed in tax title after they are reviewed. The Chairman asked Mr. Digirolamo to provide the Board with a monthly report in advance of the last meeting of the month, indicating how many people have outstanding charges.

PACKAGE STORE LICENSE TRANSFER – 41 PLYMOUTH STREET:

Mr. McGaughey recused himself and left the room.

Present: Kevin Reilly, Esq., counsel for Holbrook Package, Inc.
Ms. Veena Punjabi, the applicant
Jonathan Moriarty, Esq., counsel for Lobo & Veiga Corporation
Ms. Gilda Lobo and Ms. Estefania Veiga, Lobo & Veiga Corporation

The legal notice published in the January 14, 2011 *Holbrook Sun* was read.

MOTION: At 7:08 pm, by Mr. Currie, second by Mr. Fuller, to open the hearing on the application to transfer the Retail Package Store License at 41 Plymouth Street from Lobo & Veiga Corporation dba Lobo & Veiga Package Store to Holbrook Package, Inc. dba Holbrook Package Store.

VOTE: 3:0

Attorney Reilly introduced Ms. Punjabi and discussed her background. She will work with her husband, both will be TIPS certified, and they will be hands-on operators. Mr. Reilly indicated that Ms. Punjabi would like to shorten the hours listed on the current license. Since that request was not included in the application presented and the requirements of the Alcoholic Beverages Control Commission were not met, the request was not considered as part of this hearing.

MOTION: By Mr. Fuller, second by Mr. Currie, that the Board of Selectmen vote to approve the transfer of the Retail Package Store License at 41 Plymouth Street from Lobo & Veiga Corporation dba Lobo & Veiga Package Store to Holbrook Package, Inc. dba Holbrook Package Store (Veena D. Punjabi, Manager), and to approve the Pledge of the License as detailed in the application, and forward the application to the Alcoholic Beverages Control Commission for consideration.

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VOTE: 3:0

MOTION: At 7:17 pm, by Mr. Fuller, second by Mr. Currie, to close the hearing on the transfer of the Retail Package Store License at 41 Plymouth Street.

VOTE: 3:0

CONTINUATION OF HEARING ON CANCELLATION OF PACKAGE STORE LICENSE AT 41 PLYMOUTH STREET:

MOTION: At 7:17 pm, by Mr. Fuller, second by Mr. Currie, to continue the hearing to consider the cancellation of the Retail Package Store License in the name of Lobo & Veiga Corporation dba Lobo & Veiga Package Store at 41 Plymouth Street, as per MGL Chapter 138 §77.

VOTE: 3:0

Lobo & Veiga Corporation was notified in April, 2010, that they must reopen the store and operate it during the licensed hours or transfer the license to a new owner, or the Board can revoke the license under the law. The transfer to Holbrook Package, Inc. was approved at the 7:05 pm hearing tonight.

MOTION: By Mr. Fuller, second by Mr. Currie, to close the hearing on the cancellation of the Retail Package Store License at 41 Plymouth Street.

VOTE: 3:0

Mr. McGaughey entered the room and took his seat.

MINUTES:

MOTION: By Mr. Fuller, second by Mr. McGaughey, to approve the minutes of the regular session of December 28, 2010, as printed.

VOTE: 4:0

MOTION: By Mr. McGaughey, second by Mr. Fuller, to approve the minutes of the executive session of December 28, 2010, as printed.

VOTE: 4:0

FY2011 MASS. SCHOOL BUILDING AUTHORITY (MSBA) STATEMENT OF INTEREST (SOI): School Superintendent Joseph Baeta explained that the Statement of Interest has been filed with the MSBA annually since 2006. The SOI expresses the nonbinding interest of the Town and the School Committee to the MSBA. The Kennedy School is listed on the primary SOI, and the South School is listed as secondary. The documents being submitted are the same as the last ones submitted, except for the age of the schools. The written statement has not changed since 2006. The School Committee already voted to submit the SOI.

MOTION: By Mr. Moore, second by Mr. McGaughey, that the Board of Selectmen vote to authorize School Superintendent Joseph Baeta to submit the FY2011 Statement of Interest (SOI), as presented, to the Massachusetts School Building Authority (MSBA).

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits advised that:

- Governor Deval Patrick spoke at the Mass. Municipal Association (MMA) conference last week and indicated that there would be a 7% cut in unrestricted local aid for FY12, and an increase in Chapter 70 aid, based on population growth, and an increase in Chapter 90 funds.
- Letters have been sent to the Town's legislative delegation seeking aid for the traffic signalization project at the Public Safety Building.
- Town Moderator Patrick Culhane has announced that he will not be seeking re-election. Others were encouraged to consider running.
- The Board should consider voting to send a letter of support to the Metropolitan Area Planning Council in response to a request for proposals for a grant to be used for the economic development of mixed use zoning.

MOTION: By Mr. Fuller, second by Mr. Currie, to authorize the Chairman to sign a letter of support for the District Local Technical Assistance Grant.

VOTE: 4:0

- Fire Chief Edward O'Brien met with the Finance Committee about the projected deficit of \$87,000 in the overtime account.

Mr. McGaughey advised that the transfer station is on track, and should be before the Board of Health in May.

Mr. Kevin Costa, the Finance Committee Chairman, said there is no rainy day money, and questioned where further personnel cuts could come from. He indicated that there needs to be a decision made about funding the Fire Department overtime. The Chairman said it would be discussed at the Selectmen's meeting on February 1st.

TAX CLASSIFICATION HEARING:

Present: Daniel Lee, Chairman, Board of Assessors
William D. Marble, Board of Assessors
Gary Brennan, Principal Assessor
Pamela Holt, Administrative Assistant

MOTION: At 7:30 pm, by Mr. Moore, second by Mr. Fuller, that the Board of Selectmen open the Fiscal Year 2011 Tax Classification Hearing.

VOTE: 4:0

The legal notice published in the newspaper was read, and copies of the Tax Recap were made available to those present. Mr. Brennan explained that the Board of Selectmen will set the shift between the tax classes and made decisions on some property exemptions that are available. He thanked those who helped with this process, including the Town Clerk, Town Treasurer, and Town Accountant, and reminded everyone that this information is subject to the approval of the Department of Revenue. Mr. Brennan said that the levy limit has \$4,011 in excess capacity, the value of an average home went down

6.15% and the value of the average commercial property went down 6.86%. If the shift remains the same as FY10, at 1.69, the tax bill on an average home will increase by \$126, and the bill on an average commercial property will increase \$320. Discussion took place regarding the effect of changing the shift or going with a single tax rate.

MOTION: By Mr. Moore, second by Mr. McGaughey, that the Board of Selectmen accept the recommendation of the Board of Assessors and establish a residential factor of 0.877500, which will result in a residential tax rate of \$17.36 and a commercial, industrial and personal property rate of \$33.44 for Fiscal Year 2011.

VOTE: 3:1 (Mr. Fuller against)

Mr. Brennan explained the Residential Exemption, which is primarily accepted in town where are a large number of homes owned as second homes. It was noted that Holbrook's residents are primarily full-time residents.

MOTION: By Mr. Moore, second by Mr. Currie, that the Board of Selectmen vote not to adopt the Residential Exemption or the Small Commercial Exemption for Fiscal Year 2011.

VOTE: 4:0

Chairman Moore thanked the Board of Assessors.

MOTION: At 7:55 pm, by Mr. Moore, second by Mr. Fuller, that the Board of Selectmen vote to close the Tax Classification Hearing.

VOTE: 4:0

Mr. Yunits advised that Mr. Richard Reuss, the Emergency Management Director, is compiling the data on the expenses the Town incurred related to the January 11, 2011 snowstorm. The Massachusetts Emergency Management Agency (MEMA) has indicated that there is a potential of 75% reimbursement.

INTERSECTION OF WEYMOUTH, PINE & SYCAMORE STREETS:

Superintendent Cummings explained that the Central Transportation Staff of the Department of Transportation (DOT) has conducted a traffic analysis of this intersection, and has made recommendations to alleviate the problems and the number of accidents at that location.

The DOT's recommendations were discussed:

- Enhance the existing operation by adding flashing beacons on all approaches, adding warning signs approaching all directions, and pavement markings to reduce speed approaching the intersection.
- To reduce speed and enhance awareness, the DOT recommended increasing the size of the flashing beacons, installing speed limit sign beacons on all approaches, and clearing any excess vegetation on the northeast corner of the intersection.
- After enhancement, the conditions should be monitored continuously.
- Install a traffic signal if safety is not improved or the traffic conditions deteriorate after the above improvements are made.

Mr. Cummings advised that any changes to be made would have to be approved by the Commonwealth in advance and that a traffic engineer should be hired.

Residents who live in that area (Mr. Michael Fleming of Stevens Drive; Ms. Patricia Greely of Weymouth Street; Mrs. Kay Aveni of Pine Street; Ms. Viola DiMascio of Mosesso Dr.; and Mr. Timothy Stinson of Pine Street) expressed their opinions about the serious safety issues, the need for a police presence, and the importance of improving the intersection.

MOTION: By Mr. McGaughey, second by Mr. Currie, to contact an engineering company and get a price to do the improvements as discussed, and get those things done.

VOTE: 4:0

Mr. Cummings explained that there could be reimbursement under Chapter 90. A project request would have to be sent to the DOT to see if they will fund a study.

MOTION: By Mr. McGaughey, second by Mr. Currie, to petition Police Chief Marble for a presence at that intersection at various hours.

VOTE: 4:0

SNOW & ICE DEFICIT SPENDING:

Mr. Cummings requested that the Board of Selectmen vote to allow deficit spending of the Snow & Ice budget for FY11. He reported that as of January 23, 2011, that budget has a deficit of \$127,650.01.

MOTION: By Mr. Moore, second by Mr. Fuller, that the Board of Selectmen vote to adopt the provisions of Massachusetts General Law, Chapter 44, Section 31D, as amended, which shall allow the Public Works Department to incur liability and make expenditures in excess of the available appropriation for Fiscal Year 2011 under Line Item 01-423-5532-000, Snow and Ice Expense.

VOTE: 4:0

The recent snow removal complaints that have been received were noted. Mr. Cummings said that the roads in the Grove area are particularly narrow, and there is a problem with parked cars impeding the cleanup of the snow.

MOTION: By Mr. Moore, second by Mr. McGaughey, to petition the Police Chief to enforce the overnight parking ban.

VOTE: 4:0

The Fire Department has been working on digging out the fire hydrants, but residents were encouraged to assist, if possible.

ANNUAL TOWN MEETING:

MOTION: By Mr. Currie, second by Mr. McGaughey, that the Board of Selectmen schedule the Annual Town Meeting for Tuesday, May 3, 2011 at 7:15 p.m., in the gymnasium of Holbrook Junior-Senior High School, and that the warrant for said meeting open on January 26, 2011 and close at 3:00 p.m. on March 4, 2011.

VOTE: 4:0

ADJOURN TO EXECUTIVE SESSION:

MOTION: At 8:35 p.m., to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel (Clerical & Police) and to conduct collective bargaining personnel (Police), and not return to open session – by roll call vote.

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

Brinsley A. Fuller, Clerk

Documents:

Agenda

Draft minutes

Package store license transfer application

MSBA letter regarding SOI

Letter to Atty. Moriarty regarding continuation of
license revocation hearing

Cope of legal notice for tax classification hearing
recap packet, tax shift & financial statistics info

Study report of Weymouth, Pine & Sycamore Street intersection

Request from Mr. Cummings regarding Snow & Ice deficit

Motions for town meeting, warrant, and executive sessions