Middleboro Board of Selectmen **March 7, 2016**
Meeting Minutes

Chairman Frawley opened the meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectman A. Frawley, L. Dalpe, J. Knowlton, D. Stewart and S. McKinnon; Town Manager R. Nunes and Acting Executive Assistant, Colleen Lieb

UNANTICIPATED

Selectman McKinnon discussed the Miller Street Railroad Crossing. The repairs have been made and the signal is operational. It was noted that the extra signs will stay up for a while longer as a reminder to be cautious when crossing the train tracks. Please be mindful when utilizing that crossing.

ANNCOUNCMENTS AND RECOGNITIONS

Selectman Stewart takes a moment to recognize the efforts of the Town Clerk as well as those involved in the Election process. It was noted that new voting machines were implemented and the transition went smoothly. A special thank you is directed to them for making the election a good experience.

Selectman Frawley announces the Pratt farm Healing Garden Craft Extravaganza to be held on Saturday, March 19, 2016 from 10 AM to 3 PM at the Middleboro Elks.

There was a report made on the Herring Festival. It was noted that all vendor slots have been filled and a wait list has been started in case of cancelations. Selectman Dalpe spoke briefly on the parking and noted that there are four lots in total. Parking in the Town lots are free but parking on a resident's lot which is in close proximity of the Herring Festival the cost will be $5.

Jim Middleton, Habitat for Humanity, presented a flyer to the Board regarding the work they are doing called "Veteran's Build". He spoke briefly about the five pillars of a Veterans Build and some facts. He is reachable in the Carver Office at (508) 866-4188 x201 if anyone has any ideas, comments or questions.

Brian Giovanoni, School Committee, noted that on Thursday, March 10, 206 at 6:30 PM at the Nichols Middle School, the Middleborough School Committee will be holding their annual budget hearing. It is the only item on their agenda and the public is encouraged to attend.

WARRANTS

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon to approve and authorize the Chairman, as a designee to sign the warrants for the week ending March 5, 2016. Unanimous vote.

MINUTES

There was a question raised on the vote for the artwork of the Town's Annual Report. The Assistant will review the recording and correct for resubmission next week.

NEW BUSINESS

Danny Smith, spoke to the Board about the work done in the Town of Foxborough to create a Child Safety Committee. He explained that he would like to see this same type of Committee be created for the Town of Middleborough. He states that he is a survivor of sexual abuse at the hand of a School Teacher and a Scout Master and he has made it his goal to work with the Board of Selectmen to implement a Child Safety Committee.

James DeVellis, Foxborough BOS Chairman, talks about the Town of Foxborough and the struggles they have had with the sexual abuse issue themselves. He talks about the education and awareness of the problem and the importance of mandatory reporting. A copy of the Foxborough Child Safety Committee charge is provided along with the Town Meeting Article that was voted to create the Child Safety Committee is provided to the Board. There was a brief discussion on the "Darkness to Light" program that was run in the Town of Foxborough that is the training portion for the mandatory reporters. Chairman Frawley thanks them for presenting this important topic.

David Payne, Capeway Rovers Representative, spoke to the Board on the racing schedule and the 28 dates that require One Day Liquor Licenses.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart to approve a series of One Day Beer and Wine Licenses for the Capeway Rovers as presented on the March 1, 2016 memo to the Board. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a series of dates for the Sunday Entertainment Licenses for the Capeway Rovers as presented on the March 1, 2016 memo to the Board. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a one day All Alcohol Liquor License for Muckey's Liquors on April 7, 2016 from 5 PM to 11 PM at 200 Oak Point Drive for a Food Pantry Fundraiser. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a one day All Alcohol Liquor License for Muckey's Liquors on April 9, 2016 from 5 PM to 11 PM at 200 Oak Point Drive for a Lion's Club Fundraiser. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a One Day Beer and Wine License for the Bill Fuller, Bartending Service of N.E. on April 23, 2016 from 7 PM to 11 PM for a birthday party at the Town Hall. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a One Day All Alcohol Liquor License for Bill Fuller, Bartending Service of N.E. on April 1, 2016 from 6 PM to 11 PM for a comedy theatre fundraiser at the Alley Theatre. Unanimous vote.

Joe Perkins, Police Chief was present for the discussion. Chief Perkins speaks favorably for the promotion of Sergeant Todd Bazarewsky.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon to promote Sergeant Todd Bazarewsky to Lieutenant to fill the vacated Sergeant position at the recommendation of Chief J. Perkins. Unanimous vote.

Tara Pirraglia, IT Director, was present for the discussion.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon to vote the listing of obsolete equipment, as noted in the March 1, 2016 letter to the Board, so that it may be disposed of by the Information Technology Department. Unanimous vote.

Oliver Estate Items

Selectman Dalpe referenced the Building Department application that was provided to the Board and it was noted that the contractor is available for questions.

Special Guests Abigail Adams and Ben Franklin were present to speak in support of the construction of the handicap ramp.

There is a question on the size and materials to be used for the platform at the bottom of the ramp. Daryl Shumway, Contractor, discussed the base of the ramp, which he will look at leveling the area and putting down a stone dust platform to help correct the grading in the area for handicap access to the ramp.

Carolyn Gravelin, Disability Commission Chairman, discussed the railing detail shown on the plans and the ramp. Carolyn asked about the handicap accessibility once the person is able to gain access to the house. She asked if the inside of the building is handicap accessible. Selectman Leilani explained that there are two rooms that are accessible and the two rooms in the back are going to be roped off for viewing only. Carolyn asked about the Disability Commission being able to do an onsite of the ramp and the property. The Town Manager will notify the Disability Commission once the ramp is installed so an onsite can be set up.

Upon motion made by Selectman Stewart and seconded by Selectman McKinnon to approve the temporary handicap ramp system as presented to be installed at the front door of the Oliver House. Unanimous vote.

Selectman McKinnon spoke briefly on the generous gift of the design, purchase and installation of a septic system for the Oliver House. The only request from the gift giver is that the Board be willing to waive the standard fees.

Upon motion made by Selectman McKinnon and seconded by Selectman Knowlton to accept the gift and waive the fees associated with the installation of the septic system at the Oliver House. Unanimous vote.

Upon motion made by Selectman McKinnon and seconded by Selectman Knowlton to authorize the Town Manager to sit down with the Builder and the Contractors to work with the Board of

Health to facilitate this work as it relates to the installation of the septic system. Unanimous vote.

The next two items are not ready to be presented and will be put on the next agenda.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to extend the Oliver House RFP deadline from Friday, May 27, 2016 at 10 AM to Friday, July 1, 2016 at 10 AM. Unanimous vote.

Selectman Dalpe spoke about the Torrey Trail tour that is done every year. It's a charter bus that does a tour of the Loyalist Properties and it starts at the Shirley-Eustis House. The tour is held each year on October 1st and the Oliver House would become one of the sites visited on the tour.

A resident from 171 Thompson Street, explained that she is a revolutionary war enactor and she speaks on her knowledge about the Torrey Trail. She explained that it is similar to visiting places on the Freedom Trail.

Upon motion made by Selectman Stewart and seconded by Selectman Knowlton to approve the request to allow the Oliver Home to be included on the Torrey Trail tour. Unanimous vote.

HEARINGS, MEETINGS, LICENSES

DEV Satya, Inc., dba Sunoco Tobacco Violation Suspension – Request to Delay Suspension to April.

Vijay Brahmbhatt was present for the discussion. Vijay explained that he would appreciate it if the Board would consider delaying the suspension so he can hire and train someone before he returns home, to India, where his mother is very sick. Selectman Knowlton expresses concern that eleven other businesses were fined and suspended at the same time, this business will benefit from the suspension if he is open while the others are not.

Upon motion made by Selectman Stewart and seconded by Selectman McKinnon to allow the request to delay the suspension from March 10, 2016 – March 25, 2016 to April 1, 2016 – April 15, 2016 and pay the fine of $200. Motion Carries. (4-1-0)

New England E-Cig & Smoke Tobacco Violation Suspension – Request to Reconsider Suspension

Louis Bourassa was present for the discussion. Louis explained that would like the Board to reconsider the seven day suspension. He feels that he followed the State, Federal and Town guidelines. The person looked like they were old enough to buy them. He asks everyone for ID. After he explained that he followed up with additional questions. He explained that he is a small company that only sells tobacco, which means he has to shut down his business completely. He has never had a previous violation and will pay the fine.

Selectman Stewart asked Louis how old the customer said they were. Louis replied that the person replied eighteen. Selectman Stewart referenced the regulations where "anyone under 27 is supposed to provide a Government Picture ID."

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to maintain the $100 fine and seven day suspension. Unanimous vote.

Robert Buker, Health Agent, stated that the Seirra Stable Permit – Violation – Operating without a Stable Permit, meeting was no longer necessary as the fee was received along with the late fee today.

Public Hearing - Pole 63 Relocation – E. Grove Street (Solarfield) continued from December 21, 2015.
Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to open and continue the hearing to Monday, June 6, 2016 at 7:30 PM. Unanimous vote.

Department Budget Reviews
Bristol Plymouth (line item in Unclassified Budget)
Alexandre Magalhaes, Superintendent of Bristol Plymouth presented the budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for Bristol Plymouth in the amount of $2,472,112. Unanimous vote.

Information Technology Department
Tara Pirraglia, IT Director, was present for the discussion and presented the budget. Tara recognized the hard work and professionalism of the IT Administrator/Technical Assistant, Susan Musto. The Selectmen say a thank you to the Department for the work on setting up the Selectmen's dropbox for meeting materials.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for Information Technology in the amount of $353,544. Unanimous vote.

Planning Department
Selectman McKinnon stated that the Planning Department budget was brought back for consideration at his request.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to authorize the Town Manager to bargain to with the affected Unions to the extent required under M.G.L. Chapter 150E to make changes and/or reorganize the Planning Department, including the assignment of the Planning Department work outside of the Department.

Under discussion on the motion, Selectman Stewart states that she does not agree with this motion. The Planning Board is an elected Board and the Planning Department Employees report to the Planning Board. If there are issues with the Planning Department Employees it should be addressed by the Planning Board and if the Planning Board does not address the issue, then the residents can vote at the annual election to remove the Planning Board Members. She explained that she feels this is not the correct way to deal with the issue.

Michael Labonte, Chairman of the Planning Board, explained that the Planning Director was unable to attend the discussion and points out that this is the second year, in a row, that this budget is being questioned. He referenced Subdivision Control Law, where the Board is responsible for Subdivision Design, Construction through Certificate of Completion and to suggest that there is an entity that can manage that process outside of the Planning Department does not comply with Subdivision Control Law.

Selectman McKinnon states that he believes it does fall within the bounds of the Board of Selectmen and to do what is the most advantageous steps necessary for the growth of our Town. He acknowledges that this was brought up last year at Town Meeting but this is a new avenue they are taking and the details would need to be further discussed in an Executive Session.

Michael Labonte further states that the Planning Board oversees the Planning Department and there has been no disciplinary action, no official comments from the Board of Selectmen and no discussion about any of the Planning Department employees doing anything wrong. They have done their jobs as requested by the Planning Board Members and there is not a disciplinary action that he is aware of.

Bob Nunes, Town Manager, explained that there will be an Executive Session scheduled for next week and that no decision has been made. Any change within Town Government has to be negotiated. He further explained that the Planning Department and representatives of GMEG and the Clerical Union will be involved in negotiations.

Michael Labonte reiterates that there has been no disciplinary action or any request of the Planning Department to do anything different, no violations of monitoring Town rules and regulations regarding subdivisions.

Selectman Dalpe explained that the intention of this is not to defund the Department but to meet in Executive Session to discuss reorganization. Selectman Stewart states again that this is highly inappropriate and that moving forward on this motion is not warranted at this time. She suggests that now that the Planning Board is aware that some Selectmen have issues with how the Department is run, there can be open discussion about moving forward.

Bob talks about the first step in the process, which is for the Board of Selectmen to schedule and Executive Session with the Town's Labor Counsel to talk about a reorganization of the department and then what the Board of Selectmen decides will be presented by Labor Counsel to the GMEG and Clerical Unions for negotiations.

Michael Labonte reiterates that the Planning Department has done their job as directed by the Planning Board. There is no reason to think the Planning Board wants the job done any other way.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to authorize the Town Manager to bargain to with the affected Unions to the extent required under M.G.L. Chapter 150E to make changes and/or reorganize the Planning Department, including the

assignment of the Planning Department work outside of the Department. Motion Carries. 4-1-0 (Selectman Stewart is against)

Fire Department
Lance Benjamino, Fire Chief, was present for the discussion and presented the Fire Department budget. The Board of Selectmen thanks the Fire Department for the job that they do.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Fire Department in the amount of $2,966,771. Unanimous vote.

Treasurer & Collector Department
Judy McDonald, Treasurer & Collector, was present for the discussion and presented the Treasurer & Collector budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Treasurer & Collector in the amount of $449,731. Unanimous vote.

Employee Benefits
Judy McDonald presented the Employee Benefit budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Employee Benefits in the amount of $16,304,060. Unanimous vote.

Debt Budget
Judy McDonald presented the Debt budget and discussed the bond rating. It was noted the Town's current bond rating is Double A.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Debt in the amount of $16,304,060. Unanimous vote.

Library Budget
Jason Bloom, Library Director, was present for the discussion and presented the Library budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Library in the amount of $606,974.70. Unanimous vote.

Park Department Budget
Fran Cass, Park Superintendent, was present for the discussion and presented the Park budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Library in the amount of $290,378. Unanimous vote.

DPW Administration
Chris Peck, DPW Director, was present for the discussion and presented the DPW Administration budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the DPW Administration in the amount of $17,875. Unanimous vote.

DPW Highway
Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the DPW Highway in the amount of $1,148,587.62. Unanimous vote.

Tree Warden
Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Tree Warden in the amount of $12,600. Unanimous vote.

Sanitation Enterprise
Chris Peck spoke to the Board about the positive changes in the Sanitation program with the new trash and recycling program.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Sanitation Enterprise in the amount of $946,190.74. Unanimous vote.

Water Enterprise
Joe Silvia, Water Superintendent, was present for the discussion and presented the Water Enterprise budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Water Enterprise in the amount of $3,613,486. Unanimous vote.

Wastewater Enterprise
Todd Goldman, Wastewater Superintendent, was present for the discussion and presented the Wastewater Enterprise budget.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to support the Town Manager's recommended budget for the Wastewater Enterprise in the amount of $2,066,172. Unanimous vote.

CORRESPONDENCE
There is no correspondence this week.

ADJOURNMENT
Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to adjourn at 9:45 PM. Unanimous vote.

Respectfully submitted by,

Colleen Lieb, Acting Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN