

**Middleborough Board of Selectmen
Meeting Minutes**

November 5, 2012

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

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

ANNOUNCEMENTS

Acting Chairman recognized that Selectman Rullo's mother had passed away. He requested a Moment of Silence in memory of Mrs. Rullo, and also for those who have been affected by Hurricane Sandy in New York and New Jersey.

On behalf of the Board, Selectman Spataro thanked the medical response team volunteers for standing by during the Hurricane Sandy.

Chairman announced that there is a vacancy on the Plymouth-Carver Aquifer Advisory Committee.

Chairman reminded the public to vote tomorrow.

Selectman Spataro suggested that, after voting, individuals should write to congress to start working together.

Paul Provencher reminded the public of the upcoming Veterans' Day activities.

Chairman noted this evening's initial use of iPads and explained that this implementation will save time and money.

Selectman Spataro noted that the Middleborough Friends held its annual Halloween Ball this past weekend and raised \$1,000, which it will give away in scholarships in memory of Victor Sylvia.

Selectman Quelle recognized the MG&E as well as the first responders during the recent hurricane. He also recognized all of the volunteers who will be working the election polls tomorrow.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve the 10/22/12 meeting minutes.

NEW BUSINESS

Chairman read into the record (attached), a letter by Police Chief B. Gates recommending a commendation for Police Officer Michael Lonergan. Chief Gates addressed Board and summarized what actions were taken by Officer Lonergan. Officer Lonergan appeared before the Board. Chairman thanked Officer Lonergan on behalf of the Town. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to place the recommendation for commendation letter, and the thank you letter from the family involved, into his Personnel file. Selectman Quelle read aloud the thank you letter by the family (also attached).

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Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to re-appoint Betty Murphy to the C.O.A. Board of Directors, for a three year term, effective 11/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to re-appoint Anders Martenson to the C.O.A. Board of Directors, for a three year term, effective 11/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to re-appoint Barbara Chadwick to the C.O.A. Board of Directors, for a three year term, effective 11/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to re-appoint Marilyn Chammas to the C.O.A. Board of Directors, for a three year term, effective 11/1/12.

Town Manager explained MIIA Medical renewal. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to authorize Chairman to sign the renewal.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve and sign Septic Betterment Bond & Bond Anticipation Notes.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for Muckey's Liquor for 11-10-12 from 4 PM to 11 PM at 200 Oak Point Drive.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for Muckey's Liquor for 12-5-12 from 6 PM to 11 PM at 200 Oak Point Drive.

Town Manager read aloud letter to be sent to Attorney James Burke re Breach of Edgeway Mobile Home Park Agreement as drafted by Town Counsel. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to sign and send letter. Adam Bond suggested the possibility of the Town being able to expend the \$140,000 being held to make improvements to the Park, and then lien the new owner of the Park. He also asked what the Board is asking Attorney Burke to do. Selectmen Quelle asked if Attorney Burke is authorized to spend the \$140,000 to which the Town Manager responded that we've tried that noting that Attorney Burke has shown absolutely no interest in making the necessary improvements. The Town Manager further noted that the Town believed things were moving forward until Attorney Burke stepped in. Once he did, everything came to a halt. Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to amend letter to include a 11/19/12 deadline to come to the Board with a plan, or the Board will file contempt charges on 11/20/12.

Selectman Spataro asked to return to the Bond Anticipation Note vote and read aloud those who were awarded the bid. Chairman read aloud what the bonds will cover.

HEARINGS, MEETINGS, LICENSES

At 7:40 PM Board returned to the public hearing continued from 10/22/12 re Leonard's Auto, LLC, 407 Wareham St., Class II Automobile Dealer's license application. Attorney Adam Bond updated Board and noted that his client needs to go through the WRPD permit process. He confirmed with the Board's secretary that his client has been given the WRPD public hearing notice with a scheduled date of 11-19-12 at 7:55 PM. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to continue this hearing to 11/19/12 at 7:55 PM also.

Conservation Commission Vice Chairman Steven Ventresca addressed the Board to discuss the Wetland's By-Law. The Commission is asking that the Board review the By-Law and consider it for Annual Town Meeting in the spring. Mr. Ventresca offered that the Commission changed the abutter notification requirements. Jane Lopes asked what, if any, extra authority, would the Commission have with the changes made to the By-Law. Mr. Ventresca noted that the only extra authority that they have is to administer fees when a submittal comes in, and the By-Law will potentially allow the Commission to create regulations concerning vernal pools. Chairman asked if his Commission has taken a recent vote on the matter. He responded that they can, but he can't say if they specifically support i.e., 6 to 3, 5 to 1, etc. Chairman McKinnon asked if the Commission has held a public hearing on the changes. Mr. Ventresca responded that it has been on the Conservation Commission's agenda for the past six months. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to put Wetland By-laws on the 2013 ATM Warrant.

E.R. Application Hearing, 182 Plympton Street

Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to accept applicant's withdrawal of application as requested by Silva Engineering, without prejudice.

At 7:52 PM Board voted by Roll Call to go into Executive Session for the purpose of considering discipline/dismissal/complaints against a public employee and to discuss strategy with respect to collective bargaining or litigation because an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and to return to Open Session. Roll Call: B. Quelle, Yes; S. Spataro, Yes; S. McKinnon, Yes. Ended at 8:32 PM.

At 8:34 PM Chairman opened public hearing on WRPD application filed by Paul E. Singley and Cheryl K. Letourneau for 75 Faye Avenue by reading aloud public hearing notice. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to continue to 11/19/12 at 7:50 PM.

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At 8:36 PM Chairman opened public hearing on application filed by Dennis Barbato for the Transfer of an All Alcoholic Beverages Liquor license from The Riverside Restaurant to 58 East Grove, Inc., d.b.a. Boston Tavern and for a Change in Manage by reading aloud public hearing notice. Mr. Barbato addressed Board and introduced his partner Peter Morrissey. They intend to open as a restaurant, lounge, and catering facility in January or February. Chairman asked to hear comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve transfer. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Change of Manager.

BILLS

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve payment to Jones Day in the amount of \$2,357.72.

TOWN MANAGER'S REPORT

Town Manager noted promotion of DPW employee David Blanton to the position of DPW General Foreman.

Town Manager noted various departments to be recognized for the tremendous job in responding to the recent hurricane.

Town Manager noted draft Budget Development schedule and his intention to return to holding ATM in April as opposed to in June.

Selectman Spataro congratulated David Blanton on his promotion & job well done.

Chairman McKinnon noted all Town employees/departments involved in responding to matters involved with Hurricane Sandy and asked that the Town Manager pass along the Board's appreciation.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to send a note to the Town Manager and department heads thanking them for their efforts in stabilizing last year's budget and being creative in doing so.

CORRESPONDENCE

#3 Selectman Quelle noted that the Town is not satisfied with the lack of progress re the Rockland Industries site. Discussion ensued. Town Manager recommended attempting to go through State legislators first as opposed to going to the Federal level yet. Board asked Town Manager to reach out to Legislators and report back in two months

Selectman McKinnon updated Board on SRPEDD related matters.

#6 Selectman McKinnon noted that the Commonwealth is looking for lease space.

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Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to adjourn at 9:03 PM.

Jackie Shanley, Confidential Secretary
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