

MINUTES

For approval at the 9-24-12 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, Town Manager C. Cristello and Confidential Secretary J. Shanley.

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

Chairman called for a moment of silence in memory of Agricultural Commission Chairwoman Patricia Farrington.

UNANTICIPATED

Selectman Spataro called for a moment of silence in honor of the anniversary of 9/11 tomorrow.

Selectman Frawley announced that High Point anticipates being up and running by the summer of 2014. They are in the preliminary stages of establishing the facility in the former St. Luke's hospital building. They anticipate 250-300 jobs to offer.

Adam Bond addressed the Board to say that Mr. Pittsley, who lives on Jackson Street next to Gerry Aaronson, asked him to bring the Board's attention to the condition of Mr. Aaronson's property. He handed the Board photographs of several storage units and debris located on said property, and noted that it is closely located to a playground and a high traffic public area. Mr. Bond considers it a nuisance. He quoted a law known as the "Attractive Nuisance law" indicating that it applies to the opportunity for a child to get injured or killed. He suggested that 780 CMR, Sect 51, Appendage J can be used by the Building Commissioner to pursue correcting the situation. He imagines as a Board of Health, the Board should be able to do something. He implored the Board on behalf of Mr. Pittsley, to at least bring Mr. Aaronson in to get some sense of cooperation and come to some sort of conclusion. Chairman thanked Mr. Bond and noted that the Board did have the Building Commissioner look into this in the past, but perhaps it could have him look into it again. Mr. Bond suggested it may help to also ask the Health department to get involved.

Michael Solimini asked what the product of High Point is/type of patients. Chairman offered that he and the Town Manager met with the CEO of High Point some time ago, and he had indicated it will be an in-patient and out-patient facility for alcohol and substance abuse. The plans were preliminary at that point. At some point, we should have a public discussion about it and the CEO understood that the public may have some apprehension. Chairman found the CEO very forthcoming and willing to work with the community. Mr. Solimini asked if people were going to live there, and if so, how many. Selectman Frawley noted that it is a private entity, and, even if we wanted to, there's nothing we can do to stop them. He gave Mr. Solimini their annual report from 2011 and also offered to give Mr. Solimini the phone number for a contact at High Point. He noted that the Board will share whatever details it receives, once it receives them.

Brian Giovanoni noted the funds raised by the Middleborough Friends' summer concert series and thanked the Board for the use of the Town Hall lawn. Chairman thanked the Middleborough Friends.

Selectman Quelle has been approached about traffic on Route 105 by Sysco. Sysco is always trying to be the best neighbor and is willing to address any concerns raised. He indicated that the lights need to be re-sequenced on Rte. 44 & Rte. 105. He is encouraged the Chairman to have the Town Manager contact MA Highway to address the lights.

ANNOUNCEMENTS

Selectman Frawley noted that Networking Support Plus meets each Wednesday at the library. For more information, contact Judy Bigelow-Costa.

Selectman Frawley noted that the Town Manager made it into the MMA Beacon.

The Water Department will be flushing hydrants through the month of October from 8 a.m. to 3 p.m.

September is National Preparedness month. Steps that may be taken by families for preparedness plans may be found on the Town's website or by calling the Health department.

COA Food Pantry is asking for donations of soups this week.

Jane Lopes for Soule Homestead announced that the Harvest Fair is this weekend with good music and fun for all.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the 7/23/12 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 8/6/12 meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the 8/20/12 meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 6/28/12 E.S. meeting minutes with one correction to be discussed in Executive Session.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to approve the 7/9/12 E.S. meeting minutes with a correction to page 3, 2nd paragraph as noted. Three in favor. Selectmen Frawley and Quelle abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 8/6/12 meeting minutes.

NEW BUSINESS

Chairman explained that the Board will be scheduling a public hearing on adopting regulations for Earth Removal permit applications next Monday, 9/17/12.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve the request by the North Congregational Church to block Plymouth Street during its Fall Festival and Craft Fair on 9/29/12 with a rain date of 9/30/12, pending no concerns by police, fire, and highway departments.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve request by the Daughters of the American Revolution for a 2012 "Constitution Week" proclamation. Selectman McKinnon requested that a copy of the U.S. Constitution and Declaration of Independence be posted to the Town website. Town Manager agreed.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve a One Day liquor license for Muckey's Liquor, as presented (attached).

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously the Useful Life, as presented (attached).

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve the use of the Town Hall parking lot by Central Baptist Church for its seventh annual Trunk or Treat program on 10/31/12 from 5 – 8 PM.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to designate its Confidential Secretary, Jacqueline Shanley, Police Chief Bruce Gates, and Administrative Assistant to Police Chief Gates, Iren Hudson, as designee(s) for accessing the new Massachusetts Automated Civil Service computerized system of administering records (MACS).

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to send letter to Secretary of Interior Ken Salazar. Adam Bond recommended sending copies to Franklin Keel, Randy Trickey, and the Federal delegation. Board agreed.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to sign the 10/1/12 Special Town Meeting Warrant.

HEARINGS, MEETINGS, LICENSES

Board held joint meeting with the following members of the Community Preservation Committee: Jane Lopes, Mark Belanger, Josephine Ruthwicz, David Thomas, Lauren Bell, and Maureen Franco. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted by Roll Call “to re-appoint Mark Belanger and Maureen Franco to three-year terms as members of the CPA Committee. Roll Call:

J. Lopes	YES
M. Belanger	ABSTAINED
J. Ruthwicz	YES
D. Thomas	YES
L. Bell	YES
M. Franco	ABSTAINED
S. Spataro	YES
A. Frawley	YES
A. Rullo	YES
B. Quelle	YES
S. McKinnon	YES.”

Town Clerk Allison Ferreira addressed Board and introduced vendor Paula MacDonald of King Information Systems. Ms. Ferreira requested the Board’s support of Article 12. As the Keeper of Records, the Town Clerk is proposing a vital records & historical records preservation for the Town of Middleborough. She is proposing a three phase project:

- Contract vendor to conduct an assessment of our current filing & storage system for historical & vital records
- Implement the Assessment & contract a vendor to analyze our current climate control
- Archival, digitizing, and microfilming the historical and vital records and upgrading or repairing the current climate control.

King Information has been in business since 1972 and has a wealth of experience. We would always be a customer of theirs and they will keep us updated on regulatory updates. Question and answer period ensued.

Jane Lopes offered that the Community Preservation Committee has received six applications for funding and has decided to go forward with these two. She also explained that we have 14 historic cemeteries in Town without someone looking over them. The Friends of Middleborough Cemeteries has formed and would like to place signage on each cemetery to designate them so people will know what they are and to draw interest in them. They are asking for \$3,000 for this project, to be dedicated to signage. Mark Belanger offered that the members of the Committee all did investigations into these projects, and they are all reasonable projects. He added that many other towns have done similar things.

STM Article #16

Jane Lopes explained that this article is a bylaw developed by the Town Manager and Town Counsel. It was determined that there is money held by the Town Treasurer for maintaining the cemeteries. The Community Preservation Committee wants to be able to authorize the Friends of Middleborough Cemeteries to do the necessary work and report to the CPA Committee.

cemeteries. The Community Preservation Committee wants to be able to authorize the Friends of Middleborough Cemeteries to do the necessary work and report to the CPA Committee.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support Article 12.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support Article 13.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support Article 16.

Selectman Frawley thanked Town Clerk Allison Ferreira, as did the Chairman, for her work during the recent election, noting the long hours she also put in.

Leonard's Auto, LLC, 407 Wareham Street, Class II Automobile Dealer license application hearing (continued from 8/20/12)

Attorney Bond addressed Board and noted that his client, Arthur Leonard, is requesting a continuance. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to continue the public hearing for Leonard's Auto LLC to 10/15/12 at 8 pm. Selectman Spataro abstained.

VFW Application for Change of Corporate Name/Alteration of Premises (continued from 6/4/12)

Eric Goodnow addressed Board and explained that the ZBA decision will not be available until 10/1/12. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to continue hearing to 10/15/12 at 8:15 PM. Four in favor. Selectman Spataro abstained.

Attorney Burke, Administrator of Edgeway Mobile Home Park

Attorney Burke addressed Board to explain his request for an extension. He reported that he is in the process of speaking with several interested buyers of the Park. Chairman offered he is disappointed and reiterated that the Board had offered several options to restructure the Settlement Agreement. Chairman noted that he was also disappointed as he had asked him to look at the Park's current operating budget. Chairman offered that he remembers there was significant money in there for maintenance. He was disappointed that Attorney Burke came unprepared to report if there may be some extra money in there to utilize. Attorney Burke responded that he is so new and has new management company in there and he hasn't yet gotten the first statement from them to show what is available. The management company is taking over the financial management of the Park. Attorney Burke reported that they have been significantly flushing the Park. He also offered that he can only diligently pursue that which he has knowledge of. He suggested that if they interconnected the water right now, it would not change the dirty water problem and that it is not well water. It is at some point where it interconnects with the system. Chairman asked Attorney Burke what he is doing to resolve the dirty water. Attorney Burke responded that the residents know that we have created a program for them to get water at the trailer and were asked to notify the office when dirty water occurs so that it can be inspected. He indicated that they are still going through DEP program for flushing, but doesn't know status. Selectman Spataro asked where the rent money being paid by the residents is going. Attorney Burke offered that it's his understanding that they had

Attorney Burke, Administrator of Edgeway Mobile Home Park

noting that the Board was assured time and again that this was moving forward. The Park Owner knew this was a date carved in stone when we signed the agreement. Selectman McKinnon noted that there has been roughly \$14,000 per month coming in through rents for a number of years. It was his understanding that they anticipated funds in the amount of \$100,000-\$200,000 from the sale of the unit to be used towards Phase II. He would not approve an extension. Adam Bond asked if bankruptcy can be filed. Attorney Burke responded that an Estate cannot file bankruptcy. If things go really bad, he can file an insolvent estate and a judge can act like a bankruptcy judge. Mr. Bond asked where the financial forensics are. Attorney Burke offered that he had asked the department heads and Town Counsel if he could use the \$148,000 to use towards repairs/improvements. It did not seem to be acceptable, at least at a department head level. His job is to keep the ball rolling. At some point in time, there is going to be an accounting, but it won't be through him, and it won't be in the short term.

Anne McGann offered that there's a house behind hers that could be sold and that the \$140,000 came from a sale of a trailer in Lakeville. She inquired about the septic issues. Attorney Burke responded that DEP has a long arm, and even though Twin Coach was created as an entity before Edgeway, there is a commonality of ownership with the estate owning all of the stock in Twin Coach and Edgeway. Anne McGann asked how that jives with the Court Agreement. She offered that, from what she had read, the lien is on Twin Coach and not on Edgeway.

Chairman explained that they came up with a creative way to resolve septic problem by bringing Twin Coach into this. If you go the other way, you may have to build a treatment plant. DEP has a lot of power. Anne McGann offered that she was told that DEP won't be flushing again until the end of September and that is unacceptable. She also suggested that the residents should not have to pick up clean water, but have it delivered to them instead. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to reject the request for extension with the dates presented.

Louisa Brown indicated that it is disgraceful that the residents have to pick up water. The new management company is not in office Thursday through Sunday so the residents have gone without clean water all of these days. Margo King offered that the dark water started in 2008 and the only difference is it wasn't daily back then like it is now. The flushing seems to be stirring up the sediment. There's not enough water in the wells. The management office was not in today. She asked Attorney Burke if there is any way the residents can have a more definite schedule since they have to go up there and get the water. Attorney Burke responded that he has a contract with Acropolis Management saying they would be there Mondays, Wednesdays, and Fridays. They are contractually obligated to follow that schedule, and he did not know before tonight that they haven't been following this schedule, and now he will look into it.

Attorney Burke offered that if the Board rejects the extension request, or takes no action, he will continue to keep the Board informed as things progress, hopefully not every month. He is trying as diligently as he can to keep the ball moving forward. Chairman responded that the dark and dirty water is intolerable and he wants that fixed, and that monthly meetings/updates should happen until that is resolved. Selectman Spataro offered that the Board will meet weekly, biweekly, whatever it takes for these residents who have to buy new clothing as they ruin their clothes washing it with this filthy water. He questioned that the residents are only being given three gallons of clean water. It would be nice to drop off the water to the residents. Attorney Burke will talk with the Management company to resolve.

BILLS

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve payment to Jones Day in the amount of \$13,283.79.

TOWN MANAGER'S REPORT

Board noted Town Hall signs & rental report.

Met with Aaron Gornstein of DHCD and took him on a downtown area tour with Jane Kudcey of OECD and Town Planner Ruth Geoffroy. State Representative Keiko Orrall also attended. Town Manager thanked Senator Pacheco for organizing the visit and will be sending a letter. Town Manager offered thanks to Jane Kudcey and Ruth Geoffroy.

Selectman Frawley reported that he attended a public hearing on the MassWorks grant. Jane Kudcey did a great job.

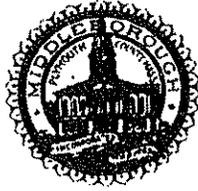
CORRESPONDENCE

#11 Selectman Frawley noted Taunton River Watershed is having an Archaeological Canoe Trip on 10/6/12, with a rain date of 10/7/12.

#5 Chairman Rullo noted email from Judy Bigelow-Costa re suggested uses of Open Space. Town Manager noted we have a Western Forest Committee and a Conservation Commission we can ask for advice. Chairman agreed.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Pending Litigation at 9:20 PM and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes; S. McKinnon, Yes; A. Rullo, Yes. Ended at 10 PM.

Jackie Shanley, Confidential Secretary



Town of Middleborough
Massachusetts

September 12, 2012

BOARD OF SELECTMEN

Bill Seckinger
President
Muckey's Liquors Store
13 Harding Street
Lakeville, MA 02347

Dear Mr. Seckinger:

Please be advised that, at its meeting held on 9/10/12, the Board of Selectmen voted unanimously to approve a request by Muckey's Liquor for a One-day All Alcoholic beverages liquor license for:

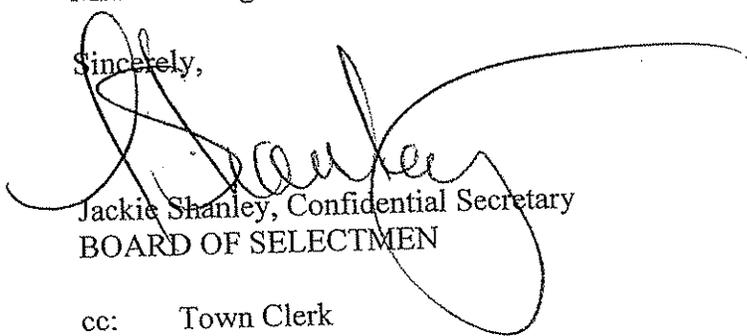
9/13/12 from 5 PM to 10 PM at Oak Point, 200 Oak Point Drive
9/15/12 from 5 PM to 10 PM at Oak Point, 200 Oak Point Drive
10/3/12 from 5 PM to 10 PM at Oak Point, 200 Oak Point Drive
10/13/12 5 PM to 10 PM at Oak Point, 200 Oak Point Drive

The Board also voted unanimously to approve a One-day Wines & Malt beverages liquor license for:

10/24/12 from 6 PM to 10 PM at Oak Point, 200 Oak Point Drive

The licenses may be picked up, and paid for, at the Town Clerk's office, 20 Centre Street (Eastern Bank Building). The fee for a One-day All Alcoholic beverages liquor license is \$50.00 and the fee for a One-day Wines & Malt beverages liquor license is \$30, payable to the Town of Middleborough.

Sincerely,


Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

cc: Town Clerk
D. Triner



Town of Middleborough

Massachusetts

Board of Selectmen

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 8-27-2012
NAME OF APPLICANT BILL SECKINGER
ADDRESS OF APPLICANT 13 HARDING ST. LAKEVILLE
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508-923-0505

NAME OF BUSINESS MUCKEY'S LIQUOR
OWNER OF PROPERTY TO BE LICENSED BILL SECKINGER
ADDRESS OF PROPERTY TO BE LICENSED 200 OAK POINT DRIVE
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD _____
Class I Automobile Dealer License _____ Earth Removal Permit _____
Class II Automobile Dealer License _____ Liquor License ONE-DAY
Class III Automobile Dealer License _____ Other FULL LIQUOR
Entertainment _____

Anticipated Start Date for Business: 9-13-2012
Days & Hours of Operation: 5PM TO 10 PM
Days/Hours/Description for Entertainment GOLF DURING DINNER

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

YES AT 200 OAK POINT DRIVE

Signature Bill Seckinger

DATE OF HEARING: 9-10-12

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? na

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405
Fax: 508-946-0058

Town of Middleborough
Massachusetts
Board of Selectmen

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 8-27-2012
NAME OF APPLICANT BILL SECKINGER
ADDRESS OF APPLICANT 13 HARDING ST. LAKEVILLE
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508-923-0505

NAME OF BUSINESS MUCKEY'S LIQUOR
OWNER OF PROPERTY TO BE LICENSED BILL SECKINGER
ADDRESS OF PROPERTY TO BE LICENSED 200 OAK POINT DRIVE
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD _____
Class I Automobile Dealer License _____ Earth Removal Permit _____
Class II Automobile Dealer License _____ Liquor License ONE-DAY
Class III Automobile Dealer License _____ Other FULL LIQUOR
Entertainment _____

Anticipated Start Date for Business: 9-15-2012
Days & Hours of Operation: 5PM TO 10 PM
Days/Hours/Description for Entertainment DINNER & DANCE

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

YES AT 200 OAK POINT DRIVE

Signature Bill Seckinger

DATE OF HEARING: 9-10-12

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

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Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? n/a

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405
Fax: 508-946-0058

Town of Middleborough
Massachusetts
Board of Selectmen

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 8-27-2012
NAME OF APPLICANT Bill Seckiocka
ADDRESS OF APPLICANT 13 HARLOW St. LAKESIDE
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 1-508-923-0505

NAME OF BUSINESS Muckey's LIQUOR
OWNER OF PROPERTY TO BE LICENSED Bill Seckiocka
ADDRESS OF PROPERTY TO BE LICENSED 200 OAK POINT DRIVE
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____
Class I Automobile Dealer License _____
Class II Automobile Dealer License _____
Class III Automobile Dealer License _____
Entertainment _____
WRPD _____
Earth Removal Permit _____
Liquor License ONE-DAY
Other FULL LIQUOR

Anticipated Start Date for Business: 10-3-2012
Days & Hours of Operation: 5 PM TO 10 PM
Days/Hours/Description for Entertainment Muckey's GOLF OUTING

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

Yes AT 200 OAK POINT DRIVE

Signature Bill Seckiocka

DATE OF HEARING: _____

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector: _____

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Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? n/a



Town of Middleborough

Massachusetts

Board of Selectmen

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 8-27-2012
NAME OF APPLICANT Bill Seckinger
ADDRESS OF APPLICANT 13 HARLOW ST LAKEVILLE
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 1-508-923-0505

NAME OF BUSINESS MUCKEY'S LIQUOR
OWNER OF PROPERTY TO BE LICENSED BILL SECKINGER
ADDRESS OF PROPERTY TO BE LICENSED 200 OAK POINT DRIVE
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand _____ WRPD _____
Class I Automobile Dealer License _____ Earth Removal Permit _____
Class II Automobile Dealer License _____ Liquor License ONE-DAY
Class III Automobile Dealer License _____ Other ROLL LIQUOR
Entertainment _____

Anticipated Start Date for Business: 10-13-2012
Days & Hours of Operation: 5 PM to 10 PM
Days/Hours/Description for Entertainment Roll Reason for Middleboro Library

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?

If yes, explain: YES AT 200 OAK POINT DRIVE

Signature Bill Seckinger

DATE OF HEARING: _____

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector: _____

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? n/a



Town of Middleborough Massachusetts Board of Selectmen

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 8-27-2012 NAME OF APPLICANT Bill Seckinger ADDRESS OF APPLICANT 13 HANOVER ST. LAKEVILLE ASSESSORS MAP & LOT DAYTIME TELEPHONE 508-923-0505

NAME OF BUSINESS Muckey's LIQUOR OWNER OF PROPERTY TO BE LICENSED Bill SECKINGER ADDRESS OF PROPERTY TO BE LICENSED 200 OAK POINT DRIVE ASSESSORS MAP & LOT

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand, Class I, II, III Automobile Dealer License, Entertainment, WRPD, Earth Removal Permit, Liquor License ONE DAY, Other BEER + WINE

Anticipated Start Date for Business: 10-24-2012 Days & Hours of Operation: 6 PM TO 10 PM Days/Hours/Description for Entertainment TASTE of Middleboro

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain: YES AT 200 OAK POINT DRIVE

Signature Bill Seckinger

DATE OF HEARING: APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? n/a

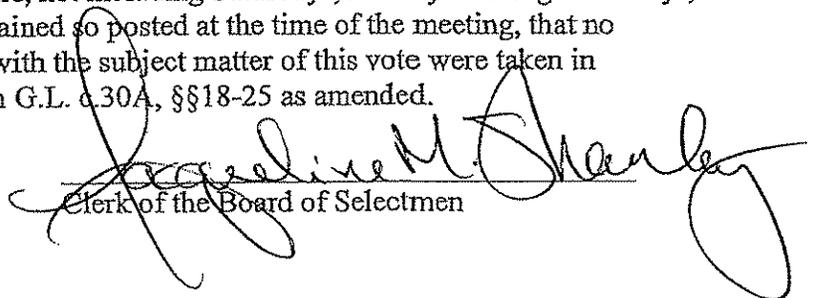
I, the Clerk of the Board of Selectmen of the Town of Middleborough, Massachusetts, certify that at a meeting of the board held 9.10, 2012, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$762,000 borrowing authorized by the vote of the Town passed June 11, 2012 (Articles 10, 11 and 12) is hereby determined pursuant to G.L. c.44, §7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Fire Engine	\$450,000	<u>15</u> Years
Command Vehicle	40,000	<u>5</u> Years
Loader	152,000	<u>15</u> Years
Dump Truck	50,000	<u>10</u> Years
Pickup/ Plow	50,000	<u>10</u> Years
Police Equipment (Tasers)	20,000	<u>5</u> Years

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: 9.10, 2012


 Clerk of the Board of Selectmen

**Middleborough Board of Selectmen
Meeting Minutes**

September 17, 2012

Chairman opened meeting at 7:04 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, Town Manager C. Cristello and Confidential Secretary J. Shanley.

The meeting was broadcast live by MCAAM and recorded by MCCAM and Verizon.

Chairman called for a moment of silence for the passing of Selectman Spataro's mother on 9/15/12.

Roger Brunelle of 96 Miller Street addressed the Board to publicly and personally offer his sincere thanks to Town Clerk Allison Ferreira for the manner in which she handled the recent election & recount. He noted that, in her short time of one year serving as Town Clerk, she has managed a Special Election, Town Election, and now a recount. He also offered his thanks to her staff and everyone who contributed. He noted that the Town Clerk treated him with the utmost respect and indicated that she's had a lot to handle and has overcome many obstacles. He wanted the Board to know that the Town has a department head sincerely doing her job to the best of her ability. Chairman thanked Mr. Brunelle, noting that Ms. Ferreira had received the highest compliments by state officials and that the manner in which she handled the recent recount has been considered as the best recall in the entire state. Chairman offered that she and her staff, and all those who worked the elections, deserve a lot of praise. Selectman Frawley pointed out that there was absolutely no change in the results after the recount, noting that she did everything the right way the first time.

ANNOUNCEMENTS

The Water department will be flushing fire hydrants in Town.

Health Officer offered thanks to all who have been donating to the COA food pantry. They are requesting canned vegetables this week.

Director of the Public Library, Danielle Bowker, addressed Board to announce that there will be a book signing for the publication of "Middleborough Through the Ages" on Sunday from 1 PM to 3 PM. This was funded through the Cultural Council through a couple of local grants and also by the Friends of the Library. There will be an Open House on Sunday at the same time for the public from 1 PM to 3 PM. The Friends of the Library will hold its annual gala at Oak Point on 10/13/12. Tickets are available at the library.

MINUTES

None.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve a 2nd Hand & Consignment license for Boutique Azalicia, 449 Center Street with hours of operation being Monday through Saturday from 10 a.m. to 6 p.m. and Sundays from 10 a.m. to 4 p.m.

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Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve appointment of Liza French as a member of the Cultural Council to a term of three years.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve Betterment Agreement for 194 Rocky Meadow Street in the amount of \$17,398.00.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the Rent Board Decision re Capital Expense Pre-approval of Water Meter replacement for Hillcrest, MHC, LLC.

Police Chief Gates addressed Board to review the finalists re the police station expansion/addition feasibility study. Chief Gates recommended Kaestle Boos Associates, Inc. of Foxboro, MA. Discussion ensued. Chairman Rullo offered that he served on the Police Station Building Committee and he agreed with this recommendation. Jane Lopes offered that they were all impressed with the team that Kaestle Boos brought in. Selectman Spataro noted that another company had provided the Town with its initial drawing of a plan and he wondered why he didn't make the top three finalists. Chairman Rullo responded that although he would have chosen them as a 3rd finalist, they just didn't have the experience. Joe Freitas addressed the Board and offered that it upsets him that the new building will touch the existing historical building. He believes it should be a separate new building. He thinks we need an archeological survey of the area as our history points out that there was once a body found there. Chairman offered that the Committee was very sensitive to maintaining the historical facet of the original structure and its appearance. Town Manager offered that we plan to do an archeological survey. Further discussion ensued. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the ranking of the architects as presented:

Kaestle Boos Associates, Inc. of Foxboro, MA
Jaucunski Humes Architects, LLC of Berline, CT
Brown Lindquist Fenuccio & Raber Architects, Inc. of Yarmouth, MA

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve signing the Chapter 61B Application for Town of Plympton.

Middleborough Veteran's Memorial Park Trust issued a letter to the Board of Selectmen indicating that they are requesting full control of the Park and offering to erect a Christmas tree, lighted, on the Town Hall lawn. Veterans' Agent Paul Provencher addressed the Board and read aloud a prepared statement. He spoke as a member of the Middleborough Veteran's Memorial Park Trust and as a Veteran of the community. Mimi Duphily addressed the Board.

Francis Crenoy of Purchase Street addressed the Board and reviewed the history of his meetings with Town Officials re the ongoing matter. Chairman offered that the Park is Town owned property. Bob Lessard of 844 Plymouth Street offered that his family donated this particular tree as a living memorial tree and it was never intended to be a Santa Claus tree. He doesn't give his family's permission to decorate this tree. Willy Duphily addressed the Board. Joe Freitas addressed

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Board and noted that the matter is clearly an emotional one, especially to the Veterans. He believes the intention of the Park was to keep it a memorial to the Veterans who have died. The Veterans have offered to plant another tree on the lawn and he considers it a good alternative. Jane Lopes, Historical Commission, offered that the Trust Committee has always checked with them before they do anything there because of historic preservation, but that the Board should maintain control of the Park and at the same time let the Veterans do what they want there. Leilani Dalpe questioned the legality of turning over control to another body. Gerry Macy of Pierce Street addressed the Board. Town Manager noted that the Board already acknowledged that it would consult the Trust on matters and the Trusts response letter indicates it wants complete control of the Park. Chairman thanked everyone for their comments. Board discussion ensued. Selectman Quelle noted Bob Burke's recent personal family tragedy. Chairman noted the policy offered by the Selectmen, which says that the Board will consult the Veterans before anything takes place in the Park and vice versa. Upon motion by Selectman Spataro, and seconded by Selectman Frawley, Board voted unanimously to have a policy for Town-owned-land and will consult them on activities in that Park.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted to not light the tree in the Park. Three in favor. Selectmen A. Rullo and S. McKinnon opposed.

HEARINGS, MEETINGS, LICENSES

VFW Change of Manager.

Paul Provencher addressed Board. Proposed Manager Roger L. Card, Jr. present. Board voted to continue to 9/24/12 at 7:55 PM.

Road Layout of Silo Lane

Chairman opened public hearing re Road Layout of Silo Lane at 8:45 PM by reading aloud the public hearing notice. Attorney Robert Mather addressed Board and asked that the Board endorse this petition. Planning Director Ruth Geoffroy addressed Board and read aloud the Planning Board's favorable recommendation to layout Silo Lane. Attorney Mather provided the Board with Town Counsel's recommended motion for STM Article #21. Chairman asked to hear any further comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to move that the Town vote to accept Silo Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Acceptance/Layout Plan, Silo Lane, 'Tispaquin Farms' a Chapter 40B Development in Middleborough, MA (Plymouth County) Prepared for T.F. Development, Inc.' which plan is dated September 3, 2008, and amended on September 11, 2012 and also the related easements as shown on the subdivision plan on file with the Town Clerk entitled "Tispaquin Farms Comprehensive Permit Plan of Land in Middleborough (Plymouth County) prepared for MBC Development, Inc.", which plan is dated October 8, 2003 and is recorded at the Plymouth County Registry of Deeds in Plan Book 48, Page 334.

Road Layout of Londonderry Lane

Chairman opened public hearing re Road Layout of Londonderry Lane at 8:56 PM by reading aloud the public hearing notice. Londonderry Lane property owner Tom White addressed the Board and thanked the Board's Confidential Secretary for assisting him with this process. Planning Director

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Ruth Geoffroy addressed Board and read aloud the Planning Board's favorable recommendation to layout Londonderry Lane, contingent upon the completion of specific items as listed in its letter. DPW Director Andrew Bagas addressed Board and indicated a list of concerns he has with the road. Town Manager offered that the Town has funds that it has been holding from the original developer that will be used to make these repairs. Chairman asked to hear any further comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley, and seconded by Selectman McKinnon, Board voted unanimously to accept the layout of Londonderry Lane in Middleborough, MA, on such terms as the Selectmen shall determine for the purposes of a Town way, such property being shown on a plan entitled "As-Built/Layout Plan of Londonderry Lane within Salem Heights, a Subdivision in Middleboro, MA", dated June 11, 2001, drawn by Ralph I. Maloon (R.I.M). Engineering Co., Inc., which plan is on file with the Town Clerk's office. Selectman Spataro recognized the Town Manager and Mr. White for working together towards getting this road accepted.

Karen Grasso addressed the Board regarding her request for local approval exempting her from the upper age requirement for the Police Civil Service list. Police Chief Gates addressed Board and indicated he would not recommend supporting this request. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously not to support/grant the exemption. Four in favor. Selectman Frawley opposed.

Chairman opened public hearing at 9:28 PM on Adoption of Earth Removal Permit Regulations. Chairman asked to hear comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley, and seconded by Selectman McKinnon, Board voted unanimously to adopt.

Discussion and vote re STM articles:

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to recommend to STM to table Article #17 indefinitely.

Steve Bonfiglioli addressed Board to explain Article #24 re Drainage Easement (Meadowbrooke Lane & Bon View Circle). Planning Director Ruth Geoffroy addressed Board and recommends Board require that an As Built Plan be done. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article #23 – Steve Bonfiglioli addressed Board. DPW Director A. Bagas addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article #9 – DPW Director A. Bagas addressed Board. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article #18 – Zoning Bylaw Recodification – Planning Director Ruth Geoffroy addressed Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article. Selectman Frawley offered that each member of the Recodification Committee deserves a great deal of credit for their contributions.

Article #19 – Zoning Bylaw Amendment (Flood Plain District). Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article #15 – Town of Lakeville Water Services – Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article.

TOWN MANAGER'S REPORT

Board noted Town Hall sign/rental report.

CORRESPONDENCE

#1 Selectman McKinnon noted Plymouth County Assessment.

#6 SRPEDD – Selectman McKinnon – bike paths or walking paths – he sent it to Mark Belanger to see if the CPA funds might be used for.

#5 Chairman Rullo noted Mosquito Alert and advised the public to continue taking necessary safety precautions.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Pending Litigation (Dispute with Mashpee Wampanoag Tribe) at 10:08 PM, and not to return into Open Session. Roll Call: S. Spataro, Yes; A. Frawley, Yes; B. Quelle, Yes; S. McKinnon, Yes; A. Rullo, Yes. Ended at 10:30 PM.

Jackie Shanley, Confidential Secretary