

MINUTES

For approval at the 11-18-13 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

 **DRAFT**

October 28, 2013

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

In attendance were: Selectmen S. McKinnon, A. Frawley, B. Quelle, L. Dalpe, and J. Knowlton; Town Manager C. Cristello and Executive Assistant J. Shanley.

UNANTICIPATED

Selectman Frawley acknowledged the passing of Agricultural Commission member Louise Cowan. Colonial Lantern Tours of downtown Middleborough with ghost stories begins tonight just outside of Town Hall and will continue through Wednesday night.

Selectman Knowlton reminded the public that Trunk-O-Treat will be held Halloween night in the Town Hall parking lot.

Selectman Knowlton thanked the Police Chief for the great work he and his department did relative to apprehending the perpetrator who had stolen his wife's purse last week in Town.

Timothy Shaw representing the Timothy Walsh Foundation d.b.a. Green Harbors Wellness introduced himself noting that they are hoping to open a Registered Marijuana Dispensary (RMD) in Town. The company website is not operational at this time. He can be reached at tim@greenharvestwellness.com. He is bringing a reporter on Wednesday to their Rhode Island site for anyone who would like to attend. He explained where they are in the process. Selectman Frawley asked Chairman if we could put a letter of support together on a future agenda for this business to which he responded, yes. The letter is needed before 11/21/13.

Selectman Quelle spoke about the recent CEHIC meeting with the Department of Public Health. Dr. Knorr led the team. He is the one that is leading the ALS Cancer Registry for the Commonwealth of MA. Dr. Knorr offered that Middleborough does not show any higher rate of cancer in comparison to any other Town in the Commonwealth. The registry is in its initial phase and still has a lot of kinks to work out. He thanked Dr. Knorr, the members of the CEHIC, and the Nichol's Middle School for the use of its facility.

Selectman Frawley cautioned the public to wear hunter orange during hunting when spending time in the woods.

ANNOUNCEMENTS

None.

MINUTES

Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted unanimously to approve 10/21/13 meeting minutes.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to approve 10/21/13 Executive Session meeting minutes.

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WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 10/25/13.

NEW BUSINESS

Chairman read aloud Bond Anticipation Note. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve \$3,214,204 to Eastern Bank and \$1,000,000 to Century Bank.

Treasurer Judy MacDonald addressed Board to present option of offering electronic billing to residents. There is a charge of .40 per customer for online electronic billing. It's about convenience for those who prefer this service. It will be optional, not mandatory. Residents may try the service and opt out if they no longer wish to utilize this service. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve.

Chairman read aloud Veterans' Day activities. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve activities, as presented.

Firefighter Carl Reed addressed the Board asking permission for the annual Muscular Dystrophy association Boot Drive to be held on 11/2/13 and 11/3/13. A volunteer sign-up sheet will be on the bulletin board at the Fire department. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve.

DPW Director Christopher Peck addressed Board to present Road Salt, Magnesium Chloride and Ice Ban bids. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to award the bids as recommended by Mr. Peck on the attached.

DPW Director Christopher Peck addressed Board to present purpose in applying for grant to participate in the Regional Municipal Stormwater Management program through SERSG. Board offered its appreciation of his efforts towards obtaining the grant. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to sign the grant application.

Police Chief addressed Board on behalf of the Police Station Study Committee's request to schedule the 2014 ATM for Monday, June 2nd & Special Election for 6/14/14. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to set the 2014 ATM for Monday, June 2nd at 7 PM.

Chairman McKinnon asked the Town Manager if this has been discussed with the Town Clerk, to which he responded, yes. He spoke with Town Moderator and Town Counsel. Everyone knows about it. Next Police Station Building Committee is tomorrow night. Public is invited. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to set the Special Election for 6/14/14. The hours will be set at a later date.

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Police Chief addressed Board to explain need to temporarily move while construction project of the present Police Station building takes place. The project should be finished within 12 months and be cheaper if they vacate during construction. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted to approve the Option to Lease Reedy's property for use as a temporary Police station **with corrections to the leasee's and date changes**

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for Muckey's Liquors on 11/9/13 at 200 Oak Point Drive from 5 pm to 11 pm.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve a One-day Beer and Wine liquor license for The Bartending Service of New England on 11/1/13 at the Alley Theatre from 6:30 pm to 11 pm.

Town Manager explained changes to the DPW Memorandum Of Agreement (MOA). Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve and sign the MOA.

Town Manager explained the Library Union MOA. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve and sign the MOA.

Town Manager explained the Clerical/COA Union MOA. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve and sign the MOA.

Town Manager explained the PEC Agreement. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve and sign the PEC Agreement.

HEARINGS, MEETINGS, LICENSES

Board welcomed School Superintendent Roseli Weiss & new Facilities/Operations Director Jim Harding. Mr. Harding addressed the Board. Superintendent addressed the Board and requested the use of the house on Forest Street property as an office for the Facilities Director and a workspace for custodians, when needed. Board asked questions. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve.

Frank Albani of Soule Homestead addressed Board to present his request for permission to work on the house and barn with CPA funds. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve.

Board prioritized and assigned its goals. Town Manager will work on with each member.

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Brian Giovanoni noted that he had a businessman approach him and suggested that getting all downtown business to sweep in front of their businesses, would be a positive improvement and offered to buy 50 brooms for storeowners. Selectman Dalpe asked Mr. Giovanoni to put her in touch with him.

TOWN MANAGER'S REPORT

Town Manager announced a Cultural Council grant this year in the amount of \$6,520.

We have a new Refuse Collector, Lincoln Mann of Everett Street.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to file for surrounding community status with the Massachusetts Gaming Commission. Chairman asked the Town Manager to forward the Nearby Community Agreement to Town Counsel to review and he agreed.

Chairman announced that there is an Electronics & Appliance Recycling fundraiser event to be held on 11/9 from 10 a.m. to 2 p.m. by Soule Homestead at the Town Hall on

CORRESPONDENCE

#5 Selectman Dalpe spoke about S966 Rent Board Imposing Fees for Employment of Outside Consultants, noting that it's a great idea just to expedite the process for the Rent Board. Special Legislation is required. Town Manager noted that he has already sent a letter to Representative Theodore Speliotis, Chairman of the House Committee on Bills in Third Reading

#4 Selectman Quelle brought attention to Chapter 90 issues.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to adjourn at 8:53 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

October 2, 2013

Mr. Charles Cristello, Town Manager
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: Road Salt, Magnesium Chloride and Ice Ban Bids 2013-2014

Dear Mr. Cristello,

I recommend that the Board of Selectmen award the bid for Salt for snow and ice control to Eastern Minerals, Inc. 134 Middle Street, Suite 210, Lowell, MA 01852, at their bid price of \$46.86 per ton through the Town of Plymouth Regional Salt Bid #21320. This amount is \$0.19 less than last year's bid amount per ton.

Also, I recommend that the Board of Selectmen award the bid for Liquid Agricultural By-Product, Non-Corrosive De-icing Chemicals to Safe Road Services, LLC, 3 McKinley Road, Franklin, MA 02038, at their bid price of \$ 1.25 per gallon through the Town of Plymouth Regional Salt Bid #21320. This amount is \$0.05 more than last year's bid amount per gallon.

Lastly, I recommend that the Board of Selectmen award the bid for Liquid Magnesium Chloride to Innovative Municipal Products Inc., DBA Innovative Surface Solutions 454 River Road, Glenmont, NY 12077 at their bid price of \$ 0.89 per gallon through the Town of Plymouth Regional Salt Bid #21320. We have not used this product in the past and will only use this product if we have application issues with the liquid agricultural by-product this winter.

Please return the signed contracts to me and I will mail them to the vendors for their signatures.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Ch Peck".

Christopher Peck
Director of Public Works

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

In attendance were: Selectmen S. McKinnon, A. Frawley, L. Dalpe, and J. Knowlton; Town Manager, C. Cristello and Executive Assistant J. Shanley.

UNANTICIPATED

Jane Kudcey of OECD addressed Board re the DHCD's 2014 one-year action plan where CDFII communities will be limited to 35% of total funding of a joint application. She invited the Board's comments. Board asked questions, which were answered by Ms. Kudcey. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to send letter to Mark Siegenthaler of Mass Department of Housing & Community Development, due by the end of this week.

Robert Yunits owner of Paso Fino del Fuego Farm in Middleborough addressed Board regarding NSTAR's recent tree cutting/clearing easements. He had a Cease & Desist order from an Attorney and NSTAR continued to cut his land on Wall Street. He offered that we are allowing these conglomerates to do this work without any/proper notice to the residents/tax payers of Massachusetts. They cut down the trees on his property. There is nothing left in the buffer zone. He wants NSTAR to bury the electrical lines like they've done in Greenwich, CT. He is asking the Town to get involved. They are creating wind tunnels and opportunity for theft. They are calling the easements their land. He is going to notify every Middleborough resident in these next two weeks. He is holding a meeting this Saturday with an Attorney from Boston and he welcomes a member of the Board to attend. He is asking the Board for a special meeting of the Board of Selectmen to meet with the residents in Town. The Town Manager indicated that we will coordinate such a meeting.

ANNOUNCEMENTS & RECOGNITIONS

There will be a Roast Turkey dinner at the South Middleborough Grange this Saturday at 5 PM.

Selectman Dalpe took the ghost tour and announced that the tours will continue on the weekends through December. Web address: www.lantern tours.com.

Selectman Dalpe announced a free concert paid for by the Cultural Council to be held at 2 PM on Sunday at the library.

Selectman Dalpe warned the public to be cautious/mindful of deer while driving.

Selectman Frawley took ghost tour and found it to be interesting and enjoyable.

Selectman Frawley noted that the annual Trunk O'Treat was fantastic and thanked everyone who participated in the event.

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Selectman Knowlton noted that the Hannah Shaw had a program yesterday where the residents at the Home spoke about what the Home has meant to them. He offered thanks to Chris Donnelly and her staff.

Police Chief Gates announced the passing of former Fire Chief Julian J. "Smitty" Plaskawiski, Jr.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board re-voted unanimously to approve 10/21/13 regular meeting minutes with corrections.

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize the Chairman to sign Warrants for week ending 11/1/13.

NEW BUSINESS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 2013 Christmas Parade requests.

Jane Kudcey of OECD addressed Board. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve OECD request to close Center Street until 5 PM following the Christmas Parade for downtown holiday festival.

Town Manager reviewed HIPAA Update and Business Associate Contract. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve "MIIA Health Benefits Trust, business associate contract health plan provider".

Selectman Quelle joined meeting at 7:33 PM.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously not to exercise the Town's option re Chapter 61A land re Carver-Middleboro Cranberry Co.

Police Chief Gates addressed the Board. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to promote Police Officer Todd K. Bazarewsky to Sergeant, effective, 11/10/13 and to authorize Chairman to sign promotional certification. Chief Gates introduced Sergeant Bazarewsky who thanked the Board and the Chief, offering that it's been a pleasure serving the Town and he looks forward to serving in his new capacity as Sergeant.

Police Chief Gates addressed the Board. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to requisition a civil service list to start the hiring process for three Police Officers.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to authorize the Town Manager to pay Wright Pierce invoices, as presented by the Town Manager.

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HEARINGS, MEETINGS, LICENSES

Rules & Regulations for Mobile Home Parks Hearing

At 7:45 PM Chairman opened public hearing on the adoption of amended Rules & Regulations for Mobile Home Parks by reading aloud the public hearing notice following an explanation as to why this hearing needed to be held a second time. Chairman asked to hear questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to adopt the amended Rules & Regulations for Mobile Home Parks.

Hillcrest Mobile Home Tenant's Association, Inc.-Request for Rent Increase Hearing

Selectman Quelle disclosed that his Paternal Aunt is a resident at Hillcrest Mobile Home Park and asked Town Counsel if he should participate in the hearing. Town Counsel answered that he should. Chairman made introductory remarks as to the purpose of the hearing and what the procedures would be. Chairman announced a brief recess at 7:54 PM to allow those in attendance who intended to speak, to sign the "Appearance sheet".

At 7:59 PM Chairman called the meeting back to order and swore in all witnesses who intended to speak. Chairman noted Rent Board Exhibits #1 and #2. Frank Cuddy addressed the Board and explained the Association's plans to make improvements to the Park, noting that the Park needs a lot of work as it has been some time since Capital improvements have been done. Chairman asked how many of the 93 households are in favor of becoming a resident owned park. Mr. Cuddy responded that they have a majority vote to purchase the Park. They have 70 signed current members. They are better than 50%. He did note that there were some residents with concerns, but they went with the majority vote to purchase the Park. Andrew Danforth responded to question by Selectman Dalpe and explained that an engineer comes up with the Capital Improvement figures, including the proposed amount for reserves. Selectman Dalpe expressed concern that the proposed reserve amount may not be enough in the event of an unanticipated major expense. John Cormier of 20 Lisa Drive addressed the Board. He noted that they walked the property with a plumber and engineer and have noted the present issues in the Park. He explained that they are required to have a management company handle rent and eviction issues. They are also required to have a Park Manager and will be utilizing services from a woman who is managing a park in Carver. He informed the Board that, anticipating a vote in favor of the rent increase, they have given the required 30 day notice to the residents of the anticipated rent increase. Mr. Cuddy offered that they will have Board member boot camp and other programs immediately. He added that Morgan did do a lot of clearing of trees so that will eliminate some of the hazards that could cause some liabilities. Mr. Cormier informed the Board that they intend to have various committees and want residents to join. Selectman Dalpe asked Mr. Danforth if he's ever experienced a time when more money was needed than what was put in a reserve fund, to which he answered yes followed by further explanation. Selectman Quelle asked Mr. Cuddy about the water meter. Mr. Cuddy explained that the water meter that was replaced for the Park was for regular household water. The meter by the road doesn't affect the Park. Chairman asked to hear from any tenants or tenant representatives. Hearing none, Chairman invited closing summations. Mr. Cuddy recognized this Board and

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previous Board's and the work they've done with the Parks and offered that they anticipate future Rent Control matters will be much easier. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the rent increase as presented, subject to the successful purchase of the Park by the residents. Chairman announced that the written decision will be forthcoming. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to continue hearing to 11/18/13 at 7:30 PM. A written decision will be sent to the Park before then.

At 8:30 PM Conrad Ledger provided Beta Group presentation of Management plan. Board asked questions, which were answered by DPW Director Chris Peck. Megan McDonald of 14 Wilder Street addressed Board to bring attention to the poor condition of her road by Sachem Street. Glenn Montapert of Marion Road asked quality control question. Town Manager offered that the Planning Board takes great pain in its requirements of subdivision roads and will make sure these are built to the same standards. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the use of this plan.

Jane Kudcey of OECD addressed Board re 2014 MDI Tech Assistance Grant application for technical assistance for the creation of a Downtown Cultural District. Board asked questions. The only cost to the Town would be to purchase a couple of signs for the downtown area. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman to sign the Application Cover Sheet.

TOWN MANAGER'S REPORT

Town Manager noted his letter in Correspondence addressed to the Mass Gaming Commission on behalf of the Town seeking to designate Middleborough as a surrounding community re Raynham Park, LLC.

Town Manager updated Board on the Eastern Bank building space. The greatest interest, at this point, has been from small community banks.

CORRESPONDENCE

#2 Selectman Quelle suggested that it is obvious Middleborough abuts Raynham in which Raynham Park, LLC will be located. Town Manager responded.

#2 Selectman Frawley offered that there's a meeting coming up in Raynham on this and that he'd be happy to attend.

Chairman noted that the Board's meeting posted for tomorrow may now be cancelled.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 9:09 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN