

TOWN OF MIDDLEBOROUGH
NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

As required by Chapter 39 M.G.L.
PLEASE TYPE OR PRINT LEGIBLY

NAME OF DEPT. OR BOARD

BOARD OF SELECTMEN

DATE OF MEETING: Monday 11/14/11 TIME: 7:00 PM PLACE: Hall Town

Date and time received by Town Clerk

Clerk/Board member posting notice

MEETING CANCELLED: _____ DATE & TIME CANCELLED: _____

CLERK/BOARD MEMBER CANCELLING THE MEETING: _____

AGENDA

1. **Pledge of Allegiance**
2. **Unanticipated**
3. **Announcements & Recognitions**
4. **Minutes:** 11-7-11 Minutes to be voted on 11-21-11
5. **New Business - 7:05 PM**
 - A.) Vote to approve Betterment Agreements for:
24 Paul Road in the amount of \$20, 141.51
15 West Grove Street in the amount of \$19,675.00
 - B.) Vote to approve Inter-local Agreement with Town of Bridgewater re joint application to DHCD for 2012 CDBG.
 - C.) Vote to authorize Chair to sign 2012 Grant Application designating Environmental Certifying Officer.
 - D.) Vote to authorize Chair to sign Rent Regulatory Agreements.
 - E.) Vote to sign contract with Environmental Partners re MS4 Services - FY12.
 - F.) Vote to allow Mass Development to assume role of the IDFA in financing for the Ocean Spray Cranberries, Inc. solid waste project.
 - G.) Vote to sign Public Health District Incentive Grant Program Local Support Documentation form.
 - H.) Vote to approve Non-Discrimination Practices & Grievance Process.
 - I.) Discussion re bringing back "Crazy Days" - Wayne Perkins
 - J.) Discussion of Appeals to Flood Insurance Study Report (FIS) & Flood Insurance Rate Map (FIRM).
 - K.) Discussion re Lakeville's Request to Lower the Wareham Street Dam.
6. **Hearings - Meetings - Licenses**
7. **Unfinished Business**
 - A.) Edgeway Mobile Home Park
8. **Town Manager's Report**
9. **Correspondence**
10. **Executive Session**
11. **Adjourn**

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

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

Mimi Dumphily addressed Board to ask if it would designate her to have access to the Town Hall building for Town-related events for which she is involved. Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted to allow Mimi Dumphily access to Town Hall through the end of December for holiday events. Four in favor. Selectman Spataro abstained. Adam Bond addressed Board to mention someone from the Farmer's Market was recently looking for someone on a Saturday to address problem he was having with front door of Town Hall sticking. He would support Mrs. Dumphily's request to be appointed a designated person to have access to Town Hall for reasons such as this. Mrs. Dumphily explained the activities she and the Holiday Events Committee are working on.

Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to approve use of grounds and Selectmen's hearing room for holiday events on 12-4-11. Donation checks to cover expenses in decorating the downtown area for the holidays should be made payable to the Town of Middleborough and may be sent to Willy's Auto Supply store or the Town Manager until a specific account can be set up.

Michael Solimini announced that the MG&E will be reviewing its budget on 12/13/11. The meeting starts at 7:30 PM. He doesn't know what questions are on the planned public survey. He asks rate payers to take survey seriously and note what the customers are asking for and need. It's an opportunity to be heard. They are looking for approximately 400 comments. Selectman McKinnon asked Mr. Solimini if there is a simple way of reporting a street light out. Mr. Solimini thinks it would be a good item to discuss at a meeting. Selectman Spataro asked Mr. Solimini to please offer his thanks to the MG&E for stepping up to the holiday decorations.

Anne McGanne, 17 Lyn Lane, Edgeway, asked Board to extend an invitation to State Representative Calter to come to a Rent Control meeting.

Selectman Quelle noted that there was a recent Mobile Home Park resident's meeting held at Oak Point. He and Selectman Frawley were there to listen only. Representative Calter, who was also in attendance, was approached by some residents of Oak Point and Edgeway with questions.

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

Representative Calter's district includes Oak Point, but Representative Orrall's district includes Edgeway. Selectman Spataro suggested people didn't like Town Counsel's opinions, so we hired another independent attorney. Representative Calter is always welcome to attend Selectmen's meetings, however, he does not think we have a need for an additional meeting. Selectman Frawley offered that he is happy to have Representative Calter in, but he may not be knowledgeable with Rent Control in Middleborough. Middleborough's Rent Control Rules & Regulations are specific to Middleborough. Selectman McKinnon noted that we've had two counsels give their views with a few recommendations that we are working on. If someone is having a problem with our Rules & Regulations, he suggests they bring it to the Attorney General. We've invited them here and they haven't come. Chairman Rullo believes this Board has spent a great deal of time to make sure we are in compliance. He doesn't see a need to have someone come in again to comment again.

Louisa Brown, of Wesley Circle, Edgeway, addressed the Board. She informed the Board that she found the recent counsel difficult to understand. The residents have done a lot of work. The A.G. wants you to use your power. It's your responsibility. Town Manager noted that Selectman Frawley is correct that Kingston's Rent Control is different than Middleborough's. However, the Board has already had Town Counsel for Kingston here to give his opinion. Selectman Spataro offered that he does not think the Board is shirking from its responsibilities. Chairman agreed. Selectman Frawley offered that he thinks we have a responsibility to our citizens, and if they request that someone who represents our Town come here, then he thinks we should. Selectman Quelle offered that he is willing to meet with Representative Calter in his Plymouth office, personally, in the very near future, and if he would like to come here to discuss this issue, he would let the Board know. A Bond offered that this Board has addressed Edgeway issues head-on more than any other Board he's seen since moving here. He offered a bunch of comments regarding Oak Point. Chairman noted that most of the people at Oak Point have leases.

In response to a question by M. Solimini, Selectman Frawley answered that the Town's Rules & Regulations supersede the States Rules & Regulations. Chairman noted that the Town's Rules & Regulations were adopted by the Rent Control Board and it can change and revise. Motion made by Selectman Frawley and seconded by Selectman Quelle, to invite Representative Calter. Selectman Frawley amended motion to invite all of the Town's State Representatives. Three in favor. Selectmen Rullo and Spataro opposed.

ANNOUNCEMENTS

MG&E Customer Service Survey telephone calls will begin this week.

Flu Shots are available in the Health department office for residents by appointment only. Health Officer J. Spalding – the State recently allowed us to expand to the residents. Selectman McKinnon read allowed/dates that appointments may be made for. Chairman read aloud telephone number. Selectman McKinnon asked her to put on her website.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 24 Paul Road in the amount of \$20,141.51.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 15 West Grove Street in the amount of \$19,675.

Jane Kudcey of OECD addressed Board to explain the Inter-local Agreement with the Town of Bridgewater re joint application to DHCD for 2012 CDBG. Selectman McKinnon asked if this contract been run by Town Counsel, to which Ms. Kudcey responded it had not, but the previous one with Lakeville had. Town Manager noted that only the names had changed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve contract, subject to Town Counsel's review.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Robert Whalen as the Certifying Officer re the 2012 Middleborough and Bridgewater CDBG Application Draft Environmental Review documentation.

Selectman McKinnon offered that he thinks legal documents should be run by Town Counsel first and then brought before the Board. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to delay for one week, or until Town Counsel can review and respond.

DPW Director addressed Board to explain contract with Environmental Partners re MSF Services – FY12. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to sign contract. Director Bagas noted that it has been reviewed and approved by Town Counsel.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve contract with Environmental Partners re Tispaquin Street Culvert.

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, for discussion, Board voted unanimously

- (1) That the Board solely for the purpose of requesting that the Issuer assume the role of the Authority in financing the proposed Project in the Town, hereby acts for itself and as directors of Authority; and
- (2) That the Board hereby requests that the Issuer assume the role of the Authority in financing the Project by issuance of the Bonds pursuant to Massachusetts General Laws Chapter 23G and Chapter 40D to finance the Project and that the Board cause a copy of this resolution to be delivered to the Issuer.

Selectman McKinnon raised question re Town Counsel's written opinion. Comment was added by Selectman Quelle. Selectman McKinnon withdrew comment. Town Manager offered that we don't have an IDFA, therefore they are asking for the Issuer to assume the role of the Authority.

Health Officer J. Spalding addressed Board to explain applying for the Public Health District Incentive Grant. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Non-Discrimination Practices and Grievance Process.

Wayne Perkins, representing Middleborough on the Move, addressed Board to discuss bringing back "Crazy Days". He noted that they are a 5013C organization. They are always looking for ways to improve the economy in our Town. They would like to include any and all Town businesses. He is here to solicit support and ask for any ideas the Board may have. Chairman thinks it's a great idea. Shopkeepers would bring their merchandise out onto the sidewalks. It would be a two-day event, probably a Friday and Saturday. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support. Selectman Frawley noted that although he grew up in Lakeville, he always looked forward to it. He is willing to help in any way he can.

Mr. Perkins also announced that he or any other member of Middleboro on the Move may be contact to reserve a pewter ornament of Sacred Heart Church in honor of its 125th anniversary. Judy Bigelow Costa, President, announced new website: Selectman Quelle asked if they can they be hyperlinked to our website. Chairman asked Town Manager to look into.

Town Manager explained the FEMA Appeal Period. Re Flood Insurance Study Report (FIS) & Flood Insurance Rate Map (FIRM).

DPW Director A. Bagas addressed Board re Lakeville's request to lower the Wareham Street Dam. Mr. Bagas provided a handout to the Board members. He is not comfortable with lowering the dam any further. He already lowered it by one foot and no change.

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

The most he could lower it, if told to, is one foot. The Town of Lakeville told him to do something radical. He told them he wouldn't do anything radical. Former Water Superintendent Paul Anderson dried the river up, but the water continued to rise. Selectman McKinnon asked if the state should be able to help. Director Bagas responded that it would take significant legislative support and would be a multi, multi, million dollar project. Selectman Frawley shared that he thinks we should try lowering it as much as we can, although he doesn't think it will make much difference. He spoke of the wetlands doing their job and the problems with trees and sediment blocking the rivers from flowing. Chairman suggested lowering it a little bit at a time. A. Bagas reiterated that he has lowered it as far as he is comfortable. Adam Bond shared letter sent by Congressman Barney Frank about one year ago re the Assawompset Pond Complex Hydrology Study. He suggested that the Board get together with Lakeville and send joint letter to Frank before he is done and we are no longer in his district. Selectman Spataro asked Mr. Bagas what consequences would be if Board tells him to lower it. Mr. Bagas announced that he lowered the dam by a foot and the lake rose.

Lakeville resident addressed Board. He owns a property on Nelson's Grove. He was the one who went to former Water Superintendent Paul Anderson who, very cooperatively, lowered the dam. This went on for 5 weeks and after Mr. Anderson left Town to work in Brewster, the water rose again. If you people with lower that dam and remove the fish ladder, you will relieve the pressure on the lake. Please consider lowering the dam. The Board heard from a gentleman from Lakeville whose home was destroyed in 2010. It's close to happening again. Please lower this dam. He obtained 145 signatures on a petition this weekend supporting lowering the dam. Selectman Quelle left the meeting room at 9 PM. The petition was submitted to the Board's secretary. Selectman Quelle returned to the meeting room at 9:05 PM.

Town Manager suggested that the Board should ask him to monitor the river and if he sees it drying up, we may not want to continue to do that. There's no harm in notifying them that we are doing it. Selectman Frawley noted that the DEP (state) is asking our Herring Commission what should be done. He also recommended that anyone who has a home being flooded by the dam at 54", doesn't wait until the water rises to 53" and then ask for help. Lakeville resident and flood victim Ed Faria addressed Board and offered that they had a commission. They were supposed to monitor it. We had a number of people (1,200) out of their homes for a year or longer. We are asking for your help. Town Manager suggested we just deal with the dam and not get into the Fishery Commissions jurisdiction. Motion made by Selectman Spataro and seconded by Selectman McKinnon to have Director Bagas lower it tomorrow by 4" and get back to the Board next Monday. If he sees a positive affect, he has the Board's permission to lower it more. The Town Manager will let the Town officials of Lakeville know also. Selectman Frawley asked if we can we get letters to B. Frank, DEP, and others and get them taking a look at this so we don't run into a problem in the spring. Town Manager will contact.

Mr. Bagas noted that the DPW had a tragic accident last week involving trash pick-up employee, Michael O'Brien. Mr. Bagas stated that he's a special kid and a great employee. Everyone at DPW, including Mr. Bagas, send their best wishes. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send well wishes from the Board and Mr. Bagas wishing him a speedy recovery.

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

CORRESPONDENCE

#10 – Earth Removal Permit complaint - Andy Bagas confirmed resolved.

UNFINISHED BUSINESS

Edgeway Mobile Home Park

Selectman Quelle gave update. The Tenant's Association would like to know if the contractor is responsible for re-planting their shrubs. Town Manager will look into. Town Manager noted that the engineer said the snow management policy was on his radar and he will get it done.

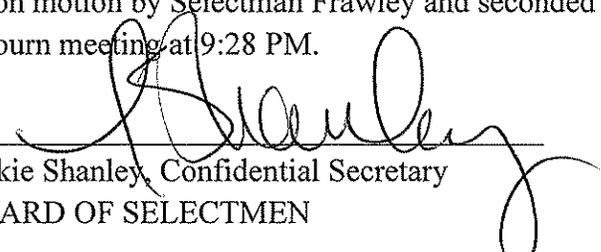
TOWN MANAGER'S REPORT

This wasn't his first tax rate go-around in Middleborough, and was, by far, the easiest.

CORRESPONDENCE

#2 Selectman McKinnon brought up this correspondence re Finance Committee employee personal expense policy. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to put on future agenda. Chairman offered that the Town Manager is going to ask the Town Accountant his perspective and noted that we only had a problem with one employee this year. Selectman McKinnon responded that this is why he'd like to discuss it, maybe with the Finance Committee and Town Accountant. Town Manager did offer that the way it's written now, he couldn't support it, and frankly, doesn't see we have an issue to solve.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to adjourn meeting at 9:28 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN