

**MINUTES**  
for approval on **4/4/16**

**3/28/16**  
**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; and Acting Executive Assistant, Colleen Lieb

**UNANTICIPATED**

Selectman McKinnon spoke up the upcoming Greater Taunton Chamber of Commerce Meeting to be held on Wednesday, March 30<sup>th</sup> and the plan to discuss getting the rotary plans to 25% completion.

Selectman Dalpe spoke about the film production that was done over the summer in the Bank Building and how the director of the film just passed away. The screening will be in Warwick Showcase Cinemas.

Selectman Dalpe spoke about the parking for the upcoming Herring Festival and how to access the North Street \$5 parking lot.

Paul Provencher, resident of 17 Barrows Street and Chairman of the Honorary Mayor Committee talks about the winning candidate whose name is now in a sealed envelope. The results of the Honorary Mayor of Middleboro will be revealed at 7 pm on the April 6, 2016 at the Inaugural Ceremony. The Community is invited to attend.

**ANNOUNCEMENTS AND RECOGNITIONS**

Steve McKinnon, resident of 867 Plymouth Street, spoke on the "Vote Yes Police Station Committee" and the upcoming election on April 2<sup>nd</sup>. He reminds residents to come out and vote on the Police Station project.

Brian Giovanoni, School Committee Member, noted that upcoming Substance Abuse Prevention Coalition which will be held at the High School on Tuesday, March 29<sup>th</sup> at 6 PM.

**MINUTES**

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted to approve the June 22, 2015 minutes.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to approve the June 29, 2015 minutes as presented.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to approve the March 21, 2016 minutes as presented.

**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 26, 2016. Unanimous vote.

**NEW BUSINESS**

Chris Peck, DPW Superintendent, was present for the discussion. He clarified for the winning bid for the Selectmen who had questions on the differences in the two lowest bids.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to award the bid to Ceilo Construction Corporation for the Wood Street Force Main Replacement Project.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted the Town Manager's FY '17 recommended School budget in the amount of \$29,594.63.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted the Town Manager's FY '17 recommended Transportation Miscellaneous budget in the amount of \$838,581.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted the Town Manager's FY '17 recommended Transportation Contracted budget in the amount of \$1,985,429.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted the Town Manager's FY '17 recommended budget in its entirety.

Bob Buker, Health Agent, and Aaron Bernabeo, Owner Darkside Kustoms, were present for the discussion. Aaron spoke to the Board about his plan to carry high end Vape products in his tattoo/piercing business. There was clarification on what "high end and regulated mods" are.

Bob Buker spoke in favor of the business and noted that a modification will be needed on some level and the wording will have to be clarified. It was noted that Darkside Kustoms is a business in good standing with the Town. Bob Buker clarified that Darkside Kustoms will have to apply for the Tobacco permit first and then the process will go through the Health Department. The Selectman clarify that the business will be subject to the same stings as a regular store that sells tobacco products and they cannot sell to anyone under the age of 18.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted to approve the pursuit of offering for sale Vape products for Darkside Kustoms.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted to approve a one-day Beer and Wine license for Bartending Service of New England for April 9, 2016 and April 10, 2016 from 12 pm to 4 PM at the Oliver House.

### **HEARINGS, MEETINGS & LICENSES**

Paul Provencher, Veterans Agent, reviewed his memo that he sent to the Board dated March 25, 2016 regarding the justification for an administrative staff member for 20 or more hours per week. He asks if there are any questions. Selectman Stewart discussed the 25% increase in cases from 2010 to 2015. The Town Manager spoke about how the Veteran's Department had the support of the FinCom, BOS and Town Meeting for the part time clerical but the Clerical Union did not want to allow the 19 hours a week, they want 20 hours which is considered a full time employee with benefits. There was discussion on utilizing a Senior Citizen to cover the clerical hours. Paul explains that using a Senior volunteer will not be adequate to get the work done. The Town Manager clarified that he will bring a replacement in for the Veteran's Agent in September or October of this year so that they can be trained before the Veteran's Agent retires.

**Seven Point Meeting** - Valerio Romano - Attorney, Brad Zerman - President of Seven Point were present for the discussion. Attorney Romano provided an overview of the presentation of Seven Point, which is proposing a Medical Marijuana Dispensary in Middleborough. Attorney Romano discussed the process for obtaining the medicine from a patient's point of view. There was a review of the security for the process. Brad Zerman spoke about the facility that is under construction currently in Illinois.

The Selectman discussed the need to have a Gift Agreement in place before a letter of non-opposition would be provided by the Town.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to authorize the Town Manager to work with Seven Point on a Gift Agreement and to bring it back to the Board of Selectmen for review.

**Earth Removal Permit Hearing** – Application made by Costello dismantling Co., for property located at 701 & 703 Wareham Street, Map 110, Lots 3952 & 3985. Selectman Frawley opened the hearing and read the legal notice. Green cards are provided by the applicant.

Gary James, James Engineering, provided an overview of the presented plan. He spoke about the removal of the remaining 20,000 yards from the site that was not completed under the first Earth Removal Permit. He talked about the demolition of the existing buildings.

Selectman McKinnon asked Mr. James if he had received the comments made on the Earth Removal application by the Departments. Gary confirmed that he had not. The Board agreed to

continue the hearing to allow for the applicant to receive and respond to the Department comments.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to continue the hearing for the Earth Removal Permit for Costello Dismantling to May 2, 2016 at 7:45 PM.

**Class II Dealers License Hearing** – Application made by Denise Margolin for property located at 35 Harding Street, Map 47, Lot 535. Selectman Frawley opened the hearing. It was noted that no Department comment was requested. This will be done in time for the next meeting.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to continue the hearing for the Class II Dealers License for Denise Margolin for property located at 35 Harding Street to Monday, April 4, 2016 at 7:45 PM.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board unanimously voted to continue the Visual Budget Presentation to April 11 at 7:30 PM.

**Town Manager Review of the April 25, 2016 Special Town Meeting Warrant Articles**

Article 1 – Town Manager gave an overview of the budget supplement requests.

Article 2 – Town Manager referenced the unpaid bill

Article 3 – Town Manager reviewed the roadway repairs and handicap sidewalk work to be done.

Article 4 – Town Manager noted that the building needs to be razed.

Article 5 – Town Manager explained that \$400,000 will be put into the Stabilization Fund.

Article 6 – Town Manager explained the roof repairs to be done at the MECC.

Article 7 – Town Manager noted this is to set up the revolving fund for the Oliver Estate Advisory Committee, Board of Selectmen and Conservation Commission as it relates to the Oliver House. Selectmen discuss the wording and request the article be corrected to only have the Board of Selectmen as the expending authority.

Upon motion made by Selectman Knowlton and seconded by Selectman McKinnon, the Board unanimously voted to remove the reference to the Oliver Estate Advisory Committee and the Conservation Commission from the wording of Article 7.

Article 8 – Town Manager explained that this is a one-time fix for the funds that were in the Tourism Account to be transfer into the General Fund so that they can then be put into the revolving account. It was asked that the Town Manager forward the letter from the outside Audit Firm regarding the results of the Tourism Committee audit.

Article 9 – Town Manager noted the allocation of Revenue of CPA funds.

Article 10 – This relates to the CPA funds.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted to approve the Special Town Meeting Warrant with the changes as indicated.

**Town Manager Review of the April 25, 2016 Annual Town Meeting Warrant Articles**

Articles 1 through 4 – Town Manager reviewed.

Article 5 – Town Manager reviewed the revolving account for the New Tourism Committee. There was a brief discussion on the process for expenditures.

Article 6 through 16 – Town Manager reviewed all the Capital Planning Articles.

Article 17 – Town Manager referenced the vote to move forward with a Debt Exclusion vote for the 9.5 million for the construction of a new Police Station.

Article 18 & Article 19 – Town Manager reviewed.

Article 20 – Town Manager noted that CPA fund accounts set up for FY '17.

Article 21 through 24 – Town Manager reviewed the CPA Fund articles. There was discussion on the status of the Woloski Park appraisals and moving forward under the tight timeline to utilize the FEMA funds. Jane Lopes, CPC Chairman, spoke on Article 24 and the hope that all ten homes will join in on the buyout of the homes. Neil Rosenthal expressed concern for the purchase of homes with taxpayer funds.

Article 25 – Town Manager Reviewed.

At 9:51 PM Selectmen Allin Frawley and Selectmen Leilani Dalpe step off the Board.

Article 26 – This is a petitioned article.

Allin Frawley, resident, speaks about the petitioned article and asked the Board of Selectmen to hold off on voting to put this article on the warrant until after it is addressed by the Tourism Committee at their upcoming April 13, 2016 meeting.

Arthur Battistini, resident, acknowledged that he submitted the petitioned article and is available to speak on it if anyone has questions.

Neil Rosenthal, resident, asked how a Selectman can recuse themselves and then turn around and speak at the same meeting as a resident? Allin confirms that he is speaking as a resident and not as a member of

**Board of Selectmen  
Meeting Minutes**

**March 28, 2016**

the Board of Selectmen. There was discussion on what the definition of recusing yourself is. Selectman Dalpe spoke on the petitioned article to say that this is not a personal request and that it is actually a Tourism Committee request.

Neil Rosenthal, asked for a legal opinion from Town counsel on this matter.

Ann Cavanaugh, 83 Miller Street, spoke on the Tourism's vote for the public records request. She also referenced an email message to Selectman Frawley that she has not received a response on.

Selectmen Knowlton reiterates that this is a petitioned article and it is not up to the Board of Selectmen to decide whether or not it goes onto the Warrant. It is allowed by the fact it is a petitioned article and it has been certified by the Town Clerk and must be placed on the warrant.

The Selectmen asked the Town Manager to contact Town Counsel and ask if it is possible for a Selectmen to recuse themselves from a discussion, step down from the Board and then got to the podium as a resident and speak on the matter. This will be reviewed further.

At 10 PM Selectman Frawley and Selectman Dalpe stepped back onto the Board.

Article 27 through Article 31 – Town Manager reviewed.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board unanimously voted to approve the Annual Town Meeting Warrant with the change on Article 4 removing the Oliver Estate Advisory Committee and putting in the Board of Selectmen.

**TOWN MANAGERS REPORT**

None.

**CORRESPONDENCE**

#1 Selectman Dalpe referenced the Auburn Street Canoe Access Design Project.

#2 Selectman Frawley and McKinnon discuss powered alcohol.

#4 Selectman Dalpe referenced the Mass Downtown Initiative Technical Assistance Program.

**ADJOURNMENT**

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to adjourn at 10:14 PM.

Respectfully submitted by,

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Colleen M. Lieb, Acting – Executive Assistant  
MIDDLEBOROUGH BOARD OF SELECTMAN

**9/21/15**  
**MINUTES**

## UNANTICIPATED

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe the Board voted unanimously to authorize the Town Manager, Selectman Frawley and McKinnon to have a conference call with Special Counsel regarding the Land Into Trust Agreement and discuss what the Town's options are.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to allow Chairman Frawley to put together a meeting with our State Reps and other town's officials that are party to the Compact to discuss the impact from the casino on their communities.

Selectman Dalpe asks Selectman Frawley and Selectman McKinnon what their problem is with her. She referenced two Gazette articles. She explained that she would like to clear the air so that the Board may move on with the Town's business.

Selectman McKinnon speaks about his filing of an ethics complaint on Selectman Dalpe. He explained that Selectman Dalpe has opened a Bed & Breakfast and he is now concerned that it is in direct conflict with her role as Vice Chairman of the Board of Selectmen and Chairman of the Tourism Committee.

Selectman McKinnon speaks further about the process of the Bed and Breakfast was flawed. He says Selectman Dalpe sits on this Board and deals with violations of licenses. He referenced the lack of understanding with zoning when opening the Bed and Breakfast.

Selectman McKinnon talked about a grant submission for the Oliver Estate. He also speaks on the two articles for the upcoming Town Meeting that weren't discussed by the Board of Selectmen. One article is for the disbandment of the Tourism Committee and the second article is to take control of the Oliver House away from the Board of Selectmen. He calls for the resignation of the Chairman of the Tourism Committee. He also calls for her resignation as Vice Chairman of the Board of Selectmen.

Selectman Dalpe presented a written response from the Ethics Commission to the Board regarding her recusing herself on anything related to Tourism or Business in the Town. There is clarification on the question asked. Selectman Dalpe asked the question verbally. Selectman Frawley asked for both the question and answer to be in writing.

Selectman Dalpe speaks on the misunderstanding with the Building Inspector. She has one unit and he said to her "less than three". She took that to mean units but he meant the number of people. She states that she has not had more than three people stay and that she has updated her website.

Selectman Dalpe speaks on the grant submission for the land purchase of the Oliver property, she noted that the grant was put together and submitted by a Town Employee and that she did not have an action on it. Selectman McKinnon will provide her with a copy of the grant he is referring to.

Selectman Dalpe speaks on the two warrant articles. She noted that the articles were presented and approved by the Board of Selectmen. She referenced the September 8, 2015 meeting. Selectman McKinnon referenced an August 4, 2015 correspondence from Town Counsel to Selectman Dalpe that could have been presented to the Board but was not.

Selectmen Frawley speaks about the continued unwillingness to post Tourism Committee Members. He feels that the Tourism Committee is not following the proper protocol and avoiding answering Selectmen questions. He asks that they follow the rules.

Selectman Dalpe explained that it is the State Ethics Commissions guides/answers she follows and she will continue to do so.

### **ANNOUNCEMENTS & RECOGNITIONS**

Public announcements are made.

### **MINUTES**

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve the 9/14/15 minutes.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, Board voted to unanimously approve the 9/14/15 Executive Session meeting minutes.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted to unanimously to authorize the Chairman or his designee, to sign the warrants for week ending 9/19/15.

### **NEW BUSINESS**

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted to unanimously approve a One-day All Alcoholic Beverages Liquor License for Muckey's Liquors for 10/7/15 from 5 PM to 11 PM at Oak Point for the annual Taste of Middleboro.

Discussed proclamation of support for Middleborough Police Officers and declaring the month of October as "Show support for our Police officers" month by decorating with blue lights and ribbon across the Town.

Town Manager presented Chris Peck, DPW Director's, proposed recommendation for additional trash and recycling barrel fees. There was discussion.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted unanimously to continue the discussion on trash barrel fees at a time when Chris Peck can attend the discussion.

**HEARINGS, MEETINGS, LICENSES**

Town Moderator Wayne Perkins addressed the Board to remind the public that Special Town Meeting will be held on Monday, October 5, 2015.

Town Manage explained STM Warrant Articles,

Article #1 Barbara Erickson addressed the Board to offer that she is opposed to the funding for this position being taken out of the budget and noted a letter provided by the Board of Assessors.

Article #2 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

Article #3 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

Article #4 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

Article #5 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

Article #6 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

Article #7 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#8 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#9 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#10 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#11 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to support this article.

#12 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article. Neil Rosenthal addressed the Board to express his concerns relative to the cost for a Feasibility Study. School Committee.....Rich Young responded

#13 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to support this article.

#14 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#15 Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#16 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to support this article. Four in favor. Selectman Knowlton opposed.

#17 Board agreed to hold.

#18 Board agreed to hold.

#19 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#20 Upon motion by Selectman McKinnon and seconded by Selectman Stewart Board voted unanimously to support this article.

#21 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#22 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support this article.

#23 Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to table until next week so that Town Counsel can be consulted. Four in favor. Selectman Knowlton opposed.

#24 Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted to support this article. One in favor. Selectman Dalpe abstained. Selectman Frawley and McKinnon against.

#25 Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted to support this article. Two in favor. Three opposed.

#26 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon voted unanimously to support this article.

#27 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon voted unanimously to support this article.

#28 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon voted unanimously to support this article.

#29 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon voted unanimously to support this article.

#30 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon voted unanimously to support this article.

**TOWN MANAGER'S REPORT**

Town Manager reported on the following:  
FY15 Budget Review

- a. Local Receipts
- 1. Department of Revenue Certification
  - b. Free Cash
  - c. Retained Earnings
    - i. Water
    - ii. Wastewater
    - iii. Sanitation

**CORRESPONDENCE**

#1 Selectman Knowlton noted.

#8 Selectman Stewart noted.

#6 Selectman McKinnon asked the Town Manager to obtain a schedule of areas to be flushed and put on Town's website.

**EXECUTIVE SESSION**

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session for the purpose of discussing Collective Bargaining as it relates to GMEG, DPW, Clerical & Library at 9PM and not to return to open session. Roll Call: S. McKinnon, Yes; L. Dalpe, Yes; J. Knowlton, Yes; D. Stewart, Yes; A. Frawley, yes. Ended at 9:49 PM