



TOWN OF MIDDLEBOROUGH OFFICIAL MEETING POSTING

NAME OF PUBLIC BODY: Board of Selectmen

DAY AND DATE OF MEETING: Monday, May 21, 2012

TIME OF MEETING: 7:00 PM

LOCATION OF MEETING (INCLUDING ADDRESS): Town Hall, 10 Nickerson Avenue

MEMBER OF PUBLIC BODY POSTING MEETING: Jackie Shanley, Confidential Secretary to Board of Selectmen

POSTED BY TOWN CLERK'S OFFICE: *May 17, 2012 3:51 pm @JF*

***FOR CANCELLATIONS**

MEMBER OF PUBLIC BODY CANCELLING MEETING: [Type text]

CANCELLATION POSTED BY TOWN CLERK'S OFFICE: DATE:

TIME:

AGENDA

1. Pledge of Allegiance
2. Unanticipated
3. **Announcements & Recognitions** – Announce Tobacco Regulations Vote rescheduled to 6/18/12
4. **Minutes:** 4/25/12 regular minutes & 5/14/12 E.S. minutes. The 5/14/12 regular minutes to be voted on 6/4/12.
5. **New Business – 7:05 PM**
 - a. Vote to approve I.T. budget.
 - b. Vote to approve Town Hall Auditorium rental request for Northbrook Academy on 6/8/12.
 - c. Vote to sign Tispaquin Street Culvert contract.
6. **Hearings, Meetings, Licenses**

7:30 PM Public Hearing – WRPD - Fuller Street Development, LLC 352 Wareham St. (continued from 5/7/12)

7:45 PM Hearing re Transfer of E.R. license from Edward Viera to Middleborough Landfill Waste Management
Middleborough Landfill Waste Management – landfill update
Hearing re raising fees on certain recyclables

8:15 PM Permanent Cable Committee
7. **Unfinished Business**
8. **Town Manager's Report**
9. **Correspondence**
10. **Executive Session - Pending Litigation** – Dispute with Mashpee Wampanoag Tribe
11. **Adjourn**

**Middleborough Board of Selectmen
Meeting Minutes**

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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, B. Quelle and S. McKinnon and Confidential Secretary J. Shanley.

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

UNANTICIPATED

None.

ANNOUNCEMENTS

Chairman announced that the Tobacco Regulations discussion has been postponed until 6/18/12.

There will be a self-guided tour, "A Walk Through History", at the Nemasket Hill Cemetery on 5/27 from 1 – 3 PM.

Selectman Frawley announced that the Taunton River Watershed will be sponsoring a Father's Day canoe trip on June 16th and/or 17th. Details can be found on the Watershed's website.

Selectman Frawley offered thanks to Melissa Guimont of Middleborough Mess Movers. They cleaned up around Town on Saturday. There were a number of large items found in the Woods on Walnut Street. He asked the public to not throw trash out car windows.

Chairman Rullo thanked Waste Management, and those who participated, noting that it held a very successful recycling event on Saturday.

Selectman Quelle read aloud Middleboro Gazette article recognizing Dillon Bario and Hailey Olson named Peddle Partners with this year's 33rd Annual Pan MA Challenge. Both children were diagnosed with brain tumors in 2011 and will be honored this Saturday at Fenway Park during the Peddle Partners kickoff for the August bike-a-thon.

Selectman McKinnon recognized Sarah Jigerjian for having had been honored by the Massachusetts Commission on the Status of Women as an Unsung Heroine during a ceremony held at the State House. Sarah has been a long time community volunteer in Middleborough. Selectman McKinnon recognized that it is the behind the scenes people who make things happen. Sarah serves on the COA Board of Directors and the Republican Town Committee to name a few. The Board offered its thanks to those like Sarah who volunteer.

MINUTES

Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to approve 4/25/12 meeting minutes.

NEW BUSINESS

Chairman explained I.T. budget. Selectman Frawley questioned fluctuation in dollar amounts for equipment maintenance. Selectman McKinnon offered that the Town Manager indicated that the Consultant's pay is partly for all of the work that has to be done for tracking vacation time across all of our departments. It has to be set up by January 1st re time gathering system. Chairman explained difference. Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to approve the I.T. budget as presented.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve Town Hall rental for Northbrook Academy on 6/8/12 from 6 PM to 9 PM.

Chairman announced that the agenda item re the Tispaquin Street Culvert contract will be postponed until 5/30/12.

HEARINGS, MEETINGS, LICENSES

Transfer of Edward Viera's Earth Removal Permit to Waste Management

Chairman welcomed Peter Richer of Waste Management who explained their request to transfer the Earth Removal in the name of Edward Viera to the Middleborough Landfill Waste Management. They would like to use that area as a layout for construction material. They do not intend to expand the area. Mr. Richer explained that it would all be clean material. It would be cost effective to use that area temporarily. Selectman McKinnon offered that he is not sure that Earth Removal permits allow for this as they are intended for the removal of earth. Selectman Quelle asked if this may be a zoning issue changing the land from agricultural to industrial. Mr. Richer explained that they intend to maintain the existing bog that is in place. Jane Lopes, on behalf of the Historical Commission, asked what the plan is for the house on this property. Mr. Richer offered that they do not have any plans at this time other than possibly renting it out. He doesn't believe it is a historical house. Chairman asked that he touch base with the Historical Commission if they ever decide to take it down. Selectman McKinnon asked if they ever plan to continue Mr. Viera's plan to expand the cranberry bog area. Mr. Richer responded, no. Brian Giovanoni asked if they intend to remove gravel. If so, it is no longer agricultural, but becomes a situation where gravel can be sold. Mr. Richer responded that the intent is not to mine the area for gravel, but to restore the area. We will not remove or add gravel material. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted to approve. Three in favor. Selectman McKinnon opposed.

Landfill Operations Update

Mr. Richer provided the Board with an update regarding Landfill operations. Selectman McKinnon thanked Mr. Richter for the Bulky Items Collection Day event noting that it was very helpful. Chairman offered that the Town, in general, has been very pleased with the manner in which the landfill is being run.

Raising Fees on Certain Recyclables

Chairman reviewed the proposed fee increases on certain recyclables. Mr. Richer responded to questions by the Board. Chairman offered that he spoke with the Town Manager and he indicated

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that he found these proposed fees to be reasonable. Lincoln Andrews suggested that the Board may want the Trash Committee to have an opportunity to drill down on these fees. DPW Andy Bagas offered that based on their research, these fees are very reasonable. Lincoln Andrews agreed he was comfortable with that information. Mr. Richer responded to a question by Selectman Quelle, and indicated that residents may recycle all plastics and that they prefer that all recyclable material be submitted loosely and not be contained within plastic bags. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to approve.

Selectman Quelle left room briefly at 7:45 pm and returned at 7:46 pm.

WRPD – Fuller Street Development, LLC, 352 Wareham Street

Adam Bond, representing applicant Elliot Schneider, addressed the Board and noted that the Town had indicated tonight's hearing would be continued to allow Atlantic Design Engineers to review recently submitted responses to outstanding questions related to this application. Upon motion by Selectman McKinnon and seconded by Selectman by Selectman Frawley, Board voted unanimously to continue to 6/4/12 at 7:45 PM.

Permanent Cable Committee

Selectman McKinnon left room briefly at 7:48 pm. Chairman Silva addressed Board. Chairman Rullo noted that a new member must be appointed filling the vacancy of Roger Brunelle who will be retiring in October and is presently unable to attend meetings. Chairman Silva introduced Committee members and Karen Foye. Chairman Silva recommended appointing the new Systems Administrator at the school and the Town Manager who will be appointed for one year. Selectman Frawley doesn't recommend term limits. He agreed that terms are acceptable, but not with limits. Selectman McKinnon returned at 7:51 PM. Mr. Silva offered that they are looking to have Maureen Candito stay on their Committee. Chairman brought Selectmen up-to-speed. The Board would like to begin setting terms.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to appoint Town Manager Charles J. Cristello and Ellen Driscoll to the Permanent Cable Committee with a term of one year for Mr. Cristello and a term of three years for Ms. Driscoll.

Chairman Silva asked if the Board had any questions on the Annual Report. Chairman Rullo offered that they had some questions on the Voice-Over-I.P. expenses, noting that some of this was clearly phone related and not cable related. He asked why the Committee decided to use that money for something not related to Cable and also noted/questioned that headsets were given to people. Chairman Silva indicated that he would have to look into the headsets, but offered that they would be basic headsets. A Committee member indicated that this would save the Town money. We have to run all of this across our I-net. That's the only reason we paid for it. The I-Net runs the School and Town Hall phones together so if one goes down, the other would operate. They are trying to

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save the Town the initial cost. The new system they are looking at for Phase II, is \$79. Mrs. Driscoll wants to do wireless. Cable member Mark Mobley indicated that they are looking to move forward to make the school wireless. Chairman Silva offered that it is his whole goal to move in one direction. If it has to do with cable or the I-net, they are happy to help. Selectman Frawley asked Mr. Silva to review and explain some line items such as expenses for Staples. Karen Foye introduced herself and explained that she buys items on her credit card and gets reimbursed, such as for walkie talkies, thumb drives, and DVD's. Selectman Frawley offered that he has heard rumors that there are credit cards issued to the Committee members and he confirmed with Ms. Foye and Mr. Silva that this rumor is false. Selectman Quelle asked for confirmation that where names are referenced in left hand column, it represents that these individuals made purchases and were reimbursed. Mr. Silva responded that they represent vendors/and purchases for MCCAM . In response to questions by Selectman McKinnon, Karen Foye explained that she does shop at BJ's and buys in bulk to save money. Selectman Quelle asked how long it takes to get reimbursed. Karen Foye responded that it takes 2-3 weeks. Chairman explained that the Board is working to have the Cable Committee act like a Town department. Chairman Silva noted that they try to use state bid lists and when the Town Accountant required a contract for LCN, they provided it. They try to be responsive. In response to question by Selectman McKinnon, Mr. Silva explained that Labor Ready Northeast, Inc. is being used to pay Karen Foye as a temp.

POLICIES & PROCEDURES

Selectman Frawley offered that he had not had time to go through this thoroughly. Chairman Silva asked that the Board accept them. Chairman Rullo had a question re bonified newscast, news interviews, etc., noting that it doesn't talk about things like political debates. He asked the Committee if it will televise local or state debates. Chairman Silva responded that page 17 explains what they will allow and disallow. A question came up in August and he did research, speaking with Dan Murray, the A.G., and Tom Sexton to get it resolved within sixteen hours. They will do a live debate if that's what people want them to do. If someone is running for office, and they want the debate shown live, it would need to be here or in a place they could do that, but they might ask the candidate to tape it and they would be happy to air it. Chairman asked the Board's Secretary to put the matter under Future Agenda Items. Selectman McKinnon wants it reviewed by Town Counsel. Karen Foye asked if the Board can approve as quickly as possible as she has fifteen volunteers who are following these and it's been a whole year.

Selectman Frawley offered his appreciation to Mr. Silva for always being responsive to his questions/request for information.

Chairman asked how the new set-up has been working out. Committee member Steve Callahan responded that Karen has been a tremendous asset. She's done a fantastic job, is a real gem, taking us from zero to where we are right now and thanked her for that.

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Chairman Silva offered that he is pleased to have such a well-rounded Committee. Karen offered she is covering approximately 15-20 meetings per month. They are doing a lot of new programs, about 20-25 new programs per month. Chairman asked about status re Lakeville residents wanting to watch Middleborough meetings and vice versa. Chairman Silva responded that Committee members ran wire saving the Town money. We are trying to save the Town money and improve technology. He sent a letter to Mary O'Keefe of Comcast asking her about the Chairman's question. He sent the letter after receiving the letter from Lyn Lane of Edgeway. The problem comes down to the last paragraph in our contract and he thinks that will be Ms. O'Keefe's response. That area in Lakeville comes down Route 18. In the past, the owner of Edgeway Mobile Home Park would never allow the wiring to come in under the roads into the Park. Selectman Frawley offered that Lakeville residents ask him all the time why they can get MG&E meetings, but not Board of Selectmen meetings. Chairman Silva hesitantly suggested they get Verizon service as they offer everything. Channel 34 by Verizon in Lakeville will get the BOS meetings. Karen Foye suggested that if there is something that they want on their program from ours, they just need to request it. Selectman McKinnon offered that Lyn Lane had Middleborough coverage, but when they added wires to Leslie Lane, they stopped receiving Middleborough and receiving Lakeville instead. Chairman Silva suggested that it was probably in May, as that's when we broke away from the channel and got our own channel. He is waiting for Mary O'Keefe's response. Chairman Rullo reiterated that they are Middleborough residents getting Lakeville coverage only. Karen explained there was one line coming out of Comcast Studio and that we are now our own entity. Chairman Rullo asked how it's going to be corrected. Chairman Rullo offered that they are Middleborough residents and are entitled to Middleborough channels and he wants to know when they will get this service. The Committee again reiterated that they think Comcast will hang their hat on wording in the contract and they won't get it. It was available when Comcast Studio was responsible for the two channels. Chairman Rullo indicated that the Board wants this fixed. Committee members explained that it has everything to do with wiring. Brian Giovanoni offered that these residents live in Middleborough, but had been serviced by Lakeville. Chairman Silva offered that Verizon is already under the road, but the Park Owner wouldn't allow wiring under their roads for FIOS. He suggested that they could possibly give a DVD to Lakeville and ask them to air our meetings. It wouldn't be live. Selectman Frawley asked that whatever could be done, such as getting our DVD's to Lakeville, or whatever we are doing for MG&E, he would like to see it happen. Karen Foye explained that the Comcast studio is still working with only two DVD machines, but she can give them a DVD to play once per week. Chairman Silva noted that he handed out the Committee's budget. We've given the Town \$800k. Everything we do is based on giving back to the Town. They try to benefit the Town with their funds. Selectman Frawley asked when they plan to get their studio so people can begin taping on their own. Chairman Silva responded that the studio is downstairs in the Town Hall building and those interested must schedule with Karen. Karen offered that they have portable shoot equipment. She does workshops and can do individual or

group workshops. She's going to work with Oak Point for training. They plan to build up the portable studio with some new equipment. She's in the office practically each day, but by appointment definitely. She's here a lot of evenings. Selectman Frawley confirmed with Chairman Silva that Karen Foye is currently being paid as a temp and asked how we transition. Chairman Silva responded that they are working with the Town Manager to figure out details with the GMEG union. Funds to pay Ms. Foye will come from the Committee and will come from subscriber funds. If those go away, the position goes away.

Chairman Rullo thanked the Committee for coming in and answering the Board's questions. The Committee thanked the Board.

TOWN MANAGER'S REPORT

Chairman reviewed. Town Counsel does not intend to retire anytime in the near future. Hiring outside law firm – Town Manager had provided a survey of surrounding towns of comparable size regarding their legal costs. Chairman Rullo offered that it seems to him that the Town should continue with its present Town Counsel for response and cost reasons.

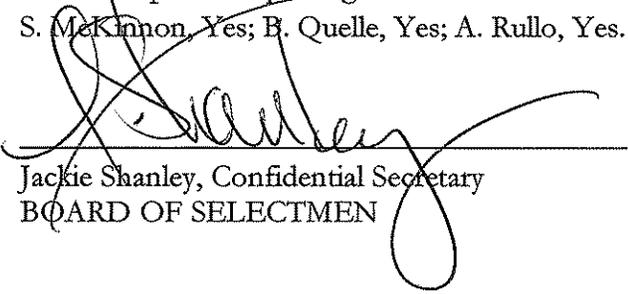
CORRESPONDENCE

Selectman Quelle questioned the requirement for the 30-hour/week Library Director open position as needing a Master's Degree. Selectman Quelle specifically was curious as he believed the position to be par-time. Board's Secretary offered she believes anything over 20 hours is considered full-time.

Selectman Quelle noted that he had gone to the Plymouth County Advisory Committee meeting in Norwell last week in place of Selectman McKinnon, but it was cancelled due to a lack of quorum. Selectman McKinnon offered that he will be attending the upcoming meeting.

Selectman Frawley noted that the Board received an invitation to Pleasant Valley on Saturday, June 9th. He will get back to the Board as to whether he would be able to attend, noting that it was very informative last year.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted by Roll Call to go into Executive Session at 8:49 PM to discuss strategy relative to Pending Litigation re dispute with Mashpee Wampanoag Tribe and not to return into Open Session. Roll Call: A. Frawley, Yes; S. McKinnon, Yes; B. Quelle, Yes; A. Rullo, Yes. Ended at 9:11 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN



WASTE MANAGEMENT

26 Patriot Place
Foxboro, MA 02035

May 16, 2012

Board of Selectman
Town of Middleborough
Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

RE: Middleborough Sanitary Landfill
Residential Fees – Recyclable Material/Acceptable Solid Waste

Dear Board Members:

In accordance with Article 8.2 of the Landfill Operating Agreement between the Town of Middleborough and Waste Management of Massachusetts, Inc. (WMMA), we respectfully request the Board of Selectman to consider and approve a change in residential fee structure associated with certain recyclable materials and solid waste. For reference, attached is the residential fee schedule included under Appendix C of the Landfill Operating Agreement. There are twenty items within the fee-based schedule and WMMA is requesting changes for the following six (6) items.

Item	Current Fee (\$/each)	Proposed Fee (\$/each)
Refrigerator	\$15	\$16
Freezer	\$15	\$16
Car/Light Pick-Up Truck	\$5	\$7
Large Truck Tire	\$10	\$12
Heavy Equipment Tire	\$15	\$17
Stuffed Sofa	\$15	\$16

Lastly, we request an increase the solid waste fee associated with residents delivering solid waste once they have exhausted the 12 punches allocated on the Town residential permit. We propose to increase this fee from \$0.03 per pond to \$0.04 per pound. The rationale for the increase in the above fees is related to increased costs for WMMA to handle and properly dispose of these items.

We look forward to discussing this subject at the next Board of Selectman meeting. If you have any questions regarding this information, please do not hesitate to contact me.

Very truly yours,
WASTE MANAGEMENT OF MASSACHUSETTS, INC.

Peter J. Richer
Market Area Engineer

Cc: Aaron Smith, WMMA (w/ Enclosure)
Charlie Cristello, Town Manager (w/ Enclosure)
Andrew Bagas, Middleborough DPW Director (w/ Enclosure)

APPENDIX C

**Charges for Residential Recyclable Material and
Acceptable Solid Waste**

A. Acceptable Solid Waste and Recyclable Materials which may be taken free of charge to the Landfill's Residential Drop-Off Center by residents and Town Departments which will be charged as "Town Tons" include the following items:

1. Asphalt
2. Bricks
3. Concrete
4. Construction & Demolition Debris
5. Fencing
6. Rope, including steel or nylon rope
7. Chains, cables and slings
8. Catch Basin cleaning materials and WWTP rags & grit (Town only)
9. Wooden furniture not included on the list of fee-based items, below
10. Emergency deliveries as defined in Article 8.5 (Town only)

B. Items that can be taken to the Landfill for a fee. These items will not be charged as Town Tons, and include:

FEE - BASED ITEMS

WHITE GOODS:

Refrigerators	\$ 15.00
Freezers	\$ 15.00
Washers/Dryers	\$ 15.00
Dishwashers	\$ 15.00
Stoves	\$ 15.00
Hot Water Heaters	\$ 15.00
Gas Grills	\$ 10.00
Lawn/Motors	\$ 10.00
Microwaves	\$ 15.00

AIR CONDITIONERS:

Household Window Units	\$ 20.00
Commercial/Outdoor Units	\$ 50.00
Large Humidifiers	\$ 15.00

BATTERIES:

Lead Acid Type	\$ 5.00
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TIRES:

Car/Light Pick-Up	\$ 5.00
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Large Truck (1100)	\$ 10.00
Heavy Equipment	\$ 15.00

C. R. T.'S:

Portable T. V.	\$ 15.00
Computer Monitors	\$ 15.00
Console T. V.'s	\$ 30.00
Wide Screen Console TV's	\$ 40.00

PROPANE TANKS:

20 lbs. ONLY	\$ 5.00
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FURNITURE:

Stuffed Sofa	\$ 15.00
Sleep Sofa	\$ 20.00
Stuffed Chair/Ottoman	\$ 5.00
Recliner	\$ 20.00
Large Rugs	\$ 15.00
Large Padding	\$ 5.00
Mattresses/Box Springs	\$ 15.00

The Board of Selectmen, following a Public Hearing, may delete or add items to this list and change the amount charged.

- C. Residential Recyclable Materials which may be taken free of charge to the Landfill's Residential Drop-Off Center by residents and Town Departments which will not be charged as "Town Tons" include the following items:
1. Newspaper / magazines
 2. Office paper
 3. Junk mail
 4. Corrugated cardboard
 5. Glass food and beverage containers
 6. Aluminum, steel and bimetal food and beverage containers
 7. Plastic food and beverage containers (number #1 - #7)
 8. Waste oil and antifreeze
 9. Paints and like products (April 1st to October 31st only)
 10. Fluorescent light bulbs
 11. Mercury containing items including thermometers and rechargeable batteries
 12. Metal items not listed in 'B' above.
- D. Other Acceptable Solid Waste and Residential Recyclable Materials which may be taken free of charge to the Landfill's Residential Drop-Off Center

by residents and Town Department and which will not be charged as "Town Tons" as long as the cost of transportation and disposal off-site does not exceed \$80,000 per year, include the following:

1. Leaves and Grass Clippings
2. Manure (including cat litter)
3. Brush
4. Tree Butts (Town Departments only)