

TOWN OF MIDDLEBOROUGH
NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

As required by Chapter 39 M.G.L.
PLEASE TYPE OR PRINT LEGIBLY

NAME OF DEPT. OR BOARD BOARD OF SELECTMEN/RENT BOARD

DATE OF MEETING: Wednesday 8/31/11 TIME: 7:00 PM PLACE: Town Hall

Date and time received by Town Clerk

Clerk/Board member posting notice

MEETING CANCELLED: _____ DATE & TIME CANCELLED: _____

CLERK/BOARD MEMBER CANCELLING THE MEETING: _____

AGENDA

1. Pledge of Allegiance

2. Hearings - Meetings - Licenses

7:00 PM Vote to continue Edgeway Rent Board matter from 8/31/11 to 9/26/11 @ 7 PM.

7:05 PM Discussion of Edgeway Mobile Home Park rents.

3. Adjourn

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. McKinnon, S. Spataro, A. Frawley and B. Quelle, and Town Manager C. Cristello.

ANNOUNCEMENTS

Town Manager updated Board by commending Police and Fire departments for their response to Hurricane Irene this past Sunday. We had all roads open by the end of the day on Monday. We had to re-close some roads later, which were re-opened today. We are dealing with some power outages. After 48 hours, 90% restored. They have four crews from other municipalities here assisting in the restoration of power. The DPW is continuing to clean up trees on the ground. The residents have done a great job cleaning up their yards. We have opened the landfill to everyone until the end of next week to dispose of tree branches and other items. He complimented the Town's Emergency Management Director, Fire Chief Benjamino, who opened the EOC on Sunday and was there throughout the day, and, as always, did a very good job. We are and will continue to remove tree branches that have fallen from Town owned trees. It will take some time and patience is appreciated. The Town is not able to pick up tree branches on private property. Chairman Rullo shared that there have been inquiries as to whether or not the Town is going to pick up tree limbs if residents leave them in front of their homes as had been done in the past, specifically, twenty years ago. Town Manager explained that the Town is no longer doing that. We no longer have the same amount of DPW staff as we did years ago. We no longer have the same equipment. Our packers, at that time, could handle it. We also no longer have big vacuum trucks. In response to inquiry by Selectman Quelle, Town Manager agreed to look into what the rules would be if residents wanted to burn the branches. In response to question by Selectman McKinnon, Town Manager explained that, depending on the County and whether the required threshold is met, we just don't know yet if we will get reimbursement for the added expense of outside assistance. In response to question by Selectman Spataro, Town Manager will get answer from Fire Chief tomorrow re burning. Selectman Frawley asked that consideration be given to providing curb side pick up of tree limbs. Chairman and Town Manager reviewed past year's experience in doing this. Town Manager noted that it took DPW employees six weeks, working dawn to dusk. Motion made by Selectman Spataro to support the Town Manager's recommendation no to provide curb-side pick up due to the reasons he had stated. Motion seconded by Selectman McKinnon, for discussion. He asked if we could extend the opening of the landfill for two weeks. Town Manager agreed and suggested that we could offer to extend until the end of September. Selectman McKinnon made amendment to extend the landfill hours until the end of September or longer, if necessary. Amendment seconded by Selectman Spataro. Board voted unanimously to approve. Four in favor of motion. Selectman Frawley opposed.

HEARINGS, MEETINGS & LICENSES

Chairman reviewed status of work being done at Edgeway Mobile Home Park.

Chairman recommended continuing to work the settlement route and continue this matter until 9/26/11, which is the next time that the Board will meet after the 9/15/11 Court deadline.

Seconded by Selectman Spataro. Anne McGann asked what the settlement issues have to do

with rent rollbacks. Chairman explained that the Board is working towards getting work accomplished in the Park. Town Manager followed up by indicating that we are working towards settlement, trying to roll in more than the Court has even blessed, and in the event that the settlement fails, we would notify the Park Operator/Owner that we will take action against him, including the possibility of rent reductions. Motion made by Selectman Frawley to get a 2nd opinion on what the Rent Control laws allow the Board to do. He noted that the Board needs to be clear what its powers are and knowledgeable about how it can enforce them. Chairman responded that he has no objection in obtaining a second opinion by the Attorney General. Selectman McKinnon 2nd the motion for discussion. He reviewed the ways that the Board and the Courts are working for the residents of Edgeway Mobile Home Park. Board heard from Edgeway Mobile Home Park residents Anne McGann, Louisa Brown, and Margo King. Board voted unanimously to get 2nd opinion and to continue the matter until 9/26/11 at 8 PM. Selectman Frawley offered that the Board will be getting 2nd opinion from Special Counsel re rent amount issues raised as soon as it can.

Upon motion by Selectman Spataro, and seconded by Selectman McKinnon, Board voted unanimously to accept on behalf of the Town, the easement for drainage granted to the Town by Winthrop-Atkins, Co., Inc. and the easement for drainage granted to the Town by Middleborough Housing Authority, all as more fully set forth in a drainage easement from Winthrop-Atkins Co., Inc. dated August 16, 2011 and in a drainage easement from Middleborough Housing Authority dated July 21, 2011.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve Memorandum of Understanding with Fire Union thru 6/30/12.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to award bid for Town Hall Cupola project to Campbell Construction Group, LLC in the amount of \$189,500 with the Town reserving a contingency value above the contract price of approximately 10% against unforeseen discovery during the course of work.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send letter to Murray Brothers thanking them for quality work done to the Town Hall Cupola helping it to withstand the test of the hurricane.

Town Manager announced that a meeting will be held on Wednesday, 9/14/11 with downtown businesses at 6 PM in the Selectmen's hearing room at 10 Nickerson Avenue to hear their ideas on how to retain and encourage business to the downtown and how to make overall improvements in appearance to the downtown area. All downtown businesses were directly contacted and encouraged to attend.

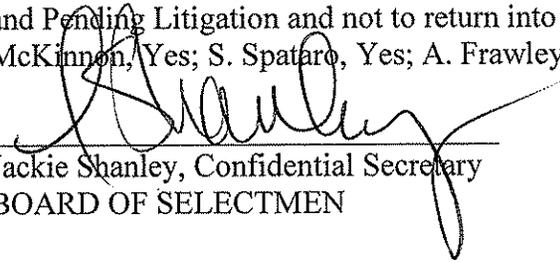
Relative to the matter of tree limbs/brush and Hurricane Irene, Town Manager noted that he did talk to the Fire Chief tonight about burning. The Chief had indicated that we can't allow burning at this time of year. The burning season is from January until May. Sometimes the State Fire Marshals office makes exceptions in these types of situations, but at this point, it has not.

**Middleborough Board of Selectmen
Meeting Minutes**

**August 31, 2011
(Wednesday)**

Selectman McKinnon asked if could send them a strongly worded letter. Town Manager suggested that maybe we could have the Fire Chief contact them. Selectman McKinnon suggested getting some fellow Town Managers to do same so it's not just Middleborough.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call at 9:10 PM to go into Executive Session to discuss strategy relative to Collective Bargaining and Pending Litigation and not to return into Open Session . Roll Call: A. Rullo, Yes; S. McKinnon, Yes; S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes. Ended at 9:50 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN