MINUTES

For approval at the 9-12-11 meeting

Middleborough Board of Selectmen
Meeting Minutes

DRAFT

August 22, 2011

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

Vice Chairman McKinnon acted in the capacity as Chairman in the absence of Selectman Rullo.

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

UNANTICIPATED
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Middleboro Rotary Club tri-club Yard Sale on 10/22/11 from 10 a.m. to 3 p.m. on the lawn of Town Hall.

ANNOUNCEMENTS
A 9/11 Remembrance Ceremony will be held on Sunday, September 11, 2011 at 9 a.m. at the Central Fire Station to commemorate the 10th anniversary of September 11, 2001. Board will attend.

The Executive Office of Energy and Environmental Affairs held the MA Tomato Contest which drew in 106 entries. Freitas Farm of Middleborough came in 5th place in the Slicing Category and 3rd place in the Cherry Category. The Chairman extended congratulations to Freitas Farm.

The Middleboro VFW & ladies Auxiliary is holding a fundraiser and supply donation drive on Friday August 26, 2011 from 5 PM to 8 PM at the Middleboro VFW for the National Guard 1-182 D company.

The South Middleborough Grange 54th Annual Agricultural Fair will be held on 8/27/11. For further information, please contact Caroline LaCroix in the Town Manager's office.

The Special State Primary Election will be held on August 23, 2011 for the office of Representative in General Court 12th Bristol District for districts 2 and 4 in Middleborough.

Judy Bigelow Costa of Wood Street. Massasoit Community College will open for its fall semester on September 7, 2011. She spoke of classes being offered and noted the positive aspects of having the school here in Town.
Middleborough on The Move sponsors an unemployment workshop called Networking Support Plus at the Middleborough Library on Wednesdays. For further information, please contact Judy Bigelow Costa.

Brian Giovannoni noted that the Middleborough Friends will hold its weekly summer concert this Thursday. All are welcome.

MiMi Duphily mentioned that the Oakpoint Veterans have been putting together packages for troops from Willy's Auto Supply for over ten years and before that the Rotary Club handled it.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 8-8-11 meeting minutes.

Motion made by Selectman Spataro and seconded by Selectman Frawley to approve 8-8-11 Executive Session meeting minutes. Selectman Quelle shared his position that these minutes exclude some important information and motioned to delay voting on these minutes until the Board's next meeting to discuss further in Executive Session. Original motion was withdrawn. Selectman Frawley seconded motion made by Selectman Quelle. Board voted unanimously to approve.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 7-25-11 Executive Session meeting minutes.

NEW BUSINESS
Captain George Andrade addressed Board to discuss request to hold the annual Muscular Dystrophy Boot Drive on 8/26 & 8/27/11 from 8:30 a.m. to 5 p.m. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Central Baptist Church Trunk or Treat program on 10/31/11 from 5 p.m. to 8 p.m. in the Town Hall parking lot.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve signing Warrant for Special State Election on 9/20/11.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to accept resignation of Melissa Oddi-Morrison from Commission on Disability with letter of thanks. Board's Secretary to have vacancy posted in local newspaper and to Town's website.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve signing Proclamation for Constitution Week, September 17-23rd.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Town Hall rental request by Middleborough Friends for 10/29 for its annual Halloween ball.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Common Victualler's license for buddy's Pizza Pub, 547 W. Grove Street, subject to final inspection by the Health department.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Common Victualler's license for North End Pizzeria, 337 W. Grove Street, subject to final inspection by the Health department.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve One-day All Alcoholic Beverages liquor license for the Professional Bartending Service, LLC of 3187 Cranberry Highway, Buzzards Bay, MA for event at Town Hall on 9-10-11 from 3 PM until 8 PM.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Board's annual appointments as presented on the attached.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to send letter to MA D.O.T. re Nemasket River project.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Muckey's Liquors from 5 PM to 11 PM on 9/8/11 at 200 Oak Point Drive.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 146 Wareham Street in the amount of $16,450.

HEARINGS, MEETINGS, & LICENSES

Board of Director Member, Bruce Atwood, of the Hannah B. Griffith Shaw Home for the Aged, addressed Board briefly and introduced Administrator Ed Herrmann who presented plans for the facility's growth. Architect David Dunlop of Dunlop Associates reviewed sketches of the changes anticipated at the facility. Selectman Spataro asked if this is Phase I of a longer expansion in the future. Mr. Herrmann explained that there is potential for expansion in the future, but that there is no plan at this point. Wastewater Treatment Plant must happen first, followed by the digging for the construction. Board thanked the representatives of the Hannah B. Griffith Shaw Home for the Aged for their presentation.

OECD Director Anna Nalevanko addressed Board to provide update & hold public forum on Massworks Grant submittal. Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted to approve signing and sending letter addressed to the Governor, Tina Brooks at DHCD, and our two legislators. Selectman McKinnon opposed.

At 8:13 PM Chairman opened public hearing on application made by Lightower Fiber Networks by reading aloud public hearings notice. Lightower Fiber Networks representative Mike Saraceno addressed Board to explain request and answer questions. The cables will be maintained by Lightower Fiber Networks. Chairman asked to hear any comments or concerns from Board and audience. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve Grant of Location Order, subject to coordinating with the I.T. Director.

Town Manager updated Board on recent communications/meetings relative to ongoing unresolved issues at Edgeway Mobile Home Park. Board reference table dated 8/18/11 as provided by the Town Manager and presented on the attached. Town Manager reviewed results from meetings held on 8/19/11, and today, 8/22/11. The interim drainage will be done by the middle of December. We reported this to the Courts today and the Courts have given us until 9/15/11 to present a settlement. Town Manager asked Board to postpone taking any action on the court matter until the Board's next meeting to come up with a comprehensive settlement and if they are not making progress, go back to a mode of sanctions. Selectman Quelle had also attended the meeting on 8/19/11. He would like to hear about a revenue source. He thinks progress is moving forward. Where the tenants want to go with this is up to them. They have some options available to them. He thinks we need to make final declaration on what the rents are. Selectman Frawley appreciates the effort the Park Operator is making, however, he believes the Board needs to establish/institute penalties if they don't follow through with deadlines. He asked if it's possible to ask if they could allow Comcast & Verizon the opportunity to install service when the roads are ripped up. Selectman Spataro raised question if mobile homes are required to be placed on slabs. Town Manager indicated that the Phase II Drainage plan is going to improve the drainage situation. Selectman Frawley noted that gutters need to be maintained. Chairman McKinnon offered that allowing them anything, requires a finer timeline as in a matter of weeks. December is too far away and comes with frozen ground. He wants a specific time line, aggressive, and wrapped up by the end of October. Selectman Quelle offered that we need a hard schedule and weekly updates with simple email from Town Manager in lieu of meeting. With lights immediate and to not take up so much of Town Manager's and Department Heads time. Selectman Frawley asked about penalty phase. Selectman Quelle responded that we can impose fines for violations relatively quickly.
Anne McGann addressed law re cement slabs, which are supposed to be under mobile homes. She read aloud a prepared statement. The residents want a definitive start and finish date and if timelines are not met, they will withhold their rents and have confirmed that they are well within their rights to do so. Louisa Brown, 162 Wesley Circle addressed Board, suggesting that the residents deserve credit for what they have put into researching and pursuing a resolution to the problems at the park. Selectman Frawley motioned to put matter on next meeting of Rent Control Board to consider rolling back rents and asked that Town Manager speak with Town Counsel to review interpretation of the law. He believes Edgeway resident's interpretation of the law is accurate. Motion seconded by Selectman Spataro for discussion with question and answer to and from liaison Selectman Quelle. Selectman Quelle responded that we need to ask Town

Counsel if he can find anything that states that allows these rents to be changed outside of the pervue of the Rent Control Board. Board voted unanimously to meet on 8/31/11 as the Rent Control Board.
Upon motion made by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to authorize Town Manager to work with timeline as presented by Town Manager. Chairman McKinnon asked Town Manager if we can break up some of the items listed. Town Manager responded that we will try to get some of it done as soon as we can.
Betty Clark, 24 Wesley Circle asked who is coming in to check on the work they are doing at the park. She has excessive spaces above her new vents. Hers are terrible. Is someone going to determine if it's a good or bad job? She went to the office and reported her vent issue to Heidi Belban who came to view and promised to send someone named Mike over immediately when he returned from taking trash out. This was last Friday. She's heard and seen nothing and no one since. Chairman McKinnon offered that he spoke with Building Commissioner Bob Whalen today and he is going to inspect all vents, and any that have been put in improperly, will be required to be repaired. Mr. King added that his new vent has been installed the same.
Margo King addressed Board and offered that the MFM, the liaison between the residents and the Attorney General's office came here on Saturday for a meeting. So whatever they say about rolling back the rents, is coming from the A.G.'s office. Chairman McKinnon noted that three selectmen were here for Saturday's meeting, in increments, and for purposes of gathering information only. The Board did not hold a meeting.

GASB 45 – Chairman McKinnon asked Town Manager to postpone discussion for a time when the whole Board is in attendance.

TOWN MANAGER'S REPORT
Town Hall Cupola opening of bids has been postponed by 1 week to encourage further bids. It is now scheduled for this Thursday at 2 PM.

Town Manager noted correspondence re DR-1895 Hazard Mitigation Grant program application for Woloski Park Neighborhood Acquisition. It has been recommended and is usually a sign that we will be awarded the Grant.

Town Manager noted letter of thanks from the MA Department of Public Safety to Building Commissioner R. Whalen for his assistance to the residents of central Massachusetts following recent tornado activity. Town Manager offered his thanks. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send letter of thanks to R. Whalen.

Selectman Frawley asked Town Manager if everyone had signed off re acquisition of Woloski Park. Town Manager responded that he doesn't know at this point if everyone has.

CORRESPONDENCE
#1 Selectman Quelle – Noted Lt. Governor Murray invitation to Regionalization Conference on 9/1/11 and suggested Board members may want to take look at this correspondence and consider attending.

#5 Selectman Quelle – Mary K. Goode Elementary School correspondence noted re Green Repair Project to replace the windows at the school.

#14 Selectman Quelle – Noted this correspondence re Tranquil Mind & Wellness Center – large commercial signage and asked if we have someone to look into this. Town Manager sent Fran Cass email today to get details of exactly whose property this sign is on.

Selectman Spataro suggested Board invite Fire Chief to a meeting to discuss other ways to re-open the closed fire stations now that we are not able to take advantage of the SAFER grant.

Selectman Frawley noted that he received an email from PAST Paranormal who had been at Town Hall last weekend to conduct an investigation. They will send him a copy of their DVD and he wishes them all the best in their future endeavors.

#6 Selectman McKinnon – COA Van Bus Drive position open. Town Manager will check to see if interested candidates can find an application on line.

#8 Selectman McKinnon read aloud Press Release re Flu vaccine.
#12 Selectman McKinnon asked that a copy of this correspondence re Association of Town Finance Committees be sent to Finance Committee.

#13 Selectman McKinnon noted correspondence re Plymouth County Tax 2011/2012.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to adjourn at 9:27 PM.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

Middleborough Board of Selectmen
Meeting Minutes

August 31, 2011
(Wednesday)

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.

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.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN