

CORRESPONDENCE
11/14/16

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11-14-16

1	Robert LaTremouille	Clerical Assistant/Veterans Agent Office
2	Library Trustees	9/12/16 minutes
3	Oliver House Advisory Committee	10/4/16 minutes
4	Town Counsel	88 River Street - Survey Board
5	Town Counsel	Town Charter
6	MassDOT	Salting at Commuter Railway Crossings
7		

#1

Robert J. La Trémouille

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Middleboro, Massachusetts 02346

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October 21, 2016

Robert G. Nunes, Town Manager
Town of Middleborough
Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

Board of Selectmen
Town of Middleborough
Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

RE: Clerical Assistant, Veterans Agent Office

Gentlemen / Ladies:

I attended the Town Meeting a few weeks ago at which the Town voted to increase the hours of the clerical assistant in the Veterans Agent office.

It comes very much as a surprise to learn that there may be some question as to whether the will of the Town Meeting will be respected.

I have a lot of experience as a non employee with regard to municipal government, and I have had a lot of victories, including some rather major victories. One thing that has seemed to be inviolate has been that a vote properly made and binding in nature will be obeyed.

I have seen Paul Provencher in action. Among other things, he has assisted me during a very dire time when prompt action was crucial. His multitasking is incredible. Paul wants to retire and he is trying to do so in an orderly manner so that the office can continue to function in accordance with the needs of the Town after he departs.

It is inconceivable that one person will be able to replace the amount of work he does. Watching his juggling of responsibilities, it is clear that his situation has been a matter of added work being inserted into the work pattern in a rather incredible way. He is juggling and juggling, and the only way he could have wound up in this situation is as a result of work being added incrementally and then more and more.

Please allow this office to function as the Town needs it to function, and as the Town has voted for it to function.

Please allow Paul to smoothly pass the torch to his replacement. A properly functioning clerical assistant is clearly needed to help handle the real workload. Please respect and implement the vote of the Town Meeting to increase the hours of the clerical assistant in the Veterans Agent office.

Thank you.

Sincerely,


Robert J. La Trémouille

#2

The Trustees of the Middleborough Public Library met on September 12, 2016. In attendance were James Okolita, George Davey, Edward Pratt, Keith Macdonald, Sheri Hartlen-Neely, Stephen Conway, Maryanna Abren, and Library Director Jason Bloom. Chasity Armstrong-Menard joined the meeting in progress.

Chairman Okolita called the meeting to order at 6:00 p.m.

The Minutes of the August meeting were accepted as presented.

The Treasurer's Report was accepted, subject to audit.

Trustees spent some time discussing the new website that is being developed. Comments and suggestions were given. Questions answered. Jason gave Trustees a link to the designer's portfolio. (epbri.com)

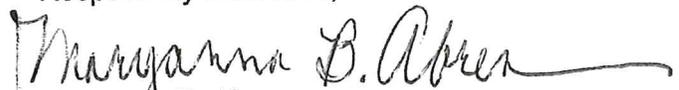
The following were discussed in the Director's Report:

- The landscaper continues to do a great job on grounds maintenance.
- Both A/C condensers are up and running. The transition to heat will be coming shortly.
- So far two quotes for carpet cleaning have been received. There was a question as to whether the furniture will be moved.
- One more quote for the boiler replacement is needed. Jason hopes to have this by the end of the month. The Town will fund this project.
- The question of the Fidelity account was brought up again. Trustees voted unanimously to authorize the Treasurer to close the Fidelity account and move the monies to Ameriprise.
- Special Town Meeting is Monday, October 3rd. The Library is asking for \$32,000 to be split between the materials budget and a replacement Technology Librarian.
- Gilson Painting Phase II (stairwell and downstairs hallway) will be scheduled for mid-October.
- The Friends Annual Yard Sale was a great success. They exceeded their goal for the day.
- The Library will host Rory Raven: Mindbender and Mentalist on October 19th.
- Winners of the bikes from Summer Reading are invited to a special presentation at the Library on September 17th. The Knights of Pythias donated the bikes.
- On October 5th the Friends will sponsor *Liz Barbour's Creative Feast*. She will give a cooking demonstration using historic recipes that she has adapted to today's palate.
- Costume Swap is scheduled for October 15th. Donations are still being accepted.

The next meeting is scheduled for October 17, 2016 at 6:00 p.m.

The meeting adjourned at 6:52 p.m.

Respectfully submitted,


Maryanna B. Abren

#3

MINUTES OF OLIVER HOUSE ADVISORY COMMITTEE OCTOBER 4, 2016

The meeting of the Oliver House Advisory committee was held on October 4, 2016 at 11:00AM in the Selectmen's Room at Town Hall. Members present were Leilani Dalpe, Kathy Foye, Jane Lopes, Mary Dawson. Tom Dexter and David Bennett. Excused was Paulette Lilla. Also present were Todd Clark and Robert Nunes

Minutes of the previous meeting were amended to reflect an omission under Old Business concerning the RFP to the architectural firms.

Todd Clark reported on the bathroom and handicap ramp including the addition of a bathroom in the Carriage House. The BOS needs to sign off as these are presented as well as the Cultural Facilities Fund, Mass Historic Commission and Historic New England. The Mass Historic Grant has a deadline of October 26th with Paul Holt overseeing the preservation project.

The Ghost Tours are proceeding with income of \$700. There will be extra tours added for the holiday weekend. There will be a screening of the paranormal movie that was partially filmed at the home.

A motion to have flyers printed for the Quilt Exhibition, not to exceed \$100 was made, seconded and approved. The boy scout project was postponed due to the absence of P. Lilla.

The alarm system was approved by the BOS pending an updated contract. Other business included a new subdivision of the conservation land. Also noted, water dripping into a bedroom hearth. Jane Lopes motioned to have the town manager's office have someone investigate. Motion passed.

Under new business, a discussion of applying for CFF grant. Will it need to wait due to the old police station's needs as a study begins for reuse since it is the only town property on the National Register. The Nemasket River Productions has reserved time in July '17 for producing Outdoor Shakespeare on the property.

Other supplies needed according to Tom D. will be purchased. Tom will discuss with the Fire Chief Lance Benjamino what type of fire extinguisher would be added. Motion made to reimburse Tom for the purchases.

The next meeting will be Wednesday October 26th at 10:30AM in the Town Hall.

Respectfully submitted,

Mary Dawson

#4

October 27, 2016

Middleboro Board of Selectmen (*via email c/o Colleen Lieb*)

RE: 88 River Street, inspection of dangerous building – Survey Board

Dear Members:

You advised that the Survey Board declined to inspect a dilapidated building at 88 River Street. The reason given for declining to inspect is that the property owner has been responsive to the Building Commissioner's directives to make the structure safe. You asked whether the Survey Board's position is consistent with law.

General Laws Chapter 143, Section 8 provides that if an owner or lessee of a dangerous structure refuses or neglects to comply with a notice/order of the building inspector to make it safe, a board (of survey) will make a careful survey of the structure and make a written report of the survey.

A survey board becomes involved in a survey/inspection under Section 8 when an owner/lessee of a dangerous structure refuses or neglects to take action as ordered by the building inspector. A survey board does not get involved with a survey/inspection unless the property owner/lessee refuses or neglects to take action ordered by the building inspector.

The Survey Board's position not to inspect in this case is based on the property owner's compliance with directions from the Building Commissioner regarding the structure. The Survey Board's position is consistent with Section 8.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

13-160

cc: Robert G. Nunes, Town Manager (*via email*)

ASAP Engineering &
Design Co., Inc.

155 East Grove Street • Post Office Box 649
Middleborough, MA 02346

ROBERT M. DESROSIERS, P.E.
Consulting Engineer
508-946-3561
Fax 508-946-1653

September 29, 2016

Board of Selectmen
Town Hall
Nickerson Avenue
Middleborough, MA 02346

Honorable Board:

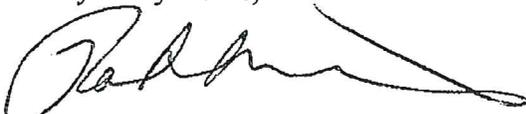
I understand that the Board of Selectmen would like the Survey Board for Unsafe Structures to inspect and comment upon the property at 88 River Street. I understand that there is considerable controversy regarding the condition and use of the property and that the Board of Selectmen are involved acting in the role of the Board of Health and the request for an inspection is based upon concerns expressed by residents who live in the area of the property.

I spoke with the Building Commissioner in order to familiarize myself with the building-related issues and to understand the underlying structural concerns. At the present time, the Building commissioner does not consider that there is a public safety issue. Further, the property owner is in compliance with building-related directives from the Building Commissioner.

The purpose of the Survey Board is to provide an independent opinion regarding the condition of private property in situations where the property owner is *non-responsive* to Building Commissioner directives to make the structure safe. This independent action ratifies the position of the Building Commissioner and allows the Town to step in and complete the required work and assess the property owner for the costs.

In my view, it would be inappropriate for the Survey Board to enter the property and conduct an inspection absent those conditions. Given that this situation between the property owner, neighbors, and various Town Boards is contentious and may turn litigious, I think it prudent not to appear to be overstepping with respect to inspections. I am concerned that a Survey Board inspection may, in the end, reflect badly on the Board of Selectmen and the Survey Board at this time. Therefore, after much consideration, I respectfully decline to participate.

Very Truly Yours,



Robert M. Desrosiers, P.E.

#5

October 25, 2016

Robert G. Nunes, Town Manager (*via email*)

RE: Town Charter

Bob:

You asked whether the October 2016 Special Town Meeting vote under Article 1 to appropriate/transfer money for the Veterans Services Department including the amendment put forth by the Veterans Agent requires the Town Manager and/or Board of Selectmen to make the clerk's position for the Veterans Services Department a thirty hours per week position. My understanding is that the vote appropriated/transferred money sufficient to fund a thirty hour per week clerk's position for the department.

The Town Meeting vote does not purport to authorize or require the Town Manager or Board of Selectmen to provide for a clerk for Veterans Services for thirty hours per week. The vote provided funds sufficient to compensate a clerk who works thirty hours per week.

The vote does not explicitly or implicitly require the Town Manager and/or Board of Selectmen to hire or otherwise provide for a clerk to work thirty hours per week.

My opinion is that the Special Town Meeting vote does not require the Town Manager or Board of Selectmen to provide for a clerk's position for thirty hours per week.

Very truly yours,

Daniel F. Murray

Town Counsel

DFM/s

04-237

#6



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Brian Shortsleeve, Chief Administrator and Acting General Manager

massDOT
Massachusetts Department of Transportation

October 25, 2016

Diane C. Stewart
Chairwoman
Town of Middleborough
10 Nickerson Avenue
Suite A
Middleborough, MA 02346

RE: Salting at Commuter Rail "Highway/Railway" Crossings

Dear Chairwoman Stewart:

The application of road salt on highway / railway crossings during ice and snow storms can cause train approach warning systems to activate without the presence of a train in the area. The reason for this is that the combination of road salt and fresh or melting snow creates a conductive solution that can cause a short circuit between the rails of the tracks. As a result, the gates lower, the lights flash, and the warning bells ring until the problem is corrected. The corrective action can sometimes take some time to correct depending on the severity of the storm and can cause the highway traffic to back-up.

The 2016 / 2017 winter season will soon be upon us. This is a reminder and request that you again instruct your crews and contractors to refrain from salting the area in the immediate vicinity of the tracks in order to minimize the instances of these unwanted activations. Your cooperation will help minimize both automotive and train delays this winter. The following is a list of highway/railway crossings in your town on the commuter rail system:

West Clark Street

Please contact Derek Weldon, Assistant Chief of Engineering Operations, at 617-222-8145 (derek.weldon@keoliscs.com) to answer any questions regarding this request. Thank you again for your assistance with this issue.

Sincerely,

Brian Shortsleeve
Chief Administrator and
Acting General Manager