MINUTES

For approval at the 5-23-11 meeting

DRAFT

Middleborough Board of Selectmen **May 16, 2011**
Meeting Minutes

Chairman opened meeting at 7:04 PM by inviting those in attendance to join in the Pledge of Allegiance.

ANNOUNCEMENTS
Chairman announced meeting was being broadcast live by Middleborough Cable Committee Access Media.

Selectman Frawley announced that he had attended a Kiwanis luncheon on Sunday honoring Marilyn Chammas and George Andrade. Ms. Chammas joined the Kiwanis in 1988 and Mr. Andrade in 1983. They have been donating their personal time for 23 to 28 years respectively.

Selectman Frawley announced that the Kiwanis will be holding a golf tournament on 5/22/11 at the Back Nine at 1 PM. Registration begins at 12 Noon.

Selectman Spataro announced that the Middleborough Friends will hold its annual Pancake Breakfast this weekend from 8 am to 11 pm at Council on Aging. He also announced that the Animal Shelter has a new roof thanks to the Middleborough Friends and Anders Martenson, IV.

Brian Giovanoni offered the thanks of the Middleborough Friends to Mr. Martenson and two contractors and also James Quinn. They completed the roof within a 12-hour day. Andy Bags provided a truck. Jason Tracy made trips to the landfill. Chairman thanked Middleborough Friends.

Town Moderator Wayne Perkins addressed Board and reminded the public to attend the Annual Town Meeting on 6/6/11 at 7 pm at the High School.

OTHER
Michael De Arruda addressed Board to ask if Board could post his resume electronically and to please pass out to companies that may have a need for his skills. Chairman noted that the Town may not have the appropriate avenue to do that, but if it can, it will.

ANNOUNCEMENTS (continued)
Mark Belanger announced that Middleboro Nest Movers will meet Saturday, 5/21/11at Town Hall at 9 a.m. for the annual Town cleanup. He will mention in his Middleborough Gazette column this Thursday. Melissa Guimont runs the program and has further information. The website is mbmessmovers@gmail.com.

Chairman announced that there will be a small gathering held for Town Clerk Eileen Gates in the small conference room at the High School at 5:30 PM on 6/6/11.
Selectman Quelle announced that he heard from a resident who lives near the landfill regarding an accumulation of trash near the entrance of the landfill. This resident

believes that there was an agreement in the contract that it would be cleaned up. Town Manager will find out.

Selectman Quelle recognized 17-year-old James McKeon who is working on his Eagle Scout badge by tackling the Middleborough Historic Museum with help from family and friends and various businesses in Town. Selectman Quelle offered his thanks to James and the local businesses who donated to his project.

MINUTES
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve 5-9-11 meeting minutes. Four in favor. Selectman Spataro abstained.

NEW BUSINESS
Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve two One-day Wines & Malt Beverages Liquor licenses for Muckey's Liquors on 5/22/11 from 12 Noon until 11 PM and 5/28/11 from 5 PM to 11 PM at 200 Oak Point Drive.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve request from Library to use Town Hall lawn on Thursday, June 30, 2011 from 12 Noon until approximately 1:30 PM for a Brown Bag Books story time.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Town Hall rental request by Northbrook Academy on 6/3/11 from 5:30 PM until 10 PM.

HEARINGS, MEETINGS & LICENSES
School Department Budget
School Superintendent Michael Malone presented the School Department budget as attached. A question and answer period ensued between Superintendent Malone and the Board. School Business Manager Kathy Piatelli also addressed the Board. Selectman Spataro acknowledged Superintendent Malone for his leadership, cooperative spirit, and creativity. Chairman Rullo thanked Mr. Malone for addressing Level Three and for actively going after the problem. Selectman McKinnon suggested having fifty residents from each of the six precincts in Town write to their State Representatives to get some action where it is needed.

Conservation Restriction – Fuller Street
Conservation Agent Patricia Cassady addressed Board to present a Conservation Restriction for Fuller Street relative to Elliot Schneider's Earth Removal project. The restriction had been accepted by the Conservation Commission at its 5/5/11 meeting. Selectman Frawley asked if the public will be allowed on the Conservation Restriction.

Agent Cassady responded that it will be, but for passive recreation such as walking and bird watching. She will remind Mr. Schneider to be aware re Eastern Box turtles. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the Conservation Restriction.

Public Hearing re Special & Annual Town Meeting Warrant Articles
Chairman opened hearing re STM/ATM Warrant Articles at 8:20 PM. Board members took turns reading aloud the articles.

SPECIAL TOWN MEETING:
Article 1. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve article.

Jane Lopes questioned not having the future Annual Town Report (ATR) printed and available for the public, noting that it is a historical document. Selectman Frawley agreed and offered that the Board should have a meeting with the public for its input.

Article 2. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to continue this article indefinitely as recommended by Town Manager.

Artilce 3. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve article.

ANNUAL TOWN MEETING
Article 1. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to recommend favorable action on this article.

Article 2. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to recommend favorable action on this article.

Article 3. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve this article. Chairman thanked Town Manager for working with the MG&E. Selectman Frawley asked Town Manager if we can ask the MG&E for a larger Pilot payment. Selectman Frawley indicated that he looks forward to talking with the Commission.

Article 4. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 5. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 6. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to pass over this article indefinitely.

Article 7. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 8. Town Manager noted that Town Counsel intends to provide in writing that this article is not fundable in this manner. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted not to support this article. Selectman Frawley asked Town Manager if there is a way that we can find a way to support this article. Town Manager thinks it speaks to having municipalities not get involved in making contributions. Selectman Frawley would like to find a way to support this article. Town Manager will discuss with Town Counsel and Health Officer if the Health department can help this organization. Selectman McKinnon suggested there may be some type of grant funding available. Three in favor. Selectmen Frawley and Quelle abstained.

Article 9. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to make it 100% reimbursement for overseas servicemen.

Article 10. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 11. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 12. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 13. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 14. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article, subject to grant being awarded by the state School Building Authority.

Article 15. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 16. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 17. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 18. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 19. Board agreed to hold voting on this article until later in the meeting when it would be discussing Lakeville I.M.A.

Article 20. Ocean Spray Cranberries, Inc. representative gave presentation re TIF being requested. A question and answer period ensued. They are also seeking state variance to allow for PVC versus cast iron for storm drains. They are looking for a letter of support from the Middleborough Board of Health. Town Manager indicated that the Health department is in full support of this. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support variance. Glenn Montapert of Marion Road asked if the office on Route 18 is the corporate office and if it is in Middleborough. Town Manager responded that it is the corporate office, but that the building is not in Middleborough. The driveway is. The building is in Lakeville. Mr. Montapert then asked about job opportunities for residents. Chairman explained that this article is specifically for the 152 Bridge Street location. Mr. Montapert asked to reconsider 20 year time line of TIF. Town Manager responded that it will be reduced to 12 years because they've already had 8 years on current TIF and can't go beyond 20 years.

Article 21. OECD Director addressed Board to give brief overview. Town Manager informed Board he would not ask the Board to vote on this article this evening as more information is pending.

Article 22. Conservation Commission Chairman Ron Burgess addressed Board and suggested that the Commission and the Town Manager recommend removing this article. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to pass over this article.

Article 23. Jane Lopes who served as Chairman of the Community Preservation Bylaw Committee addressed Board to review intent of article. Discussion ensued. Selectman Frawley disclosed he was a member of the CPBC prior to being a member of the Board of Selectmen. Selectman Rullo offered that he thinks the Selectmen should appoint At Large members. Selectman Frawley thinks Selectmen and the CPC should make those appointments. Selectman Spataro thinks the Selectmen should appoint. Town Manager noted that the fundamental belief is that the Board of Selectmen should appoint. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously support this article. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to make amendment to motion at ATM to change language so "At Large" appointments are made by the Board of Selectmen. Four in favor. Selectman Frawley opposed.

Article 24. Selectman Frawley asked to hear from Edgeway residents as to whether they want a separate Rent Control Board appointed. Selectman McKinnon offered that he feels it's the Board's responsibility to maintain its position as Rent Board as CEO's of the Town. Selectman Spataro agreed. Various Edgeway residents addressed Board indicated that they would prefer that the Board continue to serve as the Rent Board as they believe they have waited long enough and fear they may have to start over. They believe they should be able to contact the Board members whenever they need to in order to get things accomplished. They offered that they need regular meetings with this Board and maybe in the future it can go to a separate Board. Jim Knox of Tispaquin Street spoke. He thinks it should stay with the Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted not to support this article. Four in favor. Chairman Rullo opposed.

Article 25. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 26. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 27. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 28. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article. Selectman Spataro thanked Mr. Bagas for working with residents.

Article 29. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Vote Final Budget Recommendations
Town Manager reviewed his recommendations. Question and answer period ensued. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve recommendations as summarized by Town Manager.

Lakeville IMA
Selectman Frawley stated that he would like to come up with a good draft strictly for existing customers. He'd like to see Lakeville put a vehicle in place to ensure we will get paid. He thinks it's an important 1st step and would just like to begin by tackling that. Chairman Rullo explained that we bill the Town of Carver and Carver bills its residents. Chairman suggested Board go back to '07 draft of IMA with Lakeville and remove

wastewater and process for which new customers could be added. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Selectman Frawley to work on draft IMA. Town Manager noted that it can be modified quickly and we can move it along to Lakeville. Selectman Frawley added that he intends to talk with Andy Bagas, Joe Silva and possibly Richard Tinkham.

TOWN MANAGER'S REPORT
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to award contracts to the bidders listed under the SERSG DPW Supplies IFB for a twelve month period commencing 7/1/11. This award is conditioned upon the receipt of the appropriate documents specified in the IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the Board for final approval and signatures.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign the attached contract award sheets for office supplies and paper through the southeastern Regional Services Group.

Town Manager noted email forwarded to the office, which originated from the Attorney General regarding material posted on meeting agendas. Discussion ensued. Board agreed that there doesn't appear to be any issues, at this time, with the manner in which the Board's agenda items are listed.

CORRESPONDENCE
#1 Selectman Frawley noted correspondence from A.G. to Donald Boucher and dated 10-2-07. Edgeway resident John King addressed Board and noted that he had given Ruth Geoffroy a memo from the A.G. in 2007/2008 regarding trees when they felt they were stonewalled by the Tree Warden. Margaret King added that she had written the letter because the Town hadn't done anything.
Town Manager stated that a meeting was held at Town Hall with Attorney Marsan, Corey Farcus, and the Attorney General's office last week at which he, Planning, the Health Officer, and the Building Commissioner, and Town Counsel were in attendance. They discussed trees and lighting issues. The A.G. made it clear they are concerned with the issues and gave Mr. Farcas 2-3 wks to resolve them or they would consider taking some action. Town Manager explained that the Tree Warden doesn't have the authority to go on private property, but through mobile home parks, he has the authority through hazardous conditions. We will have him go out there and assess and report back to the Board with recommendations. Chairman Rullo stated that he met with Town Counsel last week and Counsel has filed suit against Edgeway for operating without a license and the other suit to be filed soon will be for failure to complete the park. Town Manager will have Tree Warden go out there this week. Louisa Brown asked if the Selectmen were invited to this meeting that had been held with the Attorney General's office. Town Manager responded that it was just the staff. Chairman Rullo explained that the Board

doesn't need to be there. Selectman Frawley additionally explained that three or more Board members cannot be together at one time without posting a meeting of the Board.

#2 Selectman Frawley indicated that he will attend the Plymouth County Advisory Board Annual meeting on 6/9/11 at Middleborough Town Hall.

#5 Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve paranormal investigation with Selectman Frawley volunteering to stay at the Town Hall during the investigation.

#7 Selectman Frawley noted correspondence re Plymouth Street Bridge.

#8 Selectman Frawley offered that he appreciates the information from the Carver Board of Selectmen re reorganization.
#9 Selectman Frawley asked that correspondence from Buzzards Bay National Estuary program be forwarded to Patricia Cassady.

#10 Selectman Frawley noted that he was happy to see letters from Attorney Marsan.

#2 Selectman McKinnon noted that he will be attending the Plymouth County Advisory Board Annual meeting on 6/9/11 at Town Hall.

Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to adjourn meeting at 11:25 PM.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN