

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, January 24, 2012

Present: Timothy J. Gordon, Chairman  
Matthew V. Moore, Vice-Chairman (Arrived at 7:08 p.m.)  
Brinsley A. Fuller, Clerk  
Richard B. McGaughey, Associate  
Kevin J. Sheehan, Associate

In attendance: William J. Phelan, Town Administrator  
Marjorie E. Godfrey, Selectmen's Secretary

The meeting was called to order at 7:00 pm by Chairman Gordon, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

The December 13, 2011 minutes were postponed until the next meeting.

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to accept the minutes of the regular session of December 27, 2011, as printed

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

Town Administrator Phelan reported that:

- The town's water source issue is moving along. A Tri Town meeting and a meeting with the Mass. Water Resource Authority (MWRA) have been held. The town is currently waiting to hear what concessions the MWRA can offer, and another meeting will be held with Mayor Sullivan. No meeting has been set up yet with the City of Brockton because they have a 15 year agreement with Aquaria, which is not a permanent solution. The Board indicated that Mr. Phelan should continue the way he is handling the water source issue.
- The Capital Improvement Planning Committee will meet tomorrow.
- There are two proposals in and one on the way for the Federal earmark project on Union Street.
- Mr. Phelan and Mr. Sheehan attended a Traffic Improvement Project (TIP) workshop. Some projects that will be included on the TIP are the traffic lights or roundabout at Weymouth, Pine and Sycamore Streets, and improvements on Route 139 starting in Holbrook Square. There will be an update on the pavement management program and Chapter 90 funding at the next meeting.

JOINT MEETING WITH THE BOARD OF HEALTH TO FILL A VACANCY:

Present: Paul Callinan, Chairman, Board of Health  
David Reilly, Vice-Chairman, Board of Health

The hearing notice was read.

MOTION: At 7:05 pm, by Mr. McGaughey, second by Mr. Fuller, to open the joint meeting with the Board of Health

VOTE: 6:0

Mr. Callinan explained that there were three candidates, and two were interviewed. The Board of Health voted 2:0 to recommend Mr. Robert Austin. This vacancy was created by the untimely passing of Dr. George Quireyans.

Selectman Moore arrived at 7:08 pm.

MOTION: By Mr. Callinan, second by Mr. Reilly, to nominate Mr. Robert Austin to fill the vacancy on the Board of Health until the annual town election in April 2012

VOTE: 7:0

MOTION: At 7:10 pm, to close the joint meeting

VOTE: 7:0

Mr. Phelan reported that:

- o Melanson Heath & Company has begun the special audit of the water and sewer funds.
- o There is a difference of opinion with Joint Water regarding whether Holbrook should recoup money from Randolph for past expenses.
- o He called a company in Easton relative to a solar project, and will be meeting with them.
- o An application for the repairs to the town-owned home on Abington Avenue has been filed with the Blue Hills Technical School.
- o There is a \$100,000 grant from the state to be spent on improvements. It is estimated that \$20,000 may be spent to improve the fencing and equipment at the playground. Mr. Phelan suggested that an architect look at the upstairs of the fire station relative to renovating it into a meeting room. Then, employees on the second floor of the town hall could potentially be moved downstairs, utilizing the current Selectmen's meeting room, and the great hall upstairs could be renovated. The state needs to know the plan and approve it before the work can be done. Mr. Fuller said that the Little League had a problem with not having enough electric power, and suggested that more specifics and an estimate on the cost be determined. Mr. Moore said that a resident has requested that the town build a skate park. Mr. Phelan advised that often people obtain signatures and do fundraising for those types of parks. When the younger residents feel ownership of the park, it is ultimately more successful. Mr. McGaughey said that previously the insurance company was opposed to the idea of a skate park. Mr. Phelan will reach out to the person requesting the park to find out what they are looking for and what they are willing to do to obtain it.

**HEARING ON THE TRANSFER OF THE WINE & MALT PACKAGE STORE LICENSE AT 247A PLYMOUTH STREET:**

Mr. McGaughey recused himself and left the room.

