
MINUTES

For approval at the 11-21-11 meeting

 **DRAFT**

**Middleborough Board of Selectmen
Meeting Minutes**

November 7, 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.

UNANTICIPATED

Adam Bond addressed the Board. He wrote a letter to the Editor of Middleboro Gazette last week about the introduction of House Bill 812. The Senate Bill is 1629. These bills are pending. It is supported by Barney Frank. He requests letter from Board to its Federal delegations. Ask anyone you know in another state and ask that they write letters in support of this Bill to their Federal delegation. This disability bill deserves to be paid. Veterans' Officer Paul Provencher addressed Board and referenced the cases he has dealt with, over his nine years of employment with the Town, of those who have been diagnosed with Agent Orange. This Bill needs to pass. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to send letter of support.

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

Eleanor DeAngelis thanked the Board for her recent appointment to the Cultural Council.

Joan Shurtleff of 3105 Fox Run, Oakpoint, addressed the Board noting the letter she submitted to the Board's secretary recently in which she requested the members to attend a hearing at the State House on 10/28/11 in support of several scheduled Bills re to Manufactured Housing. She asked the members to confirm receipt, which they did. She next asked the Board's position on its availability to attend the meeting at the State House. Selectman Rullo confirmed he was unable to attend. Selectman McKinnon confirmed he was unable to attend but offered that the Board could send a letter to whoever sponsored the Bill re Rent Control. Town Manager responded that it would be the Chairman of the Joint Committee on Housing. Town Manager will draft a letter for the Board before the hearing date. Ms. Shurtleff asked how the Board would become informed if it did not attend to hear the legislation. Town Manager responded that over 10,000 pieces of legislation are filed each year. A lot of information can be gathered over the phone with legislative aids. Usually we don't attend unless it is for Home Rule Petitions. In response to question by Joan Shurtleff, as to whether anyone was listening, Chairman Rullo noted that this Board has spent a significant amount of time on Rent Control issues. Selectman Frawley offered that he doesn't think he will be able to attend based on his work schedule, but if it changes, he will be glad to attend. He further noted that the Board has spent more time learning about the Rent Control laws than on any other issue in this Town. We may not be completely up to speed, but we are trying. Rent Control communities must come to us so that we can address issues. We now have special counsel. We are working with the citizens of these communities and working as hard as we can.

**Middleborough Board of Selectmen
Meeting Minutes**

November 7, 2011

Ms. Shurtleff offered her opinion that the biggest problem appears to be that the Rules were written by Town Counsel and that Special Counsel's recent statements left an awful lot of questions. Chairman noted that Special Counsel confirmed Town Counsel's previous opinions. Ms. Shurtleff indicated that she's glad that the Board is getting the information, but she thinks it needs to go with the Attorney General's Manufactured Home laws. She gave the Board a handout. Selectman Frawley noted that they tried to get someone from the Attorney General's office to attend the workshop. Various people feel Mr. Martinez is correct about some issues and others believe he is not. Just because someone says something, it doesn't make it so. Ms. Shurtleff offered that the residents of these parks wanted to see the Board, Town Manager, and Mr. Martinez work together to solve the problems and then refer to the AG's guide for remaining questions.

ANNOUNCEMENTS

A blue Cub Scout cap has been found at Town Hall and will be kept in the Selectmen's office

A National Emergency Alert Broadcast will be aired on 11/9/11 at 2 PM EST for 2-3 minutes.

A Retirement Luncheon and Open House will be held on 11/17/11 at the COA in recognition of the retirement of SHINE Certified Counselor and SHINE Program Assistant Terri Walsh.

Chairman had the pleasure to attend the Candle Light Vigil held by Middleborough Youth Advocates this past Sunday at Town Hall. It is a worthwhile program.

Selectman McKinnon introduced Janine Knowlton Legislative Aide to State Representative Keiko Orrall.

Chairman noted meeting held earlier today from 5 – 7 PM at the library re Rockland Industries Site. They will begin excavating the site. If they continue to find contamination, they will continue to excavate and remove contamination from site. There will be ongoing monitoring of the site.

Selectman Frawley noted that the Taunton River Watershed will hold a film festival 11/11 and 11/12 from 6 – 10 PM.

Selectman Quelle recognized Police Chief Gates for having had wherewithal to contact the Cops for Kids With Cancer organization that made a \$5,000 donation to the family of three-year-old Dylan Berio who was diagnosed with cancer on 6/10/11.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve 10/24/11 meeting minutes with correction by removing Selectman Frawley's as having had been in attendance. Four in favor. Selectman Frawley abstained.

**Middleborough Board of Selectmen
Meeting Minutes**

November 7, 2011

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted to approve 10/26/11 meeting minutes. Four in favor. Selectman Rullo abstained as he recused himself from participating in that meeting. Selectman Frawley requested these minutes be posted to website if not already.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to award bid for multi-purpose borrowing to Century Bank in the amount of \$1,822,095 at .70% interest rate.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the Christmas Parade request for 11/26/11 with a rain date of 11/27/11. Selectman Spataro asked the Board's Secretary to ask the Historical Association if the Board may ride on its fire truck during the parade. Judy Bigelow Costa asked those who attend the parade to please buy local to better the chances of improving the local economy.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve request by Rock Village Church to use the Town Hall lawn to hold its Live Nativity Pageant on 12/10 with a rain date of 12/17.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve request by Muckey's Liquor for a One-day All Alcoholic Beverages liquor license for 12/7/11 from 6 PM to 11 PM, 200 Oak Point Drive.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve issuing proclamation for the Middleborough Historical Museum's 50th Anniversary.

Town Manager explained the Change Order for the Town Hall Cupola. Selectman McKinnon asked Town Manager about the appearance that a lot of steel is being used in this, such as Iron work labor and steel fabrication. Town Manager noted that those are for the dome. Glenn Montiport of Marion Road asked if another bid should be sought as the price has changed twice. Town Manager responded that the architect recognizes it was an oversight on our part and that it doesn't rise to the occasion requiring a new bid. Selectman Frawley offered that he has a lot of experience where there is often language within these contracts that allows for unforeseen expenses. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Change Order. Town Manager noted that it would have to increase by at least 25% before we would be in any danger of having to re-bid.

HEARINGS, MEETINGS, LICENSES

Edgeway Mobile Home Park Update

Chairman noted that the Park Operator/Owner has met the scheduled updates at the Park. Town Manager reported that the engineer has been working on the Phase I drainage plan. They are in contact with the Cable TV providers. The next milestone for the snow storage plan is 11/30. Selectman Quelle offered that there was an impression by the residents that drainage work would be done by the caretaker of the Park. If so, he will be doing so at his own risk as all work will be reviewed by our own inspectors. Chairman offered that he's not sure we can force them to use a contractor, but the work will be inspected by our Building Inspector. Selectman Quelle noted that the residents have some concerns as to how the work will look, but also noted that our Building Inspector will inspect all work. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to continue matter to 12/5/11 at 7:30 PM. Anne McGann addressed Board and noted that she spoke with the Town Manager about other potential rent violations. Town Manager is reviewing that information. Ms. McGann read the attached prepared statement.

A.D.A. Grievance Procedure

Disabilities Commission Chairman Carolyn Gravelin addressed Board to give an update of activities and discuss the ADA Grievance Procedure. She offered that the Commission's greatest concern is to please be involved in the Everett Square improvements. She noted that the ADA Grievance Procedure should have been done six years ago, unbeknownst to the Commission or Town representatives. The Commission put together a grievance procedure by using samples from various Towns. The Town Manager had mostly technical corrections and Patricia Cassidy is anxious to get this done as she has the Open Space Plan and he doesn't want to hold this up. Chairman Gravelin noted a couple changes that the Town Manager had made and they are o.k. with her, but she can't speak for her Commission. Judy Bigelow Costa indicated that she is o.k. with the changes. Chairman Rullo noted that time is critical and he'd like to see the Board adopt the procedures with the understanding that changes can be made later. Motion made by Selectman Spataro and seconded by Selectman McKinnon for discussion. Selectman McKinnon McKinnon questioned some of the language and suggested it be cleaned up and run by Town Counsel. Town Manager agreed and suggested it will be voted at the Board's next meeting. Selectman Spataro withdrew motion. Town Manager noted he did commit to the Commission on Disability, a couple years ago, that they will be included in projects/changes such as the Everett Square improvements project.

UNFINISHED BUSINESS

I.T. Assessment Update

Chairman Rullo began by thanking the I.T. Assessment Committee for its work. The final report has not been written, but will be issued in December. Chairman reviewed the findings of the Committee (attached). Discussion ensued. Selectman Frawley noted that he has been told on numerous occasions that we already purchased electronic cash registers and that they were never installed. The big question is on how our I.T. department is running. I don't understand why

**Middleborough Board of Selectmen
Meeting Minutes**

November 7, 2011

they purchased programs and didn't install them. I'm concerned because history shows that we buy items and don't use them. Town Manager responded that he doesn't think we normally buy things and not install them. The users needed more than what this software could provide, and therefore, asked for something different. He noted that he wasn't here at that time, but this is what he has been told and this won't happen again. Selectman Frawley noted again that he was told those registers were never installed. The Town Manager clarified that the registers are actually software and that we did use some. He doesn't recall the exact specifics, but he has something in writing he can send to Selectman Frawley. Selectman Frawley noted that he had also heard that the Assessor's Office is also sitting on software it is not using. Town Manager responded that he has something in writing on that and that some of the programs won't work on the new operating systems. He thinks it was an incompatibility problem with Assessor's office. Selectman McKinnon noted that we had similar problem with the Town gas pumps last year. The program had been sitting there and never implemented. We need to make sure that all equipment is implemented and used if purchased. Chairman offered that the Committee was very clear that it was concerned about equipment being purchased and not implemented. Selectman McKinnon noted that he wants to make sure. Town Manager responded that he is on the same page as Selectman McKinnon. Selectman McKinnon suggested that if it doesn't get implemented properly, there's going to be a problem. People at Town Meeting are aware and are not going to approve these requests. Selectman Frawley noted that I.T. is now telling Conservation it can't hook up to the internet in this room because it doesn't approve of their laptop that they had to buy with their own money because couldn't get a laptop from I.T. Town Manager responded that the workstation was set up in this room for multiple users and that is the reason for not approving the laptop use.

Judy Bigelow Costa asked question about the Capital Planning over next five years and if it means we won't have to bother. Chairman responded that it doesn't mean we won't have to borrow, but will have a five-year look. She asked if we know this is going to be happening, is there some way we can put something aside? Chairman noted that we are at a very basic level of providing services in Town presently. She asked what happens when some of the computers and/or software become obsolete. Chairman responded that most of our computers are/were 8-10 years old and by the time we get rid of them, they are of very little use. We try to get what we can. Diane Bassett asked how we determine the need and uses of software/programs for the Town. Town Manager explained that if we replaced financial software, we'd have to have all Town departments that would use that software, involved in the decision process. Town Manager hopes to build up the Operating Budget to fund the Capital Plan.

Glenn Montapert addressed Board and indicated that the Committee was tasked to bring the computers through the next 10 years used by the Town and schools. Chairman corrected him that this was not the task, but the items listed in his report instead. Mr. Montapert asked if there is a plan in place. Chairman responded that we are operating today on a lean budget, and there isn't anywhere else to cut, unless you cut people. I am not going to recommend cutting staff as I believe we are at a bare minimum now with services.

**Middleborough Board of Selectmen
Meeting Minutes**

November 7, 2011

Town Manager suggested the he thinks what he is asking for is in the Capital Planning report and as long as we fund the Capital Plan, we will be able to afford what we need. As long as we keep funding it, I think we will see measurable results.

Leilani Dalpe Finance Committee member thanked Chairman Rullo for his work on the I.T. Assessment Committee. She asked what the oversight is going to be moving forward. She suggested that these items had sat on shelves and in closets, and therefore would like to know how we ensure this isn't going to happen again. Town Manager responded that we are not going to make that mistake again. She asked if it is part of the I.T. Assessment Committee's responsibility to provide oversight and ensure these things won't happen again to which the Town Manager responded that is correct. She asked if the I.T. Director is going to become the CIF. Town Manager responded that no Committee will ever oversee any staff. Selectman Quelle left meeting room at 9:11 PM. Selectman Spataro offered that he wouldn't beat ourselves up too much on too much having been spent by I.T., but he's not making light of it. He has seen software not be used/equipment utilized and it was for various reasons.

Herring Moratorium discussion – Selectman Frawley noted that we have an opportunity to oversee our own Herring and he thinks we should take advantage of it. Herring Fishery Commission Chairman Cavanaugh noted that we are under a Moratorium now and that 2011 is the last year of State Moratorium. Atlantic Coast Moratorium goes into effect 1/1/12. There are several states that have indicated they are just going to shut down their Herring Runs. We are in a position to put a plan in place and would allow us to open our own Middleborough/Lakeville Herring Fisher. It would put a heavy burden on the Town administratively/issuing permits. . Chairman asked what we would have to prove. Chairman Cavanaugh responded that we have to show stable population with the harvest. It's stabilized at 600-700k each year. We are the best in the state. Selectman McKinnon asked what's caused the decline. Mr. Cavanaugh suggested that it depends on who you ask. He offered several reasons and indicated that it's probably a combination of all of it. Selectman Spataro asked what his reason is for wanting to open it now. Mr. Cavanaugh responded that two million may have been a fluke on the high side. He's not saying we want to open it now for harvesting, but want to see if it would be approved if we were to do that. No decision is needed at this point. Selectman Frawley suggested that whether we open it up this year should be entirely up to the Commission, but he thinks we should keep the decision within our Town and not a government agency that's never been here. He further noted that we have an opportunity to get the decision making processes granted to our own Town. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to encourage the Commission to pursue the plan. No objection by the Town Manager. Mr. Cavanaugh commended the DPW and its crew noting that they have been a good friend to the Commission anytime they have equipment/maintenance issues with the Wareham Street dam. The fish ladder is in the Thomas Park and is separate from the Park itself, but there has been a long standing problem as nobody owns the park. Maintenance is overdue. Vandalism is high. He asked the Board to look into who is in charge. Chairman agreed to put matter on a future agenda. B. Giovanoni offered that the MG&E owns the park.

TOWN MANAGER'S REPORT

Town Manager asked A. Bagas to provide what the estimated savings were for residents re Bulky Items Collection Day. They will have information for the Board next week.

Capital Planning Committee process has started with department heads asked to provide updated capital requests.

CORRESPONDENCE

#8 Selectman Frawley offered that he was happy that the Pierce Trustees was able to get vehicle for Conservation Commission.

#9 Selectman Frawley offered that he was pleased with the meeting earlier this evening re Rockland Industries site.

#12 Selectman Frawley noted the Taunton River Watershed Environmental Film Festival schedule.

#13 Selectman Frawley noted he was pleased to read the correspondence from the Town Clerk re the Town's reimbursement for the Special Election Bristol 12.

Selectman Frawley requested that the Board discuss dump stickers as a future agenda item.

#11 Selectman Quelle offered that it's just the worst day for him to be able to attend the MA State House public hearing – Manufactured Housing on 11/15/11 at 10 a.m. Representative Orrall's Aide announced that she will attend.

Selectman Quelle noted email received by the Board from a homeowner dealing with long-term dirty water. He communicated with her. DPW is working with her. He spoke with some people he knows familiar with water problems and they suggested that she just may have a lot of dirt in her own tank. Town Manager noted that Water Superintendent Joe Silva offered to go out and flush her tank.

Selectman McKinnon noted that at a recent meeting of the Permanent Cable Committee, there was a debate about putting a campaign debate on the cable channel. He disagrees with it not being allowed on the cable channel. He doesn't know why there was any issue with allowing it. He thinks we need to review with the Cable Committee. Chairman responded that we will have them in this month or early December. He would appreciate specific questions from Board members, in advance, for the Cable Committee.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to adjourn at 9:49 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

File copy

Selectmen's Meeting 11/7/2011

Please take into consideration the fact that Edgeway has not had a license to operate since January, 2004. How could they legally raise rents when you took their right to operate away from them?

As far as the freeze on rents in January, 2006, the rent control board did not vote on this. We were there. The town attorney cannot make decisions for the board.

The rent at 80 Wesley Circle is \$350.00. The Rules and Regulations, on page 3, Section 2, maximum rent (3B) . Reduction to at least \$320.00 - the highest rent in the Park. We question how did the rent get to \$320.00 from 280.00 with out permission or a license?

If Rules and Regulations are amended, we would like to be involved with the process. Also, please take note, Chapter 703, Section 2, states, the Rent Control Board may make Rules and Regulations but it is not mandatory to do this.

Chapter 703 also states that the Rent Control Board shall regulate rents (Section 3) 5 for failure to perform ordinary repairs, replacement and maintenance. 703 also states that registration by the owners is required, under penalty of perjury of information relating to Park accommodations. Had the Town enforced this, inequities in rent would have been disclosed.

The owners failed to petition for increases and consistently apply Rent Control law when it came to the sale of a home. Only those who were informed by prior homeowners or the realtor did not have the rent increased.

We maintain rents were raised illegally and insist rents be returned to the original and legal amount of \$280.00 for all.

IT Assessment Update to Selectmen
Date 11/07/11

The committee has completed its work and is in the process of finalizing its report. This update will include the committee's final conclusion and recommendations but the final report will be issued only after final review. This review should take place in December.

Assignment of Responsibilities:

On November 3, 2010 the committee met for the first time and got a review of the consultants report by Sheldon Cohen to get everyone on the same page. The committee also decided that we would focus on the following recommendations:

- Wireless backup for the towns LAN**
- Assessment of the financial software ACS**
- Combined IT Organizational Structure**

The Town Manager and department heads would focus on the following recommendations:

- Data Backup**
- Business continuity and Disaster Recovery Plan**
- Implementation of Electronic registers for Town Clerk and Town Treasurer**

The IT leads in the school department and General Government will be responsible for developing a short and long term strategy. The first phase of the strategy will be to explain the relationship of the five year capital plan to the IT technology strategy. This first phase of the strategy is scheduled for completion on November 18, 2011.

Wireless backup for the towns LAN

Consultants Report:

The existing fiber-optic network has no-back-up and places Middleborough at immediate risk.

This risk typically comes from physical damage to the pole –distributed fiber-optic cable or failure of the optical electronics. It is of particular concern because the network's distribution topology, determined by the fiber attachments to the existing I-Net, offers no route or cable sheath redundancy.

Conclusion:

Based on the fact the Town has not sustained a failure which has resulted in a significant amount of down time and the fact the location of the INET is in close proximity of the COMCAST cable it is highly likely that a failure in our INET would also result in a failure of COMCAST, which would result in a quick repose by COMCAST, Failure of the IT is assessed at lower risk

Also based on the limited funds available the high priority to replace infrastructure and desktop hardware, failure of the IT is assessed at lower risk

Recommendation:

Back-up to the INET remains a strategic issue and must be addressed long term but it is of a secondary importance to improved infrastructure needs.

It also recommended that the Town Manager work with the public safety leads to determine if a wireless network could be funded thru grants from homeland security. A wireless communication system is needed to improve public safety communication for police and fire and could also serve as an INET backup.

Assessment of the financial software ACS**Consultants Report:**

Middleboro should decentralize all business functions to the source level throughout the Towns and School Department. An enormous number of transactions especially in purchasing, accounts payable and payroll are repeated twice or more by the source department and the central; office. The assessment should be conducted to insure that the current ACS Financial system meets our current as well our future needs and that it is capable of being implemented in a more decentralized manner.

Conclusion:

We learned that ACS has 200 customers nation wide with only 2 in Massachusetts. ACS is doing mandatory updates for statutory updates but is not actively doing development updates. We also learned that they are no longer supporting the collection module and that we are currently supporting that module in- house.

The system is currently stable and meeting our requirements but clearly with lack of a growing customer base and no active development updates the long term viability is in question.

The committee also learned that the current system will allow us to decentralize processes and will support the implementation of electronic cash registers in the Town Clerk's and Town Treasurer's offices.

Another concern was the apparent lack of ad hoc reporting capability but we were informed by ACS that the software does have reporting ability and that web-training and client support was available to our staff.

We were under the impression that our processing server for ACS was an AS400 which uses old technology but we were told that we are using an I Series Power Server and this server should meet our needs for the foreseeable future.

Recommendations:

Based on the findings above the committee recommends the following actions and that cost to implement these must be quantified with a funding source.

1. The Town begins to identify possible replacements for the current Intergraded Financial System (ACS) and to develop a skeleton implementation schedule
2. The Town develops a phased approach to implement decentralization of key processes such as payroll.
3. Implementation of electronic cash registers in the Town clerks and Town Treasurers office
4. Training should begin immediately for departments which require ad hoc reporting capabilities.

Combined IT Organizational Structure

Consultants Report:

The Town and Schools should combine their functions under one IT Director. This new organization would provide a unified direction for new technology implementation and would provide a better leverage of limited IT professionals.

Conclusion:

The committee interviewed nine communities who have moved to a combined IT organization of the nine two communities decided to move back to separate organizations, one decided not to combine staffs but have standardized on administration functions such as accounting, payroll and HR, and one has just started. The remaining five have achieved varied degrees of success

The town of Franklin appears to have been the most successful. The key appears to be that a strong line of communication between the Town and School existed before the consolidation and continues to exist today. The Town Manager and Superintendent of Schools are located in the same building and in fact their offices are located next to each other. Franklin made the decision to have the IT Director report to the Superintendent of Schools because that was the most demanding environment.

The task force saw an opportunity to consolidate organization in the area of network, desktop and other hardware and administration software such as accounting, payroll and H/R. The advantage of consolidation in these areas would come in standardization of hardware and in the deployment of new technologies.

The task force was concerned with the consolidation of curriculum requirements and classroom environments because of the unique knowledge required in these fields. Therefore the task force is recommending this function remain separated from IT and that IT be relied on to deliver the required application.

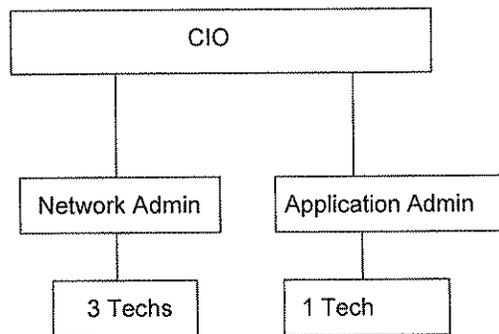
Recommendations:

The committee is recommending that one CIO be appointed to head up a combined IT function supporting the school and general government. The committee also recommends that an oversight committee be established and appointed by the BOS to continue to oversee and work with the IT function in implementing new technology, capital plans and strategic plans. It should also be noted that significant consolidation already exists in the area of financial and administration processes.

The implementation of this recommendation should be delayed until a new Superintendent of Schools is hired. The committee also did not have a recommendation as to who the new CIO should report to and recommends that the Town Manager and School Superintendent make that decision.

Suggested Organization

This organization requires the addition of an estimated 1.3 techs (this needs to be reviewed based on current organization) which could be funded in part by the reduction in outside consulting costs.



**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 Duphily 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 Duphily 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. Duphily's request to be appointed a designated person to have access to Town Hall for reasons such as this. Mrs. Duphily 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 our Town Counsel 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.

**Middleborough Board of Selectmen
Meeting Minutes**

November 14, 2011

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.

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 Inventive 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 willll 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.

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

WAS 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