

Holbrook Board of Selectmen

Minutes of the Regular Session of

Wednesday, December 3, 2014

Present: Timothy J. Gordon, Chairman
Matthew V. Moore, Vice-Chairman
Kevin J. Sheehan, Clerk
Richard B. McGaughey, Associate
Daniel F. Moriarty, III, Associate

In attendance: William J. Phelan, Town Administrator
Benjamin Ecord, Superintendent of Public Works
Luke McFadden, Fire Chief
William Smith, Acting Chief of Police
Marjorie E. Godfrey, Assistant Town Administrator

The meeting was called to order at 7:00 p.m. by Chairman Gordon, in the Selectmen's Meeting Room, Holbrook Town Hall, Floor 3R, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

MOTION: By Mr. Moriarty, second by Mr. McGaughey, to approve the minutes of the regular session of Wednesday, October 22, 2014, as printed

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

It was announced that:

- The 36th Annual Festival of Lights will be held on Monday, December 8th at 6:30 pm.
- The Historical Society will have a Christmas Celebration at the Roberts Schoolhouse on Saturday, December 6th, including readings of Christmas stories.
- There will be an additional yard waste pick-up, curbside, during the week of December 15th.
- The Board of Health has instituted new regulations related to food and smoking, including a 50-foot smoking buffer zone.

Town Administrator Phelan reported that:

- The Mass. Department of Energy Resources (DOER) has approved the Town's request for proposals for a solar project.
- The agreement with Civil Service relative to the selection of the next Chief of Police has been signed. The position will be posted internally, and a vendor will be selected to do the assessment.
- There will be minor adjustments to the tax rate following a review by the Department of Revenue. Local receipts have been adjusted, and the sewer rates will need to be raised.

Mr. John Sullivan, a Partner with Melanson Heath & Company, PC, reviewed a draft report of a SPECIAL AUDIT of the Water Account expenditures. He explained that the report is not finalized. Some items in the draft audit are waiting for a response from Camp Dresser & McKee (CDM). Mr. Sullivan said there is still concern relative to the audit findings. Some of the inconsistencies, contract

issues, and billing issues found during the audit were discussed. Mr. Sullivan said the report can be finalized or it could be left open until the Town decides how to proceed.

Mr. Phelan explained that an attorney may go for restitution. He suggested that the Board could send the finalized report to a regulatory agency, like the Inspector General or the Attorney General, and ask for assistance. Other cities and towns have brought things of this nature to the Inspector General's office, which may get the parties to the table to negotiate restitution. He suggested that the report be published so that other towns are aware of the situation.

Mr. Sullivan said the Inspector General's office oversees Chapter 30B, the Procurement laws, and he would recommend the Attorney General's office for this matter. The report could be ready by the end of January 2015. Mr. Gordon asked that the report be finalized and submitted to both agencies.

CHANGE OF MANAGER – HALFWAY CAFE, INC., 200 SOUTH FRANKLIN STREET:

Present: Mr. John Grasso, President; Kelly Forsyth, new manager candidate

The application for a change of manager on the All Alcohol Restaurant License, from Mr. David Richerson to Ms. Kelly Forsyth, was reviewed and discussed. Ms. Forsyth introduced herself and spoke about her 10 years of experience with the Halfway Cafe, Inc.

MOTION: By Mr. Sheehan, second by Mr. Moriarty, to approve the request for a change of manager on the All Alcohol Restaurant License at the Halfway Café, Inc., from David Richerson to Kelly Forsyth

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

WATER & SEWER RATES:

Mr. Phelan discussed the history of the water and sewer rates over the last three years and the request that the water and sewer enterprise accounts be combined into one account, which ultimately failed at town meeting. It has been recommended that the water rates be raised gradually in order to avoid the necessity for larger raises. The sewer rates must be raised at this time in order for the Department of Revenue to certify the tax rate. The revenues are not to the level that was anticipated. Mr. Phelan recommended raising the sewer rates by 15%, and suggested that the Board consider whether it also wants to raise the water rates in order to build the reserves.

