

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 11/21/11

TIME: 7:00 PM

PLACE: Town Hall

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 & 11-14-11 regular minutes
5. **New Business - 7:05 PM**
 - A.) Vote to approve use of parking lot for yard sale - Pratt Farm Committee
 - B.) Vote the following appointments to the Auxiliary Police Force:
Harold H. Penny, 155 Rocky Meadow Street
Andrew C. Sederquist, 71 Plain Street
 - C.) Vote to send letter of commendation to James McKeon re achievement to rank of Eagle Scout.
 - D.) Vote to send letter of commendation to Police Officer Nathan J. Ferbert for his apprehension of a suspect charged with 2nd degree Murder.
6. **Hearings - Meetings - Licenses**
 - 7:30 PM Public Hearing - Utility Pole, 50S on Vernon Street
 - 7:40 PM Public Hearing - Utility Pole, 50 & 51 Purchase Street
 - 7:50 PM Police Chief - Discussion & Vote Additional Rules & Regulations for Second-hand licenses.
 - 8:00 PM Discussion of appeals to Flood Insurance Study Report (FIS) & Flood Insurance Rate Map (FIRM).
7. **Unfinished Business**
 - A.) Edgeway Mobile Home Park
8. **Town Manager's Report**
9. **Correspondence**
10. **Executive Session - Pending Litigation**
11. **Adjourn**

**Middleborough Board of Selectmen
Meeting Minutes**

November 21, 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

In being mindful of the Thanksgiving holiday, Selectman Frawley offered his thanks to numerous people.

Lakeville resident Peter Nygard addressed Board to offer his thanks for having had DPW Director A. Bagas lower the dam at Assawompsett Pond.

ANNOUNCEMENTS

School Committee member Brian Giovanoni announced that the 2nd of three interviews of candidates for a new School Superintendent is scheduled for 11/22/11. It is not being broadcast yet, but the interviews will be broadcast by the schools beginning next Monday night. The interviews will be conducted in the cafeteria of the Nichol's Middle School.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 11/7/11 meeting minutes with correction to page 5 as noted.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 11/14/11 meeting minutes with correction to page 2 as noted. Discussion raised by Selectman McKinnon that "Unanticipated" is becoming out of hand in so far as too many lengthy items are being raised by individuals. Chairman agreed. Board agreed that if individuals have multiple items that require an extended amount of time, these items will be required to be placed on a future meeting agenda.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the use of the Town Hall parking lot for a yard sale by the Pratt Farm Committee on 6/9/12 with a rain date of 6/10/12. The yard sale is to raise money towards funding the Pratt Farm pavilion. In response to question by Selectman McKinnon, Committee members indicated that though they are not a 501C3 organization, they are in the process of becoming one. The account the funds go into is a 501C3 and donations are tax deductible.

Police Chief Gates addressed Board. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to appoint Harold H. Penny, 155 Rocky Meadow Street and Andrew C. Sederquist, 71 Plain Street, to the Auxiliary Police Force.

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Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to issue a proclamation to James McKeon on his achievement to rank of Eagle Scout.

Commendation – Police Officer Nathan J. Ferbert

Police Chief Gates and Police Officer Nathan J. Ferbert addressed Board noting that it gives both the Chief and the Board the opportunity to publicly commend Officer Ferbert for his actions in apprehending a suspect later charged with 2nd Degree Murder. The Chief noted that he asked Officer Ferbert to attend. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to provide a written commendation to Officer Ferbert. Chairman thanked him and noted it is an honor & a privilege to have him on the Middleborough Police Force. Officer Ferbert thanked the Board and Chief and noted that he still feels a sense of tragedy for the senseless loss that occurred.

HEARINGS, MEETINGS & LICENSES

Rules & Regulations – 2nd Hand licenses

Police Chief addressed Board with his request to make 2nd Hand licensees responsible to better record/track merchandise being brought into and sold out of their stores. He noted that we need a Town Bylaw, which must be adopted by Town Meeting. If the Board adopts his proposed Rules & Regulations tonight, they will need to be typed on each license, effective May 1st. He will be back with a proposed bylaw in the spring, and if accepted, it won't have to be typed on each license going forward. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to adopt Rules & Regulations as presented by Police Chief.

CORRESPONDENCE

5 Selectman McKinnon will attend the Plymouth County Advisory Board meeting scheduled for 12/8/11. Board's Secretary to RSVP on his behalf.

Selectman McKinnon asked Town Manager if the Permanent Cable Committee has the authority to adopt rules & regulations. Town Manager will look into.

HEARINGS, MEETINGS & LICENSES

7:30 PM Chairman opened public hearing on application made by Verizon, Inc. and MG&E to install utility pole 50S on Vernon Street by reading aloud the public hearing notice. Darryl Crossman of Verizon addressed Board to explain the petition. Chairman noted a resident from that neighborhood called him to share his concerns, and noted that it is the concern of the Chairman as well, that placing the pole in this location will create a blind spot at the foot of his driveway. Chairman suggested they review and consider another location for this proposed pole. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to ask Verizon to take another look at it and continue the hearing to 12/5/11 at 7:50 PM.

TOWN MANAGER'S REPORT

Town Manager noted that we received a resignation of Eric Stebbins, Sr. from the Conservation Commission and now have a vacancy to fill. Interested candidates should apply to the Conservation Commission or Town Manager's office.

Town Manager noted letter sent to Senator Eldridge as Chairman to the Joint Committee on Housing and Representative Honan also as Chairman to the Joint Committee on Housing expressing the Board's opposition to House 1269, An Act relative to rent control board procedures for manufactured housing.

Town Manager noted letter sent to Senate Chair James Walsh and House Chair Michael Kane asking for their support of S 1948 a home rule petition approved at our Town Meeting this past June authorizing Boards of Selectmen to approve intermunicipal agreements.

Town Manager noted letter from Wegmans Food Markets, Inc. indicating that they are not interested, at this time, in pursuing the site located on Route 28 in Middleborough.

Town Manager noted correspondence received re dam in Lakeville. He offered that we are going to continue to monitor it and will keep Board informed. No intention to keep lowering it, but monitor it instead.

We received notification from the Plymouth County Retirement Board that its preliminary assessment is about \$700k over what we paid this year. Town Manager attended a meeting on 11/22 and told them it is completely unacceptable. They are having another meeting next Tuesday at which other Town Managers will also attend. Selectman McKinnon asked how the Board can support the Town Manager on this. Town Manager plans to call other Town Managers, and if not enough response is received, can try Selectman McKinnon's suggestion to have this Board ask other Boards to send their Town Managers. Town Manager will send Selectman McKinnon some verbage and he may be able to bring it to 12/8/11 meeting with Plymouth County Advisory Board.

HEARINGS, MEETINGS & LICENSES

At 7:40 PM Chairman opened public hearing on application made by Verizon, Inc. and MG&E to install Utility Pole 50 & 51 on Purchase Street by reading aloud the public hearing notice. Darryl Crossman addressed Board and offered to take any questions. Hearing none, Chairman closed hearing. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve application.

Ruth Geoffroy addressed Board to discuss appeals to Flood Insurance Study Report (FIS) & Flood Insurance Rate Map (FIRM). She provided the Board with the attached handout. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve draft letter addressed to Luis Rodriguez of the Federal Insurance and Mitigation Administration at the Federal Emergency management Agency in Washington, DC.

Selectman Spataro mentioned to Ms. Geoffroy that Selectman McKinnon had been asking what the next step might be re Wareham Street dam and asked who we would engage for support such as water commissioners in the various towns. Discussion ensued. Ms. Geoffroy noted that one of the problems is the grade of the Nemasket River is almost flat. Although the vegetation and sediment may be contributing to the problem, removing them may not resolve the problem. We could collect money for permitting and design, but it may not have as much impact as necessary. It may help, but may not correct problem. Selectman McKinnon noted that he's not sure it wouldn't create further problems downstream if we made those changes. Ms. Geoffroy asked how we will know when to stop lowering the dam. Enough will have to be enough at some point or there will be adversarial effects to the Wareham Street area. Selectman McKinnon asked how we get money to study this. Town Manager responded that the federal level is not the place we will find money, but should ask the state to earmark money and we should ask other Towns to do the same thing. Selectman McKinnon asked if we should get letters out to our delegation to which the Town Manager responded, yes. Town Manager recommended that we get a study done. Further discussion ensued. Selectman Frawley announced that there is a public meeting scheduled for 12/6/11 in Lakeville. B. Giovanoni added that it is at 7 PM at the library and is open to the public. Town Manager suggested we can draft letter and bring it to the 12/6 meeting and see if we can get other Towns to endorse it. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously in favor of Town Manager's suggestion.

UNFINISHED BUSINESS

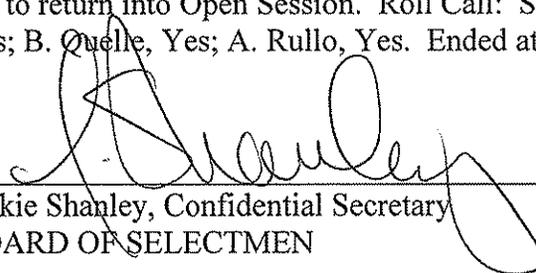
Edgeway Mobile Home Park update – Selectman Quelle noted that the dry wells appear to be in. There appears to be some tenants who want to tweak the Phase I foundation work. He let them know we have to be careful as it's a contract agreement. We don't want to have problems later on. If it gets too far away from the plan we may have to bring in another waiver. The 12/15 deadline date is still on track. Sample concerns: shrubs and plantings not being put back with care. It's not the same set of hands involved here and maybe instead, by some individuals who have little experience doing this type of work. Chairman asked Town Manager if this wasn't something we could address now re shrubs so that contractor understands. Selectman Quelle noted that the contractor and engineer are being accommodating and polite to tenants. It's just been some of the comments by Attorney Marsan that raised some concerns. Anne McGann, 17 Lyn Lane offered that the engineer and contractor went door- to-door with waivers. Installing skirting around your house was not mandatory. No one has asked for more. One woman doesn't want the drainage around her home. People were told they could have less done, if that's what they wanted. Town Manager noted that only one person is objecting to the gutters and he spoke with J. Spalding today and that is not a problem. Anne McGann offered that the problem is the two maintenance people are doing all of the digging so all of the pressure is on them. Town Manager noted that the work to be completed by 11/30 appears to be running on schedule. They've reached an agreement with Comcast. Planning department has reached agreeable plan for the design of the cable television installation. They are working on survey work for Phase II. They've received bids for the snow and ice management plan and will soon be selecting a contractor to do that work. It seems to be moving forward. Louisa Brown, 162 Wesley Circle

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offered that they are all really happy with a lot of what's being done. There still isn't much communication coming from Edgeway. Every time they go to dig, there's a problem. They dug up her bushes, but there isn't enough contact/communication to let them know what's going on. She further offered that they can't say enough about the engineers and the men out there doing the work. Her concern is she hopes what they are doing is bigger than a band aid. Corey Farcus was there two weeks ago when we signed waiver, but that's it. Town Manager offered that he believes Jamie is the point-of-contact for this project. There have been a number of changes based on unsuitable soil. This is only Phase I. This engineer has done a remarkable job communicating, certainly with us.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9 PM to discuss strategy relative to Pending Litigation and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; S. McKinnon, Yes; B. Quelle, Yes; A. Rullo, Yes. Ended at 9:20 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN