

MINUTES

For approval at the 2-13-12 meeting

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, A. Frawley, and B. Quelle.

The meeting was broadcast live by Verizon and MCCAM and recorded by MCCAM.

UNANTICIPATED

None.

ANNOUNCEMENTS

There will be a memorial service held @1 PM, Saturday, February 11, 2012, at the church on the Middleborough Green for former Fire department employee Judy Wiksten.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 1-30-12 meeting minutes with changes as noted.

NEW BUSINESS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to re-appoint Patricia Farrington and Butch Bell as full members to the Agricultural Commission for three-year terms.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for the Alley Theatre on 2-11-12 from 7 PM to 11 PM. Selectman McKinnon would like information from the Board's Secretary that One-day licenses can be made out to organizations, and to confirm licenses are not required to only be made out to individuals.

Brian Giovanoni addressed Board to explain request by Middleborough Friends to hold its 7th Annual Summer Concert Series on the Town Hall lawn and for permission to place advertising sign on the Town Hall lawn. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve requests. Selectman Spataro disclosed that he is a member of the Middleborough Friends.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve 2nd Hand license for 749 Centre Street, "Twice as Nice" with hours of operation: Tuesday through Friday 10 a.m. to 6 p.m. and Saturday 10 a.m. to 4 p.m. The store will be closed Sunday and Monday.

Chairman asked that recommendations for the dedication of the Annual Town Report be submitted to the Board's Secretary for the Board's consideration at its next meeting.

BILLS

Motion made by Selectman Spataro and seconded by Selectman McKinnon with a question as to why this bill wasn't included with the last bill, which the Board had recently approved. Board postponed action until the Town Manager joined the meeting to clarify.

CORRESPONDENCE

Selectman Spataro noted correspondence received from an Oak Point resident thanking the Board and expressing their opinion that the amendments to the Rent Control Rules and Regulations were well thought out and they were satisfied.

#4 Selectman Frawley offered that he believed the Oliver Mill Park Footbridge had already been repaired. It was agreed to get clarification from Conservation Commission Agent P. Cassidy later this evening.

1 Selectman Frawley inquired as to meaning of correspondence from Brian Giovanoni – Special Municipal Employee status request – Chairman explained the meaning of granting someone this status. As a member of the School Committee, he can't do work for the School, but he can for the Town, yet only with this status.

#2 Selectman Quelle noted the Finance Committee's proposed Employee Personal Reimbursement policy. Chairman noted that the Town does have a policy in place and that the Town Manager is working on fine tuning the details.

Town Manager returned to meeting.

Selectman Frawley asked Conservation Commission Agent Patricia Cassidy if the Oliver Mill Footbridge had been repaired as he thought it had. She explained that it has not. She has received permission from the Conservation Commission for the bridge to be repaired and then re-attached to the footings.

BILLS – continued vote

Town Manager explained that the legal bill from Jones Day had carried over and was received after the most recent bill approved by the Board. Board voted unanimously to approve.

TOWN MANAGER'S REPORT

Home rule petition re Water & Wastewater recently passed through the legislature. Another one is moving through now, with some technical clarifications re the Town being able to charge for the technical support review of Earth Removal permit applications.

Town Manager and Town Accountant Steve Dooney met last week and read through the Finance Committee's recommendations re the reimbursement policy. Town Manager reported that they are now going to make the form required for reimbursements, we won't take any reimbursement

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requests that come in after the Fiscal Year ends, and anything above \$1k will require the Town Manager to sign off. Town Manager reported that the Finance Committee is satisfied with these changes. Town Manager noted that he is comfortable with the policy and that the Town Accountant scrutinizes every bill.

Chairman Rullo and Town Manager met with Mary O'Donnell and President of High Point, Daniel Mumbauer on Friday. The property transfer is now complete with a new owner of the St. Luke's property. They don't have formal plans of what the property will be used for. Town Manager and Chairman told them the first priority is for them to clean up the property as it is an eyesore.

HEARINGS, MEETINGS, & LICENSES

Conservation Agent Patricia Cassady addressed the Board to give an update on the cleanup of the Rockland Industries site. They cleaned up the Non Aqueous Phase Liquid (NAPL) area. The pile was about 200 cubic feet and the area removed was 15'x30'x18' deep. She had asked if they tested the soil around the area that was removed and they told her they had not, although they had said that they would prior to filling the hole with clean material.

She's hoping the Board members can attend meeting at the Lakeville DEP office on 3/8/12 at 2 pm. Chairman asked Ms. Cassady if she has communicated with DEP officials that they didn't test the soil. She responded that, at a meeting on 11/7/11, they said they would be testing the soils and now it's changed to a plan to test the soils in the spring.

Selectman McKinnon noted that he had asked the lady at that meeting if they were going to test and she said yes and they didn't do it.

Selectman Frawley attended CEHIC meeting last week with Selectman Quelle and that's where Patricia let them know she was dissatisfied that they hadn't tested. He called Commissioner Kimmel and got the phone number for Rich Johnson and expressed we are disappointed and he wasn't happy to hear this. Selectman Frawley offered to get him a copy of the meeting tape to clear up any confusion. He didn't take him up on his offer. Mr. Johnson said they dug it out, removed a lot of contamination, are reinstalling monitoring wells, and plan to continue testing. Selectman Frawley suggested that he's not sure where they put the contamination if they don't know what it is. He called Mr. Johnson again and he agreed to meet with Patricia Cassady on 3/8/12 at 2 PM. He offered that he hopes we can get to the bottom of this. He did express that the Town appreciates the removal of the contamination that was removed, but is just confused as to why things that they were told would happen, did not.

Selectman Quelle noted that he sits on the CEHIC Committee and that he had asked Committee Chairman Perry Little if it is the "gold bar" standard that you test the sides when you dig down there, to which he responded, absolutely.

Chairman asked, and Ms. Cassady offered that, if the Board has additional questions or concerns, it could provide them to present to the DEP.

Selectman Spataro noted that the newspaper made it sound as if the whole area had been cleaned up. He asked Ms. Cassady to be clear, for the people who are watching, that there is still plenty to be cleaned up. She offered that there is still a swale on the property that needs to be looked at

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again, a lagoon out back, and remaining questions about drums possibly being buried on the property.

Selectman Quelle asked Ms. Cassady what her expectations would be of this Board. She asked the Board to support the Commission and the CEHIC, to put together a list of questions, and to keep the Federal Government informed, specifically, the E.P.A. She asked that the Board prepare a letter to them and to attend the meeting on 3/8/12.

Motion made by Selectman Quelle and seconded by Selectman Frawley, to construct letter to DEP in Lakeville, with question by Selectman McKinnon as to how frequently the lakes in the area are tested. Ms. Cassady indicated that she receives reports every six months that they've tested some lakes, but not all. She thinks it should be every season because there are many changes.

Perry Little offered that he thinks they should be tested every season. Temperature dictates mobility. He thinks they should test each season, every year, for several years. Selectman McKinnon asked how we get the Federal Government involved. Ms. Cassady offered that she has a couple of contacts at the EPA. She will get the Board's Secretary the contact information and have letter copied to Federal agencies. Chairman offered that the Board members can email their questions to help draft letter.

Selectman Frawley volunteered to act as the liaison between the Board, CEHIC Committee, and the Conservation Commission. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve sending the letter.

Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to approve Selectman Frawley as liaison.

Auburn Way

Town Manager noted that it is still not clear if Auburn Way is public or private. It's wall-to-wall vehicles as far as the eye can see. There are wetland violations and possibly Board of Health violations as well. He directed Building Commissioner Whalen to notify Shawn & Judi-Ann Tracey that they must get into compliance or the Town will be forced to take action. Patricia Cassady offered that she intends to discuss at her next Commission meeting on 2/16/12, noting that she has an entire file/history on this location. Town Manager offered that we will use whatever means that we can to enforce compliance. Ron High addressed Board, noting that he's been located in that area since 2008 and nothing has been cleaned up. He spent a lot of time and money cleaning up his property. He has many concerns about what is being stored on the Auburn Street property. Selectman Quelle asked if we can schedule a site visit. Town Manager offered that the person located on the property is not the owner of the property. Town Manager offered that the ownership of Auburn Street is important in regards to how we approach taking action. Mr. High would like to know who owns Auburn Street. Town Manager noted that we are working diligently on determining who that is. Town and County records do not specify. We need to determine before we assert authority that we may not have. Town Manager will ask the Fire Chief to visit the area and review for fire safety concerns. Town Manager will also schedule a site visit. Chairman noted that the Board will revisit all actions it can take once it returns from that site visit.

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Chairman noted that he will not be in attendance on 2/27/12. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to move joint meeting with the MG&E to 3/5/12. Selectman Spataro noted that he would not be available. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to move meeting to 3/12/12. Chairman reminded Board members to provide him with a list of questions for that meeting.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 8:15 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN