

MINUTES

For approval at the 8-8-11 meeting

**Board of Selectmen
Meeting Minutes**

 **DRAFT**

July 25, 2011

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, Town Manager C. Cristello and Confidential Secretary J. Shanley.

Chairman announced meeting was being broadcast live by MCCAM and Verizon and recorded by MCCAM.

UANTICIPATED

Selectman Frawley informed Board that he has received complaint from business owner in B. Everett Square regarding side swiping of cars in the area because motorists are cutting through there at high speeds. He discussed with Police Chief who will place some cruisers in the area. Town Manager will follow up with Police Chief.

Selectman McKinnon noted that the Board received GASB 45 correspondence. Chairman explained that this is information re the evaluation of other post employment benefits. Board agreed to discuss on 8/22/11. Brian Giovannoni requested that the information be forwarded to the School Committee. Town Manager agreed to provide.

Richard Alexanian, 16.5 Pleasant Street addressed Board to note that the condition of Bridge Street & Vernon Road, which he additionally noted will be repaired within the next two weeks per DPW Director A. Bagas. David Thompson added that the speed limit should also be reduced on Vernon Street to 30-35 mph from 40mph. Town Manager offered that MA Highway will not lower the speed limit without a speed survey, and sometimes, they actually find a reason to increase the speed.

Brian Giovannoni addressed Board as a member of Middleborough Friends and thanked the Fire Department for attending last Thursday's concert and for providing a fire truck for the children to explore. He reminded the public that all are welcome.

Christina Zeimbekis addressed Board and asked what was going on with the SAFER Grant. Chairman responded that the Board is currently in negotiations with the Firefighter's Union. She asked about deadline. Chairman explained that the deadline has been extended to August 30th. She noted that she has started a petition of signatures in favor of accepting the grant. She noted that many residents feel the grant should have taken effect already. Chairman responded that he hopes the SAFER grant can work. Chairman noted that the Board is looking out for the Town and that the Town has until the end of August to begin drawing on the funds from this grant.

Mr. King of 64 Lyn Lane noted that folks have been complaining about not being able to receive the Selectmen's meetings on cable. Chairman explained that MCCAM has now taken over the public access for the Town and Comcast is no longer participating. His

UNANTICIPATED (continued)

understanding is that those who subscribe to Comcast are no longer receiving access, but those who subscribe to Verizon are.

ANNOUNCEMENTS/RECOGNITIONS

Chairman noted that four members are needed to serve on the Community Preservation Act Committee and encouraged those interested to submit letters of interest to the Board's secretary.

UNANTICIPATED

Firefighter and resident Joe Gallant of Winterberry Hill Lane addressed Board to read a prepared statement noting he, his immediate, and his extended family live in Middleborough and all of them want the SAFER Grant accepted.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve 7-11-11 meeting minutes with correction as noted on page one. Four in favor. Chairman abstained.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to approve 7-11-11 Executive Session meeting minutes. Four in favor. Chairman abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve 7-18-11 Executive Session meeting minutes. Four in favor. Chairman abstained.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to approve Cranberry Trifest Olympic Distance Triathlon on 8/28/11. Four in favor. Chairman abstained.

Wayne Perkins addressed Board representing Church of Our Saviour Episcopal. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to approve a One-day Wines & Malt Beverages Liquor license for the Church of Our Saviour Episcopal on 10/22/11 from 5 PM to 11 PM at 60 Union Street. Four in favor. Chairman abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to continue request to declare DPW equipment as surplus until receive VIN numbers. Four in favor. Chairman abstained.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to approve Drainage Easement re Nemasket River project. Four in favor. Chairman abstained.

NEW BUSINESS (continued)

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to approve installing STOP signs at Old Thompson Street eastbound at Thompson Street, Old Thompson Street westbound at Plympton Street, Old Thomas Street eastbound at Chestnut Street and Old Thomas Street westbound at Thomas Street. Four in favor. Chairman abstained.

Selectman Spataro took the opportunity to acknowledge DPW Director A. Bagas for all of the work he has been accomplishing.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to approve joining Statewide public safety mutual aid agreement under Ch. 40, S. 4J as described on the attached. Four in favor. Chairman abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to approve use of Town Hall auditorium by the Library on 8/10/11. Four in favor. Chairman abstained.

Kosta Galatas addressed Board to introduce himself as applicant for a Common Victualler license for Pizza Market of Middleboro, 134 N. Main Street. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to approve. Four in favor. Chairman abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to set 10/3/11 as Fall Town Meeting and to close the Warrant on 8/26/11. Four in favor. Chairman abstained.

Town Manager suggested that Board may want to have Roger Brunelle review sketch and postpone approving amended lease with T. Mobile until next meeting noting that it is a little unclear what is being proposed. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to postpone taking action on this matter until its meeting on 8/8/11.

HEARINGS, MEETINGS & LICENSES

Solid Waste Disposal Options update

Town Manager gave Board Solid Waste Disposal Options update (attached). Selectman McKinnon noted that he would like to see more recycling in Town. He suggested that clarification may be helpful as to what items can be recycled. DPW Director addressed Board and offered that recycling is available to every resident. They just have to put a note in front of their household and we pick it up every other week. We have dual stream recycling. Paper and cardboard are separated from plastics from glass and tin cans. It is all brought to Waste Management who either sells it or disposes of it. Plastic bags from the grocery stores are not recyclable. Selectman Frawley asked where can residents get more blue recycle bins. Director Bagas responded that they are available at the DPW garage. Selectman McKinnon asked if it is possible to have another department location where residents can pick up these bins beyond the 3:30 PM daily closing of the DPW. Director Bagas indicated that could be arranged. Selectman

HEARINGS, MEETINGS & LICENSES

Solid Waste Disposal Options update (continued)

McKinnon asked Town Manager to look at some departments that are open later to facilitate that. Town Manager agreed.

Michael Sands Variance

Health Officer addressed Board and noted that we now have a land surveyor stamp on the plans in addition to clarification on some drainage concerns. There is more detail regarding the grading around the proposed project. She notes that everything the Board now has falls within the parameters of what is allowed for the well variances. This will then go to Conservation Commission for review. If there are further issues found with the variance, she will bring it back before the Board. Selectman Spataro questioned where common sense comes into play in approving this variance. Health Officer explained that the applicant meets the criteria of the Rules and Regulations for this variance. Selectman Spataro asked Health Officer what liability the Town faces approving this. She responded that the Town faces no liability, in her opinion, if it is something that the Rules and Regulations indicate the Board must approve. Chairman noted that the Court has issued an order for the Town to make a decision on this variance by today's date. Town Counsel addressed Board to confirm that this is correct. Per Town Counsel, the Judge indicated that if there is no evidence of detriment to the users of the well, then the Board has no choice, but to grant the variance. Chairman closed hearing. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to approve the variance with the following conditions:

- The well is to be a deep bedrock well exceeding 100' deep.
- The onsite well is to be tested in the April/May period for three years after occupancy.
- The onsite well is to be tested one week after a 100 year flood event for the next three years. (may be in lieu of the April/May test)
- With the agreement of the direct abutters, Mr. and Mrs. Thompson, a baseline test of their well be conducted at the applicant's expense and one follow up test in the April/May period one year after occupancy.
- All well tests to be collected and tested by a certified lab and results submitted directly to the Health Department from the lab.
- If contamination is found in either well, further testing and mitigation will be required.
- If there are any changes to the plan which the Health Department feels may change the parameters by which the variances were granted, the Health Department may refer this project back to the Board for reconsideration of the variance approvals.

Four in favor. Chairman abstained.

Stormwater update

DPW Director A. Bagas introduced Environmental Partners Group Project Manager C. Carter Fahy, P.E., LSP who gave presentation to Board as presented on the attached.

HEARINGS, MEETINGS & LICENSES

Stormwater update (continued)

Question and answer period ensued. Chairman excused himself from meeting briefly at 8:46 PM and returned at 8:52 PM. Vice Chairman McKinnon ran meeting in his absence.

Chapter 90 Update

DPW Director A. Bagas addressed Board to present update re Chapter 90 funds. He noted ongoing projects and the cost of each.

Spruce Street

Health Officer asked Board, as a resident of Spruce Street, if the Town could move repairing that street up on the list. She noted that she has been asking for a number of years. DPW Director responded that MA Coastal Railroad operates on that line, and that he has written to them and has sent them photos of spikes sticking up, rotten wood with chunks missing and overall deterioration of the crossing. However, they do not own the crossing. The MA Department of Transportation owns it and MA Coastal Railroad notified them. It is up to the state to do something. Town Manager suggested a letter be written to State Representative Straus as Chairman of the House Transportation Committee asking him to work on behalf of his constituents in getting this repaired. Town Manager will work with DPW Director to draft letter to Representative Straus.

Edgeway Mobile Home Park Update re Milestones List

Chairman gave brief introduction of the purpose of tonight's meeting and turned the meeting over to Selectman Quelle as the Board's liaison to the ongoing unresolved issues at Edgeway. Selectman Quelle asked Attorney Marsan about numbers that have recently been submitted by an engineer. He indicated it is time for them to tell the Board how and when they are going to do these things. Attorney Marsan responded that they have done a lot and they are working with the schedules of third parties and a lot of businesses have downsized and have smaller staffing. They've spent a great deal of time on the drainage issue with 52 units in place and potential of an additional 20 units. Particular units have been identified. Last year they spoke with Jeanne Spalding about particular units. It appears the drainage issue is much larger than previously indicated. The engineer agreed to provide drainage calculations which take some time. It is approximately \$6,000-\$7,000. Venting issue can be addressed relatively quickly. Edgeway was of the opinion that the vents should be closed in the winter. Mr. Whalen was of the opinion they should be partially opened at all times. It's clear now that what is acceptable. Corey Farcas has ordered 100 vents that should be in the first of next week. Mr. Farcas explained that it was a special order straight from the manufacturer and 100 is the maximum that he was allowed to order. He said some units already have vents. He said he will need a good few hundred vents in total. Selectman McKinnon pointed to the timeline list and noted that they should have come to the meeting prepared to know how many vents they need, noting that they had until 6/24/11 to complete this task. Attorney Marsan responded that they did not know the type of acceptable vent and now they do. Selectman McKinnon reminded Attorney Marsan that it doesn't explain why they don't know the number of vents needed. Selectman Frawley expressed the Board's lack of faith as the lack of accomplishment has led the Board to have none. Health Officer addressed Board to note

HEARINGS, MEETINGS & LICENSES

Edgeway Mobile Home Park Update re Milestones List (continued)

that most of the septic systems are in failure as of inspections done last Friday, 7/22/11. It is not a health issue yet as they are not overflowing. They have been pumping on a regular basis at the park and agreed to continue to do so. Chairman asked Health Officer to notify the DEP of the septic problems at the park. Attorney Marsan clarified that the inspections were not done on Friday, but the reports were submitted on that date. The inspections were done over the last two weeks. Chairman asked if tree branches were resolved. Attorney Marsan responded that they were not. Attorney Marsan responded that the vents were conditioned upon the approval of the Building Commissioner. Mr. Farcas announced that the Board and said the branches are scheduled to be addressed this Thursday. Attorney Marsan indicated that they and Foresight Engineering have spoken with MG&E. It had been suggested they get a quote on a lantern-type light. They have a sample to present to the Board. Chairman asked if it will be installed before fall when it gets dark earlier. Attorney Marsan responded it will be if the Board accepts the proposed lanterns. Attorney Marsan indicated that the Town Planner would be the one to make recommendation to the Board if she finds these acceptable. Chairman asked if the lighting has to wait until drainage issues are complete. Attorney Marsan indicated yes. Health Officer addressed Board and noted that she doesn't find this engineer's plans detailed enough regarding the drainage plans. The proposed lighting hasn't been given to the Town Planner yet. Chairman asked why. Attorney Marsan responded they just saw the proposal today or Friday. Health Officer noted that the plan before her last week was a conceptual plan and it was not a stamped plan. Selectman Quelle asked if this engineer has a P.E. license to which Attorney Marsan responded no. It was agreed that he could not provide a stamp without such a license. Attorney Marsan added that the engineer works for someone who does have such a license. Selectman Quelle pointed out that the focus comes down to drainage as everything else appears to hinge upon it. He proposed that every single unit has to be looked at and a price tag put on them. Each one is going to need its own drainage mechanism. Selectman Quelle asked how long before the engineer is going to take to submit his plan. Attorney Marsan responded that it doesn't sound like what he has submitted thus far is acceptable. Selectman Frawley noted that the Health Officer made it quite clear to the engineer what needed to be done. Selectman Spataro noted that this is not the way to conduct business pointing to the fact that they have provided the Board with no written communication that they are having with the engineer as to what is expected of them, who doesn't have a license, and will need to rely on the person he works for. Selectman Spataro asked Attorney Marsan who the engineer will be that will sit in the Health Officer's office until we have plans prepared that are acceptable and will work to get this accomplished. Attorney Marsan responded that he thinks we need to have meetings to iron this out, but questioned if there is the wherewithal to financially accomplish these issues with this owner. Selectman Quelle asked Attorney Marsan if he was saying that the Park Operator does not have the funds to make the repairs. Attorney Marsan responded that he thought we would craft a solution that was acceptable and then market the Park for sale. Without a license, we aren't going to be able to get any finance for this. In response to a question posed by Selectman Spataro, Attorney Marsan indicated that they are financially prepared to address any dangerous tree work and vent issues, all the survey and plan work, and hopefully the

HEARINGS, MEETINGS & LICENSES

Edgeway Mobile Home Park Update re Milestones List (continued)

lighting. He further offered that completing the roads and repairing the buffer are huge expenses to resolve and the rents wouldn't cover that. Selectman Quelle confirmed with Attorney Marsan that they do not have a buyer for the Park and noted that this can't hinge on some business deal they may or may not come to you and your client in the future. Selectman McKinnon suggested ending the hearing as it is nothing but a waste of time.

Carol Robertson, 23 Lyn Lane, Edgeway read aloud a prepared statement. Anne McGann, 17 Lyn Lane, noted they should have 10 sq. ft. of ventilation. She has two square feet and someone else has 1 square foot.

Motion made by Selectman McKinnon and seconded by Selectman Frawley to close the hearing initially opened on 5/2/11 and continued to 5/23/11 and give Attorney Marsan one week to file any motions or paperwork, have a hearing in two weeks, and notify the Attorney General of the actions we have going on now. Town Counsel pointed out that tonight was not a continuation of the hearing that the Board held open since 5/23/11 and advised that Board should schedule another session on the 5/23/11 Rent Board hearing to vote to close that hearing. Motion did not carry.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to hold a meeting of the Rent Board on 8/1/11 for the purpose of closing the 5/23/11 Rent Board hearing and to vote that the parties to the proceeding shall have until 8/8/11 to file requests for Findings of Fact, Rulings of Law, and Post-hearing briefs, and that the Board would render a decision in the case on 8/22/11.

Town Manager asked the Board what Town Counsel is to report to the Court this week. Town Counsel noted that we have multiple proceedings before the Court. The Show Cause hearing is continued to the 1st week in August, Zoning Enforcement Civil Complaint has been drafted, but not filed pending the discussions we've been having the past couple of months. Counsel suggested that the Board should give direction it wants to take on all and noted that he is meeting with the Judge this Thursday to give status report. Chairman noted that pursuing this in court could take years. Our discussions to resolve this have proven to not be successful. Attorney Marsan addressed Board and stated that his client wishes to resolve the issues and apologized that the action items weren't done according to the timeline list. The priorities may be out of whack. We've done a lot of work in finding a solution to the drainage and venting issues. We do not want to have a criminal complaint issued against Mr. Farcas as the Administrator. I think we can do the kind of work that will convince you. We can put the engineer with Ms. Spalding to come up with something. The trees will be done this week. The ventilation will be ongoing. We've come a long way in past few months. I think there has been a good faith effort. He respectfully requests that the Board not give up on them. They can come up with a solution that everyone can be pleased with. He is asking for a little more time to accomplish what is expected of them. Health Officer Jeanne Spalding noted that she has been clear and consistent since the hearings have begun as to what is needed and expected. The priority is health and safety of the residents.

HEARINGS, MEETINGS & LICENSES

Edgeway Mobile Home Park Update re Milestones List (continued)

Selectman Spataro asked the Town Manager his opinion. Town Manager recommended that Town Counsel tell the Court that the Board is unhappy, but continue working to resolve. Do not close any doors because nothing will get done for a long time.

Chairman offered that he believes continuing settlement route is the quickest route to resolving this. He urged the Board to continue to seek settlement, have Town Counsel express the Board's displeasure to the Judge, keep timetable of 8/1, 8/8, 8/22 in tact, and keep them on a short leash. Town Counsel suggested asking Court for a review period 3 or 4 weeks from this Thursday.

Anne McGann addressed Board and requested that the board roll the rent back tonight and show them they mean business. Chairman explained we can't roll the rent back without a Rent Board hearing. Margo King read aloud a written statement recommending rolling back rents by 20% across the board to all units.

Anne McGann suggested auditing these people to see where this money has gone. Chairman noted that the Park Operator has been unwilling to provide audited financial statements, but we did ask. We can't force them to provide them. They would have to provide before the Board could ever approve any rent increases.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to continue settlement discussions, to ask Town Counsel to express the Board's dissatisfaction to the Court, and to ask the Court for a review period 3 or 4 weeks from Thursday. Selectman Quelle noted that the Board needs to determine a fair rent excluding maintenance fees for the things that have not been done.

Selectman Spataro asked Attorney Marsan when his engineer will meet with the Health Officer. Attorney Marsan responded that he will call him tomorrow and ask him to accommodate her schedule. Town Manager suggested to Attorney Marsan that, in order to regain good faith, they address some of the items on the Milestone's list.

Water Rates

Town Manager presented his recommendation to the Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve water rate with a 4% increase for FY 2012, effective July 1, as recommended by the Town Manager.

Wastewater Rates

Town Manager presented his recommendation to the Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve wastewater rate with a 15% increase for FY 2012, effective July 1, as recommended by Town Manager.

BILLS

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve payment in the amount of \$2,631.00 for annual dues to the MA Municipal Association.

CORRESPONDENCE

#3 – Selectman McKinnon asked if we know if the “new plan” referenced by Roux Associates re Rockland Industries site does anything of any use. Town Manager has not had an opportunity to look at it. There was a meeting in here with all of the Senators and State Representatives, have we heard when they are going to have a hearing on this? Town Manager responded that he spoke with Senator Pacheco’s office about it last week and the Senator’s office will be sending a letter to initiate that.

#4 – Selectman McKinnon noted Hillcrest Mobile Home Park correspondence re drilling a test pit. Town Manager responded that Attorney Kraus had indicated they really didn’t know what they have for piping in the Park. Therefore DPW Water Superintendent Joe Silva suggested to them that they dig a pit right next to the meter and find out what that pipe is on the Park side so that we know what can be designed to satisfy the fire flow requirements.

#13 – Selectman McKinnon noted Finance Committee recommendation re SAFER Grant. He doesn’t see how their request would work submitting proposals to Finance Committee first. Town Manager agreed adding many grants may involve staff, but if grant goes away, the staff goes away. He agreed with Selectman McKinnon that maybe when it involves ongoing staff that would impact the Town. Selectman Frawley agrees with Mr. Pavadore, as in the case of this grant, it would create a separate department or at least a subsidy to a department, but not with all grants, perhaps if/when adding manpower. Town Manager will draft language for 8/8 or 8/22 with the intention of the Board adopting a policy.

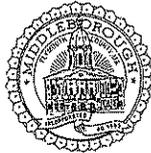
#16 – Selectman Frawley noted correspondence from the Attorney General re OUI Notices/ Liquor licensed establishments, and indicated that he is not sure it’s a reliable form of gathering facts. Town Manager will ask Town Counsel how to handle in the future.

Selectman Spataro thanked the Board for its cooperative spirit on complicated issues it deals with.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 11:30 PM to discuss strategy relative to Collective Bargaining and not to return into Open Session. Roll Call: S. McKinnon, Yes; S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes; A. Rullo, Yes. Ended at 11:50 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
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MEMORANDUM

To: Board of Selectmen

From: Charles J. Cristello, Town Manager 

Date: July 18, 2011

Re: *New Solid Waste Contract Update - Requests for Expressions of Interest*

The Board asked me for an update on where we are with negotiating a new solid waste disposal contract for FY 2016 and beyond. You will remember that SEMASS made an offer for a new extended agreement two years ago, which the Town declined.

The Cape Cod Commission hired Attorney John Giorgio from Kopelman & Paige to negotiate on behalf of the Cape and non-Cape communities currently served by SEMASS. His recommendation was for the communities to issue a Request for Expressions of Interest to see what options beyond SEMASS were available. There were 9 responses to the Request for Expressions of Interest. The matrix attached summarizes the responses. The communities agreed last month to short list 5 for further discussions: SEMASS, Bourne, Waste Management, E.L. Harvey and Mass Coastal. The others were either too speculative (We Care and Integrated Waste) or just offered recycling (Integrated Paper and Capital Paper). However, we also told Mass Coastal that they have to bring in a long-haul rail partner, in all likelihood a landfill out-of-state, if we are to give them further consideration. The communities have already had initial discussions with SEMASS and Bourne. We will be meeting with the other three vendors on August 3rd at 9A.M. From there we plan to either enter into direct negotiations with one or more vendors or issue an RFP to the remaining vendors on the short list. The plan is to have a recommendation on a new long-term contract for solid waste disposal to bring to Boards of Selectmen by the end of the year.

Please feel free to contact me with any questions.

**CAPE COD SOLID WASTE ADVISORY COMMITTEE
SUMMARY OF RESPONSES TO REI**

<u>VENDOR</u>	<u>TYPE OF WASTE</u>	<u>CAPACITY/ CONTRACT TERM</u>	<u>LOCATION OF DISPOSAL OR PROCESSING FACILITY</u>	<u>POINT OF DELIVERY</u>	<u>PRICING</u>	<u>COMMENTS</u>
Massachusetts Coastal Railroad	MSW	All (200,000 tpy) 20 years	Either SEMASS (Energy Train) or Out of State Landfill Specific Landfill sites not identified.	Two existing rail transfer stations	None	Town would contract with landfill operator. No put or pay
E.L. Harvey & Sons	MSW and recycling	All (150,000 to 200,000 tpy) Up to 20 years	Not specified	Westborough Transfer Station?	\$37.00 per ton (With escalation clause)	
Waste Management	MSW and Recycling	All (200,000 tpy) 10 years with mutual option to renew for 10 additional years	Variety of landfill, waste-to-energy and single stream processing facilities in MA	Either at WM facility or at the two rail transfer stations	No firm price	May need to convert rail operations at transfer stations to trailer systems No GAT but commit to delivery all waste controlled by Town Consider creating a single stream regional processing

**CAPE COD SOLID WASTE ADVISORY COMMITTEE
SUMMARY OF RESPONSES TO REI**

VENDOR	TYPE OF WASTE	CAPACITY/ CONTRACT TERM	LOCATION OF DISPOSAL OR PROCESSING FACILITY	POINT OF DELIVERY	PRICING	COMMENTS
Covanta SEMASS	MSW	All (200,000 tpy) "Long-term" contract	Rochester, MA	Direct haul by municipalities	None	No mention of put or pay
Town of Bourne	MSW	Consolidation of single stream recycling loads at facility – transfer to off Cape MRF	Bourne ISWM Facility	Bourne ISWM Facility	None	Clarification needed for shortfall penalty clause
Integrated Paper Recyclers	Hauling and processing recyclables	Not specified	Paper Mill in Fitchburg	Not specified	None	
We Care Organics	MSW and Recycling	100% of MSW and recycling	None specified	Not specified	None	Annual tonnage guaranty would be required. Appears to be proposing a new facility.
Capital Paper Recycling	MSW Recyclables	20 year contract or shorter	East Weymouth Recycling Facility	B-Y Transfer Station	None	Joint venture with MSW processor – no specifcs. No GAT

**CAPE COD SOLID WASTE ADVISORY COMMITTEE
SUMMARY OF RESPONSES TO REI**

<u>VENDOR</u>	<u>TYPE OF WASTE</u>	<u>CAPACITY/ CONTRACT TERM</u>	<u>LOCATION OF DISPOSAL OR PROCESSING FACILITY</u>	<u>POINT OF DELIVERY</u>	<u>PRICING</u>	<u>COMMENTS</u>
Integrated Waste Technologies	Post curbside recycled MSW	200,000 tpy Long-term contract preferred	Taunton Facility	Direct Haul or by Rail	\$50 per ton with escalation, cost sharing if gasoline prices increase	Not yet permitted. Expects to be operational by Fourth Quarter of 2014

Draft 6/27/11 428415/41100/0001

My name is Joe Gallant.

First and foremost, I am a resident of Middleboro. I live ^{in North Middleboro} on Winterberry Hill Lane with my family. I moved to Middleboro 4 and a half years ago with my family, and we all immediately fell in love with the community. We fell in love so much that we convinced our extended family to move here last year. Now I want you to understand that when I say my extended family, I mean, my grandmother, my mother, my father, my two sisters, my brother-in-law, and my two nephews... all of whom are registered voters and vote regularly I might add (with the exception of my nephews). All of whom want this grant.

I would also like for you to know that I am a Full-Time member of the Middleboro Fire Department and a Paramedic.

Prior to working for the Middleboro Fire Department I was employed by the Randolph Fire Department where I had previously resided.

After living in Middleboro for only a few months I began to pursue employment with the Middleboro Fire Department. I did this because I realized that for me, something was missing. I was still employed as a Firefighter/Paramedic in Randolph and doing the work that I loved to do, but I was no longer working for the people in my community (my family, my friends, my neighbors).

I was very fortunate to be hired by the town of Middleboro as a Middleboro Firefighter in November 2007. I was excited to be able to work for the members of my community once again. Because in the end... That's what it's really all about for me.

I want you to know that when I applied to Middleboro I did not know anybody on the Fire Department, and none of them knew me. I did not know anything about the contract, the salary, the benefits, etc... These were not the things that were important to me. For me, I wanted to be able to provide for my family and, like I said, be able to serve the members of my community.

It was not until after I was offered the job that I requested a copy of the contract. And to make a long story short; without comparing the contracts apples to apples... I found that I was going to be making a fair amount less by working for Middleboro. But like I said, it was enough for me to be able to provide for my family at the time, and I was once again going to be able to work for my neighbors. I happily accepted employment.

Now, as discussed at previous selectmen meetings, we all know that we are not able to discuss publicly the current contract negotiations, but that does not mean we can't discuss old contracts.

The reason I bring this up is because I want you to know that the contract that was ratified shortly after I began employment here caused the take-home pay of myself, and many other members of the department, to go down, not up... All due to concessions made by them Union members of the Middleboro Fire department. We did this because we are aware of the financial situation of the town. And we do care about giving them the public safety they deserve.

When I began my employment with the Middleboro Fire Department I quickly began to meet the amazing men and women that I am honored to work with. The majority of them either are currently town residents, or once were long-time residents. These are people who also love this community.

I was both impressed and shocked to learn just how much of the equipment owned by the Fire Department was either purchased and/or subsidized by the members of the Fire Department Union (either right from the union dues, or from fundraisers). I want you to know that this is generally unheard of. And I can personally tell you that while with the Randolph Fire Department, the Union did not even spend \$1.00 for equipment. I hope you know just how fortunate you are to have these men and women working for you. They do these things because they want to, because they love the community. Because they want the members of this community protected as best as possible (even if we don't have enough men to run most of the equipment).

The reason I bring this up is because I have heard comments and read in the newspapers by uninformed and misinformed people that the future of the Middleboro Fire Department \$2.2 Million dollar grant is now in the hands of the Middleboro Fire Department Union and it is the union that is holding things up. Anybody who is adequately informed knows that nothing could be further from the truth.

With all due respect, wasn't this grant proposed to the town over 2 years ago? Didn't you have over 2 years to prepare for this?

When it was proposed did even one person suggest to the Union that they would need to start looking at or considering concessions? If you did, I do not recall any of it.

And respectfully, weren't you advised almost four months ago that the town was awarded this grant?

Did you suggest to the Union any concessions at that time that they should consider concessions to "make this work"

And again, respectfully... Is it not true that many of you suggested that YOU need more time in order to make an informed decision. Yet on the same night you pushed all of your responsibility onto the members of the Fire Department giving them only 6 weeks to try to work with you?

Respectfully, what you have done is wrong. Wrong on so many levels. You believe that you found a scapegoat if this doesn't work. You are wrong.

This town has been offered a gift. The great majority of the communities in Massachusetts have a municipal run ambulance service. You don't see any of them suggesting to stop running their ambulance service. The reason is simple. It provides more staffing with qualified personnel to do more work, and it is subsidized by the revenue that the ambulance service earns. It works everywhere else. Why do you think it won't work here?

Those other communities had to spend their own money, out of their own budget to get their ambulance services up and running. You are being given a gift. What is wrong with you people? You are going to risk losing this on a technicality. A technicality that you created and that you bare the responsibility for.

I will say this again. You had two years to figure this out. If you want to look the gift horse in the mouth that is fine. But be men about it and let it fall on your shoulders. Don't try to say that it is because contract negotiations didn't work when you only offered 6 weeks to work with. This is on all of you.

And one final note... As a person who moved to this town not knowing every detail about the town I can tell you this. Not every person who moves to a section of town knows that they don't have adequate protection even though one member of this board suggested that they do know. Many people move to this community from places that do have adequate protection and just assume that this town is no different. Maybe you could call that ignorance, but to put the blame on them for your lack of care borders on shameful. And for them, the ones who did not know, I pray that you never have to look them in the eye and tell them that they knew that they moved to an area that did not have adequate protection, and that the traumatic event that just happened in their family was their fault (which is effectively what is being said)...

I want you to know that if I did, it was not my intention to insult or embarrass anybody in this room, but after watching this go on for as long as it has, I needed to speak my mind. I hope that you will accept this grant as it is.

It was never suggested until just a few weeks ago to add "union concessions". This union has always tried to do right by the town. But this is a strong-arm tactic and it is wrong. You need to have some faith in the Chief that you hired and the Firefighters who have always gone above and beyond for you. Do not lose this grant for the wrong reasons, and don't believe for one second

that you'll be able to pass the blame if it is lost. All of the facts past, current and future will eventually come out. This is on you. You had 2 years to prepare. Nobody else will be to blame if you choose to not accept this grant.

***Middleborough Stormwater – Phase II General Permit
Required Actions, 5-year Plan***

Permit Year 1:

- Submit NOI & SWMP – required within Year 1 under new Permit
- Sample/collect data on 50% of the outfalls (~48) within the MS4 area for required analytical parameters (conductivity, turbidity, pH, chlorine, temperature, surfactants (MBAS), potassium ammonia, and E. coli), size, material, shape, condition, etc. and visually screen for presence of flow, staining, odors, or abnormal conditions. All outfalls will be labeled. Follow-up activities (30-day confirmation/6-month enforcement action).
- Develop Public Education & Outreach program – use Town website, cable access, and targeted flyers. Complete Educational Outreach component to two (2) of the four (4) designated audiences. Outreach activities via the Conservation Commission (volunteer groups, watershed associations).
- Update IDDE program plan (authority, responsibility, protocol, assessment/preliminary ranking of catchments – based on complaints, past water quality data, adjacent failing septic/sewer systems, density, surrounding area, TMDL surface waters)
- Review Town Bylaws and initiate development of a new Stormwater Bylaw or ordinance to cover all the elements detailed in EPG's 3/24 letter.
- Commence tracking impervious cover.
- Commence tracking of street sweeping catch basin cleaning program (amount of cleanings, optimization of maintenance, number of miles swept, and audit of condition of stormwater structures).
- Submit Annual Report by August 1, 2012
 - Budget: \$25,000-\$50,000. Amount varies depending on the role/efforts which the various Town departments are able to commit to.

Permit Year 2:

- Sample/Collect Data/Label remaining 50% (~47) of the outfalls within the MS4 area for required analytical parameters size, material, shape, condition, etc. and visually screened for presence of flow, staining, odors, or abnormal conditions.
- Complete Educational Outreach component to two (2) of the four (4) designated audiences

- Conduct follow-up audit on Town facilities for Good Housekeeping. Draft plan for waste management/vehicle & equipment storage.
- Evaluation of Town street design and/or parking lot guidelines that can affect the creation of impervious cover. Determination if changes can be modified.
- Draft SWPPPs for Highway Garage, maintenance facilities, waste handling facilities
- Propose new Town Stormwater Comprehensive bylaw for review by Town Boards
- Draft CB/SS optimization program based on the data collected in Year 1.
- Continue tracking condition of MS4 structures
- Draft park/open space management plan for protection of stormwater runoff.
- Track impervious cover
- Submit Annual Report by August 1, 2013
 - Estimated Budget: \$25,000-\$40,000: to be reviewed for adequacy during Year 1. Amount varies depending on the role/efforts which the various Town departments are able to commit to.

Permit Year 3:

- Commence second phase of IDDE program – investigation of the MS4 area served by problem catchments - dye/smoke/video testing, upgradient source of contaminants. Identify corrective actions/responsible parties.
- Complete Education Outreach component to two (2) of the four (4) designated audiences
- Inventory/ranking of MS4-owned property and infrastructure that may be retrofitted with stormwater BMP's
- Track impervious cover.
- Present Comprehensive Stormwater Bylaw for approval at Town Meeting
- Submit Annual Report by August 1, 2014
 - Estimated Budget: \$15,000-\$25,000 to be reviewed for adequacy during Year 2

Permit Year 4:

- Complete Education Outreach component to two (2) of the four (4) designated audiences
- Continue second phase of IDDE program – investigation of the MS4 area served by problem catchments - dye/smoke/video testing, upgradient source of contaminants. Identify corrective actions/responsible parties.
- Complete audit of stormwater structures – develop maintenance program for catch basins, manholes & outfall pipes that need repairs
- Identify problem catchment areas based on historic analytical results, coordinate field activities to eliminate illicit detections using mapped connectivity of the storm drain system
- Track Impervious Cover. Inventory/ranking of MS4-owned property and infrastructure that may be retrofitted with stormwater BMP's
- Submit Annual Report by August 1, 2015
 - Estimated Budget: \$15,000–\$25,000 to be reviewed for adequacy during Year 3

Permit Year 5:

- Complete Education Outreach component to two (2) of the four (4) designated audiences
- Continue second phase of IDDE program – investigation of the MS4 area served by problem catchments - dye/smoke/video testing, upgradient source of contaminants. Identify corrective actions/responsible parties.
- Complete tasks not finished from Years 1-4.
- Submit Annual Report by August 1, 2016
 - Estimated Budget: \$15,000–\$25,000 to be reviewed for adequacy during Year 4

U.S. EPA

Small MS4 General Permit

Stormwater Program

Town of Middleborough

July 25, 2011

C. Carter Fahy, P.E., LSP

Environmental  **Partners**
GROUP

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Topics to be Covered

- Brief Program Overview
- Schedule for Implementation
- Draft Small MS4 Stormwater Permit
- Middleborough's 5-Year Plan (2011-2016)
- EPA Enforcement



Regulatory Background

- **Federal Clean Water Act -- 1972**
 - 33 USC 1251 et. seq.
 - Initial Focus: Wastewater Treatment Plants
 - Implemented through National Pollutant Discharge Elimination System (NPDES) permit program
 - NPDES permit: License to discharge and may be revoked for cause
- **Federal Clean Water Act Amendments -- 1987**
 - Focus: Stormwater, Construction Sites



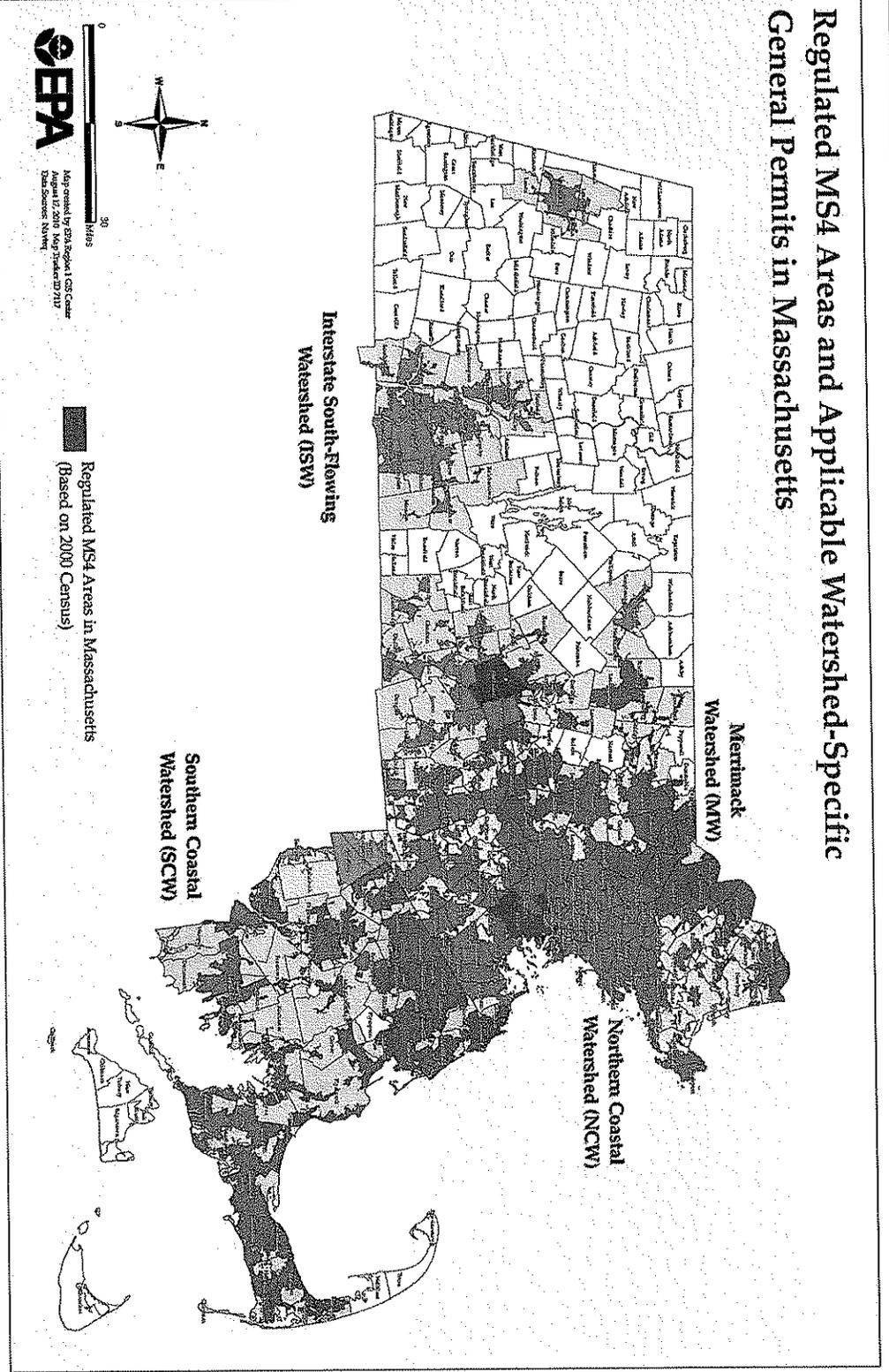
Regulatory Background

- **1990: Phase 1 Stormwater**
 - Municipal Separate Storm Sewer Systems (MS4) with population > 100,000 people
 - ~900 Phase 1 MS4's in the United States
 - Massachusetts: Boston, Worcester, Springfield
- **2003: Phase 2 Stormwater**
 - "Small MS4": Serving a population >50,000 people or Urban Density of >1,000 people per square mile (237 of 351 Towns in Mass.)



MS4's in Massachusetts

Regulated MS4 Areas and Applicable Watershed-Specific General Permits in Massachusetts



A partnership for engineering solutions.



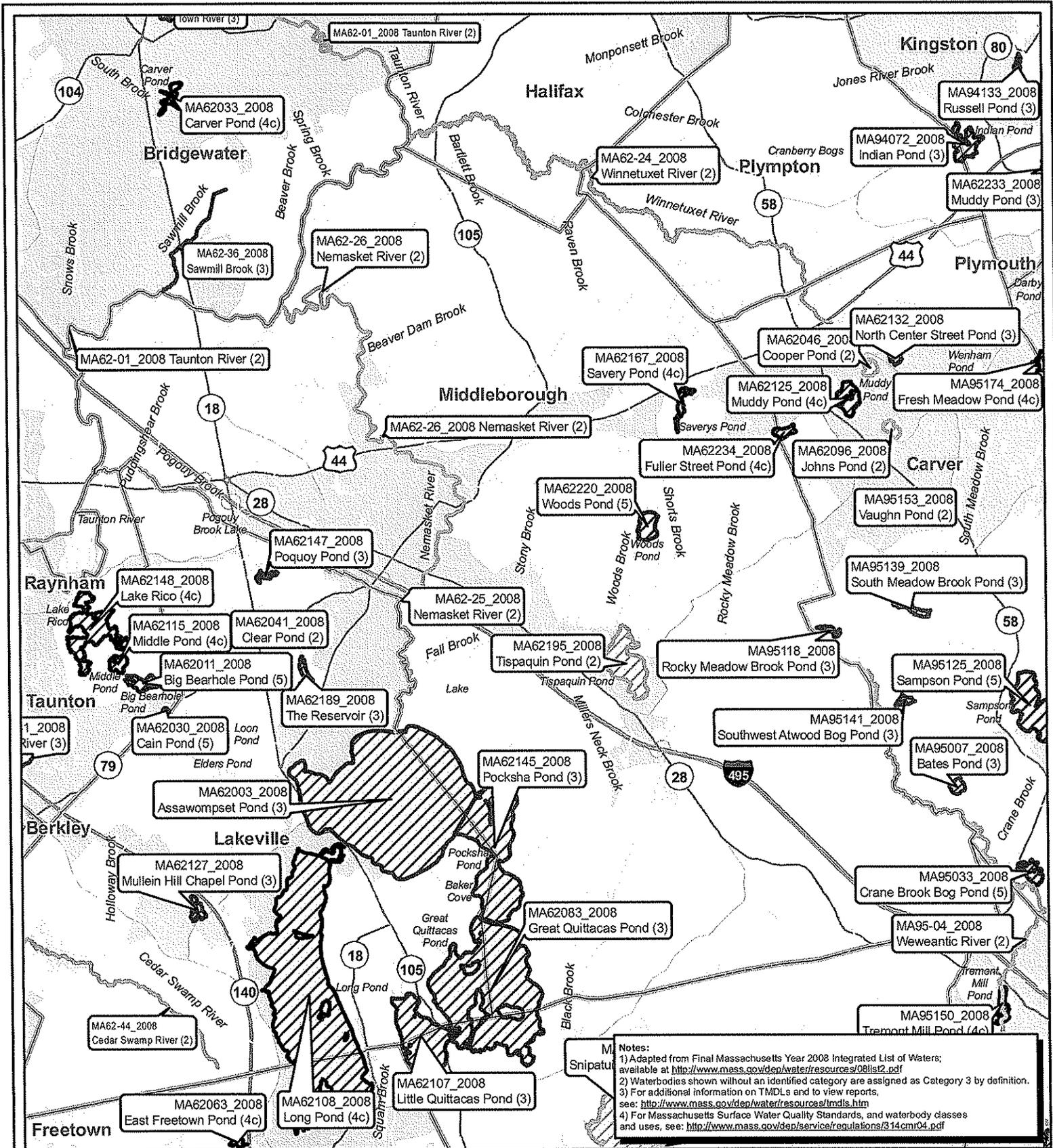


Environmental Partners
 A Partnership for Environmental Solutions

Storm Drain System
 Town of Middleborough, Massachusetts
 March 2011

A partnership for engineering solutions.





Notes:
 1) Adapted from Final Massachusetts Year 2008 Integrated List of Waters; available at <http://www.mass.gov/dep/water/resources/08list2.pdf>
 2) Waterbodies shown without an identified category are assigned as Category 3 by definition.
 3) For additional information on TMDLs and to view reports, see: <http://www.mass.gov/dep/water/resources/tmdls.htm>
 4) For Massachusetts Surface Water Quality Standards, and waterbody classes and uses, see: <http://www.mass.gov/dep/service/regulations/314cmr04.pdf>

Waterbody Assessment and TMDL Status Middleborough, MA



Map produced by EPA Region 1 GIS Center
 Map Tracker ID 6678, February 25, 2010
 Data Sources: TeleAtlas, Census Bureau, USGS, MassDEP

<p>Waterbody Label</p> <p>State ID, Waterbody Name (Category) (TMDL(s) approved for this waterbody)</p> <p>See companion table for a listing of pollutants, non-pollutants, and TMDLs for each waterbody</p>	<p>Assessment of Waterbody Segment</p> <p> Category 2: Attaining some uses; other uses not assessed</p> <p> Category 3: Insufficient information to make assessments for any use.</p>	<p> Category 4a: TMDL is completed and approved for one or more pollutants</p> <p> Category 4c: Impairment not caused by a pollutant.</p> <p> Category 5: Impaired or threatened for one or more uses and requiring a TMDL.</p>	<p> Waterbodies</p> <p> Swamp/Marsh</p> <p> MS4 Urbanized Areas (2000 Census)</p> <p> Municipal Boundaries</p>
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MS4 Stormwater Permit

- EPA Issues a “General Permit”
 - First Small MS4 Permits issued in 2003 for five years (expired in 2008, but extended into 2011)
- MS4 Cities/Towns – Submit Notice of Intent (NOI) for “Coverage” under General Permit
- NOI made available for public comment
- Authorization after public comment



"South Coastal" MS4 Permit

- To be finalized in "Fall 2011"
 - 2003 Permit – "Spring Training"
 - 2011 Permit – "Major League Season"
- MS4 Cities/Towns – Submit Notice of Intent (NOI) within 90 Days after EPA issues 2011 General Permit (Winter 2011)
- Update Stormwater Management Plan (SWMP) within 120 days of approval of NOI from EPA (Spring 2012)



Stormwater Management Plan

- Revised from the 2003 Plan
- Describes the Goals for the MS4 Permittee over the next 5 year period (2011-2016)
- Must address Six Updated Minimum Control Measures (MCM's)
- Middleborough – EPG drafted a 5-year plan for Town to maintain compliance with the new permit.



MS4 Minimum Control Measures

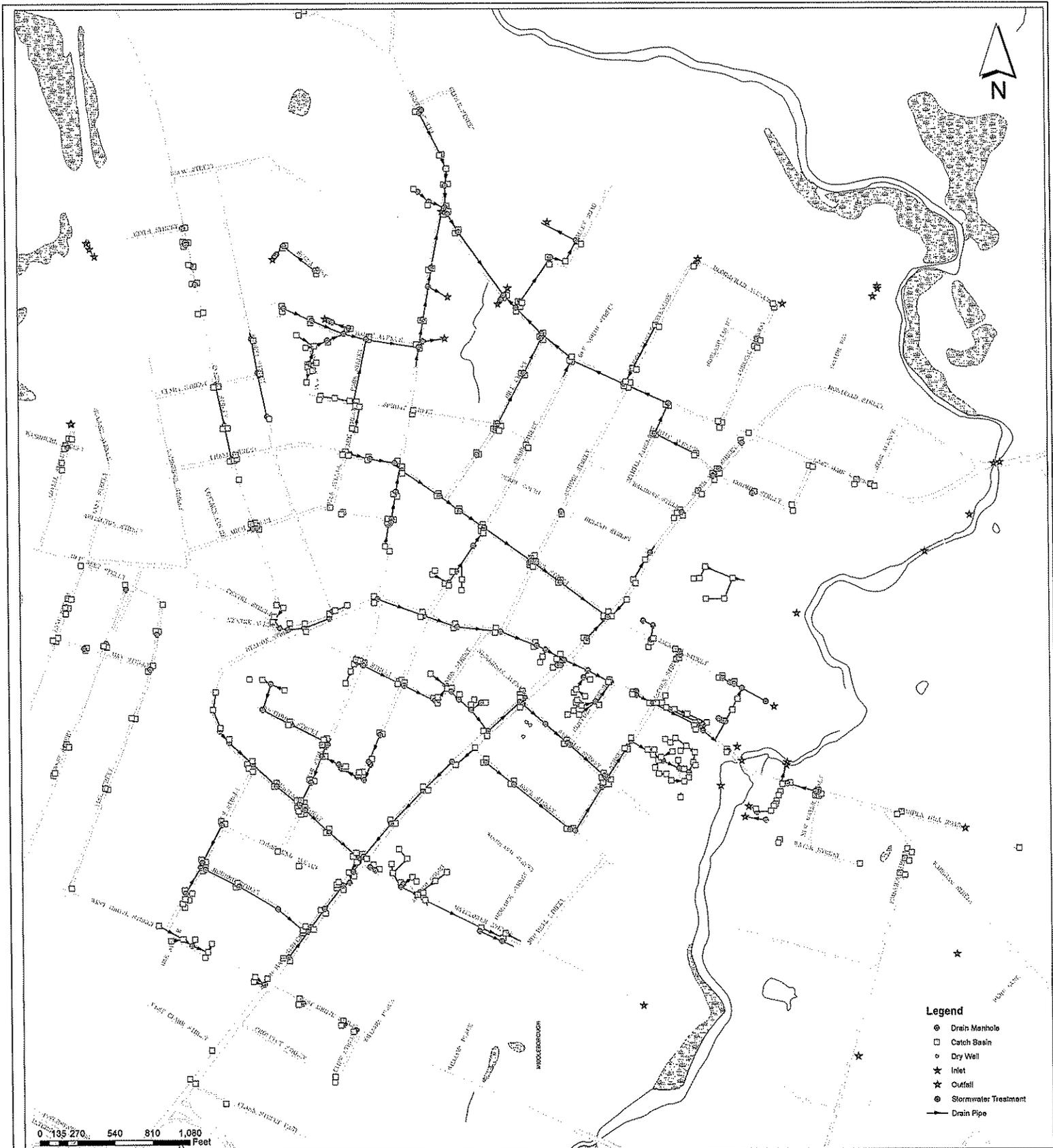
- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Stormwater Mgmt
- Pollution Prevention/Good Housekeeping



Illicit Discharge/Detection/Elimination

- Middleborough:
 - ~100 Outfalls
 - Required to be inventoried, labeled
 - Require Sampling (10 sampled in 8 years)
 - ~370 Manholes, ~900 Catch Basins
 - Require Connectivity to Outfalls (40-50% Completed)





Municipal Good Housekeeping

- Middleborough:
 - 36 Facilities
 - Audited in 2008 (follow-up needed)
 - Floor Drain Inventory
 - MS4 Infrastructure
 - O&M Plan
 - Retrofitting/Design of Outfalls impacting surface water bodies



Enforcement

- 12/22/10: EPA taking Boston Water and Sewer Commission (BWSC) to court:
 - IDDE Program not being implemented
 - Little oversight of Construction Sites
- EPA Fines on MS4 systems in the past 2 years:
 - Canton (\$50,000)
 - Concord (\$50,000)
 - Dennis (\$50,000)
 - Eastham (\$40,000)
 - Gardner (\$60,000)
 - Peabody (\$70,000)
 - Winthrop (\$70,000), Fall River (>\$100K)



Questions?

- Paul Gabriel, pfg@envpartners.com; 617-657-0200
- Carter Fahy, ccf@envpartners.com; 617-657-0254

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**Board of Selectmen
Meeting Minutes**

 **DRAFT**

August 1, 2011

Vice Chairman McKinnon opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

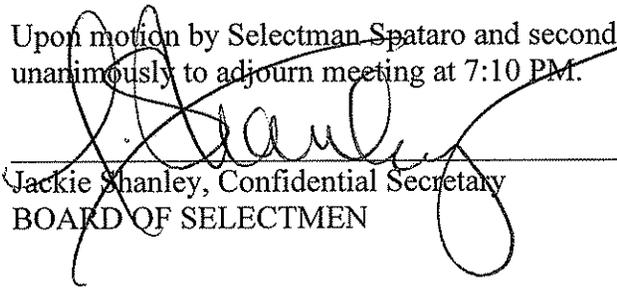
In attendance were: Selectmen S. McKinnon, S. Spataro, A. Frawley and B. Quelle.

Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to continue the Edgeway Mobile Home Park Rent Board Hearing matter to 8/22/11.

Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to approve use of the Town Hall Selectmen's hearing room by the Edgeway Mobile Home Park Homeowner's Association on Saturday, 8/20/11 from 11 a.m. to 3 p.m.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to waive the fees associated with renting the hearing room to the Edgeway Mobile Home Park Homeowner's Association at Town Hall on 8/20/11.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 7:10 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN