

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, June 8, 2010

Present: Robert A. Powilatis, Chairman
Matthew V. Moore, Vice-Chairman (Arrived at approx. 7:15 p.m.)
Paul S. Currie, Clerk
Richard B. McGaughey, Associate
Brinsley A. Fuller, Associate

In attendance: Michael D. Yunits, Town Administrator
Thomas R. Cummings, Superintendent of Public Works

The meeting was called to order at 7:05 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.

MINUTES:

MOTION: By Mr. McGaughey, second by Mr. Currie, to accept the minutes of the Regular and Executive Sessions of March 9, 2010.

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits thanked MR. TIMOTHY GORDON for stepping in and performing the duties of Master of Ceremonies at the Memorial Day Parade.

One hundred thirty-two property owners in Holbrook have applied for assistance from the Federal Emergency Management Agency (FEMA) since the record FLOODING in March. FEMA has distributed \$201,957 to people in Holbrook. The filing deadline for claims has been extended to the end of June. Assistance is being sought for the Town for infrastructure damage on Bradford St., North Shore Road, Water Street, and the overtime paid to the public safety departments during that event.

VERIZON will be meeting with the Cable Advisory Committee to initiate negotiations later this week. The Cable Advisory Committee has asked for legal assistance for this process.

Holbrook Community Access and Media (H-CAM) would like to install CAMERAS in the Planning Board office and the Conservation Commission office in order to broadcast meetings on cable television.

A proposal has been received from COMMUNITY OPPORTUNITIES GROUP for consulting services for the Town's Community Development Housing Rehabilitation Grant.

The Finance Committee approved RESERVE FUND TRANSFERS for the Fire Department and Public Works Department. The Finance Committee will meet on June 21st and July 12th.

Mr. Yunits reported that he has heard from Frank Duggan, Jr. and Mark Svizzero that they are interested in appointments to the ENERGY COMMITTEE. Mr. Moore has also indicated he may be interested.

Robert Fowkes, District Representative for CONGRESSMAN STEPHEN LYNCH, will hold town hall office hours on Wednesday, June 9, 2010, from 9 am to 11 am in the Veterans' Agent's Office.

State REP. RONALD MARIANO has notified the office that he will not be holding office hours at the town hall during the months of June, July and August.

Chairman Powilatis explained that a letter had been received from Mr. Leonard Curreri, on behalf of the Boy Scouts, asking for permission to use Mary Wales Holbrook Park for a FLAG RETIREMENT CEREMONY on Flag Day, Monday, June 14, 2010.

MOTION: By Mr. McGaughey, second by Mr. Currie, to approve the use of Mary Wales Holbrook Park for a Flag Retirement Ceremony on May 14, 2010.

VOTE: 4:0

Mr. Timothy Gordon, Mr. Leonard Curreri, the Public Works Department, and the Fire Department were thanked for their contributions to the success of the MEMORIAL DAY PARADE.

The 2010 GRADUATES of Holbrook High School were congratulated.

The Chairman spoke about the FISCAL YEAR END process for the Town.

Mr. Powilatis explained that the auditors have reported that the Town has had money in banks where it was only partially secured because some balances were in excess of the insurance coverage, and he requested that the Town Treasurer provide the Selectmen with a monthly report of the balances in BANK ACCOUNTS and that he monitor the regulations on safeguarding the deposits.

JOINT MEETING WITH THE LIBRARY BOARD OF TRUSTEES:

Present: Library Trustees Marianne Morelli and Jeffrey Farash

Ms. Ellen Mann, candidate for appointment until the annual town election, April 2011.

A vacancy has been created on the Board of Trustees due to the resignation of Patricia McCarthy. Mr. Farash introduced Ms. Mann, and Ms. Mann explained her qualifications and desire to fill the position.

MOTION: By Mr. Currie, second by Mr. McGaughey, to appoint Ms. Mann as a Trustee of the Holbrook Public Library.

VOTE: 6:0 (4 Selectmen and 2 Library Trustees)

ONE DAY ALCOHOL LICENSE FOR ST. JOSEPH SCHOOL:

The School submitted a request for a One Day Alcohol License for a comedy night and spaghetti dinner on June 19, 2010, from 6:30 pm to 11:00 pm in the School gymnasium/cafeteria, 143 S. Franklin St.

MOTION: By Mr. McGaughey, second by Mr. Fuller, to grant the license.

VOTE: 4:0

UPDATE ON HIGHLAND PLAZA PROJECT:

Mr. Powilatis thanked State Rep. Ronald Mariano and State Sen. Michael Morrissey for their assistance with the issues that were affecting this project. Mr. Cummings reported that he met with Attorney William Merrigan and explained the process that would have to be followed if Chapter 90 funds are used, and the project will move forward privately. The Town will pave West Division Street with Chapter 90 funds after the project is complete.

PORTABLE ELECTRONIC DETOUR SIGNS:

Police Chief William D. Marble, Jr. explained the process for using portable signs from a company in Rockland on an emergency basis. This service is at no cost to the Town, but will be paid for by the automobile insurance company in the event of an auto accident involving a telephone pole.

MOTION: By Mr. Fuller, second by Mr. Currie, to authorize the Fire and Police Chiefs to work with Mr. Cummings to look into and implement these detour signs.

VOTE: 5:0

STREET LIGHTS FOR PUBLIC SAFETY BUILDING:

On June 3rd Mr. Cummings received notification of the 6-month extension (until December 31, 2010) from the Mass. Department of Transportation (DOT) on the \$100,000. funding for the Public Safety Building traffic signalization project. Camp Dresser and McKee has submitted a contract with a price that has been approved by Mass. Highway, and signed off by their General Counsel.

MOTION: By Mr. Currie, second by Mr. Fuller, that the public safety building traffic lighting goes out to an RFP (Request for Proposals) for design and construction.

VOTE: 5:0

Mr. Cummings explained that the safety signals at the former fire station on South Street were installed in 1967 and are owned by the State. The signals in Brookville Square are also state owned.

MOTION: By Mr. Currie, second by Mr. Fuller, that we have the signals in Brookville Square painted by the State, and that we have inmates paint the other Town-owned signals.

VOTE: 5:0

PEDESTRIAN CROSSING SIGNS:

The crosswalk in front of Holbrook Hardware and the Sumner Field was discussed. Mr. Cummings explained the requirements for placing a sign in the middle of the street, and indicated that the street is not wide enough at that location because on-street parking is allowed in front of the hardware store. Mr. Cummings said the sign on the sidewalk in front of the hardware store could be moved back so that it is not so close to the crosswalk, but that the one on the northerly side of the street is already located prior to the crosswalk. Chief Marble asked that the crosswalk be painted a brighter color to make it safer.

MOTION: That the Superintendent of Public Works work with the Police Chief on pedestrian crossings, street cleanups with state and county corrections departments as a matter of public safety.

VOTE: 5:0

PENNICHUCK WATER:

Pennichuck Water Service Corporation submitted a contract for water meter replacement, meter reading and billing services for the Board's review. Mr. Powilatis discussed the comparison of the Town hiring Pennichuck versus the Town supplying, installing and reading the meters itself, including the cost of borrowing the funding, and indicated that it would be much less expensive for the Town to perform these services itself. The Board discussed reviewing Pennichuck's contract with other communities, visiting Pennichuck's facility, forming a subcommittee of the Board, and gathering the Board's questions and inviting Pennichuck back to a meeting for further discussion. Mr. Cummings cautioned that if the Town provides its own services, it will involve separate proposals for the purchase of the meters, the installation of the meters, and the reading of the meters.

MOTION: By Mr. Currie, second by Mr. Fuller, to establish a committee, including Mr. Powilatis, Mr. Currie, Mr. Digirolamo, Mr. Cummings, and Mr. Yunits to coordinate and contact other communities regarding Pennichuck Water Service Corporation.

VOTE: 5:0

The Board tabled a discussion on the WATER RATES.

APPROPRIATION TRANSFER REQUESTS:

The Chairman indicated that the Town Accountant has reviewed the requests and has found them to be in compliance with Chapter 44, Section 33B of Mass. General Law:

- \$650.00 to be transferred from Treasurer 01-145-5113-000 Clerical Salaries to Treasurer 01-145-5111-000 to fund the Treasurer's salary until June 30, 2010, due to the transition period between treasurers.
- \$350.00 to be transferred from Assessors Professional/Technical to Assessors Salaries, in order to maintain office staffing for the remainder of the Fiscal Year.
- \$91.00 to be transferred from Elections 01-163-5383-000 to Town Clerk Clerical 01-161-5113-000, to meet contractual sick-leave buy back.
- \$580.00 to be transferred from Wire Inspector General Expense 01-245-5421-000 and Building Assistant Inspector 01-241-5302-000 to Building Administrative/Clerical 01-241-5114-000, in order to pay longevity and a stipend for insurance that were not included in the original budget and are contractual. It was an oversight.
- \$350.00 to be transferred from Town Accountant Administrative Clerical 01-135-5113-000 to Town Accountant General Expense 01-135-5421-000 for year-end needed office supplies, toner, etc. and year-end MMAA&A meetings.
- \$7,626.04 to be transferred from Unemployment 01-914-5173-019 to Professional/Technical 01-151-5301-000 in order to pay for unforeseen legal services.
- \$14,506.02 to be transferred from Police Salary Accounts to Police General Expense 01-210-5421-000 to be used for equipment and supplies, including tires, ammunition, and \$11,000 worth of uninsured medical expenses.

MOTION: To approve the seven Appropriation Transfer Requests as printed.

VOTE: 5:0

There was a discussion with Police Chief William D. Marble, Jr. and Superintendent Thomas Cummings regarding the payment of POLICE DETAILS. Mr. Cummings advised that if the payroll paperwork is in his office by 9:00 – 9:30 Monday morning, the officers are paid for the details that Friday. The details on Town projects are being paid out of Capital Projects as soon as possible, as long as the payroll is submitted in a timely manner. The Chief explained that the details for outside companies are paid from a revolving fund within two weeks, and asked that the money for the Town's details be funneled through the revolving account so that the payments would be made more quickly. Town Accountant Cynthia Brennan said she reviewed the payments in question and only found one that appeared to have been delayed somewhere in the process, and was therefore, paid later than usual. Chief Marble said this is an issue every year, and he is willing to work with Mr. Cummings on the issue.

STREET OPENING PERMITS:

MOTION: By Mr. Currie, second by Mr. Fuller, to grant a Permit to Open Street or Sidewalk to:
D-J Equipment, 119 Abington Ave., for water and sewer, Dig Safe No. 2010-231755, police officer as needed;
Bay State Gas, 25 South Street, cutting off gas stub at main, Digs Safe No. 20102104752, one police officer needed;
Bay State Gas, Pine Street at Weymouth Street, gas maintenance repair, Dig Safe No 20101901271, one police officer needed;
Bay State Gas, 14 Baker Road, gas maintenance repair, Dig Safe No. 20101901269, no police officer needed;
Bay State Gas, Abington Ave #119, install new gas service, Dig Safe No. 20102003717, one police officer needed;
Bay State Gas, 390 Plymouth Street, install new gas service and cut off stub, Dig Safe No. 20101401627, one police officer needed;
Bay State Gas, 854 S. Franklin St., road cut will be on South Street, cutting off gas stub at main, Dig Safe No. 20102104743, one police officer needed;
Bay State Gas, 44 Summit Road, cutting off gas service at main, Dig Safe No. 20102104757, no police officer needed;
Bay State Gas, 645 Plymouth Street, install new gas service, Dig Safe No. 20101711349, one police officer needed;
Bay State Gas, South Street #603, install new gas service, Dig Safe No. 20102007536, one police officer needed.

VOTE: 4:0 (Mr. McGaughey was out of the room)

POKER TOURNAMENTS & TEXAS HOLD'EM:

Present: Mr. Paul Anastasio, South Shore Poker Club

Police Chief William D. Marble, Jr. explained his concerns with regard to the South Shore Poker Club, including the hours of the tournaments and people in the building and money changing hands prior to 7:00 pm when the tournaments are scheduled to start. The Chief has found that the Attorney General's office is only advisory, and they will not put any opinions in writing. The Chief stressed that the charity or non-profit organization that will benefit from the tournament is supposed to run everything for the evening, and have 3 people in the building taking the money and setting the rules. However, Mr. Anastasio has been in charge and pays the details. The Chief said Mr. Anastasio has been very cooperative, and is just trying to help the non-profits, but there are issues. Chief Marble said the Alcoholic Beverages Control Commission (ABCC) will not give a straight answer on whether customers can bring their own alcohol (BYOB) into the Club, and it is left to interpretation. Mr. Anastasio indicated that the charities are paying the 5% tax on gross receipts to the Lottery, and the details have been paid for 50/50 by the Club and the charity.

Mr. Powilatis explained that the Town can vote not to allow BYOB, and asked questions about the lease on the land that is used for parking during tournaments. Mr. Moore asked that the Board work with Mr. Anastasio to keep the business operating and benefiting charities.

In response to questions from Mr. McGaughey, Mr. Anastasio replied that the charity involved gets all of the money made, minus the Club's expenses. Mr. Anastasio and his family members guide the charity during the evening, but the money is in a secure area and handled by the charity.

The Chairman indicated the Board will sit down with the Police Chief and come up with a strict set of rules. Further discussion took place regarding BYOB. Mr. Moore asked that the Board vote to allow the Chiefs and the Town Clerk to sit down and make a list of issues, and that the Board vote on a BYOB policy. Mr. Currie asked that the Board get more information about BYOB and the Town's liability risk.

MOTION: By Mr. Moore, second by Mr. Currie, that pending further investigation regarding the legality and the opportunity for exposure to liability for the Town, that in the meantime, we prohibit any alcohol in any form to be served under the BYOB clause at any location in Holbrook.

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

Mr. Powilatis said the Board will come up with a clarified set of rules with no grey areas, and Mr. Anastasio will be asked whether he agrees to abide by the rules.

MOTION: By Mr. Moore, second by Mr. McGaughey, that in consultation with the Chief of Police, the Fire Chief, and the Town Clerk, the Board of Selectmen will develop guidelines to be followed for all such establishments in the Town of Holbrook.

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

MOTION: At 9:04 pm, by Mr. McGaughey, second by Mr. Fuller, to adjourn the meeting

VOTE: 5:0

Paul S. Currie, Clerk