

Holbrook Board of Selectmen

Minutes of the Regular Session of

Wednesday, November 13, 2013

Present: Timothy J. Gordon, Chairman
Kevin J. Sheehan, Clerk
Richard B. McGaughey, Associate
Matthew V. Moore, Associate (Arrived at 7:03 pm)

In attendance: William J. Phelan, Town Administrator
Benjamin Ecord, Superintendent of Public Works
Marjorie E. Godfrey, Assistant Town Administrator

The meeting was called to order at 7:00 pm by Chairman Gordon, in the Selectmen's Meeting Room, Holbrook Town Hall, 1st Floor, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to accept the minutes of the regular session of Wednesday, September 25, 2013, as printed

VOTE: 3:0

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to accept the minutes of the regular session of Wednesday, October 9, 2013

VOTE: 3:0

CITIZEN CONCERNS:

Mr. James Taggart, a driver for the Council on Aging, expressed a concern about the closing of the Stop & Shop supermarket in Holbrook, and the inconvenience it causes for the elderly residents.

Ms. Patricia Erickson discussed her concerns related to her water bill being an estimated bill for over a year, the Public Safety Building allegedly using Troupe for the disposal of its trash, and a concern regarding a Town employee.

Mr. Phelan explained that it costs \$17,000 annually to have the water meters read twice a year by an outside vendor. Hopefully, next year the readings can be done in house. It is cost prohibitive to replace the meters and have them read. Currently, meters are being replaced as they fail, or when someone moves and the meter is 7 years old or more.

ANNOUNCEMENTS:

Fire Lieutenant/EMT Robert Keeman was recognized on his retirement on November 12, 2013, after 37+ years with the Fire Department.

It was announced that Firefighter/Paramedic Eric Beltramini is appointed to Lieutenant to replace Lt. Keeman, effective November 17, 2013.

TOWN ADMINISTRATOR'S REPORT:

Mr. Phelan reported that the renovation of the former fire station adjacent to the Town Hall is going well, and thanked the Sheriff's Department and the Public Works Department for their work. The

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upstairs meeting room should be nearing completion in December. The back portion of the building is being reconstructed, and should be all done by the end of the winter.

A Civil Service list has been requested for two new officers.

Fr. John Currie of St. Joseph Parish and School, requested a ONE DAY ALCOHOL LICENSE for a function on November 23, 2013. Ms. Kara Duffy, from the Parents' Organization, was present to explain that a fundraiser was being held, and asked that the Board consider granting the license.

MOTION: By Mr. McGaughey, second by Mr. Sheehan, to approve the request for a one day alcohol license for Rev. John Currie, Pastor of Saint Joseph Parish and School, 143-153 South Franklin Street, for a fundraising dinner to be held on November 23, 2013, from 6:00 pm until midnight in the St. Joseph School gymnasium

VOTE: 4:0

Mr. Danh Nguyen of Sycamore Street was present to introduce himself and speak to the Board about his experience as a financial analyst and his request to be appointed as a Citizen at Large to the CAPITAL IMPROVEMENT PLANNING COMMITTEE.

MOTION: By Mr. Moore, second by Mr. Sheehan, to appoint Danh Nguyen as a Citizen at Large on the Capital Improvement Planning Committee, with a term to expire on June 30, 2014

VOTE: 4:0

Due to the resignation of former Selectman Brinsley Fuller, another member of the Board needs to be appointed to fill the vacancy on the Capital Improvements Planning Committee.

MOTION: By Mr. McGaughey, second by Mr. Moore, to appoint Selectman Sheehan to fill the vacancy on the Capital Improvements Planning Committee, with a term to expire on June 30, 2014

VOTE: 4:0

HEARING ON THE APPLICATION OF ANG PIZZA, INC. DBA LEGGOS, 120 NORTH FRANKLIN STREET, TO ADD THEIR OUTDOOR PATIO TO THE WINE & MALT BEVERAGES LICENSE:

Present: Teresa Boerman, Manager, and Astrit Gorezi

Ms. Boerman explained that they have been operating at that location for 6 ½ years, and one of them is there all the time. They would like to accommodate their customers by extending their Wine & Malt Beverages License to include the outdoor patio. They have a security camera, fencing and a rope.

Resident Timothy Chisholm noted that there was an issue a month ago at that location, and the Police could not reach either of the owners. The Board reviewed the ABCC guidelines on patios and decks.

Mr. Moore explained that there should be a 6-foot fence, the tables should be 8 feet from the fence, and shrubs should be added at that location. Following further discussion, the Board agreed.

MOTION: By Mr. Moore, second by Mr. Sheehan, to allow the application of ANG Pizza, Inc. dba LEGGOS, 120 North Franklin Street, to be able to serve wine and malt beverages on the 18-foot by 30-foot patio on the North Franklin Street side of the building, provided they install fencing and trees/shrubs, and the tables are kept 8 feet from the fence

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

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MOTION: At 7:40, by Mr. Moore, second by Mr. Sheehan, to close the hearing
VOTE: 3:0:1 (Mr. McGaughey abstained)

PUBLIC HEARING ON THE APPLICATION OF ANN J. PANOS DBA MARIA'S PIZZERIA, 134 SOUTH FRANKLIN STREET, FOR A COMMON VICTUALLER'S LICENSE AND A WINE & MALT BEVERAGES RESTAURANT LICENSE:

Present: Ann J. Panos, Manager and Maria Panos

Ms. Panos explained that her family has had a restaurant at that location for 20 years. After leasing the property out for a short time, she is re-opening the restaurant. She is requesting the same licenses that her parents had at that location previously, but would like to include the service of wine & malt beverages on the deck on the front of the building.

MOTION: By Mr. Moore, second by Mr. Sheehan, to allow the License to Expose, Keep for Sale, and to sell Wines & Malt Beverages to be Drunk on the Premises in the name of Ann J. Panos dba Maria's Pizzeria, 134 South Franklin Street, and the Common Victualler's License

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

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

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

7:45 PM: PUBLIC HEARING – MEDICAL MARIJUANA:

MOTION: By Mr. Moore, second by Mr. Sheehan, to open the public hearing on the discussion of medical marijuana

VOTE: 4:0

Present: Health Agent Arthur Boyle

Mr. Phelan explained that the Board of Health has written a letter of support for a medical marijuana distribution facility for one company. Another group is interested in a cultivation center, which would provide marijuana to facilities outside of Holbrook. Representatives of MassMedicum and Sigal Healthcare Services, LLC were present asking for a letter of support or a letter not opposing the project. Host agreements would need to be negotiated, and the Board could support a project, based on the host agreement, or vote not to support a project. Mr. Phelan said that security is paramount at these facilities, and the agreement could be structured around gross sales.

Present: Dr. James Kurnick, Atty. Phil Silverman, and Michael Morris

Representatives of MassMedicum met with the Board and discussed the terms of an agreement, including mitigation costs and other charitable endeavors in Holbrook. MassMedicum suggested 5% of gross sales up to the first \$4 million in sales per year, then 7 ½ % beyond that. They would be located at 1 Mear Road in a 30,000 square foot building, of which 20,000 feet would be for a warehouse, and the rest would be for production and dispensing. Mr. Boyle said the security, the water supply, and the right for the Board of Health to inspect at any time are important issues to the Board of Health. Mr. Moore discussed the documented crime written about in the "White Paper" about the Los Angeles area, where there have been major issues with marijuana. The security of the outside area around 1 Mear Road was discussed. It was noted that patients may need to walk down and across the street to the MBTA Station for transportation once they have purchased the marijuana. Cameras will need to be located on the

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street, not just on the property at 1 Mear Road. Mr. Joseph Morgan spoke against, stating that such facilities are in opposition to federal law, and that the town needs to be proactive, not reactive, with the security of the area. Mr. David Reilly said there needs to be 24 hour security officers that go through training.

It was explained that these facilities are now legal in Massachusetts, and the state will be approving up to five in each county. The members of the Board voiced their opinions on supporting the application of MassMedicum. Three members said they had no opposition with an agreeable host agreement and security in place, and Mr. Moore questioned at what price the financial windfall would come to the Town.

MOTION: By Mr. Gordon, second by Mr. McGaughy, that the Board of Selectmen has no opposition to MassMedicum Corp's intention in opening up a medical marijuana dispensary with an agreeable host agreement, agreeable security measures, and agreeable financial incentives to the Town

NO VOTE: Mr. Gordon RESCINDED this motion.

The security measures were discussed further. The doors will be alarmed. A person would have to go through two locked doors inside a steel warehouse, and the product will be stored in safes.

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to support the application of MassMedicum with stipulations for negotiations with the Police Department and adding the security measures to the host agreement

VOTE: 3:1 (Mr. Moore opposed)

Present from Sigal Healthcare Services, LLC: Mr. Robert N. Fireman, and Mr. Patrick Bench
Mr. Phelan explained that he has met with representatives of this company, which has experience and a different proposal for the Board's consideration. Sigal would like the Board's support for a cultivation only facility, known as a registered marijuana dispensary (RMD), for three to five dispensaries, which would be located at 54 High Street. The host agreement would be different, but a percentage of the sales would also be given to the Town.

Mr. Fireman explained that Sigal would purchase the property, fence it in, and renovate the buildings. This would be a professional, secure facility with someone on site 24/7. There would be no retail business conducted and the employees would be the only ones there. Real estate taxes would be paid on the property. It is a perishable crop, so only what will be sold will be grown. They would support the local police and parks, etc. The security would include probably in excess of 125 wide angle cameras. Mr. Phelan suggested that the Board support the project contingent on a mutually satisfactory host agreement or give them a letter of no opposition or support and work it out later. It was noted that there are benefits to the Town and fewer detriments with this type of facility. A decision needs to be made quickly, due to the upcoming deadline for applications to the state for such facilities. It was suggested that the Board delay a decision while Sigal representatives leave the room to discuss the options with Mr. Phelan.

MOTION: By Mr. McGaughey, second by Mr. Sheehan, to suspend the public hearing, and resume it at 10:25 this evening

VOTE: 4:0

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Mr. Ecord reported that six applications were received for the position of PUBLIC WORKS CRAFTSPERSON/LABORER. He recommended that the Board hire Jeremy O'Brien for the position.

MOTION: By Mr. Moore, second by Mr. McGaughey, to accept the Superintendent's recommendation to appoint Jeremy O'Brien to the position of Public Works Craftsperson/Laborer in the Public Works Department

VOTE: 4:0

Fire Chief Edward J. O'Brien presented the Board with information relative to procedures used in other towns to fill the position of FIRE CHIEF. Chief O'Brien is retiring on January 3, 2014. The process begins with the appointment of a small SEARCH COMMITTEE.

MOTION: By Mr. Moore, second by Mr. McGaughey, to establish a 3-member Fire Chief Search Committee to include a fire chief from a non-contiguous town, the Town Administrator, and a citizen at large

VOTE: 4:0

The citizen-at-large position will be advertised.

Mr. Gordon said the Memorial Day Committee discussed the FESTIVAL OF LIGHTS. This year a trailer will be brought in for the students to stand on while they are singing, and the lighting will be improved.

Mr. Ecord reported that the water mains are done on Linwood Street, the SEWER CONTRACTOR is almost done for the year on Spring Street, and Winter, Summer and Platt Streets will begin next week.

MOTION: At 10:30 am, by Mr. McGaughey, second by Mr. Moore, to resume the public hearing on medical marijuana

VOTE: 4:0

Mr. Phelan explained that he has had a chance to speak with Sigal Healthcare. It was suggested that the Board schedule another meeting to take a final vote on Monday, November 18th.

MOTION: At 10:35 pm, to adjourn to executive session to discuss strategy as it relates to collective bargaining with Union Personnel (Police & Public Works), and strategy as it relates to litigation (D& N Mogan, Inc.) and not return to open session

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

Documents: Agenda, draft minutes, info on options for selecting new fire chief, organizational directives from Fire Chief, One Day application, request for appointment to CIPC, two alcohol applications, PWD Supt. recommendation, medical marijuana hearing notice, letter from Sigal

Kevin J. Sheehan, Clerk