Present: Henry S. Levin, Esq. and Mr. Viralkumar S. Patel

MOTION: By Mr. Fuller, second by Mr. Sheehan, at 7:15 pm, to open the hearing on the transfer of the package store license at 247A Plymouth Street, from Clerks, Inc to ASP Convenience, Inc. dba Clerks Variety Store

VOTE: 4:0

Mr. Levin explained that the sale of the business is under agreement. Mr. Patel owns another package store in Quincy, and will be the manager of Clerks. Mr. Patel said the Holbrook store is similar to

Quincy, which he has owned for twelve years. He has an assistant manager in Quincy, which will allow him the time he needs in Holbrook. Mr. Levin explained that the sellers are taking back a note on the business, which is to be paid back over four years, and the buyer is pledging the license as part of that transaction.

MOTION: By Mr. Fuller, second by Mr. Sheehan, to approve the transfer of the Retail Package Store License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages Not to be Drunk on the Premises from Clerks, Inc. (Michael J. Austrino, Manager) to ASP Convenience, Inc. dba Clerks Variety Store at 247A Plymouth Street

VOTE: 4:0

MOTION: By Mr. Fuller, second by Mr. Moore, to approve the pledge of license on the transfer of the Wine and Malt Beverage Package Store License from Clerks, Inc. to ASP Convenience, Inc. dba Clerks Variety Store

VOTE: 4:0

MOTION: At 7:25 pm, to close the hearing

VOTE: 4:0

Mr. McGaughey returned to his seat.

Mr. Phelan reported that:

- The cost of purchasing the streetlights from the utility company is higher than anticipated at approximately \$117,000. The information will be given to the consultant to analyze.
- The policy on water abatements is being worked on.
- Further information was included in the meeting packets for tonight showing that some towns charge a fee for final water readings, and some do not.
- The agreement with BETA Group for a Pavement Management Program has been signed by the Superintendent of Public Works.
- An application of a Community Development Block Grant was missed last year. Mr. Phelan recommended continuing with the consultant in place right now, and they will take the necessary steps to apply for a grant in the next cycle.

Mr. McGaughey said there have been complaints about the new traffic signals at the Public Safety Building. Many of the Firefighters were present at this meeting. Lt. Luke McFadden said that Fire Chief Edward J. O'Brien has been in contact with the signal company, and it was explained that there are a couple of design questions that are being addressed. Mr. Phelan said that Camp Dresser and McKee (CDM) charged 25-30% of the cost of the project for the engineering, when 10% is more standard. There is an issue with the angle of the apron between the street and the front parking lots, and the contractor said it was done in accordance with the plans, so it is an engineering issue. It must be corrected, but it will be an issue regarding who pays for the corrections. Chapter 90 money will be used for this project that was not anticipated. This project has cost \$25,000 for police details. The initial contract did not provide for an engineer to be on site.

CONTINUATION OF THE HEARING ON THE APPLICATION OF SOUTH SHORE POKER CLUB, INC. FOR AN ALL ALCOHOL PRIVATE CLUB LICENSE AT 27 MAPLE AVE., 4R:

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Present: William D. Marble, Jr., Chief of Police  
Mr. Leo Martin, owner of the building at 27 Maple Ave.

At 7:35 pm, the Chairman noted that neither Mr. Paul Anastasio, nor his attorney, were present. Mr. Moore said that he spoke with Mr. Anastasio and he indicated that he was withdrawing his application. Mr. Moore said the Board should take no action on the application. Mr. Phelan said that no communication was received from Mr. Anastasio or his attorney, but that a Boston Globe reporter called Mr. Phelan at 5:45 pm relative to Mr. Anastasio withdrawing.

MOTION: By Mr. Sheehan, second by Mr. Fuller, to open the continuation of the public hearing on the application for a Private Club License to Expose, Keep for Sale, and to Sell All Alcoholic Beverages to be Drunk on the Premises in the name of South Shore Poker Club, Inc. (Paul A. Anastasio, Manager) at 27 Maple Ave., 4R

VOTE: 5:0

Mr. Martin said that the condition of the fire escape is being addressed. A full engineering report is forthcoming. Also, all other code issues will be corrected. He explained that he is not an absentee landlord and paid \$350,000 in back taxes to purchase the building and \$100,000 to clean up an oil spill. Chief Marble said that Mr. Anastasio owes in excess of \$9,100 in old detail money for the South Shore Poker Club. Details run approximately \$300 per night, except Saturdays when there were usually 2 events at \$300 each.

Chief Marble said that there was an issue with the ownership of the equipment, including the chairs and tables. Due to disagreements on the interpretation of some regulations on charity poker, Mr. Anastasio was told that the Chief would not issue any more permits for charity poker. The Chief got a list of the final events that were scheduled by Mr. Anastasio, including September 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>. When the Chief checked with the charities that Mr. Anastasio had listed, he was told that the charities were not scheduled for events.

MOTION: By Mr. Moore, second by Mr. Sheehan, to move no action on the application of South Shore Poker Club, Inc. for an All Alcohol Private Club License

VOTE: 5:0

MOTION: At 7:45 pm, by Mr. Moore, second by Mr. Sheehan, to close the hearing

VOTE: 5:0

**CITIZEN CONCERNS:**

With most of the Holbrook Firefighters in attendance, three residents spoke in support of the Firefighters who have been working without a renewal contract since June 30, 2006. Mr. Edward Paris who is a Boston firefighter, Mr. Dwight Nelson, and a female resident asked that the Board reach an agreement with the union. Mr. Phelan explained the history of the process to date including arbitration, mediation, and an arbitration award that the Board supported, but that failed at town meeting. The Board and the union are continuing discussions now and a lot of progress has been made. It is anticipated that approval of a contract or an arbitrator's award will be before town meeting in the spring for funding.

**EXTENSION OF HOURS AT HOLBROOK PACKAGE, INC. DBA HOLBROOK PACKAGE STORE, 41 PLYMOUTH STREET:**

Mr. McGaughey recused himself and left the room.

Present: Ms. Veena Punjabi, Manager and owner

Ms. Punjabi explained that she is requesting an extension of the weekday hours from the current 10:00 pm until 11:00 pm. These hours are considered a matter of right by the ABCC and allow Holbrook Package to close at the same time as other package stores in Holbrook.

MOTION: By Mr. Fuller, second by Mr. Sheehan, to allow Holbrook Package, Inc. dba Holbrook Package Store, 41 Plymouth Street, to extend the weekday hours on their All Alcohol Package Store License, thereby amending their hours until 11:00 pm, Monday through Friday

VOTE: 4:0

**SOLICITING FOR THE SALE OF VERIZON FIOS:**

Mr. Marcus Joyce, an independent contractor for Drasco Sales, introduced himself and explained that he is asking for permission to conduct door-to-door sales of Verizon FIOS at multi-dwelling units in town.

MOTION: By Mr. Moore, second by Mr. Fuller, to grant a permit to solicit to Marcus Joyce for the door-to-door sale of Verizon FIOS at multi-dwelling units on behalf of Drasco Sales, with the following stipulations:

- o All soliciting is to be conducted between 11:00 a.m. and one-half hour before sunset.
- o All soliciting is to be conducted Monday through Saturday only, not including legal holidays.
- o Residents must be allowed to opt-out.
- o You must check in with the Police Department, located at 300 South Franklin Street, before beginning any soliciting each day.
- o You must wear picture identification and clothing that indicates that you represent Verizon

VOTE: 4:0

Mr. McGaughey returned to his seat.

The Emergency Management Director, Richard Reuss, was present to request that the Board of Selectmen approve and authorize the Chairman to sign a membership support letter for the SOUTH EAST NORFOLK COUNTY EMERGENCY PLANNING COMMITTEE (SENCEPC), that the Board appoint a Community Emergency Response Coordinator for Holbrook, and that the Board consider appointing a member of the Board of Selectmen to the Committee. Mr. Reuss explained that Holbrook is currently working with Avon and Stoughton, and other towns may join the regional effort for hazardous materials planning, shelters in emergencies, evacuation plans, and planning for weather-related emergencies.

MOTION: By Mr. Moore, second by Mr. Fuller, to grant permission to Chairman Gordon to sign the letter in support of the South East Norfolk County Emergency Planning Committee

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. Sheehan, to appoint Mr. Richard Reuss as the Community Emergency Response Coordinator for the Town of Holbrook

VOTE: 5:0

The Selectmen will consider appointing a member of the Board to the Regional Planning Committee at the next Selectmen's meeting.

