

MINUTES

For approval at the 5-19-14 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. Frawley, L. Dalpe, J. Knowlton, D. Stewart, and S. McKinnon; Town Manager, C. Cristello and Executive Assistant J. Shanley.

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

UNANTICIPATED

Chairman reiterated that the Park's department annual canoe race will be held on May 10th starting at 11 a.m.

ANNOUNCEMENTS & RECOGNITIONS

Selectman Knowlton thanked the Middleborough Friends for the COA breakfast this past weekend.

Selectman Knowlton noted that the Massasoit State Park cleanup is rescheduled for this Sunday.

Selectman Knowlton attended the Cultural Council Recognition Reception, as did Selectman Dalpe, at the library. He extended thanks to the Cultural Council for all it does.

Selectman Dalpe attended the Volunteer Recognition dinner last week and offered her thanks and congratulations to the volunteers for all that they do.

Selectman Dalpe noted that she had attended the Cultural Council Recognition Reception and that they had raised \$5,500.

Selectman McKinnon attended the COA breakfast. It was a great event with a great turnout. They had more people this year than last.

Selectman Stewart noted that the 2014 Farmer's Market will be held at the Oliver Mill Park starting on Saturday, 5/31 and run each Saturday through 10/11/14, weather permitting. The hours will be 10 a.m. to 3 p.m.

Selectman Stewart noted that the Police department will hold a public auction on Saturday, June 14, 2014 at the Police Station.

MINUTES

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve the 4/14/14 regular meeting minutes.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted unanimously to approve the 4/23/14 workshop meeting minutes.

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WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize the Chairman, or his designee to sign Warrants for week ending 4/26/14.

NEW BUSINESS

Veterans' Council Adjutant announced the Memorial Day activities. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to approve the Memorial Day activities, as presented. The town Hall lawn sign request will be addressed through the Town Manager's office.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to set the Summer Water Management Mandatory Water Restriction effective immediately through 9/30/14. Board asked Town Manager to put on website.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to approve the renewal of 2nd Hand/Junk Dealer license for Autumn's, 29 Center Street.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve a 2nd Hand/Junk Dealer license for Eco-Tot, 51 Center Street.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to name Judy MacDonald as Custodian of 122 Cedar Street, Middleborough, MA and to authorize her to auction the property.

Motion made by Selectman Knowlton and seconded by Selectman Dalpe to select artwork numbered (4) as the front cover and artwork number (1) as the back cover of the Annual Town Report. Amendment made by Selectman Knowlton and seconded by Selectman Dalpe to give credit within the ATR for artwork where due. Board voted unanimously in favor of the amendment. Board voted unanimously on selections. Selectman McKinnon offered applause to the students responsible for the submitted artwork for their skill and creativity. Town Manager brought the Board's attention to Caroline LaCroix's suggestions for selecting artwork next year. Chairman requested the Board's Executive Assistant add to future agenda items for August or September. He offered congratulations to the students whose artwork was selected.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve the STM/ATM Warrants.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve Town Manager's recommendation for a 2% Cost of Living increase for Non-Bargained employees as presented.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to approve the Town Manager's revised budget recommendations. Town Manager reviewed the changes.

HEARINGS, MEETINGS, LICENSES

Ted Eayrs addressed Board to present ATM Article #8 – Police Station building. Neil Rosenthal, member of the Police Station Building Committee presented the project costs. Selectman Dalpe asked if the Committee could confirm that the center of the newly renovated police station building would serve as a community room. Police Chief Gates confirmed and explained that we can host police training, and if we do, we would get 4-5 free seats during the training. Some training seminars cost as much as \$500 per seat. Selectman Stewart asked how close to the 12.1 million anticipated costs the project is truly expected to cost. Town Manager confirmed that 12.1 million is the exact cost based on the bids already received. Chairman Frawley asked questions. Project Manager, Joe Sullivan, addressed Board to provide answers. The goal is to complete the project within 14 months. Police Chief confirmed that the 911 Call Center being built will be able to house a regional 911 call center in the future. Project Manager confirmed that the renovated and newly built building will be energy efficient and as green as possible. Selectman Knowlton asked if there are any bonuses for completing the project early. Project Manager offered that there are not. They do have liquidated damages of \$1,000/day for every day that the project is not completed. It is in the best interest of the general contractor to complete the project within the fourteen months, if not sooner. Ted Eayrs offered that this is a really important project for the Town to undertake at this time. This is the time to do it, but they can't do it without the support of the Board and the Townspeople. It requires a 2/3 Town Meeting vote on 5/27/14 and it requires a vote on the debt exclusion override on the ballot on Saturday, June 14, 2014. Town Manager explained that we are not in position to fund the first year's expense of the project through the Town's Operating budget. This is why a Debt Exclusion is necessary. CPA Chairman Jane Lopes explained that the Police Station Building Committee is seeking \$500,000 from CPA money, which will be voted on by the CPA Committee on Thursday, May 8, 2014. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to place Police Station Debt Exclusion question on the 6/14/14 Election ballot as follows:

“Shall the Town of Middleborough be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of constructing additions and renovations to the Police Station, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto?”

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to send letter of support for the Police Station Renovation & Addition project to the CPA Committee.

Capital Planning Committee Chairman Steve Morris gave brief overview of the following ATM articles:

#9 New Police Cruisers & New Portable Radios – Police Department

He offered the names of all Committee members and explained that the Committee meets beginning in December up to Annual Town Meeting and then begins again in the fall. The Committee has taken tours of multiple Town buildings/structures. The radios are \$7,000.

#10 New Command Vehicle & Personnel Protective Equipment – Fire Department

The Personnel Protective Equipment is \$5,000. The Command Vehicle is used to transport maps/contains equipment to set up emergency command center.

#11 New Pick-up Truck & Used Cabs/Chassis-DPW and New Mower-Parks Department

The Parks department mows multiple Town properties. The vehicle will double as two vehicles and a new plow is needed. DPW Chris Peck recommended moving the sanders onto new trucks since it is the trucks that are rotted. This would save the Town \$300,000, costing approximately \$20,000 instead.

#12 Parking Lot Improvements & New Roof-COA, Replace Voting Booths-Elections Department, Replace Carpeting-Library, Replace Vehicle-Animal Control Department.

#13 Bathroom Renovations & Replace Intercom System-Elementary Schools Complex & Elevator Repairs-Memorial Early Childhood Center.

#14 New Boilers & Hot Water Heaters-Nichols Middle School.

#15 Bathroom Renovations, New Lighting & Ceiling Tiles-High School.

#16 Purchase Staff/Classroom Computers, Printers, Fileservers, LCD Projectors & Instructional Technology, Computer Network Infrastructure, Servers 7 Related Hardware & Software-School Department.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support Articles #9-16 for Capital Planning.

Chairman Frawley credited Chairman Morris and the Committee for narrowing down the original dollar amounts requested from \$4 million to \$1,451,977. Selectman McKinnon reiterated same.

#19 Administrative, Debt Service & Preservation Project Expenses-CPA.

CPA Chairman Jane Lopes presented this article as a house-keeping article. The Committee is required by law to spend at least 10% on each of the three areas. Discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support Article 19 as presented in the ATM Warrant.

#20 Housing Authority's Nemasket Apartments Window Project-CPA.

Jo Ruthwicz explained that this article's purpose is to preserve affordable housing for the elderly. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to support Article 20.

#21 Stabilize Building Envelope of Soule Homestead Barn, Woodshed & Farmhouse-CPA.

Jo Ruthwicz explained this article. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support Article 21.

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#22 Stabilize Building Envelope of Green School-CPA.

Jane Lopes explained this article. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support Article 22.

TOWN MANAGER'S REPORT

None.

CORRESPONDENCE

#1 Selectman Stewart noted correspondence from Barbara Holton and offered that she is requesting a response. Town Manager will draft a response. Chairman explained that residents can't request hearings. The Board of Health would arrange for a hearing, if necessary.

Town Manager updated Board re the Rockland Industries site.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to adjourn at 10 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

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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 A. Frawley, J. Knowlton, D. Stewart and S. McKinnon; Town Manager C. Cristello and Executive Assistant J. Shanley.

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

UNANTICIPATED

None.

ANNOUNCEMENTS/RECOGNITIONS

Selectman Knowlton offered his thanks to the Parks department for the annual canoe race held on Saturday and offered congratulations to his son for coming in 1st place with him in the Generational category of the race.

Chairman Frawley offered that the Parks department did a great job on this year's annual canoe race. He extended his thanks to Lakeville Selectmen Burke and Hollenbeck for participating in the race.

Selectman Stewart offered that she had attended the Samuel Fuller 5 k held on Saturday throughout Pratt Farm and also the Special Olympics that were held on Saturday at Brockton High School. Selectman Stewart recognized the Middleborough Olympians by name.

Brian Giovanoni, representing the Republican Town Committee, extended an invite to the public to attend the 9th Congressional District Straw Poll this Sunday at 1 pm in the Town Hall ballroom.

Selectman Knowlton recognized that the Massasoit State park cleanup was also held on Saturday and was very successful. He noted that Charles Kowalker, who is being appointed to the Conservation Commission, led the endeavor.

MINUTES

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to approve the 4/28/14 E.S meeting minutes.

WARRANTS

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 5/10/14.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to approve the St. Vincent de Paul Food Pantry charity race/walk fundraiser for 9/28/14.

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Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to sign the M.O.A. with the Police Superior Officers Union re Opting Out of Health Plan.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted unanimously to ratify Town Manager's appointment of Charles Kowalker as a member to the Conservation Commission for a three-year term.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to approve the Indirect Cost for the School department in the amount of \$8,234,153.

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to appoint John and Siobhan Joyce as members to the Agricultural Commission for three-year terms.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to sign the Warrant for the 6/14/14 Special Town Election, as presented. Town Clerk, Allison Ferreira, announced that the Absentee Ballots, for the 6/14/14 Special Town Election, are now available in the Town Clerk's office at 20 Centre Street.

UNANTICIPATED

Board announced that Middleborough High School, 12th grader, Alexa Cushing's artwork was selected by the Board to be printed as the cover of the Annual Town Report (ATR). Artwork submitted by Nichol's Middle School 7th grader, Ellia Velez, was selected by the Board to be printed as the back cover of the ATR. Chairman offered congratulations and appreciation to both students on behalf of the Board.

Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve payment of Atlantic Design Engineer's invoice in the amount of \$2,145.

HEARINGS, MEETINGS, LICENSES

Chairman read aloud ATM Article #23. Board reviewed article. Town Planner Ruth Geoffroy explained this article. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to support this article.

Chairman read aloud ATM Article #24. Board reviewed article. Town Planner, Ruth Geoffroy, explained this article. Upon motion by Selectman Stewart and seconded by Selectman Knowlton, Board voted to support this article. Three in favor. S. McKinnon opposed.

Chairman read aloud ATM Article #28. Conservation Commission Agent Patricia Cassady addressed the Board and informed the Board that the Commission asked today, through emails, that discussion on this article be postponed until 5/19/14 so that a member of the Commission can

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speak about it. Selectman Knowlton expressed concern that the request is last minute and similar to last year. Ms. Cassady offered that she would pass along any questions to the Commission if the Board members wished to email them to her.

Chairman read aloud ATM Article #29 and determined that the Board would review with Cumberland Farms representatives later in the meeting during its WRPD hearing.

CORRESPONDENCE

#2 Selectman Stewart noted email from Dorine Levasseur who would like to serve on the Commission on Disability. Selectman Stewart offered that Ms. Levasseur will be attending a Commission meeting in June.

#6 Selectman McKinnon noted receipt of the Health department's monthly receipt report and asked the Board's Executive Assistant to have the Town Manager remind the Building department to submit its monthly reports on a monthly basis.

#3 Chairman Frawley noted the BBC Annual Meeting & WRGC and offered that he should be able to attend.

HEARINGS, MEETINGS, LICENSES

Cumberland Farms representative Doug Troyer addressed the Board to speak about ATM Article #29. Mr. Troyer offered that the company is considering the option of requesting that it be continued indefinitely. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously not to support this article.

Cumberland Farms, 90 & 92 E. Grove Street-WRPD Revised Plans

Cumberland Farms representative Doug Troyer addressed the Board re WRPD for 90 & 92 E. Grove Street. Attorney Troyer explained that, due to unforeseen circumstances, his engineer would be unable to attend this evening, and therefore, would be requesting to continue the matter to the Board's 5/19/14 meeting. He explained the changes to the plan. Board agreed to continue to 5/19/14 at 7:45 PM.

Board took a fifteen minutes recess.

Frank's A42able Used Cars, 451 Wareham Street-Change of Ownership Application

At 8:15 PM Chairman opened public hearing re Class II Automobile Dealer application for Frank's A42able Used Cars located at 451 Wareham Street for a Change of Ownership by reading aloud the public hearing notice. Applicant Robert J. Cloutier addressed the Board. The Board's Executive Assistant asked the Board to make the vote contingent upon:

- The current licensee voluntarily surrendering the present license
- Receipt of the required bond
- No issues with the CORI report

Chairman asked to hear any further questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted

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unanimously to approve the issuance of the license contingent upon meeting the criteria as outlined by the Board's Assistant.

Liquor License Transfer from The Cabin, Inc., d.b.a. The Cabin to Peace Mirror, Inc., d.b.a. The Cabin, 114 East Grove Street

Chairman opened public hearing at 8:20 PM re liquor license transfer application made by Cassis & Cayer on behalf of Peace Mirror, Inc. for a Transfer of an All Alcoholic Beverages Common Victualler liquor license from The Cabin, Inc., d.b.a. The Cabin to Peace Mirror, Inc., d.b.a. The Cabin and approval of a Change in Manager from Todd Reimels to Jonathan D. Pell, property located at 114 East Grove Street. Mr. Pell addressed the Board and introduced himself. Board asked questions. Chairman asked to hear any further questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve both contingent upon no issues with the CORI reports.

Brian Giovanoni announced that the School Committee will be holding a meeting this Thursday at 6:30 PM at the Nichol's Middle School.

Cumberland Farms, 150 S. Main Street – U.S.T. License Application

Chairman opened public hearing at 8:30 PM re U.S. T. application filed by Cumberland Farms, 150 S. Main Street by reading aloud the public hearing notice. Cumberland Farms representative Doug Troyer addressed Board. Board asked questions. Chairman asked to hear any further questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Stewart, Board voted unanimously to grant U.S.T. license.

Cumberland Farms, 150 S. Main Street – W.R.P.D. License Application

Chairman opened public hearing at 8:40 PM re WRPD application filed by Cumberland Farms, 150 S. Main Street by reading aloud the public hearing notice. Cumberland Farms representative Doug Troyer addressed Board. Civil Design Engineers reviewed and explained the site plans being presented to the Board. Gary McNaughton of McMann Associates responded to questions by the Board. Attorney Troyer further presented Cumberland Farm's application. Selectman Stewart asked if it had gone before the Commission on Disability to which Mr. Troyer responded no, but that all A.D.A. work will be A.D.A. compliant. Selectman Stewart asked if they would be willing to go before the Commission, although they are not required to. Attorney Troyer offered that he is unfamiliar with going before this type of Commission and he would happy to have the Commission review a complete PDF set of their plans by sending it to the Board's Executive Assistant to forward to the Commission. Selectman Stewart offered that she would just like the Commission to have the opportunity to review the project. Attorney Troyer would prefer not having to appear before the Commission if it is not required. Selectman McKinnon offered that he did not think it was necessary to ask the applicant to go before the Commission as it is not a requirement. Selectman Knowlton agreed that he would not want to start submitting these to the Commission on Disability as it is beyond what the Commission is set up for. Selectman Stewart offered that she would like the hearing continued until the Commission has an opportunity to submit comments after reviewing. Town Manager offered that we have an extra copy that we can share with the Commission. Selectman McKinnon expressed his concerns with the plan. Attorney Troyer responded. Town

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Manager offered that he would have Town Counsel offer feedback and we would get back to Attorney Troyer. Attorney Troyer also asked if the Board could/would approve his plan if he filed with the ZBA. Town Manager responded that we would get the answer from Town Counsel and let him know. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to continue the hearing to 6/2/14 at 8 PM.

Chairman asked to hear from anyone who had missed the discussion/hearing re: WRPD for Cumberland Farms, 90 & 92 Grove Street (vote to approve revised plans). No one asked to be heard.

Upon motion by Selectman Knowlton and seconded by Selectman Stewart, Board voted unanimously to adjourn at 9:28 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN