

# **MINUTES**

**For approval at the 3-18-13 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes****March 11, 2013**

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, Town Manager C. Cristello and Confidential Secretary J. Shanley.

Chairman acknowledged the recent tragic passing of Middleborough resident and former school teacher/coach, James Braga. Chairman Rullo requested a moment of silence in memory of Mr. Braga.

**UNANTICIPATED**

Resident Michael Solimini addressed Board and offered his thanks and appreciation to Chairman Rullo and Selectman Spataro for their contributions having served as Selectmen.

Mr. Solimini offered his concerns relative to not posting enough detail on the Board's meeting agenda as to what Executive Session will be regarding. He handed out pages 5, 6, & 8 of Open Meeting Law. Chairman thanked Mr. Solimini for the information.

Jane Lopes announced that the Middleborough Rotary Club Live Auction will be held this Saturday and Sunday on cable T.V. Proceeds enable charitable contributions and scholarships.

**MINUTES**

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the 3/4/13 regular meeting minutes.

Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to approve the 3/4/13 Executive Session meeting minutes.

**NEW BUSINESS**

Town Manager explained the request that the Board approve the filing of a Zoning enforcement complaint by the Building Commissioner re 191 Bedford Street – Mark Arakelian. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve.

Glenn Montapert inquired if the Board requires that the sponsors of road/bike races, clean up the roads after themselves, i.e. trash. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve the use of Town roads for 7<sup>th</sup> Annual Patriot Half Triathlon on 6/15/13 with the understanding that all sponsors of races, on Town roads, will clean up any refuse accumulated relative to the race.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to authorize Chairman, or his designee, to sign weekly warrants.

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Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to set Special & Annual Town Meeting for 4/22/13 with Special Town Meeting beginning at 7 PM and Annual Town Meeting beginning at 7:05 PM.

**TOWN MANAGER'S REPORT**

The Fire Chief is overseeing damage assessment from the blizzard. We may not get reimbursement for storm related costs if/unless some federal action is taken. The impacts and damage were there, however, snow is not normal part of a reimbursement program and has to be specifically mentioned in the declaration. It is still being worked on.

The Town of Carver was having some problems with its water system. They took over their water system a couple of years ago. We have an Inter-municipal Agreement with them. In certain circumstances, they may need water from us, and, in this instance, they did. Carver Town Administrator Rick LaFond expressed thanks from the Town for our assistance.

Town Manager noted job posting for the DPW Director anticipated vacancy.

We received four proposals for our water treatment plant upgrade. He will present the Board with the top three finalists in the near future.

Brian Giovanoni of Middleborough Friends announced the 8<sup>th</sup> annual summer concert series scheduled for this summer.

**CORRESPONDENCE**

#6 Selectman McKinnon will be attending the Plymouth County Advisory Board meeting on 3/28/13.

Selectman McKinnon asked the Town Manager if he was able to get an update on the Auburn Street matter. Town Manager will work on and report back.

#5 Selectman Frawley confirmed Chairman Rullo is the Board's representative to the MBTA Advisory Board.

#6 Selectman Frawley offered that he intends to attend the Plymouth County Advisory Board meeting on 3/28/13.

#7 Selectman Frawley noted correspondence re Transportation Finance Legislation and offered that he agrees with Speaker DeLeo, in this instance.

Selectman Quelle asked the Town Manager if he plans to speak with our State Representatives prior to sending the letter to them re infrastructure funding. Town Manager agreed to circulate a draft of the letter to the representatives.

**HEARINGS, MEETINGS, & LICENSES**

Edgeway Mobile Home Park – Application for license (continued from 2/25/13)

Chairman noted that, per Attorney Burke, we scared off a couple of potential buyers of the Park, and he has requested that the Board delay action on the matter. Chairman offered that the new potential buyer has been in contact with various Town departments and appears to be serious. Therefore, he supports the continuation of the matter. Anne McGann offered that the residents feel that, if the Board grants a Park license, the owner will drag its feet on completing the outstanding improvements/repairs to the Park.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to continue the matter until 3/25/13 at 7:30 PM. Selectman Frawley noted that this is the second continuance and as of 3/25/13, it will be three months that the Park is operating without a license. Chairman acknowledged and offered that he hopes that the Board hears something positive on March 25, 2013.

Town Moderator Wayne Perkins addressed Board and reminded the public that Annual Town Meeting will be held on 4/22/13.

Review of Annual Town Meeting draft articles:

**(28) Bylaw- Moderator declaring 2/3 vote under voice vote** – Town Moderator Wayne Perkins explained the article. The intent of the article is to help run Town Meeting more smoothly/timely. He recommends that voters vote to pass this article. Michael Solimini addressed Board to ask if there will be language in the bylaw notifying the voters that they can challenge a vote through seven voters standing up. Town Moderator noted that anyone at a Town Meeting may stand to make a point of order of which the Moderator is required to acknowledge. Discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support Article 28.

**(23) Discharges to Municipal Storm Drainage System** – Carter Faye of Environmental Partners Group of Quincy, MA addressed Board to review the bylaw with the Board. The intent of this by-law is to prevent illicit discharges from going into the municipal storm drain system to keep the water system clean. Selectman McKinnon suggested that the article is somewhat hard to follow. He asked about liability to the Town. Mr. Carter offered that the Town has the right to go after a property owner (violator). The Town is responsible to track what is coming out of its outfalls. It is the Town's responsibility to be proactive in learning what is going into its drainage system. Per Mr. Faye, all residential sump pumps, directly attached to the drainage system, will have to be registered. Resident John Knowlton asked about costs involved. DPW Director A. Bagas responded that it will cost us some money. We are looking at a starting budget of \$50,000. If they have to trace it back, it could be very costly. Resident Brian Giovanoni noted that the bylaw says that it is a civil penalty and we can go after the violator. Selectman Quelle asked if the town can lien a property that it is coming out of.

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Mr. Faye responded that the bylaw doesn't specifically say so, but he would assume so as the Board can fine the violator. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted three in favor of supporting Article 23. Selectman McKinnon opposed.

**(29) Acquisition of land off Cross Street re Cross Street Well** – Town Manager reviewed the intent of this article. This is a new well site. It has a number of property owners and we are getting close to having agreements with all of them. We are moving forward with testing of the site to be sure that we have DEP approval first. Michael Solimini asked how much it would be to acquire this property and how is it funded. Town Manager responded, under a half million dollars. Town Manager indicated that the restricted use on this property will be purely for water. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted unanimously to support Article 29.

**(30) Acquisition of land off Plymouth Street re Mizaras Well** – Town Manager reviewed the intent of this article. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to support Article 30.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted by Roll Call to go into Executive Session at 8:39 PM to discuss strategy relative to Contract Negotiations (Non-Union Personnel, Board's Confidential Secretary) as discussing in Open Session would be detrimental to the process and not to return into Open Session. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; A. Frawley, Yes; A. Rullo, Yes. Ended at 9:00 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN