

MINUTES

For approval at the 11-25-13 meeting

**Middleborough Board of Selectmen
Meeting Minutes****November 18, 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

Glenn Montapert, Vice Chairman of the MG&E addressed the Board to discuss the Trash train that parks by the MG&E (gas) department and under an overpass. There have been two Trash train fires this year. He has been working with the Town Manager trying to get the owner of the Trash train to park elsewhere. Chairman offered that these trains also carry tankers and agreed that the concern is viable. Town Manager will get the appropriate contact information for Mr. Montapert to contact them. Selectman Knowlton offered that the CEHIC has also been looking at this for the past month. Selectman Knowlton will work with Mr. Montapert and CEHIC on this issue.

Darlene Parson of Cottonwood Drive addressed the Board re NSTAR's tree cutting. NSTAR cut 68 trees on her property. She feels that there should have been a Town Meeting before this went forward. She contends that the value of resident's property in this area has gone down due to the tree cutting. The turtles have been negatively affected. She has lived there for 28 years. She asked what action the Town should have taken and why it didn't. Chairman responded that the Town cannot research personal property easements. Town Manager offered that he agreed; that we relied on NSTAR to do the right thing, and that, they didn't. He further offered that this is why there is pending legislation now. If we knew how they operated, he would have advocated to warning the public. The communications we had with them were that they would work with residents and provide proper notice as well. Ms. Parsons offered a copy of a letter sent to NSTAR by the Town of Needham, its State Representative and its Senators. Town Manager responded that we have a copy from Needham. Adam Bond addressed the Board and offered that the Board did not have the authority to stop NSTAR, but suggested the Town may need a bylaw similar to its Earth Removal bylaw, limiting what can be removed and may want to consider a noise bylaw. Bill Kennerson of 28 Cottonwood Circle addressed the Board to express his displeasure with the Town. He offered that the Town of Needham stopped NSTAR. Selectman Frawley offered that he reached out to three State Representatives and tried to get in touch with NSTAR. He never received a response. The Town doesn't have a lot of leverage with NSTAR. Robert Yunits addressed the Board and shared his displeasure with the system. He suggested that NSTAR has done this to protect itself after the State mandate that it would fine NSTAR for poor response to future major power outages.

ANNOUNCEMENTS

Brian Giovanoni, member of the School Committee announced that the Committee is having a meeting on Thursday, 11/21/13 at 6:30 PM.

The COA offered a thank you letter to all who purchased a brick for the COA Brick Memorial Walkway. All are invited to the COA for a special recognition dedication on Friday, November 22nd at 10 a.m.

Selectman Dalpe reminded the public that the overnight parking ban is in effect through 11/1 to 5/1 from 12 a.m. to 6 a.m.

Selectman Dalpe announced that Middleborough on The Move has a holiday gift shop at 50 Centre Street open on Saturdays from 9 a.m. to 5 p.m. and Sundays from 9:30 a.m. to 2 p.m. Tables are available for local vendors. For more information, resident may email holidaygiftshoppe@gmail.com

Selectman Dalpe noted that the DOR is going to match 52.23% of the first round of CPA money.

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Selectman Knowlton reminded the public that 11/30 is going to be Small Business Saturday and encouraged residents to visit/shop downtown.

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Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 10/28/13 meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to approve the 11/4/13 meeting minutes

WARRANTS

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to authorize Chairman to sign Warrants for week ending 11/15/13.

NEW BUSINESS

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to assent to be designated as a Surrounding Community to Raynham Park, LLC and to authorize the Chairman to sign assent letter.

Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to schedule a Site Assignment hearing for Middleborough Landfill for Wednesday, 12/18/13 at 7 PM.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted unanimously to hire Mackie Shea O'Brien P.C. to act as the hearing officer for the major modification to the Site Assignment for the Middleborough.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve Tighe & Bond as the Town's Technical Consultants re Middleborough Landfill.

I.T. Director Ellen Driscoll addressed the Board with I.T. Network Administrator Tara Pirraglia re the Center for Internet Security, Multi-State ISAC Member Agreement. Chairman asked if they would be taking any information out of our system while they are monitoring our system. Ms. Driscoll responded that they would notify us and that their purpose is to protect the Town. Selectman Knowlton asked if this would take time from one of the Town's employees to which Ms. Driscoll responded that it would only require the amount of time needed to look into any problems that the security center discovers. It is not a prevention tool, but rather a monitoring tool. Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted to approve. Four in favor. Selectman McKinnon opposed.

Town Manager explained that the School department is going to pursue its CIC grant independently from the Town. No action was required of the Board.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve a One-day Beer & Wine liquor license for The Bartending Service of N.E. for 11/19 from 6:30 pm to 11 pm at the Alley Theatre, 133 Centre Street.

Barbara Holton addressed the Board re her request to have materials (barriers) removed from in front of 68 Purchase Street. Selectman Frawley asked what the point of the barriers remaining in place is. Town Manager offered that they took a lot of work to put in and he would not want to have to go back and put them in again. He reminded the Board that they were put in place because Ms. Holton didn't comply with

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the court directive and we were forced to do this at considerable expense. He would love to remove the barriers, however, he wants to be sure that he'd be removing them for once and for all and he's just not sure that would be the case. Ms. Holton offered that they were put in because there was a campground was there, but the campground is closed. Upon motion by Selectman Knowlton and seconded by Selectman Quelle, Board voted to take under advisement. Four in favor. Selectman Frawley opposed.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the Cape Cod Getaway MS Bike Ride on 6/28 and 6/29/14, contingent upon no concerns by the Police and Fire Chiefs and the understanding that the applicant will clean the roadways of any event related debris.

Jane Kudcey of OECD addressed Board. Chairman asked her to confirm that all of the necessary utilities have been through first. She agreed. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve and authorized the Chairman to sign to sign the contract with Pavao Construction for the infrastructure repair of Park and Sproat Street.

Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to allow Town retirees to participate in health insurance buyout program.

Paula Carey addressed Board to discuss the taxi business she is running at 217 Centre Street. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to table the matter until next Monday. Town Manager will discuss with Town Counsel incorporating into the Taxi regulations a manner to shut down a business in a case such as this, if necessary.

HEARINGS, MEETINGS, LICENSES

8: 12 PM Chairman continued 11/4/13 public hearing-Hillcrest Mobile Home Tenant's Association, Inc. – Request for Rent Increase. Chairman explained the procedure re issuing the Rent Board Decision. Chairman declared the hearing closed. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to sign the Rent Board Decision approving the requested rent increase.

At 8:13 PM Chairman opened Tax Classification public hearing by reading aloud the public hearing notice. Board of Assessors member Diane Maddigan addressed Board. Assessor/Appraiser Barbara Erickson addressed Board. Board members 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 Knowlton, Board voted in favor of leaving the split between residential and commercial tax rates at five percent.

Christopher Anzuoni, Vice President of Plymouth & Brockton Bus Company addressed the Board to discuss bring his business to Middleborough. He noted that he does have some concerns about the traffic at the Middleborough Rotary. He will send a letter to the Town Manager.

Selectman Dalpe gave a report re her testimony at the Joint Committee for tourism on 11/8/13 at Plimoth Plantation. Selectman Frawley thanked Selectman Dalpe for her work on this. Upon motion by Selectman Quelle and seconded by Selectman Knowlton, Board voted unanimously to establish a Tourism Committee with three year terms to be appointed by the Board of Selectmen. Board agreed that Selectman Dalpe would serve as the Board's representative on this Committee. Judy Bigelow-Costa addressed the Board to request being appointed to this Committee. Glenn Montapert offered his project management and coordination skills would also make him a great candidate to serve on this Committee. All applicants should send a letter or email of interest to the Selectmen's office.

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Timothy Shaw, President of the Timothy Walsh Foundation, Inc. addressed the Board seeking a letter of support from the Board, which will help distinguish his company from its competition. He read aloud The Timothy Walsh Foundation, Inc. Commitment letter to the Town of Middleborough. Chairman clarified that the cost for two police officers is more than \$24,000. Selectman Knowlton offered that he will not be in favor of this support letter based on hearing from many residents who feel it is not a good fit for this Town. Selectman Quelle asked Mr. Shaw if anyone recommended he obtain a letter of support or if it is required. Mr. Shaw responded that it is recommended as part of his application, noting that it puts his company in a more favorable position. Selectman Dalpe thanked Mr. Shaw for his positive gesture in contributing to the Town, noting that it shows sincerity and that she would be supporting the business. Chairman offered that he has been against the concept for some time, however, he has listened to many people and their experiences and recognized that the voters of Middleborough voted in favor, and will now support the business. Meagan McDonald of 14 Wilder Street addressed the Board and offered that she will not support any drug use in this Town. Judy Bigelow Costa asked if it is mandatory that we accept the facility if it comes to Town to which the Board responded that we cannot prohibit them from coming to Town. She believes a program like Mr. Shaw's will be regulated. Diane Stewart, for financial reasons, recommended the Board support this business and offered that the Town may be on the forefront of something. Adam Bond addressed the Board and offered that if it's safely done, regulated, and is a product that comes with a prescription, then he supports it. Brian Giovanoni addressed the Board offering that this is currently against Federal law. Chairman offered that the Attorney General of MA could have stopped it and didn't. Resident Darlene Parsons, resident and nurse addressed the Board. She offered that she has known many ill people who could have benefited by this with pain relief and appetite issues that come with Chemotherapy. Tim Shaw offered to contribute ten books to be signed out by residents called "Marijuana, Gateway To Health". Selectman Knowlton asked Mr. Shaw if he was aware that there are at least two places in Massachusetts right now where an individual can go and provide \$199 and walk out with a marijuana prescription card. Mr. Shaw responded that if someone is doing something outside of the law that is their license at risk. It is beyond his control. Upon motion by Selectman Frawley and seconded by Selectman Dalple, Board voted to sign an agreement of support and authorize Chairman to sign in favor of The Timothy Walsh Foundation, Inc. Four in favor. Selectman Knowlton opposed.

Selectman Knowlton offered that High Point is moving ahead with ZBA and next week would be fine to discuss it. He would like to put forth a letter of support for High Point. Town Manager offered that there is a study still being worked on for the ZBA re the economic impacts. He doesn't think the 12/12 ZBA hearing will be a night where a final decision will be made. He thinks it can wait. Selectman Knowlton offered that he would prefer to address sooner. Discussion ensued. Selectman Quelle offered that it's High Point or nothing. If we are going to postpone discussion/letter of support, he would prefer it not be postponed too long. Adam Bond addressed Board and suggested that if the Board is going to provide a letter of support, it should put something in place to do the same for other businesses in Town. He recommended postponing a decision tonight until further information can be obtained. Neil Rosenthal addressed Board and offered the positives of having High Point open in Town. Steve Spataro suggested that the Town should get something beneficial from High Point and he suggested the Board think over before it provides a letter of support. Neil Rosenthal addressed Board further. Judy Bigelow Costa offered that the Town lost the opportunity to have a couple of different colleges or small businesses locate on this property. Steve Spataro suggested the Town get something in writing as to the number of jobs High Point will offer Middleborough residents among other suggestions. Selectman Frawley offered that he is cautious about writing a letter of support to another Board (ZBA), but has concluded from tonight's discussion, that more time is reasonable. Selectman Knowlton offered that his intent is not to undercut the ZBA, or to have this Board negotiate with High Point. He only wanted to send a letter of support to the ZBA to help them with the decision it needs to make. Town Manager offered that what the Board is contemplating is somewhat unprecedented. He's never seen it in his years of experience. If the Board starts taking a position on these matters, it will be difficult to

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find an end point. It is something to think about it. Selectman Knowlton offered that he doesn't think there is anything wrong with the Board taking a position on this.

TOWN MANAGER'S REPORT

Town Manager noted letter of support from many legislators to Governor Patrick urging him to reconsider the decision to withhold \$100 million in local aid funding.

Chairman left meeting room at 9:39 PM.

Town Manager noted update from Representative Orrall's office re Route 495 nearing completion.

Town Manager noted a Bill forwarded from Representative Orrall's office. This is House Bill No. 2988 re requiring replanting of trees and other vegetation s in areas that were cut between January 1, 2012 and January 1, 2014. Town Manager will draft letter to deliver in Boston. Upon motion by Selectman Dalpe and seconded by Selectman Quelle, Board voted unanimously in favor of signing letters of support.

Selectman Frawley read aloud section of Metrowest Daly News article from Town Manager's report and noted that we are up against a difficult process. Town Manager offered that he will discuss with Town Counsel the consideration of a bylaw as suggested earlier by Adam Bond.

Chairman returned to meeting.

CORRESPONDENCE

#16 Selectman Dalpe noted the Part-time Assistant Library Director position available at the Middleborough Library.

#3 Selectman Quelle noted correspondence from DEP re Sustainable Materials Recovery Program Municipal Grant. He offered his appreciation that DPW Director Chris Peck applied for this grant.

Selectman Quelle commended the Board members for the discussions tonight re touch topics and thanked the residents who addressed the Board this evening to share their insightful positions on these matters.

#6 Selectman Knowlton noted the programs that the town of Middleborough participated in this year through the Plymouth County Extension 4-H.

#3 Selectman Knowlton offered that it is excellent that the Town is getting the Sustainable Materials Recovery Program Municipal grant.

#10 Chairman McKinnon offered thanks through the Town Manager to the Building Commissioner for providing the requested monthly version of issued building permits.

At 9:52 PM Board voted by Roll Call to go into Executive Session to discuss the purchase, exchange, lease or value of real property and not to return into Open Session. Roll Call: J. Knowlton, Yes; A. Frawley, Yes; S. McKinnon, Yes; L. Dalpe, Yes, B. Quelle, Yes. Ended at 10:30 PM.

Jackie Shanley, Executive Assistant
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