

Holbrook Board of Selectmen

Minutes of the Regular Session of

Tuesday, July 12, 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, Interim Town Administrator
Thomas R. Cummings, Superintendent of Public Works
Marjorie E. Godfrey, Selectmen's Secretary

The meeting was called to order at 7:02 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:

MOTION: By Mr. Moore, second by Mr. Sheehan, to approve the minutes of the regular session of May 24, 2011, as printed

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to approve the minutes of the executive session of May 24, 2011, as printed

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to approve the minutes of the regular session of June 14, 2011, as printed

VOTE: 4:0

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to approve the minutes of the executive session of June 14, 2011, as printed

VOTE: 4:0

TOWN ADMINISTRATOR'S REPORT:

Mr. Phelan reported that:

- o Complaints are still being received about the peacocks in the vicinity of Canterbury Crossing on South Franklin Street. Although the Animal Control Officer has been trying to provide assistance to the residents, wild animals on private property are not the responsibility of the Town.
- o The town has been contacted by a citizen group about a potential development on the Abington/Holbrook line. The developer would like to dispose of excess property located in Holbrook, and the citizen group believes the land should be conservation land. Mr. Phelan will find out more information, including the value of the property. There could be tax consequences. The property is located close to the Holbrook Sportsmen's Club on Quincy

- Street, is landlocked, and there are wetland issues. The town could consider accepting it as a gift, if offered.
- Mr. Gordon and Mr. Phelan have begun exploring a school regionalization partnership or tuitioning out Holbrook's students with neighboring towns, including Abington, Braintree, and Avon. There may be money available for a regionalization plan with funding from the Mass. School Building Authority (MSBA), and Rep. Ronald Mariano is researching it. There should be some answers by the fall. The School Department has retained Mr. Mark Abrahams of the Abrahams Group.
 - Mr. Phelan has been in contact with Councilor Brewer in Randolph and Mayor Sullivan in Braintree regarding the future of the town's water. A Tri Town Water meeting will be scheduled. Mr. Phelan recommends that an engineering firm perform an analysis of the three possibilities the town has in terms of the cost. In meeting with Brockton, there are still many questions to be answered. Mr. Phelan will continue to work with Braintree and Randolph to get the percentages and shared cost of a Tri Town plant settled. Mr. Gordon explained that there would be overhead, plus the cost of the water, if the town buys water from Aquaria Water.
 - The annual Consumer Confidence Report on the public water supply is available at the Public Works Department office.

Mr. Cummings said that eight temporary employees were hired for the summer. They have been doing line painting in the streets and the brush painting of fences. The Chairman asked that someone be assigned to pick up the trash along the streets.

HEARING ON THE APPLICATION OF SOUTH SHORE POKER CLUB, INC. (PAUL A. ANASTASIO, MANAGER) FOR A GENERAL ON PREMISE LICENSE FOR WINE AND MALT BEVERAGES AT 27 MAPLE AVE., 4R:

Mr. McGaughey recused himself and left the room.

Present: Mr. Paul Anastasio and Mr. Mark Anastasio
William D. Marble, Jr., Chief of Police
Edward J. O'Brien, Fire Chief

7:20 pm: The Chairman read the hearing notice, which was published in the *Holbrook Sun* on Friday, June 24, 2011.

Mr. Paul Anastasio explained that there have been 30 days of one-day alcohol licenses issued by the Board this year with no incidents, but that type of license is limited to 30 calendar days per year. In order to market the Poker Club as a function hall, they will need to be issued a permanent license. When asked if this was a change of use, Mr. Anastasio said it is not, and that he indicated in the application that it is a function hall. He said that everything new in the space is handicap accessible. Mr. Phelan explained that the Architectural Access Board ruled that the Poker Club does not constitute a change in use from the dance studio that was previously located in the space. Mr. Phelan referred to Article II of the Articles of Organization for South Shore Poker Club, Inc. and read that it states that they are a poker club, which "will solely operate as a charitable organization for fund raising purposes". He noted that the application states that "The purpose of the club is to host local non-profits and charitable organizations for charity poker night to raise monies for their foundations." The applicants said that it has been labled as a function hall and rented for charity poker all along, but they will have to determine what they can host going forward.

The Chairman indicated that there have been issues with running the operation as a poker club, and Mr. Paul Anastasio said that it is difficult for many individuals to be hands on. Mr. Gordon explained that the law cannot be circumvented, and his understanding is now that Mr. Anastasio is looking for a beer and wine license for an undefined purpose. It was explained that the Police Chief is allowing the organization to hold the events for those charities that have already been approved and have permits, but no new permits will be signed. Mr. Moore advised that the Anastasios redefine their business model and apply when they are ready. Mr. Mark Anastasio insisted that it is defined as a function hall. Chief O'Brien said the building does have a sprinkler system, but there has been an issue with the landlord testing the system, and there are issues with the building through Code enforcement. Chief Marble said there have been police details there with no problems. Although Mr. Anastasio has been cooperative, the Chief said they have not seen "eye to eye" on the interpretation of the law, and he is not comfortable with signing any more permits for poker. Chairman Gordon explained that the applicant has to define the purpose of the business, whether it is a poker club, function hall, for profit or non-profit. Following discussion with the Anastasios, Mr. Mark Anastasio said that they will figure out their mission statement and present another application. He indicated that they were withdrawing their application at this time.

MOTION: By Mr. Moore, second by Mr. Sheehan, to allow the South Shore Poker Club, Inc., 27 Maple Ave., 4R, to withdraw their application for a beer and wine General on Premise License
VOTE: 3:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to close the public hearing on the South Shore Poker Club, Inc.
VOTE: 3:0

Mr. McGaughey returned to his seat.

Town Treasurer/Collector Paul Digirolamo was present to request that the Board appoint a TAX TITLE CUSTODIAN for the purpose of selling tax title properties. He explained that typically, the Treasurer serves in that capacity.

MOTION: By Mr. Moore, second by Mr. McGaughey, to appoint Mr. Paul Digirolamo as the Tax Title Custodian in order to sell tax title properties
VOTE: 4:0

In answer to a question about establishing the value of a property to be sold, Mr. Digirolamo indicated he would be using attorneys for that purpose. The Board asked that the Treasurer/Collector come up with a formal policy on the sale of tax title properties by the August 9th Selectmen's meeting. Mr. Phelan discussed the options of the town rehabbing certain properties using funding from Community Development for the purpose of selling them to first time homebuyers through a lottery. Or, the town could sell the properties through an auction, requiring that the outstanding taxes be paid. Community Development money could only be used for a first time homebuyer program. It cannot be used to sell a property otherwise.

The COPELAND FAMILY FOUNDATION has had a longstanding tradition of making an annual monetary donation for the town's Animal Shelter.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of July 12, 2011*

MOTION: By Mr. Moore, second by Mr. Sheehan, to accept the \$5,000 gift from the Copeland Family Foundation, Inc., to be used for the Town of Holbrook's Animal Shelter

VOTE: 4:0

APPROPRIATION TRANSFER REQUESTS:

MOTION: By Mr. Moore, second by Mr. Gordon, to grant the transfer request of \$9,854.57 from Unemployment 01-913-5171-019 to Professional/Technical 01-151-5301-000, to pay legal bills for May and June 2011

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Gordon, to grant the transfer of \$225.00 from Other Insurance 01-945-5174-019 to Selectmen 01-122-5113-000 to pay longevity omitted in error

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to grant the transfer of \$240.00 from Other Insurance 01-945-5174-019 to Animal Control 01-292-5112-000 to pay longevity omitted in error

VOTE: 4:0

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to grant the transfer of \$392.51 from Registrations 01-163-5783-000 to Town Clerk General Expense 01-161-5421-000

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to grant the transfer of a total of \$32,699 from EMT Expense 01-230-5421-000, to be split three ways to cover account deficits as a result of the allocation of funds that should have been salary:

\$3,255.00 to EMT Salaries 01-230-5113-000
\$15,084.82 to EMT Training 01-230-5113-001
\$14,773.81 to Fire Overtime 01-220-5121-000

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to grant the transfer of \$9,900.00 from Treasurer 01-913-7171-019 Unemployment, to Treasurer 01-911-5177-000 Medicare, to cover additional Medicare tax incurred over the original budgeted appropriation

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to grant the transfer of \$14,500.00 from Treasurer 01-913-5171-019 Unemployment, to Treasurer 01-145-5301-000, to cover legal fees incurred in Tax Title Foreclosure

VOTE: 4:0

The Board considered reappointing Mr. Phelan for an additional three months as the INTERIM TOWN ADMINISTRATOR and renewing his contract for the additional three months. Mr. Phelan explained that prior to his knowledge that his appointment might be extended, he was planning a two week vacation at the beginning of August. He indicated that he was told prior to being hired that he would

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of July 12, 2011*

have health insurance benefits. However, when he tried to apply for the health insurance, he was told there was a 60 day waiting period. Therefore, in lieu of the benefits he was promised, he asked that the Board consider granting him the two weeks of paid vacation. The Board discussed approving the appointment now and considering the contract at the next meeting.

MOTION: By Mr. Sheehan, second by Mr. McGaughey, to approve the extension of Mr. Phelan's appointment for the period including July 1, 2011 through September 30, 2011

VOTE: 4:0

ANNUAL APPOINTMENTS:

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30, unless otherwise indicated:

Animal Control Officer	Laurice Hedges	2012
Assistant Town Accountant	Diane Haley	----
Building Inspector	Daniel F. Moriarty, Jr.	2012
Assistant Building Inspector	Michael McGourty	2012
Chief Procurement Officer	Thomas R. Cummings	2012
Emergency Management Director	Richard Reuss	2012
Emergency Management Assistant Director	Joseph C. Morgan	2012
Emergency Management Deputy Director	Gene Santorelli	2012

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. McGaughey, to make the following appointments through June 30, unless otherwise indicated:

Ethics Commission Liaison	Jeanmarie Tarara	----
Field Driver/Pound Keeper	Laurice Hedges	2012
Gas Inspector	John Callahan	2012
Handicapped Rules & Regulations Coordinator	Thomas R. Cummings	2012

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30, unless otherwise indicated:

Interim Town Administrator	William J. Phelan	September 30, 2011
Norfolk County Advisory Board Rep.	Paul Currie	2012
Parking Clerk and Hearings Officer	Jeanmarie Tarara	2012
Plumbing Inspector	John F. Callahan	2012
Assistant Plumbing/Gas Inspector	Mark J. Grzybinski	2012
Public Works Supervisor	Benjamin Ecord	2012
Right to Know Law, Municipal Coordinator	Edward J. O'Brien	2012
Sealer of Weights and Measures	Harold H. Boothby	2012
Soil Removal Inspector	Thomas R. Cummings	2012

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30:

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of July 12, 2011*

Town Counsel	Murphy, Hesse, Toomey and Lehane, LLP	2012
Veterans' Agent	Andrew M. Noonan	2012
Veterans' Graves Officer	Leonard J. Curreri	2012
Wiring Inspector	Alfred G. Oswald	2012
VOTE:	4:0	

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30th of the year indicated:

Board of Registrars	Charles M. Dance	2014
Conservation Commission	Frank Duggan, Jr.	2014
	Brinsley A. Fuller	2014
	Timothy McCabe	2014
	Ralph J. Colarusso	2012
Constables	Ruth Ahern	2012
Council on Aging	Shirley Cartwright	2012
	Liliana Cesarini	2012
	Louise Currie	2012
	John Huxley	2012
	Robert Matson	2012
	Raymond Molling	2012
	Concetta Mosesso	2012
	Mary E. Pacuska	2012
	Monica Scanlan	2012
	Pauline Smith	2012

VOTE: 4:0

MOTION: By Mr. McGaughey, second by Mr. Sheehan, to make the following appointments through June 30th:

Emergency Management Auxiliary Police Officers	Richard Bloom	2012
	Robert DeMarco	2012
	James Gramm	2012
	Gary Lawcewicz	2012
	Joseph Morgan	2012
	Richard Reuss	2012
	Armando Soto	2012
	Daniel Steele	2012
	Dennis Sullivan	2012
	Kenneth Terrill, Jr.	2012

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30th:

Special Police Officers	Robert DeMarco	2012
	James Gramm	2012
	Gary M. Lawcewicz	2012
	Michael Lee	2012

*Holbrook Board of Selectmen
 Minutes of the Regular Session
 Of July 12, 2011*

Joseph Morgan	2012
Joseph Nugent	2012
Michael Parker	2012
David Reilly	2012
Richard W. Reuss	2012
Armando Soto	2012
Daniel Steele	2012
Dennis P. Sullivan	2012
Kenneth Terrill, Jr.	2012
Ralph J. Colarusso	2012

Special Police Officer for School Attendance
 VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. McGaughey, to make the following appointments through June 30 of the year indicated:

Holbrook Historical Commission	Pauline M. Smith	2014
	Carol McDonald	2014
Industrial Development Commission	Paul M. Callinan	2016
	James G. Crowley	2016
	George L. Quireyins, Jr.	2016

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. McGaughey, to make the following appointments through June 30th:

Local Emergency Planning Committee	Timothy J. Gordon (Chairman BOS)	2012
	William D. Marble, Jr.	2012
	Thomas R. Cummings	2012
	Edward J. O'Brien	2012
	Brian Macauley (FD)	2012
	Richard Reuss (EMD)	2012

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Sheehan, to make the following appointments through June 30th of the year indicated:

Permanent Cable Television Advisory	Allan G. Dunn	2014
	David Berry	2014
Permanent School Building Committee	Town Administrator:	
	William J. Phelan	9/30/2011
	Member of the Finance Committee who shall serve as ex-officio:	
	Peter Mahoney	2014

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. Moore, to make the following appointments through June 30th of the year indicated:

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of July 12, 2011*

Permanent Veterans' Memorial Committee	Gary L. Newton	2014
	Dwight R. Nelson	2014
Recreation Commission	Joan M. Brown	2012
	John Flanagan	2012
	Annette Grennan	2012
Self-Evaluation Steering Committee		
Handicapped Accessibility	Thomas R. Cummings	2012
	Dorothy Flint	2012
	Barbara A. Lloyd	2012

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. McGaughey, to make the following appointments through June 30th of the year indicated:

Town Scholarship Committee	Daniel J. Dieso, Jr.	2014
	Carol Knowlton	2014
Zoning Board of Appeals	Stephen Zeboski	2014
	John Fredericks/Alternate	2012

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. Sheehan, to make the following appointments through June 30th:

Capital Improvements Planning Committee		
	Teresa McCue, Citizen at Large	2012
	Alexander G. Ambroult, Citizen at Large	2012
	Brinsley Fuller, Selectmen's Rep.	2012

VOTE: 4:0

MOTION: By Mr. Gordon, second by Mr. Sheehan, to make the following appointments through June 30th of the year indicated:

Energy Committee	Francis J. Duggan, Jr.	2014
	Gerald Graham	2014
	John Moriarty	2014

VOTE: 4:0

The Town Government Study Committee will be discussed at the next meeting.

Mr. Cummings provided an update on Public Works projects:

- Mass. Dept. of Transportation (DOT) has approved the work on Route 139.
- On Weymouth Street at the intersection with Pine and Sycamore, the new beacons will be 12-inch ones.
- The traffic signalization at the Public Safety Building will be moving forward during August.
- The Public Works Department will be doing some excavating and preparing an area for parking at the Public Safety Building, but will not be doing the paving.
- The town did not score well on an SRF application for the Phase 5 Sewer project. The project has been designed, but the land takings have not been done. There is one more phase, Phase 6.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of July 12, 2011*

- Mr. Cummings will find out if Mr. Andrews will pay for the replacement of the lamp post in the square that was damaged in an accident.
- Mr. Cummings said the infield at the Sean Joyce Field needs to be raised. The tractor sinks in after a rain. Mr. McGaughey said the Joyce Foundation purchased the pipe, and Mr. Daniel Moriarty, the Building Inspector, is giving the as-built plans to Mr. Al Kerr.

ADJOURN:

MOTION: At 9:15 pm, to adjourn to executive session to discuss strategy as it relates to collective bargaining with union personnel (Fire), and to discuss strategy as it relates to litigation in a Land Court case, and not return to open session

ROLL CALL VOTE: Mr. Sheehan – Yes
Mr. McGaughey – Yes
Mr. Moore – Yes
Mr. Gordon – Yes

Brinsley A. Fuller, Clerk

Documents:

Agenda
Draft minutes
Application documents for South Shore Poker
E-mail from Treasurer/Collector
Appropriation transfer requests (7)
Appointment list
Copeland Family Foundation donation letter