

MINUTES

For approval at the 2-27-12 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

February 13, 2012

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, 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

None.

ANNOUNCEMENTS

Selectman Frawley reminded the public that Wednesday, February 15, 2012, is the last day to register to vote for the Presidential Primary and noted how important it is to vote.

MINUTES

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve 2/6/12 meeting minutes.

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 to the North Congregational Church for 6/16/12 from 7 PM to 11 PM at 38 Plymouth Street.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Town Hall rental by the North Congregational Church on 6/16/12 from 2 PM to 12 AM.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to declare the Water department 2001 Ford Crown Victoria, VIN 2FAFP71W51X143004, as surplus. Selectman McKinnon asked Town Manager if future purchases of vehicles can be natural gas so that we can use the natural gas that we sell to fuel these vehicles. Town Manager will look into. Selectman Quelle asked Town Manager if these vehicles can remain on the road if they are still safe. Town Manager explained that these vehicles are scrap and that we contact whoever will give us best price and they take it away. For enterprise fund vehicles, such as Water department vehicles, the money goes into the enterprise fund.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to award bid for the redevelopment of E. Main Street Well No. 1 & Tispaquin Street Well No. 2 to Dennis L. Maher Co, LLC in the amount of \$37,250.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Town Manager to sign Nemasket River Drainage Improvements Agreement with MA D.O.T.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve sending letter to the Governor in support of keeping Taunton State Hospital open.

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Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve 2012 Constable appointment renewals, as presented, subject to receipt of acceptable CORI reports.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the appointment of George Andrade, Jr., Antonio Botta, and Roger Bryant as Auxiliary Police Officers, effective 2/13/12.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to authorize Chairman to sign letter of support re SRPEDD CIC Grant Application-Public Health.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send thank you letter to Senator Pacheco re S 1948, Home Rule Petition, relating to Water & Wastewater Intermunicipal agreements.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to authorize payment to Campbell Construction for Town Hall Cupola project in the amount of \$117,705.94.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to dedicate the Annual Town Report to Betty Brown, Eileen Gates, and Anna Nalevanko.

HEARINGS, MEETINGS, & LICENSES

Update re Edgeway Mobile Home Park Phase II

At 7:30 PM Jamie Bisonett of Prime Engineering presented an update re Edgeway Mobile Home Park Phase II. He indicated that they are working diligently on Phase II drainage and will have plans ready the week before 3/15/12. Chairman asked how he will maintain the 3/15 date waiting for a response to your question from DEP. He responded that they are going to move forward with a Title V system for the Middleborough side and that Health Officer Jeanne Spalding is on board with that. He believes DEP will say yes when they are presented a package for that system. Selectman McKinnon asked if he is going to integrate road drainage with that, to which he answered, yes. Selectman McKinnon asked if his plan can include cleaning out that catch basin to which he responded, absolutely. He noted that the detention basin is under the protection of the Conservation Commission and they could potentially deny us, but he believes they will allow it because their priority is clean water.

Selectman Frawley offered his appreciation for all the work being completed and stressed the importance of the 3/15/12 date. Mr. Bisonett noted that he is well aware of that. He offered that he believes that they can make the date. He noted that they need to get a revised plan into the Board. His goal is to present a nice professional design to the Board. He suggested that DEP not giving us clear direction might cause a change in direction and could be causing time to be wasted, but that they moving forward with what they can. Town Manager noted that the plan just needs to be submitted by 3/15. The engineer meets with Health Officer J. Spalding once per week. They haven't met with Conservation yet and not until they come up with an overall concept of a retention basin. They are close to being at that point. Mr. Bisonett noted that everything they are going to do to the site can only improve it. Selectman Spataro asked if he will most likely meet only one time with the Planning Director before 3/15 to which Mr. Bisonett responded, yes. Chairman thanked him for the update and offered that he may contact the Town Manager if the Board/Town can be of any help.

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Middleborough Youth Advocates

At 7:40 PM Jack Healy addressed Board to introduce Youth Group Co-Chair Casey Schnetzer and MYA Intern Elizabethe Belle. Casey & Elizabethe addressed Board to give PowerPoint presentation. Group asked the Board to set a date to hold a public hearing to amend the Tobacco Regulations, banning pharmacies from selling tobacco products. Chairman thanked MYA representatives for their presentation and noted that the Board takes the matter seriously. He offered that the Board of Health will need to set a hearing date and prepare proper notice for same. The group is focused on the use/abuse of tobacco, marijuana, alcohol, and prescription drugs. They have met with police and they came up with the idea of using a mailbox one week per year where you can drop off leftover prescription drugs, but now want to expand the annual drug take-back day to offer it on a regular basis all year long. They strive to include the police. Additional police support is always helpful. Selectman Frawley thanked the two young ladies, noting that prevention is the best method. He applauded their efforts. Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to set hearing date of 3/12/12

The group offered that they welcome one member of the Board to join the coalition or anybody else who would like to join.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to invite legislators to the hearing, and to inquire about getting some of the tobacco tax money put towards these preventative programs.

Judy Bigelow Costa asked Amanda Decker a question for the community as to what they can do as individuals to get ready for the grant due on 3/22. Ms. Decker suggested that they should come to their meetings on the 4th Tuesday of each month at the Nichols School in room 205, or email her, or meet with her or these remarkable young ladies. She asked the Board to write a letter of support for this grant. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to write letter of support.

Selectman McKinnon asked if there was any particular wording we should include. Amanda will email it to the Board's secretary. Letters of support can be sent to M.Y.A. at 17 Jericho Road, by organizations, clubs, groups, and individuals. Emails count as letters of support and may be sent to Amanda@middleboroughyouthadvocates.com Organizations/businesses would need to write formal letters.

Selectman Quelle asked if she believes our community is selling tobacco to minors to which she responded, yes. They did a sting and they sold to minors. Amanda noted that they also work with stores re sale of alcohol and are proud to say that they have not sold to minors.

Bob Collett of Barnstable County Control Program addressed Board in support of MYA. He noted that he has done compliance checks for us. He offered that the regulation presented tonight is the highest that the state is now recommending. There are more than 70 communities in MA that have now adopted this and there has been absolutely no resistance by the pharmacies. It's been a resounding success. The regulation doesn't have to be adopted in full. You can eliminate certain sections. The MA Department of Public Health is recommending this new regulation now.

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TOWN MANAGER'S REPORT

Town Manager noted letter provided to us by State Representative Orall and addressed to the Governor, the Speaker of the House and the President of the Senate re "recommendation for Mandate Funding; \$11.3 Million to cover transportation of certain homeless students.

CORRESPONDENCE

#11 Selectman Spataro noted correspondence re 88 River Street.

#12 Selectman Spataro noted correspondence re Special Municipal Employee Status. Town Manager explained that the Board has three different Committees asking for that status so he suggested voting those three Committees only for now.

#11 Town Manager noted that we sent Mr. Tracy and Mr. High several letters this week and last week and are proceeding on both for their non-compliance. Town Manager noted that we do not have the authority to go on private property as far as a site visit. The Fire department did go out and observed things it didn't like and put Mr. Tracy on notice. We can ask for permission to visit the site and we will. Selectman Frawley offered his appreciation to the Town Manager & Health Agent for keeping up with this ongoing issue as any pollutants caused by these ongoing non-compliance matters, may cause harm to the rivers in Middleborough.

#9 Selectman Frawley noted the Capital Planning Committee Meeting minutes, and offered that it is an extremely important Committee, and that he is glad to be serving on it.

Chairman announced that the Republican Town Committee is holding an essay contest at Stone Forge restaurant in Raynham. Tickets are available through any member of the Committee or at Maria's Card Store. Any student grades 9-12 may participate for the chance to be awarded a \$5,000 United States Savings bond. Participants must be a Middleborough resident, but can attend any high school.

#3 Chairman Rullo noted correspondence re Annual Retirement Assessment increase.

At 8:50 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining and not to return into Open Session. Roll Call: A. Rullo, Yes; S. McKinnon, Yes; S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes. Ended at 10:15 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN