

**Middleborough Board of Selectmen
Meeting Minutes**

December 3, 2012

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

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

UNANTICIPATED

None.

ANNOUNCEMENTS

Chairman announced that he has decided not to run for re-election in the spring and encouraged others to consider running.

Selectman Spataro noted Sunday's holiday festivities.

Selectman Spataro offered that he too will not be running for re-election due to a change in his employment requirements and constraints on the time to commit to the Town. He encouraged those interested in serving, to begin attending Board meetings.

Selectman Frawley noted that "Eat to Heat" will be held at the Council on Aging this Wednesday.

MINUTES

None.

NEW BUSINESS

Chief Gates thanked Mr. Rullo and Mr. Spataro for their dedication and service. Chief Gates explained his request and recommendation to appoint Police Sergeant Robert Ferreira to Lieutenant. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to appoint Robert Ferreira to the position of Police Lieutenant. Mr. Ferreira thanked the Board, Town Manager, and Chief for their support.

Chief Gates explained request to call for a list from Civil Service for candidates to fill one Police Officer position. Upon motion by Selectman Spataro and seconded by Selectmen McKinnon, Board voted unanimously to send requisition to Civil Service to send a list of candidates for one Police Officer position.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint Michael S. Bednarski as a Volunteer Observer to the Middleborough Lakeville Herring Fishery Commission with a term ending 9/30/13.

Herring Fishery Commission Chairman David Cavanaugh addressed Board to discuss maintenance/repairs of Oliver Mill Park & Thomas Park. Superintendent of Parks, Fran Cass addressed Board. Oliver Mill Park is under the jurisdiction of the Parks department and he will be

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walking through this Park to see if there are any safety issues. The Lion's Club took on this Park as a community service project. The Club and the MG&E coordinated to recently put up a brand new sign at the Park. Recently the posts at the Park have been removed and they have been working towards removing overgrown brush. Thomas Park is not under the jurisdiction of the Parks department. Mr. Cavanaugh offered that best his Commission can tell, the Park was under the MG&E, but appears to be hanging in limbo with no one responsible for this Park. They think it's the Board of Selectmen. Brian Giovanoni offered that a gentleman-landscaper, and namesake of the Park, had been to a Selectmen's meeting this past year and suggested he may know more. The current Park was built in 1996 and the Assessor's map land area says it is under the jurisdiction of the MG&E. Selectman Frawley offered to speak with Jack Healy to resolve the mystery. Mr. Cavanaugh suggested, in his opinion, it should fall under the Park's department. Motion was made by Selectman Frawley and seconded by Selectman McKinnon, to authorize the Park's department to take over jurisdiction of Thomas Park. Town Manager recommended checking with the landscaper first and discussing the matter again in February. Motion withdrawn. Selectman Frawley offered to attend the next meeting of the MG&E and discuss the matter with the members of the Board. Mr. Cavanaugh offered his thanks to Chairman Rullo and Selectman Spataro for their years of service. Ed Beaulieu addressed Board and explained that the Lion's Club is working with the Park's department to make improvements to Oliver Mill Park. Their immediate goal is to install the granite posts to be connected by rod iron along the side of the Park and hopefully to fix the broken window. Chairman thanked Mr. Beaulieu for his and the Lion's Club's work on the Park.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize the Chairman to sign Rental Restriction for 18 affordable units at Residences at Star Mill and Monitoring Agreement between OECD and Heritage Corp., the developer. Selectman McKinnon asked if these documents were reviewed by Town Counsel. Town Counsel offered that he believes he reviewed one of the documents, but he wasn't certain which one. Selectman McKinnon asked if there is a timeline on approving these. Town Manager offered that he didn't think there was anything in the documents to cause concern. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to amend motion to authorize Chairman to sign, subject to Town Counsel's review of both documents.

Fire Chief Benjamino addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to declare Fire department vehicles as surplus, as presented by Fire Chief.

Leslie Muse, owner of The Main Drag addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a Common Victualler license for The Main Drag, 75 N. Main Street.

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Town Counsel addressed Board. Discussion ensued as to whether or not Auburn Street is a public road. Town Counsel and the Town Manager explained that they have researched the matter and they haven't been able to establish whether or not it is. Town Manager asked the Board to approve the request to authorize the filing of an enforcement action for 84 River Street to clean up the property. Brian Giovanoni offered that the Town of Bridgewater and/or its Historic Commission may have more information on this. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to get to the bottom of this. Three in favor. Selectman Spataro and Selectman Rullo opposed. Upon motion by Selectman Frawley and seconded by Selectman Frawley, Board voted unanimously to authorize the Building Commissioner to file a zoning enforcement action for 84 River Street.

Motion made by Selectman Spataro and seconded by Selectman Frawley, with question by Selectman McKinnon asking if this is the same chip seal from last year. He suggested pulling this piece out of the vote. Town Manager suggested holding the vote in its entirety. Selectman McKinnon offered that he would like to get a better bid if it's the same company. Town Manager will look into and the Board will address at its next meeting. Motion withdrawn.

HEARINGS, MEETINGS, LICENSES

At 7:57 PM Chairman opened Pole hearing re Clark Street East by reading aloud public hearing notice. Verizon representative addressed Board to explain request for new pole. Chairman asked to hear comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve.

VFW Information Hearing (continued from 11/19/12) re various named entities/liquor license. Chairman began with an overview of the previous hearing. Chairman informed the Board that he met with the Commander of the VFW Post last Friday and reviewed documentation, including invoices, and has confirmed that all transactions are being processed legally through the John F. Glass, Post 2188, VFW. Commander William Blight addressed Board noting that the VFW Board voted last Wednesday to create Auxiliary memberships to qualify those who attend the former "Driftwood Lounge", presently called the "VFW Bar". Selectman McKinnon asked if this new Auxiliary membership qualifies legally by ABCC standards. VFW Attorney John Ryder offered that the VFW is taking appropriate votes that will enable him to take the necessary steps to dissolve the "All profit" corporation "The All Veterans Canteen". In response to question by Selectman McKinnon, the Town Manager indicated that the ABCC was not expecting a follow up report from the Town regarding resolution of these issues. Board's Secretary offered that she was in agreement with the Town Manager. Selectman Quelle asked if the "for profit" had been dissolved. Attorney Ryder responded that once a vote has been taken, moving forward, the VFW, in its entirety, will be non-profit. Mr. Blight made a statement that negative stories have been printed in the newspaper about the VFW over this and he called the Police department to ask for any complaint reports on file of which there were none for all of 2011 and 2012. Lincoln Andrews thanked the Board for all of its efforts in clearing up the potential illegalities and offered that, despite being Veterans, the Town should work with the Club representatives as members of the community. Upon motion by

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Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to close the hearing.

Chairman opened VFW Hearing pursuant to MGL Ch. 138, S. 23 to determine whether to modify, suspend, revoke, or cancel the alcoholic beverages license issued to John F. Glass, Jr., Post 2188, VFW by reading aloud the public hearing notice. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to close the hearing.

Edgeway Mobile Home Park discussion

Town Manager informed Board that he and Town Counsel recommended that the Board discuss the matter in January and consider not renewing the Park's license for January 1st if it does not come into compliance with the Court Agreement. Town Counsel explained that fines may be imposed upon the Park owner, if the Board votes not to issue the license for 2013, beginning on the date that the Board takes the vote, or beginning on January 1, 2013. The Board would have to decide, after a public hearing, with at least seven days notice, that if the septic issues are not brought into compliance,Selectman Spataro asked the Town Manager about DEP's testing of dirty water and the Town Manager offered that the Town also tested it, and even though it's dirty, there were no unacceptable water quality results found. Chairman asked Town Counsel if the Town can request updated financials. Town Counsel offered that it could, however, the Town may not be able to demand it. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to send letter requesting updated financials. Adam Bond offered that, based on the letters that he's read it looks as though a lot of money is being spent on the payoff of the lien. Selectman Frawley applauded the residents of Edgeway Mobile Home Park for their efforts in taking matters into their own hands relative to withholding \$100 of monthly rent each. Anne McGann offered that the residents are in the process of trying to purchase the Park. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to hold a hearing on 12/17/12.

TOWN MANAGER'S REPORT

Town Manager offered his thanks to the Middleborough Veterans Memorial Park Trust for the Christmas Tree on the Town Hall balcony. He also thanked Town Hall Custodian Roger Choquette, Assistant to Town Manager Caroline LaCroix, and Don Triner and Paul Kreitzberg of the Veteran's Memorial Park Trust.

Rotary Discussion

Town Manager indicated that the Town needs to go back to MA DOT with a response to their two design alternatives. Selectman Spataro asked if our legislative delegation attended. Town Manager responded that State Representatives Orrall & Gifford did attend. However, before we try to energize the legislative delegation, he thinks we need to do further analysis and we will keep the Representatives informed as we do.

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Town Manager reported that Patricia Cassidy did call DEP and they are working on scheduling a meeting re Rockland Industries. Selectman Frawley will attend as representative of the Board.

CORRESPONDENCE

#6 Selectman McKinnon noted correspondence from Barbara Frappier re trash barrels. Town Manager offered that we've been doing this for some time, and this is not a new policy, but rather an attempt to enforce the current policy. He added that she makes a valid point, and suggested that those who have a small amount of trash, to utilize a smaller barrel to make it less burdensome for the individual.

#10 Selectman Quelle read aloud Part-time Animal Control posting.

#2 Selectman Frawley noted correspondence from Edgeway Mobile Home Park residents notifying the Board that they are withholding \$100 per month, per resident.

#5 Selectman Frawley offered thanks to Mr. Leonard for having had served on the Herring Fishery Commission.

At 8:53 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to the Police Bargaining Association and Real Estate 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 9:35 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN