

MINUTES

For approval at the 9-10-12 meeting

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, S. Spataro, B. Quelle, and S. McKinnon, and Town Manager C. Cristello

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

UNANTICIPATED

Selectman Frawley announced that volunteers needed on 8/3 and 8/4 to help with Krazy Days. Those interested should contact Judy Bigelow-Costa.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to send letter to Sysco of Plympton welcoming them to the region.

Brian Giovanoni of Middleborough Friends reminded the public that the Summer Concert series is held on the Town Hall lawn at 6:30 PM on Thursday nights.

Selectman McKinnon announced that the Board will be participating in Krazy Days via the Dunk Tank.

Selectman Quelle confirmed with the Town Manager that Middleborough had been sprayed for Mosquitos over the weekend. Selectman McKinnon advised the public to continue taking precautions.

Chairman congratulated Selectman Frawley on the birth of his son.

MINUTES

None.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve a 2nd Hand license for "Our Little Secret", 465 Center Street.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 2nd Hand license for "The Children's Nest", 5 Wareham Street, Suite B.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 569 Wareham Street in the amount of \$21,650.00.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 333 Marion Road in the amount of \$3,230.00.

**Middleborough Board of Selectmen
Meeting Minutes**

July 23, 2012

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve a 4% increase water rate.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve a 15% increase sewer rate.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to make the increased water and sewer rates effective 7/1/12.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the Indirect Cost Report for FY'13.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve and sign Agreement Between Lakeville & Middleborough for Temporary Use of Lakeville's Comcast channel 9 by MCCAM.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to appoint the existing members of the Permanent Cable Committee to the terms, as recommended by the Town Manager and as presented on the attached.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to sign the 9/6/12 State Primary Election Warrant.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to name 9/15/12 as "Middleborough Memorial High School Class of 1962 Day".

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve Local Firefighter Union #3653's request to run the Muscular Dystrophy Drive on August 24th through 26th.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign Wood Street Culvert Replacement Contract 2012-2.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign Agreement re Consolidation of School and Town Information Technology Services department.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize the Town Manager to approve Town Hall rental requests and to issue approvals for signs on the Town Hall lawn.

**Middleborough Board of Selectmen
Meeting Minutes**

July 23, 2012

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to appoint the Police Station Building Committee to evaluate design proposals and select finalists for the feasibility study approved at Town Meeting.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to send letter to Department of Interior to request Interested Party status during Land into Trust process. Selectman Frawley was able to read some of the latest Land into Trust application by the Mashpee Wampanoag's for their parcel in Mashpee and Taunton, and Middleborough has been officially removed from their current application as of 3/23/12. They still haven't answered if they've taken us off the Land into Trust application, haven't paid us for the past three years, and still haven't acknowledged that we have a valid and binding IGA.

BILLS

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve payment to MMA for annual dues in the amount of \$2,670.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve payment to Jones Day in the amount of \$3,731.50.

HEARINGS, MEETINGS, LICENSES

Chairman opened public hearing at 7:40 PM for Pole Hearing re Pole 141 Campbell Street by reading aloud public hearing notice. Chairman asked to hear comments/questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve.

Board discussed FY'11 Audit Report Management letter.

UNFINISHED BUSINESS

Chairman reviewed that Muriel "Mimi" Duphily had come before the Board in the recent past asking the Board's consideration in removing the parking signs from the downtown area. Town Manager reminded the Board that they had already removed some signs within the past few years. After review and consideration, the Board agreed that it wouldn't want people using the existing parking spaces for long-term parking as that would be a detriment to the downtown business district. Police Chief offered that there has to be some signage. Painting the curbs would not be sufficient. Chairman noted that Ms. Duphily is trying to improve the appearance of the downtown, however, with feedback from public safety, the Board agreed that signage is necessary. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to keep the remaining signs in place. Selectman Frawley suggested some signs may need replacing if weathered in appearance. Town Manager will look into.

TOWN MANAGER'S REPORT

Town Manager recommended making the Water Agreements with Lakeville 20 year agreements (longer term). Lakeville will meet on the agreements at an upcoming meeting and then this Board can vote them.

**Middleborough Board of Selectmen
Meeting Minutes**

July 23, 2012

Town Manager announced that the Annual Town Report has been printed. He offered thanks to Middleborough 4th grade student, Jack Storch, for providing the artwork for the front cover, and acknowledged that the idea of utilizing student artwork originated from resident Michael Solimini.

Town Manager called the MMA and learned that the legislature approved funding for Chapter 90, however, it hasn't passed the bill that would finance it yet. Representative Straus is the key "mover & shaker" on this bill because it has to start with the Transportation Committee. Therefore, the Town Manager suggested that if the members of the Board would like to call Rep Straus, it's called a Term Bill. Selectman McKinnon offered that he had sent Representative Straus an email today indicating that we should move forward with this and he also asked Representative Orrall to look into this.

CORRESPONDENCE

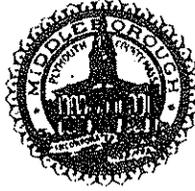
Selectman Frawley noted MEPA meeting tomorrow night at Taunton High School at 6 PM. Town Manager will ask at scoping session, if another MEPA study would be required/done if this project doesn't come to fruition for another several years and if we would have to pay for it again.

Selectman Quelle offered that he had a discussion with Representative Calter re Wind Turbines.

Selectman Quelle is disturbed by the loopholes that renewable forms of energy are going to be granted as it relates to pilots. He supports renewable energy, but not commercial venture for profit. It is producing revenue into somebody's pocket and he doesn't understand why that particular commercial venture should be void of having to pay its dues to a town. He encouraged the Board to continue to look into this because it is something that will continue to grow. Motion made by Selectman Spataro and seconded by Selectman Quelle to send letter to House & Senate in opposition of these related bills. Motion did not carry. Board agreed it would like to discuss further at its next meeting.

At 8:20 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining-Employee Disciplinary Matter and not to return into Open Session. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; A. Frawley, Yes; S. Spataro, Yes; A. Rullo, Yes. Ended at 12:15 AM.

Jackie Shanley, Confidential Secretary



Town of Middleborough
Massachusetts

August 9, 2012

BOARD OF SELECTMEN

Robert Silva
Chairman
Permanent Cable Committee
41 Nestlenook Drive
Middleborough, MA 02346

Dear Bob,

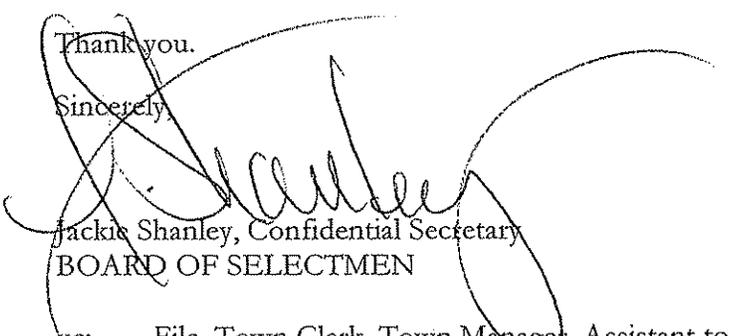
At its meeting held on July 23, 2012, the Board of Selectmen voted to appoint the existing members of the Permanent Cable Committee to the following terms, as recommended by the Town Manager:

<u>Appointee</u>	<u>Term ending June 30th</u>
Robert W. Silva	2015
Stephen Callahan	2015
Robert Denise	2014
Kevin Franzosa	2014
Maureen Candito	2014
Adam Pelletier	2013
Mark Mobley	2013

Kindly advise these members to appear before the Town Clerk to be sworn in.

Thank you.

Sincerely,


Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

xc: File, Town Clerk, Town Manager, Assistant to Town Manager

**Middleborough Board of Selectmen
Meeting Minutes**

August 6, 2012

Chairman opened meeting at 7:08 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

UNANTICIPATED

B. Giovanoni of Middleborough Friends announced a 6 PM new start time for the concerts on the Town Hall lawn.

ANNOUNCEMENTS

A memorial for Ernest Holmes Bigelow will be held on 8/26/12 at the COA from 1-3 pm. Light refreshments will be served. On 8/8/12, the concession stand at the Parks & Recreation department will be named in memory of Ernest and Lillian Bigelow.

Selectman Frawley thanked Middleborough on the Move and everyone associated with putting on Krazy days. Chairman Rullo thanked everyone who participated in the dunk tank and noted that the money raised went to great charities. Selectman McKinnon thanked the Middleborough Fire department for providing the water for the dunk tank. He also thanked the Selectmen who participated as well as Brian Giovanoni for his participation.

Chairman announced that the meeting was being aired live by MCCAM and recorded by MCCAM and Verizon.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted by Roll Call at 7:14 PM to go into Executive Session for purposes of Collective Bargaining re Discipline/dismissal/complaints against a public employee and Litigation Strategy re MG&E matter. Chairman announced Board would return into Open Session. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; A. Rullo, Yes; A. Frawley, Yes. Ended at 7:54 PM.

NEW BUSINESSLateral transfer of Police Officer Brett Collins

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman to sign lateral transfer of Police Officer Brett Collins to the City of Taunton Police department. Attorney Michael Hanley offered that Union President Dennis Amaral will sign document tomorrow as he could not be present this evening. Selectman Frawley offered that he hates to see Officer Collins leave. He exemplifies what he likes to see in a Town Police Officer. Board members agreed. Officer Collins was present.

**Middleborough Board of Selectmen
Meeting Minutes**

August 6, 2012

Surplus property- Police cruiser

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to declare the Police department's Ford Crown Victoria, VIN #2FAFP71W61X142959 as surplus property.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the requisition of a list of candidates from Civil Service to fill 2 vacant & funded Police Officer positions and to authorize Chairman to sign Civil Service requisition form.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to approved 6/25/12 meeting minutes. Three in favor. B. Quelle abstained.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to approve 7/9/12 meeting minutes. Three in favor. B. Quelle abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to approve 6/28/12 Executive Session meeting minutes with correction to page four as noted. Three in favor. A. Frawley abstained.

Board postponed approval of 7/9/12 Executive Session meeting minutes.

