

# **MINUTES**

**For approval at the 2-25-13 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes****February 4, 2013**

Chairman opened meeting by inviting those in attendance to join in the Pledge of Allegiance.

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

Meeting was broadcast live by MCCAM and recorded by MCCAM and Verizon.

**UNANTICIPATED**

Resident John Ewas addressed Board to request an itemized invoice relative to the back taxes he owes to the Town.

**ANNOUNCEMENTS & RECOGNITIONS**

Selectman McKinnon noted that the Presidential luncheon will be held this Saturday at Town Hall. Tickets are available at Maria's Card Shop and all are welcome.

Selectman Frawley congratulated Tara Mirrano, a trainer at MHS, for receiving the "2012-2013 MIAA Women in Athletics Distinguished Service Award".

**MINUTES**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve 1/28/13 meeting minutes. Four in favor. Selectman Frawley abstained.

**NEW BUSINESS**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for The Bartending Service of N.E. on 2/9/13 from 7 PM to 12 AM at Town Hall, 10 Nickerson Avenue.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to appoint Adam S. Barkley as a Volunteer Observer to the Herring Fishery Commission, effective immediately, with a term ending 6/30/13.

**HEARINGS, MEETINGS, LICENSES**

Grant King of SRPEDD addressed Board to give presentation re S. Coast Rail PDA's & PPA's. Town Manager and Ruth Geoffroy offered comments.

Discussion ensued about the Middleborough Rotary. Board members noted for Mr. King that the Town of Middleborough did not build the Rotary, the State did, yet 90% of vehicles going through it, are not from Middleborough. They went to the State House & Secretary Mullen told them that the State is not going to fix the Rotary. They asked Mr. King to be a stronger voice for Middleborough. They noted that it's getting critical and something needs to be done, that Ms. Geoffroy has many years of experience and her letters seem to fall upon deaf ears, which is an insult to the entire Town. They offered that SRPEDD does not deliver. Mr. King offered to bring these comments back to SRPEDD. He offered that SRPEDD can guarantee to be a strong voice.

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Members of the Board responded that the Town needs to see results. Mr. King offered that SRPEDD will have insight as to the way in which they are making their designations. Chairman noted that this is not a Middleborough issue, but rather a regional issue, and that they want SRPEDD to be a strong voice for the Town, but they don't have much optimism. Mr. King noted that they will work with the Town Manager and Ruth Geoffroy to schedule some meetings.

Consolidation of local Housing Authorities

Jo Ruthwicz of the Housing Authority introduced Richard Leiko of the Attleboro Housing Authority. The Governor wants to consolidate all local housing authorities into six regional housing authorities. Discussion ensued. It was noted that the money spent utilizing local contractors for these facilities is significant to the community. Motion made by Selectman Spataro and seconded by Selectman McKinnon, to send letter not supporting the consolidation as proposed by the Governor. Jane Kudcey of OECD spoke about the economic development that the local Housing Authority provides the Town. She noted the grants that Ms. Ruthwicz has gotten for the Town and the construction and administrative jobs that it has provided to the Town. The Board recognized and offered appreciation to Ms. Ruthwicz for all that she has done. State Representative Orrall addressed the Board and offered that she is in full support of the local Housing Authorities position. She offered that the Governor's proposal is not in the best interest of the Citizens of the Commonwealth. She confirmed with Ms. Ruthwicz that they were not contacted or included in discussions with the Governor on this decision. Representative Orrall offered that we need to think more about local control as opposed to the Governor's position to regionalize everything. Unanimous vote to send letter opposing Governor's proposal.

2013 Late Stable Permits

Health Officer Jeanne Spalding addressed Board and reported that 20 Tavern Crossing has submitted payment, however, not their application. She has made several attempts to collect from 21 Spruce Street without success. Serena & Sean Kelley have informed her that they do not have the funds at the moment and that they will not attend this evening. She recommended giving them 14 additional days to catch up on the double fees that they owe, and without compliance by that time, to offer them the opportunity to remove the animals. If this is not an acceptable option to the Kelley's, the Health Officer suggests the Town approach Town Counsel to take necessary steps to resolve. Town Manager offered that he finds her suggestions reasonable. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support a letter being sent giving them 14 days to resolve payment, and if not, to forward matter to Town Counsel.

Edgeway Mobile Home Park – Application for Renewal of Park license

Attorney Burke addressed Board to offer update. He realistically thinks he will have one, or both, Parks under agreement by the end of next week. He noted that the residents will have the ability to exercise their rights under the Statute. Chairman asked that the new proposed owners understand that the Town expects the items on the list to be completed. Attorney burke responded that they understand, however, may want to consider flexibility with possibility of changing some of the plans. Chairman asked Attorney burke if the potential buyers will move forward without a license being issued this evening. Attorney Burke responded that you can't sell the Park to anyone without a

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license. Anne McGann addressed Board offering that the residents do not support issuing the Park its license, noting that they do not see how the Board could issue it with all of the violations by the Park. Attorney Burke responded that he has prospective buyers in front of the Board. Town Manager offered that he spoke with Attorney Burke today and it may be worth postponing action by a week or two to see what may develop through meetings with Attorney Burke and Town staff. Anne McGann noted that there are only two ways out of the Parks and right now there have been six gas leaks fixed in Twin Coach Park recently. Selectman Frawley asked if the Board could pursue possibility of fining the Park. Chairman responded that it could, but he would recommend delaying action tonight to allow the Town Manager to meet with the potential buyers as it is in everyone's best interest to find a buyer. Motion made by Selectman Spataro and seconded by Selectman McKinnon to defer matter until 2/25/13.

Edgeway Mobile Home Park resident addressed Board and offered that Attorney Burke has had more than enough time to correct the problems in the Park. He asked questions such as who these potential buyers are and who would buy this Park with the problems it has. Louisa Brown addressed Board asking why the Town will not fine the Park owner. Chairman offered that he is interested in seeing the problems in the Park resolved. The financial means are not there for Mr. Burke to fix these problems. We looked at the financials and the money is gone. The Park is not generating enough money through the monthly rents. Louis Brown disagreed. Chairman offered that the only way to resolve the problems in the Park is through new ownership. Adam Bond suggested speaking with Town Counsel to confirm that Mr. Burke has met statutory requirements regarding license renewal. Board voted unanimously to defer matter to 2/25/13 at 7:30 PM.

**TOWN MANAGER'S REPORT**

Town Manager congratulated the Middleborough Police detectives who contributed in the investigation re the recovery of the recent misplaced and stolen Plymouth police weapon at the Wareham District Courthouse, in addition to the Middleboro Police department's efforts in leading to the capture and arrest of the South Shore Arsonist, and the recent drug bust by the department. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to send letter of recognition to Chief Gates and the department.

Town Manager informed the Board that he would like to schedule a Wednesday, February 20<sup>th</sup> Workshop for Board. Board agreed.

**CORRESPONDENCE**

#1 Selectman McKinnon noted Capital Planning Committee meeting minutes. He proposed getting the Committee involved, with a survey of the radio systems we have to see what's going to have to be replaced to go to a higher band and to be sure that any purchases we make are compatible/expandable. Town Manager will bring it up at Capital Planning Committee meeting tomorrow night.

#3 Selectman McKinnon noted Bridge Inspection Report and confirmed it was copied to DPW Director Andy Bagas.

#4 Selectman Quelle confirmed with Town Manager that he and DPW Director Bagas are working with Attorney O'Shaughnessy towards resolving outstanding matter re Valley Road.

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#9 Selectman Frawley asked if anyone had any comments they want to make re MA Gaming Commission. Town Manager offered that he thought the regulations look straight forward.

#4 Chairman Rullo mentioned that there had been a resident in attendance earlier this evening with concerns re the condition of Valley Road. Town Manager noted that Town Counsel will take a look at it in the short term.

Selectman McKinnon noted the Town's Assessment through SRPEDD is \$3,733.93 for the year.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call to 8:52 to go into Executive Session to consider the purchase, exchange, lease, or value of real property and not to return to Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; S. McKinnon, Yes; B. Quelle, Yes; A. Rullo, Yes. Ended at 9:06 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

**Middleborough Board of Selectmen  
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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, A. Frawley, B. Quelle, and S. McKinnon, and Town Manager C. Cristello.

**UNANTICIPATED**

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

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjust the date of the previously approved liquor license for the Republican Town Committee (RTC) luncheon scheduled for 2/9/13 to 2/16/13.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to adjust the date of the previously approved liquor license for the Soule Homestead Valentine's dance scheduled for 2/9/13 to 2/16/13.

MG&E Interim General Manager Jackie Crowley addressed Board to give overview of events related to the weekend's blizzard & to give current status relative to power outages. Chairman recognized outstanding effort by the MG&E during this storm. Selectman McKinnon offered his appreciation for all of the work done and suggested an "after action meeting" so that all department heads can meet and discuss anything that may have gone wrong and improve upon in the future. MG&E Commission member Glenn Montapert addressed Board and thanked the rate payers for hanging on while power was being restored. He noted not having had phone service during the storm and offered that he will investigate alternatives, such as texting, tweeting, or some other alternative method to improve upon communication in this type of situation. He thanked the MG&E employees for their hard work. Chairman Rullo thanked the MG&E and all departments, including the DPW, for the outstanding job done. He also agreed that it can only be beneficial for the various departments to meet and discuss where improvements may be made for future storms. Town Manager noted that Emergency Management Director/Fire Chief Lance Benjamino did an outstanding job coordinating all efforts. Board agreed.

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None voted.

**ANNOUNCEMENTS & RECOGNITIONS**

Selectman Frawley offered his thanks to all department heads for stepping up to the plate during the storm. He especially noted Catherine Hassett of the Health department and her husband. They both helped set up, and volunteered at the school's shelter. He offered that he couldn't thank the MG&E enough for all of its efforts and hard work.

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**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for Muckey's Liquor for 3/21/13 from 5 PM to 10 PM at Oak Point, 200 Oak Point Drive.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve a One-day Beer & Wine liquor license for The Bartending Service of N.E. for:

3/2/13 from 6 PM to 11 PM at the Alley Theatre, 133 Centre Street

3/15/13 from 6 PM to 11 PM at the Alley Theatre, 133 Centre Street

After discussion and consultation of the Town Manager, Board agreed to table the Constable request for 3-year appointments.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Constable re-appointments as presented, subject to receipt of acceptable CORI reports and current bond confirmations by the Selectmen's office.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve re-appointments of Eleanor Osborne, Keith MacDonald, and Edward Pratt, to the Library Trustees with term end dates of 6/30/16.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to re-appoint Auxiliary Police Officers for a one-year term, expiring 1/30/14, as presented on the attached.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to re-appoint Special Police Officers for a one-year term, expiring 1/30/14, as presented on the attached.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to re-appoint Agents for Liquor Establishments for a one-year term, expiring 1/30/14, as presented on the attached.

**HEARINGS, MEETINGS, LICENSES**

Wayne Perkins addressed Board and announced that Middleboro on The Move will hold Crazy Days on 8/2 & 8/3/13. He presented request to Board for Street closings on both days from 8 a.m. to 7 pm as follows:

- S. Main Street at Nickerson Ave.
- Wareham Street at Clifford Street
- North Main Street at Pierce Street
- Centre Street at Union Street

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He also requested permission to place a sign on the Town Hall lawn and to hold the barbeque on the lawn of Town Hall. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve requests.

Mr. Perkins, who also sits on the Historic Commission, noted that, at its last meeting, the Commission voted to rejuvenate the Green School Committee. The present members are seeking additional representatives, including a member of the Board of Selectmen. Selectman Frawley volunteered to serve as the Board's representative. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to appoint Allin Frawley as the Board's representative to the Green School Committee.

WRPD Public Hearing – 37 Katrina Road

Chairman opened public hearing at 7:40 PM by reading aloud public hearing notice on application made by Andy Cimbron for a WRPD Special Permit. The applicant was not in attendance. A question and answer period ensued. Chairman asked to hear any further comments/objections. Hearing none, Chairman declared the hearing closed.

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.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to grant a special permit to Andy Cimbron to allow for construction of a new driveway and utilities at 37 Katrina Drive as requested in the Applicant's application under the Water Resource Protection District By-law pursuant to Section XII. H. 3 (d) i, a limited project as defined by 310 CMR 10.53 (3), based on the plan titled 'A Site Plan of Land in Middleboro, MA Prepared for Andy Cimbron by Webby Engineering Associates, Inc., dated February 22, 2012.

The Board grants the special permit with the following condition:

- a. that there be replication/restoration of the bordering vegetated wetlands.

Town Clerk – Presentation of Options re Dual Election

Town Clerk Allison Ferreira presented Board with facts to be considered when determining if Board wishes to hold dual election, combining Annual Town Election of 4/6/13 with Special State Primary of 4/30/13. She presented information gathered from other Town Clerk's relative to the advantages and disadvantages of holding a dual election. Town Clerk recommended holding a dual election on 4/30/13. A question and answer period ensued. Town Clerk will contact Town

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Counsel for a response to questions presented this evening. Board agreed to consider the matter and vote at its 2/25/13 meeting.

MCCAM – Policies & Operating Procedures

Karen Foye addressed Board. Board offered its appreciation for the establishment of these policies & procedures. Town Manager noted that Cable Committee Chairman Robert Silva was not in attendance this evening as he was home resting from helping run the local shelter over the weekend in response to the blizzard. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve MCCAM Policies & Operating Procedures.

**TOWN MANAGER’S REPORT**

None.

**CORRESPONDENCE**

# 1 Selectman McKinnon noted Capital Planning Committee – He wants to get information to the Committee so we can start looking at our communication systems.

#6 Selectman Quelle noted Job Posting: 2<sup>nd</sup> Class Step Lineman with the MG&E.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 8:20 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN