

Holbrook Board of Selectmen
Minutes of the Regular Session of
Wednesday, November 9, 2016

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

In attendance: Timothy J. Gordon, Town Administrator
Marjorie E. Godfrey, Assistant Town Administrator
Paul Digirolamo, Town Treasurer/Collector
William J. Smith, Chief of Police
Stephan Hooke, Director, Communications Dept.

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.

Chairman Moore expressed gratitude to the Town Clerk's office and staff for the job they did during the process of early voting and Election Day for the November 8th state election.

MINUTES:

MOTION: By Mr. Moriarty, second by Mr. Lee, to approve the minutes of the regular session of Wednesday, October 12, 2016, as printed

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

Announcements:

- There will be a curbside collection of yard waste on Saturday, November 19, 2016
- The Fire Department is collecting new, unwrapped toys and books for Toys for Tots
- Holbrook Town Forest Trail Maintenance Day is November 27th, from 10 am to 1 pm

Mr. Gordon reported that:

- The Town has received a grant in the amount of \$207,750.00 from the Dam and Seawall Repair or Removal Fund for the engineering and design for the repair of the Lake Holbrook Dam. The semi-annual inspections are ongoing.
- Leo Fuller, the Veterans' Agent, can get a POW/MIA Chair for display. It was determined that the south foyer, near the listings of residents who served in WWI and WWII, would be the most appropriate location for the chair.
- Two pines trees were removed today from Mary Wales Holbrook Park, and will be replaced with Norwegian spruce trees.
- There was a tour of the Braintree and the Randolph/Holbrook water treatment plants for our legislators, so that they can work toward a funding bill to reduce the cost of rebuilding.
- The Pond Street water project is underway, and Plymouth Street will receive its topcoat next week.

ASCERTAINMENT FINDINGS – COMCAST LICENSE RENEWAL:

Present: William August, Special Cable Counsel
Zack Gorman, Cable TV Advisory Committee

Mr. Gorman began speaking about the Town's cable-related needs that were identified during the ascertainment process for the Comcast 10-year license renewal. He explained that there are needs for an increase in funding, including capital improvement funding, a senior discount offered on basic service, upgrades to the educational network, upgrades to the network using fiber, the availability of high definition cablecasting, and an electronic program guide on screen. Attorney August introduced himself and explained that the main concept in this process was to determine the cable-related needs and interests of the Town. The report will be used in negotiations with Comcast. It was determined that the coax in the video return lines from the studio need to be upgraded to fiber, and there are documented signal issues. Holbrook has a very active studio that needs funding and improvements. Atty. August recommended that the Board forward the report to Comcast.

MOTION: By Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen accept and send the findings of the Permanent Cable Television Advisory Committee to Comcast

VOTE: 5:0

Mr. Paul Anastasio, the proposed manager for a new All Alcohol Restaurant License in the name of THE PATRIOT GROUP DBA LIBERTY PUBLIC HOUSE, 777 Plymouth Street, was present. The legal notice, published in the Holbrook Sun on October 28, 2016, was read.

MOTION: By Mr. Moriarty, second by Mr. Sheehan, to open the hearing for an All Alcohol Restaurant License for The Patriot Group dba Liberty Public House, 777 Plymouth Street

VOTE: 5:0

Mr. Anastasio said that he spoke with the ABCC about his plans. He will be leasing a big part of the building at 777 Plymouth Street for a profit corporation, and the small part of the building will be used by the American Legion. It was discussed that there are still several parts of the application that need to be completed prior to the issuance of a license. Mr. Moore explained that this is a new business-friendly way of doing business, to allow someone to apply for an alcohol license while they go through the requirements of the other Town departments. The Planning Board will be notified that the motion includes a stipulation that the site plan review process be completed.

MOTION: At 7:25 pm, by Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen approve the application of The Patriot Group, Inc. dba Liberty Public House (Paul Anastasio, Manager), for a Common Victualler License to Expose, Keep for Sale, and to Sell Alcoholic Beverages to be Drunk on the Premises located at 777 Plymouth Street, and grant the requested hours of sale, which include Monday through Friday from 11:00 am to 1:00 am, Saturday from 8:30 am to 1:00 am, and Sunday from 10:00 am to 1:00 am, contingent on the following:

- Successful completion of the Site Plan Review process, as indicated by the Holbrook Building Commissioner/Zoning Enforcement Officer
- Approval of the Alcoholic Beverages Control Commission
- Payment of the \$1,500.00 license fee

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of November 9, 2016*

- A certificate of insurance for both the Mandatory Liquor Liability Insurance and Workers' Compensation Insurance
- A Fire Safety Inspection Certificate signed by the Building Commissioner and Fire Chief
- The granting of a Common Victualler's License by this Board

VOTE: 5:0

Mr. Joseph Bruttaniti, Jr., the only residential abutter, asked that the restaurant close earlier, citing a concern about a noise issue. Mr. Moore asked that Mr. Bruttaniti contact the Board of Selectmen if there are any issues with noise, and the Board will address it.

MOTION: At 7:37 pm, by Mr. Moore, second by Mr. Moriarty, to close the hearing

VOTE: 5:0

Philip Silverman, Esq., representing MASSMEDICUM CORP., was present requesting a letter of support from the Board of Selectmen for a medical marijuana dispensary at 1 Mear Road. The Town's Attorney, Karis North, of Murphy Hesse Toomey & Lehane, and members of Holbrook Cares were present. It was explained that MassMedicum already has a letter of support and host agreement with the Town for siting a medical marijuana growth facility at that location.

Atty. North explained that the November 8th state election ballot question, legalizing recreational marijuana, will need to be interpreted by the Attorney General, a control commission will need to be established, it is unknown who will be on that commission, and new regulations will need to be written, and should be established by December 2017. The Town can, through a by-law, limit the number of facilities by prohibiting certain types, limiting the number allowed to fewer than 20% of the number of package store licenses in Town, or limiting any type to fewer than the number of medical marijuana facilities. She cautioned that much has been left up to interpretation at this point, and she was speaking about her personal interpretation. Recreational marijuana can be sold if no regulations are in place by January 2018. Atty. North advised that courts go to great lengths to not interfere with agreements that are lawful, but that an agreement with a medical marijuana facility that they will not sell recreational marijuana, could be unenforceable. Holbrook Cares voiced its opposition to allowing a dispensary at this time. Mr. Bill Farrell voiced his concern that if the medical is allowed, the recreational will follow, and said that his concerns are for the youth of Holbrook. Chairman Moore indicated that the Town will be proactive, and work to put the proper zoning in place. The terms of agreement with MassMedicum were reviewed.

MOTION: By Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen vote to issue a letter of support or non-opposition to MassMedicum Corp. to operate a Registered Marijuana Dispensary (RMD) for Medical Marijuana at 1 Mear Road, Holbrook, and that the Chairman of the Board be authorized to sign said letter

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

Treasurer/Collector Paul Digirolamo recommended that the Board approve the transfer of Agnieszka Sadowski from the Inspectional Services Department to fill a vacancy for a full-time Principal Clerk in his office.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of November 9, 2016*

MOTION: By Mr. Sheehan, second by Mr. McGaughey, that the Board of Selectmen vote to accept the recommendation of Treasurer/Collector Paul Digirolamo that Ms. Agnieszka Sadowski transfer from the Inspectional Services Department, in order to fill the full-time vacant position of Principal Clerk in the Treasurer/Collector's office, with the transitioning to the new position to begin on Thursday, November 10, 2016

VOTE: 5:0

The Board considered the renewal of the Annual AUCTIONEER'S PERMIT at 476 South Franklin Street:

MOTION: By Mr. Moriarty, second by Mr. Lee, that the Board of Selectmen vote to renew the Annual Auctioneer's Permit in the name of Patricia A. Trudel dba Trudel Auction Gallery at 476 South Franklin Street, with a term to expire on November 30, 2017

VOTE: 5:0

The Board considered setting the date for the Annual FESTIVAL OF LIGHTS.

MOTION: Made and seconded that the 2016 Annual Festival of Lights be held on Saturday, December 3rd, beginning at 5:00 pm

VOTE: 5:0

Mr. McGaughey mentioned that he would like the local elections to be held on Saturdays.

CUSTODIAL SERVICES for the Town Hall, Public Safety Building, Council on Aging and Public Library were discussed. Mr. Gordon suggested that an RFP be issued to find out the cost of hiring a company to handle custodial services, so that it could be considered in time for the FY18 budget process. Mr. Lee pointed out that someone was already hired by Public Works to perform those duties. An RFP will be issued in order to gather further information.

UPDATES:

Communications Director Hooke reported that the next generation 9-1-1 system will be installed in the next 90 days, and will include receiving texts, video, photos, etc.

Police Chief Smith reported that the crime statistics are down this year, compared to last year.

Jean E. Zeiler, Esq., from Murphy, Hesse, Toomey & Lehane, explained that some members of the Board of Selectmen have CONFLICTS OF INTEREST related to the employee health insurance. She wrote an opinion on behalf of the Board, forwarded it to the State Ethics Commission, and received a favorable opinion from them. She explained that, due to the rule of necessity, they are allowed to participate, but they must each publicly disclose why they have the conflict. Mr. Moore explained that his brother-in-law is a Town employee, and is on the Town's health insurance. Mr. Moriarty explained that he is on the Town's health insurance, through his wife's Town employment. Mr. Lee explained that he is a Town employee with Town health insurance. Each member indicated that they can and will still act in the best interest of the Town on this issue.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of November 9, 2016*

MOTION: At 9:41 pm, to adjourn to executive session to discuss strategy as it relates to ongoing litigation (Norfolk County Agricultural School), discuss strategy and conduct collective bargaining with union personnel (Public Employee Committee), and RETURN to open session

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

RETURN TO OPEN SESSION:

Mr. Moore explained that the Board is still negotiating with the Agricultural School, and there will not be a vote on an agreement this evening.

MOTION: At 10:33 pm, to adjourn the meeting

VOTE: 5:0

Daniel F. Moriarty, III, Clerk

Documents:

Minutes

Recommendation for Ms. Sadowski

Comcast Cable Ascertainment Findings

Liberty Publick House application

Auctioneer's Permit renewal application