

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, April 12, 2011

Present: Matthew V. Moore, Chairman (Board reorganized at the end of this meeting)  
Brinsley A. Fuller, Clerk  
Richard B. McGaughey  
Kevin J. Sheehan  
Timothy J. Gordon

In attendance: William J. Phelan, Interim Town Administrator  
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 7:00 pm by Chairman Moore, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343 and began with the Pledge of Allegiance.

Mr. Gordon and Mr. Sheehan, elected to the Board on April 5, 2011, were congratulated and welcomed to the Board of Selectmen. Former Selectman Paul Currie, who did not run for re-election, was thanked for his service.

MINUTES:

MOTION: By Mr. McGaughey, second by Mr. Fuller, to accept the minutes of the regular session of March 22, 2011 as printed

VOTE: 3:0:2 (Mr. Gordon & Mr. Sheehan abstained)

MOTION: By Mr. McGaughey, second by Mr. Fuller, to accept the minutes of the executive session of March 22, 2011, as printed

VOTE: 4:0:2 (Mr. Gordon & Mr. Sheehan abstained)

TOWN ADMINISTRATOR'S REPORT:

Mr. Phelan reported that the ANIMAL CONTROL OFFICER will be covered while working in Randolph, even though there is no mutual aid agreement in writing. The Town of Randolph's Town Manager will speak to their Animal Control Officer about providing reciprocal services.

The Board of Health has been notified about TRASH collecting in front of a home on North Franklin Street, and they will be addressing the issue.

The State Department of Transportation (DOT) has notified the Selectmen that there is a \$1.5 million Federal earmark, put in place by Congressman Stephen Lynch, for the paving and reconstruction of UNION STREET. This funding is available until 2013.

Mr. Cummings advised that the Town received \$235,000 in CHAPTER 90 money this fiscal year. He supplies the state with a list of projects every year, and will provide the Selectmen with information on the project list for the next meeting. Chapter 90 money can be used for the design of roadway improvements.

There will be a LEAF & YARD WASTE COLLECTION on Saturday, May 7, 2011.

Fire Chief Edward J. O'Brien has reported that Firefighter Scott Collins was promoted to LIEUTENANT on April 5<sup>th</sup>. Lt. Collins graduated from the Quincy Fire Academy in 2002.

National Grid has been providing an ENERGY UPGRADE at the Public Safety Building. The cost is 70% covered, with the Town contributing 30% on an interest-free basis for 24 months. The project should pay for itself in 15 months.

There is a 9-1-1 regional communication meeting in Canton on April 24<sup>th</sup>.

Mr. Phelan said that the Treasurer has requested that the Board accept a gift of a 19-inch monitor from the HOLBROOK ROTARY CLUB. Mr. Paul Digirolamo, the Town Treasurer/Collector explained that his office was down one monitor when a member of the Rotary visited the Town Hall. After noticing the situation, the Rotary provided his office with a 19-inch monitor more quickly than he could have purchased one.

MOTION: Made and seconded to accept from the Rotary Club the donation of a 19-inch flat screen monitor to be used in the Treasurer's office

VOTE: 5:0

The Town recently received a bill from the NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL for the Holbrook students attending that school. Mr. Phelan said he has spoken to the Dept. of Education, and that he has an issue with the bill, indicating that the rate is questionable. If the state approved rate is used, no more funding is necessary.

Mr. Phelan is currently developing a capital finance model for the next CAPITAL IMPROVEMENT PLANNING COMMITTEE meeting.

It was reported that there is an article on the town meeting warrant for May 3, 2011 regarding the sale or lease of 227 PLYMOUTH STREET, the former School Department Central Office. The value of the property will be discussed in an upcoming executive session.

Mr. Phelan said that he has met with Braintree Mayor Joseph Sullivan and Mr. David Murphy, the Randolph Town Manager, regarding a water treatment plant. He reported that it was a cordial meeting with the Mayor, percentages were discussed, concerns were expressed, and the Mayor said he will be in touch. Mr. Phelan has also contracted the Mass. Water Resources Authority (MWRA) to set up a meeting. State Rep. Ronald Mariano has indicated that he is willing to help in the process. There is no Tri Town Water meeting scheduled at this time.

A report of a dog bite on EDGEWOOD ROAD was discussed. This was the first report of an issue with the dog, and the Animal Control Officer has ordered the dog quarantined.

It was announced that RANDOLPH/HOLBROOK POP WARNER FOOTBALL AND CHEERLEADING will be conducting registration on April 30<sup>th</sup> from 9 am to noon at the Dalton Club, 777 Plymouth Street.

The SOLID WASTE program and ENTERPRISE FUND were discussed. Allied Waste will come to the next meeting to discuss potential changes to the program.

Mr. Kevin Costa, Chairman of the Finance Committee, explained that the enterprise fund is in deficit, and the Board must vote an increase in the fee in order to stay within the budget. He presented the Board with statistical information indicating that the fee should be raised to \$150.00 annually to fund the program.

MOTION: By Mr. McGaughey, second by Mr. Gordon, to increase the Solid Waste & Recycling fee to \$37.50 per quarter, with the annual fee increasing from \$120.00 to \$150.00, and four separate bills are to be issued and sent with the real estate tax bills, effective July 1, 2011

VOTE: 5:0

Discussion took place regarding the WATER RATES and SHORT TERM BORROWING. Mr. Cummings explained the upcoming projects at the Randolph/Holbrook Water Treatment Plant and the standpipe in the amount of \$1.4 million, in addition to a new Tri Town Water Treatment Plant. Mr. Digirolamo said that three or four short term notes could be utilized at 1.0 – 1.25% interest and a \$500 per year fee, because a long term bond would run \$30,000. Mr. Costa cautioned that if the projects are funded, the rates will need to increase 35%. Mr. Phelan explained that even without those projects, the rates will have to be increased 20% when the decreased revenues are considered. He said that if the projects are paid off in four years of short term borrowing, it is necessary to raise the rates by 35%. Discussion took place regarding the use of retained earnings, but the timing to use it must be planned. Mr. Cummings cautioned that the work at the Joint Water Treatment Plant is maintenance that must be done. It was discussed that the water rates have to be raised, or a \$458,000 deficit will have to be funded at town meeting, but the sewer rates can be lowered. A concern that the revenues are projected to be down next year was discussed. Different options, including reducing expenditures, using a portion of retained earnings, and/or pushing the projects out another year were considered. Mr. Costa recommended a 6% reduction in the sewer rates.

MOTION: By Mr. Moore, second by Mr. Gordon, to take up the two matters, the water enterprise and the sewer enterprise, and go with the recommendations of the Finance Committee, with a 35% increase to the water enterprise rates, which will be about \$129 increase to the average household, and a 6% reduction in sewer that would help ease that increase slightly, giving back about \$32 per household on average

VOTE: 4:1 (Mr. Fuller against)

Fire Chief Edward J. O'Brien provided the Board with a recent rate study of Norfolk County communities that have an ambulance service, and asked that the Board consider raising the AMBULANCE RATES because Holbrook is below the average of the 24 communities surveyed.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to accept Chief O'Brien's recommendation, which nets out to about an 18% increase in the ambulance rates according to the survey conducted in 24 communities

VOTE: 5:0

Chief O'Brien requested that the Board consider adopting MGL Chapter 48 §59A, which is about FIRE DEPARTMENT MUTUAL AID. This is a long established law, upon which two new statewide mutual aid laws were created.

MOTION: By Mr. Fuller, second by Mr. Gordon, that the Board of Selectmen adopt MGL Ch. 48 §59A as written

Discussion: It was noted that this is a housekeeping issue

VOTE: 5:0

Mr. William Forte, a building contractor, a member of the Conservation Commission who acts as the Conservation Officer, and a newly-appointed Assistant Building Inspector, requested that the Board designate the ASSISTANT BUILDING INSPECTOR'S position as a SPECIAL MUNICIPAL EMPLOYEE after receiving the recommendation of the Ethics Commission. He said that he will not be

doing any more construction in Holbrook, he cannot work in a conservation area, and he has filed a disclosure with the Town Clerk regarding the building permits he currently has. Mr. Phelan explained that he has reviewed the letter from the Ethics Commission, and that he differs with Mr. Forte's position on the opinion letter. His understanding is that Mr. Forte is in conflict as long as he has outstanding permits and should not be the assistant building inspector. As it stands, Mr. Moriarty cannot inspect Mr. Forte's work, and the state cannot conduct the inspections. It was noted that MGL Ch. 143 §3Z addresses this issue. Mr. Phelan suggested that the Board rescind Mr. Forte's appointment as an Assistant Building Inspector.

MOTION: By Mr. Moore, second by Mr. Fuller, to rescind the appointment of William Forte as an Assistant Building Inspector

VOTE: 5:0

The discussion regarding Tri Town Water was postponed.

#### BOWLING ALLEY & POOL TABLE LICENSE RENEWALS:

Mr. Moore said that the licensees have provided proof of workers' compensation insurance, have certified that they are up to date on state taxes, and the Town Treasurer has indicated that they have no outstanding liabilities to the Town.

MOTION: By Mr. Fuller, second by Mr. McGaughey, that the Board of Selectmen approve the renewal of the following licenses, effective May 1, 2011, provided that all taxes, fees, assessments, betterments, and any other municipal charges are paid to date:

Bowling Alley License: Union Street Lanes, LLC, 231 Union Street for 16 Bowling Alleys

Pool Table Licenses: Union Street Pub, 73-77 Union Street, 1 Pool Table

Zheng's, Inc. dba Golden Pacific Restaurant, 470 North Franklin St., 1 Pool Table

VOTE: 5:0

#### ANNUAL TOWN MEETING WARRANT – MAY 3, 2011:

MOTION: By Mr. Fuller, second by Mr. McGaughey, to re-open the Annual Town Meeting Warrant

VOTE: 5:0

The Board reviewed all articles that were received past the date of the close of the warrant.

MOTION: By Mr. Fuller, second by Mr. McGaughey, to add Article 6 (Roadway Improvements) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to add Article 21 (Equipment/Vehicle Purchase) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to add Article 22 (Meter Replacement with Billing System) to the warrant

VOTE: 5:0

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MOTION: By Mr. Fuller, second by Mr. Gordon, to accept and add Article 23 (Tri-Town Regional Water Treatment Facility) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Sheehan, to accept and add Article 24 as written (Media and Tube Settlers Replacement – Joint Water System) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Sheehan, to reject and remove Articles 27 and 28 (regarding land Off White Rock Spring Road for a wireless communication facility) from the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to accept and add Article 29 as written (Accept MGL Ch. 59, Section 5, Clause 54) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to add a new Article 32 (regarding 227 Plymouth Street) to the warrant

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to close the Annual Town Meeting warrant

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the amended Annual Town Meeting warrant

VOTE: 5:0

**SPECIAL TOWN MEETING WARRANT:**

MOTION: By Mr. Fuller, second by Mr. Gordon, to open the Special Town Meeting warrant to insert articles

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to add the following articles:  
Article 2 (Unpaid bill from Prior Fiscal Year – Unemployment)  
Article 3 (Unpaid bill – Prior Fiscal Year – Legal Services)  
Article 4 (Unpaid bill – Prior Fiscal Year – Public Works Department)  
Article 5 (Unpaid bill – Prior Fiscal Year – School Department)  
Article 11 (Supplemental Appropriation – Public Works, Gasoline)  
Article 12 (Supplemental Appropriation – Public Works, Street Lighting)  
Article 13 (Snow and Ice Deficit – Public Works)

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to delete Article 5 as submitted by the Treasurer regarding Retirement Benefits

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to close the Special Town Meeting warrant  
VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Gordon, to accept the amended Special Town Meeting  
warrant  
VOTE: 5:0

Mr. Kevin Costa, the Chairman of the Finance Committee and former member of the TOWN GOVERNMENT STUDY COMMITTEE (TGSC) asked if the Board would include an article abolishing the TGSC as adopted under Article 6 of the February 23, 1987 town meeting so that a new committee could be formed, as per the advice of Town Counsel.

MOTION: By Mr. Moore, second by Mr. Fuller, to re-open the Annual Town Meeting warrant to add the following article:  
To see if the Town will vote to authorize the disbanding of the Town Government Study Committee as established at the Special Town Meeting in February 1987 under Article 6, or take any other action thereon, and close the Annual Town Meeting warrant as amended  
VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to approve the amended Annual Town Meeting warrant  
VOTE: 5:0

#### ZONING BY-LAW AMENDMENT:

In response to complaints from residents about the Open Lot Storage of Construction Equipment and Debris in residential areas, Attorney David DeLuca of Murphy, Hesse, Toomey & Lehane (Town Counsel) prepared a Zoning By-Law amendment to address the absence of language to enforce this issue in residentially zoned areas. If accepted by the Board of Selectmen, the draft amendment is to be forwarded to the Planning Board for review.

MOTION: By Mr. Moore, second by Mr. Fuller, to recommend the Zoning By-Law amendment that deals with the Open Lot Storage of Construction Equipment and Debris and forward it to the Planning Board for review, as per the Zoning By-Laws  
VOTE: 5:0

#### TRAFFIC SIGNALIZATION PROJECT AT SOUTH FRANKLIN ST. & KING ROAD:

Mr. Cummings presented the Board with information on the five bids opened on March 5, 2011 for the traffic signalization at the Public Safety Building, 300 South Franklin Street. He indicated that the low bidder was Sunshine Paving Corp., North Chelmsford, MA, that their references and the information obtained from their bonding company were good, and that the bidders are prequalified by Mass. DOT. Mr. Cummings recommended that the Board vote to award the contract to Sunshine Paving Corporation.

MOTION: By Mr. Fuller, second by Mr. Sheehan, that the Board of Selectmen vote to award a contract to Sunshine Paving Corporation, 89 Meadowbrook Road, North Chelmsford, MA 01863, for the installation of traffic signals at South Franklin Street/King Road, in the amount of \$309,097.93

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VOTE: 5:0

**ANNUAL REORGANIZATION:**

The annual town election was held on April 5, 2011. Two new members were elected to the Board – Mr. Timothy J. Gordon, and Mr. Kevin J. Sheehan.

MOTION: By Mr. Moore, second by Mr. McGaughey, to appoint Mr. Timothy Gordon as the Chairman of the Board of Selectmen

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

MOTION: By Mr. Gordon, second by Mr. McGaughey, to nominate Mr. Matthew Moore as the Vice-Chairman

VOTE: 5:0

MOTION: By Mr. McGaughey, second by Mr. Gordon, to appoint Mr. Brinsley Fuller as the Clerk

VOTE: 5:0

Mr. Gordon thanked the Board for their support, and Mr. Moore for his service as Chairman.

It was announced that today was MRS. M. SHIRLEY AUSTIN's last day, following a 39-year career as Holbrook's Town Clerk. It was discussed that the Town was very fortunate to have such a dedicated and professional Town Clerk, and Mrs. Austin was wished well in her retirement.

**ADJOURN:**

MOTION: At 9:00 pm, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel (police and fire), to conduct bargaining with union personnel (fire and police), to review the sale and value of Town owned property and the value thereof, located at 227 Plymouth Street, and not return to open session. The Chairman stated that the discussion regarding 227 Plymouth Street cannot be done in open session because it may have a detrimental effect on the Board's negotiating position.

ROLL CALL VOTE: Mr. Fuller – Yes  
Mr. Sheehan – Yes  
Mr. McGaughey – Yes  
Mr. Moore – Yes  
Mr. Gordon – Yes

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Brinsley A. Fuller, Clerk