

Holbrook Board of Selectmen
Minutes of the Regular Session of
Wednesday, August 24, 2016

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

In attendance: Timothy J. Gordon, Town Administrator
Marjorie E. Godfrey, Assistant Town Administrator
William Smith, Chief of Police
Luke McFadden, Fire Chief
Paul Digirolamo, Town Treasurer/Collector
Benjamin Ecord, Superintendent of Public Works
Stephan Hooke, Director, Communications Department

The meeting was called to order at 7:00 p.m. by Chairman Moore, in the Selectman Noel C. King 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. Sheehan, second by Mr. Moriarty, to accept the minutes of the regular session of Wednesday, June 22, 2016, as printed

VOTE: 5:0

MOTION: By Mr. Moriarty, second by Mr. Lee, to accept the minutes of the executive session of Wednesday, June 22, 2016, as printed

VOTE: 5:0

Announcements:

There will be a Bulky Item/White Goods collection the week of August 29 – September 2, 2016.
There will be an Electronic Waste Drop-Off on Saturday, August 27, 2016.

Town Administrator's Report:

- Mass. Highway will be doing sidewalk improvements on N. Franklin St.
- Al Osward, the Wiring Inspector for the past 12 years, is resigning from the position.
- The Laurel Park water improvements are complete.
- The Inspectional Services Code Enforcement Policy is complete and ready to be voted by the Selectmen.
- The contract for the new accounting software, Soft Right, is being processed. The Town will begin using it in July 2017, as the new fiscal year begins.
- The Orders of Taking will be voted tonight for the street acceptances voted at town meeting in May.
- He met with D'Ambrosio and Brown about auctioning properties.
- The Dept. of Revenue still owes the Town a report on our policies and procedures. The one on the financial management structure has been received.
- The water/sewer rates will need to be raised at an upcoming meeting.
- The Division of Local Services will be working with the Town to complete the Tax Recap and set the tax rates.

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- The Twinbrook Insurance building area is going through hearings looking for approval to be converted to nineteen condos.
- Chief Smith spoke about a municipal certification program for Police Departments.

Recently, two members of the TOWN FOREST COMMITTEE resigned. One resident, Heather McLellan, has expressed an interest in an appointment. Mrs. McLellan was present and introduced herself.

MOTION: By Mr. Moriarty, second by Mr. Lee, that the Board of Selectmen appoint Heather McLellan as a member of the Town Forest Committee, with a term to expire June 30, 2018

VOTE: 5:0

The request for a Change of Manager and Change of DBA on the All Alcohol Restaurant License in the name of Halfway Cafe, Inc. dba Lucky Lou Lou's, 200 South Franklin Street, was postponed to the next meeting.

A representative of the SENDHI CORP. dba HOLBROOK FOOD MART was present requesting a change in the hours they are allowed to sell alcohol under their All Alcohol Package Store License. The license that was just transferred to them allows a 9 am opening Monday through Saturday. Their prior wine and malt beverages license allowed an 8 am opening. They requested a 6 am opening Monday through Saturday. Discussion took place that the earliest opening legally allowed is 8 am.

MOTION: By Mr. Lee, second by Mr. Moriarty, that the Board of Selectmen approve with modification, the request of the Sendhi Corp. dba Holbrook Food Mart, to amend the approved hours on its All Alcohol Package Store License by allowing the sale of alcohol from 8:00 am until 11:00 pm, Monday through Saturday, and from 10:00 am until 11:00 pm on Sundays, and that the application be sent to the ABCC for consideration

VOTE: 5:0

Paul Anastasio was present representing the BUILDING ASSOCIATION of the WILLIAM B. DALTON POST 137 AMERICAN LEGION, INC. relative to an application for a Change of DBA to Liberty Publik House, and a Change of Manager to Mr. Paul Anastasio on the All Alcohol Veterans Club License for the premises at 777 Plymouth Street.

Mr. Moore read a Disclosure of Appearance of Conflict of Interest filed by Selectman Daniel Lee.

Mr. Anastasio explained that business is slow and the overhead is high, so they are looking to expand the number of members, estimated at 700 – 800, with a new marketing strategy. They want to change the name to a 1700's tavern style name. It was mentioned that MGL Ch. 138, Sec. 12 authorizes the sale of alcohol to members only, and to guests introduced by members, but to no one else. Under 204 CMR 2.05, ABCC Regulations, clubs are not allowed to "use any signs, printed matter or other means publicly to advertise the sale of alcoholic beverages within the licensed premises."

Discussion took place among the Selectmen including support for the application and suggestions for amendments to the application. It was suggested that the name of William B. Dalton not be forgotten. Those in attendance who wished to speak were addressed:

Mr. Bob Franklin was against the name change, except if it were the Dalton Club or Post. He said the full members are actually the property owners, and the Post had hard times in the 70's, 80's and 90's. Ms. Amy Pierce spoke in favor of the name change.

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Mr. Eryc Courmac, a veteran, said the veterans need a place to go, and supported keeping the doors open.

Mr. Andy Best, the Commander, said there will be no Post if this change is not approved.

Mr. Anastasio explained that the name change is a marketing strategy. If people see it as a new place, they may stop in. Currently, the building is closed.

MOTION: By Mr. Moore, second by Mr. Moriarty, to accept the change of name to Liberty Publik House

Discussion: The other members of the Board suggested postponing the decision on this application for two weeks

The MOTION was WITHDRAWN by Mr. Moore, seconded by Mr. Moriarty.

A meeting will be scheduled for September 7th. Mr. Anastasio will meet with Mr. Gordon and Mr. McGaughey prior to that meeting.

Chief McFadden presented the ambulance abatements for the quarter including April 1, 2016 through June 30, 2016. It was noted that these abatements represent bad debts and other adjustments to be written off.

MOTION: By Mr. Moore, second by Mr. Lee, that the Board of Selectmen grant the AMBULANCE ABATEMENTS for the quarter including April 1, 2016 through June 30, 2016, as submitted by New England Medical Billing, for a total amount of \$181,575.74 in abatements, as per the recommendation of Chief McFadden

VOTE: 5:0

Mr. Gordon explained that a by-law was recently adopted at town meeting that allows the Town to lien Inspectional Services' violations of problem properties to the tax bill. In conjunction with that by-law, the Town needs a policy that lists who is responsible for what. This policy has been reviewed by D'Ambrosio and Brown, the Town's tax title attorneys.

MOTION: By Mr. Moriarty, second by Mr. Moore, that the Board of Selectmen vote to adopt the Town of Holbrook INSPECTIONAL SERVICES CODE ENFORCEMENT POLICY, as presented

VOTE: 5:0

Chief Smith requested that the Board approve the use of Lynch's Towing Service for large and heavy duty vehicles.

MOTION: By Mr. Sheehan, second by Mr. Moriarty, that the Board of Selectmen approve the Police Department's use of Lynch's Towing Service, 1200 Montello Street, Brockton (David J. Lynch, Owner), for recovery and towing of large and heavy duty vehicles and equipment, as recommended by Chief Smith

VOTE: 5:0

Mr. Gordon explained that the state is allowing the Town to do emergency procurement for the POND STREET WATER MAIN INSTALLATION project for the health and safety of the residents. Now, the

Board of Selectmen has the authority to waive the public sealed bidding. Alternatively, the Town will be soliciting bids from three qualified contractors.

MOTION: By Mr. Moriarty, second by Mr. Sheehan, that the Board of Selectmen, as the contracting authority, waive the sealed bidding requirements of MGL Chapter 30 for the replacement of the water line on Pond Street due to “sound reasons in the public interest”, specifically, the constant running of water from a hydrant to keep the water clear

VOTE: 5:0

The MBTA Advisory Board contacted the Town about the Chairman participating in the Advisory Board or designating someone to attend the meetings.

MOTION: By Mr. Moore, second by Mr. Lee, that the Board of Selectmen designate Chairman Matthew V. Moore to serve as the Town of Holbrook’s representative on the MBTA Advisory Board

VOTE: 5:0

Mr. Gordon explained that a Survey Board must be established to view any unsafe structures and verify that they should be taken down, in conjunction with the new Inspectional Services Code Enforcement Policy. Also, the members need to be appointed: the Fire Chief, a disinterested member, and a surveyor.

MOTION: By Mr. Moore, second by Mr. Lee, that the Board of Selectmen create a Survey Board in accordance with State Building Code, 780 CMR 121, relative to structural issues at 115 Union Street

VOTE: 5:0

MOTION: By Mr. Moore, second by Mr. Moriarty, that the Board of Selectmen appoint Fire Chief Luke McFadden, Timothy Stinson (disinterested member), and a third party surveyor to be selected by the Town Administrator

VOTE: 5:0

ORDERS OF TAKING – Streets to be accepted following the vote at the Special Town Meeting of May 11, 2016:

MOTION: By Mr. Moriarty, second by Mr. Moore:

TOWN OF HOLBROOK
NORFOLK COUNTY, MASSACHUSETTS

I move that the Board of Selectmen, under authority of Massachusetts General Laws Chapter 79, Sections 1 and 2, hereby adopt Orders of Taking and take by eminent domain on behalf of the Town, the interests in real estate described as:

Abrams Way, in Holbrook, Norfolk County, Massachusetts, from the intersection of Hamilton Way, thence approximately 0.05 miles to a Dead End shown on a plan entitled “Index Sheet, Hamilton Estates, Definitive Subdivision in Holbrook, Massachusetts” dated

January 29, 1998 by Outback Engineering, Professional Land Surveyor, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 462, Page 44.

Beech Tree Lane, in Holbrook, Norfolk County, Massachusetts, from the intersection of Mosesso Drive, thence approximately .11 miles to Fire Tower Road shown on a plan entitled “Beech Tree Estates Mathematical Corrective Plan of Land in Holbrook, Mass. prepared for Absolute Builders, LLC” dated October 7, 2004 by The Russell A. Wheatley Co., Inc. Land Surveyors & Engineers, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 532, Pages 17 and 18.

Belair Drive, in Holbrook, Norfolk County, Massachusetts, from the intersection of Twinbrook Avenue, thence approximately .64 miles to a Dead End shown on a plan entitled “Belair Estates, A Definitive Subdivision, Holbrook, Mass.” dated April 20, 1999 by Miller Engineering, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 485, Page 231.

Casey Circle, in Holbrook, Norfolk County, Massachusetts, from the intersection of Pine Street, thence approximately .06 miles to a Dead End shown on a plan entitled “Plan of Land Pine Street, Holbrook, Norfolk County, MA” dated January 8, 1998 by Yunits Engineering Co Inc., which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 459, Page 668.

Chestnut Lane, in Holbrook, Norfolk County, Massachusetts, from the intersection of Oak Street, thence approximately .11 miles to a Dead End shown on a plan entitled “Sycamore Woods Plan of Land Oak Street, Chestnut Lane & Aspen Way, Holbrook, Norfolk County, MA” dated September 19, 2005 by Yunits Engineering Co. Inc., which said plan is filed with the Norfolk County Registry District of the Land Court as Land Court Plan No. 27850E filed with Certificate of Title No. 171416.

Crescent Drive, in Holbrook, Norfolk County, Massachusetts, from the intersection of Spring Street, thence approximately 0.12 miles to a Dead End shown on a plan entitled “Plan of Land, Crescent Drive, Holbrook, Norfolk County, Mass.” dated May 23, 1968 by Yunits Engineering Co., Consulting Engineers, which said plan is recorded with the Norfolk County Registry of Deeds as Plan No. 637 of 1968, filed with Deed Book 4535, Page 232.

Hamilton Way, in Holbrook, Norfolk County, Massachusetts, from the intersection of South Franklin Street, thence approximately .15 miles to Hamilton Way shown on a plan entitled “Index Sheet, Hamilton Estates, Definitive Subdivision in Holbrook, Massachusetts” dated January 29, 1998 by Outback Engineering, Professional Land Surveyor, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 462, Page 44.

Marie Circle, in Holbrook, Norfolk County, Massachusetts, from the intersection of Technical Park Drive, thence approximately 0.09 miles to a Dead End shown on a plan entitled “Technical Park Estates, Plan of Land, Marie Circle, Holbrook, Norfolk County, MA – Amended Subdivision Plan” dated March 5, 1998 by Yunits Engineering Co., Inc., which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 462, Page 46.

Mosesso Drive, in Holbrook, Norfolk County, Massachusetts, from the intersection of Pine Street, thence approximately .18 miles to a Dead End shown on a plan entitled "Beech Tree Estates Mathematical Corrective Plan of Land in Holbrook, Mass. prepared for Absolute Builders, LLC" dated October 7, 2004 by The Russell A. Wheatley Co., Inc. Land Surveyors & Engineers, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 532, Pages 17 and 18.

Oak Street, in Holbrook, Norfolk County, Massachusetts, from the intersection of Sycamore Street, thence approximately .25 miles to a Dead End shown on a plan entitled "Sycamore Woods Plan of Land Oak Street, Chestnut Lane & Aspen Way, Holbrook, Norfolk County, MA" dated September 19, 2005 by Yunits Engineering Co. Inc., which said plan is filed with the Norfolk County Registry District of the Land Court as Land Court Plan No. 27850E filed with Certificate of Title No. 171416.

Ture Lane, in Holbrook, Norfolk County, Massachusetts, from the intersection of South Franklin Street, thence approximately 0.08 miles to a Dead End shown on a plan entitled "Plan & Profile Ture Lane, Holbrook, Mass." by Leverault Engineering, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 422, Page 389.

Twinbrook Avenue, in Holbrook, Norfolk County, Massachusetts, from the intersection of Reeds Lane, thence approximately .17 miles to Belair Drive shown on a plan entitled "Belair Estates, A Definitive Subdivision, Holbrook, Mass." dated April 20, 1999 by Miller Engineering, which said plan is recorded with the Norfolk County Registry of Deeds in Plan Book 485, Page 231.

The purpose of these Orders of Taking is to establish said roadways as public ways with appurtenant public utilities. These Orders are made pursuant to a vote of the Holbrook Special Town Meeting on May 11, 2016 under Article 18 accepting said roadways as public ways and a vote of said Special Town Meeting on May 11, 2016 authorizing the Board of Selectmen to acquire by eminent domain a portion of said roadways that has not been conveyed otherwise to the Town. Included in the takings are any trees or structures which may stand upon the land taken. No damages are awarded for this taking. Betterments are not to be assessed on account of these takings. The supposed owners of the premises taken by these Orders are set forth on Exhibit A attached thereto.

VOTE: 5:0

The Department Heads present provided an update of their respective departments.

MOTION: At 9:15 pm, by Mr. Moore, second by Mr. Moriarty, to adjourn the meeting

VOTE: 5:0

Documents: Minutes, Town Forest Committee appointment, Sendhi Corp., Halfway Cafe, & Legion applications, ambulance abatements, Inspectional Services Code Enforcement Policy, Police towing request, Emergency Procurement info for Pond St., MBTA Advisory info, Survey Board info, Order of Taking Motion

Daniel F. Moriarty, III, Clerk