



TOWN OF MIDDLEBOROUGH OFFICIAL MEETING POSTING

NAME OF PUBLIC BODY: Board of Selectmen/Rent Board

DAY AND DATE OF MEETING: Monday, September 17, 2012

TIME OF MEETING: 7:00 PM

LOCATION OF MEETING (INCLUDING ADDRESS): Town Hall, 10 Nickerson Avenue

MEMBER OF PUBLIC BODY POSTING MEETING: Jackie Shanley, Confidential Secretary to Board of Selectmen

POSTED BY TOWN CLERK'S OFFICE:

***FOR CANCELLATIONS**

MEMBER OF PUBLIC BODY CANCELLING MEETING: [Type text]

CANCELLATION POSTED BY TOWN CLERK'S OFFICE: DATE:

TIME:

AGENDA

1. Pledge of Allegiance
2. Unanticipated
3. Announcements & Recognitions
4. Minutes: 9/10/12 regular & E.S. minutes
5. New Business – 7:05 PM
 1. Vote to approve 2nd Hand & Consignment license for boutique Azalia, 449 Center Street.
 2. Vote to appoint Liza French as a member of the Cultural Council.
 3. Vote to approve Betterment Agreement for 194 Rocky Meadow Street.
 4. Vote to approve Rent Board Decision re Capital Expense Pre-approval of Water Meter replacement for Hillcrest, MHC, LLC.
 5. Vote to rank architects for the Police Station Building project.
 6. Vote to sign Chapter 61B application for Town of Plympton.
 7. Discussion & vote on lighting tree in the Veterans' Memorial Park during the holiday season.
6. Hearings, Meetings, Licenses

7:20 PM	VFW Change of Manager application
7:30 PM	Road Layout hearing – Silo Lane (Attorney R. Mather)
7:45 PM	Road Layout hearing – Londonderry Lane (Tom White)
8:00 PM	Karen Grasso re Civil Service list – Requesting exemption from Upper Age Requirement
8:05 PM	Public Hearing to adopt Earth Removal regulations
8:15 PM	Discuss and vote STM articles:
	#17 Non-Criminal Disposition By-Law
	#24 Drainage Easement (Meadowbrooke Lane & Bon View Circle)
	#23 Exchange of land (off Meadowbrooke Lane)
	#9 DPW required stormwater activities
	#18 Zoning Bylaw Recodification
	#19 Zoning Bylaw Amendment (Flood Plain District)
	#15 Town of Lakeville water services
7. Unfinished Business
8. Town Manager's Report
9. Correspondence
10. Executive Session – Pending Litigation (Dispute with Mashpee Wampanoag Tribe)
11. Adjourn

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Meeting Minutes**

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Chairman opened meeting at 7:04 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Rullo, A. Frawley, S. Spataro, B. Quelle, and S. McKinnon, Town Manager C. Cristello and Confidential Secretary J. Shanley.

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

Chairman called for a moment of silence for the passing of Selectman Spataro's mother on 9/15/12.

Roger Brunelle of 96 Miller Street addressed the Board to publicly and personally offer his sincere thanks to Town Clerk Allison Ferreira for the manner in which she handled the recent election & recount. He noted that, in her short time of one year serving as Town Clerk, she has managed a Special Election, Town Election, and now a recount. He also offered his thanks to her staff and everyone who contributed. He noted that the Town Clerk treated him with the utmost respect and indicated that she's had a lot to handle and has overcome many obstacles. He wanted the Board to know that the Town has a department head sincerely doing her job to the best of her ability. Chairman thanked Mr. Brunelle, noting that Ms. Ferreira had received the highest compliments by state officials and that the manner in which she handled the recent recount has been considered as the best recall in the entire state. Chairman offered that she and her staff, and all those who worked the elections, deserve a lot of praise. Selectman Frawley pointed out that there was absolutely no change in the results after the recount, noting that she did everything the right way the first time.

ANNOUNCEMENTS

The Water department will be flushing fire hydrants in Town.

Health Officer offered thanks to all who have been donating to the COA food pantry. They are requesting canned vegetables this week.

Director of the Public Library, Danielle Bowker, addressed Board to announce that there will be a book signing for the publication of "Middleborough Through the Ages" on Sunday from 1 PM to 3 PM. This was funded through the Cultural Council through a couple of local grants and also by the Friends of the Library. There will be an Open House on Sunday at the same time for the public from 1 PM to 3 PM. The Friends of the Library will hold its annual gala at Oak Point on 10/13/12. Tickets are available at the library.

MINUTES

None.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve a 2nd Hand & Consignment license for Boutique Azalia, 449 Center Street with hours of operation being Monday through Saturday from 10 a.m. to 6 p.m. and Sundays from 10 a.m. to 4 p.m.

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Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve appointment of Liza French as a member of the Cultural Council to a term of three years.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve Betterment Agreement for 194 Rocky Meadow Street in the amount of \$17,398.00.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the Rent Board Decision re Capital Expense Pre-approval of Water Meter replacement for Hillcrest, MHC, LLC.

Police Chief Gates addressed Board to review the finalists re the police station expansion/addition feasibility study. Chief Gates recommended Kaestle Boos Associates, Inc. of Foxboro, MA. Discussion ensued. Chairman Rullo offered that he served on the Police Station Building Committee and he agreed with this recommendation. Jane Lopes offered that they were all impressed with the team that Kaestle Boos brought in. Selectman Spataro noted that another company had provided the Town with its initial drawing of a plan and he wondered why he didn't make the top three finalists. Chairman Rullo responded that although he would have chosen them as a 3rd finalist, they just didn't have the experience. Joe Freitas addressed the Board and offered that it upsets him that the new building will touch the existing historical building. He believes it should be a separate new building. He thinks we need an archeological survey of the area as our history points out that there was once a body found there. Chairman offered that the Committee was very sensitive to maintaining the historical facet of the original structure and its appearance. Town Manager offered that we plan to do an archeological survey. Further discussion ensued. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the ranking of the architects as presented:

Kaestle Boos Associates, Inc. of Foxboro, MA
Jaucunski Humes Architects, LLC of Berlin, CT
Brown Lindquist Fenuccio & Raber Architects, Inc. of Yarmouth, MA

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve signing the Chapter 61B Application for Town of Plympton.

Middleborough Veteran's Memorial Park Trust issued a letter to the Board of Selectmen indicating that they are requesting full control of the Park and offering to erect a Christmas tree, lighted, on the Town Hall lawn. Veterans' Agent Paul Provencher addressed the Board and read aloud a prepared statement. He spoke as a member of the Middleborough Veteran's Memorial Park Trust and as a Veteran of the community. Mimi Duphily addressed the Board.

Francis Creny of Purchase Street addressed the Board and reviewed the history of his meetings with Town Officials re the ongoing matter. Chairman offered that the Park is Town owned property. Bob Lessard of 844 Plymouth Street offered that his family donated this particular tree as a living memorial tree and it was never intended to be a Santa Claus tree. He doesn't give his family's permission to decorate this tree. Willy Duphily addressed the Board. Joe Freitas addressed

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Board and noted that the matter is clearly an emotional one, especially to the Veterans. He believes the intention of the Park was to keep it a memorial to the Veterans who have died. The Veterans have offered to plant another tree on the lawn and he considers it a good alternative. Jane Lopes, Historical Commission, offered that the Trust Committee has always checked with them before they do anything there because of historic preservation, but that the Board should maintain control of the Park and at the same time let the Veterans do what they want there. Leilani Dalpe questioned the legality of turning over control to another body. Gerry Macy of Pierce Street addressed the Board. Town Manager noted that the Board already acknowledged that it would consult the Trust on matters and the Trusts response letter indicates it wants complete control of the Park. Chairman thanked everyone for their comments. Board discussion ensued. Selectman Quelle noted Bob Burke's recent personal family tragedy. Chairman noted the policy offered by the Selectmen, which says that the Board will consult the Veterans before anything takes place in the Park and vice versa. Upon motion by Selectman Spataro, and seconded by Selectman Frawley, Board voted unanimously to have a policy for Town-owned-land and will consult them on activities in that Park.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to not light the tree in the Park. Three in favor. Selectmen A. Rullo and S. McKinnon opposed.

HEARINGS, MEETINGS, LICENSES

VPW Change of Manager.

Paul Provencher addressed Board. Proposed Manager Roger L. Card, Jr. present. Board voted to continue to 9/24/12 at 7:55 PM.

Road Layout of Silo Lane

Chairman opened public hearing re Road Layout of Silo Lane at 8:45 PM by reading aloud the public hearing notice. Attorney Robert Mather addressed Board and asked that the Board endorse this petition. Planning Director Ruth Geoffroy addressed Board and read aloud the Planning Board's favorable recommendation to layout Silo Lane. Attorney Mather provided the Board with Town Counsel's recommended motion for STM Article #21. Chairman asked to hear any further comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to move that the Town vote to accept Silo Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Acceptance/Layout Plan, Silo Lane, 'Tispaquin Farms' a Chapter 40B Development in Middleborough, MA (Plymouth County) Prepared for T.F. Development, Inc.' which plan is dated September 3, 2008, and amended on September 11, 2012 and also the related easements as shown on the subdivision plan on file with the Town Clerk entitled "Tispaquin Farms Comprehensive Permit Plan of Land in Middleborough (Plymouth County) prepared for MBC Development, Inc.", which plan is dated October 8, 2003 and is recorded at the Plymouth County Registry of Deeds in Plan Book 48, Page 334.

Road Layout of Londonderry Lane

Chairman opened public hearing re Road Layout of Londonderry Lane at 8:56 PM by reading aloud the public hearing notice. Londonderry Lane property owner Tom White addressed the Board and thanked the Board's Confidential Secretary for assisting him with this process. Planning Director

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Ruth Geoffroy addressed Board and read aloud the Planning Board's favorable recommendation to layout Londonderry Lane, contingent upon the completion of specific items as listed in its letter. DPW Director Andrew Bagas addressed Board and indicated a list of concerns he has with the road. Town Manager offered that the Town has funds that it has been holding from the original developer that will be used to make these repairs. Chairman asked to hear any further comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley, and seconded by Selectman McKinnon, Board voted unanimously to accept the layout of Londonderry Lane in Middleborough, MA, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on a plan entitled "As-Built/Layout Plan of Londonderry Lane within Salem Heights, a Subdivision in Middleboro, MA", dated June 11, 2001, drawn by Ralph I. Maloon (R.I.M). Engineering Co., Inc., which plan is on file with the Town Clerk's office. Selectman Spataro recognized the Town Manager and Mr. White for working together towards getting this road accepted.

Karen Grasso addressed the Board regarding her request for local approval exempting her from the upper age requirement for the Police Civil Service list. Police Chief Gates addressed Board and indicated he would not recommend supporting this request. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously not to support/grant the exemption. Four in favor. Selectman Frawley opposed.

Chairman opened public hearing at 9:28 PM on Adoption of Earth Removal Permit Regulations. Chairman asked to hear comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley, and seconded by Selectman McKinnon, Board voted unanimously to adopt.

Discussion and vote re STM articles:

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to recommend to STM to table Article #17 indefinitely.

Steve Bonfiglioli addressed Board to explain Article #24 re Drainage Easement (Meadowbrooke Lane & Bon View Circle). Planning Director Ruth Geoffroy addressed Board and recommends Board require that an As Built Plan be done. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article #23 – Steve Bonfiglioli addressed Board. DPW Director A. Bagas addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article #9 – DPW Director A. Bagas addressed Board. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article #18 – Zoning Bylaw Recodification – Planning Director Ruth Geoffroy addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article. Selectman Frawley offered that each member of the Recodification Committee deserves a great deal of credit for their contributions.

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Article #19 – Zoning Bylaw Amendment (Flood Plain District). Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article #15 – Town of Lakeville Water Services – Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article.

TOWN MANAGER’S REPORT

Board noted Town Hall sign/rental report.

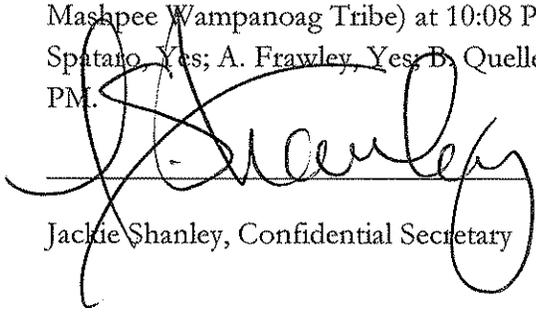
CORRESPONDENCE

#1 Selectman McKinnon noted Plymouth County Assessment.

#6 SRPEDD – Selectman McKinnon – bike paths or walking paths – he sent it to Mark Belanger to see if the CPA funds might be used for.

#5 Chairman Rullo noted Mosquito Alert and advised the public to continue taking necessary safety precautions.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Pending Litigation (Dispute with Mashpee Wampanoag Tribe) at 10:08 PM, and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes; S. McKinnon, Yes; A. Rullo, Yes. Ended at 10:30 PM.



Jackie Shanley, Confidential Secretary