MINUTES

For approval at the 10-24-11 meeting

DRAFT

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. Spataro, A. Frawley and B. Quelle, Town Manager C. Cristello and Confidential Secretary J. Shanley.

Town Manager left the meeting to briefly attend the Finance Committee meeting.

The meeting was broadcast by MCCAM and Verizon and taped by MCCAM.

UNANTICIPATED
Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to file abatement with the Town of Plympton for a CPA charge in the amount of $13.33 for property on Soule Street (former Guidaboni Farm).

ANNOUNCEMENTS
Mimi Duphily announced that Spillane's Nursery had planted shrubs and bushes, in the pouring rain, on Thursday and Friday at the island on Route 18 on Old Center Street in memory of Anna Nalevanko. Ms. Duphily and A. Nalevanko had worked together on the beautification of the Town. Spillane's managed to complete the project before Anna's memorial service on Friday night. Ms. Duphily raised issue re skateboarder incident that occurred last week on Centre Street involving two women, one of which was elderly. Ms. Duphily would like to advocate speaking with the police about having more foot patrol in the area. Chairman responded that there is a plan in place to have more police presence in the downtown area during late afternoon, early evening. She suggested thinking about an ordinance not allowing skateboarding/bicycling on the sidewalks, especially in the downtown area.

Judy Bigelow-Costa made the following announcements:
The Police Department and Middleborough Youth Advocates will hold National Drug Take Back Day on October 29th from 10 a.m. until 2 p.m. at the Police Station where residents may dispose of unused medication properly.
Middleborough Youth Advocates will hold a candle light vigil on Sunday, October 30th at 6 PM on the lawn of Town Hall.
The OECD will hold a housing rehabilitation program drop-in workshop on Tuesday, 11/1, from 5-7 pm at the Middleborough Public Library to inform homeowners of the current program available to Middleborough and Lakeville Clarke Shores residents which offers 0% interest deferred payment loans for home repairs. There are limited funds right now and they need to hold the workshop.
The Middleborough OECD has partnered with Bridgewater re the Community Development Block grant. She went to the Bridgewater program two weeks ago with Jane Kudcey. They are going for $1.8 million for the revitalization of downtown Bridgewater. What impressed her most was the number of people in the community that came out and showed support. She noted that community support is essential in obtaining these grants.

B. Giovanoni announced that Middleborough Friends will hold its annual Halloween Ball at the Town Hall to raise money for the scholarship fund in memory of Vic Silvia. The event is scheduled for Saturday, 10/29/11 from 7 PM until 12 Midnight.

Chairman announced that the DPW and Waste Management will sponsor a Bulky Items Collection Day on Saturday, October 22nd from 8 a.m. to 2 p.m. at the Middleboro Landfill on Plympton Street.

Chairman announced that the State Department of Public Health has allocated a limited number of flu vaccines for uninsured and underinsured citizens. The Health Department will offer flu shots in the Health Department office, 20 Centre Street, by appointment only. Those interested should call 508 946-2408.

Selectman Frawley announced that today was opening day for archery season for deer hunting. He suggested that, if walking in the woods, it's a good idea to wear hunter orange clothing as a safety precaution.

UNANTICIPATED
Chairman asked if Board wants to meet on 10/31/11 (Halloween), noting that the Board had previously approved the use of the Town Hall parking lot for the Trunk or Treat program that evening. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted not to meet, unless something comes up, and if so, the Board will meet another night that week or address any issues on 10/26/11 at the scheduled Rent Control Rules & Regulation workshop.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 9/26/11 meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 10/3/11 meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 9/12/11 Executive Session meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 9/26/11 Executive Session meeting minutes.

NEW BUSINESS
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 10 a.m. Sunday serving time of alcoholic beverages for the Hideaway restaurant.

Town Manager joined meeting at 7:26 PM.

Town Manager left meeting at 7:32 PM.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Chamber of Commerce request to place a sign on the lawn of Town Hall from 10/18 through 10/21 to advertise their Great Pumpkin auction to be held on 10/21 at LeBaron's Country Club in Lakeville.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Town Hall rental request by Whitman/Hanson High School for 12/2/11 from 6 PM to 10:30 PM.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously not to object to KENO for Stoney's Pub & Pizza, 456 W. Grove 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 for 10/29/11 from 7 PM until 12 AM in the Town Hall auditorium, 10 Nickerson Ave.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for The Bartending Service of New England for 11/12/11 from 7 PM until 11 PM @ the Alley Theatre, 133 Centre 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 for 11/26/11 from 7 PM until 11 PM @ the Alley Theatre, 133 Centre Street

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve MHS Student Council Homecoming Parade on 10/22/11.

HEARINGS, MEETINGS, LICENSES

Town Manager returned to meeting at 7:34 PM.

Chairman opened public hearing on Tax Classification at 7:35 PM by reading aloud public hearing notice. Board of Assessors member Diane Maddigan addressed Board. Barbara Erickson explained tax differential. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to leave differential at 5% on the recommendation of the Board of Assessors.

Conservation Agent Patricia Cassady addressed Board to explain the donation of land (6 acres) on Wood Street. It appears to be mostly wetlands and non-buildable. The Conservation Commission has already voted to accept the donation. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to accept Ms. Cassady's proposal and accept the land donation from Mr. Weeks. It is planned to be set aside for Conservation land/Open Space. The large Washburn conservation property is across the street.

President of Gas Depot, 5 Station Street, Raheel Ghafor appeared before the Board to discuss the diesel fuel spill at that location on 5/23/11. Chairman explained that the Board was concerned at the large amount of diesel fuel spilling down the street and how it happened. Mr. Ghafor explained that he allowed a customer to pump his own gas in a bobcat on the back of a trailer. He had started pumping the vehicle that this customer was driving, but after their tank was full, they wanted to pump the bobcat independently. Chairman confirmed that this is a full serve station, and not a self serve. Fire Chief explained that something had to be put in place to keep the pump running to have caused that much fuel to have leaked. The owner explained that he uses a bungee cord to lock pump and keep pump from going/falling out. Selectman Frawley stated that this is an illegal practice. Selectman Spataro asked the Board's secretary if we specify full services vs. self service on the licenses. Secretary responded that we do not oversee/participate in the type of service. Fire Chief explained that, with full service, someone must be present at all times under MA regulations for any fuel dispensing and that Mr. Ghafor can service up to 4 customers if within his reach. He further offered that the Fire Department can observe him and if finds it's too much for Mr. Ghafor to manage, they can enforce that he requires an additional attendant. Chairman repeated that he cannot allow customers to pump. Mrs. Ghafor addressed Board and indicated that they got new nozzle with ring on it that day and have fixed it so it can't happen anymore. Owner locks them while pumping, but only while within reach. Code Enforcement Officer Deb Burke explained to Board that the attendant must be over 16 years of age and must be present and within reach of each nozzle when in use. If Chairman asked Fire Chief if he is satisfied with the precautions they've put in place. Fire Chief responded that he hopes so. It was a reportable quantity, well over 10 gallons. He thinks they learned their lesson, financially, at the very least. He doesn't understand the bungee cord. Owner explained that he uses it as an extra safety mechanism on the diesel pumps momentarily if he has to pump another vehicle. Selectman Spataro asked Captain Burke if it makes a difference that he has more than four pumps. She noted that the Town can make him hire another attendant if it feels it's necessary. Fire Chief thinks that they learned their lesson and that it is not necessary at this time. Captain Burke offered that, if the Fire Department finds that it is necessary, they will recommend to the Board of Selectman that it revoke the fuel storage license. Selectman Quelle offered that the driver was responsible also and repeated that an attendant must be present and attend the nozzle at all times. Board thanked the owners for coming in.

Fire Chief addressed Board to discuss Fire Department fee structure for various permits. He noted that the fees haven't been changed in approximately nine years. He gave Board handout with old permit fees and proposed new permit fees. Chief explained that the revenue that comes from the permits goes directly to the general fund and not to the Fire Department. The proposed fees have an increase of $5. Some of the commercial fees are higher due to the amount of work necessary by Code Enforcement. Town Manager noted that the proposed fees are standard. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Chief's recommendation, effective 1/1/12. Chairman asked, and Chief confirmed, that the fee for burning permits will not increase.

UNFINISHED BUSINESS

Edgeway Mobile Home Park

An update on the work being done at Edgeway Mobile Home Park was presented by liaison Selectman Ben Quelle. Things were looking good. Then things took a turn. There were some concerns raised by the Town's MG&E with the Park's owner/operator regarding the proposed lanterns and the strength of the lighting. The owner/operator's major concern is the deadline for light installation. However, had the owner/operator started sooner, as he should have, there would have been room for flexibility in lighting choices. He has gone ahead and selected different lights. There are upset tenants in attendance tonight. He is upset also. The cable is able to go in. The Town Manager has been in contact with the MG&E to confirm that there will not be any hang ups. Chairman asked if this lighting is within what type of lighting was allowed under the Special Building permit. Selectman Quelle responded that it is his understanding that it is. Town Manager noted that the MG&E will do the installation, fronting the money for the fixtures, with payments over time. MG&E indicates that there will be lighting there by 10/31/11. By contracting with MG&E, they will also get the benefit of maintenance of the lighting fixtures by the MG&E. It will be a monthly fee. Selectman Frawley asked if he could ask the residents what the problem is with the lighting fixtures. Selectman Quelle offered that, he thinks once the owner realized what the MG&E could do for him, he went that route, as it was cheaper, and maybe because it would ensure meeting the deadline. Carol Robertson addressed the Board and read aloud a prepared statement.

Louisa Brown addressed Board to note that the Town Manager mentioned that the lights are going to be just like Twin Coach, which has been around for 30 years, but that the Edgeway homes have only been around for 10 years. She offered that it is the duty of the Town Manager, the Building Commissioner, and the Health department to keep Mr. Quelle updated and that she guarantees the Board that they are going to have serious drainage issues if this is how it's going to go. She offered that the residents are very disappointed. She offered thanks to Selectman Quelle, noting that the residents really appreciate what he is doing. Selectman Spataro asked why the lights being installed aren't good enough. Anne McGann responded that these lights are ugly and that they are stuck with it. If the owner/operator had started with the improvements, when he was supposed to, this wouldn't have happened. She asked why it took the Town so long to make a recommendation to the owner on lighting. Town Manager explained. Selectman Spataro noted that the quality of service/responsiveness of the MG&E is outstanding. He's sure the residents will be pleased. Ms. McGann agreed, but added that there concern is not about the service. Chairman noted that the lighting will meet the requirements of the special building permit. They are going to supply lighting based on that permit. Selectman Quelle noted that getting communication from the Park owner has been difficult and that the Town Manager can only get as much information as they will provide him with. Selectman Spataro guaranteed the residents that the appropriate drainage will be installed and the professional managers will be all over it to make sure of it. Selectman Frawley offered that he understands and agrees with Selectman Spataro, but he thinks that the residents have every right to be aggravated. They've

been waiting ten years. We will be watching their next steps closer. He was under the impression things were going well and will go well. Louisa Brown noted that she does not feel guilty at all that their Selectmen and Town Manager are giving them extra time. This has been going on for ten years. She asked that the Board please be on top of these people.

TOWN MANAGER'S REPORT

A meeting was held with residents and business owners interested in our Mass Works grant last week. They went over various components. They had a couple different alternatives presented last week re John Glass Square (Everett Square) improvements. The Town Manager noted that he's given the Board the consensus for the square. There are too many points of entry to make a roundabout work well. Therefore everyone preferred what he has submitted here.

Town Manager noted the MHS Mass Math & Science Initiative. Chairman noted that it's a good sign for our high school that they're doing this

Town Manager noted that we've worked with the School department and trash vendor and have consolidated service, taking advantage of the free tons at our landfill, and saving approximately $20,000.

Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to approve Town Manager's re-appointments of Joseph Freitas, Jr. and Michael Maddigan to the Historical Commission.

Selectman Frawley asked how the School Superintendent search is coming along. Brian Giovanoni reported that we had 29 applicants and the close was 10/7/11. They are going through the process now of narrowing down who they want to go forward with for interviews. Once finalists are chosen, interviews will be in an open meeting. Selectman Frawley noted that initial interviews will be in Executive Session.

CORRESPONDENCE

#2 & #3 Selectman Frawley noted that, at some point, he'd like to go over some of the Comcast/Verizon material with the Cable Committee.

#13 Solar Panel Farm – Selectman Frawley noted that he has spoken to a number of people in Town about this. He thinks we need to call Carver. Selectman Quelle noted that our Town Manager and Town Planner are aware of it. He has spoken to some of the residents. Some portions are within 30' of some Middleborough homes. They plan to install a berm. The residents have concerns with environmental issues, the glare, and health concerns for children. They've had realtors tell them it will reduce the value of their homes. He suggested that we can have our Assessors visit the area, but after the fact, and assess the values. Town Manager reminded the Board that it is not within our jurisdiction. Selectman Spataro offered that it is not unreasonable to ask Carver to keep us updated since it is so close to our Town line, even if we

don't have any say in this. B. Giovanoni offered that the Middleboro Globe South had a write up in yesterday's paper, which can be googled for those interested.

Chairman asked Town Manager if premature/inappropriate to write to Carver and say we have residents who have concerns and we hope that you are listening to those concerns. Town Manager thinks that would be an appropriate way to handle, but doesn't want to make it sound as though we are presuming they aren't listening. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to ask the Town Manager to call the Town Administrator in Carver and ask him to please keep us informed. Selectman Frawley asked if anyone objects to him going to the Carver Planning Board meetings to learn what's going on. Board agreed.

#6 It was noted that Senator Pacheco's correspondence was a letter of support to keep Wareham District Court open.

#12– Chairman noted Senator Pacheco's correspondence that the $150k in Local Aid will be available to us before the end of the calendar year. Town Manager noted that word is the funds should be released on 10/28/11.

#10 Chairman noted that there will be Conflict of Interest Law workshop at 7 PM in Selectmen's Hearing room, Town Hall, on 11/9/11. Town Manager noted that if anyone has questions, they may submit to him, and he will forward to the speaker ahead of time.

Chairman noted that if Board members have questions for our Counsel re the 10/26/11 Rent Control Rules & Regulations workshop, to submit to Town Manager ahead of time.

#5 Chairman noted COA – job posting – Supportive Day Program Assistant.

Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session at 9:06 PM to discuss strategy relative to Collective Bargaining and not to return into Open Session. Roll Call: S. Spataro, Yes; B. Quelle, Yes, A. Frawley, Yes; A. Rullo, Yes. Ended at 9:45 PM.

Jackie Shanley, Confidential Secretary
BORD OF SELECTMEN