MINUTES

For approval at the 4-29-13 meeting

Middleborough Board of Selectmen **DRAFT** **April 8, 2013**
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 A. Rullo, A. Frawley, B. Quelle, S. McKinnon, Town Manager C. Cristello, and Confidential Secretary J. Shanley.

UNANTICIPATED

Peg Holzmer and Eleanor DeAngelis of the Cultural Council addressed the Board and announced that the public is invited on 4/21/13 from 1 pm to 3 pm to the downstairs of the library for the Council's Grantee reception. Recipients for 2012 grants will be presented with award certificates by the Cultural Council in conjunction with the MA Cultural Council.

ANNOUNCEMENTS & RECOGNITIONS

Selectman McKinnon noted that he and Selectman Frawley had attended Saturday's Wastewater Treatment plant tour.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 3/25/13 meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the 3/25/13 Executive Session meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the 4/1/13 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 4/1/13 Executive Session meeting minutes.

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 4/5/13.

NEW BUSINESS

Jane Kudcey of the OECD addressed the Board. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve amendment of the FY10 CDBG grant as presented and authorized Chairman to sign the amendment form.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon Board voted unanimously to approve a Cost of Living increase for non-union personnel, as presented.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the use of Town roads for the 2nd Annual Nathan Hale

5k road race on 11-10-13 with the understanding that the sponsor will be responsible to clean up the roads of any debris after the race.

HEARINGS, MEETINGS, LICENSES

Howard Perkins of the Middleboro Wankinquoah Rod & Gun Club addressed the Board to let the public know that the club has one campership left as a scholarship for Mass Conservation Camp sponsored by Middleboro Wankinquoah Rod & Gun Club. For more information visit www.juniorconservationcamp.org. Interested persons can call Michael Hudelett at 508 273-6033 before April 22nd as the deadline to submit names is May 1st. He also welcomed anyone who wants to attend their meeting tomorrow night at 6:30 PM to come by and submit the name of a child. This is for children between ages 13 and 17.

CORRESPONDENCE

#2 Selectman Frawley noted DEP grant correspondence.

#5 Selectman Frawley noted Mass Gaming Commission draft of Phase 2 Regulations correspondence. If anyone has any comments, please note that you have two weeks to submit those comments.

#6 Selectman McKinnon noted MBTA Advisory Board correspondence, specifically, the expansions that they wish to make, while not considering the expenses involved. Chairman noted that the problems will continue until someone steps up and addresses the ongoing financial problems.

#4 Chairman Rullo noted MMA Alert re Transportation Finance Framework & Plan. He suggested that the Board will need to review this and consider whether it wishes to support this.

Discussion ensued about Chapter 90 monies, the Rotary, and the Town's infrastructure falling apart.

HEARINGS, MEETINGS, LICENSES

Joyce Ryan, 19 Plymouth Street – Appeal of Health Department Order

Chairman opened hearing. Jeanne Spalding addressed Board and introduced Health Inspector Jessica Gardner who reviewed all outstanding issues and noted that the homeowner has been granted a ninety (90) day extension to complete the outstanding violations. She further indicated that the Title V inspection had been required because of the multi-family use.

A question and answer period ensued between the Board and the Health department staff. Chairman asked if there was any visible sign that the septic system was in failure to which Health Officer Jeanne Spalding responded, no. Selectman Frawley asked if this matter stemmed from a problem between the tenant and the landlord to which the Health Officer responded, yes, and that the tenant had called for an inspection. Joyce Ryan offered that there is no objective evidence to demand a Title V inspection. She also offered that the home has been in its original footprint since its existence. She doesn't want to be a landlord and the occupants don't want to move. She offered that she wants to keep it as a single family. She never intended for it to be a multi-family. The number of bedrooms has never changed and she will comply with all of the violations listed in the

inspection order. She is asking that the Board vacate the order. Various members of the Board agreed that they hadn't heard enough that this home should be considered a multi-family home. Chairman noted that since this is in the process of eviction, he does not think it is appropriate for the Town to step in right now. This is a disgruntled tenant who wants to get back at the property owner. This property has been in this family for a very long time. The property owner intends to keep the property in the family through a son who is serving in the military. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to vacate the Title V inspection requirement at this time.

Public Hearing – STM/ATM Warrant Articles
Town Moderator Wayne Perkins addressed the Board and reminded the public that Town Meeting will be on April 22nd. He encouraged everyone to attend and participate.
Jane Lopes addressed the Board and noted that the Historical Commission will be presenting Preservation awards to those who take significant steps to preserve historical buildings in Town at Town Meeting, just prior to the beginning of Special Town Meeting. Before and after photographs will also be shown.

Selectman Quelle offered that this is a good time to recognize the Town Manager, department heads, employees, and all Committees and Commissions as a lot of thought has gone into the Town Meeting Warrant by all of them.

Town Manager joined meeting at 8:12 PM after meeting with the Finance Committee regarding the budget.

TOWN MANAGER'S REPORT
FEMA/MEMA – is optimistic that we met the threshold to request a major disaster declaration for public/snow assistance to get some reimbursement for the Blizzard. The Governor will be filing that before April 11th.

Stacey Ames will be taking over as Landfill Monitor.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 8:13 PM to discuss strategy relative to Collective Bargaining (all bargaining units) and Pending Litigation – Review of Executive Session minutes for public release as discussing in public would jeopardize the Town's position, and not to return into Open Session. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; A. Frawley, Yes; A. Rullo, Yes. Ended at 9:22 PM.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN