

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

Town

DATE OF MEETING:

Wednesday, 1/18/12

TIME: 7:00 PM

PLACE: 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. Unanticipated

3. Announcements & Recognitions

4. Minutes: 1/9/12 and 1/11/12 regular minutes

5. New Business - 7:05 PM

A.) Vote if object to the issuance of a Keno license to The Riverside restaurant

B.) Vote to approve an Automatic Amusement Device license for The Riverside restaurant

6. Hearings - Meetings - Licenses

7:30 PM Public Hearing - Application for Weekday Public Entertainment - Stoney's
Restaurant

7:35 PM Public Hearing - Application for Weekday Public Entertainment - Dave's Diner

7:40 PM Public Hearing - Application for Weekday Public Entertainment - Buddy's Pizza

7: 45 PM Public Safety/General Government Departmental Budget Reviews

(See attached.)

7. Bills

Atlantic Design Engineers, LLC - Services through 11/16/11 - 11/30/11

Atlantic Design Engineers, LLC - Services through 12/1/11 - 12/15/11

8. Unfinished Business

9. Town Manager's Report

10. Correspondence

11. Executive Session

12. Adjourn

**Middleborough Board of Selectmen
Meeting Minutes**

**January 18, 2012
Wednesday**

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

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

UNANTICIPATED

Selectman Frawley inquired as to this week's trash pickup schedule noting that his trash, along with others, was not picked up as anticipated. Town Manager will look into.

Adam Bond addressed Board re the wish of Edgeway Mobile Home Park residents to notify the judge that the Park Owner/Operator had missed the scheduled deadline in completing Phase I improvements to the Park. He suggested sending the judge a status report, or offered that an easier way is to draft a short motion for a status conference for both sides to go in and discuss where we are in the process, and mention they were late. He offered that the concern is how things will run in the future. The judge may deny it, but at least he would have the information for possible future reference. The judge may approve request for status conference just hearing that they were late. Chairman McKinnon noted that the Board has already voted on the matter.

ANNOUNCEMENTS

None.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Frawley for discussion, Board voted to approve the 1-9-11 meeting minutes. Selectman Frawley noted that detail is missing regarding budget discussion with the I.T. department. Selectman Spataro requested additional language be added to p. 4, specifically, that it is difficult to believe that the state was able to clean up the Rockland Industries site in three hours after it being closed off for a number of years.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 1-11-12 meeting minutes.

NEW BUSINESS

Board had no objection to KENO license being issued for The Riverside restaurant.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve an Automatic Amusement Device license for The Riverside restaurant.

BILLS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve payment to Atlantic Design Engineers, LLC for the review of the Nemasket River project WRPD application.

TOWN MANAGER'S REPORT

Town Manager explained the Reserve Fund Transfer Request re reimbursement to MA Emergency Management Agency (MEMA) for overpayment of flood grant funds received in 2010 in the amount of \$2,942.23 for water damage to the bank building. The Town must pay the reimbursement to MEMA in order to receive FEMA reimbursement money awarded to the Town in the amount of \$64,506.77. Fire Chief addressed Board to add clarification. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support the Reserve Fund Transfer request.

Town Manager noted additional documentation provided to the Board this evening re revised schedule for work on the Town Hall Cupola.

Town Manager noted that the Board may not wish to meet Monday, January 23, 2011 as the Chairman won't be available and we don't have any items scheduled as the Board met this evening, only days prior. Board agreed.

Town Manager noted that on 1/30/12, the Board will hold the hearing re Proposed Amendments to the Rent Control Rules & Regulations. He has invited the State Senator and State Representatives to attend.

Fire Chief shared a Certificate of Appreciation from the Federal Emergency Management Agency dated 1/5/12 by the Federal Coordinator officer. FEMA wanted him to relay its appreciation for our hospitality. Chairman offered the certificate to the Chief to hang in the Fire station and asked him to thank his staff.

HEARINGS, MEETINGS, LICENSES

At 7:30 PM Chairman opened public hearing on application made by Stoney's Restaurant, Inc., 456 West Grove Street for a Weekday Entertainment license by reading aloud the public hearing notice. Owner Steve Barnicoat addressed Board to explain his request. Chairman asked to hear any questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve license.

CORRESPONDENCE/ UNFINISHED BUSINESS

#2 Selectman Quelle noted email from the Edgeway Mobile Homeowner's Association requesting that the Board notify the judge that the Park Owner/Operator was three weeks late in completing Phase I improvements.

He also offered that he had called into the Association before tonight's meeting for an update. A Couple of tenants offered that several units had problems with downspouts not functioning appropriately and had water gushing out. He suggested Town Manager contact the engineer to look into and have follow-up prior to the next scheduled "official update meeting".

Selectman Frawley offered that he sees no reason not to sign off on a status update to the judge. We are having problems with gutters and if this is a beginning of a problem, we need to make sure

someone knows about this. We just want the judge to be aware, and we have the vehicle in which to do that. Chairman noted that discussion will continue following tonight's scheduled hearing for Weekday Public Entertainment licenses.

HEARINGS, MEETINGS, LICENSES

At 7:40 PM Chairman opened hearing on application made by Dave's Diner for a Weekday Entertainment license by reading aloud the public hearing notice. Restaurant Manager, Mr. Spinetto addressed Board. He noted that they close at 9 PM. Entertainment would be anytime between 5 a.m. until 10 pm. Chairman asked to hear questions or comments. Hearing none, Chairman declared hearing closed. Upon motion made by Selectman Spataro and seconded by Selectman Quelle, Board vote unanimously to approve license.

At 7:44 PM Chairman opened public hearing on application made by Buddy's Pizza Pub for a Weekday Entertainment license by reading aloud the public hearing notice. Pub Manager Christopher Mastrangelo addressed Board. Chairman asked to hear comments or questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve license.

Board reviewed Public Safety/General Government Departmental Budgets as follows:

- Sealer of Weights and Measures
Sealer of Weights & Measures, Charles Norvish, addressed Board and noted that he was requesting an additional \$900, which he needs for supplies and mileage reimbursement.
- Building Department
- Fire Department
- Police Department
Discussion ensued relative to various needs of both the Fire & Police departments, including potential future consideration of utilizing combined dispatch services. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to discuss matter further with the Fire department & Police department at its 2/13/12 meeting with notification to the Chairman and maybe the Police Station Building Committee.
- Selectmen
- Town Manager
 - Administrative Office Building
- Health Department
 - Animal Control
 - Health

Town Manager offered thanks to Police Chief. Since he took on handling dog complaints in Town, we've had no problems.

At 9:20 PM discussion continued re Edgeway Mobile Home Park. Selectman Frawley suggested letting the judge know the various items we are pleased with, but also noted that we are unhappy with the deadline being missed by three weeks. Selectman Quelle asked if we could have Town

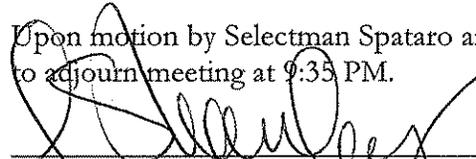
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Counsel give us feedback on the suggestion made tonight be Attorney Bond. He offered that it would be nice to hear from the engineer first as it appears that parts of Phase I are not working. We don't know if it's the Owner/Operator or just the nature of the business. Town Manager suggested asking Town Counsel at the 1/30/12 meeting. Selectman Spataro offered that he would like the recommendation of the Town Manager and Town Counsel. Edgeway resident, John King addressed Board and offered that the residents are merely looking to update the judge in the spirit of information, not out of spite. He further offered that they are happy with some of the work that's been done. He asked why the Board doesn't want to file a status report. Chairman McKinnon offered a run down of all that's been accomplished and the short time in which it's been done. He had seen the request to notify the judge as asking for punitive action. Mr. King acknowledged that he better understood the Board's position as there wasn't any punitive action being requested, but could be interpreted as such. He noted that he would really appreciate it if the Board could consider it as "for your information". Chairman noted that we need Town Counsel's opinion, the Chairman is not in attendance tonight, and we should have a full Board present on an important issue such as this. Town Manager will ask Town Counsel. Edgeway resident Louisa Brown addressed Board and offered that the judge visiting the Park tells her the judge is supportive of them and all they want is correspondence to the judge making him aware of the missed deadline. If Phase II has trouble, the judge is going to ask the Board, Town Manager, & Town Counsel why the Town didn't tell him about this. She offered that the Association has spoken with two attorneys and that she has also spoken with her family attorney.

Town Manager noted correspondence #9 from the Middleboro Retirees Insurance Group (MRIG) re implementation of New Municipal Health Insurance Law. The retirees have requested a response 2/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 9:35 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN