
MINUTES

For approval at the 8-26-13 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

August 12, 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.

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

UNANTICIPATED

None.

ANNOUNCEMENTS

South Middleborough Grange is having its 56th Annual Agricultural Fair on Saturday, August 24, 2013 at 1:30 PM at 570 Wareham Street.

Selectman Frawley noted an article online today about our Herring Run having a million Herring this spring. Selectman Frawley recognized the efforts of the Middleborough/Lakeville Herring Fisheries Commission.

Selectman Knowlton noted that the Republican Town Committee gave children an opportunity to exercise their right to vote during the Krazy Days events. The children voted on their favorite and least favorite flavors of ice cream.

George Davey, Vice Chairman of the Middleborough Republican Town Committee spoke and thanked Selectmen McKinnon, Knowlton, and Quelle, along with Brian Giovanoni for participating in the dunk tank. He thanked the Fire department for the water supply. Funds raised will be donated to the St. Vincent DePaul Food Pantry at the Sacred Heart Church and the American Legion Boys & Girls state programs. He awarded Selectman Frawley with a trophy for being the "most dunked" Selectman.

Judy Bigelow Costa thanked everyone who participated in Krazy Days and noted what a success the event had been. Chairman McKinnon thanked Ms. Costa for all that she did in putting the event together. He also noted the successful two days experienced by the local merchants. Ms. Costa offered that the focus was "buy local". She noted that Acushnet Creamery participated and Selectman Dalpe offered that the Creamery had a positive and successful experience and may consider opening a store in downtown Middleborough.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 7/29/13 regular meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 7/29/13 Executive Session meeting minutes.

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Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to authorize the Chairman, or his designee to sign Warrants for week ending 8/9/13.

NEW BUSINESS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve the Board's annual appointments as follows, effective 7/1/13 through 6/30/14:

Fence Viewer
Robert Whalen

Alternate Animal Inspector
James Brown

Tree Warden
Christopher Peck

Forest Fire Warden
Lance Benjamino

Moth Superintendent
Christopher Peck

Alternate Wiring Inspector
John Hogan

Animal Control Officer
Jessica Gardner

Alternate Wiring Inspector
Michael Bell

Animal Inspector
Jessica Gardner

Town Counsel
Daniel F. Murray

Veterans' Agent
Paul Provencher

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve a One-day Beer & Wine liquor license for The Bartending Service of N.E. for 8/27/13 from 5:30 PM until 10 PM at the Alley Theatre, 133 Center Street.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to declare 1989 Maxim F-1500 Pumper (Engine 2) VIN # 1M9CAO2D7LM300008 as surplus.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve Betterment Agreement for 52 Fairview Street in the amount of \$16,550.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously approve Maximum Useful Life of departmental equipment as presented on the attached.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to sign the Septic Betterment loan in the amount of \$200,000.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to sign and send *Notice to Vacate* re 122 Cedar Street.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to sign Supplemental Agreement No. 1 for the Water Storage Tank repair project.

Town Manager explained. Selectman Frawley offered his appreciation to the Town Manager, Planning Board, and the residents for their efforts and all that is involved with moving these Street Acceptances forward. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to authorize the expenditure of surety monies held for completion of Acorn Ridge Estates (Veronica Lane).

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to support the Conservation Commission's application for CPA funding to acquire parcels of land known as the "Lion's Head" property to be used as open space.

HEARINGS, MEETING, LICENSES

Carolyn Gravelin addressed the Board and presented a progress report of the Commission on Disability. She noted that the Commission has up to four vacancies. They are interviewing next week to fill one opening. They meet a minimum of six times per year. Letters of interest to serve on the Commission may be sent to the Commission's Secretary, Town Clerk Allison J. Ferreira for consideration and appointment by the Town Manager.

Code Red Emergency Notification System application

Caroline LaCroix, Assistant to the Town Manager, addressed the Board to present the Code Red Emergency Notification System and Commonwealth Connect Mobile application. A question and answer period ensued. Fire Chief Benjamino offered that it is similar to a Reverse 911 program, but with many more options, including getting messages to emails and cell phones. The Chief added that this could be utilized to notify the public where shelters are located, when they are open and when they are closed. Ms. LaCroix noted that Code Red also has the capability to send emergency messages out on behalf of the Town. C. LaCroix explained that Verizon is the only carrier, at this point, as a provider. Chairman recommended checking with Comcast to broaden the base. Town Manager agreed to do that. Selectman Frawley offered his appreciation for the efforts to develop this system as he had personally experienced difficulty receiving emergency notifications during the February 2013 Blizzard. He shared concerns by a resident about not receiving notification for recent flushing of the water hydrants, noting that while this does not require an emergency notification, it would be something to consider for future announcements. Town Manager responded that it could be used for public health notifications as well. Selectman Dalpe noted families with children in the school system have shared frustrations that messages only go out to land lines and this would be an improvement. Selectman Quelle asked Police Chief if we could now get photographs to go out for Amber Alerts. Town Manager noted that Amber Alerts come from the state. Fire Chief responded that he believes photographs could be sent out, but they would have to report back after confirming that we would have that included in the system we are implementing. Town Manager noted that the system is operational now, however, it will be more effective once we have cell numbers and email addresses. Chairman expressed concerns about overuse. Fire Chief spoke to that. Town Manager confirmed that it will be a department head decision. Glenn

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Montipert, Vice Chairman of the MG&E offered that during the most recent blizzard, many residents were travelling to the electric plant to get updated information. He noted that the roads were dangerous and that this was not the best way to get important information to the public. Fire Chief offered that they would have a unified command center to make decision on what information needs to get out to the public. Selectman Quelle asked C. LaCroix if the “preferences” button is an option to elect which notifications you wish to receive. She did not know the answer to that question at the time, but did not believe one could opt out of receiving an emergency notification. Town Manager noted that he could understand his point. Selectman Knowlton asked if this system could be accessed by the Federal Government, to which the Town Manager responded, no. Wendi Dries of Forest Street asked if only Verizon customers would be able to receive notifications, to which the Town Manager responded no. You will receive notifications even with a different provider. She asked what the response time would be. C. LaCroix explained that they begin sequencing of calls the minute you input your message. They will call up to five times until they reach. An answering machine is considered a connection. A text is considered a connection. Wendy Dries asked how long it will be from the time that the information is received by the Police and Fire departments and input of the information begins. Town Manager offered that Caroline will get the information and give her a call tomorrow. In response to Wendy Dries, Fire Chief clarified that this is in addition to Reverse 911 and includes landlines, email, and cell phones (including texting). In response to Wendy Dries, Town Manager offered that the Board has very competent and professional managers in all of its departments who respond quickly when faced with a difficult situation in the best interest of public safety. He doesn't think we can give an exact time in each situation and now we have the tool to inform people better than before. Ms. Dries offered her opinion that this plan is great as a backup plan, but it is limited in what it is really going to provide.

Commonwealth Connect – mobile application program

Caroline LaCroix, Assistant to the Town Manager explained the Commonwealth Connect – mobile application program. Residents can report a zoning issue, illegal dumping, or other, which will fall to the Town Manager's office by going onto the Town of Middleborough website and click on the Commonwealth Connect application or individuals can go to the store on their smart phones and download the application. Once an issue is filed, we can generate a work order. We send out an acknowledgement and closing remarks and your service request is complete. It will manage the data, keeping a log of information. Chairman asked if under “Other” we could add more categories. Town Manager suggested that we try out what we have first and see where it leads. It is free for three years through a grant.

Holton – 68 Purchase Street Chapter 61B Recreation Land discussion

Town Manager reviewed for the Board and explained that Counsel has confirmed that this notice is insufficient. It doesn't meet the criteria of the Statute. The options before the Board this evening are to decide if it wishes to notify the Holton's that the notification is lacking or if it is prepared to conclude it is not interested in this purchase regardless. Selectman Frawley asked if the Board may want to wait for the Conservation Commission comments after its meeting scheduled for 8/15/13, however, the Town Manager did confirm that the Board has a timeframe of 30 days to respond, and therefore, can't wait. Selectman Dalpe offered that she spoke with Conservation Agent P. Cassidy and the Open Space survey currently shows only 24% of residents would be interested in a Town-owned beach. Selectman Frawley offered that he is in favor of exploring the matter further,

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allowing for the opportunity to hear back from others. Selectman Dalpe noted that she spoke/met with Park's Commission Superintendent Fran Cass this week and he offered that he and the Commission agreed that there is no way they could manage this property. Selectman Knowlton offered that he agreed. Selectman Frawley offered his opinion that it would be negligent on our part to make a decision without all of the information, including making sure we have a valid offer before us. Resident Wendi Dries thanked Selectman Frawley for taking the time to consider all facts. She offered that arbitrary decisions should never be made. Resident Paul D'Espinosa addressed the Board. He represents the Faye Avenue Association and wanted to add that he agreed with Wendi Dries that looking into it further would be a thoughtful thing to do.

Barbara Holton of 68 Purchase Street addressed Board and offered that it should look into it further, but asked if the Town has the funds to purchase the property, and if not, that she doesn't foresee dragging this on for any length of time to say whether or not the Purchase & Sale is legitimate. She offered that the Purchase and Sale is legitimate and that she would like to see the land stay the way it is. Chairman noted that, if the Town desired to buy the property, the Town would have the vehicle in which to do so. Glenn Montapert of Marion Road asked the Board not to raise taxpayer money. Selectman Frawley clarified that the Board can't purchase anything without a vote of Town Meeting. He is only suggesting further information be gathered. Harry Pickering asked that the Weston Forest Committee also be included in future consideration of this matter. Motion made by Selectman Frawley and seconded by Selectman Knowlton, to ask Town Counsel to respond to this notice by requesting the pertinent information to make certain it is a bona fide offer and to specifically include the following questions/concerns through Town Counsel:

- Discrepancy in acreage
- Contingencies in the P&S agreement negate 61B as they appear to be dependent on certain zonings being changed
- That they incorporate not only the land, which is the 61B, but the residence, which is not
- There is a big discrepancy in the Town's appraisal value and the offer so that price (offer) would have to be looked at

Motion made by Selectman Frawley and seconded by Selectman Knowlton to amend motion to authorize Chairman to sign the response letter on behalf of the Board. Board voted unanimously in favor of the amendment. Board voted unanimously in favor of the main motion.

Ghost Hunts/Investigations

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously in favor of routing any future requests through the Town Manager's office. Selectman Frawley offered that he is still happy to act as security.

Town Manager reported to the Board that we've been contacted by a Ghost Tour Company of Plymouth and Boston. Jane Kudcey took a tour this past weekend and spoke with the owner/operator. It sounds like an interesting idea and the Town Manager thinks we will be receiving a proposal in the near future.

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Holton – 68 Purchase Street Chapter 61B Recreation Land discussion

Chairman noted that the map is difficult to see on the IPAD and asked that the staff work towards improving in the future.

TOWN MANAGER'S REPORT

Chapter 90 allocation for Middleborough is \$875,299. This will be money we can use next year as it was allotted too late for this year's use.

ICMA – Municipal Bonds, CDBG Funding are at Risk. Town Manager will draft a letter to Congressmen and Senator to remind them how important it is not to let these fall to the wayside.

Town Manager attended a meeting on Friday re next year's retirement assessment. He asked the Selectmen to make calls to the Retirement Board also. He will send out something in writing on this too. Selectman Dalpe said she would call Tom O'Brien. Chairman McKinnon said he would as well. Town Manager will send something to them.

CORRESPONDENCE

#4 Selectman Quelle asked Town Manager to clarify one of the properties under foreclosure. Town Manager will let him know total taxes due.

#11 Selectman Quelle noted MG&E job posting for Station Operator.

#14 Selectman Quelle noted correspondence from Robert Malcolm re Edgeway Mobile Home Park.

#15 Selectman Quelle noted the Carver ZBA 8-7-13 meeting agenda and offered that it had to do with the Solar Panel issues. He will make some phone calls to see how that meeting went.

#16 Selectman Quelle thanked Cumberland Farms for responding with its \$100 violation fine promptly.

#3 Selectman Dalpe noted correspondence from Senator Pacheco re Cape Flyer – public safety issues. Motion made by Selectman Dalpe and seconded by Selectman Frawley to send a letter indicating that the Police Chief be notified when work is being done so that we can have a Detail Police Officer present, which will be at their expense. Selectman Dalpe will send it as an email to the Senator.

Chairman noted that the Cape Flyer has been extended through October and noted that the Town did not receive notice, but rather learned of this through the press.

#8 Selectman Frawley thanked the Fire Chief for obtaining another grant for the Town – Emergency Management Performance Grant in the amount of \$4,530.

#5 Selectman Knowlton noted 2013 CDBG ERR-Notice of Finding/Notice of Intent correspondence.

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#8 Selectman Knowlton offered that he thinks it's excellent that Chief Benjamino got the Town another grant.

#7 Chairman thanked Chief Benjamino for all he did on behalf of Firefighter Brier and offered that everyone should keep the guys at the fire department in their prayers.

Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining (Police & Clerical contracts), Non-union Employee Contract (Town Accountant), and Pending Litigation and not to return into Open Session. Roll Call: B. Quelle, Yes; L. Dalpe, Yes; J. Knowlton, Yes; A. Frawley, Yes; S. McKinnon, Yes. Ended at 9:45 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

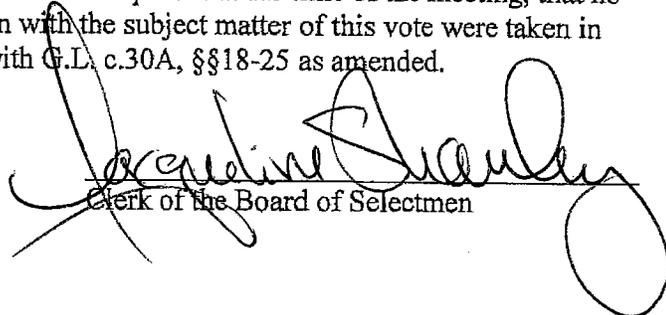
I, the Clerk of the Board of Selectmen of the Town of Middleborough, Massachusetts, certify that at a meeting of the board held August 12, 2013, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$ _____ borrowing authorized by the vote of the Town passed April 22, 2013 (Articles 9, 10 and 11) is hereby determined pursuant to G.L. c.44, §7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Forestry Vehicle	\$215,000	<u>15</u> Years
Sweeper	180,000	<u>15</u> Years
Public Works Department Truck	140,000	<u>15</u> Years
Library Compressor	30,000	<u>5</u> Years
Town Hall Annex and Council on Aging Carpeting	25,335	<u>5</u> Years
Parks Department Truck	25,000	<u>10</u> Years

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 subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: August 12, 2013


Clerk of the Board of Selectmen