

**Middleborough Board of Selectmen
Meeting Minutes**

August 26, 2013

Acting Chairman Allin Frawley (herein referred to as Chairman) opened meeting at 7:15 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Frawley, B. Quelle, L. Dalpe, J. Knowlton, Town Manager C. Cristello and Executive Assistant J. Shanley.

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

UNANTICIPATED

Chairman Frawley noted having had recently spent time on the Nemasket River and highly recommended residents enjoy all that it has to offer.

ANNOUNCEMENTS & RECOGNITIONS

Selectman Dalpe attended the Cultural Council meeting last week. She noted that the Council gives out Cultural grants to projects for the Arts & Humanities. The deadline for the draft is 10/1/13 and the deadline for the application is 10/15/13. Anyone interested, may obtain further information at www.mass-culture.org/middleborough.

Chairman announced the 64th Annual East Middleborough 4H Fair will be taking place on sat 8/31 8 a.m. to dusk and on Sunday 9/1/13 from 8 a.m. to dusk.

Health Officer Jeanne Spalding reminded the public to use self-protection in an effort to avoid the West Nile Virus (WNV).

DPW Director Chris Peck announced Bulky Waste day to be held on Saturday, 9/28/13 from 7 AM to 3:30 PM at the Transfer Station, which will include items such as couches and kids large plastic toys. Appliances and construction debris are not included and all are welcome. You do not need to have a permit.

MINUTES

Upon motion by Selectman Quelle and seconded by Selectman Knowlton, Board voted unanimously to approve the regular minutes of 8/12/13.

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to approve unanimously the 8/12/13 Executive Session meeting minutes.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 8/23/13.

NEW BUSINESS

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to set new goals at its next meeting, specifically, on 9/9/13. Selectman Quelle offered that the

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public may contact the Board's Executive Assistant to submit any specific concerns or topics for consideration.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to schedule a Road Layout hearing for 9/16/13 at 7:30 PM and to refer the Layout plans to the Planning Board for the following ways:

- Tall Oak Estates
- Acorn Ridge Estates
- Dona Estates

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to issue a proclamation for Constitution Week, September 17-23, 2013 as requested by the Lydia Cobb-Quequechan Chapter of the MA Daughters of the American Revolution.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to authorize Chairman to sign the Federal Equitable Sharing Agreement & Certification by the MPD to the Department of Justice & Department of Treasury. Selectman Quelle asked the Town Manager if there is a time limit on how long we can keep this. Town Manager will research and report back.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to accept the gifting of an MG&E Electric division truck #31, a 2000 ½ ton Chevrolet 2 wheel-drive truck to the Town for use by the DPW Highway department for use at the transfer station.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, for discussion, Board voted unanimously to sign FY'15 Chapter 61B application for property owned in Plympton.

Town Manager noted the draft RFP that he has given to the Board re lease space in the Eastern Bank building. We agreed to have Eastern Bank stay there until the end of October. If the Board members have any thoughts, or concerns, he asked that they let him know.

HEARINGS, MEETINGS, LICENSES

MG&E & Verizon Pole hearing – Fuller Street

Chairman opened hearing at 7:27 PM by reading aloud the public hearing notice. Electric Division Manager William Taylor addressed Board. No abutters present. Chairman asked to hear any concerns or objections. None heard. Chairman declared hearing closed. Upon motion by Selectman Quelle and seconded by Selectman Knowlton, Board voted unanimously to approve petition to place two new poles on Fuller Street, pole 78 and 79 to be added to extend pole line by 2 poles for a distance of 360ft. to accommodate electric service to a new house.

TOWN MANAGER'S REPORT

Town Manager noted information we received that Mayflower Bank is being bought out by Rockland Trust and that the Rockland Trust is going to move their branch to the 135 S. Main Street location, but we are also being told that they are going to occupy the Mayflower bank property. We do not know what the plans are for the Station Street location.

Town Manager noted correspondence re the Middleborough Rotary. The JTTPG voted to commit a year's worth of TIP funds, which amount to anywhere between eleven and fifteen million dollars in any given year, to the Rotary project, when it is ready to be built. It is just about the amount of money that our design differs with the state design, so if there is any reluctance by the DOT not to do our design, because of cost, we've solved that problem for them. The Town Manager is going to send a letter to Secretary Davey to point this out that we should all be in agreement about the Middleborough option. Selectman Dalpe requested that a copy be sent to Congressman Keating, noting how helpful he has been with this. Town Manager indicated we are already doing so along with copies being sent to our State Representatives.

HEARINGS, MEETINGS, LICENSES

Condemnation hearing re 27 Webster Street

At 7:35 PM Chairman opened Condemnation hearing re 27 Webster Street. Health Officer Jeanne Spalding addressed Board and reviewed the circumstances

Health Officer explained that the Board's charge is to sustain, revoke, or modify the Health department Condemnation Order. She asked that the Board sustain the order. Jessica Gardner reviewed her history of visits to the property and the steps taken thus far.

Linda Taylor introduced herself as a daughter to the last known owner of the home. She then introduced David Liansini of 14 Shaw Road, Carver to speak on behalf of the family. They are asking for a stay or continuance as they intend to correct the issues and they only found out about this hearing a couple of hours ago. Notice of the hearing had been sent to the only family contact known to the Health Department, specifically, Karen Smith. Mr. Liansini noted that Ms. Smith lives in Maine. Chairman offered that the issue is someone is living in the house and the only way to make sure that no one is living in this house, in these conditions, is to condemn it. Mr. Liansini agreed, and again noted that they would like to deal with this family matter. Chairman noted that the issues have been observed by the abutters to this house since June. Health Officer explained that condemnation means no one can live in the home, however, the Health department works with home owners in tracking/scheduling times for folks to access the house to clean/repair. Mr. Liansini asked if the condemnation could be postponed. The Health Officer explained that the property has already been condemned and that the Board would be sustaining, revoking, or modifying the order. Selectman Dalpe noted that the issues have been ongoing. Linda Taylor offered that her father passed away in March and they only just found out two weeks ago about this. Abutter Patricia Gilmore who has lived across the street for the past two months spoke and offered

that she has never seen anybody living there and that it's obvious that nobody's taking care of it. She's only seen police officers come and go at night. Chairman responded that the Town has evidence that someone has been living in the house. She asked what the condemnation process is if the house has already been condemned. Health Officer explained that the code requires the Health department come before the Board of Health and present the information so that the Board may sustain, revoke or modify the order.

A resident, who has lived directly next door for the past three years, addressed the Board and the family members, and offered her empathy, but also her own observations and the negative impact she and other neighbors are experiencing. She offered that the neighbors all want to see the property cleaned up and made habitable and would even be willing to help.

Ross Bickford, Jr. addressed the Board and introduced himself as the son of the last known homeowner. He offered that he returned to this house after 23 years and found it completely destroyed. Chairman asked him if he lived at 27 Webster Street. He answered no. Chairman asked him where he lives. He responded that he lives at 47 Swift Beach Road in Wareham with his son. He offered that he goes to the parent's house only to take out sentimental things. He offered that he walked in the house and saw all of the copper piled up in the house and he walked up the street to use his friends phone to call the police, but by the time they responded, the copper was gone. Chairman asked Mr. Bickford if he had anything to offer relative to the Condemnation hearing. Chairman explained how the hearing process works. Chairman thanked Mr. Bickford for his comments. Jennifer Monahan who lives at 32 Webster Street offered that the house is deplorable. There are fourteen children on the street under the age of fifteen who are afraid to walk to school because they get screamed at from someone in that house. The trash in the yard is horrible. She offered to the family that they would love to see the house returned to its beautiful state, but they can't have the neighborhood children witness the activities that are taking place on the property. Chairman asked to hear any further comments. Hearing none, Chairman declared the hearing closed. Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to sustain the condemnation at 27 Webster Street. Selectman Knowlton offered sympathy to the family, but noted that the Board's responsibility is to the community and the public safety officials. The only way forward is to condemn, remove people from the property, and give the family the opportunity to work with the Health department to rectify.

Carter Fahy of Environmental Partners – Review edited version of Storm Water bylaw
Town Manager gave a review re Storm Water bylaw. Board welcomed Carter Fahy of Environmental Partners. Mr. Fahy explained the edited version of the Storm Water bylaw. He offered that it is incumbent of the Town to pass this bylaw. Discussion ensued. Board and residents presented questions to Mr. Fahy. Mr. Fahy and Town Manager offered responses.

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Discussion and vote re Zoning-Registered Marijuana Dispensaries

Resident Al Brown addressed the Board and spoke about his late wife's personal experience with cancer and marijuana. He offered that empathy sometimes takes work. He offered his opinion against locating a dispensary in an Adult district. Chairman read aloud some statistics about crime around Marijuana dispensaries (attached). Chairman shared that he had visited the Slater Compassion Center in Rhode Island. Selectman Dalpe offered that she had read MA law on the subject and noted some of the stringent requirements to monitor the use of these dispensaries, including, zoning pertaining to schools and daycares. She offered that the law prohibits us from banning this. Chairman noted that the Board is asking the Planning Board to come up with some type of zoning. Chairman asked if we could establish a medical marijuana committee. Town Manager suggested a moratorium, noting that the Building Commissioner indicated that our zoning right now would permit this in any retail zoned areas, subject to the state restrictions, i.e. locations of schools, daycares, etc. Selectman Knowlton suggested that it is a public safety issue and comes down to finding the right location. We want to keep it away from children to ensure the safety of our community, by having it in an "adult" area. Selectman Quelle offered that there is a strong police presence in areas where these dispensaries are located. Town Manager offered that a moratorium would allow a committee to be formed and to present its findings for spring Town Meeting. Chairman offered that the Town is allowed a local tax and to charge fees.

Mr. Brown noted that children with medical issues will be some of the recipients of medical marijuana. Health Officer Jeanne Spalding recommended that the Board hold workshop on this once it has the chance to review the material she provided. She offered that she would prefer the Moratorium at this time. Diane Stewart suggested that the dispensary should be located on a public transportation route. Resident Patricia Gilmore suggested that a moratorium is a horrible mistake. Chairman offered that the Town would be rushed to make an informed decision by fall Town Meeting, but spring would allow time to become informed. Chairman referenced a news article by CNN's Doctor Sanjay Gupta. Town Manager explained that unless a moratorium is passed in October, it is currently zoned to locate anywhere a retail district exists. Selectman Knowlton offered that he just received updated information, specifically, that December is the expected permitting process date and that Towns voting for moratoriums are expected to miss out. Health Officer asked the Board to consider this as a Board of Health issue. By holding a workshop, the Board could establish regulations/ public health local regulations. These can work hand-in-hand and support one another to give the community whatever protection it needs under a public health regulation. Mr. Brown suggested that the Board consider opportunities to take advantage of possibly having security cameras paid for if a dispensary were located in the downtown area. Chairman offered that the Chief of Police and remaining Board members were invited to visit the Slater Compassion Center in Rhode Island. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to change the Zoning table from GUA to GU. Town Manager offered that a workshop date would be forthcoming.

CORRESPONDENCE

#5 Selectman Quelle noted Plymouth County Advisory Board meeting on 9/12/13.

#6 Selectman Quelle noted correspondence from Positive Effects LLC re Food Waste Recycling & Composting. He thinks we should support or give whatever assistance we can to this group.

#4 Selectman Knowlton noted that the Conservation Commission is presently looking for people for the stewardship program.

#6 Selectman Knowlton noted correspondence from Positive Effects LLC and noticed that the letter didn't indicate the cost. He did go on line and found \$20 fee/family, which he thought seemed high.

17 Selectman Dalpe encouraged the public to take safety precautions re mosquito activity.

#1 Selectman Frawley noted Raynham Park Proposal and offered to Town Manager that we should at least let them know we're here.

#4 Selectman Frawley offered that Pratt Farm does have a Conservation plan and though sometimes it may not look as though it's being kept up, it is supposed to look the way it does.

#6 Selectman Frawley was also interested in the Positive Effects Food Waste Recycling & Composting, but also had cost question.

#16 Selectman Frawley noted correspondence re Dam Safety.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to authorize Selectman Frawley to speak with Raynham Selectman Joe Pacheco offering support in spraying for mosquitos.

#2 Selectman Knowlton noted VFW correspondence re STOP training.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to adjourn at 9:50 PM.

Jackie Shanley, Executive Assistant
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