UNANTICIPATED

Anne McGann of Edgeway Mobile Home Park asked if Board knows anything about an Administrator for Edgeway. Town Manager offered he was away on vacation last week and Town Counsel and some department staff met with the Administrator last week, but that he doesn't know anything further at this point. She asked if anyone knew status of Phase II? No one did. She just wanted to bring to Board's attention.

NEW BUSINESS

Lakeville Water Agreement-Supplying Water to Residents at Edgeway Mobile Home Park

Selectman McKinnon pointed out that 2nd name up on Edgeway list is that of a deceased individual. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to sign, subject to the list being modified and updated.

Lakeville Water Agreement-Supplying Water to Existing Water Customers in Lakeville

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve.

Barden Hill Storage Tank.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve and sign Change Order - Supplemental Agreement #2 for 7, 210. 67 re Barden Hill Storage Tank.

Recommendation on Owner's Project Manager for Wastewater Treatment Plant Upgrade

Chairman noted that having a Project Manager on board saves a significant amount of money on projects such as this. Selectman McKinnon asked if they will be insured to point where if something isn't completed, the Town doesn't have to pay for oversight on their part. He cited the Fire station building as an example. Town Manager offered that occupying a building prior to project completion makes it difficult to hold contractors accountable. Selectman McKinnon asked at what

Recommendation on Owner's Project Manager for Wastewater Treatment Plant Upgrade-continued

point are we going to actually get a document that shows exactly what we will get. Town Manager responded the plan is to begin design process, agree on scope, and push back if not happy with scope, but we will not begin to build something that will then need changes/additional aspects. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve three finalists as recommended (attached).

Kris McGuinness Progeria Walk

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve annual Kris McGuinness Progeria Walk on 9/30/12.

Water Bond & Land Purchase for Miller Street Notes

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve signing Water Bond & Land Purchase for Miller Street Notes with Century Bank with .45% interest rate.

Energy Bill

The Energy Bill passed. Town Manager noted that the legislature removed some of the offensive parts of the proposed bill, so it did not infringe upon local governments to negotiate their own pilot payments. Town Manager offered to thank legislators for helping with this. Board agreed.

Selectman Frawley would like to learn as much as possible about solar wind projects before the Board/Town is forced to. Town Manager offered that we do have to revisit Zoning Recodification in a couple of weeks so maybe in the course of that meeting, maybe we can ask the Town Planner to give us an overview of alternative energy projects and what they mean relative to zoning. Selectman Quelle thinks others could certainly be educated by this information that these types of projects can pop up where you may not expect. Town Manager offered that because we have our own Gas & Electric division, it's not so much an issue here because we have more control over it.

TOWN MANAGER'S REPORT

Getting energy grant from the Department of Energy Resources to take a look at our water supply system to see where we might save some energy at no cost to the Town. Next week is the kick-off meeting and it should be wrapped up by 9/20/12.

Treasurer had recent conversation with Town Treasurer/Collector Judy MacDonald who had received word from Standard & Poor's. They confirmed our AA Bond Rating and upgraded us from "Standard" to "Good".

CORRESPONDENCE

#11 Selectman McKinnon– Holiday Lights on Memorial Tree – As Veteran himself, he has no issue with tastefully decorating Christmas Trees with white lights in Front of Town Hall. He would like to see the lights returned this year. The Town Manager is meeting with some of the Veterans and hopefully they can come to an agreement.

#16 Selectman McKinnon noted correspondence re Rockland Industries Site – They took out 300 cubic ft. of dirt and now the problem is gone? Town Manager informed Board that Conservation Agent P. Cassidy forwarded this to the consulting engineers that were helping us evaluate this site and continue to stay involved even though we don't pay them. They felt this was totally inadequate and recommended we send letter to DEP. Hopefully the DEP will make them do more. Selectman McKinnon offered that the testing appears significantly insufficient. Town Manager offered that, hopefully, with our prodding, the DEP will tell the consultant they have to do more. This is not enough. They will be preparing something for us to send to D.E.P.

#8 Selectman McKinnon asked Town Manager if we got the Chapter 90 money to which he responded, yes.

#3 Selectman Quelle noted Rehoboth Selectmen Casino related correspondence and offered that elected officials owe us their time and he would like to see them in here and explain how these mitigation matters will be addressed.

Selectman Frawley offered that he and the Town Manager attended the Meet n Greet with Mr. Crosby, Chairman of the Gaming Commission, that Representative Orrall had coordinated. Representative Calter indicated that under no uncertain terms would he vote in favor of the State Casino Compact if they did not address Middleborough's concerns about our current IGA with the Tribe. Selectman Frawley offered that he does not agree that Senator Pacheco supported the IGA between Middleborough and the Tribe in 2007, 2008, 2009 +, however, come 2012, Senator Pacheco, seems to have forgotten his support that he had for Middleborough & the IGA it had signed with the Mashpee Wampanoag Tribe. The Senator has scheduled a Meet n Greet with Mr. Crosby in the coming weeks, which Selectman Frawley cannot attend. This is a compact between the Tribe and the State. None of the state officials have read the Land Into Trust Agreement. We are already spending time, energy, and money to come up with mitigating factors. We have 8-9 more days to get our comments to MEPA, and we are going to be completely ignored, again, except by Representatives Orrall and Calter. Selectman Frawley has called the Governor's office a number of times and hasn't been able to get a straight answer by anyone there.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 8:57 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

TO: Board of Selectmen

FROM: Charles J. Cristello, Town Manager 

RE: Recommendation on Owner's Project Manager for Wastewater Treatment Plant Upgrade

DATE: August 3, 2012

The first step in the design of the upgrade to our wastewater treatment plant is to select an owner's project manager. DPW Director Andy Bagas, Wastewater Superintendent Todd Goldman, Assistant to the Town Manager Caroline LaCroix and I interviewed four engineering companies last week of the five that responded to the Town's Request for Qualifications. The process calls for us to select three finalists, rank them in order of qualifications and transmit them to the awarding authority, in this instance the Board of Selectmen. Assuming that the awarding authority accepts the list as presented we would then ask the top ranked firm to submit a fee proposal and we would then attempt to negotiate a contract with that firm. In the event we are unsuccessful in negotiating a contract with the first ranked firm negotiations are terminated and undertaken with the remaining designers, one at a time, in the order they were ranked until agreement is reached.

We are recommending the finalists in the following order:

Environmental Partners
Tighe & Bond
Weston & Sampson

These are all very good firms that have significant experience with wastewater projects. All of them are capable of performing the role of owner's project manager. Environmental Partners stood out from the rest based on the quality of their references and their performance in the interview. They were the firm that were most aggressive in challenging assumptions about the scale and projected cost of the project. Tighe & Bond

demonstrated ability to present innovative alternatives to wastewater problems and an innovative approach to procurement of components. They too came highly recommended.

Once an owner's project manager is hired the next step will be to pick a designer with their assistance. That would start immediately after the contract is signed.

I would be happy to answer any questions you may have.

c: Andy Bagas, DPW Director
Todd Goldman, Wastewater Superintendent
Caroline LaCroix, Assistant to the Town Manager

**Middleborough Board of Selectmen
Meeting Minutes**

August 20, 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, A. Frawley, and S. McKinnon, Town Manager C. Cristello and Confidential Secretary J. Shanley.

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

UNANTICIPATED

The South Middleboro Grange Fair will be held on 8/25 and the E. Middleboro 4H Fair will be held on 9/1/12.

Brian Giovanoni and John Molton of the Republican Town Committee thanked Selectmen A. Rullo, A. Frawley, and S. McKinnon for participating in the Krazy Days' Dunk Tank event. They announced that the event raised \$ 795 to be split between the St. Vincent DePaul food bank and the Boys & Girls Skate program through the American Legion. They presented an award to Selectman McKinnon for having had been dunked the most. They thanked the Fire Department for its help and Bob Burke for donating the tank and the hair salon "Added Attractions" on the corner for supplying power.

ANNOUNCEMENTS

Old Center Street repairs will begin this Wednesday. Residents should try to avoid traveling this route (Rte. 44 to Rte. 18).

West Nile virus has been detected in Middleborough. Chairman warned residents to take necessary precautions.

Wayne Perkins of Middleborough on the Move awarded certificates of appreciation to the Board and Town Manager for their generous efforts in support of Krazy Days 2012. He announced that they plan to hold Krazy Days again next year.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 6/18/12 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 6/28/12 meeting minutes.

NEW BUSINESS**One-day liquor licenses**

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve One-day liquor licenses for The Bartending Service of N.E. as follows:

All Alcoholic beverages licenses

- 9/29/12 from 7 pm to 12 a.m. @ Town Hall, 10 Nickerson Ave.
- 10/27/12 from 7 pm to 12 a.m. @ Town Hall, 10 Nickerson Ave.

One-day liquor licenses (continued)

Wines & Malt beverages license

- 12/28/12 from 5:30 pm to 11 pm @ Town Hall, 10 Nickerson Ave.

4-H 5K road race/walk

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 4-H 5K road race/walk, subject to confirmation with Police Chief re safety concerns.

AFSCME Council 93 Local 1700 contract

Town Manager explained modification of language in the AFSCME Council 93 Local 1700 contract. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve modification.

Nursing Services Agreement with Town of Raynham

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve and sign Nursing Services Agreement with Town of Raynham.

Betterment Agreements

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 313 Wood Street in the amount of \$16,203.00.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 20 Carey Street in the amount of \$28,010.38.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 19 Lakeway Street in the amount of \$16,887.70.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Betterment Agreement for 1 Homestead Road in the amount of \$8,933.00.

Veterans' Memorial Park Trust

Chairman gave overview re holiday decorations & future use of the Veterans' Memorial Park Trust. He read aloud letter prepared by the Board for distribution to the Trust Committee. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve sending letter.

Rent Board Decision Hillcrest Mobile Home Park

Chairman explained that he had said that the approved rent increase would be \$77/month, over a three-year period, and it is actually \$62/month, over a three-year period. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve Rent Board Decision re Hillcrest Mobile Home Park. Robert Capeau asked if the residents are to continue paying what they currently pay unless/until they receive notice from the Park owner requesting the

Rent Board Decision Hillcrest Mobile Home Park

increased amount. Chairman confirmed that is correct. Carolyn Gravelin addressed Board and suggested it was her understanding that the Park owner has to give the residents 30-day notice of any rent increase. Town Manager noted that Counsel will be here tonight and can answer that question.

Rent Board Decision re Edgeway Mobile Home Park

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Rent Board Decision re Edgeway Mobile Home Park.

Mass Works grant

Jane Kudcey of the OECD addressed Board. She is applying for the Mass Works grant with the intention of utilizing these funds towards infrastructure improvements for pedestrian and traffic safety in Everett Square, improved visibility at the corner of Oak and Centre Streets, repair/reconstruction of the Town owned Pearl Street parking and handicapped accessibility improvements, such as improved curb cutouts along Centre Street and the Four Corners area and an audible signal for the traffic light at the Four Corners intersection of Centre and South Main Streets.. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support the Mass Works grant. Selectman McKinnon asked if it were possible for the traffic signal lights to include both red and yellow lights when a pedestrian is crossing at the crosswalk, as is the case in Brockton. Town Manager thought it was doubtful, but will look into. Chairman explained that he believes it is an appropriate use of Casino Resort funds to fund staffing the OECD. Adam Bond asked if it hasn't been past practice to send notification to the Tribe to let them know what we are using the funds for. Town Manager did not think this is necessary/required. Adam Bond asked if Counsel has said that we can do this. Town Manager offered that in the past, we have asked Counsel, and Counsel has said yes. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to authorize the use of resort funds to fund staffing the Office of Community & Economic Development (OECD).

Agreement for Project Management Services- Wastewater Treatment plant

Selectman McKinnon asked if Town Counsel reviewed Agreement for Project Management Services with Environmental Partners Group for the upgrade of the Wastewater Treatment plant. Town Manager offered that Special Counsel reviewed it. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Agreement, subject to review by Town Counsel.

Recodified Zoning Bylaw & backup Flood Plain Overlay District Bylaw

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to refer Recodified Zoning Bylaw & backup Flood Plain Overlay District Bylaw 2012 STM articles to the Planning Board.

HEARINGS, MEETINGS, LICENSES

Welcoming of New School Superintendent and New I.T. Director

New School Superintendent Rosalie Weiss addressed the Board. New I.T. Director Ellen Driscoll addressed Board. Both employees were welcomed by the Board. Chairman asked when the Board can expect to see Capital expense list from I.T. Ms. Driscoll indicated they can put it together the week of September 4th.

Selectman Quelle joined meeting at 7:44 PM.

Leonard's Auto LLC – 407 Wareham Street

Attorney Adam Bond addressed Board representing Arthur Leonard for his Class II Automobile Dealer's license application. Chairman opened public hearing by reading aloud public hearing notice. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to continue hearing to 9/10/12 at 7:25 PM.

Bonfiglioli – Drainage Easement Modification

Steve Bonfiglioli addressed Board to review drainage easement modification. Ken Motta of Field Engineering addressed Board to offer further explanation. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to allow shifting of retention wall contingent upon approval of Planning Board.

TOWN MANAGER'S REPORT

Town Manager noted confirmation by MIA that they have awarded the Town a \$4,800 Confined Space Training grant written by Fire Chief Lance Benjamino who is proving to be more and more adept at obtaining grants.

Town Manager noted memorandum from DEP about their grant program at 0% interest rate - Clean Water State Revolving Fund. We will actively pursue that grant.

Selectman Frawley offered thanks to Chief Benjamino for writing/obtaining another successful grant for the Town. A round of applause was offered on behalf of the Chief Benjamino's efforts. Selectman McKinnon offered that he believes the Chief has obtained in excess of \$3 million dollars in grants for the Town.

HEARINGS, MEETINGS, LICENSES

Hillcrest, MHC, LLC – Capital Expense pre-approval hearing

At 8 PM Chairman opened public hearing re Hillcrest, MHC, LLC – Capital Expense pre-approval hearing by reading aloud the public hearing notice. Chairman read aloud the manner in which the hearing would be conducted. Chairman swore in all individuals who signed the Appearance sheet. Attorney Kraus addressed the Board and reviewed history re need for water meter in the Park. He noted the various quotes that he had gathered in regards to replacement of same. He asked that the Board approve this request so that they can replace the meter. He noted that owner believes five years is reasonable amount of time for "useful life" of the new meter. Homeowner's Association President Robert Capeau addressed Board and read from the Rules & Regulations of the Park. He noted that under Utilities it says the Owner/Operator is responsible for maintenance and repairs.

HEARINGS, MEETINGS, LICENSES

Hillcrest, MHC, LLC – Capital Expense pre-approval hearing (continued)

The residents consider the meter an operator's expense and it shouldn't be passed onto the residents. The meter starts far before any of the mobile homes. Attorney Kraus offered that this is actually law, but what they are presenting, qualifies as a capital expense under the same rules and regulations and laws. Chairman noted that our own R&R an owner is allowed to recoup for capital expenses. This clearly meets the requirements and in his opinion, the owner is entitled to recoup this expense. The owner is now in the position to mitigate the meter problems. Mr. Capeau noted that in 2009 they took out a petition to replace the meter and he doesn't know whatever happened to that petition. Attorney Kraus did not have any witnesses to call on. Selectman Quelle asked Attorney Kraus if he is certain that the proper meter was installed properly the first time. Attorney Kraus offered that he does not have that information and is not an expert in this area, however, noted that there have been ongoing discussions with the Town's Water department relative to the replacement of this meter. Attorney Kraus offered that there is no evidence in the records that this meter was installed improperly or that it was the wrong meter.

John Cormier, 20 Lisa Drive addressed Board and asked if the Board knows how long this meter has been inoperative. Town Manager offered 5-6 years. Mr. Cormier offered that had Morgan Management replaced the meter when it should have, it wouldn't have cost \$5,000. He offered that based on their own R&R, Morgan clearly did not abide by its responsibilities. Frank Cuddy, resident at Hillcrest, addressed Board. He was Park manager for 12-16 months back in 2002. While he was manager, memorandums went back and forth between Morgan Management and the Water department and nothing was ever done about it. He referenced Attorney General's Guide. Attorney Kraus addressed Board in response and noted that the green book is the A.G.'s "interpretation of the law". It has no force of law. We are entitled to recoup for capital expenses. Hillcrest resident Elizabeth Roma addressed Board and submitted an estimate/proposal from someone she knows for work he feels is needed in the Park. Attorney Kraus asked that his quotes be submitted as part of the record. Selectman McKinnon asked if the fire hydrant will function once this meter is replaced. Town Manager and Attorney Kraus responded that it would not. It is inoperable. Mr. Capeau offered that the fire department recommended running a line in through Wood Street if want to get fire hydrant running. He also offered that the residents are not trying to be difficult. They are just asking for fairness. Chairman declared hearing closed. Discussion amongst Board ensued. In response to question by Selectman Quelle, Attorney Kraus confirmed that Morgan Management is required to work together with the Water department in making sure the new meter is installed properly. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to pre-approve capital expense proposed by Hillcrest, MHC, LLC. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman to work with Town Counsel to prepare written decision within 30 days.

Edgeway Mobile Home Park Administrator report – Attorney James Burke

Attorney Burke addressed Board to provide status report. He advises that it is in best interest of all to put Park on the market for sale to a knowledgeable and experienced operator. He has hired a property management company to try and have a presence at the Park for the residents. They will be at the Park 2-3 days per week. He is trying to make improvements where he can and as

Edgeway Mobile Home Park Administrator report – Attorney James Burke (continued)

realistically as possible with safety as the priority. He met with Town Manager, Town Counsel, Building Commissioner and Health Officer so that they know what expectations are. He is on a learning curve and open to hear suggestions on how to best serve the tenants as best he can. Chairman acknowledged Attorney Burke's role, however, is disappointed re Phase II items are lingering, specifically, the septic system and drainage issues. He asked that he come up with a proposal as to how these items will be addressed. He is not happy with tonight's presentation. It is unacceptable and he would like him to return in a couple weeks with this proposal. Chairman noted that the new owners will be held accountable for the unresolved issues. Attorney Burke offered that it will cost \$136,000 to complete Phase II and that the Estate absolutely cannot finance that. They would have to accomplish the Board's goal on surplus income. The major items are beyond their capacity with a lack of available funds. The Estate had an associate friend who has brought suit and it has matured to judgment in the amount of \$7-850,000. He is happy to try to identify some improvements, but he is not going to provide Board with unreal expectations that are impossible. Attorney Burke offered that he is trying to sell 248 Wareham Street, and if is successful, it could provide some available funds to use towards Phase II. Town Manager offered that the septic issues needing repair is the biggest priority and it can't be done until water connection to Lakeville is complete. Accomplishing this would be helpful to both Attorney Burke and to the residents of Edgeway Mobile Home Park who are having problems with their water. Attorney Burke offered that financing is critical. Chairman offered that the Town Manager suggested he quickly work on water hookup with Lakeville as quickly as possible. Selectman Quelle offered that the septic is tied directly to health code and health law and tenants are hanging on by a thread. They ask themselves everyday if they should not be paying their rent, but instead escrow it because of health code issues that have gone unaddressed for a long time. Attorney Burke offered that he has notified the tenants that he intends to sell. He has reached out to a lot of national outfits because he thinks you need someone well financed and can handle the outstanding issues. It is not even a remote possibility to sell within 60-90 days. He would be happy if it sells within six months. Selectman Frawley offered that if there are any potential interested buyers who would like to speak with the Selectmen, Town Manager, or residents, the Board will do whatever it can to help facilitate that. Selectman McKinnon recognized all that the residents of the Park have been through. Chairman thanked Attorney Burke.

Anne McGann introduced herself to Attorney Burke and asked him to confirm that he had said that if he can sell 248 Wareham Street, he would be able to help the Park. Attorney Burke explained that he would need to deal with the judgment against the Park first, which will eventually develop into a lien against the property. Therefore, he couldn't just take the money from a sale and just apply it to the Park. She asked about the worth of the bogs. He responded they are worthless. Margo King asked if the Park Owner should really have his license when the septic system has failed acknowledging that it was part of a settlement agreement, however, also noting M.G.L. Ch. 140, S. 32b. Town Manager responded that they must maintain the septic system and the Board can

**Middleborough Board of Selectmen
Meeting Minutes**

August 20, 2012

Edgeway Mobile Home Park Administrator report – Attorney James Burke (continued)

rescind the license, or not reissue it next year. Chairman offered that the only value of the license issued is for them to put the Park up for sale.

Margo King asked where their rent money has been allocated for the past six years. Chairman responded that the financials showed that the past three years went towards operating expenses. Selectman Frawley offered that he believes that the resident's best hope in getting the work in the Park completed is to get new owners in there. To take the license away at this point won't serve anyone. Attorney Burke offered that he had to file an inventory. Chairman thanked Attorney Burke for coming.

CORRESPONDENCE

#9 Selectman Frawley offered that he will participate in the Assawompset Ponds/Nemasket River Study. He offered his thanks to Mayor Mitchell and the City of New Bedford for taking these steps. This is exactly what we need. He is really looking forward to it.

Selectman Quelle thanked rest of Board members and the Town Manager for their efforts in working to resolve the Veterans' Memorial Park & Christmas lights matter.

Selectman McKinnon noted that there had been a power failure on Plain Street and it resulted in a power outage at Oak Point via Comcast. It was a little over a day and a half without service. He requested that a message be given to Comcast to be much more responsive, especially in an Over 55 community. Town Manager responded that we can ask Permanent Cable Committee Chairman, Mr. Silva, to express concern about that.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 9:30 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

AnyTime Plumbing & Heating, Inc

123 Broadway
 Taunton, MA 02780
 (508) 880-2800
 Fax 508-824-9547

Estimate

Date	Estimate #
6/20/2012	5574

Name / Address
Hillcrest Mobile Home Park 79 East Grove St Middleboro, Ma 02346

Location

Clerk	Terms	Rep
SC	50/50	Fred

Description	Total
--Install new Neptune water meter with new 3" gate valve and new pressure reducing valve Labor, materials and permit included	8,200.00
Note: If any welding needs to be done it will be an extra	0.00

TERMS

Anytime Plumbing & Heating is a full service residential and commercial company that does plumbing, heating & air conditioning. We would like to thank you for giving us the opportunity to give you an estimate on your services needed. Please carefully read and understand the following terms and payment procedures below. SIGN AND RETURN WITH YOUR PAYMENT TO: Anytime Plumbing. NOTE all optional fixtures presented in the estimate are NOT included in the total estimated cost. Any special ordered fixtures MUST be paid for, when they are received. Any extras will be billed separately upon completion of

Subtotal	\$8,200.00
Sales Tax (0.0%)	\$0.00
Total	\$8,200.00

PROPOSAL - 1

Roto-Rooter Services Company

175 Maple Street, Stoughton, MA. 02072

781-297-7049 x20213 Jen Wetherell

Proposal Submitted To	Work To Be Performed At
Name : Hill Crest Mobile Home Street : 79 East Grove Street City: Middleboro State : MA Telephone Number: 508-523-8496 E-mail:	Name: Hillcrest Mobile Home Park Street : 79 East Grove Street City: Middleboro State: MA Telephone Number: 508-523-8496 Fax:
<p>Proposal to provide and install a 3" trufllo compound water meter with shut off valve and pressure reducing valve inside the meter box in the manhole.</p> <p>Proposal includes: Labor, parts, permits and inspection.</p> <p>Labor: \$ 2000.00 Parts: \$6227.00 Tax: \$ 389.19 Permits and inspection: \$ 200.00 Total: \$ 8816.19</p>	

1. Roto-Rooter will perform the work described above and supply all required materials for the sum of \$8816.19

Payment shall be made _____ cost of (\$ _____)
 _____ 100 cost of (\$ _____)
 _____ 100 cost of (\$ 8816.19) upon completion of work

2. All material is guaranteed to be as specified above. All work will be completed according to standard practice and in a good workmanlike manner.

3. Unless specifically stated otherwise above, repair of streets, sidewalk and the like shall not be the responsibility of Roto-Rooter. In the event excavation is required, the excavated area will be graded to ground level and mounded to allow for settlement. All landscaping required following completion of the job shall be the responsibility of customer.

4. In the event circumstances arise in the course of performance which necessitate a deviation from the work described above or if a customer requests that additional or different work be performed, and additional charge shall be agreed upon before the different or additional work is undertaken and a new written work described shall be executed.

5. Customer shall maintain fire, tornado, earth quake, and other necessary insurance on the property on which the work is being performed. Roto-Rooter shall maintain worker's compensation and public liability insurance.

6. This proposal constitutes our entire agreement and may be withdrawn by us if not accepted within 30 days. No modifications of this agreement shall be valid unless in writing and signed by both parties.

7. Warranty is non-transferable.

8. Other

Respectfully Submitted

Jennifer Wetherell

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to

Proposal

Page No.

of

Pages

LITTLE DRYDEN ENTERPRISES, INC.
 558 Plymouth Street / E. Bridgewater, MA 02333
 Phone: (508) 378-7545 / Fax: (508) 378-4328

PROPOSAL SUBMITTED TO Morgan Management		PHONE	DATE July 2, 2012
STREET P.O. Box 1660		JOB NAME Water Meter Replacement	
CITY, STATE AND ZIP CODE Pittsford, NY 14534		JOB LOCATION Hillcrest Mobile Home Park	
ARCHITECT	DATE OF PLANS	Middleboro, MA 02345	JOB PHONE

We hereby submit specifications and estimates for:

Supply stock, labor and equipment to replace broken 3 in. water meter and pressure valve with new 4 in. compound meter with remote readout, new pressure valve and 2 new shut off valves.
 All material to meet Town of Middleboro specs.

~~We propose~~ We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of **Twelve Thousand, Seven Hundred and Seventy Four** dollars: (\$ 12,774.00)

Payment to be made as follows:

Six Thousand at Start, balance upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Note: this proposal may be withdrawn by us if not accepted within _____ days.

20

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

Estimate #1

Warren I Abair Inc
7 Everett Street
Middleboro, Mass.
02346
Lic. # 8298

06/01/2012

Morgan Management
P.O. Box 1660
1170 Pittsford-Victor Road
Pittsford, New York
14534

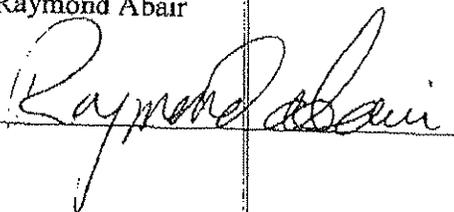
RE: Hillcrest MHC LLC
Moble Home Park
Middleboro, Mass.
02346

This is a price to replace the Hillcrest mobile home park water meter. Price includes a 4" water meter with strainer and remote reader. Install one pressure reducing valve, 2 flanged ball valves. Job will include all necessary material, labor and permits to complete job.

Price \$ 13,540.00

Respectfully

Raymond Abair





WATER and WASTEWATER SUPPLIES
 36 Hudson Road (Route 27) Sudbury, MA 01776-2039
 Phone: 978-443-2002 800-225-4816
 Fax: 978-443-7600 www.tisales.com

Quote	QTE0004231
Quoted To	Warren Bush
Date	06/27/2012

Sold To: Cash or Charge Customer

Ship To: Little Dryden Enterprises
 558 Plymouth Street
 East Bridgewater MA 02333

Customer Number	Telephone	Fax	Job Location	Job Name	Account Manager
ZCACHG	(508) 378-7545	(508) 378-4328	Middleboro	Hillcrest Mobile Hom	Joe Coulter
Expires	Estimated Delivery	Freight		Terms	Master Number
08/26/2012		Customer		CASH	36344
Item Number	Description	Quantity	Price	Extension	
KIT-NCOMP4PRF3S19C	4" Neptune Tru/Flo Compound Meter ProRead Cubic Feet 6 Wml Programmed Network Hi/Lo for Radio (20" Long)	1	\$3,413.34	\$3,413.34	
KIT-NSTRAINER3	3" Neptune Strainer With (1) Gasket & (4) Bolts (7-1/2" Long)	1	\$799.08	\$799.08	
R900V3	R900 RF Meter Interface Unit Wall Mount v3	1	\$117.85	\$117.85	
Z5-100-46	4" American AVK RS Flange OS&Y Gate Valve Open Left with wheel handle (9" Long)	2	\$569.71	\$1,139.42	
DHM4	4" Hymax 2000 Coupling 4.25-5.63 (9" Long)	2	\$233.12	\$466.24	
NI-FLPE0406	4" x 6" Flanged x Plain End Piece of Ductile Iron Pipe	1	\$110.00	\$110.00	
NI-WZW2098F4	4" Wilkins Model ZW2098P Pressure Reducing Valve w/Low Flow Bypass (15" Long)	1	\$2,388.15	\$2,388.15	
Additional Charges	Freight:			\$120.00	
Quoted By:	Joe Dana				
				Merchandise	\$8,434.06
				Other Charges	\$120.00
				Tax	\$527.14
				Total Due	\$9,081.22

If you are in agreement with this quote and wish to order, please sign, date, and fax back to 978-443-7600

Signature: _____ Date: _____

Proposal

LITTLE DRYDEN ENTERPRISES, INC.
558 Plymouth Street / E. Bridgewater, MA 02333
Phone: (508) 378-7545 / Fax: (508) 378-4328
Betty Wadsworth

PROPOSAL SUBMITTED TO Morgan Management <i>Brian DIBBLE</i>		PHONE <i>508-946-0969 FAX</i>	DATE
STREET P.O. Box 1660		JOB NAME 508 523-8496 TEL	July 2, 2012
CITY, STATE AND ZIP CODE Pittsford, NY 14534		JOB LOCATION Water Meter Replacement	
ARCHITECT	DATE OF PLANS	Hillcrest Mobile Home Park	JOB PHONE
		Middleboro, MA 02346	

We hereby submit specifications and estimates for:

Supply stock, labor and equipment to replace broken 3 in. water meter and pressure valve with new 4 in. compound meter with remote readout, new pressure valve and 2 new shut off valves.
All material to meet Town of Middleboro specs.

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Authorized Signature _____

Note: this proposal may be withdrawn by us if not accepted within 20 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____