MINUTES

For approval at the 5-20-13 meeting

DRAFT

Middleborough Board of Selectmen **May 13, 2013**
Meeting Minutes

Chairman McKinnon opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: S. McKinnon, A. Frawley, B. Quelle, L. Dalpe, J. Knowlton and Town Manager C. Cristello & Confidential Secretary J. Shanley.

UNANTICIPATED

Selectman Dalpe announced that GATRA has increased its services from Lakeville to downtown Middleboro. Judy Bigelow Costa confirmed they have expanded and asked the Board to invite A & A Metro of Route 18 in Bridgewater.

Selectman Dalpe asked if future vacancies on boards and commissions could be posted, to which the Town Manager responded, yes.

Judy Bigelow Costa announced that Middleboro on the Move and the Plymouth Career Center will be sponsoring a job fair at the local Elks on High Street from 10 a.m. to 2 p.m. on Wednesday, 5/22/13. All are welcome, especially, Veterans.

Joan Shurtleff of Oak Point Mobile Home Park, addressed the Board and announced that she was speaking for Jesse Martinez, President of the Manufactured Home Federation of Massachusetts, Inc. She read aloud a statement updating the Board of their recent visit to the State House regarding House Bills that were heard, specifically, S597, S610, S1755, H1106, H1108, H1116. Attorney General Martha Coakley was there to testify for Bill S610 and H1106. State Representative Keiko Orrall arranged for a bus for the residents of the Mobile Home community in Middleborough. Selectman Leilani Dalpe also attended. Ms. Shurtleff provided a handout to the Board. She offered thanks to Representative Orrall and Selectman Dalpe.

Attorney Adam Bond addressed Board and reported that bed bugs were found at rental property located at 382 Center Street. He further indicated that, per CMR, it is the Board of Health who would take action on a matter such as this. He asked if the Board could do something to expedite having this problem rectified. Chairman McKinnon offered that the Board would direct the matter to the Town's Health Officer immediately. Attorney Bond offered that he was satisfied with that plan.

ANNOUNCEMENTS

Chairman McKinnon announced Emergency Preparedness Day will be held on Sunday, May 19th from noon to 3 pm at the Elks Lodge at 24 High Street.

Chairman McKinnon – Future of Middleboro Trust announcement a Non-profit 501C3 – worked hard in conjunction with the Police & Fire departments to implement Project Lifesaver. They currently have five people in Town wearing tracking bracelets. They have already had a successful search. There will be a presentation on Thursday, May 23rd at Oak Point ballroom

Selectman Knowlton announced that The Friends of Massasoit State Park, in conjunction with the Department of Conservation and Recreation, is holding a Massasoit Spring Cleanup Day on Saturday, June 1, 2013 from 9 a.m. to 1 p.m. at 1361 Middleboro Ave., East Taunton.

Selectman Knowlton announced that the Oliver Mill River race will be held on Saturday, May 18th.

Selectman Frawley offered his thanks to State Representative Orrall for arranging for the bus and getting much needed support for our Edgeway Mobile Home Park residents.

Selectman Quelle recognized moms everywhere for a belated Happy Mother's Day.

Chairman McKinnon read aloud proclamations for former Selectmen Alfred P. Rullo, Jr. and Steven P. Spataro.

MINUTES
Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve 5/6/meeting minutes with corrections as noted on pages two and four.

WARRANTS
Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 5/10/13.

NEW BUSINESS
Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to appoint Paul Lazarovich as a member of the Permanent Cable Committee filling the vacancy caused by the resignation of Kevin Franzosa, for a term ending 6/30/14.

Town Manager introduced Paul Millot, Owner's Project Manager on the Wastewater Treatment Plant project. Mr. Millot of Environmental Partners Group addressed the Board and explained process coming to the recommendation of Wright Pierce in the amount of $2,082,825 for the design of the Wastewater Treatment Plant upgrade. Selectman Dalpe noted concerns by residents re the recently voted increase in fees for Water and Wastewater. She clarified that these fees represent an annual fee, not a monthly fee, as first thought by these residents. Upon motion by Selectman Frawley and Selectman Knowlton, Board voted unanimously to approve.

Town Manager spoke about contract with McMahon & Associates re design work for Everett Square and the Oak & Center Street intersection, noting that Gary McMahon was also present to speak. Mr. McMahon provided a handout of design and addressed Board to explain further. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to award and sign a contract with Wright Pierce in the amount of $59,300 for design work for Everett Square and the Oak & Center Street intersection.

Town Manager explained design work for road construction work on River's Edge and Edgewater Drive. Gary McMahon also addressed Board to offer further details. A question and answer period ensued. Upon motion by Selectman Quelle and seconded by Selectman Frawley, Board voted

unanimously to award and sign contract with R. J. Gabriel Construction in the amount of $93,648 for road construction work on River's Edge and Edgewater Drive.

Town Manager explained request re Commonwealth of Massachusetts Standard Contract forms. It's related to grants or reimbursements to the Town. These are well established annual matters. Often times, the State wants the forms returned immediately, and handling in this manner would allow the Town to expedite the process as opposed to requiring a vote by the Board each time. The Chairman would oversee the forms being signed by the Town Manager. The Town Manager will provide a summary report to the Board to keep it informed of all forms signed. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize the Chairman to authorize the Town Manager to sign Commonwealth of Massachusetts Standard Contract forms and related documents up to $50,000.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve revision to job description for its Secretary, Jackie Shanley, changing the title of the position from Confidential Secretary to Executive Assistant to the Board of Selectmen.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve Town Manager's appointments to the Conservation Commission for three-year terms through June 30, 2016, as follows:

- Deborah Kirsch, 99 Fuller Street
- Janet Miller, 1111 Blueberry Circle
- Steven Ventresca, 11 Leilo Drive
- John Medeiros, 34 Fernway

HEARINGS, MEETINGS, LICENSES

Town Accountant Steve Dooney addressed Board to present budget update. Board asked questions. Chairman thanked Mr. Dooney for his presentation.

Police Chief Bruce Gates addressed Board to explain his request to apply for FY'13 COPS Hiring Program Grants. He noted the recent approval of the Finance Committee. The Chief noted that the intent is to utilize this officer mainly at the Town's Schools. The School department has indicated that it will help pay for this officer, therefore, if this officer spends most of his/her time at the Schools, it would leave a vacancy for an entry level position for another officer. Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to approve.

BILLS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve payment to SouthCoast Media Group in the amount of $2,480.50 for Special & Annual Town Meeting Warrant publication.

TOWN MANAGER'S REPORT

Town Manager noted letter to Mr. Virkler of 122 Cedar Street confirming that the Town has agreed to allow him to occupy 122 Cedar Street until August 1, 2013.

Town Manager noted letter to Christopher Peck offering him the position of DPW Director, effective June 3, 2013, subject to a pre-employment physical and a review of his personnel file in the Town of Lakeville.

The Town Manager attended the Ribbon Cutting ceremony last week at Massasoit Community College. He noted that the College is expanding.

HEARINGS, MEETINGS, LICENSES

Ed O'Connor of Operation Lifesaver provided a Railroad Safety presentation for the Board. He brought awareness to the Emergency Notification System on a blue sign posted at the railroad crossing. This number should be called if you find yourself, or someone, in danger, requiring an oncoming train to stop. There are specific signs advising oncoming traffic that they are approaching a railroad crossing. Brian Giovanoni asked questions. Chairman and Town Manager offered that a Risk Assessment will be completed and the results will be presented at next week's Selectmen's meeting. Chief Gates did offer that there is a law that makes someone subject to arrest if trespassing on railroad tracks. He is concerned that there is no fencing. He strongly recommended parents make their kids aware, and people in general, beware of the dangers walking on the train tracks, especially with the Weekend Cape Commuter train coming through Middleborough. Selectman Dalpe asked the Town Manager if we are notifying the schools and if the schools are making the parents aware. Mr. O'Connor said they've been to the Mary K. Goode School and he's willing to present to the other schools, but noted that there isn't much time left. Chairman asked the Town Manager to coordinate with the schools through the Risk Assessment. Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to get the communication to the schools immediately and not wait for the Risk Assessment, noting the train is coming Memorial Day weekend. Chairman requested that the Town be proactive on this and get the information to the press for publication as well.

<u>Edgeway Mobile Home Park residents – Discussion re $100/day fine for operating the Park without a license.</u>

Selectman Dalpe motioned to implement the $100/day fine. Selectman Frawley seconded. Chairman entertained motion, noting that the Board is required to hold a hearing. Motion made by Selectman Dalpe and seconded by Selectman Frawley to amend motion and hold a hearing next Monday. Chairman explained that the only the Court can order a fine. The Board can't. Motion made by Selectman Dalpe to amend motion to take any steps that the Board can to implement the fine. Selectman Frawley seconded the amendment. Selectman Quelle asked if Attorney Burke was notified about tonight's discussion. Chairman responded that he was not, and that tonight's matter was a request by the residents and is on the Agenda for discussion.
Selectman Dalpe withdrew motions one and two. Selectman Frawley seconded the withdrawal. Board voted unanimously in favor of the withdrawal. Motion by Selectman Dalpe and seconded by Selectman Frawley to rescind the third motion. Board voted unanimously in favor of rescinding. Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to hold hearing next week, with both parties present, to consider filing with the Courts to levy the $100/day fine.

CORRESPONDENCE

8 Selectman Knowlton noted DEP Workshop –Electric Vehicle Incentive Program, specifically noting that the expense hardly seems worth it.

#3 Selectman Frawley noted DEP Grant Opportunity-Host Community-Municipal Assistant Coordinator.

#6 Selectman Frawley noted City of New Bedford proposed 40B Housing, Marion Road. Selectman Dalpe announced that, prior to becoming a Selectman, she was heavily involved with this matter, but since becoming a Selectman, she hasn't had any further participation. She intends to recuse herself from any discussion on the matter. Glenn Montapert of Marion Road addressed the Board and explained his concerns and the concerns of another 100 residents regarding this proposed 40B project and noted that they are presenting their concerns to as many Boards as possible.

#9 Selectman Frawley noted Open Space Conference 6-8-13.

#10 Selectman Frawley noted Buzzard's Bay National Estuary Program – 2014 Municipal Mini-Grants available.

#12 Selectman Quelle noted Carver ZBA meeting agenda for 5-23-13 re Solar Panel farm by Cranberry bog owner. He intends to attend as a private citizen of Middleborough.

#7 Selectman Dalpe noted Freedom From Religion letter re Unconstitutional Cross Display. She noted that she would like to see the Board respond to the letter.

UNANTICIPATED

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize Chairman to sign Old Colony Planning Council Pre-application for Federal Fiscal Year 2014/2015 Title III Funding.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to adjourn meeting at 9:02 PM.

_____

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN