

**Middleborough Board of Selectmen
Meeting Minutes**

December 16, 2013

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

In attendance were: Selectmen S. McKinnon, A. Frawley, B. Quelle and J. Knowlton; Town Manager, C. Cristello and Executive Assistant J. Shanley.

UNANTICIPATED

None

ANNOUNCEMENTS & RECOGNITIONS

Christmas Tree pickups will be done during the weeks of January 6th and January 13th on the same day as resident trash pickup.

Santa Claus will be receiving visitors in the Santa House at Kramer Park on Thursday, December 19th and Saturday, December 21st.

Selectman Knowlton noted that the Friends of the Middleborough Library announced that Major League baseball player Steve Cishek of the Miami Marlins will be speaking at the library on Saturday, December 28th at 1 pm.

Selectman Frawley announced that the Lion's Club is holding a blood drive on 12/21.

Selectman Quelle recognized the DPW for being prepared for our first dangerous road condition weather.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve 11-25-13 meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the 12-9-13 meeting minutes.

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize Chairman to sign Warrants for week ending 12/13/13.

NEW BUSINESS

Naim Darazi, applicant for a Common Victualler license, addressed Board and offered that he has other similar businesses. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve Common Victualler license for Middleboro Pizza Pirate, LLC dba Pizza Pirate, 134 North Main Street.

Town Manager reviewed Amendment to Termination/Service Agreement between Middleborough, Town of Carver & North Carver Water District. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve.

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Town Manager referred to memorandum from DPW Director Chris Peck. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve Amendment to Termination/Service Agreement between Middleborough, Town of Carver & North Carver Water District.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve 2014 Common Victualler licenses as presented by the Health department.

Town Manager reviewed Surrounding Community Agreement with Raynham Park LLC. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve. Town Manager noted that this was also reviewed with approval by Town Counsel.

Town Manager reviewed Betterment Order for River's Edge. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the Order of Taking for Veronica Lane.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the Order of Improvements/Assessment of Betterments for Veronica Lane.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the Order of Taking for Dona Drive.

Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to approve the Order of Taking for Tall Oak Drive.

Discussion ensued relative to travel route for Earth Removal permit-Chop Chaque Cranberries, Inc., 258 Tispaquin Street. Town Manager assured Board that the Town will remind Mr. Arruda that he must keep to the allowed number of trips and the hours of operation on his permit and that the Town will monitor to be certain. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the new route as presented by DPW Director Chris Peck.

Town Manager explained Wright Pierce invoices. Board asked questions. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to authorize the Town Manager to pay Wright Pierce invoices, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve One-day Beer & Wine liquor licenses for The Bartending Service of N.E. for 12/17/13 at the Alley Theatre from 6 PM to 11 PM.

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Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve One-day Beer & Wine liquor licenses for The Bartending Service of N.E. for 12/31/13 at the Alley Theatre from 6 PM to 11 PM.

Town Manager presented suggestion to amend Taxi Rules & Regulations to add a \$20 penalty for violations of same with each day of violation will constitute a separate penalty. Town Manager will discuss it further with Town Counsel and the Police Chief and bring back to the Board in January.

Chairman began discussion re support of High Point by reviewing the advantages and disadvantages to the Town. Selectman Knowlton noted that he drafted the letter of support that is before the Board this evening. He noted the positives that High Point has already contributed, such as cleaning up the site. He further offered that we would welcome the influx of workers and positive economic impact it would bring. Selectman Quelle offered that the Board must be careful when offering letters of support to Boards that it appoints. He noted that this letter is simply a statement and does not ask anything of the ZBA by the Board of Selectmen, therefore, he would support signing the letter. This is a corporation that has occupied other buildings in other Towns in a professional manner. They have made an honest effort to meet as many of the Town's demands as possible. If this were to fall through, he is concerned about what would happen to this building. Selectman Frawley offered that he has been attending as many ZBA meetings as he can. He further noted that the Board has offered letters of support to the ZBA in the past so this is not unprecedented. He supports the project, but is prepared to let the ZBA do its job. He asked that the Town Manager post the report to the Town's website. He also offered that the ZBA has asked all Town departments/Boards to weigh in on this. He suggested some edits to the letter and offered his appreciation of Mr. Mumbauer's willingness to work with the Town. Selectman Knowlton reiterated that the Board of Selectmen is in full support of the ZBA taking whatever action it deems appropriate. Selectman Frawley noted that as members of the public, the Board members are still able to attend the ZBA meetings and offer their individual comments. Members of the public are welcome to do the same. Resident Steve Spataro addressed the Board and distributed handouts. He recommended that the Town welcome High Point with stipulations. He spoke about the reality of how many jobs Middleborough residents would most likely obtain. He offered that former Selectman Alfred Rullo has offered his accounting services to the Town, noting that High Point has plenty of money to benefit the Town. He hopes the Town looks at much more of a reimbursement from High Point. Brian Giovanoni suggested that High Point could help with the Everett Square improvements as they will increase some traffic in this area. Resident Neil Rosenthal addressed Board and offered that Middleborough has less business per residential addresses than ever in the past, however, he warns against risking losing this opportunity to have this business here. In his opinion, High Point appears to be a well-controlled and professional business. Selectman Frawley offered that the Board appreciates everyone's comments, but noted that the Board of Selectmen isn't making the decision. It is the ZBA that will and he encouraged those who wish for their comments to be heard, to attend the ZBA meetings. Upon motion by Selectman Knowlton, and seconded by Selectman Frawley, Board voted unanimously to send the letter of support to the ZBA with the agreed upon edits. Steve Spataro asked the Board if it was interested in Mr. Rullo's offer of

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services. Chairman indicated that he would be happy to see the information he develops. Mr. Spataro offered to get the information to the Chairman and to also bring it to the ZBA.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the Change of Manager application for the Mitchell Memorial Club, Inc.

Rolling Thunder, Inc. President Joe D'Entremont addressed the Board to explain Rolling Thunder. He offered that William Smith of Middleborough is a POW. He noted the support of people present tonight. He presented the POW/MIA Chair that they are asking to display in Town. He noted that the Chair is completely mobile and costs \$100. They have close to fifty towns across the Commonwealth participating in this. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve. Bob Lessard addressed Board noting that this is about awareness and that William Mark Smith is a POW who has never returned. He distributed a handout detailing the history of Mr. Smith. The American Legion Post already has one of these Chairs, but he thinks the Town should take possession of one of these Chairs. Bob Triner offered that the American Legion will pay for the Chair on behalf of the Town. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to have the Chair placed on display at all future Town Meetings.

Robert Weaver, Sports, Ltd. addressed the Board and acknowledged that he did, in fact, have more vehicles on his property than were allowed, but that they were in a locked area and were not for sale. He offered that he removed them. Chairman noted that it has been brought to the Board's attention that this is not the first time Mr. Weaver has violated the restrictions of his license. Mr. Weaver offered that his last offense was ten years ago. Building Commissioner offered that the violations occur regularly, including last year. He noted that he was there today and they were just moving the last one car, but Mr. Weaver has a new problem because he has now created a zoning violation by parking the cars someplace that is not zoned for such. Mr. Weaver reported that he did not have the cars for sale, but for repair. Chairman indicated that we can't have these violations. Chairman suggested approving his renewal, subject to spot inspections and any violations may cause revocation of the license. Building Commissioner confirmed that 25 cars are all that are allowed on the lot. Mr. Weaver offered that he brought the cars to a repair facility not on someone's private property. Building Commissioner explained to the Board that the cars are not at a repair facility, but in the lot of a trucking facility that owns a repair facility in Wareham. Mr. Weaver offered that they do repair vehicles there. If they don't have the proper facility, he would be happy to move them. Mr. Weaver argued with the Building Commissioner that he needs 30 days to move the cars and asked what he is supposed to do. To which the Board reminded him that he is supposed to not be in violation. It was noted that it took Mr. Weaver four months to move the cars down the street. The Board advised him that it wants him to be in compliance. Chairman agreed with the Building Commissioner that two weeks is a fair amount of time. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the 2014 Class II Automobile Dealer license, subject to spot checks showing Mr. Weaver is in compliance.

TOWN MANAGER'S REPORT

The Town earned MIIA participation credits in the amount of \$4,718 in addition to about \$40k in rewards. MIIA is the only insurance company that offers this.

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Town Manager noted letter from Steve Smith Executive Director of MA DOT to the Office of Transportation Planning in which the Middleborough Rotary is mentioned. SRPEDD continues to advocate on our behalf re the Rotary.

Conservation Commission correspondence re NSTAR was noted.

Town Manager noted the Stipulation of Dismissal correspondence received from Town Counsel re Hillcrest MGC, LLC v. Town of Middleborough Rent Board et al

Town Manager offered a reminder that the Board is meeting this Wednesday night for the Landfill Site Assignment hearing.

Selectman Frawley offered that he has observed that NSTAR is installing new towers. Town Manager responded that he has been told that they are replacements for existing towers.

Selectman Quelle asked if any residents have submitted estimates re the number of stumps they feel were removed from their properties. Town Manager believes that Representative Orrall's office is mitigating this matter.

CORRESPONDENCE

#5 Selectman Knowlton read aloud correspondence from the Park Department re Holton property/land and offered that he appreciates that they discussed it.

#6 Chairman McKinnon asked where it leaves us now that Peter Farrington submitted a resignation letter to no longer oversee caretaking of the Gibbs property. Town Manager will look into.

Town Manager noted GASB 45 Report and that it will be on a future agenda for discussion.

Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to adjourn at 8:41 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN