

Holbrook Board of Selectmen
Minutes of the Regular Session of
Wednesday, June 17, 2020

Present: Daniel R. Lee, Chairman
Joshua Reilly, Vice-Chairman
Lindsy Vayda, Clerk
Pamela E. Campanella, Associate

Absent: Richard B. McGaughey, Associate

In attendance: James M. O'Mara, Jr., Interim Town Administrator
Marjorie Godfrey, Assistant Town Administrator
David DeLuca, Esq., Murphy Hesse Toomey & Lehane
Various department heads and members of the public

This meeting was held on Zoom, and available to the public via a Zoom link and log in information posted on the agenda. The Zoom meeting was recorded to be rebroadcast on the Community Access Channels, and available on Holbrook Community Access and Media (HCAM) website. The meeting was called to order by the Chairman at 7:00 pm.

MINUTES:

MOTION: By Ms. Vayda, second by Ms. Campanella, that the Board of Selectmen approve the minutes of the regular session of Wednesday, May 13, 2020, as printed

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

Christopher Pelletteri, the Superintendent of Public Works, announced that the 2019 Consumer Confidence Report on the Water Quality is available on the Town's website and at various offices at the Town Hall. There has been no change in the quality of the water, but reference was made to the issues the Town has had with low pressure due to the treatment plant.

Interim Town Administrator O'Mara reported that the Town Hall reopening is being worked on. William Smith, Chief of Police, is awaiting the protective equipment that will be put in place prior to the opening. There is a Joint Water meeting scheduled in the morning to discuss contract negotiations with the plant operators.

Mr. O'Mara explained that there are some businesses that hold common victualler and alcohol licenses that are ready to extend their premises temporarily, in order to serve food and alcohol outdoors until November 1, 2020 or when the Governor rescinds the state of emergency, whichever comes first, and per the guidelines established by the Governor and the ABCC. The usual process for approval of such applications has been streamlined. There is no approval by the ABCC, no notification of abutters, and no hearing required. Governor Baker signed COVID-19 Order No. 35 on June 1, 2020. Inspectional Services Director Eric Erskine put together an application for the Board's review. In order to streamline the process at the local level, he asked the Board to consider designating the Chairman to sign the applications. Questions were answered about the process. The Board of Health will make sure the guidelines are followed. Mr. Erskine emphasized that this is for the service of food and alcohol

outdoors temporarily, but does not include entertainment. It is to get the restaurants open and get the workers back to work. Three restaurants have discussed opening with Mr. Erskine – The Brook, Liberty Publick House and The Connection. He has reviewed their business plans. Attorney DeLuca said the policy is solid, and he has reviewed the regulations and application, which are similar to other towns. He urged the Board to strongly consider it. The state intended for the process to be an expedited one. It was discussed that only businesses with kitchens where food is cooked qualify under these guidelines. After a discussion about the length of time it would take to bring these applications back before the Board for a vote before allowing the businesses to serve outside, the Board considered granting the authority to approve the applications to the Chairman.

MOTION: By Ms. Vayda, second by Mr. Reilly, that the Board of Selectmen accept the policy the Inspectional Services Director made up for temporary expansion or addition of outdoor dining that modifies the existing alcohol license for on-premises consumption

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

MOTION: By Ms. Vayda, second by Mr. Reilly, that the Board of Selectmen authorize the Chairman to execute the application for temporary outside seating for existing alcoholic beverage licensees that modifies the existing license

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Abstained
Mr. Reilly – Yes
Mr. Lee – Yes

Peter Mahoney, Chairman of the Finance Committee, presented the budget for FY2021 that will be considered at the annual town meeting on Wednesday, June 24, 2020, as Article 1 on the warrant. Mr. Mahoney read the Finance Committee's budget message, followed by the entire budget, broken down into salaries and expenses, exactly as it will be read at town meeting. The recommended budget will be posted on the Town's website.

Mr. Pellitteri discussed the Lake Holbrook Dam project, which is Article 2 on the annual town meeting warrant. The project will cost \$1.4 million, and the Town has received a \$1 million grant. He approached the engineers about adding a sidewalk or footbridge, because there was no sidewalk incorporated into the project. The total project will be \$1.8 million, and it will take 2 months to complete. There will be a brand new structure and an auxiliary spillway. The Finance Committee will meet sometime before town meeting to consider this article.

Annual Town Meeting Article 3: Michael Fleming, Chairman of the Capital Improvement Planning Committee explained that the Committee looked closely at the capital requests. He reviewed the items on the report prepared for town meeting including portable radios for the Police, equipment for the Public Works Department and improvements to the interior of the Public Safety Building, which will link the existing building to the new Communications building currently being built.

Article 4 on the ATM warrant is a petition article asking to change the Town from representative town meeting to open town meeting. Ms. Patricia Greely, a resident, will present that article at town meeting.

Wayne Darragh, President of Community Opportunities Group (COG), was before the Board relative to Amendment 1 to the Agreement Between the Town and COG for Administration Services for the FY2016 CDF-1 Program. This amendment increases the original contract and is financed with \$10,000 of Program Income and \$2,341.49 in uncommitted administration money in the grant. This amendment is necessary due to the previous addition of one large housing rehabilitation project on a mobile home.

MOTION: By Ms. Vayda, second by Mr. Reilly, that the Board of Selectmen authorize the Chairman to execute Amendment #1 to the Agreement Between the Town of Holbrook and Community Opportunities Group, Inc, which increases the original agreement by \$12,341.49 for Administration Services for the Town's FY2016 CDF-1 Program

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

Mr. Darragh reported that the latest CDBG grant application, together with several regional communities, with Rockland as the lead, was filed last Friday. Thirty-nine applications were received, seeking \$24 million, with only \$9.5 million available.

Mr. O'Mara introduced Town Moderator James Curran, who was present to speak with the Board in advance of town meeting about the possibility of reducing the quorum needed for town meeting, so that town meeting can meet and conduct the necessary business for FY21, including voting for a budget effective July 1st. Mr. Curran said he supports reducing the quorum to 35 – 40 % but would not support reducing it so low that we do not get a cross section of voters. Town Clerk Jeanmarie Tarara was also present and agreed with the Moderator, as did Board members. The requirements for holding the meeting during COVID-19 were discussed, including having a single entrance, single exit, 6 foot distancing, and a designated outdoor area, separating the town meeting members and other residents. The Selectmen will hold a meeting at 6:30 pm, prior to town meeting, in the parking lot at Holbrook Middle High School, and will take the quorum reduction vote at that time.

Fire Chief Luke McFadden explained that it is time to renew the one year agreement with New England Medical Billing in order to extend the agreement for one more year. The Chief requested quotes less than 3 years ago, and this will be the third year of this agreement.

MOTION: By Ms. Vayda, second by Ms. Campanella, that the Board of Selectmen renew/extend the Ambulance Billing Service Agreement between the Town of Holbrook Emergency Ambulance Service and New England Medical Billing for the 2021 Fiscal Year (July 1, 2020 through June 30, 2021) with no other changes to the agreed terms and conditions, and authorize the Chairman to execute Appendix B of the Agreement

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

Chief McFadden said that New England Medical Billing provided comps and recommended continuing the structure of the ambulance billing rates the same as last year, and not changing the formula.

MOTION: By Ms. Vayda, second by Mr. Reilly, that the Board of Selectmen set the Holbrook Fire Department Ambulance Billing Rates for Fiscal Year 2021 based on the updated Medicare allowable rate plus 300%, as presented and recommended by Fire Chief McFadden and New England Medical Billing

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

Supt. Pellitteri explained that the Union Street Renovation Project has been on the State's Transportation Improvement Program (TIP) for many years. The construction is now due to begin next year. This evening, we will discuss the temporary and/or permanent easements being taken for the project. Letters went out a month ago to the landowners. The drawings have been approved by MassDOT. The project will be funded by federal funds, and will begin at the culvert near Centre Street and go up Union Street to Linfield Street. There will be new sidewalks on both sides and improvement to drainage. It will be advertised in the fall with construction to begin in the spring of 2021. There will be a hearing on the project on July 8th. Town Counsel, David DeLuca, said that 60 – 80 residents are affected by the easements. Appraisals have been completed and include 8 – 10 permanent easements, with the rest being temporary for construction. On July 8th, the Board of Selectmen will vote to sign the Order of Taking, which will be recorded at the Registry of Deeds. The landowners will need to go to Superior Court if they want to dispute anything. Two thorough appraisals have been done on each property, and the landowners will be left with improved conditions. Permanent easements are usually overhead wires.

Board of Health Chairman Catherine Goldrick explained that she is looking for approval to use the CARES Act funding for a COVID-19 Compliance Officer to clean the playground. She asked that the position be backdated to June 5th.

Discussion turned to the issues at Old Castle on Spring Street, and getting an injunction. Atty. DeLuca was asked if it could be filed and heard quickly. There are a couple of matters that have been pending in Quincy Court, but the courts have been closed due to COVID-19. Atty. DeLuca advised that it could be taken to Superior Court, but there would have to be new or substantial, different or compelling information to file. The improvements Old Castle is supposed to make for the Board of Health and Planning Board may fix the issues. Mr. Lee explained that Sunday morning there were complaints, and the Inspectional Services Director told Old Castle that they have a cease and desist. They told Mr. Erskine to do what he wants. They blatantly disrespect the rules and laws. Atty. DeLuca said they are not allowed to operate on Sunday, which is the same case as the one pending in Quincy. Joe Nikirk at Old Castle has told Mr. Erskine that they are essential and have demand. The new wall is on site, but waiting for installation.

Atty. DeLuca said he will need the Police reports, the actual report with the dates and times operation was witnessed, an affidavit from Zoning Enforcement for unauthorized operation, and objective information from authorities. Chief Smith said the officers are not being let in and cannot see anything. Mr. DeLuca said there needs to be a report stating that you were called because of a disturbance and what the observations were. Mr. Erskine asked if the Town can go after the manager instead of the corporation. He is the one pushing the button, telling people to work, and totally locking the gates.

Ms. Goldrick said that the funding for the COVID-19 position will first come from FEMA (75%), and then the balance will come from the CARES Act. A daily log will be maintained.

MOTION: By Ms. Campanella, second by Ms. Vayda, that the Board of Selectmen accept the recommendation of the Board of Health to hire Richard Reuss to fill the temporary part-time position of Board of Health COVID-19 Compliance Officer through December 31, 2020 at \$300 per week, retro from June 5, 2020

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

Mr. O'Mara spoke briefly about the request for promotions to Senior Administrative Assistant Grade IV that were filed by department heads on behalf of Clerical Union Administrative Assistants who have completed 15 years of service with at least three years at Grade III. This is a new provision in the most recent collective bargaining agreement. With no documentation available showing what training each employee had completed, the Board postponed this agenda item to allow for gathering the documentation.

The vacation carry-over for the employees under Salary Administration and/or whose personal agreement has a clause in it requiring a vote of the Board was considered.

MOTION: By Ms. Vayda, second by Ms. Campanella, that the Board of Selectmen grant the following requests for vacation carryover from FY20 into FY21:
William J. Smith – 7 days
William Marble, Jr. – 7 days
Luke McFadden – 10 days
Stephan Hooke – 7 days vacation to be used in FY21 and the remaining 10 days to be added to his sick time (per his contract)
Lauren Mielke – 5 days
Bobbie Lee Curry – 10 days (80 hours)
Marjorie Godfrey – 5 days (35 hours – in addition to 10 days allowed per contract)

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

It was explained that the Fourth of July falls on Saturday. The holiday would usually be celebrated on the Friday, but the Town Hall is closed on Friday anyway. In these unique circumstances, Mr. O'Mara asked for direction on how the Board would like to proceed to allow the employees to celebrate the holiday. This item will be on the next agenda.

MOTION: At 9:36 pm, by Ms. Vayda, second by Mr. Reilly, to adjourn the meeting

ROLL CALL VOTE: Ms. Vayda – Yes
Ms. Campanella – Yes
Mr. Reilly – Yes
Mr. Lee – Yes

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of June 17, 2020*

Lindsay Vayda, Clerk

Documents:

Minutes

Consumer Confidence Report

Finance Committee report & budget

FY21 Capital Improvement Report

COG Amendment 1

New England Medical Billing agreement

Recommended ambulance rates

App for outside seating with alcohol

Vacation carryover requests