

Holbrook Board of Selectmen

Minutes of the Regular Session of

Wednesday, April 23, 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
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, 50 North Franklin Street, Holbrook, MA 02343, and began with the Pledge of Allegiance.

MINUTES:

MOTION: By Mr. Sheehan, second by Mr. Moore, to accept the minutes of the regular session of Wednesday, March 26, 2014, as printed

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

Mr. Phelan explained that there is an issue with the Town-owned property at 18 JEWEL ROAD. Some of the neighborhood residents want the property cleaned up by the abutter who is using the property, and the abutter wants to purchase the property. Mr. Gordon asked that both sides come to a public hearing to discuss the matter at the next meeting.

MOTION: By Mr. Sheehan, second by Mr. Moore to accept the minutes of the executive session of Wednesday, March 26, 2014, as printed

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

Mr. Phelan reported that the Finance Committee has come to a consensus on the FY15 BUDGET. The Selectmen will review the draft budget.

Mr. Moore suggested that the Town and School Department consider sharing a HUMAN RESOURCES position.

Mr. Sheehan announced that HOLBROOK PRIDE DAY will be held on Saturday, May 24, 2014, from 9 am to 1 pm. Residents are encouraged to volunteer to help clean up the streets and plant flowers.

Everyone will meet at the Junior-Senior High School at 9 am and disperse from there.

The MEMORIAL DAY PARADE will kick off from the Junior-Senior High School at 10 am on Monday, May 26, 2014. This year the parade will disband at Mary Wales Holbrook Park. Ceremonies will be conducted at Wendell Cemetery and Union Cemetery earlier in the morning, prior to the parade.

HEARING ON THE APPLICATION FOR AN ALL ALCOHOL RESTAURANT LICENSE IN THE NAME OF THE BUILDING ASSOCIATION OF WILLIAM B. DALTON AMERICAN LEGION POST 137, INC. (PAUL ANASTASIO, PRESIDENT), AT 777 PLYMOUTH STREET:

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The hearing notice published in the *Patriot Ledger* on Saturday, March 29, 2014 was read.

Present: Jeffrey K. Clifford, Attorney at Law, representing the applicant
Mr. Paul Anastasio, President of the Building Association
Mr. Matthew Nelson, Vice-President of the Building Association
Others – sign-in sheet attached to these minutes

MOTION: At 7:17 pm, by Mr. McGaughey, second by Mr. Sheehan, to open the hearing
VOTE: 5:0

MOTION: By Mr. McGaughey, second by Mr. Sheehan, to recess the meeting and move to the second floor meeting room (larger room to accommodate those in attendance)
VOTE: 5:0

MOTION: At 7:25 pm, in the second floor meeting room, a motion was made and seconded to re-open the alcohol license hearing on the Building Association of William B. Dalton American Legion Post 137, Inc.
VOTE: 4:0 (Mr. McGaughey recused himself and was not present)

Attorney Clifford introduced himself, Mr. Paul Anastasio, an 80% owner of the Association, and Mr. Matthew Nelson, a 20% owner of the Association. He explained that some of the anticipated proceeds would go to support the American Legion Post, and some would support charity or service to the community. The American Legion owns the Post. The Building Association is a profit corporation. Discussion took place about two separate corporations, a profit corporation and a non-profit corporation and how it affects the application. The Certificate of Good Standing that was submitted is for a profit corporation. Representatives from the American Legion advised that there should be a corporation for liability purposes and a 501-3C non-profit, with the business side paying the taxes and money going back to the Post to support it. Mr. Phelan advised that if the application is approved as submitted, the license would go to a totally for-profit corporation with no members lounge, and would be open to the public as the American Legion Bar and Grill, with the profits being split 80/20 by the shareholders. He explained that the entity that applied was a non-profit that used a profit corporation's identification number. Mr. Anastasio said they contacted the Alcoholic Beverages Control Commission (ABCC) and were directed to set it up the way they did. Atty. Clifford explained that it is set up for profit with a Legion Post that will profit. Mr. Nelson said that the goal is to re-open the members lounge in the basement, and that over \$220,000 and many man-hours of work has gone into renovating the building. It was suggested that the application be forwarded to the ABCC, where the issue could be sorted out. Mr. Phelan said that an issue that the Building Inspector just became aware of is a zoning issue. This application has raised the issue of a change in use from a social club, to a bar and grill on April 17th. It was explained that a private club license, with the profits made by the Building Association going back into the programs of the American Legion is advised. The American Legion will not endorse a bar.

MOTION: By Mr. Sheehan, second by Mr. Moriarty, to continue the alcohol license hearing until Wednesday, May 14, 2014, at 7:15 pm, so the parties involved can meet with the Town Administrator and call and discuss the application in a conference call with the ABCC
VOTE: 3:1 (Mr. Moore against)

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HEARING ON THE APPLICATION FOR A COMMON VICTUALLER, AUTOMATIC AMUSEMENT DEVICE AND ENTERTAINMENT LICENSE IN THE NAME OF THE BUILDING ASSOCIATION OF WILLIAM B. DALTON AMERICAN LEGION POST 137, INC. (PAUL ANASTASIO, PRESIDENT), AT 777 PLYMOUTH STREET:

MOTION: Made and seconded to open the hearing

VOTE: 4:0 (Mr. McGaughey recused himself, and was not present for this hearing)

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the application for a Common Victualler License in the name of the Building Association of William B. Dalton American Legion Post 137, Inc., 777 Plymouth Street

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the application for an Automatic Amusement Device License for seven (7) video game machines in the name of the Building Association of William B. Dalton American Legion Post 137, Inc., 777 Plymouth Street

VOTE: 4:0

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen approve the application for an Entertainment License for live entertainment, electric or acoustic, patron dancing, speakers and fundraisers, in the name of the Building Association of William B. Dalton American Legion Post 137, Inc., 777 Plymouth Street, and approve the requested hours: Monday – Saturday from 11:00 a.m. – 1:00 a.m. and Sundays from 12:00 p.m. – 1:00 a.m.

VOTE: 4:0

MOTION: Made and seconded, that the Board of Selectmen recess the meeting and relocate to the Selectmen's Meeting Room for the balance of the meeting

VOTE: 4:0

The meeting was called back to order at 9:15 p.m., and Mr. McGaughey was present.

Richard Reuss, the Emergency Management Director, explained that the Town has been awarded a regional GRANT from the MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY (MEMA) that requires no financial match by the Town, but requires the signature of the Chairman.

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen authorize the Chairman to execute contract documents for a grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$1,100.00 for the purchase of portable lighting equipment and a portable generator

VOTE: 5:0

Mr. Kevin Costa, the Chairman of the Finance Committee, gave an overview of the draft BY-LAW CHANGES he submitted for consideration at town meeting. One is related to labor contracts, including the appropriation by town meeting and the public posting requirements prior to town meeting. The

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second one, about capital improvements, would replace the current by-law and lower the barrier for a capital project. A third relates to the publishing of town reports.

Superintendent Ben Ecord explained that applications have been received for the position of Craftsperson/Laborer in the Public Works Department, and he made a recommendation to the Board of Selectmen.

MOTION: By Mr. Moriarty, second by Mr. McGaughey, that the Board of Selectmen approve the recommendation of the Superintendent of Public Works that Mr. Timothy Duggan be hired to fill the position of Craftsperson/Laborer in the Public Works Department

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

Establishing a chief of police SELECTION COMMITTEE to recommend an interim chief was discussed. The Board indicated they would like the committee to include a chief from another town, the Town Administrator, and three (3) citizens. Residents will be invited to send in a letter of interest, and the committee will be appointed at the next meeting.

Mr. Phelan will interview the applicants for the VETERANS' AGENT'S position and make a recommendation to the Board of Selectmen at the next meeting.

The Board reviewed the articles on the Annual and Special Town Meeting Warrants and the funding sources that have been identified to date.

Paul Digirolamo, the Town Treasurer/Collector, said there is an AUCTION of tax title properties scheduled on May 16, 2014. The auction has been listed in Banker and Tradesman.

Supt. Ecord reported that the PUBLIC WORKS DEPARTMENT is working on painting the decorative street lights, filling pot holes, and grooming the fields.

Mr. Phelan gave an update on the RENOVATIONS in the former fire station adjacent to the Town Hall. The flooring is being installed, and the recess lights are in.

Mr. Gordon asked that a representative of the playground equipment company visit the site to offer advice on the area where SWINGS are going to be installed near the ball fields at the Sumner Field.

HOLBROOK PRIDE DAY is scheduled for Saturday, May 24th. Allied Waste is donating Red Sox tickets for a raffle, and the bags, gloves, and vests to be used by the participants who will clean the streets and plant flowers.

MOTION: At 10:10 pm, by Mr. Moore, second by Mr. McGaughey, to adjourn the meeting

VOTE: 5:0

Documents: Agenda, ATM/STM warrants, License applications, Recommendation of Supt. Ecord, Emergency Management grant contract, request for by-law changes

Kevin J. Sheehan, Clerk