Mr. Reuss explained that a \$5,000 grant has been awarded to the Town of Holbrook for the Medical Reserve Corps (MRC) by the NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, and the agreement (Contract # MRC 12 398) must be signed by the Chairman of the Board of Selectmen. The Medical Reserve Corps is a regional effort of four towns. The grant is for the purchase of equipment and uniforms for the MRC volunteers.

MOTION: By Mr. Moore, second by Mr. Fuller, to authorize Chairman Gordon to execute the Agreement with the National Association of County and City Health Officials

VOTE: 5:0

Fire Chief Edward J. O'Brien, who was not available to attend this meeting, requested that the Board of Selectmen authorize the Chairman to sign an INTERMUNICIPAL AGREEMENT WITH THE TOWN OF ABINGTON for Fire Dispatch services. This agreement will allow the Town of Holbrook to move forward with the regional dispatch, include Abington beginning in April 2012, and has been signed by the Town of Abington. The Finance Committee asked numerous questions about the fee Abington will pay for these services. Mr. Phelan asked if the Board would like the agreement reviewed by town counsel. He explained that it is a good deal for Holbrook because it sets the foundation to allow the town to expand and service more communities, and it will put the town in a position to qualify for more training and grant funding. The agreement will be reviewed by counsel.

MOTION: By Mr. Fuller, second by Mr. Sheehan, to allow the Chairman to execute an Agreement for an Intermunicipal Primary Fire Dispatch System between the Town of Abington and the Town of Holbrook, pending approval from town counsel

VOTE: 5:0

The Board considered establishing a FINAL WATER READING FEE. A survey was conducted of area towns, and some do charge a fee, and some do not. This service requires significant work to be done by the Dept. of Public Works every week.

MOTION: By Mr. Sheehan, second by Mr. Fuller, that the Board of Selectmen establish a charge of \$35.00 for a Final Water Reading Fee

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

Under the Town By-Laws, the Board of Selectmen must set the date of the ANNUAL TOWN MEETING during the month of January.

MOTION: By Mr. Moore, second by Mr. McGaughey, to schedule the Annual Town Meeting on Tuesday, May 1, 2012, in the gymnasium at the Junior-Senior High School

VOTE: 5:0

There is a vacancy on the INDUSTRIAL DEVELOPMENT COMMISSION due to the passing of Dr. George Quireyns, and Mr. McGaughey indicated that he would like to serve on that committee.

MOTION: By Mr. Gordon, second by Mr. Fuller, to appoint Selectman McGaughey to the Industrial Development Commission, with a term to expire on June 30, 2016

VOTE: 5:0

Mr. Phelan reported that:

- The Superintendent of Public Works has the specifications for the purchase of some equipment, including a street sweeper.
- The Department of Public Works filled an open position and is now at full staffing.
- He spoke to an employee of Randolph/Holbrook Joint Water, who has been pushed to the limit in terms of work. There have been only two employees that are expected to cover the water treatment plant 24 hours a day, seven days a week, and they are without a contract. There is a vacancy, and someone is taking the test that is required to obtain the certification necessary to work there. Mr. Phelan recommended that the Board make appointments to the Randolph/Holbrook Joint Water Board, but it is unclear how many members sit on that Board. The issue will be researched and appointments will be addressed at the next meeting.
- The Town of Holbrook has been paying for the health and pension benefits of the Joint Water employees. Reimbursement should come from Randolph and should be included in the budget.
- The lights at the Castle Canyon playground have been repaired.

MOTION: At 8:45 pm, By Mr. Fuller, second by Mr. Sheehan, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel (Police Officers & Firefighters), conduct contract negotiations with union personnel (Firefighters), discuss strategy as it relates to negotiations with non-union personnel and conduct negotiations with non-union personnel (Salary Administration), and not return to open session

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

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Brinsley A. Fuller, Clerk

Documents:

Agenda  
Draft minutes  
Board of Health appointment recommendation  
Application for transfer of Clerks package store license  
Application for club license at South Shore Poker Club  
Application for change of hours at Holbrook Package, Inc.  
Application for permit to solicit  
Nat'l Assoc. of County & City Health Officials agreement  
Abington Fire dispatch agreement

Final water readings survey  
By-law re: setting town meeting date  
SENCEPC draft letter