

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, November 24, 2015

Present: Matthew V. Moore, Chairman
Daniel F. Moriarty, III, Clerk
Richard B. McGaughey, Associate

Absent: Kevin J. Sheehan, Vice-Chairman

In attendance: Timothy J. Gordon, Town Administrator
Marjorie E. Godfrey, Assistant Town Administrator
Luke McFadden, Fire Chief
William Smith, Chief of Police
Benjamin Ecord, Superintendent of Public Works

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. McGaughey, to accept the minutes of the regular session of October 14, 2015, as printed

VOTE: 3:0

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to accept the minutes of the executive session of October 14, 2015, as printed

VOTE: 3:0

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to accept the minutes of the regular session of October 28, 2015, as printed

VOTE: 3:0

Town Administrator Timothy Gordon reported that:

- Library Trustee Jeffrey Farash has resigned, and the vacancy will be posted.
- Both the Permanent School Building Committee and the Finance Committee have a vacant seat.
- Monetary donations, payable to Holbrook Santa, can be sent to the Holbrook Cooperative Bank, and toys can be dropped off in the Selectmen's office.
- The Firefighters are collecting toys for Toys for Tots.
- The borrowing for the new school project that the Board will consider tonight (\$38.5 million at 3.14%) will save the taxpayers over \$9 million from the original estimates over the course 25 years.
- The Annual Festival of Lights will be held on Saturday, December 5, at 5:30 p.m.
- Mr. Gordon is working on coordinating a contest for school age residents to suggest a Town slogan.
- Tri Town Water is meeting next week. Mr. Gordon will collect cost data on a treatment plant, but keep the Town's options open.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of November 24, 2015*

- The Conservation Commission has an open hearing on a home to be built in Edgewood Park.
- The Planning Board is discussing the size of the building proposed by Verizon for their cell tower project.
- The Board of Health issued a food service license for The Connection restaurant, which is expected to open in January 2016.
- There will be blasting November 27 – 29 at the site of the new PreK – 12 school project.
- The first round of bids have been reviewed for the new school project. They are the bids for the trades, and came in lower than anticipated.
- The Community Development consultant, Wayne Darragh from Community Opportunities Group (COG), has suggested that the Town apply for a Community Development Block Grant (CDBG) for regional housing rehabilitation. The application is due February 16, 2016. Mr. Darragh will be invited to an upcoming meeting.

Present: Jonathan Silverstein, Esq., Kopelman and Paige, PC, the Town's special counsel
John Yunits, Esq. and co-counsel Charles N. Le Ray, Esq.

Jonathan Silverstein, Esq. explained that he has been negotiating the SURROUNDING COMMUNITY AGREEMENT with Mass Gaming & Entertainment, LLC relative to the proposed casino in Brockton, and reviewed the history of the project since last winter. The developer did agree to designate the Town of Holbrook as a Surrounding Community. The Town will receive Community Impact Fees prior to the opening of the casino to the public and yearly after the opening. Attorney Silverstein's fees will be paid. This agreement does not include a sunset clause. Mr. Silverstein explained the Community Mitigation Fund and examples of unanticipated impacts on the community, which are given priority from this fund. There is also a \$100,000 Reserve established for each designated surrounding community to cover impacts that may arise, or for planning how to maximize the benefits of a facility or minimize the impacts. Applications for funds are due in February. A public health trust fund has been established to handle services to address the prevention of problem gambling.

Mr. Yunits explained that this is a first class real estate development important to the region and the revitalization of Brockton. The City is expected to hear by March on the application, and to open in the fall of 2018.

MOTION: By Mr. McGaughey, second by Mr. Moriarty, to move that the Board vote to approve and execute the Surrounding Community Agreement with Mass Gaming & Entertainment, LLC and to authorize special counsel, Jonathan Silverstein of Kopelman and Paige, PC, to so advise the Massachusetts Gaming Commission

VOTE: 3:0

It was explained that the Town does not currently have a fee established for an ANNUAL AUCTIONEER'S PERMIT, which allows an applicant to "maintain a regular place of business for the conduct of auctioneering" in the Town, per MGL Ch. 100 Section 10.

MOTION: By Mr. Moriarty, second by Mr. McGaughey, that the Board of Selectmen establish an annual fee of \$50.00 for an Annual Auctioneer's Permit

VOTE: 3:0

Mrs. Patricia Trudel and her son Guy R. Trudel, Jr. were present. Mrs. Trudel was applying for an Annual Auctioneer's Permit in the name of Patricia A. Trudel dba TRUDEL'S AUCTION GALLERY, for the premises located at 476 South Franklin Street. Mr. Trudel explained that Holbrook would be a

second location for Trudel’s Auction Gallery, which is a family oriented 14-year old business auctioning antiques, jewelry, and collectibles, which includes mostly estate merchandise.

MOTION: By Mr. Moore, second by Mr. McGaughey, to approve the application of Patricia A. Trudel dba Trudel’s Auction Gallery, for an Annual Auctioneer’s Permit at 476 South Franklin Street

VOTE: 3:0

Treasurer/Collector Paul Digirolamo and Brianne M. Susel, a Fiscal Advisory Officer from UniBank Fiscal Advisory Services, Inc. were present relative to the borrowing for the PreK – 12 School Project, which was discussed earlier in this meeting.

MOTION: By Mr. Moriarty, second by Mr. Moore, that I, the Clerk of the Board of Selectmen of the Town of Holbrook, Massachusetts (the “Town”), certify that at a meeting of the board held November 24, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the school project authorized by a vote of the Town passed on October 22, 2014 (Article 14), excluded from the limitations of Proposition 2½, so-called, on November 4, 2014 (Question 5) not being paid by the school facilities grant is \$47,215,798 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

Further Voted: that the sale of the \$38,500,000 General Obligation School Bonds of the Town dated December 1, 2015 (the “Bonds”) to Bank of America Merrill Lynch at the price of \$39,671,031.40 is hereby approved and confirmed. The Bonds shall be payable on December 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$1,540,000	5.00%	2028	\$1,540,000	3.00%
2017	1,540,000	5.00	2029	1,540,000	3.00
2018	1,540,000	5.00	2030	1,540,000	3.00
2019	1,540,000	5.00	2031	1,540,000	3.00
2020	1,540,000	5.00	2032	1,540,000	3.125
2021	1,540,000	5.00	2033	1,540,000	3.125
2022	1,540,000	5.00	2034	1,540,000	3.25
2023	1,540,000	5.00	2035	1,540,000	3.25
2024	1,540,000	3.00	2036	1,540,000	3.375
2025	1,540,000	3.00	2037	1,540,000	3.375
2026	1,540,000	3.00	2040	4,620,000	3.50
2027	1,540,000	3.00			

Further Voted: that the Bonds maturing on December 1, 2040 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due December 1, 2040

<u>Year</u>	<u>Amount</u>
2038	\$1,540,000
2039	1,540,000
2040*	1,540,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 5, 2015 and a final Official Statement dated November 18, 2015 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

VOTE: 3:0

Police Chief William Smith requested that the Board contact the HUMAN RESOURCES DIVISION (HRD) for a Civil Service list in order to fill two vacancies in the Police Department from the recent entry-level open competitive test in October 2015. Sgt. William Keegan has retired, and Provisional Sgt. Joseph Salvucci will retire in January 2016.

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Human Resources Division (HRD) be contacted for a list of candidates to fill two positions as entry-level Police Officers on the Holbrook Police Department

VOTE: 3:0

Chief Smith reported that the winter parking ban is in effect. Stickers are being put on cars in advance of ticketing. Training on lockdown procedures and bomb protocol is ongoing at the Junior-Senior High School, and will be done at the elementary schools next. There was another drug bust in Holbrook recently. The school buses are being monitored to watch for vehicles passing when the lights are flashing. He mentioned the blasting to occur this weekend at the site of the new school, and reported that there have been no accidents since the new traffic signals have been working at Weymouth, Pine and Sycamore Streets.

Chief McFadden reported that there was a 2-alarm fire at a dwelling on South Franklin Street, but, fortunately, everyone in the home was able to evacuate safely. The blasting at the new school site is expected to be a routine operation, with no buildings or utilities in the area. The Firefighters are collecting Toys for Tots until December 18th, on behalf of the Marine Corps.

Mr. Ecord reported that the total cost of the traffic signalization on Weymouth Street is \$788,180.36, which is \$61,819.64 less than anticipated. A blinking light taken from Weymouth Street has been relocated to Spring and South Streets. Final paving in the areas where the water projects were done this year will take place in the spring of 2016.

MOTION: At 8:18 pm, to adjourn to executive session to discuss strategy and/or conduct contract negotiations with non-union personnel (Superintendent of Public Works), and return to open session

ROLL CALL VOTE: Mr. Moriarty – Yes
Mr. Moore – Yes
Mr. McGaughey – Yes

OPEN SESSION RESUMED at 8:42 p.m.

Mr. Moore reviewed the terms of the employment agreement with Superintendent of Public Works Benjamin Ecord. It is a 3-year agreement with an initial salary of \$97,836.00 and 2% raises each year. The longevity reflects his 40 years of service, and there is a clothing allowance and pay for legal holidays.

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen vote to execute an employment agreement between the Town of Holbrook and Benjamin Ecord, Superintendent of Public Works, effective January 1, 2016 through December 31, 2018

VOTE: 3:0

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of November 24, 2015*

MOTION: At 8:45 pm, to adjourn the meeting
VOTE: 3:0

Daniel F. Moriarty, III, Clerk

Documents:

Minutes
Town Administrator's Report
Surrounding Community Agreement
Auctioneer's Permit application
Request from Chief Smith to fill two vacancies
Summary of the Weymouth/Pine/Sycamore signalization
Employment agreement with Supt. Ecord