

**Middleborough Board of Selectmen
Meeting Minutes**

June 16, 2014

Chairman opened meeting at 7 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

Board made various announcements.

Upon motion made by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to illuminate the flagpole in front of Town Hall to show the Town's support of Children's Cancer Awareness Week.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve the 6/2/14 regular meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve the 6/2/14 Executive Session meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve 6/9/14 regular meeting minutes.

WARRANTS

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to authorize Chairman to sign Warrants for weeks ending 6/14/14 and 6/21/14.

NEW BUSINESS

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted unanimously not to file or request that anyone else file an application for issuance of a criminal complaint against Attorney James M. Burke, ISM Leasing, Inc. or any Trustee of Edgeway Realty Trust for a violation of General Laws Chapter 140, Section 32E (conducts, controls, manages or operates a manufactured housing community which is not licensed) committed on or after January 1, 2013.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to authorize Chairman to sign and to issue Memorandum of Decision re Edgeway Homeowner's Association, Inc. and I.S.M. Leasing, Inc., Trustee of Edgeway Realty Trust.

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Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted to sign Lease Agreement for property off Wareham Street.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to award SERSG DPW Supplies IFB Contract re Class I Bituminous Concrete Patching Mix and Hot Mix.

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to declare I.T. department equipment as surplus, as presented.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to approve payment of invoice in the amount of \$4,504.50 to SouthCoast Media Group.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted unanimously to authorize Town Manager to sign a proposal from Cabot Risk Strategies, LLC for Police and/or Fire Accident Coverage, effective July 1, 2014.

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to approve the 82nd Fourth of July Parade on Friday, July 4, 2014.

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to approve the 2014/2015 Annual Appointments, as presented.

CORRESPONDENCE

#2 Selectman Knowlton offered congratulations to Lori Rutherford for being chosen by the members of the Clerical Union, AFSCME Local 1700, to be the new shop steward.

#1 Selectman Knowlton asked the Town Manager if the Emergency Preparedness drill was successful. Town Manager reported that it went very well.

#6 Selectman Knowlton noted the Job Vacancy announcement for the I.T. department.

#3 Selectman Stewart noted the Maxim Motor Co. Celebration scheduled for 6/21/14.

HEARINGS, MEETINGS, LICENSES

Veterans Agent Paul Provencher addressed the Board to introduce the State Representatives Keiko Orrall, Thomas Calter and Susan Gifford who presented recognition awards to the Town's World War II Veterans.

Above Ground Fuel Storage Tank

Chairman opened hearing at 7:58 PM on application made by Ted Lordan for an Above Ground Fuel Storage Tank license by reading aloud public hearing notice. John Marshan of Outback

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Engineering addressed Board. Mr. Lorden addressed the Board to discuss the quantity of fuel to be stored offering that the total amount is based on aggregate. Chairman asked to hear any further questions/comments. Hearing none, Chairman declared hearing closed....Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve.

WRPD for Lorden Propane

On 6/16/14, Chairman continued hearing from 6/5/14. There were four (4) members of the Board present, they being: Selectmen A. Frawley, J. Knowlton, D. Stewart, and S. McKinnon.

John Marchand of Outback Engineering addressed Board to present the revised plans and calculations and offered that the comments received late today from Atlantic Design Engineering indicates acceptance that all corrective changes are being presented. Board asked questions. Chairman asked to hear any further comments/questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously that it finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

and to grant a special permit to allow for the construction of a propane distribution facility and its associated parking at Wareham Street as requested in the Applicant's application under the Water Resource Protection District By-law pursuant to Section 8.2.8 WRPD Z3 Use Regulations 3 f, based on the plan titled 'Site Plan for Wareham Street in Middleborough, Massachusetts', prepared for Lorden Propane by Outback Engineering, dated May 20, 2014 and revised June 13, 2014.

The Board grants the special permit with the following conditions:

- a. MassDOT approval of a direct discharge to the drainage system and a curb cut on Wareham Street. Should MassDOT not allow a direct tie-in to their drainage system the special permit shall not be effective.
- b. Should MassDOT require revisions in the plans, the plans shall be submitted to the Board for its review and approval. Should the revisions not be accepted by the Board the special permit shall not be effective.
- c. Compliance with all zoning regulations.
- d. Recording of an easement by Mr. Cavosa, attached, permitting abutters of Old Wareham Street to cross over his parcel to access Wareham Street.
- e. Construction of a headwall for the 4" PVC outlet pipe in the infiltration basin.

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Rent Board Hearing – Application for Eviction for Patricia A. Hurst at 705 Blueberry Circle, Oak Point

Chairman opened public hearing at 8:15 PM on eviction application made by Attorney Robert Kraus by reading aloud the public hearing notice. Attorney Robert Kraus and Peter Curran, Manager of Oak Point, addressed Board to present their application for eviction. Attorney Kraus confirmed that tonight's procedure only allows them to move forward to the Housing Court. The house is vacant and they do not have any other forwarding address. Board's Executive Assistant informed the Board that she had received back the Certified notification of the hearing sent by the office to Patricia Hurst and that the Post Office informed her that a forward had been placed on mail going to that address more than one year ago. Chairman asked to hear any further questions/comments. Jane Lopes of the Middleboro Gazette addressed the Board to ask who owns the house. Attorney Kraus offered explanation. Jane Lopes asked further questions to which Attorney Kraus responded. Hearing no further questions/comments, Chairman closed the hearing. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to grant the Certificate of Eviction.

WRPD Cumberland Farms, 150 S. Main Street

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to continue the WRPD for Cumberland Farms, 150 S. Main Street, to 7/14/14 at 7:30 PM.

New Wines & Malt beverages Package Store liquor license for The Convenience Store, Inc., d.b.a. Joe's, 26 High Street

Chairman opened hearing at 8:30 PM on application made by Joseph Sayah for a new Wines & Malt beverages Package Store liquor license for The Convenience Store, Inc., d.b.a. Joe's, 26 High Street by reading aloud the public hearing notice. Joseph Sayah addressed Board to present his application. He offered that his store will have a scanner I.D. and that he will send all employees to TIPs class. Discussion ensued. Chairman asked to hear any further questions/comments. Hearing none, Chairman closed hearing. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve.

TOWN MANAGER'S REPORT

Town Manager announced that the Police Chief has submitted notice of his retirement. Town Manager presented the hiring process. Board agreed that the deadline to submit applications will be July 11th and the candidates will be announced on July 14th. Town Manager will make change to the posting and get it out tomorrow and schedule consultants to come in on the July 14th.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to adjourn at 8:50 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN