MINUTES

for approval on 3-07-16

Middleboro Board of Selectmen **February 29, 2016**
Meeting Minutes

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

In attendance were: Selectman A. Frawley, L. Dalpe, J. Knowlton, D. Stewart and S. McKinnon; Town Manager R. Nunes and Acting Executive Assistant, Colleen Lieb

UNANTICIPATED
Selectman Dalpe provided an update on the Herring Festival. It was reported that 60 vendors are confirmed and that there were 80 vendors in total at the event last year. There was discussion on parking, which a resident at 99 North Main Street has come forwarded and offered paid parking for the event. Selectman Dalpe confirms that all parking areas are going to be utilized with a shuttle bus coming from the downtown to the event. It was noted that the Tourism Group is planning to run tours through the Oliver Estate. This will raise funds for the house and advertise the property to many people. It was reported that a cleaning service was brought into the Oliver House and everything has been cleaned for the event. A ribbon cutting ceremony is being proposed at the house with the Historical Commission to present a preservation award to the family.

Selectman Dalpe spoke about being approached by a resident who need to get an absentee ballot and had difficulty getting into the Clerk's Office and asked if the forms could be made available at the Town Hall offices. Bob Nunes will make sure there are absentee ballots available at the Town Hall offices.

ANNCOUNCMENTS AND RECOGNITIONS
There was an announcement that Wankinquoah Rod & Gun Club in Middleboro was chosen to host the local competitions for the American marks man. The competition runs from March 2nd through May 29th 2016.

There was an announcement that the School Committee will be meeting on Thursday, March 3rd to put together a District Emergency Response Team for safety at the schools.

WARRANTS
Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon to approve and authorize the Chairman, as a designee to sign the warrants for the week ending February 22, 2016. Unanimous vote.

MINUTES
Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon to accept the minutes of the February 22, 2016 meeting as presented. Unanimous vote.

NEW BUSINESS
Jerianne Tucker was present for the discussion. Jerianne discusses the guidelines that were given to the Visual Art Teachers in previous years for a contest for K-12 to draw historic buildings in Town and submit them for the cover of the annual report. There was discussion on the topic and the participation of grades K-12 in the program every year. Jerianne made several suggestions on doing Middleboro themes and she asks the Board to consider making the contest

smaller and include only two schools, with close grade levels to work on the theme. There was discussion on the front and back covers that made it onto the Annual Report last year.

Upon motion made by Selectman McKinnon and seconded by Selectman Knowlton to have the MECC, MKG, HBB do one cover and the Nichols Middle School do another cover and submit them to the Board of Selectmen by April 1, 2016, then proceed to rotate two schools at a time in subsequent years. Unanimous vote.

Comcast Office Closing in Middleboro

Steve Callahan, Vice Chair for Cable Committee, was present for the discussion. Steve explained to the Board that the Comcast Customer Service Office in Middleboro is closing and that the closes Service Center will be a Comcast Sales Office in Raynham. There was discussion on the Lakeville contract with Comcast that is open currently for comments. If any viewers have concerns, they can be directed to Tracie Craig at the Lakeville Board of Selectmen's Office. Steve will forward to the Board the Regional Director's information also.

Oliver Estate – Request for Proposal (RFP) & Septic System

The corrections previously discussed have been made. It was noted that the links would be put in once the document is posted to the website on Monday, March 7th.

Upon motion made by Selectman Stewart and seconded by Selectmen Knowlton to approve the Oliver Estate Request for Proposal as presented. Unanimous vote.

Selectman McKinnon spoke to the Board about an offer from a local developer to design, engineer, and install a septic system at the Oliver House at no cost to the Town. He will be asking for a waiver of fees normally associated with putting in a septic system if the Town agrees. There is discussion on how the gift would be accepted and whether it can be used "in kind" as a match to a grant. The Town Manager will look into this.

HEARINGS, MEETINGS, LICENSES

7:30 PM Tobacco Hearing Violations

Cumberland Farms #639 – S. Main Street

Representatives from Cumberland Farms explain how they failed to do what we needed to do. They do understand and it is their goal to be responsible. They do try to keep their employees from failing but it did not work in this case. They state that everyone has to be ID'd and they will be immediately changing their policy.

The Board expresses the seriousness of this situation and the disappointment in this new store, which has now had two violations in under a year.

Upon motion made by Selectman McKinnon and seconded by Selectman Stewart acting in its capacity as the Board of Health, vote to suspend Cumberland Farms #639 – S. Main Street tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

The Convenient Store – Joe's

Joseph Sayah was present for the discussion. Joe speaks to the Board about how he does everything he can to make the Board of Health happy, that he makes sure he has no problem with the Town. He had hired a new employee and thought the kid would be reliable and he was not. The employee did not ask for the ID. He was reprimanded for his mistake.

Selectman Stewart asked if the current police is to ID everybody? Joe says yes but the employee did not do what he was supposed to.

Upon motion made by Selectman McKinnon and seconded by Selectman Stewart acting in its capacity as the Board of Health, vote to suspend The Convenient Store – dba Joe's tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

DEV Satya - Sunoco

Vijay Brahmbhatt was present for the discussion. Vijay explained to the Board that his father had passed away and had no option but to travel back to his country. He explained that he always follows the rules but had an emergency. He asks the Board to have mercy on him. He needed help and he runs a small business. Selectman Frawley states that this is the second violation. Selectman Stewart asked if the current policy is to ID everybody? Vijay states that it is and that they have a scanning system for the IDS.

Upon motion made by Selectman McKinnon and seconded by Selectman Stewart acting in its capacity as the Board of Health, vote to suspend DEV Satya, Inc., dba Sunoco tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

Evro – (A&A Petro)

Rashad Awad was present for the discussion. Rashad spoke about how he spends all his time at his store. It was a simple mistake, his first mistake. He asks for a second chance. Selectman Stewart asked if the current policy is to ID everbody. He explained he has put in the ruby system so this will not happen again.

Upon motion made by Selectman McKinnon and seconded by Selectman Stewart acting in its capacity as the Board of Health, vote to suspend Evro, Inc., dba A&A Petro tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

Middleboro Petroleum

Nick Khoury was present for the discussion. Nick explained that he has been the owner for twenty three years. He has to sons, ages 18 and 20 that work the night shift. His 18 year old son was on duty and did not ask for ID. Nick explained to him what he has to do, but he does not do it. He tells him and reminds him constantly that he must ask for ID. He apologizes to the Board and states that it is not going to happen again. Selectman Stewart asks if the current policy is to ID everybody. Nick states that it is.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon acting in its capacity as the Board of Health, vote to suspend Middleboro Petroleum tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

New England E-Cig & Smoke

Louis Bourassa was present for the discussion. Louis tells the Board how a gentleman came in to his shop, he asked how old he was, he ask him to provide his birthdate and then made a comment to the customer that he looked to be in his late twenties, then I asked him if I had the right information, he said yes. Louis states that he personally made the sale and that he did not intentionally sell to a minor. They will implement age verification software. He explains that this is a first time offense.

Selectman Stewart pointed out that this owner was the only person to ask the customer directly if they were old enough. None of the other violators asked.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon acting in its capacity as the Board of Health, vote to suspend New England E-Cig & Smoke tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

Prima Lukos – Store 40

Sumil Lukos was present for the discussion. Sumil explained how his employees were working around the ID system by using the default button which would bypass the birthday. He explained that after the first violation the scan software was installed but with this second violation it was due to the employee using the default button, now they are using the scanning system. Sumil states that employees must ID everyone.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe acting in its capacity as the Board of Health, vote to suspend Prima Lukos, LLC Store 40 tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

Puriba Capeway Convenience

Viktoria Patel was present for the discussion. Viktoria explained that the employee working at the time didn't ask for ID. She did ask for an explanation but the employee did not have one. She speaks about the default button that would allow you to bypass, which has now been removed so only a scanning system for IDs.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon acting in its capacity as the Board of Health, vote to suspend Puriba, Inc., dba Capeway Convenience tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

R.N.T. Brothers – Gas Depot
Raheel Ghafoor was present for the discussion. Raheel explained that all his employees are trained to ID every person. I asked him what happened the day he sold to a minor and he told me his mother was sick. He then got very upset. I looked at the video and could confirm he was on the phone.

Selectman Stewart asks if it is the company policy to check every ID. Every single person. Raheel says yes. The check every ID. The employee will be trained. No ID, no sale.

Upon motion made by Selectman McKinnon and seconded by Selectman Stewart acting in its capacity as the Board of Health, vote to suspend R.N.T. Brothers – Gas Depot tobacco sales permit for seven days, specifically from 12 am March 10, 2016 through 12 midnight March 17, 2016 and impose a fine of $100. Unanimous vote.

Sunup Corp – Prime Energy
Rama Chandusa was present for the discussion. Rama spoke about the incent and apologized. He explained that the employee that did not check the ID. The person was being trained for the job and did not check id. Rama says the scanning system is good.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe acting in its capacity as the Board of Health, vote to suspend Sunup Corporation tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

TOWN MANAGER'S REPORT
The Middleboro High School project is in the process of interviewing firms for the Owner Project Manager (OPM). Recommendations will be made to the School Building Authority on March 9, 2016.

There will be a Drug Coalition forum on March 29th with a keynote speaker.

The Capital Planning will be holding two meetings this week. Tuesday, March 1 starting at 6pm at the Fire Station to see the Fire Department needs, then to the Information Technology Department and then to the Superintendent of Schools to hear the School needs. The second meeting will be on Thursday, March 7th at 7 PM to make recommendations on the requests for capital expenditures.

HEARINGS, MEETINGS, LICENSES (continued)
Tobacco Hearing Violations

Ron's Geko
Kostas Geroukos was present for the discussion. Kostas explained that one of his employees sold tobacco to a minor. He was not present when it happened. He does have department procedures for ID but in this case they did not help. He does have signs for his employees that clearly read that everyone must present ID for tobacco sales.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe acting in its capacity as the Board of Health, vote to suspend Ron's Geko tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

Super Petroleum

Shana Warren was present for the discussion. Shana explained that asking for ID is a standard point of service training. Shana explained that all employees must ask for ID.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe acting in its capacity as the Board of Health, vote to suspend Super Petroluem tobacco sales permit for fifteen days, specifically from 12 am March 10, 2016 through 12 midnight March 25, 2016 and impose a fine of $200. Unanimous vote.

CORRESPONDENCE

There is no correspondence this week.

ADJOURNMENT

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe to adjourn at 9:15 PM. Unanimous vote.

Respectfully submitted by,

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Colleen Lieb, Acting Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN