



**TOWN OF MIDDLEBOROUGH OFFICIAL MEETING POSTING**

**NAME OF PUBLIC BODY:** Board of Selectmen/Rent Board

**DAY AND DATE OF MEETING:** Monday, June 25, 2012

**TIME OF MEETING:** 7:00 PM

**LOCATION OF MEETING (INCLUDING ADDRESS):** Town Hall, 10 Nickerson Ave.

**MEMBER OF PUBLIC BODY POSTING MEETING:** Jackie Shanley, Confidential Secretary

**POSTED BY TOWN CLERK'S OFFICE:** June 21, 2012 3:41 PM *(signature)*

**\*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
4. Minutes: 5/30/12 Regular & 6/4/12 Regular (6/18 Regular & E.S. minutes to be voted 7/9)
5. New Business:
  - a. Vote to ratify Town Manager's appointments and reappointments to the Green Energy Committee.
  - b. Vote to approve and authorize Chairman to sign proposal application to DHCD for funds for rehabilitation of 21 S. Main Street.
  - c. Vote to approve and authorize Chairman to sign Revocable Permit & Land Use Agreement for an Earth Scope Seismic Station.
  - d. Discussion of Scoping Comments for Taunton Casino Environmental Impact Report.
6. Hearings, Meetings, Licenses
  - 7:20 PM Wayne Perkins – Various Requests re Krazy Days.
  - 7:30 PM Hillcrest MHC, LLC Public Hearing – Petition for Rent Increase (continued from 5/30/12).
  - 8:00 PM Edgeway Mobile Home Park Matter (continued from 6/18/12 & to be continued to 7/9/12).
  - 8:05 PM Town Clerk Allison Ferreira & Mark Belanger –Request change in public records request process.
7. Unfinished Business
8. Bills – SouthCoast Media Group
9. Town Manager's Report
10. Correspondence
11. Executive Session – Pending Litigation – Dispute with Mashpee Wampanoag Tribe
12. Adjourn

**Middleborough Board of Selectmen  
Meeting Minutes**

**June 25, 2012**

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

**UNANTICIPATED**

None.

**ANNOUNCEMENTS**

Selectman McKinnon congratulated and thanked everyone, including volunteers, who worked to open the Pierce General Store and Archeological Center.

**MINUTES**

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve 5/30/12 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve 6/4/10 meeting minutes. Three in favor. Selectman Spataro abstained.

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to ratify the Town Manager's appointment and re-appoint of Green Energy Committee members, as presented (attached). Motion made by Selectman McKinnon and seconded by Selectman Frawley to include all appointments to be effective 7/1/12 and end in 2014. Unanimous.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the submittal of a proposal to apply to the DHCD for funds to rehabilitate the mixed use building located at 21 South Main Street in the downtown business district. Jane Kudcey of the OECD explained that this is a pre-application process at this point.

Alissa Kotowski of Boston College addressed Board to explain request to place an Earth Scope Seismic Station on the Soule Homestead property. Letter of support was submitted by Frank Albani of Soule Homestead. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to agree to sign a finalized permit, subject to it incorporating all requirements by Town Counsel.

Chairman updated audience re Taunton Casino Environmental Impact and the goal of the Board to make sure that the Governor and its legislative delegation deal with mitigation issues. Town Manager offered that he has provided the Board with details on this issue and other issues. He asked that the Board review and provide him with comments. It has to be in the B.I.A.'s office by

7/2/12, therefore, will need to be mailed by this Friday. Public comments are welcome, and should be sent to the Town Manager immediately. Town Manager encouraged anyone from the public who has their own comments to send a hard copy directly to the B.I.A. Selectman Frawley requested the mailing address be placed on the Town's website. Town Manager agreed. Selectman McKinnon noted that there is an MPO meeting tomorrow evening and he will bring them the material provided by the Town Manager.

### **HEARINGS, MEETINGS, LICENSES**

Wayne Perkins, representing Middleborough on the Move, addressed the Board to present various requests re Krazy Days, which is scheduled for 8/3 and 8/4/12:

- To close off streets as follows: S. Main St. at Nickerson Ave.; Wareham St. at Clifford St.; N. Main St. at Pierce St; and Centre St. at Union St. from 8 a.m. to 7 p.m. each of the two days.
- Two "One-day" Wine & Malt beverages liquor licenses for Muckey's Liquors with a roped off area.
- An Entertainment license for each of the two days with live music.
- The Use of the Town Hall lawn for a performance by the Pasa Fino horses coming to conduct a show.

Board agreed it would prefer further detail of information on what, if any, wear & tear the horses may cause on the Town Hall lawn.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve items 1-4, as presented.

### **Hillcrest MHC, LLC Public Hearing – Petition for Rent Increase (continued from 5/30/12)**

Chairman noted some answers have not been provided and suggested that the hearing needs to be continued. Attorney Kraus addressed Board and asked for clarification. Chairman explained what he wants to know. Attorney Kraus will provide. Chairman noted that the Board wants to know what action has been taken to collect outstanding rents and whether or not they have been collected. The Board also wants to know how much they paid for Hillcrest Mobile Home Park.

Chairman explained that there is a separate process/petition for Capital Improvements.

Attorney Kraus offered that they thought they were including/consolidating their request for Capital Improvements into this application proceeding. Chairman noted that the Rules & Regulations are very clear that it is a separate process. Park resident Betty Walmer offered that Betty Wadsworth informed her that they have 3 quotes for replacing the meter, but the tenants only saw one. She wanted to know if they have the other two. Attorney Kraus responded that they would be happy to provide, but it's not part of the equation. Betty Walmer asked if they can present a bid from someone they know to which Attorney Kraus responded, yes, as long as the Town's Water department is o.k. with it. He indicated that they should contact Betty Wadsworth.

**Middleborough Board of Selectmen  
Meeting Minutes**

**June 25, 2012**

Frank Cuddy offered that much of the material the residents received from Attorney Kraus wasn't needed because the house was taken out of the equation. There weren't any capital expenses over \$5,000. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to continue to 7/9/12 at 7:25 PM. Three in favor. Selectman Spataro abstained.

Public Record's Request Process

Mark Belanger addressed Board and offered that Town Clerk Allison Ferreira has been fantastic, quick, and responsive to all of his public records requests. He feels that he makes a fair amount of requests, which prompted his thought to change the public records request by filing all requested information onto the Town's website so that others who may request, or want, copies of the same information, would be able to easily access same. Town Clerk addressed the Board and offered her appreciation to Mr. Belanger for his positive comments. She stressed to the Board that her office is not adequately staffed at the present time. She presented the Board with a summary of her thoughts and concerns relative to establishing this process. Selectman McKinnon asked her if she would email the Selectmen a copy of the 18 exemptions to which she agreed. In response to Chairman, she explained that part of it would be I.T. related, which is also short staffed at present. She also noted that a requestor may want to remain private. Mr. Belanger agreed and confirmed he would anticipate only the document and not the name of who requested it. Chairman suggested she could try it to see exactly how/if it could be done. She explained that she does not have access to the main web page. Selectman Frawley commended the Town Clerk for the terrific job she is doing. He noted that much of what he requested through public records, relative to the MG&E, was also requested by others, and would be an example of how it might eventually save the Town Clerk's office time. At this point in time, Selectman Frawley doesn't think it would be fair to ask the Town Clerk to put this process in place. Chairman thinks that it's a good idea and should be discussed further and considered at some point. Mr. Belanger suggested setting up a separate directory for the Town Clerk's office. He doesn't think Ms. Ferreira should be responsible to create a web page and be in charge of it, but rather the I.T. department. Selectman McKinnon agreed that this is not the job of the Town Clerk. He does think this information needs to be organized. He offered concerns such as not everyone is web savvy. It would need to be set up through I.T. and there has to be an established way to put the information in there. Someone would have to maintain the website and he's not sure we have the dynamics for that right now. Chairman would like to look at this a little further. Motion made by Selectman Spataro and seconded by Selectman Frawley, for discussion, to table matter until further information can be obtained relative to I.T. and how this would be established. Town Manager offered that if he had more opportunity to work with I.T. on anything, this would not be his priority. He'd rather spend more time improving our electronic activities, our web page, and the like. It's been his professional experience that most public record requests are not duplicated. Motion amended by Selectman Frawley and seconded by Selectman McKinnon to bring this up again in January. Unanimous.

**Middleborough Board of Selectmen  
Meeting Minutes**

**June 25, 2012**

Mr. Belanger also offered that he thinks all Committee's and Board's should be on the Town's website. Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to have future discussion re Web content with I.T.

Mr. Belanger questioned the manner in which the meeting packet material is posted online. He would prefer the ability to have writable pdf's. Jane Lopes offered that if all departments could use word documents, it would be helpful.

Edgeway Mobile Home Park Matter (continued from 6/18/12)

Town Manager shared that he has heard there may be an Administrator put in place for Edgeway and we may be dealing with a new attorney (that person) moving forward. Selectman Frawley offered that he has been asked by the residents at Edgeway, what is taking so long. In response to Selectman Spataro, Town Manager clarified that the heirs have an Administrator about to be in place. Lyn Dwyer of Edgeway addressed Board to say matter has been continued over and over and she noted that there was a court order in place that included a deadline. She asked if there is something in place to address this and when Phase I is going to be done, and when Phase II will begin. Chairman responded that the Board has heard all of the same information as the residents. Town Manager asked the residents to give the Board an update. Louisa Brown addressed the Board. She indicated that the overflows are not properly put on. The stone is in place and the splashguards are in place. They showed Board and Town Manager a photo of the overflows. Town Manager agreed they need to be corrected. Louisa noted that the overflows are not long enough. Louisa noted that the communication is still very poor. Selectman Frawley offered that with a court appointed Administrator, we will be dealing with a different management style. He acknowledged the lengthy process this has been and asked for the resident's patience, noting that this appointment of an Administrator may, in fact, be an opportunity. Louisa Brown credited this Board for all it has done and offered that the lack of communication has been very depressing. She asked if they can know name of new attorney. Town Manager responded that he has not been named yet. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to continue to 7/9/12 at 8 PM.

**BILLS**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve payment to SouthCoast Media Group in the amount of \$4,057.28.

**TOWN MANAGER'S REPORT**

Town Manager noted that the Town has received an additional \$24,000 grant towards the expense of repairing the Town Hall Cupola.

**Middleborough Board of Selectmen  
Meeting Minutes**

**June 25, 2012**

We also received \$21,140. from the Peirce Trustees for the purchase of a replacement police cruiser as well as a security camera for the downtown area.

Selectman McKinnon suggested removing the three references re Taunton water from the Intermunicipal Water Agreement document with the Town of Lakeville. Town Manager agreed.

Town Manager appointed Elizabeth Gazerro as Assistant Town Clerk, GMEG, Administrative Services, Step 1, with an hourly pay rate of \$25.39 per hour.

**CORRESPONDENCE**

Selectman Frawley offered his thanks to Dominic Tigano for his letter of appreciation re proposed casino in E. Taunton.

Selectman Frawley offered his thanks to State Representative Orrall for her letter re mitigation/Tribal Casino in Taunton.

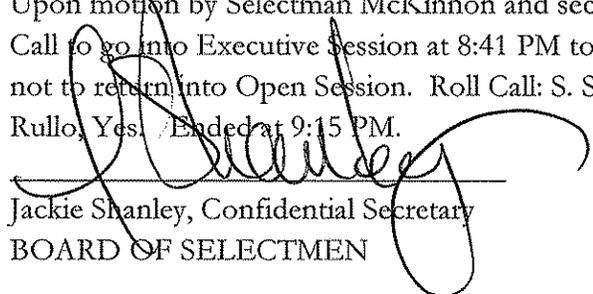
Selectman Frawley offered his thanks to State Senator Pacheco for his Casino related correspondence.

#7 – DHCD/CDBG Monitoring Report Grant #630. Town Manager offered that a clean bill of health is a very good thing. He congratulated Jane Kudcey for all of the hard work she's put in to keep things in order running the Office of Community and Economic Development since last September. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send letter to Jane for her Personnel file.

Selectman McKinnon noted the Audit reports that the Board members received this week in their packets. He has several questions he'd like to discuss at some point. Chairman offered that he sat in on the exit interview with the Auditors and he thinks it's a good idea to discuss as a future agenda item.

Town Manager updated Board regarding the computerized tracking of Personnel Leave Time. Our goal is to have it all done by January 1<sup>st</sup>. He had a meeting last week with departments. We are on our way to having the new procedure in place.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session at 8:41 PM to discuss strategy relative to Pending Litigation and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; S. McKinnon, Yes; A. Rullo, Yes. Ended at 9:15 PM.

  
\_\_\_\_\_  
Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

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*335 Years of Progress*



CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

Town Manager

508-947-0928  
FAX 508-946-2320

June 15, 2012

Brian Kowalski  
14 Indian Meadow Road  
Middleborough, MA 02346

*Re: Green Energy Committee*

Dear Mr. Kowalski:

I am happy to appoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2014.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

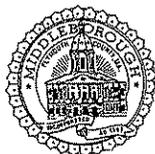
Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Cristello".

Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

Town Manager

508-947-0928  
FAX 508-946-2320

June 15, 2012

Jeffrey Stevens  
1 Weston Avenue  
Middleborough, MA 02346

*Re: Green Energy Committee*

Dear Mr. Stevens:

I am happy to appoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2014.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

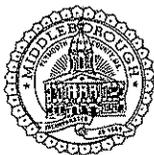
Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

Town Manager

508-947-0928  
FAX 508-946-2320

June 15, 2012

Stephen Bonfiglioli  
237 Thompson Street  
Middleborough, MA 02346

*Re: Green Energy Committee*

Dear Mr. Bonfiglioli

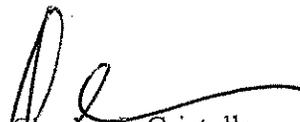
I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2013.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,



Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

Town Manager

508-947-0928  
FAX 508-946-2320

June 15, 2012

Charles R. Chace  
104 Wall Street  
Middleborough, MA 02346

*Re: Green Energy Committee*

Dear Mr. Chace:

I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2015.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

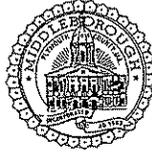
Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

Town Manager

508-947-0928  
FAX 508-946-2320

June 15, 2012

Ms. Juli Gould  
14 Indian Meadow Road  
Middleborough, MA 02346

*Re: Green Energy Committee*

Dear Ms. Gould:

I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2015.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk