

MINUTES

For approval at the 12-16-13 meeting



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, and Executive Assistant J. Shanley.

UNANTICIPATED

Bill Kenerson of 28 Cottonwood Circle addressed Board. NSTAR cut 230+ trees on what he believes is his property. He offered that the Town Manager indicated he was going to speak with Town Counsel and get back to him as to whose property it is, but he hasn't heard from him. He asked what can be done about this. Chairman offered that he read NSTAR's Vegetation Operation Plan which indicates that if there is a concern raised by a resident, the resident is to tell the crew to stop and to get the NSTAR representative to the location. Mr. Kenerson offered that the plan also says that the crew is supposed to be courteous and sociable and they aren't. Chairman suggested that residents should call the police at that point as it would be considered trespassing. Mr. Kenerson reported that he was told it is a civil matter. Selectman Knowlton offered that it is his understanding that if a resident has an NSTAR contractor who is rude or hasn't lived up to what you feel is good service, you go to Mass Department of Public Utilities to Consumer Complaints and file a complaint, which will be reviewed. Mr. Kenerson was assured he would get the majority of his trees back. He got twenty. Now that the trees are gone, the wood just howls through the area. He can't even heat his house with the wood from the trees that were taken from him. Chairman offered that the trees belong to the property owners. He will get another message to Town Counsel to see what can be done about this. Resident Darlene Parsons addressed Board. She reported that there have been numerous occasions when an NSTAR representative has retaliated by taking a little extra of the easement because he thought his measurements were wrong. Her husband spoke to Mr. Cartwright today for an hour and got no satisfaction. They were told that if they contest the measurements of the easements, we are to hire our own surveyor, which costs approximately \$1,000. NSTAR advised that they can use their markers. She asked if NSTAR filed a plan, which they are supposed to if they are putting in any new towers. Chairman responded that we haven't been notified of any. Mrs. Parsons informed the Board that they put a brand new tower in on Wall Street on Friday into Saturday. They are working into the night, quitting at approximately 7 PM. The tower is very close to the road. She suggested someone may want to look into. She did report it to Patricia Cassidy in Conservation. They will probably hire their own surveyors and try to stall them. She offered that it sort of refers to them having until the 26th to do it, and if not, they will have to pay the cost for tree removal. It is somewhat ambiguous the way he did it. They can't afford an attorney because it will cost between \$25,000-\$50,000 and if you do win, it takes forever and the money is required up front. They never asked about wells relative to spraying. They never asked anybody and they sprayed on Columbus Day and they are injecting the trees. Chairman offered that it sounds like they are following their CMR 333.10 Vegetation Application of

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Herbicides. He offered that the more notices of complaint that D.P.U. receives the more attention the matter gets and they will have to respond. Chairman offered that wherever we can stop them, or slow them down to bring some conditions into this, it may help some of the folks. She offered that Mr. Cartwright referred to having seen she was mentioned in an article in the Enterprise. She is afraid of retaliation if she complains too much, possible cutting down her entire easement/rest of her land.

Chairman offered an apology and that the Board is doing all that it can. Resident Richard Young of North Street offered that he read an article indicating that the Sudbury Board of Selectmen reached an agreement with NSTAR last week in which NSTAR is required to replace each tree it cut down with a new tree. He will forward the article to the Chairman and Vice Chairman.

Donna Groves, 38 Rocky Meadow Street addressed Board and reported that NSTAR has gotten 600-700 trees off of her property. She was out there at 7 a.m. today because in the past she has told them she wants her wood and not to touch her it. The man who does the chipper was out there fixing his machine on Saturday and it is in the middle of two piles of her trees. He told her to be out there at 7 a.m. today and that everything in those two piles was going to be chipped. She went out there and they said they were going to leave her all of her wood. She has five foot piles of woodchips now. They chipped it all. They left her logs and chipped up the tops. To them, when a tree grows up and branches out, they consider that the top and they chip it. She called State Representative Orrall and now has a stop on the chipping until Bill Hayes of NSTAR calls her. She has not heard from him yet. She reported that she was told by the State Reps office that she is to call the police if they come on her property. She offered that the Representative's office has only heard from five people. She offered that people in this Town affected by this need to call the Representatives office. They are waiting for the phone calls.

Chairman agreed that the complaints need to be received. Selectman Dalpe offered that she had been on the phone with Senator Pacheco's office four times today and NSTAR and NSTAR is not responding to any of us. Ms. Groves said they promised her a man named Bill Hayes would call her and he supposedly put the stop on this work. She heard that they want to be done by Thursday. She has almost three acres of land out there. They've already cut down all her trees, but now they are going to chip them all up. She told them to leave all of her tops. They told her that would be a liability, but she doesn't understand how all of the tree stumps in her yard are not. Selectman Dalpe asked for her address again and offered to start again in the morning on addresses, noting that they were asking for locations. Ms. Groves offered that she feels like a prisoner in her own house, concerned that if she leaves for ½ hour, who knows what they will do to her property.

ANNOUNCEMENTS & RECOGNITIONS

Selectman Dalpe announced that the Christmas parade is scheduled for Saturday. Immediately after the parade, Centre Street will be closed off and there will be continuous musical entertainment. The shops will be serving hot chocolate and cookies and Santa will be in the Santa house all day.

Selectman Frawley announced that All Are Welcome is having a Thanksgiving dinner on Thursday. Anyone can stop by for dinner or to volunteer.

Selectman Frawley offered thanks to the people of Middleborough, the Board's Executive Assistant and the Town Manager, the Board members, and his wife and kids.

Selectman Knowlton echoed that Saturday is Small Business Saturday.

Selectman Quelle suggested everyone come out to the parade.

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize the Chairman to sign the Warrants for week ending 11/22/13.

NEW BUSINESS

Rich Young addressed the Board re his interest in serving on the COA Board of Directors. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to appoint Richard Young to the COA Board of Directors for a term of three years.

Chairman read aloud memorandum from Town Manager re new 3-year agreement for Ambulance Services with Brewster Ambulance. Fire Chief Benjamino addressed Board. The Chief offered that, if the Town is not going to do a municipal owned ambulance, then his recommendation is to renew with Brewster Ambulance. He has had a positive experience with Brewster. He offered that they have gone above their contract. Selectman Frawley offered that he serves on the EMS Committee and he believes they've gotten the highest score on the Quality Assurance/Quality Insurance

(QAQI). They go above and beyond all of the time. They do whatever the Chief asks them to do. When the Chief asked for their help during last February's blizzard, they complied willingly and gladly. Selectman Knowlton also served on the EMS Committee and echoed Selectman Frawley's comments. He whole heartedly endorses renewing with this company. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to renew the agreement.

Chairman read aloud draft letter to Senator and State Representatives re support of House Bill H2988-requiring utility companies to develop management plans with municipalities. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve signing and sending this letter.

Chairman read aloud draft letter to the Department of Public Utilities re support of Notification of Vegetation Maintenance Activities for Transmission Rights of Way Regulation (220 CMR22.00).

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Selectman Quelle offered that we have residents reporting theft of their property (logs/wood). NSTAR should be responsible to remove the wood, but the property owners have the right to keep it, if they so choose. He recommended putting something in the letter that indicates a specific penalty against NSTAR if they fail to abide by the rights of the residents. The Chairman offered that the complaints need to be filed. He doesn't know if we can put any teeth into them to fine them, but maybe only to get them to talk. Darlene Parsons offered that she has a lot of contact names and numbers at NSTAR. She offered that Mr. Cartwright told her the wood does not belong to the property owners and that if anyone operates the wood chippers and gets hurt, they can be held liable. Selectman Dalpe agreed with Selectman Quelle and asked to include in the letter something about disposition of the trees, unless the homeowners wish to keep them (the wood). Selectman Knowlton offered that it's his understanding that it is in the deed to the easement, the individual deeds-who has the right to disposition of the wood. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted to approve, as amended.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted to issue a Cease & Desist letter to the unlicensed taxi business located at 217 Centre Street for failure to comply with licensing regulations. Chairman confirmed with Executive Assistant J. Shanley that the license requirements remain incomplete. Selectman Quelle offered that Jackie worked tirelessly with these folks to get them to do what they needed to do and they haven't done it. Paula Carey addressed the Board and asserted that she has been trying. She advised the Board that the holdup is that everything is still in Superior Taxi's name. As of tonight, she was told she still needs another 3-4 days. She asked if she will be able to get a permit once they go through all of this expense. Chairman responded that if everything is in order, her application would be considered. Unanimous vote.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 11-18-13 regular meeting minutes.

Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to approve the 11-18-13 E.S. meeting minutes.

HEARINGS, MEETINGS, LICENSES

None.

TOWN MANAGER'S REPORT

None.

CORRESPONDENCE

None.

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Chairman announced that the Board would not be meeting on 12/2/13.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously to adjourn meeting at 7:57 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

**Middleborough Board of Selectmen
Meeting Minutes****December 9, 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, L. Dalpe, and J. Knowlton; Town Manager C. Cristello and Executive Assistant J. Shanley.

UNANTICIPATED

Selectman Frawley announced that he attended the Draft Environmental Impact Study hearing with the BIA at Taunton High School. He offered that he found the study for the proposed project to be fraudulent. He recommends anyone who has comments to submit, does so, prior to the 1/17/14 to the BIA. He asked the Town Manager to put the report on the Town's website.

Selectman Frawley attended the MGC hearing on Thursday for the Raynham Parks proposed project. They kept referring to this project as a Casino. He offered that he found that troubling. He suggested keeping an eye on this project.

Chairman asked where the Taunton report can be found by the public. Selectman Frawley suggested there is a link on the City of Taunton website and the Mashpee Wampanoag Tribe website or the public may contact the Town Manager's office. It will also be on the Town of Middleborough website.

Selectman Dalpe spoke about the NSTAR cuttings – she's been on the phone with Senator Pacheco's office, Representative Calter's office, Representative Orrall's office, and Representative Gifford's. She finally got NSTAR to return her calls. She spoke with Bill Hayes and he's been very helpful. She or Representative Orrall's office are both happy to arrange for anyone who wishes to meet with him, to do so.

Glenn Montapert of Marion Road announced the Community Blood Drive on Saturday, December 21, 2013 from 10 am to 3 pm at the MayFlower Lodge, 46 South Main Street.

Glenn Montapert announced that "A Christmas Carol" dramatic reading will be performed from 6 pm to 9 pm on 12/21/13 at the Masonic Lodge.

Bob Carter addressed the Board re Shoe Shop Place. He suggested that the Town has been receiving some outrageous treatment by the DHCD relative to this location. The Neighborhood Corporation/Affordable Housing has applied to the DHCD five times and has been rejected five times. Selectman Quelle joined meeting at 7:12 PM. DHCD went to a very large and well known construction company to renovate this property as opposed to utilizing a local company. They thought this would mean that they would finally get reimbursed. He asked that as many people as possible call Gregory Bialecki, Secretary at DHCD at 617 788-3610 or Gregory.bialecki@state.ma.us to help.

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Darlene Parsons of Rocky Meadow Street addressed Board. She offered her appreciation and recognized the Board's support of the two Bills in legislation, but noted that it's a little late for a lot of them. They are hiring a surveyor, at their own expense, to determine the accuracy of the easements and asked who they should share the results with. Town Manager and Selectman Dalpe confirmed she should contact Mr. Hayes with the information. Selectman Dalpe asked if we would still be having an educational meeting. Ms. Parsons offered that they asked for a meeting months ago. Chairman explained that the best-most beneficial action the residents can take is to get as many forms/complaints into the DPU and Representative Orrall's office. She offered that some residents asked for a meeting in August. Chairman apologized and offered that, we had no way of knowing they were going to turn these areas into the DMZ. She informed Board that NSTAR hasn't filed the required notice to the Town that it was installing new Towers/poles

ANNOUNCEMENTS

Selectman Knowledge announced that Rock Village will hold the annual Christmas Pageant on the front lawn of Town Hall on Saturday, 12/14 with a rain date of 12/15.

Selectman Dalpe thanked Tara Paraglia of the I.T. department and the staff in the Assessor's office for assisting her with photocopying programs for the downtown Christmas festivities.

Selectman Quelle thanked everyone involved with the parade. It was a great success and a lot of fun, especially for the children. He recognized the Football team and congratulated the Middleborough baseball team who received their championship rings.

MINUTES

Postponed until 12/16/13

WARRANTS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize Chairman to sign Warrants for week ending 12/6/13.

NEW BUSINESS

Kevin Cook addressed Board on behalf of Karen Cook/All Are Welcome. Karen recently obtained a 501C3 status. He presented the details of the All Are Welcome annual Run For Your Lunch race. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve. He welcomed all Board members to attend and or participate.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve and sign the Agreement between Lakeville & Middleborough for Lakeville Animal Shelter.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 2014 Liquor licenses as presented.

Town Clerk Allison Ferreira addressed Board and reported that the Building Commissioner conducted inspections on the Class I, II, III Automobile Dealer licenses. She suggested that the

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Board send correspondence to Sports Limited that they are 15 cars beyond their allotted maximum of 25 vehicles allowed on the premises per the conditions of their license. The Building Commissioner ordered owner, Mr. Weaver, to remove the excess vehicles. Board will invite the owner to the 12/16/13 meeting so he can explain the non-compliance. Town Clerk informed Board that the non-compliance is an annual issue with this location. Upon motion by Selectman Frawley and seconded by Selectman Knowlton to approve all licenses, contingent upon all required documentation and all outstanding taxes owed be turned in/paid by 12/16/13, with the exception of Sports Limited.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve a one-hour extension to serve alcoholic beverages on New Year's Eve for those liquor licensed restaurants and clubs that wish to remain open. There is a \$15 fee for this permit.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 2014 Automatic Amusement Device licenses, as presented

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the 2014 Weekday Entertainment licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the 2014 Sunday Entertainment licenses, as presented.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to sign the change order for the Rivers Edge/Edge Water Drive roadway improvements project in the amount of \$13,260.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to pay Town of Plympton Property Tax bill for Parcel 23-3-19, 0 Prospect Street, in the amount of \$931.65.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted to approve a new Sunday Entertainment license for Middleborough Lodge, 24 High Street. Four in favor. Selectman Frawley abstained.

Town Clerk Allison Ferreira addressed the Board. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted in its capacity as the Board of Health to designate the Town Clerk as Burial Agent and to sign confirmation letter.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to adopt and sign the Order of Taking and the plan re Bertarelli Bros., Inc. – North Middleborough.

HEARINGS, MEETINGS, LICENSES

At 7:56 PM Chairman opened public hearing on the application for liquor license transfer from Capeway Convenience Store to Puriba, Inc., d.b.a. Capeway Convenience Store, 578 Wareham Street

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by reading aloud the public hearing notice. Attorney Markella spoke on behalf of the applicant and introduced them. He gave the Board a brief history of the applicant's experience, noting that they run stores in other Towns. He also noted that Viktoria Patel is TIPs certified. Board asked questions. Chairman asked to hear any further comments/questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve.

Joe Arruda addressed Board and provided photographs. He also displayed the project plan and reviewed it with the Board. Board asked questions. Henry Sirignano spoke in opposition to the one-year extension, not to deny it, but to revise the route. He read aloud a statement of complaint. He's asking that the route be changed and to limit his maximum amount of allowed trips on behalf of the residents who live on Plymouth Street. He offered that it is annoying when the trucks go by and rattle the windows. He reports that Mr. Arruda is running 50-70 trips a day. He collected signatures on a petition by all but two houses on Plymouth Street asking for the changes. He did offer that Mr. Arruda has improved in the past two years with his starting hours. Mr. Arruda responded that he has been hauling on this street since 1999 and the only time he's ever received a complaint was this past year. He offered to drive a different route. He reported that he only has five trucks, which allow for only 5-6 trips per day. Mr. Arruda explained that former DPW Director A. Bagas had recommended the current route. He also offered that he has never been cited in all the years he's been running his business. He is willing to change the route to ease the burden on the Plymouth Street residents. He offered that he does sympathize with people. Mr. Sirignano – reported that Mr. Arruda is utilizing other trucking companies. Board agreed to have DPW Superintendent Chris Peck review the proposed travel route and make a recommendation to the Board. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the one-year extension of the permit with a determination of change in route at next meeting and the understanding that we will monitoring the number of trips he makes per day per the Earth Removal permit.

TOWN MANAGER'S REPORT

Town Manager noted the Board received the MGC confirmation naming the Town of Middleborough as a surrounding community relative to the Raynham Park Slots parlor. We don't have an agreement yet, but hope to have something for Monday. He informed the developer we only have one more meeting this year so if he wants to get it done, he should get it done.

CORRESPONDENCE

#5 Selectman Dalpe asked if we participate in the CommBuys. Town Manager responded that there was a meeting here last year on it, but it appears not to be ready to go forward yet. The Fire and Police Chiefs, various department heads and Caroline attended a forum here last week.

#9 Selectman Frawley once again reiterated that anyone with comments re the BIA-Mashpee Wampanoag Tribe Fee-to-Trust acquisition, should get their comments in before the 1/17/14 extended deadline.

#12 Selectman Knowlton offered his thanks to Representative Orrall's office staff and her for being very diligent and responsive to the residents about the NSTAR issue.

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#12 Selectman Quelle thanked Representative Orrall as well. Citizens came forth and reported that their property was removed and they were not compensated for it. He wants to see that taken care of immediately. He would love to see NSTAR come in and answer whether or not it took personal property.

#2 Selectman Quelle asked for follow up to confirm that the taxi business at 217 Centre Street is not operating.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to adjourn at 8:35 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN