

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, July 20, 2010

Present: Robert A. Powilatis, Chairman
Matthew V. Moore, Vice-Chairman
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 7:00 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.

MINUTES:

MOTION: By Mr. Moore, second by Mr. McGaughey, to accept the regular session minutes of April 20, 2010, as printed.

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

Discussion regarding the April 20, 2010 executive session minutes: The last line was amended to include "Mr. Yunits and Mr. McGaughey" after the words "Mr. Currie".

MOTION: By Mr. McGaughey, second by Mr. Moore, to accept the executive session minutes of April 20, 2010, as amended.

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

MOTION: By Mr. Fuller, second by Mr. Moore, to accept the minutes of the regular session of April 26, 2010, as printed.

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the minutes of the regular session of April 29, 2010, as printed.

VOTE: 3:0:2 (Mr. McGaughey and Mr. Currie abstained)

MOTION: By Mr. Moore, second by Mr. Fuller, to accept the executive session minutes of April 29, 2010, as printed.

VOTE: 3:0:2 (Mr. McGaughey and Mr. Currie abstained)

TOWN ADMINISTRATOR'S REPORT:

Mr. Yunits announced that:

As of July 7, 2010, the Tri Town Water restrictions are under Phase Two.

The Finance Committee met and approved all the year end transfers.

There are three openings on the Finance Committee.

The School Regionalization and Permanent School Building Committees have upcoming meetings.

The residents at Canterbury Crossing continue to have a problem with PEACOCKS in the area. The Animal Control Officer has responded and contacted organizations that can assist with the problem. All businesses with restaurant or club ALCOHOL POURING LICENSES have been notified that the new regulation allowing alcohol to be served as early as 10:00 on Sunday does not apply in Holbrook until the Town accepts MGL Ch. 138 § 33B, and the establishment requests and receives approval from the Board of Selectmen.

Mr. Yunits provided the Board with a copy of a “dangerous dog” by-law adopted in Brockton and some information on fee changes for the Board’s consideration.

The Building Inspector has provided the Board with responses to a citizen’s concern that a business is being run at 120 Union Street, and that a resident has difficulty accessing Clerk’s at 247 Plymouth Street, due to the height of the curb at the store entrance.

The Chairman recognized and thanked Mr. John Moriarty of the Rotary Club for constructing, and the Rotary for donating the new planters in front of the Town Hall, Galway Bay Painters for painting the planters, and Yards of Pleasure for donating the plants.

Mr. McGaughey said he would like to see the Selectmen’s Secretary back at the Selectmen’s meetings to record the minutes. The Chairman will ask the Secretary.

Mr. Currie discussed the repaving of the streets in Sunset Gardens and the lack of sidewalks and curbs because the road was not ground down. Mr. Cummings indicated that video is taken before a project is completed, and there were no curbs. Mr. McGaughey and Mr. Currie disagreed. Mr. Cummings explained that these are water main replacement projects and sidewalks are not included in the funding. The Town would have to come up with the money.

Mr. Cummings advised that he is looking at different options with PENNICHUCK WATER SERVICE for the water meter replacement project and will be scheduling a meeting with himself, the Chairman and the Treasurer.

Mr. Cummings left a copy of a request for proposals (RFP) for the TRAFFIC SIGNALIZATION project at the Public Safety Building. The RFP will go out on July 26, 2010.

PUBLIC HEARING – JOINT PETITION OF VERIZON NEW ENGLAND, INC. AND MASSACHUSETTS ELECTRIC COMPANY FOR THE PROPOSED PLACEMENT OF TWO (2) POLES ON ABINGTON AVENUE:

Present: Penny Kane, Manager, Right of Way, Verizon New England

MOTION: At 7:30 pm, by Mr. Currie, second by Mr. Fuller, to open the hearing.

VOTE: 5:0

Ms. Kane explained that the poles are necessary for a new home being built.

MOTION: By Mr. Fuller, second by Mr. Currie, to move that the Board of Selectmen vote to adopt the Order for a Joint Pole Location for Verizon New England, Inc. and the Massachusetts Electric Company for Poles 23 and 24, Abington Avenue in accordance with the submitted Plan No. 06/10-10 dated June 17, 2010.

VOTE: 5:0

MOTION: By Mr. Currie, second by Mr. Fuller, to close the hearing.

VOTE: 5:0

POLICE DEPARTMENT LATERAL TRANSFER:

Chief William D. Marble, Jr. explained that there are two openings on the Police Department due to the retirement of two officers. The Chief discussed the qualifications of MR. DANIEL FORD, an officer currently working in Randolph, who worked in Holbrook previously for five years. Mr. Ford would like to re-join the Holbrook Department after working for Randolph for 11 years.

The Police Union requested that the Selectmen AMEND the POLICE CONTRACT by adding a new ARTICLE 34 – LATERAL TRANSFER/REHIRE provision regarding the computation of time served for the purposes of salary and vacation/personal days, and the issuance of equipment and a clothing allowance for lateral transfers and rehires.

MOTION: By Mr. Fuller, second by Mr. Currie, to amend the Police Union contract by adding Article 34 as presented.

VOTE: 5:0

MOTION: By Mr. Currie, second by Mr. Fuller, to approve the transfer of Mr. Daniel Ford.

VOTE: 5:0

Chief Marble will coordinate the transfer with the Randolph Police Department.

TOWN ACCOUNTANT – EMPLOYMENT AGREEMENT:

Town Accountant Cynthia Brennan's contract expired on June 30, 2010. A proposed subsequent 3-year agreement was reviewed. The Chairman indicated that the only changes from the prior agreement are a \$1,000/year stipend and a provision for the buyback of accumulated vacation time upon retirement or death.

MOTION: By Mr. McGaughey, second by Mr. Currie, to execute the employment agreement with Town Accountant Cynthia Brennan for a 3-year period ending June 30, 2013.

VOTE: 5:0

APPROPRIATION TRANSFERS:

The Chairman asked that the Board ratify two FY10 year-end appropriation transfers:

1. \$4,450.00 to be transferred from Fire Department 01-220-5116-000, to Fire Department 01-220-5421-000
2. \$6,254.13 to be transferred from Town Administrator 01-123-5112-000, to Town Counsel Professional/Technical Services 01-151-5301-000.

MOTION: By Mr. Fuller, second by Mr. Currie, to ratify the appropriation transfers as presented.

VOTE: 5:0

APPOINTMENTS:

MOTION: By Mr. Moore, second by Mr. Fuller, to appoint Mr. John Moriarty and Mr. Gerald Graham to the ENERGY COMMITTEE with terms to expire June 30, 2011.

VOTE: 5:0

MOTION: By Mr. Currie, second by Mr. Fuller, to appoint Mr. Christopher Golden as the ASSOCIATE MEMBER OF THE PLANNING BOARD with a term to expire June 30, 2011, as requested by the Planning Board.

VOTE: 5:0

MOTION: By Mr. Fuller, second by Mr. McGaughey, to appoint the following members of the PERMANENT SCHOOL BUILDING COMMITTEE:

Barbara Davis – School Committee Member	Term to expire June 30, 2013
James Day – Local Official responsible for building maintenance	2013
Michelle McGlone – School Principal	2012
Beth Tolson – Person knowledgeable in educational mission and function of facility	2013
Daniel Moriarty, Jr. – Representative of Office authorized to oversee construction of buildings	2013
Matthew Moore – Town Resident	2013

VOTE: 3:0:2 (Mr. Moore and Mr. Currie abstained)

MOTION: By Mr. Currie, to reappoint Diane Haley as the ASSISTANT TOWN ACCOUNTANT
Discussion: The Chairman indicated that as a result of a grievance filed in the case of the Assistant Assessor's position, this appointment should not be made at this time.

MOTION: By Mr. Moore, second by Mr. Currie, to respectfully request that the Board of Selectmen reorganize at this time.

Discussion: The Chairman stated that this item is not on the agenda, and would be inconsistent with the new open meeting law. Mr. McGaughey indicated that he is not in favor of reorganization if the Chairman agrees that actions like terminating the Town Administrator will not happen again. Mr. Moore mentioned the issues the Town is having with its future water supply with Randolph and Braintree. Mr. Cummings advised that the Town of Avon wells are in a precarious position, and discussed the issues on our pipes and the need for pump stations if we purchased water from Brockton. Mr. McGaughey advised that he and Mr. Currie met with Mayor Sullivan in Braintree to discuss the percentage Holbrook would have to pay for a new Tri Town water treatment plant, and the Mayor indicated that Holbrook's share of the construction costs would be 20%. Mr. McGaughey indicated that it is due to Mr. Powilatis that we have gone from 1/3 to 20%. Mr. Currie said that any correspondence with an attorney should go through the office so that all Board members have the information. Mr. Powilatis explained that the method of dealing with the water situation is a matter of strategy and there is a lot more involved to the 20%, such as defining cost categories and procurement practices.

VOTE: 2:3 (Mr. Powilatis, Mr. McGaughey, and Mr. Fuller against)

STREET OPENING PERMITS:

MOTION: By Mr. Currie, second by Mr. Fuller, to grant a Permit to Open Street or Sidewalk to: Bay State Gas, for 26 South Shore Road, to install a new gas service, Dig Safe No. 20102708449, one Police Officer needed;

Bay State Gas, for 330 South Street, to install a new gas service, Dig Safe No. 20102708452, one Police Officer needed;
J. Aiello Trucking, for 375 Plymouth Street, for a new water main tap, Dig Safe No. 20102908210, one Police Officer needed;
Bay State Gas, for Francis Street, to install a new gas service and cutoff old service, Dig Safe No. 20102511379, no Police Officer needed.

VOTE: 5:0

Mr. Cummings advised that the RFP on the TRAFFIC SIGNALS to be installed at the Public Safety Building should be extended out another week.

Mr. Cummings advised that the Federal reimbursement for the storm damage this spring on BRADFORD STREET has been approved. The repairs on WATER STREET will cost approximately \$18,000 and could wait until the funds are in place. Mr. Cummings suggested requesting a transfer from the Finance Committee. In response to a question about making Water Street a dead end, Mr. Cummings advised that it is a County way; therefore, it cannot be.

Police Sergeant Mark Shanly asked to speak to the Board about an issue with the PAYROLL PAY PERIOD. He was advised to meet with the Town Accountant to discuss the law.

ADJOURN:

MOTION: At 8:37 pm, by Mr. Fuller, second by Mr. Moore, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel, to conduct negotiations with union personnel, and not return to open session.

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

Paul S. Currie, Clerk

List of documents and other materials:

Agenda	Expired and draft renewal agreements with Town Accountant
Draft minutes	2 appropriation transfer requests
Tri Town Water Restriction notice	Appointment request from Gerald Graham
Lateral Transfer request from Police Chief	Appointment request from Planning Board
Information for Pole location hearing	Appointment info for Permanent School Building Comm.
Memo from Town Administrator regarding Lateral Transfer/Amendment to contract	
Request from Office Kearney for amendment to Police contract	4 street opening permits