

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

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

UNANTICIPATED

There was nothing presented.

ANNOUNCEMENTS AND RECOGNITIONS

Selectman McKinnon spoke about the Middleborough Mess Movers activity on Saturday, September 17th. He reported that ten people attended and picked up 10 bags of trash and 12 bags of recycling. He noted the next date of the Middleborough Mess Movers on October 15th.

Selectman Dalpe announced the last Ghost Tour for September, this Saturday at 7:30 PM or 9:30 PM. Use Eventbrite GHOSTLOVER code to get a 20% discount on tickets. Selectman Dalpe also spoke about the upcoming Octoberfest.

Selectman Frawley spoke about the community support at the BAT RUN held on Saturday. Chairman Stewart thanked Middleborough DPW, Police & Fire, Brewster Ambulance Services and the State Police for their help in the event.

Selectman Knowlton spoke about the Sacred Heart Food Pantry 5k Run/Walk to benefit the Sacred Heart Food Pantry, to be held Sunday, September 25th at 10 AM starting at the Nicholas Middle School.

Arthur Battistini, 6 Reland Street, spoke about the upcoming Southcoast Rail meeting to be held September 22 2016 at 6:30 PM.

Brian Giovanoni, spoke about the “1st Community Forum” and noted that there are plans to hold a second community forum.

MINUTES

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to approve the September 12, 2016 minutes as amended.

WARRANTS

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to approve and authorize the Chairman, as a designee to sign the warrants for the weeks ending September 24, 2016.

NEW BUSINESS

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley, the Board voted unanimously to sign the contract for the Town Accountant as presented.

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley, the Board voted unanimously to sign the Notice of Betterment for 34 Rocky Gutter Street.

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley, the Board voted unanimously to accept the gifting of a 4x4 pick-up truck vehicle from Middleborough Gas & Electric to the Highway Department.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted unanimously to appoint Donna Jolin as the 2nd Appointee to the South Shore Recycling Co-Op for a three year term to expire on June 30, 2016.

The Board briefly discussed the Planning Board vacancy. The Board agrees to follow their protocol and advertise the position for 30 days, request that all interested parties send their intent to both the Board of Selectmen and the Planning Board. Once thirty days has passed, a joint meeting will be set with the Planning Board to move on the joint appointment.

HEARINGS, MEETINGS, LICENSES

Special Town Meeting Warrant Review – Article 12

Chris Peck – DPW Director, Joe Silva – Water Department and Tom Hannah – Principal at Tighe & Bond were present for the discussion. Chris Peck discussed Article 12 and the request for an additional \$750,000 for this project. It was noted that this is the second time this project has been brought to Town Meeting for additional funding. Mr. Peck discussed how the project originally started at 5 million, then an additional 5 million as approved and now they are requesting another \$750,000.

Tom Hannah provided a brief summary of the overall cost and how the project has had to meet new storm water management requirements that were different from when it was first designed seven years ago. There was discussion on the water purification system. The Board discussed the fact that this is the third time that the Town is being asked to borrow again on this project. Mr. Peck confirmed that they probably should have waited to ask for funding for the project until the plans were further along. He is confident that this will be the last request for this project. It was noted that the design for this project was taken off the shelf from 2008.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to recommend favorable action on Article 12.

Special Town Meeting Warrant Review – Article 17 & Article 18

Police Chief Joe Perkins, Allison Ferreira and Meaghan McDonald – Disability Commission were present for the discussion. Chairman Stewart read the legal ad for Article 17 and Article 18.

Chief Perkins addressed the Board about his opinion on the handicap parking fine. He explained that he feels the Police should be impartial. They are the Department that issues the citations and they should not be involved in the discussion on what the fine should be. He feels the more appropriate discussion to have is whether there really is a handicap parking problem in the Town. He talks about how he is thankful that handicap parking is not a problem for him and he can see how people would be outraged if some lazy inconsiderate person was parked in a handicap spot that didn't have any regard for the most disadvantaged in the community. He further states that there is a problem when a resident openly speaks about violation the law in a public forum. He finds that ridiculous. He speaks about the deterrent part of the fine and feels that \$300 is acceptable as long as it is within the law.

Selectman Dalpe spoke about her mother and how she would have to search for a someplace to safely get her mother out of the vehicle.

There is a question asked about how many fines have been handed out historical for handicap parking. The Chief explained that he has the 2014 date of the Department issuing 80 parking tickets but he is unclear as to how many relate to parking in a handicap spot.

Meaghan McDonald spoke about the continued issue of non-disabled people parking in handicap parking spots. She states that she feels all disabled deserve the same level of respect as everyone else. She states that we need to step up our game and that this is a serious issue that doesn't get addressed often enough.

Arthur Battistini, 6 Reland Street, stated that he thinks the increase to \$300 for a parking fine is probably not even enough. He confirms that this bylaw only applies to public owned parking. It is clarified that this is only for removing vehicles. The Town cannot have vehicles towed off of private property but can do so on Town owned property.

Lincoln Andrews, 28 Sachem Street, explained that he was the one who made the motion at Town Meeting to have the Selectmen hold a hearing and complete due process. He asked how the \$300 fine was decided upon. Chairman Stewart explained that the fine was discussed by the Commission on Disability and it was decided that the \$300 fine would be pursued. She further noted that the current fine is \$50. There was further discussion with Mr. Andrews and the Board in regard to the amount of the fine.

Meaghan McDonald spoke about the people who are disabled and their struggle to walk from their parking spot to a store, and how that is all the research that is needed.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to recommend favorable action on Article 17.

There is a review of Article 18. This article is to create a fund to accept the Handicap Parking Fine Fees. This was reviewed by the Town Accountant and he has no issues with it. Selectman McKinnon discussed working with the DPW to see about having the fine added to the Handicap Parking signs around town.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to recommend favorable action on Article 18.

Special Town Meeting Warrant Review – Article 20

Jeff Stevens, Green Energy Committee, presented his recommendation that the Town apply for Green Community Status. Mr. Stevens noted that there are currently 177 green communities in the commonwealth and noted that one of the aspects of becoming a green community is adopting the Stretch Energy Code.

John Scanlon, Green Energy Committee, spoke about his view as a developer in complying with the Stretch Energy Code. He feels it isn't difficult to comply with.

Mr. Stevens offered that the Building Inspector is comfortable with the town adopting the Stretch Energy Code.

Selectman McKinnon expressed concern about the code and asked if it is possible to take ourselves out of it, if it is found to be too much of a burden. Mr. Stevens explained that the Town can opt out if the Town feels the demands are unreasonable.

Seth Pickering, Green Energy Committee, spoke about how homeowners now have to spend a little bit more money when they are building a new home in order to meet the Stretch Energy Code requirements but this will end up saving them in electric costs in the long run.

The Board discussed the involvement of the G&E in the Stretch Energy Coded discussion and it was confirmed that there is a G&E Representative that attends the Green Energy Committee meetings and participates in the discussions. Mr. Steven confirms that he does keep them in the loop with all of the Green Energy Committee's activities. Selectman Frawley spoke in favor of the Stretch Energy Code. Selectman McKinnon asked that the Green Energy Committee make a presentation to the G&E Commissioners on this. It is also suggested that the benefits of implementing the Stretch Energy Code be compiled to present at Town Meeting.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to recommend favorable action on Article 20.

Hearing – Roadway Acceptance – Brookside Estates – Brookside Drive and Fidelity Lane

Chairman Stewart opened the continued hearing for Brookside Estates, Roadway Acceptance for Brookside Drive and Fidelity Lane.

Chairman Stewart referenced the Planning Board's Recommendation and noted that this was submitted by petition from the Brookside Residents.

Chris Peck, DPW Director, spoke about the bid opening that took place last Wednesday. He reported that there were seven bidders of the project and the lowest bidder was \$656,228. Mr. Peck spoke briefly on the state of the roadway and the concerns about what is underneath. He noted that they will not know for sure until they start doing the roadway work.

Robert Nunes, Town Manager, spoke on the surety and how there will be a shortage in funds to complete the roadway. There is reference to assessing betterments and it is confirmed that the Board has the authority to assess a betterment similar to what was done on the River's Edge roadway completion project. Mr. Nunes noted that there is a variety of options with principal payback and interest on the betterments. Mr. Peck spoke about the added cost of \$50,000 for engineering. This brings the total estimated cost to \$700,000.

Eric Robitaille, 88 Brookside Drive, expressed appreciation for the Board's assistance in getting the roadway completed. The Board asks Mr. Robitaille if the residents of Brookside Estates are aware that betterments will be assessed as part of the roadway completion. Mr. Robitaille spoke about the hopes that further value engineering will be done to further reduce the cost for the residents.

Rich Farmer, 61 Brookside Drive, expressed appreciation to the Board and Mr. Peck for the effort that has been put into getting the roadway complete and working towards roadway acceptance. He spoke briefly on his understanding that it is unclear at this point what the final cost of the project will be, but he too hopes that there will be further value engineering done to further reduce the cost to the residents.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted unanimously to close the Roadway Acceptance Hearing for Brookside Estates.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to accept Brookside Drive and Fidelity lane as Town ways as laid out and ask Town Meeting to authorize the Board to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled "Road Layout Plan of Brookside Drive and Fidelity Lane – Middleborough Massachusetts 02346 consisting of three sheets, dated August 9, 2016 and prepared by Outback Engineering Inc. and to raise and appropriate a sum of money to complete construction of the ways and to assess betterments for the cost of construction.

Special Town Meeting Warrant Articles - Continued

Upon motion made by Selectman Frawley and seconded by Selectman Dalpe, the Board voted unanimously to recommend favorable action on Article 21 and Article 22.

There Board discussed Article 8 and the cost of the air conditioning replacement for the first floor of the Bank Building. There is a question on whether the existing ventilation can be used. Selectman Knowlton requested that the Building Inspector attend the next meeting to report on whether the existing duct work can be reused. This article will be held.

Article 14 – This article is for the study of the historic stonework at the Oliver Mill Park. Jane Lopes discussed two grants that the project might be eligible for. There was a brief discussion on the stonework study that was done in the 1990's. Ms. Lopes confirmed that the study that was done back then is now obsolete as the stonework looks vastly different now.

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley, the Board voted unanimously to recommend favorable action on Article 14.

TOWN MANAGER REPORT

The Town Manager provided a review of the Standard & Poors rating report. The Town Manager provided the highlights of the Fiscal Year 2016 Strategic Plan performance Report.

CORRESPONDENCE

#3 – Selectman McKinnon referenced the County Tax Assessment.

There is no further correspondence discussed.

EXECUTIVE SESSION

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted to enter into Executive Session to return to Open Session for the purpose of contract negotiation with the Board's Executive Assistant as a discussion in Open Session might be detrimental to the Board. Polled vote: Selectman A. Frawley - Aye, Selectman L. Dalpe - Aye, J. Knowlton – Aye, S. McKinnon - Aye and D. Stewart - Aye

At 9:32 PM the Board returned to Open Session.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to approve and sign the three year contract with the Executive Assistant.

ADJOURNMENT

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to adjourn at 9:35 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN