

# **MINUTES**

**For approval at the 1-14-13 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes**

December 17, 2012

Chairman opened meeting at 7:00 PM.

In attendance were: Selectmen A. Rullo, A. Frawley, S. Spataro, B. Quelle, & S. McKinnon, and Town Manager C. Cristello.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 7:01 PM to discuss strategy relative to Collective Bargaining and to return into Open Session. Roll Call: S. Spataro, Yes; S. McKinnon, Yes; A. Frawley, Yes; B. Quelle, Yes; A. Rullo, Yes. Ended at 7:38 PM.

Board returned to Open Session at 7:41 PM.

Board held a moment of silence for the victims of Newtown, CT.

The school and police departments met this week to review the security that is taking place in our schools today to make sure we are doing all that we can to protect our children.

**ANNOUNCEMENTS & RECOGNITIONS**

None.

**MINUTES**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve 12/10/12 regular meeting minutes.

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve 2013 Liquor license for Farrar's Flat Iron Café and Shooter's.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 2013 Common Victualler licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 2013 Automatic Amusement Device licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve 2013 Entertainment licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve 2013 Sunday Entertainment licenses, as presented.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 2013 Class I Automobile Dealer licenses, as presented. Selectman McKinnon offered thanks to the Board's Confidential Secretary Jackie Shanley and Town Clerk

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 17, 2012**

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 2013 Class II Automobile Dealer licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve 2013 Class III Automobile Dealer licenses, as presented.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 2013 Taxi license, as presented, subject to the new business applying for the license.

Karen Cook representing All Are Welcome Community Kitchen addressed the Board. She noted that the road race is scheduled for 1/20/13 as opposed to 1/15/13. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve, contingent upon notification to the Police and Fire Chiefs that the date of the race has been corrected from 1/15 to 1/20/13 and that they have no issues/concerns. Selectman Spataro congratulated Mrs. Cook on the one-year anniversary and success of the community kitchen.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve and sign amended Agreement with the Middleborough Police Superior Officers union.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve and sign the engineering Agreement with GCG Associates re Park & Sprout Street Infrastructure/CDBG Project.

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to sign a license agreement for property on Don Boucher's Way.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to submit our comments, which are in favor of a parallel track for Commercial Gaming facility in Southeastern, MA. Four in favor. Selectman S. Spataro opposed.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to authorize Chairman to sign OECD FY10 grant extension request.

**HEARINGS, MEETINGS, LICENSES**

At 7:30 PM Chairman opened public hearing on application made by Rama Chunduru for the Transfer of a Wines & Malt Beverages liquor license from The Convenience Store to Sunup Corp. and for a Change of Manager at 414 West Grove Street by reading aloud the public hearing notice. Proposed owner/manager Rama Chunduru addressed Board. Chairman asked to hear further comments/questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to approve the application for transfer and change of manager.

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 17, 2012**

Permanent Cable Committee Chairman Robert Silva addressed the Board to explain PEG Access Inter-Municipal Agreement with Freetown. Discussion ensued. Board confirmed Town Manager's support of the agreement. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the agreement.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to accept Comcast property per renewal license.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to declare Comcast equipment as surplus property, as presented.

**TOWN MANAGER'S REPORT**

Town Manager noted letter from DPW Director A. Bagas to MA D.O.T. asking for access to their plans for Auburn Street.

Town Manager noted that Middleborough has been named a Bioready Community which will give the Town greater visibility within that agency for companies looking to locate Biotech companies.

Mark Belanger asked if it is conceivable that no one knows who owns Auburn Street, and in the event that we conclude it is private property, is there any way that the Town can take it by eminent domain. The Town Manager responded that there are more standard ways to make a road a public way. Anytime we go to Town Meeting and act to take a road, we are taking the road by eminent domain.

Town Manager informed the Board that the FY14 Budget material will be provided to the Board electronically this year.

Selectman McKinnon asked for an update regarding retiming of the signal lights at Clay Street/Rte. 44. Town Manager talked with traffic engineer Gary McNaughton who has provided him with a draft of technical verbiage to send to MA Highway, which he and Ruth Geoffroy are working on finalizing. Selectman McKinnon also asked about the possibility of altering the timing of signalization at the set of traffic lights located at four way intersection by Eastern Bank. Town Manager will look into.

Selectman McKinnon asked Town Counsel how roads in Town became accepted prior to establishing a procedure in Middleborough. Town Counsel responded that, historically, in Middleborough, a government layout by the King, prior to the Revolution, was accepted by the Planning Board in a subdivision context off of Cherry Street and Marion Road. The Kings Court laid out the Road and it was accepted as government acceptance of laying out the road.

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 17, 2012**

Edgeway Mobile Home Park Hearing

Chairman opened hearing at 8:30 PM. Attorney Burke addressed Board and explained functional and practical problems facing the estate as it relates to compliance with the issue of the wastewater treatment facility as identified in the Town's Agreement for Judgment. Chairman asked, and

Attorney Burke confirmed that there will be no progress made on either of the Parks until the Parks are sold. Attorney Burke agreed, noting that there just aren't enough assets to do it. Attorney Burke also confirmed that the outstanding liens against the properties must first be satisfied before any remaining assets could be considered beneficial to the repairs needed in the Park. In response to a question by Selectman McKinnon, Attorney Burke responded that he can't speak as to where any money went prior to July of 2012 and that Prime Engineering is owed \$35,000 for which he is paying them \$5,000 per month. In response to an ongoing issue raised by Selectman McKinnon regarding continued dirty tap water at the Park, Attorney Burke offered that he agrees with Selectman McKinnon that, had flushing taken place on a more regular basis over the last few years, the problem would probably not be as acute as it is now. In response to Selectman Spataro regarding the septic system, Attorney Burke offered that he has not had the success needed with selling assets to come up with enough money to address the septic system. Selectman Spataro noted the fact that the Buffer Zone and road repair issues remain.

Town Manager asked if Attorney Burke had further information about the water connection o Lakeville. Attorney Burke responded that the best decision is to have the next developer make that decision because he thinks that when the Board went along with the Intermunicipal Compact Agreement it was generally understood that you couldn't do a repair on the system, unless you got rid of the well, but based on his meetings with DEP, that is incorrect. It will require a great deal more with equipment and would treat the water. If you make the connection, you will not be able to use that well for drinking water. The cost of the water with a connection will not be free. He has not done the work, but priced the connection, and he believes it would be approximately \$65,000. Selectman Frawley read aloud a memo from Health Officer J. Spalding dated 12/12/13 re the issues at the Park, in which the Health Officer recommended against renewing the Park's license. Motion made by Selectman Frawley to take no action this evening and closes the hearing. Selectman McKinnon seconded to close the hearing. Chairman offered that he did not wish to close the public until hearing from the public/tenants. He additionally summarized that without funds, and his review of the financials confirming that there are no funds, he doesn't see how the repairs can be made at the Park. Town Manager suggested that the Board could leave the hearing open and revisit in one month as Attorney Burke indicated he may have a buyer for the Park. Motion and second to close the hearing withdrawn. Anne McGann addressed the Board to say they just flushed again and her water today was clear, however, the new thing is some residents have milky white water with floating particles in it. If you turn the water on in your tub and it's clear, but if you let it settle, it turns pearl gray with floating particles in it. There are residents in the Park on Chemotherapy who don't dare to drink this water. She hasn't smelled the septic system recently, however, there have been plenty of times that they have. Louisa Brown addressed the Board to say that she doesn't understand where the money collected as rent is going over all these years. Health Inspector Catherine Hassett addressed the Board explaining why the Title V's failed. The reports indicate a backup into the distribution box – a flooding – the system has been overloaded and the soil can no longer accept the affluent. There might not be breakout at the time. The different components

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 17, 2012**

would have to be opened to determine for certainty. Unidentified female addressed Board indicating she is new to the Park. She also questioned where the rent money has gone and is going and expressed that the problems of the Park need to be corrected.

Chairman closed the hearing. Motion made by Selectman Frawley and seconded by Selectman Quelle to take no action. Three in favor. Selectmen Rullo and Spataro opposed.

Selectman McKinnon suggested that they could hold another hearing in the beginning of January and hold them in contempt for operating a Park without a license, effective January 1, 2013. No action was taken on that suggestion. Chairman summarized for Attorney Burke that it is going to be difficult to sell the Park without a license.

**CORRESPONDENCE**

#2 Selectman McKinnon noted Plymouth Street bridge correspondence.

#6 Selectman Frawley noted Taunton River Watershed correspondence re renewal time.

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

---

Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

**Middleborough Board of Selectmen  
Meeting Minutes**

January 7, 2013

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

In attendance were: Selectmen A. Rullo, A. Frawley, S. Spataro, B. Quelle, & S. McKinnon, and Town Manager C. Cristello.

**ANNOUNCEMENTS/RECOGNITIONS**

Selectman McKinnon had participated as a judge at an Oratorical program held by the American Legion from which they select a winner to go to Washington DC. Selectman McKinnon congratulated resident Tim Torchio for winning.

Selectman Frawley announced that the Buzzard's Bay Coalition received a grant for \$60,000 for the Rocky Gutter Wildlife Corridor project in Middleborough, which is going to help conserve 29.4 acres of land that provides an important buffer to the head water wetland area that contain wildlife habitat and recreation opportunities.

Brian Giovanoni announced that the Republican Town Committee will be awarding the annual scholarship for the essay writing program on 2/9/13 at a sponsored luncheon at Town Hall.

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to adopt the Order of Taking for Londonderry Lane.

Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to adopt the Order of Taking for Silo Lane.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to accept resignation by Gene Turney as the retirees' representative to the Town's Insurance Advisory Committee.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to appoint Charles Armanetti as the retirees' representative to the Town's Insurance Advisory Committee and to re-appoint Gail Twomey as an alternate member of the Town's Insurance Advisory Committee.

Upon motion by Selectman Quelle and seconded by Selectman McKinnon, Board voted unanimously to appoint Joseph Urbanski and Ray Jarvis as volunteer Observers to the Middleborough-Lakeville Herring Fishery Commission with terms ending 9/30/13.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve Betterment Agreements for 50 Fairview Street and 6 Cliff Street, as presented.

**Middleborough Board of Selectmen  
Meeting Minutes**

**January 7, 2013**

Police Chief Gates addressed Board. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Conditional Offer of Employment to Brian W. Fitzgerald, 19 Washburn Street, as a recruit Police Officer, subject to conditions as presented by the Chief of Police.

Chairman noted that, as of today, Little John's Restaurant, dba Shooter's Steakhouse & Sports Bar has paid the outstanding water lien with cash after having had paid by check with insufficient funds. Discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to schedule a hearing for 1/14/13 for disciplinary action against Shooter's Steakhouse & Sports Bar. All in favor. .

**HEARINGS, MEETINGS, LICENSES**

At 7:25 PM Josephine Ruthwicz & Jane Kudcey addressed Board to discuss the Star Mill Affordable Housing Lottery. They will be taking applications for 2/20/13 with first preference to Middleborough residents. Applications are available at the Library, the Town Clerk's office, the Housing Authority, and online middleboroughoecd.com and click to the right: residences at Star Mill. Town Manager will look into having it linked to the Town's website.

**GENERAL GOVERNMENT FY14 BUDGET REVIEWS**

Board reviewed the following Budgets with the specified Committees and Departments:  
Finance Committee/Law Department/Zoning

Town Clerk-elections & Registrations/Conservation

Treasurer-Collector-Debt Service-Employee Fringe Benefits-Unclassified

Town Accountant/Assessors

Selectman Quelle left the meeting.

John Ewas and Adam Bond, Legal Counsel to Mr. Ewas, addressed the Board to present his request to redeem from tax taking 4 Vine Street. Lengthy discussion ensued. Board heard from various individuals, including Mr. Ewas, Attorney Bond, and Treasurer/Collector Judy MacDonald. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously not to redeem 4 Vine Street from tax taking.

**TOWN MANAGER'S REPORT**

Town Manager noted promotion of Highway department employee Jeffrey Jenness to Heavy Equipment Operator prior to the holiday.

**CORRESPONDENCE**

Selectman McKinnon noted his displeasure with Xfinity raising its prices again.

**Middleborough Board of Selectmen  
Meeting Minutes**

**January 7, 2013**

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

---

Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN