

TOWN OF MIDDLEBOROUGH

NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

NAME OF DEPT. OR BOARD

BOARD OF SELECTMEN

DATE OF MEETING: Monday 2/27/12

TIME: 7:00 PM

PLACE: Town Hall

Rec. Feb. 23, 2012 @11:52 am

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:** 2/13/12 Regular -2/13/12 E.S. Minutes To Be Voted on 3/5

**5. New Business - 7:05 PM**

1. Vote to approve Betterment Agreement for 269 Plymouth Street.
2. Vote to approve One-day Beer & Wine Liquor licenses for The Bartending Service of N.E. as follows: 3/9, 3/17, 4/20, and 10/12/12 from 6 PM to 11 PM @ The Alley Theatre
3. Vote to approve use of Town Hall lawn & restroom facilities for Rotary Club's Arts & Crafts Fair on 7/7/12.
4. Vote to appoint William A. Rogers to the Agricultural Commission.
5. Vote to approve Town Hall Rental & sign request by Mimi Duphily/ Beautification Committee for 12/2/12.
6. Vote Election Officer Appointments for 2012 & Board of Registrars Appointment.
7. Vote to designate the following groups as "Special Municipal Employees":  
Permanent Cable Committee, School Committee, C.O.A., Green Energy Committee, & The Survey Board for Inspections of Unsafe Structures.
8. Vote to approve Change Orders for Water Tank project.
9. Vote to implement changes in Group Health Insurance benefits under MGL C.32B, S21-23.
10. Vote to approve Capeway Rover's application for: race dates, practice dates, & One-day Liquor licenses, as presented.
11. Vote to approve Soule Homestead Lease.
12. Vote to support a transfer request for the Oliver Mill footbridge repair.
13. Vote to approve Soule Homestead's use of Town Hall parking lot for Electronics & Appliance Recycling Day on 4/7.

**6. Hearings - Meetings - Licenses**

7:20 PM Pole Hearing - Stub pole 47S East Grove Street

7:25 PM Town Accountant Steve Dooney re Six-month Financial Report

7:35 PM Request by Oak Point to modify date for CPI Increases in New Leases.

**7. Unfinished Business**

1. Discuss Potential Joint Meeting Date re MG&E.
2. Vote to reschedule Tobacco Regulations hearing from 3/12/12 to 3/19/12.

**8. Town Manager's Report**

**9. Correspondence**

**10. Executive Session**

**11. Adjourn**

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 27, 2012**

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, S. Spataro, A. Frawley, and B. Quelle, Town Manager C. Cristello and Confidential Secretary J. Shanley.

In the absence of Selectman Rullo, Selectman McKinnon acted in the capacity of Chairman for this meeting.

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

**UNANTICIPATED**

Edgeway Mobile Home Park resident Anne McGann addressed Board and read aloud the attached prepared statement.

Michael Solimini asked if the Board would be allowing discussion, prior to voting on New Business items #7 & #9. Chairman McKinnon answered yes.

Planning Director Ruth Geoffroy addressed Board to announce the Zoning Recodification hearing to be held at 7 PM in the Selectmen's Hearing room on Wednesday, February 29, 2012.

Veterans' Officer Paul Provencher invited everyone to the Middleborough Elks Club from 9 a.m. to 2 p.m. in the downstairs on Saturday for a Veterans' Exposition.

Selectman Frawley noted that there have been Herring spotted at the Oliver Mill Nemasket River. He offered that it's the most successful Herring Run in New England.

Chairman McKinnon thanked the Republican Town Committee for offering its recent \$5 U.S. Savings Bond award opportunity. The winner was Connor Sterns. He offered his thanks to all who participated.

Town Clerk Allison Ferreira addressed Board to announce the new official public meeting posting website and also noted the electronic scrolling calendar in the window of the Town Clerk's office.

**ANNOUNCEMENTS/RECOGNITIONS**

None.

**MINUTES**

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 2/13/12 meeting minutes.

**NEW BUSINESS**

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 269 Plymouth Street in the amount of \$4,984.64.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve a One-day Beer & Wine liquor license for The New England Bartending Service of N.E. for 3/9/12, 3/17/12, 4/20/12, and 10/12/12 at the Alley Theatre, 133 Centre Street, from 6 PM to 11 PM.

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 27, 2012**

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve use of the Town Hall lawn & restroom facilities for the Rotary Club's Arts & Crafts Fair on 7/7/12.

William Rogers addressed Board to introduce himself. Patricia Farrington, Chairman of the Agricultural Commission offered that the Commission requests that the Board appoint Mr. Rogers to the Agricultural Commission. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to appoint William Rogers as a member of the Agricultural Commission for a three-year term.

Muriel Dumphily addressed Board to discuss her application as a representative of the Town Beautification and Activities Committee to rent the Town Hall Selectman's hearing room on 12/2/12 for holiday events and to post a sign on the lawn of Town Hall advertising for same. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve requests.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Election Officer appointments for 2012, as presented.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve the appointment of Giselle Lincoln as a member of the Board of Registrars.

Town Manager gave brief synopsis re the need to designate various groups as "Special Municipal Employees". M. Solimini, as a member of the MG&E, addressed Board and requested that the Board consider designating the MG&E Commission on a future agenda. Board agreed to vote on at its next meeting. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to designate the following groups as "Special Municipal Employees":

- Permanent Cable Committee
- School Committee
- Council on Aging
- Green Energy Committee
- The Survey Board for Inspections of Unsafe Structures.

Water department Superintendent Joe Silva addressed Board and read aloud prepared statement explaining the Change Orders for the Water Tank project. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve payment of Change Orders in the amount of \$5,700 to Waterline Services, LLC.

Town Manager noted memo he had provided to the Board explaining the implementation of changes in Group Health Insurance benefits under MGL C.32B, S21-23. M. Solimini asked how many Town employees will be affected by this change and are all employees aware that this change could possibly be coming. Town Manager explained that most employees take the Town's health insurance. It probably affects about 2,000 employees. He's made all department heads, the Insurance Advisory Committee, Union presidents, elected boards, and employees who are not in bargaining units aware of the change in plan. He did not notify each and every employee as he thinks that's up to department heads. Mr. Solimini encouraged the Board to make sure all are notified as it will affect many. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to implement changes in Group health insurance benefits.

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 27, 2012**

**Capeway Rovers Motorcross**

David Payne addressed Board. Dianne Bassett asked if the number of dates is the same. It was confirmed that they are the same. Mary O'Flaherty addressed Board as a resident who has lived nearby for the past seven years, and offered that the noise has gotten progressively worse. They cannot live with the noise. She suggested putting silencers on the bikes or build an indoor arena. She doesn't want her peace disrupted and wants to know what the Town is going to do about it. Selectman Quelle asked what time the noise starts. She said 8 a.m. Mr. Payne indicated that no one is supposed to start any machine on the property before 9 a.m. She indicated they can't even stay in the house while they are racing because it is so loud. In response to question by Town Manager, Mr. Payne indicated that there are two 4-hour schools per week, which are unrelated to his request before the Board. National Rider Keith Johnson of Carver operates the schools for Capeway Rovers. She would like it reviewed and welcomed the Board to her home anytime to observe the problem themselves. She noted statute of law re noise. It read that a sporting event may be licensed in one Town, but not heard in another and they are listed as being in Carver, but requesting license for Middleborough. David Payne explained that they are located in Middleborough. She thanked Board for its time. Selectman Spataro noted that Capeway Rovers has been before Board many times making numerous attempts to reduce noise levels, by instituting berms and the like. The Board had asked them to invest in improvements to reduce noise level and they have done that in the past. He asked the Town Manager what ability we have to test noise levels. Town Manager responded that we have some testing equipment and he believes we have offered to do that. We had offered to meet with Ms. O'Flaherty in the past and he had expected this would have been part of that discussion, however, the meeting didn't take place. Selectman Spataro asked if we have a record of noise testing in the past, maybe 8 years ago. Mr. Payne responded that there used to be acres of woods behind there location. Selectman Quelle noted that he will have his car parked at the race track at 8 a.m. and offered that if there are motors running, there will be a problem. Dianne Bassett lives nearby and noted 40 acres of trees were cleared in the back and that there are jeeps, and other vehicles running in that area, which may also be part of the problem. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Sunday entertainment, race dates & practice dates, as presented. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve One-day Beer & Wine liquor licenses for practice dates only and for the licenses to apply specifically on those dates. If the practice dates changes, the liquor license does not automatically carry over.

**Soule Homestead**

Frank Albani of Soule Homestead addressed Board to discuss consideration of Soule Homestead Lease renewal. He briefly discussed the financial aspects, including the capital improvements they intend to make over the next ten years. Chairman McKinnon noted that the Board had received numerous letters of support in favor of renewing this lease and read aloud one letter from a third grader. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the renewal. Resident Rose Jackson noted that it is the best that Middleborough has to offer. Mr. Albani introduced, for recognition, those that work at, contribute to the functioning of, and volunteer at, the Soule Homestead.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Reserve Fund Transfer request in the amount of \$3,900.00 for the Oliver Mill footbridge repair.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Soule Homestead's use of the Town Hall parking lot for an Electronics & Appliance Recycling Day event on 4/7/12.

**Middleborough Board of Selectmen  
Meeting Minutes**

**February 27, 2012**

**HEARINGS, MEETINGS, LICENSES**

At 8:20 PM Chairman opened public hearing on application made by MG&E & Verizon to place Stub pole 47S on East Grove Street by reading aloud public hearing notice. Selectman Quelle left meeting room. Bill Taylor addressed Board to explain. Chairman asked to hear questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve petition.

Chairman noted that the Six-month Financial Report by Town Accountant Steve Dooney would be rescheduled.

Selectman Quelle returned to meeting room at 8:22 PM. General Manager Fred Taylor representing Oak Point owner Hometown America, addressed Board to explain its request to modify date for CPI increases in "new leases" only. He assured the Board that this would not affect present leases, only new leases. Chairman welcomed Mr. Taylor to Middleborough and asked if an existing lessee would be able to change CPI date if they wanted to. Mr. Taylor responded that this is not something that management has even discussed. The feedback they've received from the majority of residents are happy with the way things are and do not want any changes. If it's something that needs to be discussed further, he is open to discuss with his supervisors. Town Manager noted that there wasn't any formal action to be taken by the Board. Joanne Shurtleff from Fox Run approached podium to make a prepared statement to the Board. Chairman noted that unanticipated matters should have been discussed under Unanticipated. She offered that she thought the Board was discussing CPI. Chairman clarified that discussion of CPI was not the agenda item. Chairman advised her to contact the Board's Secretary to get on a future agenda.

Selectman Frawley noted that, under future agenda items in past meeting packets, the Board had a joint meeting with MG&E for 3/5/12, and/or 3/12, and he believed the Board should stick with one of those two dates. Town Manager noted that they had 3/5 originally and found that Selectman Spataro would not be available and postponed to 3/12, but someone else was not available for that date. Selectman Spataro offered that, if the MG&E is still available next week, he can provide a statement for that night. Town Manager suggested that we could offer them 3/5 as a primary date with 3/19 or 3/26 as backup. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to offer MG&E those dates. In response to question by Jane Lopes, the Board members indicated that they would like to discuss items such as policies, procedures, strategic plans, budgets, schedule of rates, and plans for growth just to name a few.

John King addressed Board to say he is sorry that an individual was shut down from speaking on CPI.

Selectman Frawley left the meeting room at 8:38 PM. Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to reschedule the Tobacco Regulations hearing from 3/12 to 3/19.

**TOWN MANAGER'S REPORT**

Town Manager noted email from Bernie Gosson of MG&E re Natural Gas Vehicles. Selectman Frawley returned to meeting room at 8:40 PM. Upon motion made by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to send letter to the legislative delegation suggesting they push to reinstate some of these rebates so that we can buy fuel from ourselves instead of outside entities.

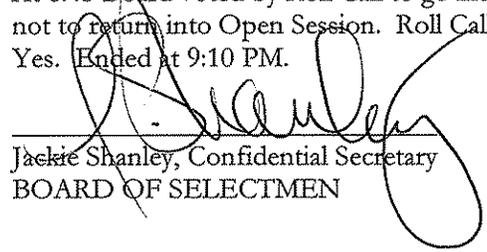
**Middleborough Board of Selectmen  
Meeting Minutes**

**February 27, 2012**

**CORRESPONDENCE**

None.

At 8:45 Board voted by Roll Call to go into Executive Session to discuss strategy re Collective Bargaining and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes; S. McKinnon, Yes. Ended at 9:10 PM.

  
\_\_\_\_\_  
Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

For Selectmen's meeting Feb. 27, 2012

Gentlemen:

We are happy the planning of Phase 2 has begun. We look forward to receiving a copy of the approved plans we can share with all the residents of Edgeway so that they can be aware of what is going to happen.

We are also concerned about the remaining work from Phase I, such as all the walkways that were cut and filled with stone, and others that had a chunk of blacktop removed and then put back, and have now sunk creating a tripping hazard. With spring just three weeks away and the blacktop plant opening, we hope the repair of these walks will be a priority. Also, as part of phase one plans, there are no concrete splash pads to prevent holes in the ground from the overflow down spouts.

We don't think the area around the houses dug up during Phase 1 to accommodate the plastic along the skirting will be involved in the septic work of Phase 2, so we also ask that the areas around the houses be returned to its former condition, meaning stone returned to landscaping that had it and stone along the skirting to cover plastic.

Have you gentlemen received a copy of the letter from the Attorney General's office sent to the MFM's President clarifying the purpose of the Attorney General's Guide to Manufactured Housing Law where it states the Guide does indeed include the Law?

Thank you  
Edgeway



# TOWN OF MIDDLEBOROUGH

## Town Clerk's Office

Bank Building, 20 Centre Street

Middleborough, Massachusetts 02346-2250

508-946-2415 phone

508-946-2308 fax

Allison J. Ferreira  
Town Clerk

### MEMORANDUM

**TO:** Board of Selectmen

**FROM:** Allison J. Ferreira, Town Clerk

**DATE:** February 22, 2012

**RE:** Election Officer Appointments for 2012/Board of Registrars Appointment

I respectfully request the Board vote to appoint the following Election Officer appointments for 2012:

PRECINCT 1	PRECINCT 2	PRECINCT 3
Arthur L. Turcotte Laurette Y. Turcotte Linda M. Eatherton Robert Eatherton Robert K. Burke Sarah Jigerjian Gaynel M. Bradford Meredythe E. Salvucci	Elizabeth A. Wainwright Donna J. Stewart Betty Ann Johnson Ursula E. Hill Florence M. Cadillac Janet Esther Walker Arlene R. Dickens Donald E. Dickens Anne E. Renaux Lillian J. Craig	Deborah A. Ginn Edward D. Ginn Patricia A. McManus Louise M. Wright Judith A. Clark Mary L. Ieronimo Susan E. Bell Anna F. Blanchard Kathryn A. Centola
PRECINCT 4	PRECINCT 5	PRECINCT 6
Janice M. Westgate Marie B. Carty Ruth Ann Whitman Sharon E. Connolly Charlene F. Eaton Francine L. Perry Joan Green William H. Oliver Dorothy M. Broadbent	Karen E. Nice Kathleen M. Foye Linda Gordon Wendy McCormick Susan J. Beaulieu Cheryl Reimels Margaret Washburn M. Louisa Brown Judith Donahue Danielle Nice	Joan E. Ayube Marjorie R. Bragg Lois A. Hawks Shelly R. Murphy Isabelle M. Minkle Georgia Iverson Jeanne E. Turney Judith L. Thompson Eileen S. Gates

In addition, please reappoint **Gisele Lincoln** to the **Board of Registrars** for a three year term to expire in 2015.

Should you have any questions or concerns, please do not hesitate to contact me.