MOTION: By Mr. Gordon, second by Mr. Moriarty, that the Board of Selectmen increase the SEWER RATES by fifteen percent (15%), with the Residential Rate to increase from \$6.04/hundred cubic feet to \$6.95/hundred cubic feet, and the Commercial Rate to change from \$6.19/hundred cubic feet to \$7.12/hundred cubic feet, effective January 1, 2015

VOTE: 5:0

Mr. Gordon said he would like to wait on increasing the water rates, but combine the enterprise accounts. Mr. Moore and Mr. Sheehan supported increasing the water rates by 2 1/2%. Discussion took place about the future of Holbrook's water supply and the alternatives being considered. Purchasing water from the MWRA costs more, as compared to the Town's cost to produce it. Holbrook uses 11% of the water in the Tri Town District (with Randolph and Braintree), and Holbrook would pay 16% of the cost to construct the new treatment plant. Water would be paid for based on usage. Recent legislation is financially beneficial whether a new treatment plant is built for the three towns, or whether the towns join the MWRA.

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of December 3, 2014*

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen increase the WATER RATES by two and one-half percent (2 ½%), with the Residential Rate to increase from \$5.17/hundred cubic feet to \$5.30/hundred cubic feet, and the Commercial Rate to change from \$5.39/hundred cubic feet to \$5.53/hundred cubic feet, effective January 1, 2015

VOTE: 4:1 (Mr. Gordon opposed)

Treasurer/Collector Paul Digirolamo introduced Attorney John Rodgers from Tarlow Breed Hart & Rodgers, PC, the Town's TAX TITLE attorneys. Atty. Rodgers discussed his credentials and background in municipal law. He provided a flow chart on tax collection in Massachusetts and explained the process to be followed when a tax payer is delinquent on property taxes. Mr. Digirolamo reported that most taxpayers come in after a lien has been placed on their property, and there are about 25 owners on payment plans currently. About 185 demand notices are scheduled to go out this month. When taxes are delinquent on a property, a lien should be placed, and the Town should be in Land Court 6 months later. It would be 2 to 3 years before the Town owns the house. Mr. Gordon said liens should now have been placed on properties with unpaid FY2014 taxes. Demands should be sent, and two weeks later a notice of taking and advertisement should be issued.

Mr. Phelan asked about contaminated property that an owner continues to use, with significant overdue taxes, and whether the Town can sue the owner and attach other properties that owner may have. Mr. Rodgers' response was "yes". The Town also has a by-law allowing the shutoff of water due to unpaid water bills.

APPOINTMENT – METROPOLITAN AREA PLANNING COUNCIL:

MOTION: By Mr. Moore, second by Mr. McGaughey, to reappoint Chairman Timothy Gordon as the Metropolitan Area Planning Council (MAPC) Representative with a term to expire on December 27, 2017, in accordance with MGL Chapter 40B Section 24

VOTE: 5:0

Mr. Phelan explained that the Quincy HOME PROGRAM is a consortium of towns, with Quincy as the lead community. The program is funded through the state for residential home projects.

MOTION: By Mr. Sheehan, second by Mr. Moriarty, to approve the Town's participation in the Quincy HOME Program and the renewal of the Consortium Mutual Cooperation Agreement through June 30, 2018

VOTE: 5:0

ANNUAL LICENSE RENEWALS:

MOTION: By Mr. Gordon, second by Mr. McGaughey, that the Board of Selectmen approve the renewal of the following licenses effective January 1, 2015 through January 1, 2016 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

Used Car Dealer's License – Class II:

1. Richard Savary, Pine Hill Service Station, Inc.
2. MIKMAR, Inc. dba Regal Motors, Mike Liuzzi
3. Friends Automotive, Inc., William J. Tennant, President & Michael A. Fitzgerald, Treasurer
4. O'Brien Car Care, Inc., William J. O'Brien, President

*Holbrook Board of Selectmen
Minutes of the Regular Session
Of December 3, 2014*

5. David J. Salvaggio, Pro-Built Transmissions, Inc. dba Weymouth Street Auto Sales
6. Richard E. Federico, President, Revitalize Auto Reconditioning, Inc.
7. T and D Classic Cars, Inc., David McAlpine, Treasurer

Motor Vehicle Junk License – Class III:

1. Stephen Hill dba Holbrook Auto Body

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the renewal of the following Taxi/Livery License effective January 1, 2015 through December 31, 2015 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

1. Susan L. Mann dba Mann's Livery Service

VOTE: 5:0

MOTION: By Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen approve the renewal of the following Common Victualler Licenses effective January 1, 2015 through December 31, 2015 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

1. Evangelos Yiannousas, Highland Pizza & Calzone, Inc. dba Vinny's Pizzeria & Ice Cream
2. Dimitrios Tombros, H & J Tombros, Inc. dba Holbrook House of Pizza
4. Stanney's of Holbrook, Inc.
5. Marylou's News, Inc.
6. AJB Ventures dba Corner Grill and Pizzeria
7. MEEDO, Inc. dba Sara's Pizza Palace
8. Thomas Palmer dba T's Café
9. Brookville Restaurant Group LLC dba Brookville House of Pizza

VOTE: 5:0

MOTION: By Mr. Sheehan, second by Mr. Moriarty, that the Board of Selectmen approve the renewal of the following All Alcohol Package Store Licenses, effective January 1, 2015 through December 31, 2015 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

1. Gregg Lake Associates, Inc. dba Highland Liquors
2. Holbrook Package, Inc. dba Holbrook Package Store
3. S & H Community Package, Inc. dba Holbrook Community Package
4. HaHai Liquors, Inc. dba Holbrook Liquors

VOTE: 5:0

MOTION: By Mr. Gordon, second by Mr. Moriarty, that the Board of Selectmen approve the renewal of the following Wine & Malt Beverage Package Store Licenses, effective January 1, 2015 through December 31, 2015 provided that all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

1. The T. Sikder Corp. dba Tedeschi's #343
2. Shiv C. Lillaney dba Fast Lane Convenience
3. ASP Convenience, Inc. dba Clerks Variety Store
4. Sendhi Corp. dba Holbrook Food Mart

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the renewal of the following licenses effective January 1, 2015 through December 31, 2015 provided all taxes, fees, assessments, betterments and any other municipal charges are paid to date:

The All Alcohol Club, Common Victualler, and Entertainment Licenses in the name of:

1. Building Association of Father Francis X. Bransfield Council, Knights of Columbus #5046

The All Alcohol Club, Common Victualler, Entertainment and Automatic Amusement Device Licenses in the name of:

1. Building Association of William B. Dalton Post 137 American Legion, Inc.

The All Alcohol Restaurant, Common Victualler, Entertainment, and Automatic Amusement Device Licenses in the name of:

1. Halfway Cafe, Inc. dba Lucky Lou Lou's
2. Lg Jian, Inc. dba Golden Pacific Restaurant

The All Alcohol Restaurant, Common Victualler, and Automatic Amusement Device Licenses in the name of:

1. 73-77 Union Street, Inc. dba The Union Street Pub

The All Alcohol Restaurant and Common Victualler Licenses in the name of:

1. JD Smith Corp. dba Smith's Restaurant

The Wine & Malt Beverage Restaurant and Common Victualler Licenses in the name of:

1. Union Street Lanes, LLC
2. ANG Pizza, Inc. dba LEGGOS
3. Ann J. Panos dba Maria's Pizzeria

And the Common Victualler and Wine & Malt Beverage Package Store License in the name of:

1. Elizabeth Aiello dba Cottage Variety

VOTE: 5:0

DEPARTMENT UPDATES:

Fire Chief Luke McFadden recognized the 15th anniversary today of the Worcester Cold Storage tragedy, and reminded everyone about remembering to be safe using holiday decorations. Eagle Scout Kyle Maskell was recognized for building the housing for the Washington Bell located on the lawn in front of the Fire Department.

Public Works Superintendent Benjamin Ecord reported that construction projects have stopped and will resume in the spring. The department is working on Christmas lights and getting ready for winter.

Mr. Moore asked that water conservation information be included with the bills to residents. Mr. Ecord advised that conservation kits, with faucets and shower heads, are available in the Public Works Department.

MOTION: At 8:52 pm, by Mr. Moriarty, second by Mr. Moore, to adjourn the meeting

VOTE: 5:0

Documents: Agenda, minutes, announcements, list of licenses for renewal, Flow chart re: tax collection, letter from Quincy re: HOME program renewal, MAPC Rep. appointment reminder letter, Halfway Café application,

Kevin J. Sheehan, Clerk