

**Middleborough Board of Selectmen  
Meeting Minutes**

**May 12, 2014**

Chairman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen A. Frawley, J. Knowlton, D. Stewart and S. McKinnon; Town Manager C. Cristello and Executive Assistant J. Shanley.

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

**UNANTICIPATED**

**None.**

**ANNOUNCEMENTS/RECOGNITIONS**

Selectman Knowlton offered his thanks to the Parks department for the annual canoe race held on Saturday and offered congratulations to his son for coming in 1<sup>st</sup> place with him in the Generational category of the race.

Chairman Frawley offered that the Parks department did a great job on this year's annual canoe race. He extended his thanks to Lakeville Selectmen Burke and Hollenbeck for participating in the race.

Selectman Stewart offered that she had attended the Samuel Fuller 5 k held on Saturday throughout Pratt Farm and also the Special Olympics that were held on Saturday at Brockton High School. Selectman Stewart recognized the Middleborough Olympians by name.

Brian Giovanoni, representing the Republican Town Committee, extended an invite to the public to attend the 9<sup>th</sup> Congressional District Straw Poll this Sunday at 1 pm in the Town Hall ballroom.

Selectman Knowlton recognized that the Massasoit State park cleanup was also held on Saturday and was very successful. He noted that Charles Kowalker, who is being appointed to the Conservation Commission, led the endeavor.

**MINUTES**

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to approve the 4/28/14 E.S meeting minutes.

**WARRANTS**

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 5/10/14.

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to approve the St. Vincent de Paul Food Pantry charity race/walk fundraiser for 9/28/14.

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Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to sign the M.O.A. with the Police Superior Officers Union re Opting Out of Health Plan.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted unanimously to ratify Town Manager's appointment of Charles Kowalker as a member to the Conservation Commission for a three-year term.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to approve the Indirect Cost for the School department in the amount of \$8,234,153.

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to appoint John and Siobhan Joyce as members to the Agricultural Commission for three-year terms.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to sign the Warrant for the 6/14/14 Special Town Election, as presented. Town Clerk, Allison Ferreira, announced that the Absentee Ballots, for the 6/14/14 Special Town Election, are now available in the Town Clerk's office at 20 Centre Street.

**UNANTICIPATED**

Board announced that Middleborough High School, 12<sup>th</sup> grader, Alexa Cushing's artwork was selected by the Board to be printed as the cover of the Annual Town Report (ATR). Artwork submitted by Nichol's Middle School 7<sup>th</sup> grader, Ellia Velez, was selected by the Board to be printed as the back cover of the ATR. Chairman offered congratulations and appreciation to both students on behalf of the Board.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve payment of Atlantic Design Engineer's invoice in the amount of \$2,145.

**HEARINGS, MEETINGS, LICENSES**

Chairman read aloud ATM Article #23. Board reviewed article. Town Planner Ruth Geoffroy explained this article. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to support this article.

Chairman read aloud ATM Article #24. Board reviewed article. Town Planner, Ruth Geoffroy, explained this article. Upon motion by Selectman Stewart and seconded by Selectman Knowlton, Board voted to support this article. Three in favor. S. McKinnon opposed.

Chairman read aloud ATM Article #28. Conservation Commission Agent Patricia Cassady addressed the Board and informed the Board that the Commission asked today, through emails, that discussion on this article be postponed until 5/19/14 so that a member of the Commission can

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speak about it. Selectman Knowlton expressed concern that the request is last minute and similar to last year. Ms. Cassady offered that she would pass along any questions to the Commission if the Board members wished to email them to her.

Chairman read aloud ATM Article #29 and determined that the Board would review with Cumberland Farms representatives later in the meeting during its WRPD hearing.

**CORRESPONDENCE**

#2 Selectman Stewart noted email from Dorine Levasseur who would like to serve on the Commission on Disability. Selectman Stewart offered that Ms. Levasseur will be attending a Commission meeting in June.

#6 Selectman McKinnon noted receipt of the Health department's monthly receipt report and asked the Board's Executive Assistant to have the Town Manager remind the Building department to submit its monthly reports on a monthly basis.

#3 Chairman Frawley noted the BBC Annual Meeting & WRGC and offered that he should be able to attend.

**HEARINGS, MEETINGS, LICENSES**

Cumberland Farms representative Doug Troyer addressed the Board to speak about ATM Article #29. Mr. Troyer offered that the company is considering the option of requesting that it be continued indefinitely. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously not to support this article.

Cumberland Farms, 90 & 92 E. Grove Street-WRPD Revised Plans

Cumberland Farms representative Doug Troyer addressed the Board re WRPD for 90 & 92 E. Grove Street. Attorney Troyer explained that, due to unforeseen circumstances, his engineer would be unable to attend this evening, and therefore, would be requesting to continue the matter to the Board's 5/19/14 meeting. He explained the changes to the plan. Board agreed to continue to 5/19/14 at 7:45 PM.

Board took a fifteen minutes recess.

Frank's A42able Used Cars, 451 Wareham Street-Change of Ownership Application

At 8:15 PM Chairman opened public hearing re Class II Automobile Dealer application for Frank's A42able Used Cars located at 451 Wareham Street for a Change of Ownership by reading aloud the public hearing notice. Applicant Robert J. Cloutier addressed the Board. The Board's Executive Assistant asked the Board to make the vote contingent upon:

- The current licensee voluntarily surrendering the present license
- Receipt of the required bond
- No issues with the CORI report

Chairman asked to hear any further questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted

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unanimously to approve the issuance of the license contingent upon meeting the criteria as outlined by the Board's Assistant.

Liquor License Transfer from The Cabin, Inc., d.b.a. The Cabin to Peace Mirror, Inc., d.b.a. The Cabin, 114 East Grove Street

Chairman opened public hearing at 8:20 PM re liquor license transfer application made by Cassis & Cayer on behalf of Peace Mirror, Inc. for a Transfer of an All Alcoholic Beverages Common Victualler liquor license from The Cabin, Inc., d.b.a. The Cabin to Peace Mirror, Inc., d.b.a. The Cabin and approval of a Change in Manager from Todd Reimels to Jonathan D. Pell, property located at 114 East Grove Street. Mr. Pell addressed the Board and introduced himself. Board asked questions. Chairman asked to hear any further questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve both contingent upon no issues with the CORI reports.

Brian Giovanoni announced that the School Committee will be holding a meeting this Thursday at 6:30 PM at the Nichol's Middle School.

Cumberland Farms, 150 S. Main Street – U.S.T. License Application

Chairman opened public hearing at 8:30 PM re U.S. T. application filed by Cumberland Farms, 150 S. Main Street by reading aloud the public hearing notice. Cumberland Farms representative Doug Troyer addressed Board. Board asked questions. Chairman asked to hear any further questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to grant U.S.T. license.

Cumberland Farms, 150 S. Main Street – W.R.P.D. License Application

Chairman opened public hearing at 8:40 PM re WRPD application filed by Cumberland Farms, 150 S. Main Street by reading aloud the public hearing notice. Cumberland Farms representative Doug Troyer addressed Board. Civil Design Engineers reviewed and explained the site plans being presented to the Board. Gary McNaughton of McMann Associates responded to questions by the Board. Attorney Troyer further presented Cumberland Farm's application. Selectman Stewart asked if it had gone before the Commission on Disability to which Mr. Troyer responded no, but that all A.D.A. work will be A.D.A. compliant. Selectman Stewart asked if they would be willing to go before the Commission, although they are not required to. Attorney Troyer offered that he is unfamiliar with going before this type of Commission and he would happy to have the Commission review a complete PDF set of their plans by sending it to the Board's Executive Assistant to forward to the Commission. Selectman Stewart offered that she would just like the Commission to have the opportunity to review the project. Attorney Troyer would prefer not having to appear before the Commission if it is not required. Selectman McKinnon offered that he did not think it was necessary to ask the applicant to go before the Commission as it is not a requirement. Selectman Knowlton agreed that he would not want to start submitting these to the Commission on Disability as it is beyond what the Commission is set up for. Selectman Stewart offered that she would like the hearing continued until the Commission has an opportunity to submit comments after reviewing. Town Manager offered that we have an extra copy that we can share with the Commission. Selectman McKinnon expressed his concerns with the plan. Attorney Troyer responded. Town

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Manager offered that he would have Town Counsel offer feedback and we would get back to Attorney Troyer. Attorney Troyer also asked if the Board could/would approve his plan if he filed with the ZBA. Town Manager responded that we would get the answer from Town Counsel and let him know. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to continue the hearing to 6/2/14 at 8 PM.

Chairman asked to hear from anyone who had missed the discussion/hearing re: WRPD for Cumberland Farms, 90 & 92 Grove Street (vote to approve revised plans). No one asked to be heard.

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to adjourn at 9:28 PM.

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Jackie Shanley, Executive Assistant  
BOARD OF SELECTMEN