

MINUTES

For approval at the 1-30-12 meeting

(AMENDED)

**Middleborough Board of Selectmen
Meeting Minutes**

January 9, 2012

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

In attendance were: Selectmen A. Rullo, S. McKinnon, S. Spataro, A. Frawley, and B. Quelle, Town Manager C. Cristello and Confidential Secretary J. Shanley.

The meeting was broadcast live by Verizon and MCCAM and recorded by MCCAM.

UNANTICIPATED

None.

ANNOUNCEMENTS

The C.O.A. is holding a Caregiver Support Group on Wednesday, January 11, 2012 from 7 PM to 8:30 PM.

Selectman Quelle commended the Police and Fire departments for the work they did during the holidays in addition to the continued effort in the fight against drug related crimes.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted to approve the 12-19-11 meeting minutes. Four in favor. Selectman McKinnon abstained.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted to approve the re-appointments to the Herring Fishery Commission as presented on the attached. Four in favor. Selectman Frawley abstained.

Town Manager gave brief history re White/McGill Land Exchange matter. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to cancel White/McGill Land Exchange agreements with the S. Middleborough Fire Station and to dismiss the pending Land Court case without prejudice.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign 2012 Contract Award Sheet for Services for DPW as submitted to SERSG.

Survey Board for Inspections of Unsafe Structures

Selectman McKinnon asked if Building Commissioner Whalen would be on this Board. Town Manager explained that he would not because the Board is set up to review his initial determination. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint a Survey Board for Inspections of Unsafe Structures consisting of Fire Chief Lance Benjamino, Police Sergeant Benjamin MacKeiwicz, & Local Structural Engineer Robert DesRosiers.

**Middleborough Board of Selectmen
Meeting Minutes**

January 9, 2012

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the 6/23/12 and 6/24/12 M.S. Bike Ride.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Soule Homestead's request to rent the Town Hall auditorium on 2/11/12 to hold its annual fundraising Valentine's dance and to place an advertising sign on the lawn of Town Hall. Donations may be made to Soule Homestead, 46 Soule Street.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for the Bartending Service of New England on 2/11/12 at Town Hall from 7 p.m. to 12 a.m.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for the Bartending Service of New England on 1/21/12 at the Alley Theatre, 133 Center Street from 7 p.m. to 11 p.m.

Temporary Appointment of Police Sergeant

Police Chief Gates addressed Board to explain the need to fill this position temporarily. He noted that Civil Service said we can fill the temporary position for Sergeant for as long as needed.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the temporary appointment of John H. Graham to the position of Police Sergeant.

TOWN MANAGER'S REPORT

Town Manager noted Enterprise story about a successful software business in Commerce Park.

Town Manager noted that the Fire Chief completed the Middleborough electronic Comprehensive Emergency Management Plan (eCEMP) update.

Town Manager noted correspondence addressed to MA DOT Administrator Frank DePaola from State Representative William Straus re Route 44 Rotary.

Town Manager noted Draft Policy on Applying for new major grants. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve policy as presented.

HEARINGS, MEETINGS, & LICENSES

Edgeway Mobile Home Park Matter

At 7:30 PM Board continued Edgeway Mobile Home Park matter. Selectman Quelle updated Board with latest information regarding work being done at Edgeway Mobile Home Park. He explained that the residents of the Park are aware of the current status. Our next important date is 3/15/12 for Phase II Drainage plans. Town Manager is going to work closely with the operator to make sure things get done on time. Selectman Quelle suggested we get the Owner/Operator before the Board

in order to point out that he had missed the deadline date for Phase I. Town Manager suggested to the Owner/Operator that their engineer attend a meeting in early February.

The initial plan of Phase II drainage must be submitted to the Board by 3/15/12. Town Counsel explained that it is unethical and not in accordance with the rules to unilaterally contact the judge. He has suggested that the Board may file a contempt complaint, but it is his position that the Board would find it unnecessary to bring a contempt complaint, at this point, as all of the work has been completed. Anne McGann asked if the agreement with Edgeway is a public document. Town Manager responded that it is. Selectman Quelle provided Ms. McGann with a copy. Chairman offered that he finds bringing the contempt charge, at this point, to be unnecessary. Selectman Frawley offered that, historically, the Park Owner/Operator has failed to do what he has said he would do. Chairman responded that he has met the terms of the present agreement and if the Town were to go to Court, the judge may tell us it's a moot point as they are finished with Phase I. Chairman offered that he feels the Board's over-riding responsibility is to make sure that the agreement was met. Motion made by Selectman Spataro and seconded by Selectman Quelle, for discussion, not to file a contempt charge. Selectman Quelle offered that we would be looking for judgment by the judge to make a ruling, and yet we wouldn't be asking for anything specific. It's not necessarily as simple a process as we thought. He would prefer not to upset the judge. Selectman McKinnon noted that it appears that the most significant improvements to the Park, that we asked to be done, have been done, and he listed the various items. He thinks that the judge would throw us out if we go before the judge to report that they were two weeks late after waiting since 2004 for these improvements and having had them completed since September 2011. Anne McGann offered that the residents disagree with the Board. Four in favor. Selectman Frawley opposed. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to continue the matter to 3/19/12 at 7:30 PM.

General Government Departmental Budget Reviews

At 7:50 PM. Town Manager gave a brief overview of the budget. The current deficit is \$500,000. The School Department is losing \$1 million in Federal aid so the deficit is actually greater. We will know more at the end of the month after the government files its budget, MIIA announces its healthcare increase for the year, and the main commitment of motor vehicle excise taxes arrives.

Board reviewed these budgets with representatives from these departments and boards as follows:

- Finance Committee
- Law Department

Selectman Frawley noted that last year we had a snowplowing budget that was completely underfunded, but were able to pull funds from elsewhere. He asked if we should start appropriating more money to these budgets to be more realistic. Town Manager responded that he doesn't know exactly what it is going to be, and would rather leave it alone for now, based on only one year's experience, and adjust it in the future, if needed.

**Middleborough Board of Selectmen
Meeting Minutes**

January 9, 2012

- Zoning Board of Appeals
- Planning Board
Planning Director Ruth Geoffroy addressed Board to discuss her budget. Chairman asked Ms. Geoffroy to provide the Board with the filing fees collected over the last five years.
- Town Accountant
- Assessors - No show.
- Health Department - Unable to attend with notification to the Town Manager ahead of time.
- Animal Control - Unable to attend with notification to the Town Manager ahead of time.
- Town Clerk
Town Clerk Allison Ferreira addressed Board to discuss her budget. She offered to provide the Board with a job description for an Assistant Town Clerk and to work with the union and Town Manager to put the information together.
- Elections & Registrations
- Conservation Commission
- Information Technology
I.T. Director Roger Brunelle addressed Board to discuss his budget. Selectman Frawley requested a complete breakdown of the software maintenance account. He also reminded Mr. Brunelle that he was waiting for a report on the cash register program that was never installed. Selectman Frawley noted what appeared to be an increase in printing costs. It was also noted that there has been some creative bookkeeping re personnel in this budget. Selectman McKinnon asked for information about the implementation of the G.I.S. program.
- Council on Aging

Board's secretary left meeting at 10:20 PM.

- Treasurer/Collector

Town Manager gave synopsis re overall budget and timeline in which he anticipates that he will make his final recommendation.

CORRESPONDENCE

Selectman Spataro noted that the Rockland Industries Site has been closed off for a number of years, and questioned the state's assertion that it cleaned it up in three hours, specifically noting that this would be impossible. Selectman Frawley noted email from Conservation Commission Agent P. Cassidy and offered that there is still plenty of work to be done and soil to be tested. The bulk of contamination has been removed. She has done a site visit and taken pictures in addition to providing a detailed report. Selectman Frawley also commended former CEHIC member Suzanne Dube for all her years of hard work in trying to get this site cleaned up.

#13 Selectman Frawley noted and explained letter addressed to him and dated 12/22/11, from the Executive Office of Housing & Economic Development re Expanded Gaming/Mashpee Wampanoag Tribe.

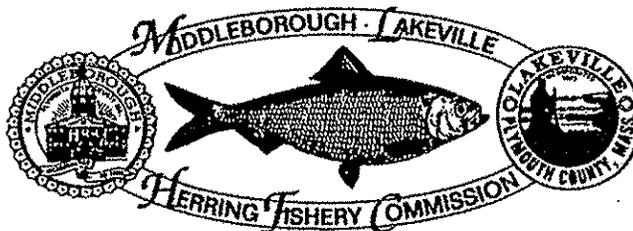
Selectman McKinnon noted that he had received a call that Summer Street Bridge is now open for traffic. The caller said he had been on River Street and looked down Auburn Street. Auburn Street is under "future items" on the Board's agenda for discussion.

#17 Selectman McKinnon noted correspondence from the Herring Fishery Commission commending DPW Director and his crew.

Chairman noted Earth Removal Inspection reports that reflect expired permits and asked that they be looked into.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 10:45 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN



Bank Building, 20 Centre Street, Middleborough, Massachusetts 02346

December 27, 2011

Board of Selectmen
Middleborough Town Hall
Nickerson Ave.
Middleborough, MA 02346

Dear Members of the honorable Board:

On December 13, 2011 the Middleborough-Lakeville Herring Fishery Commission voted unanimously to recommend the following appointments:

VOLUNTEER OBSERVERS for a one-year term ending September 30, 2012:

Allin Frawley

Harold Atkins

Kristen Chin

Luke Leonard

~~Sylvester Zienkiewicz~~

Zienkiewicz

FISH WARDENS for a three-year term ending September 30,
2014:

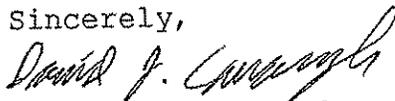
David Cavanaugh

William Orphan

They have shown a continuing commitment to the operation of the Commission and the protection of the annual herring migration. We feel they will be an asset to the Commission. We request that you consider them for appointment at your earliest opportunity.

We request that home addresses and telephone numbers not be published or placed on appointment cards.

Sincerely,



David J. Cavanaugh
Chairman

**Middleborough Board of Selectmen
Meeting Minutes****January 18, 2012
Wednesday**

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

In attendance were: Selectmen S. McKinnon, S. Spataro, A. Frawley, and B. Quelle, Town Manager C. Cristello and Confidential Secretary J. Shanley.

The meeting was broadcast live by Verizon and MCCAM and recorded by MCCAM.

UNANTICIPATED

Selectman Frawley inquired as to this week's trash pickup schedule noting that his trash, along with others, was not picked up as anticipated. Town Manager will look into.

Adam Bond addressed Board re the wish of Edgeway Mobile Home Park residents to notify the judge that the Park Owner/Operator had missed the scheduled deadline in completing Phase I improvements to the Park. He suggested sending the judge a status report, or offered that an easier way is to draft a short motion for a status conference for both sides to go in and discuss where we are in the process, and mention they were late. He offered that the concern is how things will run in the future. The judge may deny it, but at least he would have the information for possible future reference. The judge may approve request for status conference just hearing that they were late. Chairman McKinnon noted that the Board has already voted on the matter.

ANNOUNCEMENTS

None.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Frawley for discussion, Board voted to approve the 1-9-11 meeting minutes. Selectman Frawley noted that detail is missing regarding budget discussion with the I.T. department. Selectman Spataro requested additional language be added to p. 4, specifically, that it is difficult to believe that the state was able to clean up the Rockland Industries site in three hours after it being closed off for a number of years.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 1-11-12 meeting minutes.

NEW BUSINESS

Board had no objection to KENO license being issued for The Riverside restaurant.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve an Automatic Amusement Device license for The Riverside restaurant.

BILLS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve payment to Atlantic Design Engineers, LLC for the review of the Nemasket River project WRPD application.

TOWN MANAGER'S REPORT

Town Manager explained the Reserve Fund Transfer Request re reimbursement to MA Emergency Management Agency (MEMA) for overpayment of flood grant funds received in 2010 in the amount of \$2,942.23 for water damage to the bank building. The Town must pay the reimbursement to MEMA in order to receive FEMA reimbursement money awarded to the Town in the amount of \$64,506.77. Fire Chief addressed Board to add clarification. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support the Reserve Fund Transfer request.

Town Manager noted additional documentation provided to the Board this evening re revised schedule for work on the Town Hall Cupola.

Town Manager noted that the Board may not wish to meet Monday, January 23, 2011 as the Chairman won't be available and we don't have any items scheduled as the Board met this evening, only days prior. Board agreed.

Town Manager noted that on 1/30/12, the Board will hold the hearing re Proposed Amendments to the Rent Control Rules & Regulations. He has invited the State Senator and State Representatives to attend.

Fire Chief shared a Certificate of Appreciation from the Federal Emergency Management Agency dated 1/5/12 by the Federal Coordinator officer. FEMA wanted him to relay its appreciation for our hospitality. Chairman offered the certificate to the Chief to hang in the Fire station and asked him to thank his staff.

HEARINGS, MEETINGS, LICENSES

At 7:30 PM Chairman opened public hearing on application made by Stoney's Restaurant, Inc., 456 West Grove Street for a Weekday Entertainment license by reading aloud the public hearing notice. Owner Steve Barnicoat addressed Board to explain his request. Chairman asked to hear any questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve license.

CORRESPONDENCE/ UNFINISHED BUSINESS

#2 Selectman Quelle noted email from the Edgeway Mobile Homeowner's Association requesting that the Board notify the judge that the Park Owner/Operator was three weeks late in completing Phase I improvements.

He also offered that he had called into the Association before tonight's meeting for an update. A Couple of tenants offered that several units had problems with downspouts not functioning appropriately and had water gushing out. He suggested Town Manager contact the engineer to look into and have follow-up prior to the next scheduled "official update meeting".

Selectman Frawley offered that he sees no reason not to sign off on a status update to the judge. We are having problems with gutters and if this is a beginning of a problem, we need to make sure

someone knows about this. We just want the judge to be aware, and we have the vehicle in which to do that. Chairman noted that discussion will continue following tonight's scheduled hearing for Weekday Public Entertainment licenses.

HEARINGS, MEETINGS, LICENSES

At 7:40 PM Chairman opened hearing on application made by Dave's Diner for a Weekday Entertainment license by reading aloud the public hearing notice. Restaurant Manager, Mr. Spinetto addressed Board. He noted that they close at 9 PM. Entertainment would be anytime between 5 a.m. until 10 pm. Chairman asked to hear questions or comments. Hearing none, Chairman declared hearing closed. Upon motion made by Selectman Spataro and seconded by Selectman Quelle, Board vote unanimously to approve license.

At 7:44 PM Chairman opened public hearing on application made by Buddy's Pizza Pub for a Weekday Entertainment license by reading aloud the public hearing notice. Pub Manager Christopher Mastrangelo addressed Board. Chairman asked to hear comments or questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve license.

Board reviewed Public Safety/General Government Departmental Budgets as follows:

- Sealer of Weights and Measures
Sealer of Weights & Measures, Charles Norvish, addressed Board and noted that he was requesting an additional \$900, which he needs for supplies and mileage reimbursement.
- Building Department
- Fire Department
- Police Department
Discussion ensued relative to various needs of both the Fire & Police departments, including potential future consideration of utilizing combined dispatch services. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to discuss matter further with the Fire department & Police department at its 2/13/12 meeting with notification to the Chairman and maybe the Police Station Building Committee.
- Selectmen
- Town Manager
 - Administrative Office Building
- Health Department
 - Animal Control
 - Health

Town Manager offered thanks to Police Chief. Since he took on handling dog complaints in Town, we've had no problems.

At 9:20 PM discussion continued re Edgeway Mobile Home Park. Selectman Frawley suggested letting the judge know the various items we are pleased with, but also noted that we are unhappy with the deadline being missed by three weeks. Selectman Quelle asked if we could have Town

**Middleborough Board of Selectmen
Meeting Minutes**

**January 18, 2012
Wednesday**

Counsel give us feedback on the suggestion made tonight be Attorney Bond. He offered that it would be nice to hear from the engineer first as it appears that parts of Phase I are not working. We don't know if it's the Owner/Operator or just the nature of the business. Town Manager suggested asking Town Counsel at the 1/30/12 meeting. Selectman Spataro offered that he would like the recommendation of the Town Manager and Town Counsel. Edgeway resident, John King addressed Board and offered that the residents are merely looking to update the judge in the spirit of information, not out of spite. He further offered that they are happy with some of the work that's been done. He asked why the Board doesn't want to file a status report. Chairman McKinnon offered a run down of all that's been accomplished and the short time in which it's been done. He had seen the request to notify the judge as asking for punitive action. Mr. King acknowledged that he better understood the Board's position as there wasn't any punitive action being requested, but could be interpreted as such. He noted that he would really appreciate it if the Board could consider it as "for your information". Chairman noted that we need Town Counsel's opinion, the Chairman is not in attendance tonight, and we should have a full Board present on an important issue such as this. Town Manager will ask Town Counsel. Edgeway resident Louisa Brown addressed Board and offered that the judge visiting the Park tells her the judge is supportive of them and all they want is correspondence to the judge making him aware of the missed deadline. If Phase II has trouble, the judge is going to ask the Board, Town Manager, & Town Counsel why the Town didn't tell him about this. She offered that the Association has spoken with two attorneys and that she has also spoken with her family attorney.

Town Manager noted correspondence #9 from the Middleboro Retirees Insurance Group (MRIG) re implementation of New Municipal Health Insurance Law. The retirees have requested a response 2/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 9:35 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN