

Holbrook Board of Selectmen

Minutes of the Regular Session of

Wednesday, September 23, 2015

Present: Matthew V. Moore, Chairman
Kevin J. Sheehan, Vice-Chairman
Daniel F. Moriarty, III, Clerk
Richard B. McGaughey, Associate

In attendance: Edward J. O'Brien, Interim Town Administrator
Marjorie E. Godfrey, Assistant Town Administrator
William Smith, Chief of Police
Luke McFadden, Fire Chief

The meeting was called to order at 7:00 p.m. by Chairman Moore, in the Selectman Noel C. King Meeting Room, Holbrook Town Hall, Floor 3R, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

MOTION: By Mr. Moriarty, second by Mr. Sheehan, to approve the minutes of the regular session of Wednesday, August 12, 2015, as printed

VOTE: 4:0

MOTION: By Mr. Sheehan, second by Mr. Moriarty, to approve the minutes of the executive session of Wednesday, August 12, 2015, as printed

VOTE: 4:0

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to approve the minutes of the regular session of Wednesday, August 26, 2015, as printed

VOTE: 4:0

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to approve the minutes of the executive session of Wednesday, August 26, 2015, as printed

VOTE: 4:0

Announcements:

- The Permanent Cable Television Advisory Committee is in need of new members.
- The Chateau restaurant in Braintree is sponsoring a fundraiser for the Holbrook Historical Society on October 22, 2015.
- Holbrook Santa is now accepting applications for gift assistance. Donations to support Holbrook Santa can be made at Holbrook Cooperative Bank or at the Selectmen's office.

Mr. Michael Fleming, the Chairman of the TOWN ADMINISTRATOR SEARCH COMMITTEE explained the process, protocol and background of the search for a new full-time Town Administrator. The committee narrowed 31 applicants down to the 2 finalists being presented tonight. The committee focused on the achievements, accomplishments, leadership, vision and strategy of the candidates. The committee presented two recommended candidates.

Mr. Anthony (Tony) Marino, the Assistant Town Manager in Hanover, spoke about his experience and his vision for Holbrook. Mr. Timothy Gordon, the former Chairman of the Holbrook Board of

Selectmen, discussed his skills and experience gained from his career, including his current position as the Chief Financial Officer for the Town of Winthrop.

Mr. Fleming reviewed the recommendation the Search Committee prepared for the Board of Selectmen. Mr. Gordon was number one recommended candidate for the position. The Selectmen each explained their support for Mr. Gordon.

MOTION: Mr. Moore asked that all those in favor of accepting the recommendation of the Town Administrator Search Committee, and approve Mr. Timothy J. Gordon as the Town of Holbrook's new full-time Town Administrator, please say yes

ROLL CALL VOTE: Mr. Sheehan, Yes; Mr. McGaughey, Yes; Mr. Moore, Yes; Mr. Moriarty, Yes

It was noted that the special town meeting on September 30th will consider removing the restriction that a person who has served as a selectman cannot serve as town administrator for three years after leaving the Board of Selectmen. This appointment is also contingent on the vote of town meeting to appropriate funding for the position, and the successful negotiation of an employment agreement.

PUBLIC HEARING – NMB RUDRA LTD dba SUBWAY, 438 N. Franklin Street:

Ms. Bakula Patel, the owner, and Mr. Paul Gibbs, representatives of NMB Rudra LTD were present. Various members of the public were present.

MOTION: At 7:46 pm, by Mr. Moriarty, second by Mr. Sheehan, to open the hearing for a Common Victualler's License for NMB Rudra LTD dba Subway, 438 North Franklin St.

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

It was explained that this location of Subway will serve breakfast, coffee, and subs. There will be no pizza and no calzones. Ms. Patel has other locations in Boston, Braintree, Randolph and Walpole. They requested to be open from 7:00 am until 10:00 pm, but the hours would probably be adjusted as necessary. Ms. Patel has been in business since 2008. She travels between stores regularly, and hires a management company to hire the managers. There will be about 24 seats.

Mr. Evangelos (Vinny) Yiannousas, the owner of Highland Pizza & Calzone said that his restaurant is only four doors away, he has been there 24 years. He presented a copy of his lease, and stated that it is unfair and he wanted the Board to postpone or deny the request.

Ms. Nancy McCarthy, the owner of Highland Plaza, said that Vinny serves pizza, calzones, and ice cream. She read from a lease that was renegotiated and signed in 2012.

Several other residents and former residents spoke in support of Mr. Yiannousas.

Mr. Gibbs spoke about the limited menu Subway would offer, explained that every location of Subway is independently owned and operated, and that it would be a violation of the lease if they competed.

Some members of the Board indicated that the legal matter of the lease should be straightened out before a common victualler license was granted.

MOTION: By Mr. Moore, second by Mr. Sheehan, that the Board of Selectmen not approve the issuance of a common victualler license for NMB Rudra LTD dba Subway at this time, and that they start the process over again when the issues are resolved

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

MOTION: At 8:25 pm, by Mr. Moriarty, second by Mr. Sheehan, to close the hearing on the common victualler license for NMB Rudra LTD dba Subway

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

Ms. Susan Wright, a resident who circulated a petition for a warrant article to be placed on the special town meeting warrant on September 30, 2015, spoke about her article. Ms. Wright presented the history of the EMINENT DOMAIN TAKING of the WRIGHT FAMILY PROPERTY OFF SOUTH STREET for the water supply during the 1950's. She explained that she is now looking for town meeting to tell the Board of Selectmen to complete the process of returning the property to the previous owners because it is no longer being used for a Town water supply. Mr. O'Brien, who is serving temporarily as the Joint Water Representative, explained that formal votes are necessary from Joint Water. Randolph is sending documents for a legal review and opinion. Holbrook's Town Counsel will review the article for town meeting and provide a general overview of the process. This request will be discussed by the Joint Water Board at an upcoming meeting.

Chief Smith asked that the Board approve the provisional promotion of Officer Joseph Salvucci to the position of Sergeant, effective when Sgt. William Keegan retires. There is no current Sergeant's list available. Holbrook is included in a Civil Service promotional exam for the position of Sergeant in October 2015. The list generated from that exam will not be available until about November 1.

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to approve the Provisional Promotion of Officer Joseph E. Salvucci to the position of Sergeant on the Holbrook Police Department, effective October 15, 2015

VOTE: 4:0

PERMANENT CABLE TELEVISION ADVISORY COMMITTEE (PCTAC) member Zack Gorman has been advised that he cannot continue to serve in a voting capacity on the Committee, due to his paid position with H-CAM as the Executive Director. Therefore, he has submitted his resignation. Atty. William August, who has just begun working with the PCTAC on the renewal of the Comcast Cable License, recommended that Zack serve as a non-voting member of the Committee.

MOTION: By Mr. Sheehan, second by Mr. Moriarty, that the Board of Selectmen amend the composition of the Permanent Cable Television Advisory Committee to include a sixth member, the Executive Director of Holbrook Community Access and Media (H-CAM), who shall be a non-voting member

VOTE: 4:0

MOTION: By Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen appoint Zack Gorman as the non-voting member of the Permanent Cable Television Advisory Committee, with a term to expire on June 30, 2018

VOTE: 4:0

Interim Town Administrator Edward J. O'Brien has expressed interest in serving as the NORFOLK COUNTY ADVISORY BOARD REPRESENTATIVE for the Town of Holbrook. There is no requirement for a town resident to serve in this position.

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to appoint Mr. Edward J. O'Brien as the Norfolk County Advisory Board Representative for the Town of Holbrook, with a term to expire on June 30, 2016

VOTE: 4:0

Chief Smith announced that this Saturday is National Prescription Take-Back Day. Anyone with prescription drugs to dispose of can do so in the entry way of the Public Safety Building. The Chief is researching a program that works to help drug addicts in Gloucester and other communities.

Chief McFadden reported on the Fire Department's annual Fire Prevention Open House to be held on Saturday, October 10, 2015 from 10:30 am to 1:30 pm. All are welcome. The new Paramedic, who is transferring to Holbrook from Hanover, will be receiving orientation next week.

It was reported that the Weymouth, Pine & Sycamore Street intersection will be paved next Friday, October 2nd. Work is being done on Plymouth Street, in the vicinity of Hallamore, to smooth the area where the sewer project was done. The final pavement will be done in the spring of 2016.

Mr. O'Brien reported that the Surrounding Community Negotiating Team has had some productive meetings. An offer has been made by Brockton, and they are getting more realistic. These negotiations are dependent on the approval of a casino operating in Brockton.

The Massachusetts School Building Authority (MSBA) has sent commentary relative to the 90% construction documents for the new PreK-12 School Project. The Permanent School Building Committee will respond within 21 days.

It was discussed that signs will need to be put up in the area warning people about the new traffic lights at Weymouth, Pine & Sycamore when they become working traffic lights.

MOTION: At 9:30 pm, made and seconded, to adjourn to executive session to discuss strategy and/or conduct negotiations with non-union personnel (Town Administrator), and return to open session

ROLL CALL VOTE: Mr. Sheehan, Yes; Mr. McGaughey, Yes; Mr. Moore, Yes; Mr. Moriarty, Yes

RETURN TO OPEN SESSION AT 10:22 pm:

Mr. Moore reported that the Board came to agreement with Mr. Timothy Gordon on the salary he would receive as Holbrook's full-time Town Administrator, subject to town meeting appropriation. Negotiations will continue on the other terms of an agreement.

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the annual salary of \$128,600.00 for Mr. Timothy Gordon for the position of full-time Town Administrator

VOTE: 4:0

MOTION: At 10:23 pm, to adjourn the meeting

VOTE: 4:0

Documents: minutes, Search Committee
recommendation, Subway application
documents