

MINUTES

For approval at the 10-22-12 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

October 15, 2012

Acting Chairman Allin Frawley opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

Middleboro On The Move and the Career Center will hold its 4th job fair and the career center in the Town Hall ballroom on 10/24/12 from 10 a.m. to 1 p.m.

The library is still participating in the Network Plus each Wednesday helping those in the community and surrounding communities to find employment. More information may be found on the library's website.

ANNOUNCEMENTS & RECOGNITION

October is Breast Cancer Awareness month.

Chairman read aloud a thank you from Health Officer Jean Spalding for the many contributions towards the COA Food Pantry.

Selectman Quelle noted the family who donated property across the street from the library for a parking lot. Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to issue a proclamation of gratitude to this family.

Chairman reminded the public that it is officially deer hunting season and recommended that residents spending time in the woods wear bright orange for safety.

Selectman McKinnon reminded the public that it will be time to turn the clocks back soon and it is a good time to change the batteries in smoke detectors.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to approve the 9/24/12 meeting minutes. Four in favor. Selectman Quelle abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the 10/1/12 meeting minutes.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day Wines & Malt beverages liquor license for the Bartending Service of N.E. on 11/24/12 from 6 pm to 11 pm at the Alley Theatre.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve modification to the Hideaway restaurant liquor license to include early Sunday sales, beginning at 10 a.m.

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Motion made by Selectman Spataro and seconded by Selectman McKinnon to award the library roof reshingle bid to WPI Construction, Inc., 4 Tanner Road, Worcester in the amount of \$29,300.

Question: Did we get at least three bids? Answer: Yes. Unanimous vote to award bid to WPI Construction, Inc.

Chairman read into the record the language presented by the Town Treasurer (attached) relative to a Septic Betterment note. Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted unanimously to sign the Septic Betterment note as presented by the Town's Treasurer.

Chairman read aloud Precinct information relative to the November 6, 2012 State Election Warrant. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign the Warrant.

Motion made by Selectman Spataro and seconded by Selectman McKinnon, to declare I.T. equipment as surplus. Motion was withdrawn. Board agreed to defer matter until Town Manager gathers answers to questions posed by the Board.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve MHS Homecoming Game parade on 10/27/12.

HEARINGS, MEETINGS, LICENSES

At 7:30 PM Chairman opened public hearing on petition filed by Verizon to install new pole #5 ½ on Valley Road by reading aloud the public hearing notice. Verizon representative addressed Board. Selectmen asked questions. Chairman asked to hear any further comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the petition.

Earth Removal Permit Application Hearing, 182 Plympton Street

At 7:34 PM Chairman opened public hearing on application filed by Silva Engineering Associates, P.C. on behalf of Robert Thomas for an Earth Removal permit for 182 Plympton Street by reading aloud the public hearing notice. Lawrence Silva of Silva Engineering Associates, P.C. addressed Board and announced that his client, Robert Thomas, was also present. Mr. Silva provided presentation to the Board. Discussion ensued. Board members offered their concerns. Mr. Silva offered his own. Town Manager suggested that the applicant could make a proposal that may answer some of the Board's concerns and the Board could consider at that time. Brian Giovanoni offered that the Earth Removal bylaws were put in place to protect abutters. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to continue to 11/5/12 at 8 PM.

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Leonard's Auto, LLC, 407 Wareham Street, Class II Auto Dealer (continued from 9/10/12)

Attorney Adam Bond addressed Board with an update of Zoning Board of Appeal's (ZBA) status. Per Attorney Bond, the ZBA approved the application as follows:
8 parking spaces, no repairs or fluid changes on premise, 6' fence will be maintained, parking spaces will be 10' x 20'. Attorney Bond proposed approving the Class II license with the details that he presented by the ZBA. Town Manager recommended that the Board wait until it receives something in writing. Attorney Bond confirmed that the vehicles will be parked on existing asphalt. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to continue the hearing to 10/22/12 at 7:45 PM.

VFW application for Change of corporate Name/Alteration of Premises (continued from 9/10/12)

Board continued hearing from 10/15/12 at 8:23 PM. In response to questions by Town Manager, Eric Goodnow answered that the fence for the entire property will serve to contain
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to continue hearing to 11/19/12 at 7:45 PM with an Informational hearing at 7:30 PM.

FY2013 Tax Classification hearing

Chairman opened hearing at 8:30 PM by reading aloud the public hearing notice. Assessor/Appraiser Barbara Erickson was present. Board members asked questions, which were answered by Ms. Erickson. Chairman asked to hear further comments/questions. Hearing none, Chairman declared hearing closed. Upon motion By Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to stay with the 5% shift, until next year, as recommended by the Board of Assessors.

Veterans' Day Activities

Veterans' Services Officer Paul Provencher addressed Board. Selectman Spataro left room briefly at 9:04 PM. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve items 1, 2 & 4 on the attached list.

2013 MA DHCD FY'13 Block Grant application

Jane Kudcey of the OECD addressed Board. Ms. Kudcey explained the grant and the process of applying for same. She provided her contact information if anyone would like to comment on the strategy of the grant. She will hold an informational meeting on 10/22/12 at Town Hall @ 6PM. She will post the information to the Town's website.

Ms. Kudcey additionally requested an amendment to use \$22,000 of Program Income funds from the 2010 CDBG grant to assist a current homeowner with heating systems for 2 of her 3 units, and also to set aside some funds for emergency heater repair. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to authorize the Chairman to sign the amendment.

BILLS

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve payment to SouthCoast Media Group in the amount of \$2,541.00.

The agenda item re payment of bill to Forms & Graphics, Inc. was funded by the Town Manager's budget, and therefore did not require action by the Board.

TOWN MANAGER'S REPORT

MIIA Loss Control Service

Selectman Spataro returned to meeting room at 9:17 PM. Town Manager explained to the Board that MIIA has chosen Middleborough as one of its Enhanced Wellness site. They are piloting this program.

CORRESPONDENCE

#12 – Chairman Frawley offered significant credit to the Conservation Commission and Conservation Commission Agent Patricia Cassady for all of their hard work on getting the Open Space & Recreation Plan completed.

Selectman Spataro mentioned various job postings, noting for the public, that there are job openings.

Chairman Frawley noted that the Federal Government rejected the Compact between the Mashpee Wampanoag Tribe and the City of Taunton for the proposed casino. Chairman Frawley advised the public that this is the time to reach out to elected officials and make their concerns known.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to adjourn at 9:23 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

** Must Be Read Into Minutes by Clerk*

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Middleborough, Massachusetts, certify that at a meeting of the board held October 15, 2012, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED
- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$220,000 (the "Bonds") pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed June 11, 2012 (Article 9), which authorized a total borrowing of \$220,000, for a community septic management loan program (the "Project");
 - (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$220,000;
 - (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
 - (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
 - (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and
 - (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

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 sale of the Bonds or Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: October 15, 2012

Clerk of the Board of Selectmen

America 17406107.1

MEMORANDUM

To: Board of Selectmen
Middleborough, MA 02346

From: Paul J. Provencher
Veterans' Services Officer

Subject: Permission for selected activities on and around Veterans' Day 2012

Date: October 4, 2012

The theme for Veterans' Day 2012 will be to officially welcome home the Middleborough based Army National Guard unit, Dog Company, 1st Battalion, 182nd Infantry Regiment from their yearlong deployment to Afghanistan. The unit will take a very active role in the events of this Veterans' Day.

The Middleboro Veterans' Council requests your permission for the following 4 items:

1. A parade permit for the Middleboro Veterans' Council to hold their annual Veterans' Day Parade on Sunday the 11th of November 2012. It will step off from the Middleboro Town Hall parking lot at 2:00pm sharp. The change from our traditional 10:00am parade this year will allow the Sunday morning churches services being held at the 5 churches that the parade passes by to be held uninterrupted by our events. Parade participants will be asked to begin forming up at 1:30pm so that Bob Lessard, our parade coordinator and his assistants, can put together the order of march. Upon the completion of the parade at or about 3:00pm we will be holding the Veterans' Day Services in the Middleborough Veterans' Memorial Park.

I would like to invite all the Selectmen and the town manager to participate in any or all of the Veterans' Day events. If any of you are interested in making a short speech at the ceremony please let me know as soon as possible so we can schedule it into the program. I would think that a proclamation from the BOS welcoming home the unit might be in order.

The parade route for this year is as follows:

Leaving the Middleboro Town Hall parking lot by taking a right on to Union St.

Turning right on to Nickerson Ave.

Crossing South Main St. on to Webster St.

Left on to Clifford St.

Left on to Wareham St. up Centre St. to Everett Square

Left on to High St.

Left on to Pearl St.

Right on to Centre St.

Right on to South Main St.

Right on to the walkway into the Middleborough Veterans' Memorial Park

2. The Middleborough Veterans' Council would like to request the use of the Selectmen's room in the Middleborough Town Hall on Veterans' Day to have military memorabilia displayed before, during, and after our Veterans' Day activities. We would like to set up the room late in the day on Friday the 9th of November 2012. We are hopeful that there will not be any meetings scheduled in that room on Friday evening.

3 The Middleborough Veterans' Council would like to reserve the Middleborough Town Hall auditorium on Veterans' Day as a backup location for Veterans' Day events in case of rain. Paul Provencher will be the POC for the council to get the key, open, and secure the building.

4. Simeon L. Nickerson Post 64 of the American Legion would like to request a poppy permit so they can hold their annual poppy drive running from Wednesday November 7rd 2012 through Sunday November 11th 2012.