Middleborough Board of Selectmen **July 27, 2015**
Meeting Minutes

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

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

UNANTICIPATED

ANNOUNCEMENTS & RECOGNITONS

Board made various announcements.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to accept the check from the Burt Wood School of Performing Arts – DS spoke about

Selectman McKinnon offered congratulations to Town Clerk Allison Ferreira on obtaining her Certification as a MA Municipal Clerk.

Members of the audience and the Town Manager also made announcements.

MINUTES

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve the 7-13-15 regular meeting minutes.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for weeks ending 7/25 & 8/1/15.

NEW BUSINESS

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to adopt the Order of Taking for Fernway/Outlook Circle.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to sign Certificate of Acceptance of Real Estate re Oliver Estate closing. Four in favor. Selectman McKinnon opposed.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to award bid and sign bond anticipation for COA roof.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to set fall STM date as 10/5/15.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve STM Warrant closing date as Friday, August 21, 2015 at 5 PM.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve and sign Betterment Agreement for 691 Plymouth Street in the amount of $17,500.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve a 10 a.m. Sunday serving time for Mitchell Memorial Club, Inc.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to appoint Cody Smith as an Auxiliary/Special Police Officer.

Herring Fisheries Commission Chairman David Cavanaugh addressed the Board. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to accept and ratify receipt of a $1,500 matching grant from Taunton River Stewardship Council. Four in favor. Selectman Frawley abstained.

Chairman announced Town Counsel's opinion regarding filling the recent vacancy on the Tourism Committee resulting from the rescinded vote of having had appointed Glenn Montapert. Town Counsel has indicated that the Board must follow its adopted policy and advertise for the vacancy for 30 days. Selectman Dalpe offered that she was abstaining from voting. No vote was taken. Sherri Swindle asked if letters of interest received would be shared with the Tourism Committee. Chairman indicated that they would be.

Chairman raised suggestion by a resident that the Board of Selectmen consider not serving on other boards, committees and/or commissions. All Board of Selectmen members agreed it would continue its current practice in continuing to serve on various boards, committees, and/or commissions.

Selectman Stewart explained that Town Counsel recommended that her appointment to the Green School Committee be rescinded. Selectman Stewart offered that she's not so sure ex-officio appointments are necessary for all committees and she didn't feel it was necessary in this case. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted to rescind the appointment. Four in favor. Selectman Stewart abstained.

In response to a question by Selectman Dalpe, Chairman Frawley offered that the Selectman representative on the Herring Fisheries doesn't qualify for "ex-officio status or the need to have the appointment rescinded because it is a dual Town appointment.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to rescind reappointment of Derel Lee Twombly as "Alternate" Animal Inspector.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to appoint Derel Lee Twombly as "Alternate" Animal Inspector.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to appoint Kelly Jarabek as "Interim" Animal Control Officer.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to pay the MMA invoice for dues. Selectman Knowlton noted that the Board had discussed, in the past, its wish to increase the budget for this account to help fund expenses for Board members wishing to attend the MMA Annual Trade Show. Town Manager offered that he increased the line item by $1,000.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to issue citation to The Burt Wood School of Performing Arts for its 20th year Anniversary. Chairman offered that he is happy to attend the celebration and present the citation.

Selectman McKinnon shared his concerns regarding the proposed Social Media Policy. Chairman suggested having Labor Counsel review the policy and offer input. Selectman McKinnon would also like to know what MG&E and the School department use for policies. Brian Giovanoni addressed the Board. He will forward what the School department is utilizing to the I.T. department. Police Chief Perkins addressed the Board. The MPD has a social media policy and a policy on how it is run. They also have a social media personal use policy. Selectman McKinnon offered that he thinks it's too broad and would like to see it broken down into separate policies. Selectman Dalpe offered that she agreed with everything said. She would also like to see it broken down. Tara will bring the Board's concerns back to the Social Media Working group. She will include the Police, Fire, MG&E and School department policies. Chairman asked if she would let the BOS know when the Social Media Working group's next meeting is so the Board members can attend. Board will review again at its next meeting. Town Manager will have Labor Counsel review.

Chairman continued discussion re Electronic Devices & Board members during meetings. He offered his personal opinion. He also noted that the Board has not adopted a Remote Participation policy. No other Board/Committee/Commission can access a Remote Participation policy unless the Board of Selectmen adopts such a policy, with the exception of the Commission on Disability. If the Board were to adopt such a policy, all Boards/Committees/Commissions would be able to access said policy. Selectman Knowlton read aloud an email exchange that he had with the office of the Attorney General regarding whether or not electronic messages received, during a meeting of the Board, would be considered public record. Chairman read aloud document from Collins, Loughran & Peloquin, P.C. re Remote Participation. Selectman Dalpe offered that she had texted Selectman Knowlton during an "official recess" of the Selectmen's meeting on 4/13/15. Chairman reiterated that he did not have an issue with that specific text. Selectman McKinnon recalled that the Board had actually voted not to allow remote participation. Chairman read aloud further Open Meeting Law correspondence re public participation and the time allowed by the Board for the public to

speak. Town Manager will ask Labor Counsel for his legal opinion. Resident Tracy Marzelli addressed the Board.

Timothy Shaw of A.R.L. Healthcare, Inc. addressed the Board re opening a Registered Marihuana Dispensary in Middleborough. Mr. Walsh indicated that there isn't a deadline set for the Town's letter of support. Selectman McKinnon asked Mr. Shaw to provide an updated Gift Agreement to the Board and the Board's Executive Assistant to provide a draft of the support letter. Selectman Knowlton asked that the Police Chief be included in discussions. Chief Perkins addressed the Board. Selectman Knowlton asked Mr. Shaw about these dispensaries being cash only. Mr. Shaw offered that the group he is involved with has banks involved and credit and debit cards as well. Board heard from the audience. Tim Shaw responded that everyone involved has to submit a full CORI background check. The Board will discuss/consider the matter further at its 8/10/15 meeting.

HEARINGS, MEETINGS, LICENSES

At 8:40 PM Chairman continued the Board of Health hearing to Adopt Body Piercing Regulations opened on June 29, 2015 and continued to July 13, 2015 and further continued to July 27, 2015. Health Officer R. Buker addressed Board. Review of the policy document ensued. Aaron Bernabeo owner of a tattoo business in Middleborough addressed Board to offer that he worked on drafting the Town's bylaws for tattooing and body piercing with former Health Officer Jeanne Spalding, however, the Body Piercing bylaw never went through. He and was also able to offer answers to some of the Board's questions. Selectman Knowlton confirmed with Health Officer R. Buker that the proposed fees are consistent with other fees in Town. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to continue hearing to 8/10/15 at 7:20 PM.

Green Energy Committee Chairman Jeff Stevens addressed Board to begin discussion re Large Scale Solar Energy Systems. Board asked questions. Further discussion ensued. Future discussions will continue.

TOWN MANAGER'S REPORT

Town Manager presented his report as per the attached.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to endorse the application and apply for Preparing for Success under Housing and Economic Development and Best Practice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to ratify the Town Manager's appointment of Adam Guaraldi to the Conservation Commission for a term ending on 6/30/18.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to ratify the Town Manager's reappointment of Kathy Foye to the Historical Commission with a term ending on 6/30/18.

CORRESPONDENCE

#17 Selectman Knowlton noted correspondence from the Health department re the first positive case of West Nile Virus having had been found.

#4 Selectman Stewart credited Conservation Commission Agent Patricia Cassady for all of her hard work and time that she invested in the Land Grant Application for the Oliver Estate Land Protection project.

#16 Selectman Dalpe noted that the COA is in need of Meals on Wheels Drivers.

Chairman Frawley noted job opening at DPW.

#14 Selectman McKinnon noted service changes by Xfinity.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to adjourn at 9:41 PM.