

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, April 20, 2010

Present: Robert A. Powilatis, Chairman
Matthew V. Moore, Vice-Chairman
Paul S. Currie, Clerk
Richard B. McGaughey, Associate

Absent: Brinsley A. Fuller, Associate

In Attendance: Michael D. Yunits, Town Administrator

The meeting was called to order at 7:00 pm by Chairman Powilatis, in the Selectmen's Meeting Room, 50 North Franklin Street, Holbrook, MA 02343, and began with a request that all cell phones be turned off and the Pledge of Allegiance.

The Chairman announced that the annual reorganization of the Board would be postponed due to the absence of one member this evening, and the approval of the Town Meeting Warrants would be postponed until the meeting on April 26, 2010.

MINUTES:

MOTION: By Mr. Currie, second by Mr. McGaughey, to accept the regular session minutes of February 2, 2010, as printed.

VOTE: 4:0

Mr. Yunits explained that attorneys for PENNICHUCK WATER SERVICE CORP. are working with the Superintendent of Public Works, Mr. Thomas Cummings, to finalize a draft contract for the Town's review.

MOTION: By Mr. Moore, second by Mr. Currie, to accept the regular session minutes of February 9, 2010, as printed.

VOTE: 4:0

MOTION: By Mr. Currie, second by Mr. Moore, to accept the executive session minutes of February 9, 2010, as printed.

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits said that he received a report of damage to a vehicle traveling on QUINCY STREET, and a report from a resident of Quincy Street that tar is being thrown onto his property from the street. A woman from TEED ROAD has complained about drainage from a neighbor's property coming onto her property. There was a report from 2 KLEEN WAY regarding vandalism, and a complaint about the condition of the road way. Mr. Yunits said that it has been confirmed that Kleen Way is a private way. A resident of BROOKVILLE was in about a business being operated in a residential zone, next to his house. Since that is a zoning issue, the Building Inspector was notified.

It was announced that a HOUSEHOLD WASTE COLLECTION day will be held on Saturday, May 15, 2010, at the Junior/Senior High School. White goods, appliances, televisions, electronic equipment, etc. will be collected for a \$10/\$20 fee.

A 5K ROAD RACE, sponsored by the Recreation Commission, will be held on Saturday, May 15, 2010. Town Departments have been notified of the aggressive schedule to be followed for the completion of the Town's FY10 AUDIT so that the tax rate can be set on time.

The Holbrook Rotary would like to set the date for the annual STUDENT GOVERNMENT DAY. They have asked that the Board consider May 4, 5, 10, or 17. The department heads will be consulted.

The CHAMBERS ADVISORY GROUP, which is under contract to review the Town's telephone accounts and identify cost savings, has resulted in approximately \$20,000 in credits to date from Verizon. One line at the Public Safety Building was being incorrectly billed for years, and resulted in a \$16,000 credit for that line.

HEARING ON THE APPLICATION OF UNION STREET LANES, LLC (GERARD QUIRK, MANAGER) FOR A COMMON VICTUALLER'S LICENSE AND A LICENSE TO EXPOSE, KEEP FOR SALE AND TO SELL WINES & MALT BEVERAGES TO BE DRUNK ON THE PREMISES AT 229/231 UNION STREET:

Mr. McGaughey recused himself and left the room.

Present: Mr. Gerard Quirk

MOTION: By Mr. Moore, second by Mr. Currie, to open the hearing.

VOTE: 3:0

The hearing notice, published in the *Patriot Ledger* on Saturday, March 27, 2010, was read.

Mr. Yunits reported that the application was complete, including the notification of abutters. Two abutters did not pick up the certified mail or respond to the Post Office notifications.

Mr. Quirk presented a sketch of the bowling alley building, and explained that he believes the concerns of the Board at a previous hearing should now be addressed in the new plan. He said that this plan is designed so that Union Street Lanes can compete with bowling alleys in surrounding towns. Currently, they are open noon to 9 pm on weekends, and in the morning and evening during the week. They are closed in the afternoon during the week. They will not be serving any foods that require a grease trap. They will be serving par-cooked foods, including pizza and sandwiches. Beer and wine would be served evenings from 5:30 pm to 11:00 pm, and on the weekends starting at noon. Mr. Quirk reported that they are a league driven establishment, and sales to people under 25 only accounts for 3% of the sales. Mr. Quirk indicated that it is legal in Massachusetts to allow alcohol to be consumed in the alley area, and there is not one place inside that cannot be seen from the front desk. There is a service window, so customers can order from outside the restaurant, but inside the building. Children would be restricted from the restaurant area. Mr. Quirk reviewed the renovations to be completed. He explained that he wants to make the bowling alley work and hopes to open the driving range. The Conservation Commission just approved the plan in theory. Discussion took place regarding the Mullins' Old English Square Project and whether the development of the bowling alley and driving range would prevent the building of new retail space. Mr. Quirk said Old English was stalled due to the economy, and this project has no bearing on that development. Mr. Moore said that Mr. Quirk has made good faith modifications to his plan, and the Board should be business friendly. Mr. Quirk reiterated that this plan has no bearing on the development of the rest of the land by the Mullins Company.

The hours when alcohol will be served were clarified: 5:30 pm to 10:30 pm, weekdays, and noon to 9:00 pm on Saturday and Sunday.

MOTION: By Mr. Moore, No Second, that the Board of Selectmen grant a Common Victualler's License to serve prepared food, and a License to Expose, Keep for Sale and to Sell Wines and Malt Beverages to be Drunk on the Premises in the name of Union Street Lanes, LLC, as the notice stated, with a six month trial probationary period.

Discussion: Mr. Currie asked that the Board amend the motion to indicate that the entrance in the front would be an emergency fire exit only so that people cannot leave the bar area and go out to their cars. Mr. Quirk said he could make everyone enter and exit through the main entrance, and will check with the Fire Department regarding exits.

AMENDMENT: By Mr. Currie, No Second, that all food and beverages are within the 700 square foot shaded blue area, no alcohol would be brought to the lanes, and that there should be a wall from that area to the lanes.

Discussion: Mr. Quirk discussed the walls that will be built and indicated that not allowing food or beverages to come out of that room would be an issue. He explained that everything is open and well lit. Mr. Moore said that the desk area is raised and is a good vantage point. Further, they could lose their license if anything goes wrong. Mr. Yunits said he was not sure the Board could issue a probationary license. Mr. Powilatis said the Board would issue the license, but it will be subject to review periodically for violations or incidents at the lanes that are reported to the Police.

MOTION: By Mr. Moore, second by Mr. Currie, that the Board of Selectmen grant a Common Victualler's License to serve prepared food, and a License to Expose, Keep for Sale and to Sell Wines and Malt Beverages to be Drunk on the Premises in the name of Union Street Lanes, LLC, Gerard Quirk, Manager, as stated, with egress to and from the main entrance.

VOTE: 3:0

MOTION: By Mr. Currie, second by Mr. Moore, at 7:55 pm, to close the hearing.

VOTE: 3:0

Mr. McGaughey returned to his seat.

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits said he is meeting with the attorney and the owner tomorrow to discuss the CVS PROJECT at the Highland Plaza. No response has been received from the Commonwealth regarding the letter Mr. Yunits sent stating that there were no drainage issues in that area during the recent historic rain storms. Mr. Powilatis asked Mr. Yunits to contact the State about the DRAINAGE ISSUES and flooding on Route 37 near Stop and Shop and ask whether they are going to address the issue.

Mr. Powilatis asked Mr. Yunits to contact Rep. Joseph Driscoll about extending the surface work being done on ROUTE 37 IN BRAINTREE so that it goes all the way into Holbrook.

The Chairman indicated that the discussion on the SIGNALIZATION project at the Public Safety Building was continued at the last meeting. The Mass. Department of Transportation (DOT) has been contacted to find out what the intent of the \$100,000 in funding was, whether it was for design and construction, or design only, and whether the Town could get an extension beyond June 30, 2010. Mr.

Yunits has not received a reply, but Mr. Cummings has received a fax regarding an extension. The details of the fax are not known at this time. Senator Morrissey's office said they have contacted the DOT, and it should not be a problem extending the time. Mr. Cummings will be consulted for information regarding the extension.

Mr. Powilatis explained that when there is a change in the Treasurer/Collector's position, a transitional audit is required under Mass. General Law. The Chairman asked that the Board consider using the same person who performed the audit before, at the same rate of \$30.00 per hour, with an audit commencing April 6 to May 4, and completed not later than May 30, 2010.

MOTION: By Mr. Currie, second by Mr. McGaughey, that we consult with Ed Dunford to perform the audit of the Treasurer's office, to be completed not later than June 30, 2010.

VOTE: 4:0

Present: Edward J. O'Brien, Fire Chief

The Fire Chief notified the Board that Cub Scout Pack 56, with the assistance of Mr. Gene Santorelli, has donated \$567.00 to the Fire Department toward the purchase of a large American Flag to be used for special events throughout the Town. The Chief said this flag is about 20 x 60 feet, and attaches to the aerial ladder with a special device. The flag and hanging devices would cost just under \$1,000. The Cub Scouts have a goal of raising the entire amount. The Firefighters Union has expressed an interest in making a donation so that the flag would be available for this year's Memorial Day.

MOTION: By Mr. Currie, second by Mr. McGaughey, to accept the donation of \$567.00 to be used for the purchase of a flag by the Fire Department.

VOTE: 4:0

The Chairman explained that the Board has been negotiating the terms of an employment agreement with FIRE CHIEF Edward J. O'Brien. The terms of the CONTRACT have been agreed upon at this time.

MOTION: By Mr. Currie, second by Mr. McGaughey, to approve and execute a contract with Fire Chief Edward J. O'Brien.

VOTE: 4:0

The Board reviewed two applications to fill a vacancy on the COUNCIL ON AGING (COA). Ms. Jerane A. Swanton and Ms. Mary E. Pacuska have expressed interest. Mr. Yunits said the COA has not come forward with a recommendation, and no one was present at this meeting from the COA. The Board postponed the appointment.

Mr. Richard Reuss, the Emergency Management Director, was present and was commended by the Chairman for his efforts and diligence during the recent storms and flooding. Mr. Reuss explained that the REGIONAL EMERGENCY PLANNING COMMITTEE (REPC) will replace the Local Emergency Planning Committee (LEPC). Stoughton and Avon have joined the REPC, and it is anticipated that Randolph will also. The Medical Reserve Corps covers the same four towns. There is \$20,000 available for the purchase of equipment that would be used by the four towns in an emergency. The

state would issue \$500 to the REPC for assistance in receiving full certification. The four towns have a good working relationship, and will wait before adding any other towns.

MOTION: By Mr. Moore, second by Mr. McGaughey, that Holbrook join the Regional Emergency Planning Committee with Stoughton and Avon and any other towns that may join at a later date.

VOTE: 4:0

RESERVE FUND TRANSFER:

A Reserve Fund Transfer is needed to cover an unexpected bill from the Town Counsel – Professional/Technical Services budget. Discussion took place regarding how much to request.

MOTION: By Mr. Moore, second by Mr. Currie, to transfer the amount of \$7,500 from the Reserve Fund to Town Counsel Professional/Technical 01-151-5301-000 in order to pay an insurance deductible resulting from settlement of litigation.

VOTE: 4:0

STREET OPENING PERMIT:

MOTION: By Mr. Currie, second by Mr. Moore, to grant a permit to open a street or sidewalk to Bay State Gas Company, 995 Belmont Street, Brockton, at 28 Clover Road, to install a gas main and service, Dig Safe No. 20101511708, no police officer needed.

Discussion: Mr. Moore asked that the street opening permit application be updated.

VOTE: 4:0

Mr. Moore announced that Patricia McCarthy, a Library Trustee, has resigned. All parties interested in filling the vacancy were invited to make their interest known to the Library Trustees.

MOTION: At 8:25 pm, by Mr. Moore, second by Mr. Currie, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel, and strategy as it relates to litigation, and not return to open session.

ROLL CALL VOTE: Mr. Moore – Yes
Mr. Currie – Yes
Mr. McGaughey – Yes
Mr. Powilatis – Yes

Paul S. Currie, Clerk