



## TOWN OF MIDDLEBOROUGH OFFICIAL MEETING POSTING

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

**DAY AND DATE OF MEETING:** Monday, June 4, 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 31, 2012 @ 3:15 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: 5/21 Regular & E.S. Minutes and 5/14 E.S. Minutes
5. New Business
  - a. Vote summer meeting schedule.
  - b. Vote to approve Town Hall rental & waiver of Security Personnel fees request – Shepherd's Path 6/22.
  - c. Vote to approve Town Hall rental request – Randy Townsend 11/10.
  - d. Vote to approve Town Hall rental request – Stacey Ann LeRoy Foundation 9/29.
  - e. Vote to approve Town Hall rental & waiver of Security Personnel fees request – SEMCA 11/4.
  - f. Vote to send letter of support for the research of military service of three Middleborough natives- as request by the American Legion Post 64.
  - g. Vote to send resolution letter to the Governor & Legislature re transportation funding as requested by the MBTA Advisory Board.
  - h. Review Special & Annual Town Meeting Warrants & Vote Selectmen Recommendations.
6. Hearings, Meetings, Licenses
  - 7:30 PM Public Hearing – VFW Liquor license – Alteration of Premises & Change in Corporate Name.
  - 7:45 PM Public Hearing – WRPD, Fuller Street Development, LLC, 352 Wareham St.  
(continued from 5/21)
  - 8:00 PM Joint Meeting with MG&E
7. Unfinished Business
8. Town Manager's Report
9. Correspondence
10. Executive Session – Pending Litigation – Dispute with Mashpee Wampanoag Tribe
11. Adjourn

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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, & S. McKinnon, and Confidential Secretary J. Shanley.

Chairman announced meeting was being recorded by MCCAM and Verizon and was being aired by MCCAM.

**UNANTICIPATED**

None.

**ANNOUNCEMENTS**

Farmer's Market season opening is June 9<sup>th</sup> from 9 a.m. to 1 p.m. on the lawn of Town Hall. The market is held weekly until 9/27<sup>th</sup>.

Father Richard Crowley retired this past weekend after 48 years of being a priest, 14 years of being a pastor at Sacred Heart Church. Chairman offered thanks to Pastor Crowley for his years of service to the community.

Selectman McKinnon reminded and urged the public to attend Town Meeting on 6/11/12.

**MINUTES**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 5/21/12 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 5/21/12 Executive Session meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 5/14/12 Executive Session meeting minutes.

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted the following summer schedule:

7/9, 7/23  
8/6, 8/20  
9/10

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Town Hall rental request for Shepherd's Path on 6/22/12.

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Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Randy Townsend Town Hall rental on 11/10/12, subject to learning more about portable burners.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Stacey Ann LeRoy Foundation Town Hall rental on 9/29/12.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve SEMCA Town Hall rental on 11/4/12.

Robert Burke Commander of American Legion Post 64 addressed Board along with member Robert Lessard to explain the Post's request for a letter of support for the research of military service of three Middleborough natives, specifically, Sergeant Simeon L. Nickerson, Corporal Michael J. O'Connell, and Private Thomas A. Ryan for the purpose of moving the service award from Silver Star to Congressional. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to send letter of support.

Chairman Rullo summarized MBTA Advisory Board transportation funding resolution letter request. Selectman McKinnon shared his concerns. Discussion ensued. Chairman explained that something must be done at the state level or we will continue to see increased fares and decreased services. Town Manager noted that much of the MBTA debt came from the Big Dig, acknowledging they have a large financial problem. The resolution they gave us is fairly broad. Selectman McKinnon's concern is that they will begin to take Chapter 90 funds that we need for our towns and have it go towards funding their financial difficulties. The taxpayers are paying for the MBTA service. Selectman Frawley agreed that asking them to come up with a long-term strategy would be the best avenue to take. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to send resolution letter to the Governor & Legislature.

Town Moderator Wayne Perkins addressed Board and reminded the public that Town Meeting is scheduled for Monday, June 11, 2012. He encouraged all registered voters to attend.

**HEARINGS, MEETINGS, LICENSES**

WRPD public Hearing re Fuller Street Development, LLC, 352 Wareham Street

Chairman noted that the scheduled WRPD hearing may not be able to move forward this evening as the regulations require a minimum of four Selectmen to be present for voting purposes. Town Manager left meeting room to see if he could address.

**UNANTICIPATED**

Michael Solimini addressed Board to say that he can't attend Town Meeting because the Nichol's Middle School is holding an awards ceremony that night. He strongly suggested that more careful consideration be given by various Town departments when scheduling events on the same dates as important as something such as Town Meeting. Brian Giovanoni offered that he agrees, however, suggested that scheduling Town Meeting earlier in the year might be a consideration.

**HEARINGS, MEETINGS, LICENSES (continued)**

WRPD public Hearing re Fuller Street Development, LLC, 352 Wareham Street

Town Manager confirmed that the WRPD needs a 2/3 vote. Town Manager suggested that the Board move forward and take the decision under advisement. Chairman continued the hearing. Attorney Adam Bond, representing the applicant, addressed the Board. He provided, "Exhibit A", a septic system approval by the Town's Health department. Selectman McKinnon asked questions, which were answered by Jason Youngquist of Outback Engineering, specifically, that they will use existing trees and as well as use some additional plantings. Attorney Bond confirmed that there will not be oil changes on the property other than is allowed. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to continue to 6/18/12 at 8 PM.

John F. Glass, Jr., VFW Post 2188 – Alteration of Premises and Change of Corporate Name

Chairman opened public hearing on the application made by John F. Glass, Jr., VFW Post 2188 for an Alteration of Premises and Change of Corporate Name by reading aloud the public hearing notice. Eric Goodnow addressed the Board representing the VFW and explained that they would like to alter the premises to include an outdoor area. Paul Provencher addressed the Board. Board's Secretary clarified that the issue is a local Zoning matter preventing the Board from taking action on the application for Alteration of Premises. Chairman reiterated that they are required to go before the ZBA and receive a determination prior to the Local Licensing Authority taking action. Paul Provencher offered they don't mind going before the ZBA. Abutter Dan Silvia addressed Board. Half of the VFW property is residential. He is an abutting resident and a landlord renting to others at the same location. He shared multiple concerns that he has along with multiple problems that he has experienced being an abutter to the VFW. Mr. Goodnow responded that they intend to have this during the daytime into the nighttime and at the other end of the property away from this abutter. If we receive complaints, we would be willing to address them. It is a family driven activity that we are trying to provide to Veteran members and their families. Chairman suggested that they go before the ZBA and once they clarify outstanding zoning issues, they can also address concerns by the abutter. Mr. Goodnow explained the reason for requesting the change in the corporate name. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to continue to 9/10 at 7:30 PM.

**NEW BUSINESS**

Review/Vote Recommendations for Town Meeting Warrant Articles

Upon motion by Selectman McKinnon and seconded to Selectman Frawley, Board voted unanimously to support Article 1.

Town Manager explained motion to support is unnecessary for Article 2.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support Article 3.

Jack Healey addressed Board to note that the MG&E was scheduled to meet with the Board at 8 PM and they considered that to be a set time. They are requesting that the Board take the matter out-of-order. Chairman Rullo responded that the Town Meeting articles should not take very long. Board

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agreed to have the Town Manager summarize the Annual Town Meeting articles and it would stop at any articles it had questions on.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support Articles 1-30.

Review/Vote Recommendations for Town Meeting Warrant Articles (continued)

Article #31 – As a petitioner of the article, Brian Giovanoni explained the Voter I.D. Bylaw. Chairman Rullo asked why he wrote this article. Mr. Giovanoni responded that there was a recent situation where someone had been told that they had already voted when they hadn't, but had their identification mis-used. According to Mr. Giovanoni, this process is moving along across the state. Chairman Rullo supports this article as does Selectman McKinnon. Selectman Frawley offered that his only concern is whether or not this is legal. Town Manager offered that Town Counsel shares those concerns and is looking into the matter. Chairman expressed concern that the Registrar may not have enough time to prepare for the implementation of this by Fall Town Meeting. B. Giovanoni offered that studies of states, that have implemented this, show that their voting rates have actually increased for some reason. M. Solimini asked how absentee ballots would be affected or addressed. B. Giovanoni offered that it would not be affected, unless they ask for absentee ballot in advance for which they would need a valid i.d. Further discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to support this article.

Article #32 – Separate Rent Control Board. Chairman summarized the article and noted that he has changed his opinion, and now agrees that the Rent Board should remain with the Board of Selectmen. Selectman Frawley offered that he would not support this article. Selectman McKinnon offered that he would not support this article. A. Bond offered that the Board has moved forward far more than any past Rent Control Board in this Town. He believes that the housing laws are complicated and suggested it might be best to have a separate Rent Control Board. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously not to support Article 32.

**HEARINGS, MEETINGS, LICENSES**

At 8:49 PM the joint meeting with the MG&E began. Jack Healy introduced the members of the Commission and some of the MG&E staff. Jackie Crowley handed out a rate report and reviewed. Question and answer period ensued. Selectman Frawley asked Sandy/Jackie about the top three meters with the highest peak demands. They don't have that information, but Sandy indicated that the Green Energy Committee has asked and they are working on. Selectman Frawley asked her to include the bank building and the water department on that. M. Solimini offered that the Green Energy Committee has never met with the MG&E Commission in the past two years that he has been on the Commission. Town Manager offered that they are in regular contact with Sdandy Richter. Mr. Solimini offered that he just doesn't feel that any action has been taken/ benefitted us with the committee. Town Manager responded that before you invest any large amount of money in equipment, you want to manage energy usage first, which the school department has done, then you would spend money to get longer payoffs. We did have SEMANS come in and look at the school buildings. We have a preliminary analysis.

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Jack Healy informed the Board that a possible rebate program is being considered for those who buy energy efficient equipment for their homes. Town Manager left meeting room briefly from 9:30 until 9:34 pm. Selectman Frawley left meeting briefly at 9:32 pm. Selectman McKinnon asked if there is a plan to expand gas mains out. Chairman suspended meeting until Selectman Frawley returns as Michael Solimini raised issue that it was an illegal meeting without a quorum. Selectman Frawley returned at 9:35 pm. Meeting resumed. Bernie Gosselyn addressed Selectman McKinnon's question re gas line expansions.

Further questions and discussion ensued. Mr. Solimini offered that the MG&E policy manual needs to be reviewed and a strategic plan put in place/establish goals and objectives. Sandy Richter noted that they are revamping their website over the next couple of months and can certainly put this on there. Jackie offered that they had gas and electric rate reductions over the past year. Suzanne Dube of Finance Committee, speaking as a private citizen, noted that in the May 2005 E.S. minutes, they adopted policy to switch over from deferred accounting methods to a rate stabilization method, but nowhere in these minutes does it state a percentage of what they were going to use on the rate stabilization. Jack Healey noted that Jackie Crowley is working on a reliability and cost balance. We will be looking at the budget again shortly and contract reviews are coming up soon. We need to do some hard looking where we are spending money and make adjustments where necessary. M. Solimini acknowledged that Bernie and Bill are pretty frugal managers. They understand they need to watch how money is spent. Chairman Rullo and Mr. Healy noted that the last question relates to communication and both agreed that they are on the path to better communication. Selectman Frawley asked if everyone in the MG&E group is on board with email now for which the response was "mostly". Selectman Frawley thanked S. Richter for responses to his public records requests and noted that he appreciates the new culture. Selectman McKinnon thanked the MG&E group for the communication as well and mentioned that emergency communication is critical as well and asked if they are working towards getting radio communications between the MG&E and police and fire. W. Taylor responded that they are working on a plan. Mr. Solimini offered to send the MG&E meeting agendas to the Board. Glenn Montipert offered that he ran for the Commission because of all the negative press coverage, but since he's been on the Board, he commends most of the employees. Upon motion by MG&E Commission member M. Solimini and seconded by G. Montipert, Commission voted unanimously to adjourn its meeting .

**OTHER**

Edgeway Mobile Home Park Item

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the sample splash pad for Edgeway Mobile Home Park as presented this evening.

**TOWN MANAGER'S REPORT**

Town Manager reported that we have an affordable unit for sale in "*The Groves at Middleborough Village*."

**CORRESPONDENCE**

#5 Selectman McKinnon offered his concerns that the condition of Wareham St could be dangerous. It actually belongs to MA Highway and he thinks we should be in touch with MA

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Highway. Town Manager spoke with DPW Director today and he is going to be in touch with them to see what their plan is.

#3 Selectman Frawley offered that he can't attend the MMA Leadership conference this year. Selectmen Rullo and McKinnon will discuss the possibility of attending.

#6 Selectman Frawley offered his thanks to Kevin Cook.

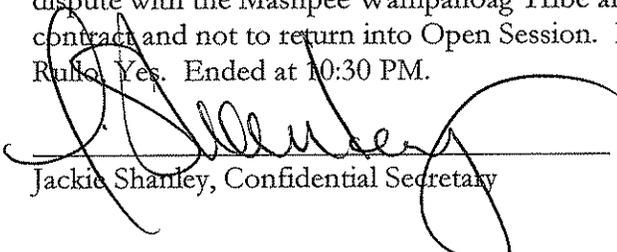
#7 Selectman Frawley will contact MA Most Haunted Production re paranormal Investigation inquiry.

#16 & #22 Selectman Frawley noted that the Taunton River Watershed has a lot of great programs going on.

#23 Selectman Frawley noted MMA Transportation & Budget News and asked if they have approved Chapter 90 money yet, to which Town Manager responded, no.

Selectman McKinnon asked if we can get an updated list of streets we are going to work on if we get the money, to which the Town Manager responded, yes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted by Roll Call to go into Executive Session at 10:08 PM to discuss strategy relative to Pending Litigation re dispute with the Mashpee Wampanoag Tribe and Collective Bargaining re Fire department union contract and not to return into Open Session. Roll Call: S. McKinnon, Yes; A. Frawley, Yes; A. Rullo, Yes. Ended at 10:30 PM.



Jackie Shanley, Confidential Secretary



**To:** John Granahan  
**From:** Mayhew D. Seavey, Jr.  
**Date:** May 31, 2011  
**Subject:** Combined Metering and Billing for Municipal Accounts

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When we spoke last week you asked me a question about the possibility of aggregating the metering and billing for all of MGED's municipal accounts to allow the town to take advantage of the diversity of loads represented by the accounts.

This would not be acceptable.

The principal reason is that MGED's rates have been designed to recover the cost of supplying electric distribution and power supply to services based on the characteristics of the type of customer in the rate class to which the customer belongs. MGED has more than a dozen different rate schedules for different types of customer. The town of Middleboro purchases electricity at over 100 locations under three separate rate schedules. Each of those rate schedules was designed to recover the cost of providing service to customers with the load characteristics of the customers eligible to receive service under that rate schedule.

If MGED were to aggregate the usage of all of the Town's 100+ locations into a single meter, it would be one of MGED's largest customers, with usage of more than 3 million kWh per year. With all usage billed at the lower Municipal Power Rate, there would be a reduction in the charges to the town, because the combined peak demand of the 100+ locations would be much less than the sum of their individual monthly peak demands.

The problem with this is that MGED would still incur the same cost to serve those 100+ locations. The same distribution lines, transformers and meters would still be needed to distribute and meter the power. But MGED would no longer recover all the costs associated with owning, operating and maintaining those facilities. Under Massachusetts General Laws Chapter 164, a Municipal Light Plant may not sell power to any customer for less than the cost of producing and distributing it, and aggregating the municipal load in this way would violate that provision.

If the Town were able to construct its own distribution lines to electrically interconnect many of the locations, without crossing a public way of course, then they would be able to serve those locations through a single meter since MGED would no longer be using its own facilities to provide the service. But that is not possible or desirable.

Under the regulations that govern Massachusetts' private utilities, customers must be served through a single meter, that is, there must be one meter for each bill. This rule can only be waived if the Massachusetts Department of Public Utilities orders it. While this regulation does not apply to Municipal Light Plants, the intent is clear that only the power provided to a single location through a single meter should be billed under a rate schedule.

Please contact me if there are any questions regarding this.

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 Key Accounts - Municipal Electric Rate Conversion to Commercial Account  
 Based on 1 year actual 3/11 - 2/12

Name	Muni Rate/kwh as billed	Muni Rate/kwh 6/12 PPA	Comm Rate/kwh 6/12 PPA	Annual Savings As Billed to 6/12 PPA	Annual Savings 6/12 PPA Muni to Commercial
Muni 8 MIDDLEBORO PUBLIC LIBRARY	0.1475	0.1303	0.1328	\$3,319	(\$494)
Muni 7 MIDDLEBORO POLICE DEPT	0.1447	0.1272	0.1251	\$2,424	\$288
Muni 7 MIDDLEBORO PARK DEPT	0.1499	0.1363	0.1416	\$91	(\$35)
Muni 7 MIDDLEBORO PARK DEPT	0.1554	0.1383	0.1451	\$95	(\$38)
Muni 7 MIDDLEBORO FIRE DEPT	0.1448	0.1274	0.1241	\$1,795	\$334
Muni 7 MIDDLEBORO FIRE DEPARTMENT	0.1461	0.1283	0.1271	\$752	\$51
Muni 7 MIDDLEBORO SCHOOL DEPT	0.1465	0.1289	0.1281	\$535	\$22
Muni 7 MIDDLEBORO SCHOOL DEPT	0.1460	0.1280	0.1266	\$891	\$70
Muni 7 MIDDLEBORO SCHOOL DEPT.	0.1467	0.1287	0.1278	\$604	\$30
Muni 7 MIDDLEBORO DPW	0.1459	0.1280	0.1265	\$942	\$77
Muni 8 MIDDLEBORO WATER DEPT	0.1689	0.1499	0.1294	\$390	\$473
Muni 7 MIDDLEBORO WATER DEPT	0.1505	0.1325	0.1346	\$202	(\$24)
Muni 8 MIDDLEBORO WATER DEPT	0.1479	0.1303	0.1184	\$3,301	\$2,237
Muni 8 MIDDLEBORO WATER DEPT	0.1474	0.1302	0.1230	\$3,447	\$1,426
Muni 8 MIDDLEBORO WATER DEPT	0.1544	0.1280	0.1265	\$1,408	\$79
Muni 7 MIDDLEBORO WATER DEPT	0.1442	0.1272	0.1264	\$2,629	\$122
Muni 8 MIDDLEBORO WATER DEPT	0.1495	0.1317	0.1231	\$2,257	\$1,086
Muni 7 TOWN OF MIDDLEBORO BANK BLDG	0.1447	0.1272	0.1282	\$2,508	(\$140)
Muni 7 MIDDLEBORO TOWNHALL	0.1453	0.1270	0.1173	\$4,246	\$2,257
Muni 7 MIDDLEBORO WASTEWATER DEPT	0.1497	0.1305	0.1311	\$329	(\$10)

Savings 2/11-3/12 with the reduced ppa for all sample accounts

Additional Savings with conversion of highlighted accounts to commercial rate

Comm Rate/kwh	PPA Reduction Savings
Comm 41 MIDDLEBORO COUNCIL ON AGING	\$1,955
Comm 401 MIDDLEBORO HS	\$16,982
Comm 41 MIDDLEBORO WASTEWATER	\$19,130
<b>Savings 2/11-3/12 with the reduced ppa for current town commercial accounts</b>	<b>\$38,067</b>

Total Revenue Billed for These Middleboro Accounts in 2011-2012

PPA Reduction Alone 2012-2013	\$550,030
PPA Reduction Savings	\$479,796
PPA Reduction and Select Conversion Billings	\$70,234
PPA Reduction and Select Conversion Savings	\$471,982
<b>PPA Reduction and Select Conversion Savings</b>	<b>\$78,047</b>
	<b>14%</b>

Name	0.1495	0.1319	0.1263	\$2,118	\$671
Muni 8 TOWN OF LAKEVILLE					
Muni 7 LAKEVILLE COA	0.1471	0.1297	0.1296	\$378	\$2
Muni 7 LAKEVILLE HISTORIC LIBRARY	0.1455	0.1281	0.1267	\$845	\$67
Muni 7 LAKEVILLE POLICE DEPT	0.1448	0.1277	0.1260	\$1,133	\$111
Muni 7 TOWN OF LAKEVILLE	0.1431	0.1285	0.1275	\$520	\$36

Savings 2/11-3/12 with the reduced ppa for all sample accounts

Additional Savings with conversion of highlighted accounts to commercial rate

<b>TOWN OF LAKEVILLE ACCOUNT SAVINGS</b>	<b>\$4,993</b>	<b>\$671</b>	<b>\$5,664.18</b>
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<b>US Energy Information Administration/MGED Sales &amp; Revenue</b>		
<b>Electric Power Monthly</b>	<b>March</b>	<b>1st Quarter</b>
<b>Avg. Retail Price in cents/kwh</b>	<b>2012</b>	<b>2012</b>
Mass. Residential	15.83	15.5
MGED Residential	12.53	12.94
New England Residential	16.09	16.01
US Residential	11.76	11.57
Mass. Commercial	14.21	14.03
MGED Commercial	12.44	12.80
New England Commercial	13.9	13.98
US Commercial	9.91	9.93
Mass. Industrial	13	12.9
MGED Industrial	11.02	10.97
New England Industrial	12.09	12.08
US Industrial	6.52	6.51
Mass. All Sectors	13.95	14.18
MGED All Sectors	12.48	12.85
New England All Sectors	14.47	14.35
US All Sectors	9.64	9.63
<b>Middleborough Customer Class by Volume</b>		
Residential	48%	49%
Commercial	41%	40%
Industrial	11%	11%
All Sectors kwh	19,112,867	61,228,053