

**Middleborough Board of Selectmen  
Meeting Minutes**

**April 1, 2013**

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

**UNANTICIPATED**

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve a One-day Beer & Wine liquor license for The Bartending Service of N.E. for 4/6/13 from 6 PM to 11 PM at the Alley Theatre, 133 Center Street.

**ANNOUNCEMENTS & RECOGNITIONS**

Selectman McKinnon acknowledged the tragic motor vehicle accident that happened over the weekend and involved two Middleborough residents.

Chairman announced a scheduled tour of the Wastewater Treatment Plant for April 6, 2013.

**MINUTES**

To be voted 4/8/13.

**WARRANTS:**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 3/29/13.

**NEW BUSINESS**

Town Manager reviewed the order of preference re design services for the Wastewater Treatment Plant. Discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve ranking as presented, allowing negotiations to begin with Wright Pierce.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve a 2<sup>nd</sup> Hand license for Boutique Azaleia, 465 Center Street.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to accept donation of five picnic tables from Carole Rapone for the Oliver Mill Park.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve sending a thank you letter to Ms. Rapone.

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Tispaquin Family Campground's 2013 Permit Application-Amendment of 3/25/13 vote  
Mrs. Holton made a statement. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to amend the vote on 3/25/13 regarding the Tispaquin Family Campground's 2013 permit application by denying a campground license for 2013 for 110 camping units for Tispaquin Family Campground because the campground has insufficient septic waste disposal design capacity to serve the number of camper units which will be used during the camping season.

**TOWN MANAGER'S REPORT**

Town Manager noted subsidized housing inventory tally from Housing Director Josephine Ruthwicz. We are about half way to the 10% goal.

**CORRESPONDENCE**

#2 Selectman Frawley noted correspondence from Elizabeth Frazier re Property & Trespassing of Borrego Solar Co. He suggested that the Board begin preparing for solar installation in the future.

Selectman Spataro asked status re height of the dam. Selectman Frawley reported that Mr. Fennessy looked at it two Sunday's ago and concluded that our fish ladder and dam have little to nothing to do with the height of Long Pond. The height of the dam is at good level right now.

Selectman Frawley announced that Rhode Island Fisheries and Wildlife will be coming to Middleboro fish to borrow a bunch of spawning herring and bring them to watersheds in R.I. as part of migrating process.

Selectman Quelle noted job posting for DPW Truck Driver. Town Manager noted that it has been filled.

Selectman Quelle noted MBTA budget correspondence.

**HEARINGS, MEETINGS, LICENSES**

Edgeway Mobile Home Park-Application for license (continued from 3/25/13)

At 7:30 PM Chairman continued the discussion re application for license for Edgeway Mobile Home Park. Attorney Burke addressed the Board and announced that the potential buyer has decided not to buy the Park. He explained that he has plenty of interested buyers for the Lakeville side of the Park, but not for the Middleborough side and he is trying to find a buyer for both. He confirmed that he had accepted the offer of the anticipated buyer and had even prepared a P & S Agreement. The anticipated buyer, Bob Pollucci of South Shore Real Estate Development addressed Board at the invitation of the Chairman to explain what happened to change his mind. He explained that when he was in the Lakeville side of the Park on Wednesday or Thursday, he saw Columbia Gas Company tearing up the roads and learned that it was related to ongoing gas leaks. He had made an

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offer never knowing about the gas leaks. It was never disclosed to him. According to him, when his Attorney, Bob Mather inquired with Attorney Burke about the gas leaks, Attorney Burke indicated that he knew nothing about it. He also listed all of the items that need to be corrected in the Park and noted that it will be very expensive to accomplish. Paul Hartel, President of Hartel Commercial Realty of Falmouth and Quincy, MA. He concurred with Mr. Pollucci and offered that he thinks Bob has gone out of his way to try and understand the nuances of this particular deal. Mr. Hartel has worked on this for several months. Two other potential buyers had backed out of buying the Park saying they were uncomfortable doing business with the Town of Middleborough based on past dealing that they've had with the Town of Middleborough. When asked by the Board, he would not specify as to whom these qualified buyers were or what, exactly, their dealings had been with the Town of Middleborough. He informed the Board that they were petrified to have dealings with the Town of Middleborough. It is our goal to have one entity to buy both sides of the Park and it is the goal of the heirs as well. He asked the Board to support Attorney Burke's request for another two week extension. The Chairman asked what was going to happen in two weeks noting that this has been continued for months. Attorney Burke responded that he could not guarantee he'd have an offer in two weeks, but that it would create a worse problem in terms of trying to move the property if the Board votes to deny the Park's license. The Chairman asked him if he is suggesting that he is asking the Board to continue the matter indefinitely until he finds a buyer. Attorney Burke responded, yes. Attorney Bond addressed the Board and announced that he represents the residents of Edgeway and Twin Coach. He informed the Board that he had discussion with Attorney Mather about the issue of the joint ownership of the two Parks. They talked about Mr. Pollucci getting the Twin Coach side and the Edgeway residents getting the Edgeway side. They did not, however, get to continue that discussion to date. He suggested that the Board ask itself if the conditions relative to septic and water are at a level where the license should be reinstated. He agreed that it's difficult to sell a building/business without a license, but it can be done. Selectman Spataro offered that he completely rejects the assertion about the Planning Board and named multiple success stories with developers.

Selectman Frawley offered that the Board has above and beyond and bent over backwards to work with everyone involved in this Park. He noted that it was offensive to put the blame on this Board that this Park isn't selling. The owners of the Park led the Board on and gave the Board the slip and the Park does not qualify for a license. Selectman McKinnon offered that he took umbrage at the accusation made by Mr. Hartel, and, especially since he was not willing to back it up. He addressed Attorney Burke and offered that he is not doing his job. He also noted that if anyone has a problem with our Town departments, he wants to be told exactly why. Selectman Quelle offered that the Board needed to get back to the black letter law re licensing compliance. This Park does not meet the standards to be issued a license. Mr. Pollucci addressed Board and offered that the banks that he has been dealing with, will not loan money without a license so you would most likely need a cash buyer. Anne McGann thanked the Board for everything it's ever done for the residents. She informed the Board that the residents don't want to deal with anyone else (a new owner). She

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offered that giving the owner a license would be ridiculous with all of the violations. Chairman asked her about her statement that the residents don't want to deal with anybody else, and asked her if that meant that the residents want to buy the Park. Attorney Adam Bond responded that it was not a fair question, but it isn't out of the realm. Chairman noted that the Board has given Attorney Burke a very fair opportunity of time and that he doesn't know what extending this will do. However, he also noted that we have heard real life experience of how it will be difficult if not impossible, to get financing to buy the Park without a license. Selectman Spataro credited the Town Manager for all of his efforts involved in the matter. Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to deny the 2013 permit based on an inadequate or failed septic system.

Review ATM Warrant Articles

Article (8)

Capital Planning Committee Chairman Steve Morris addressed Board. Chairman thanked the Committee for all of its work this past year. Selectman McKinnon offered his thanks to Mr. Morris and asked questions regarding the types of vehicles being paid for with this article, which was answered by the Police Chief. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article (9)

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article (10)

CPC Chairman Morris gave description/background re each vehicle. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article (11)

Mr. Morris explained the article. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article (12)

Mr. Morris explained the article. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to support this article.

Article (13)

Mr. Morris explained the article. Selectman Spataro asked Mr. Morris if they had a commitment from the School department to spend this money on what it has indicated it will spend it on. CPC Chairman Morris indicated that the Committee has gotten commitments up front, including last

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year. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article (14)

Mr. Morris explained the article. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article (16)

Police Chief Gates addressed Board to explain this article. In response to question by Chairman, Town Manager offered that he believes that the Finance Committee will be supporting this article. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the Special and Annual Town Meeting Warrants.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted by Roll Call to go into Executive Session at 9 pm to discuss strategy relative to Collective Bargaining with all bargaining units as discussing in public would be detrimental to the Town's position and not to return into Open Session. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; S. Spataro, Yes; A. Frawley, Yes; A. Rullo, Yes. Ended at 9:40 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN