MINUTES

For approval at the 2-24-14 meeting

Middleborough Board of Selectmen **DRAFT** **February10, 2014**
Meeting Minutes

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, A. Frawley, B. Quelle, L. Dalpe, and J. Knowlton and Town Manager, C. Cristello.

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

UNANTICIPATED
None.

ANNOUNCEMENTS & RECOGNITIONS
Selectman Dalpe reminded businesses and organizations to get their information to the OECD if interested in free advertising re Tourism website. Organizations or businesses with planned events or festivals going on may be included in the festivals brochure for free. For participation information, please visit Herringrunfestival@gmail.com . For the town website advertising & listings, please visit oecd@middleborough.com .

Ken Maddigan Co-Chairman of the 150 Committee of the May Flower Lodge addressed the Board. Committee member John Evers was also present. They are having a special event on 5/17/14 from 7 a.m. to 4 p.m. in the Town Hall parking lot. They provided the Board with a listing of events being put on by the Masonic Lodge, such as the 150th anniversary celebration in March. Mr. Evers addressed the Board to further explain upcoming events. Selectman Dalpe offered to assist in posting the event information to the Town's Tourism website.

MINUTES
Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted to approve the 1/27/14 meeting minutes. Four in favor. Selectman McKinnon abstained.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 2/3/14 meeting minutes.

WARRANTS
Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 2/7/14.

NEW BUSINESS
Town Manager explained that the High School had a conflict in availability for meeting space on 6/2/14, therefore, the Town Moderator had proposed holding the meeting on Tuesday, May 27th with Wednesday, May 28th as the flow over night. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 2014-2015 Constable re-appointments, as presented. Chairman requested that verification be obtained that all required fees are being paid by the Constables.

Upon motion Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve Betterment Agreement for 72 Vernon Street in the amount of $25,863.75.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to declare Police department 2008 Ford Crown Victoria VIN# 2FAFP71V58X179213 as surplus.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to reappoint Auxiliary Police Officers for 2014, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to reappoint Special Police Officers for 2014, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to reappoint Agents for Liquor Establishments, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve payment of Wright Pierce Invoices: Pilot Testing in the amount of $19,432.02 and Schematic Design in the amount of $28,633.22.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to publish the hearing notice for the Comprehensive Wastewater Management Plan public hearing scheduled for 2/24/14 at 7:30 PM.

HEARINGS, MEETINGS, LICENSES

School department Business Manager Kathy Piatelli addressed Board re the Four (4) Statements of Interest re MA School Building Authority. Board asked questions, which were answered by Ms. Piatelli.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously, the following, and to authorize the Chairman to sign the four (4) Statements of Interest:

Resolved: Having convened in an open meeting on February 10, 2014, the Board of Selectmen for the Town of Middleborough, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent, Roseli S. Weiss, Ed.D., to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 10, 2014 for the Middleborough High School located at 71 East Grove Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to

Priority # 2 - Elimination of existing severe overcrowding.

Our current facility restricts our ability to fulfill our mission. Constraints involve space, equipment and technology. The classroom environment has changed. In an effort for us to provide a 21st century learning environment we have converted three (3) classrooms into computer labs. There are eight (8) classrooms which have been taken over for specialized instruction; Special Education programs, Alternative High School, Severe Special Education classrooms and the LINKS Program. This leaves us with eleven (11) less instructional classrooms.

Priority #3 - Prevention of the loss of accreditation.

A Commission visit in April 2013 prompted the New England Association of Secondary Schools and Colleges to place Middleborough High School on warning status for facility based issues.

Priority #5 – Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The present boiler system is original equipment that was installed when the schoolhouse opened in 1971. Despite on-going maintenance to maintain the current system, a modernization of this nearly 40 years' old technology will result in significant efficiencies and cost savings. Single pane, original windows in 25% of the building result in rain and wind coming into the classrooms. The original ventilation system is inadequate, loud and obtrusive. The electrical capacity is inadequate to provide a 21st century learning environment. There is a lack of power, outlets and data drops throughout the whole building.

Priority #7 – Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Our accreditation warning includes concerns with antiquated science labs, high class sizes and inadequate space for health services, conferences with parents, and storage. An addition may provide for immediate storage and meeting concerns but will not address the structural deficiencies we face in bringing a 21st century learning environment to our students.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Middleborough to filing an application for funding with the Massachusetts School Building Authority.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this Statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Resolved: Having convened in an open meeting on February 10, 2014, the Board of Selectmen for the Town of Middleborough, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent, Roseli S. Weiss, Ed.D., to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 10, 2014 for the Mary K. Goode Elementary School located at 31 Mayflower Avenue, Middleborough which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to

> **Priority #5-Accelerated Repair** Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
>
> *Mary K. Goode Elementary Schools requires the replacement of a boiler that has had sections replaced this past year. Boiler technicians have suggested replacing the boiler with two smaller more energy efficient units that would also offer redundancy.*

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Building Authority the Statement of Interest Form dated February 10, 2014 for the Memorial Early Childhood Center located at 219 North Main Street, Middleborough which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to

> **Priority #5 – Accelerated Repair** Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
>
> *Memorial Early Childhood Center was renovated in 2007 and the original slate roof was repaired to keep with the character of the building. Pieces of slate are becoming dislodged and falling off. Replacing this roof with a different product, possibly a faux slate to keep with the character of the building or a traditional roof product is warranted.*

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Resolved: Having convened in an open meeting on February 10, 2014, the Board of Selectmen for the Town of Middleborough, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent, Roseli S. Weiss, Ed.D., to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 10, 2014 for the John T. Nichols, Jr. Middle School located at 112 Tiger Drive, Middleborough which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to

> **Priority #5 –Accelerated Repair** Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

John T. Nichols, Jr. Middle School requires the replacement of two (2) boilers. Repairing these boilers is not possible because the manufacturer no longer produces the replacement sections to these boiler units.

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Citizen's Environmental Health Impact Committee (CEHIC)
CEHIC Secretary Susan Beaulieu addressed Board. The Committee has been working on the Field of Dreams. The Committee was unable to obtain a grant for equipment necessary to conduct soil testing. It costs approximately $23,000. The Committee is concerned that the soil is heavily contaminated. They have been unable to locate records pertaining to the cleanup of the area prior to the construction of the field. They brought of the issue of the Trash train, with its soil and air contamination, especially after the two fires, which were put out by the Fire department. They were on sight for one of the fires for forty minutes at 580 gallons of water per minute. There were two fires of that magnitude that they have record of thanks to Mr. Knowlton. The Committee is wondering if there should be a fee to the train people as this is a lot of water and it has tied up the men from the Fire department. Another concern is that it is located next to the MG&E gas plant. She provided the Board with photographs from December 2013 and some from the present. The photographs show no difference. Chairman noted that Mr. Montapert had suggested moving the train further down so that it's neither exposing the gas plant to a fire nor the bridge. The Committee is also concerned about Tanker cars sitting there frequently. They also don't know how much contamination there is from all of the water that drained out of the trains as they put out the fires. Selectman Dalpe offered that she attended the meeting with DOT, the MG&E, and the owner of the tracks, CSX. The train is being parked under a bridge that is owned by D.O.T. so they are going to fix that. All of the parties, including the Health department are going out to assess the site and find someplace to park this train. The train is 250' away from the gas tank. The train company leases the cars out and is supposed to contact the companies they lease to and find out what is contained in the cars. She believes there will be a solution within the next few weeks.
The Committee has also been following the progress of cleanup of Rockland Industries. The following up of cleanup has not been done to the specifications of the DEP. The Committee is working with the Conservation Commission, specifically, Commission Agent Tricia Cassady as they all wait for further information/response from the DEP. Selectman Frawley asked if there are/is

any specific incidents/evidence of contaminants being located in the soil of the Field of Dreams. Mrs. Beaulieu explained that they have based their concerns on reports by individuals who present for the construction of the site. Chairman thanked the Committee.

Cultural Council

Cultural Committee member Clair Cole addressed the Board and reported that the Council has eleven members. The Council has a grant cycle through the MA Cultural Council for local allocation. In grant cycle 2012-13, they had 24 applicants make 14 grants for $6,131. For this past grant cycle, we had 21 applicants and granted 13 grants for a total of $6,531. All of these 2014 grants were only partial, therefore, they were unable to fully fund any of the grant applications. They did/will fund: A new play to be produced in Town, Entertainment for Krazy Days, the Lakeville Arts & Music Festival, Joe Davis Folk Festival and Harvest Fair at Soule Farm, the brand new Herring Festival, the Friends of the Library re World & Classical Music and some other small grants. A copy of the Council's Annual Report was distributed to the Board. Selectman Knowlton offered his appreciation for what the Council does with the money that it does have and how it supports the various organizations in Town. Chairman thanked the Council.

Agricultural Commission

Chairman Bill Rogers addressed the Board. He introduced the Commission's Secretary, Connie Miller. Everyone on the Commission is directly involved in agriculture in one way or another. He noted the loss of two members, Chairman Patricia Farrington and Louise Cowan. The Commission would love to have more members. Anyone interested can notify the Commission either through the Town's website or through the Commission's mail pickup at the Town Hall Annex, 20 Centre Street. Selectman Dalpe will contact the Commission re gathering information for the Tourism brochure. The Commission meets at 7 PM on the first Monday of each month at the library. Chairman thanked the Commission.

Earth Removal permit hearing– Riverrock Realty Trust, 288 Thompson Street (continued from 1/27/14)

Chairman continued hearing from 1/27/14. Applicant Joe Arruda addressed Board. Landowner, owning not just the bog parcel, but one of the Form A lots out front, Marcus Baptiste, addressed the Board to respond to Planning Board items of concern. They would be willing to put in a condition and expect the Board to put in a condition stating that the lots (6 & 7) need to be reconfigured prior to the gravel removal beginning so that they no longer extend down over the reservoir or the blog. Mr. Beaton of Bayside addressed the Board and offered that he understands and accepts the conditions. He does have 3.5 acres of bog that can be overlaid on this project. Mr. Baptiste addressed the Board again. Attorney Robert Mather addressed the Board on behalf of the applicant. Board requested opinion by Town Counsel be obtained.

Discussion between Attorney Mather and Board ensued. Marcus Baptiste and Joe Arruda continued responding to Planning Board items of concern. Mr. Arruda explained that there is going to be a restriction on this property to guarantee it will always remain as farm land. Mr. Baptiste explained the requirements that National Heritage has of this project. Mr. Arruda explained to the Board that he anticipates this project to take a minimum of five years to complete. Mr. Baptiste and Mr.

Arruda responded to items of concern presented by Atlantic Engineering. Board heard from various abutters, including Anne Williams. Abutter Steve Bonfiglioli addressed Board and suggested implementing a fee per yard of removal that could be held in an account to repair road conditions. Resident Brian Giovanoni offered some personal positive responses he has received from Mr. Arruda relative to his other Earth Removal project. Sam Shields of Thompson Street spoke in favor of Mr. Arruda, citing positive personal experiences in working with him whenever any Earth Removal issues have arisen. He offered that these trucks are going to travel these roads with, or without, approval of this permit and that beyond any concerns re truck travel or slopes, there should be concern given to the possibility of a 40B being built at this site instead. Abutter Nick Taunton of 3 Fuller Street addressed Board and spoke in favor of issuing this permit. Motion made by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to continue hearing to 2/24/14 at 8:15 PM.

WRPD-Cumberland Farms, Inc. for 90 & 92 E. Grove Street, Map 65, Lots 299 & 112 & 147 Wood Street, Map 65, Lot 372 (continued from 2/3/14).
Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to continue hearing to 2/24/14 at 8:30 PM.

Arthur Battistini of Battistini's Bakery, Inc. appeared before the Board to give presentation re his proposal to lease the space at One South Main Street. Discussion ensued. Board agreed to take under advisement and continue discussion on 3/3/14.

TOWN MANAGER'S REPORT
Town Manager noted correspondence re Five Year Forecast.

CORRESPONDENCE
#4 Selectman Quelle noted Plymouth Country Commissioners submittal of Audit Reports 2007-2009.

#12 Selectman Quelle noted correspondence from 61 Holly Tree Lane-Flooding issue. Town Manager noted that the Health Officer is taking the lead on this. Selectman Quelle offered thanks to the department heads who are giving this attention.

#9 Selectman Quelle noted MA DOT National Bridge Inspection Report.

1 Selectman Knowlton offered he was pleased to see CVS intends to stop selling tobacco products.

#12 Selectman Knowlton offered that he was glad to see this issue is being looked at.

#1 Selectman Frawley noted that CVS never had any issue taking tobacco products down.

#9 Selectman Frawley offered he has been under this bridge a couple of times and he thinks it looks good.

Brian Giovanoni addressed Board to offer credit to the Middleborough Youth Advocates for their efforts regarding stopping tobacco sales to minors and pushing for health stores, such as CVS to stop selling tobacco products altogether.

#4 Chairman McKinnon noted the Plymouth County Commissioners being very aggressive in accomplishing the progress re audit reports.

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted by Roll Call to go into Executive Session at 9:38 PM to discuss strategy relative to Collective Bargaining with all Bargaining Units and not to return into Open Session. Roll Call: Selectmen B. Quelle, Yes; L. Dalpe, Yes; A. Frawley, Yes; J. Knowlton, Yes; and S. McKinnon, Yes. Ended at 10 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN