

MINUTES

For approval at the 10-21-13 meeting

 **DRAFT****Middleborough Board of Selectmen
Meeting Minutes****October 21, 2013**

Chairman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen S. McKinnon, B. Quelle, L. Dalpe and J. Knowlton; Town Manager C. Cristello and Executive Assistant J. Shanley.

UNANTICIPATED

Motion made by Selectman Dalpe and seconded by Selectman Quelle to nominate John Knowlton as the Board of Selectmen representative and Ben Quelle as the Boar of Health representative to the (CEHIC) Citizen's Environmental Health Impact Committee. Motion made by Selectman Dalpe to amend motion to nominate Selectman Knowlton as the Board of Selectmen representative to the (CEHIC) Citizen's Environmental Health Impact Committee. Selectman Knowlton abstained.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted to nominate Selectman Quelle as the Board of Health representative to the (CEHIC) Citizen's Environmental Health Impact Committee. Selectman Quelle abstained.

ANNOUNCEMENTS & RECOGNITIONS

Chairman announced the passing of Ernest Barlow Montrond, a member of the Simeone Nickerson American Legion Post for more than 65 years and employee of the former Winthrop-Atkins Company for 53 years.

Chairman announced that the Police department and the Drug Enforcement Agency will participate in National Drug Take Back day on Saturday, October 26, 2013 from 10 a.m. to 2 p.m. Resident may turn in unused or expired medications at the time and place noted.

Selectman Quelle recognized Ernie Mantra. There was never a Veteran or their spouse that Ernie didn't visit in a nursing home. Everyone in the American Legion knew him. He was very involved in Veteran Affairs.

Selectman Quelle spoke about the public Cancer registry and announced that Dr. Knorr has been asked by the Citizens Environmental Health Impact Committee to speak at the Nichol's Middle School on Thursday, October 24, 2013. This is open to the public, including a question and answer period.

Selectman Knowlton noted that Soule Farm is having its Halloween party from 3 – 5 PM on 10/26/13.

Selectman Knowlton noted the 11/4/13 "Prepare for Winter program" to be held at the library.

Selectman Knowlton reminded the public to sign up on the Town's website for the Code Red Alert.

Selectman Dalpe attended the Open Farm at Lolan's Farm, 121 Thompson Street, on Sunday, October 13th. It is the last working dairy farm in Middleborough. It is run by Sam and Sue Shields.

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They were one of 49 farm families in N.E. and NY who supply to Cabbot Creamery. Selectman Dalpe offered her thanks to them for their dedication in keeping the farm open.

Selectman Dalpe noted that we have another resident at the Shaw Home turning 100 this week and we will be there to recognize Yvonne Wright.

Chairman McKinnon noted daylight savings time and cautioned the public against walking the streets in dark clothing after dusk, unless geared with some type of reflectors and also to change smoke detector batteries.

Jane Kudcey of OECD addressed the Board. Colonial Lantern Tours will be holding historic ghost tours of downtown Middleborough on Sunday, 10/27, Monday 10/28, Tuesday 10/29 and Wednesday 10/30, starting at 8 pm in front of Town Hall. Tickets are \$15 and will be available at lanterntours.com. Any merchants interested in offering \$3.00 coupons should contact Jane.

Jane Kudcey announced that, immediately following the Christmas Parade on 11/30/13, in conjunction with "Small Business Saturday", celebrating will take place with goodies and the holiday lighting of Kramer Park at dusk. More information will be forthcoming. Chairman McKinnon requested that this information be posted to the Town's website.

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Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to approve 9/30/13 meeting minutes with correction as noted.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to approve the 10/7/13 meeting minutes.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 10/18/13.

NEW BUSINESS

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to ratify the Town Manager's appointment of Deborah Kirsch to the Conservation Commission for a two-year term through 6/30/15.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to ratify the Town Manager's appointment of Diane C. Stewart to the Conservation Commission for a one-year term through 6/30/14.

Chairman referenced correspondence from Barbara Holton in which she asked to have a letter placed onto the Town's website....Town Manager advised the Board that the posting was taken down. With last Monday's holiday, the camping season has ended. Barbara Holton asked the Board why her campground being closed was posted to the Town's website noting that other closed

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businesses in Town are not posted to the website. Chairman responded that the Town posted the information because it was involved in legal action directly with the Holtons regarding the campground. Town Manager offered that it was a public service to the potential campers to know so that they would know that the campground was closed by Order of the Court. Ms. Holton responded that they closed their campground last October. Chairman offered that the history of the Holton's opening the campground without a license supported posting this notice to the website. Barbara Holton informed the Board that all issues are now taken care of and they are going to move on with the sale of the property. Chairman noted that the sale of the property isn't on this agenda. Brian Giovanoni addressed Board and expressed concern that the announcement by Barbara Holton that they are selling their property isn't considered an official notice. Town Manager responded that the matter is not on tonight's agenda, and therefore, would not be an official notice.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to appoint Elizabeth "Betty" Wainright to the COA Board of Directors, filling the vacancy caused by the passing of Sarah Jigerjian, with term ending 6/30/14.

Chairman announced a new vacancy on the COA. Letters of interest may be forwarded to the Selectmen's office.

Jane Kudcey addressed Board. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman to sign the amendment request for use of \$50,630 of Program Income funds to continue to assist homeowners with emergency housing rehabilitation who are on waiting list.

Jane Kudcey addressed Board. Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to sign Award of Sproat/Park Street Infrastructure Repair Project to Pavao Construction Co.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to declare 1977 Chevrolet sludge truck VIN-CHV737V148875, as surplus. Selectman Knowlton offered his appreciation to Wastewater Superintendent Todd Goldman for providing photographs of truck.

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to issue 2nd Hand license for Boutique Azaleia for 17 S. Main Street.

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to waive \$50 licensing fee for Boutique Azaleia as the store is simply relocating.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to approve Betterment Agreement for 175 Rocky Meadow Street in the amount of \$21,100.

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Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to appoint DPW Director Christopher Peck as the Town's representative to South Shore Recycling Cooperative (SSRC) for a three-year term, effective immediately. Chairman requested a term end date for this appointment be determined.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to approve and sign First Amendment to Middleborough/Lakeville Intermunicipal Water Agreement.

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to authorize Town Manager to sign Jones Day Engagement letter.

Discussion ensued regarding raising various licensing fees. Selectman Knowlton offered that he was opposed to raising fees on licenses. Selectman Quelle offered that he prefers to base fees on our needs, not by concerning ourselves with what other Towns charge. Chairman offered that the Board should be mindful of increases in annual Town expenses. Selectman Dalpe agreed with Selectman Knowlton that we want to be business friendly. Chairman asked Town Manager if he can run some numbers. Town Manager offered that increasing a \$25 license by \$25 for the first time in five years is not unreasonable. Selectman Dalpe noted that we have a lot of empty businesses in Town. Chairman offered that he doesn't think it's due to fees. Board agreed to withdraw the matter.

Board postponed prioritizing its goals until its next meeting when Selectman Frawley will be in attendance.

HEARINGS, MEETINGS, LICENSES

Edgeway Mobile Home Park

Motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to continue the Edgeway Mobile Home Park re request action on a criminal complaint concerning the \$100.00 per day fine for operating a Manufactured Home Park without a license to 1/27/14 at 7:30 PM.

WRPD – Middlebury Arms, 89 East Grove Street

At 7:58 PM Chairman opened public hearing re WRPD Permit application filed by Horsley Witten Group, Inc. on behalf of Michael Mattos, Affordable Housing & Services Collaborative, Inc. for Middlebury Arms, 89 East Grove Street, M65, L1067 by reading aloud the public hearing notice. Attorney Robert Mather, representing Affordable Housing & Services Collaborative, Inc. addressed the Board. Jane Este, engineer with Horsley Witten Group made presentation. Town Manager brought the Board's attention to the recommendations made by its engineering consultant. Attorney Mather offered that he doesn't think it's necessary, and noted that Mr. Tabaczynski's recommendations were not insignificant and would be costly. He asked the Board to consider issuing the permit, despite the engineer's suggestions. Selectman Knowlton and Dalpe agreed.

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Chairman asked to hear any further comments or questions. Hearing none, Chairman declared the hearing closed.

Upon motion made by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to grant a special permit to the Affordable Housing and Services Collaborative, Inc., to allow for the repaving of the existing parking lots and driveway and stormwater improvements at 89 Grove Street as requested in the Applicant's application under the Water Resource Protection District By-law pursuant to Section 8.2.9 WRPD Z4 Use Regulations 3 (d) III, based on the plan titled "Grading and Drainage Plan", Prepared for Peabody Properties by Horsley Witten Group, Inc., dated July 29, 2013 and revised October 18, 2013.

The Board grants the special permit with the following condition:

- a. That the driveway behind building D be shifted to provide additional stormwater treatment.

The Board finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

BILLS

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to pay Wright Pierce Invoice #1 in the amount of \$37,300.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to pay Wright Pierce Pilot Testing Invoice #1 in the amount of \$11,430.60.

Upon motion by Selectman Quelle and seconded by Selectman Dalpe, Board voted unanimously to pay Wright Pierce Wastewater Characterization Study Invoice #1 in the amount of \$20,750.20.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to pay Atlantic Design Engineers, Inc. invoice in the amount of \$950 for review of WRPD application re Middlebury Arms.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to pay Jones Day invoice in the amount of \$585.

TOWN MANAGER'S REPORT

We are actively marketing the available space in the Eastern Bank building at 20 Centre Street. Eastern Bank will be leaving this location at the end of the month.

Town Manager noted supportive letter from Congressman Keating to MA DOT Secretary Davey regarding the Middleborough Rotary.

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Town Manager noted the newly installed Audible Pedestrian buttons at the four corners in Middleboro Center.

The Town Manager and Town Planner will be attending a meeting with representatives of Raynham Park on Thursday.

CORRESPONDENCE

#4 Selectman Dalpe noted the Substance Abuse Awareness Program to be held by State Representative Calter on 10/23/13 at Silver Lake Middle School.

#9 Selectman Dalpe noted the Drug Overdose Prevention Conference to be hosted by the Mayor of Brockton and the Plymouth County District Attorney on 10/25/13 at the Shaw Center in Brockton.

#5 Selectman Dalpe noted the hours that the Library will close during the holiday season.

#13 Selectman Quelle noted the planned Celebration of Life in memory of Sarah Jigerjian to be held on 10/24/13.

#20 Selectman Quelle noted correspondence from the Conservation Commission Agent re the Town's Option to Buy Ch. 61-B Recreational Land, 68 Purchase Street (M73, L4583/r/). He suggested that it's something worth discussing. He will keep his eye on this matter, offering that it is a very interesting discussion.

#21 Selectman Quelle noted that the Timothy Walsh Foundation has passed Phase I for a Registered Marijuana facility.

#21 Selectman Knowlton noted that the Timothy Walsh Foundation has indicated that they are looking at Middleborough as a location for a Registered Marijuana dispensary facility.

#20 Selectman Knowlton noted that, although the Conservation Commission had a discussion on the 61-B Recreational land at 68 Purchase Street, it did not come up with any recommendation on purchasing or making use of that property.

#13 Selectman Knowlton noted the Celebration of Life luncheon in memory of Sarah Jigerjian at the COA on 10/24/13.

#2 Selectman Knowlton noted the first meeting of the Local Emergency Planning Committee. Town Manager noted that the initial certification came from that meeting and we had a follow up meeting last week. We will be going for final certification next year. It will be helpful with grants going forward if we can maintain this status.

#12 Selectman Knowlton noted that FiOs is increasing its rates again. Comcast is also raising its rates, but not on as many items.

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#24 Chairman McKinnon noted that he had been asking for a report from the Building department similar to the Health department. He thinks the report needs work as it is presently showing the same number of permits issued in one month as shows in one year. Town Manager offered that he discussed the report with the Building Commissioner today and they will make the necessary adjustments.

#7 Chairman noted that the House Bill 1115 hearing re Low & Moderate Income Housing will be held tomorrow morning at 10 a.m. Town Manager offered that he spoke with Representative Gifford and she has all she needs from the Board relative to its support of this Bill.

#19 Chairman noted NSTAR ROW 280 Vegetation Removal and the removal of Box Turtles.

At 8:38 PM Board voted by Roll Call to go into E.S. to discuss strategy relative to Collective Bargaining (all bargaining units) and not to return into Open Session. Roll Call: B. Quelle, Yes; L. Dalpe, Yes; J. Knowlton, Yes; S. McKinnon, Yes. Ended at 9 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN