

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, December 27, 2011

Present: Timothy J. Gordon, Chairman
Matthew V. Moore, Vice-Chairman
Richard B. McGaughey, Associate
Kevin J. Sheehan, Associate

Absent: Brinsley A. Fuller, Clerk

In attendance: William J. Phelan, Town Administrator

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:

Action on the minutes of November 21, 2011 was postponed.

MOTION: By Mr. Moore, second by Mr. Sheehan, to accept the minutes of the regular session of November 29, 2011, as printed

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Phelan announced that:

- o There has been an appeal of the Board's decision filed in District Court, relative to the dog hearing on December 13, 2011.
- o The curbside pickup of Christmas trees is scheduled for the week of January 9 – 13, 2012.
- o A resident has requested that the Town take 10 feet of his property that has been added to a FEMA flood zone. The resident has a hardship due to the cost of flood insurance. It was noted that the resident's property may be nonconforming if this property were given to the Town, and it would set a precedent for others in this situation. Mr. Phelan will try to assist the owner in calling FEMA to seek relief.

98 ABINGTON AVE:

Town Treasurer/Collector Paul Digirolamo advised that a third attempt has been made to auction the town-owned property at 98 Abington Ave., and the property did not sell. There was only one bidder, and they were offering \$65,000, which is below the established minimum. Discussion took place relative to other options for the property, including the town rehabbing the house, and it being sold to a first-time homebuyer through a lottery, or having the students at Blue Hills remodel the home as a school project. A similar home in the neighborhood recently sold for \$205,000. Mr. Phelan explained that the first-time homebuyer program would require approval from the Dept. of Housing and Community Development (DHCD) and would require the use of Community Development funds for the improvements to the home. The Town of Braintree has had similar auctions, and Mr. Phelan will contact them for further information.

Mr. Digirolamo reported that nothing has been received from the court yet relative to 7 ARNOLD ST.

TRI TOWN WATER BILLS:

Mr. Digirolamo reported that the funding for the outstanding Tri Town Water bills will require the approval of the Selectmen on January 10, 2012. If approved, the money will be available on January 17th. Counsel is preparing the necessary paperwork.

WATER SOURCE ALTERNATIVES:

Mr. Phelan explained that the Mayor of Brockton would like to meet to discuss the water supply situation with no commitments, and he has reached out to the Mass. Water Resource Authority (MWRA). If Holbrook joins the MWRA with Randolph, Holbrook may have to pay 50% of the buy-in fee, which would not be cost effective. If Holbrook joins alone, the buy-in fee will be considerably less. Mr. Phelan cautioned that Holbrook has to look at both the capital costs and the long term costs of the alternatives. A Joint Water Board meeting is scheduled for 5 PM on the 29th of December. Melanson Heath (auditors) will be conducting a special audit on the capital projects and the enterprise funds. Holbrook may need Randolph's approval in order to leave the Joint Water Board. Mr. Phelan will meet with the City of Brockton and the Town of Randolph regarding water.

WATER/SEWER BILLING:

Discussion took place regarding the estimated billing of water and sewer bills. Bills are sent twice a year, when the meters are read, but each billing includes one bill computed from an actual meter reading, and another bill for a quarter that is estimated based on historical information from the same timeframe of the previous year. Therefore, two bills are sent in one envelope, with one bill due in 30 days, and one bill due at a later date. Following the last meter readings, the Dept. of Public Works (DPW) had to re-do 600 readings that were not accurate. Mr. Gordon questioned the accountability of the contractor that performs the meter reading and whether the readings could be done by the DPW. Treasurer/Collector Paul Digirolamo introduced a gentleman from the water billing software company who explained the billing process using estimates. Discussion took place regarding the effect on the town's cash flow if the billing is changed to two bills a year, rather than four.

PUBLIC WORKS PROJECTS:

Mr. Phelan said there is a federal earmark for the work to be done on UNION STREET (Route 139), which is on the Traffic Improvement Plan (TIP). The town will be seeking proposals for the engineering design work.

The Pavement Management Committee met with the BETA Group about REVIEWING THE ROADS in Holbrook, using Chapter 90 funds. They would establish a maintenance plan and advise the town relative to getting other roadways on the state list for funding.

Mr. Phelan and Selectman Sheehan will be attending a TIP workshop on January 18, 2012.

The Town Administrator said he has the specifications on the STREET SWEEPER and the DUMP TRUCK for Public Works, but they have not been ordered yet. Mr. Phelan spoke to the state about sharing a street sweeper with another town and securing money from the state under the regionalization grant available.

The town has secured \$100,000 in funding for the TRAFFIC SIGNALIZATION at the Public Safety Building, but it is unclear where the rest of the funding is coming from. The contractor has resurfaced the end of a driveway across from the Public Safety Building to correct the angle. The Public Works Department has a concern about the covers to some shut off valves, and there are timing issues with the lights. Some money is still being held at this time. Fire Chief Edward J. O'Brien said the drop off from the ramp in front of the Station requires that vehicles exiting the parking lots go slowly, including the visitor and sally port exits.

Mr. Gordon reported that there is GRAFFITI on the entering Holbrook sign at the Braintree line, and the security light is apparently not working at CASTLE CANYON. It was also reported that there is graffiti inside the tunnels at Castle Canyon.

A full-time position for a CRAFTSPERSON/LABORER is currently advertised for the Public Works Department. Mr. Gordon asked that Mr. Cummings, the Superintendent of Public Works, or Mr. Ecord, the Public Works Supervisor be consulted relative to the staffing needs of the Public Works Department.

FIRE DEPARTMENT BUDGET:

Fire Chief Edward J. O'Brien explained that circumstances, including a new member of the department that just graduated from the academy on Friday and a member that has been out on injury, have been straining the FY12 budget. At this point, if projections stay the same, the department will be in deficit in the labor account by approximately \$30,000. Although Chief O'Brien will continue to monitor the budget, if circumstances continue, the department will need more funding or an adjustment will have to be made in the operation of the department. Mr. Phelan noted that if an agreement is reached with the union that includes a 12% increase, the department would be in further deficit. It would require an additional \$70,000 for six months of this fiscal year. The Chief advised that impact bargaining would have to be done.

TRIDENT INSURANCE DEDUCTIBLES:

Mr. Phelan asked who is responsible for paying the insurance deductibles for four cases of wrongfully terminated employees from the School Department. The cases were settled without the knowledge of the Board of Selectmen, and the deductibles are \$7,500 for each case, totaling \$30,000. The Superintendent signed off on the settlements. Mr. Phelan questioned whether it should have been the Selectmen who decided whether to settle, and whether the insurance should payout if the town does not approve of the settlement. Mr. Phelan will seek a legal opinion regarding responsibility. He also notified the insurance company that the Board of Selectmen should be informed about any settlements in the future.

STATE EARMARK:

Mr. Phelan said he would like direction relative to a \$100,000 state earmark. The Dept. of Housing and Community Development (DHCD) needs to know what the money would be spent on. It is designated for improvements, but is very vague. Mr. Gordon said he would like to see a new fence around the playground (Castle Canyon) and he would like the mulch replaced. Mr. Phelan asked for the Board's comments on renovating the upstairs of the vacant fire station adjacent to the town hall to be used as a meeting room for the Selectmen and other committees. It has been determined that there is no asbestos, and there is an elevator, but it is not known whether there is lead paint. It would have to be painted, and a new floor and lighting would have to be installed. There is money in the Capital Improvement Plan for air conditioning at the town hall. Mr. Moore said that a 5-year plan is needed for improvements.

APPOINTMENTS:

MOTION: By Mr. McGaughey, second by Mr. Moore, to appoint Mr. Timothy Stinson to fill the vacancy on the CONSERVATION COMMISSION created by the resignation of Mr. Timothy McCabe, with a term to expire June 30, 2014

VOTE: 4:0

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of December 27, 2011*

MOTION: By Mr. Gordon, second by Mr. McGaughey, to appoint Selectman Sheehan as the Town of Holbrook's Representative to the METROPOLITAN AREA PLANNING COUNCIL (MAPC) with a term to expire on December 27, 2014

VOTE: 4:0

ANNUAL LICENSE RENEWALS:

MOTION: By Mr. Gordon, second by Mr. Moore, that the Board of Selectmen approve the renewal of the following licenses effective January 1, 2012 through January 1, 2013 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

Used Car Dealer's License – Class II:

1. Chester West, P&C Realty Trust, Pine Hill Service Station, Inc.
2. MIKMAR, Inc. dba Regal Motors, Mike Liuzzi
3. Friends Automotive, Inc., William J. Tennant, President & Michael A. Fitzgerald, Treasurer
4. O'Brien Car Care, Inc., William J. O'Brien, President
5. David J. Salvaggio, Pro-Built Transmissions, Inc. dba Weymouth Street Auto Sales
6. Richard E. Federico, President, Revitalize Auto Reconditioning, Inc.
7. Basic Auto Rental, Inc. dba Basic Auto Sales, Robert Cunha
8. N.D. Autos, Inc. dba Barga Motors (see discussion below)

Motor Vehicle Junk License – Class III:

1. Stephen Hill dba Holbrook Auto Body

DISCUSSION: Mr. McGaughey said that N.D. Autos, Inc. dba Barga Motors has had more than the number of cars allowed on the lot under their license (5), and the lot is congested.

AMENDMENT: By Mr. McGaughey, second by Mr. Sheehan, to eliminate N.D. Autos until there is coordination with Mr. Moriarty, the Building Inspector, and the dealer is in compliance

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following Taxi/Livery Licenses effective January 1, 2012 through December 31, 2012 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

1. Susan L. Mann dba Mann's Livery Service
2. Jean B. Cordon dba Cordon Enterprises
3. John Messia dba Mr. John's Limousine Service
4. Kevin McGrath dba Colonial Livery Service of Holbrook

VOTE: 4:0

MOTION: By Mr. Sheehan, second by Mr. Moore, that the Board of Selectmen approve the renewal of the following Common Victualler Licenses effective January 1, 2012 through December 31, 2012 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

1. South Franklin Donuts, Inc. dba Dunkin Donuts
2. Evangelos Yiannousas, Highland Pizza & Calzone, Inc. dba Vinny's Pizzeria & Ice Cream
3. Dimitrios Tombros, H & J Tombros, Inc. dba Holbrook House of Pizza
4. Holbrook Donuts LLC dba Dunkin Donuts
5. Stanney's of Holbrook, Inc.
6. Crescent Ridge Dairy, Inc.
7. Burger King Corporation (Burger King #5488)
8. Spiros & Sophia Nikos dba Brookville House of Pizza
9. Marylou's News, Inc.
10. AJB Ventures dba Corner Grill and Pizzeria
11. Luis Martinez dba Jimmy's Pizza
12. Elizabeth Aiello dba Cottage Variety

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following All Alcohol Package Store Licenses, effective January 1, 2012 through December 31, 2012 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

1. Gregg Lake Associates, Inc. dba Highland Liquors
2. Holbrook Package, Inc. dba Holbrook Package Store
3. Summit Retail Corporation dba Holbrook Community Package
4. Mary Day Le dba Holbrook Liquors

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

MOTION: By Mr. Gordon, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following Wine & Malt Beverage Package Store Licenses, effective January 1, 2012 through December 31, 2012 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

1. The T. Sikder Corp. dba Tedeschi's #343
2. Shiv C. Lillaney dba Fast Lane Convenience
3. Clerks, Inc.
4. Sendhi Corp. dba Holbrook Food Mart
5. Elizabeth Aiello dba Cottage Variety

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

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of December 27, 2011*

MOTION: By Mr. Gordon, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following All Alcohol Club, Common Victualler, and Entertainment Licenses effective January 1, 2012 through December 31, 2012, provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

1. Building Association of William B. Dalton Post #137, American Legion, dba Dalton Club
2. Building Association of Father Francis X. Bransfield Council, Knights of Columbus #5046

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

MOTION: By Mr. Gordon, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following licenses effective January 1, 2012 through December 31, 2012 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date.

The All Alcohol Restaurant, Common Victualler, Entertainment, and Automatic Amusement Device Licenses in the name of:

1. Halfway Cafe, Inc. dba Halfway Cafe
2. Zheng's, Inc. dba Golden Pacific Restaurant

and the All Alcohol Restaurant, Common Victualler, and Automatic Amusement Device Licenses in the name of:

1. 73-77 Union Street, Inc. dba The Union Street Pub

and the All Alcohol Restaurant and Common Victualler Licenses in the name of:

1. JD Smith Corp. dba Smith's Restaurant

and the Wine & Malt Beverage Restaurant and Common Victualler Licenses in the name of:

1. Union Street Lanes, LLC
2. Maria's Pizzeria, LLC
3. ANG Pizza, Inc. dba LEGGOS

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

ADJOURN:

MOTION: At 9:10 pm, to adjourn the meeting

VOTE: 4:0

Brinsley A. Fuller, Clerk

Documents: Agenda, draft minutes, request re: Flood Zone, resignation/appointment info for Conservation Commission, letter from MAPC re: appointment of representative, license renewal motions