

TOWN OF MIDDLEBOROUGH  
NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

As required by Chapter 39 M.G.L.  
PLEASE TYPE OR PRINT LEGIBLY

NAME OF DEPT. OR BOARD

BOARD OF SELECTMEN

DATE OF MEETING: Monday 12/5/11

TIME: 7:00 PM

PLACE: Town Hall

\_\_\_\_\_  
Date and time received by Town Clerk

\_\_\_\_\_  
Clerk/Board member posting notice

MEETING CANCELLED: \_\_\_\_\_ DATE & TIME CANCELLED: \_\_\_\_\_

CLERK/BOARD MEMBER CANCELLING THE MEETING: \_\_\_\_\_

**AGENDA**

1. **Pledge of Allegiance**
2. **Unanticipated**
3. **Announcements & Recognitions**
4. **Minutes:** 11/21 regular & E.S., 11/28 regular & E.S. minutes and 11/16 E.S.
5. **New Business - 7:05 PM**
  - A.) Vote to sign Septic Betterment - (MA Water Pollution Abatement Trust Community Septic Management Program Loan)
  - B.) Vote to declare vehicles as surplus
  - C.) Vote to authorize Chairman to sign Civil Service requisition to fill one Police Officer position.
  - D.) Vote to approve Water, Wastewater, Trash Tax Lien Report
6. **Hearings - Meetings - Licenses**
  - 7:30 PM Continue Edgeway Mobile Home Park Rent Control Matter
  - 7:40 PM Public Hearing re Class I Automobile Dealer license application for Metro Imports, Inc., d.b.a. Metro Volkswagen, 3 Chalet Drive
  - 7:50 PM Public Hearing continued from 11/21 re Utility Pole 50S on Vernon St.  
(Vote to close hearing at request of applicant - will re-apply)
7. **Bill**
  1. Jones Day
8. **Unfinished Business**
9. **Town Manager's Report**
10. **Correspondence**
11. **Executive Session - Collective Bargaining & Pending Litigation**
12. **Adjourn**

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 5, 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, 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**

Selectman Frawley would like to have a future discussion regarding some issues of concern re Auburn Street.

Selectman Frawley noted an email received from a resident in which he mentions being unable to leave messages on the DPW telephone line after hours. Selectman Frawley has experienced the same problem and has raised the issue in the past. Town Manager will have it corrected.

Selectman McKinnon requested to put Cable Committee budget in the budget review schedule with the other departments set up over the next couple of months. Chairman agreed. Town Manager recommended having the Committee come in separately to discuss various matters of interest. Chairman requested that it be scheduled in the same timeframe as budget discussion.

**ANNOUNCEMENTS**

Email received by Mimi Duphily suggesting the Board send letters of thanks to Greener Horizons, Spillane's Nursery, and Northbrook Academy for the work they have done for the Town. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve sending letters of thanks to various individuals as requested by Mimi Duphily.

The COA is holding a fundraiser called "Eat to Heat" being sponsored by the Middleborough Key Club on Wednesday, December 7, 2011 at the COA.

Selectman McKinnon offered his thanks to Mimi Duphily, The Middleborough Friends, the American Legion, and others involved in the Christmas Tree lighting ceremony this weekend at Town Hall.

**MINUTES**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve meeting minutes of 11/21/11.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Executive Session meeting minutes of 11/21/11.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve meeting minutes of 11/28/11. Four in favor. Selectman Frawley abstained.

**MINUTES (continued)**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve Executive Session meeting minutes of 11/28/11. Four in favor. Selectman Frawley abstained.

**NEW BUSINESS**

MA Water Pollution Abatement Trust Community Septic Management Program Loan

Chairman read aloud the following vote re Septic Betterment – (MA Water Pollution Abatement Trust Community Septic Management Program Loan). Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve.

Surplus Vehicles

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to declare Health department blue 1996 Chevrolet Cavalier, VIN #1G1JF5240T7142840 and Veterans' department white 1999 Chevrolet Lumina vehicles as surplus.

Civil Service Requisition – One New Police Officer

Police Chief Gates addressed Board to explain request to fill one Police Officer position. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman to sign Civil Service requisition to fill one Police Officer position. This is not an added position.

2012 Water, Wastewater, Trash Tax Lien report

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the 2012 Water, Wastewater, Trash Tax Lien report. Selectman Quelle proposed matter be discussed further regarding collecting these outstanding fees, noting that it could be anticipated that these figures are only going to get worse. Town Manager will review last year's numbers and report back to the Board as to if these figures have grown. He noted that the Treasurer does work with individuals to collect these outstanding taxes. Selectman Spataro suggested that, for a fair comparison, we would need to look back ten years.

**HEARINGS, MEETINGS, & LICENSES**

Edgeway Mobile Home Park Rent Control matter

Chairman continued Edgeway Mobile Home Park Rent Control matter by noting the status of the agreed upon updates that the Park Operator is making. Town Manager suggested the Board continue to 1/9/12, noting that they have met all target dates. Selectman Quelle gave update. Irrigation of Middleboro is doing work and it began today. Comcast cable work began today. Beyond that, we are waiting another ten days to see if they meet Phase I drainage. Health Officer and Planning Director indicated to Selectman Quelle that they expect the deadline to be met. Chairman recommend that the Board think about what it would like for future update schedule. Selectman Quelle noted that there is still an outstanding question as to who, if anyone,

**HEARINGS, MEETINGS, & LICENSES (continued)**

is manning the office at Edgeway. He asked the Town Manager to look into whether they intend to hire someone or what hours they expect to be open for business for accessibility by the residents. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to continue to 1-9-12 at 7:30 PM.

Meeting Schedule

Selectman Frawley noted holiday meeting schedule break period and proposed an additional meeting night. Board agreed to meet on an as needed basis.

Metro Imports, Inc., d.b.a. Metro Volkswagen

Chairman opened public hearing at 7:35 PM on application by Metro Imports, Inc., d.b.a. Metro Volkswagen for a Class I Automobile Dealership license at 3 Chalet Road by reading aloud public hearing notice. Attorney Mather, representing applicant, addressed Board, and submitted receipts for Abutter notification. He offered that Digital Federal Credit Union is the present owner of the property and that the Credit Union has made the sale contingent upon closing by 12/31/11. Attorney Mather noted outstanding issues that they are addressing with the Conservation Commission. Chairman asked Attorney Mather about outstanding taxes owed on the property. He assured the Board that the taxes have been paid and offered that the Town Treasurer's office can confirm. A representative for the proposed dealership presented layout plans for the dealership site. He offered that very little, if any modifications will be necessary to accommodate this business for this site. Attorney Mather noted that the Board had previously issued a WRPD permit for this site, and that, the site is maxed out in that capacity. He has stressed to his client(s) that they must not add any additional pavement. He offered that only "new" cars will be parked on gravel parking lot as "used" vehicles can sometimes leak. There are 54 parking spaces allotted for customer and employee parking as is allowed by ordinance. They are proposing potentially 200 vehicles in total on the site. Discussion ensued. Applicant Michael A. Grieco, Sr. addressed Board. He's been in business for forty years and takes pride in his businesses. Attorney Mather offered that this will be a first-class dealership with a first-class applicant, not to mention some increased tax revenue and some new jobs. They expect to have approximately 20 employees. Mr. Grieco anticipates that they will probably add more sales staff. Chairman asked to hear any questions from the audience and the Board. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded Selectman Spataro, Board voted to approve pending proof of payment of taxes. In response to question by Selectman Spataro, Attorney Mather indicated that they will have 134 vehicles for sale plus 6 inside and 16 used. A total of 156 total vehicles will be included on the license along with the hours of operation as indicated on the application.

Utility Pole 50S on Vernon Street – Public Hearing

At 8:10 PM Chairman continued public hearing from 11/21/11 re Utility Pole 50S on Vernon Street. Applicant will re-apply with a new location. Chairman asked to hear any questions/comments. No comments/questions were heard. Upon motion by Selectman Spataro

Utility Pole 50S on Vernon Street – Public Hearing

and seconded by Selectman McKinnon, Board voted unanimously to close the hearing at the applicant's request.

**BILL**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve payment of bill to Jones Day from Resort funds in the amount of \$969.00.

**TOWN MANAGER'S REPORT**

Assawompsett Pond

Town Manager noted the attached documentation showing that the Wareham Street Bascule Dam water elevation is having no affect on Assawompsett Pond itself. Town Manager expects that it will be recognized that the Town of Middleborough has done all it can to improve the problem. There is a meeting tomorrow evening in Lakeville. New Bedford and Taunton are willing to adjust their pond levels. It is important to monitor the water elevations for the sake of our Town. Selectman Frawley suggested that if the dam wasn't there, it would be difficult to tell where the river starts and the pond starts. The fish ladder is dry. While the pond is staying at levels that are way too high, the fish ladder is bone dry. There are benchmark elevation levels on Rte. 495. The sediment is blocking the river at Rte. 495. He plans to attend the meeting tomorrow night. Discussion ensued. Chairman recommended we see what information is learned at tomorrow's meeting and discuss it further next Monday. Selectman Spataro asked if a more aggressive approach is recommended. Town Manager responded that he does not think so. Wareham Street is very responsive to what we do at the dam. Once we put more water in, he doesn't think it would take long to recover. Selectman Spataro disagreed and wants to be prepared to address Monday. Selectman Frawley agreed with Selectman Spataro, but since we aren't approaching growth season, he doesn't think we are doing any damage right now with the water levels so low. He thinks we could recover fairly quickly, but should wait until we receive latest information tomorrow night. He would like to discuss further next Monday. Selectman McKinnon offered that he doesn't think it would take long to recharge the area with water. Selectman Spataro suggested getting an estimate from anybody who's working for us such as the DPW Director, Planning Director, and others. If it takes a couple of weeks great, but if it takes us a month, he'd rather make sure we are back in order. We did what we were asked to do for Lakeville.

Soule Farm Lease

We are getting close to the end of the ten-year lease. We are in process and should be receiving proposals by early next year.

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 5, 2011**

Memo from Health Officer re 88 River Street

Ron High, property owner of 88 River Street, addressed Board to comment. He offered that he notified Jeanne Spalding on 9/13 via voicemail and email, which he also emailed Bob Whalen. Copies of which he asked to hand out. He handed out a timeline of events concerning septic system. Town Manager offered that the issue is they didn't pull required permits through Health department. There is a disagreement as to whether or not they can do what they are currently doing in the area in which they are doing it. Mr. High responded that he gave plans of the landscaping to the Building Commissioner. Town Manager noted that it's beyond landscaping. Mr. High offered that he contacted the Health Officer on Friday asking what they have to do with Sitec to get this cleared up and he is not getting any clear answers. Selectman Frawley noted that there have been a number of past problems with this site. Town Manager offered that Ms. Spalding will give Mr. High direction. Selectman Spataro asked that the Town Manager keep the Board informed.

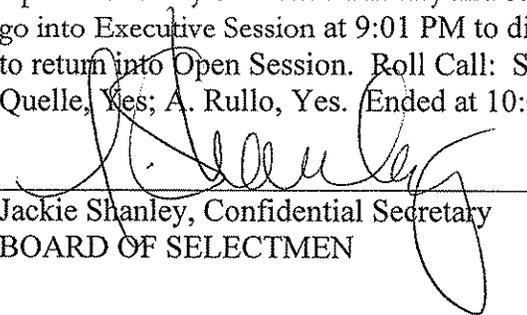
Town Hall Cupola restoration project

Town Manager will be bringing another change order before the Board next week re Cupola. They discovered a badly rotted beam and it will cost approximately another \$11k. We are going to ask the state to cover additional expense/petition for additional funds. They may call in an exterminator for potential critters.

**CORRESPONDENCE**

#2 Selectman McKinnon will attend Plymouth County Advisory Board meeting on Thursday evening. He wants ask what steps were taken to get us into this mess and what, if any, protections are in there to avoid this in the future. Town Manager offered that he attended a meeting last week with the Plymouth County Retirement Board and other Town Managers. The Retirement Board got what it wanted and it is happy to leave the schedule at 2030. The state gave them permission last year to go to 2040. No one was asking for an increase. All we asked them to do was to look at a couple of scenarios and they refused. They made assurances just the week before that they would work with us. Town Manager encouraged Selectman McKinnon to bring it up at Thursday's meeting. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to authorize Selectman McKinnon to raise the issue and ask the Advisory Board to ask the Retirement Board to reconsider looking at extending the schedule based on getting some factual information on how it will affect cities and towns.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted by Roll Call to go into Executive Session at 9:01 PM to discuss strategy relative to Collective Bargaining 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 10:05 PM.

  
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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN