

MINUTES

For approval at the 12-22-08 meeting

December 15, 2008

**Middleborough Board of Selectmen
Meeting Minutes**

Chairman opened meeting at 6:57 PM and began by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Bond, P. Rogers, M. Duphily and M. Brunelle.

At 6:58 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to pending litigation. Roll Call: M. Duphily, Yes; M. Brunelle, Yes; P. Rogers, Yes; A. Bond, Yes. Chairman announced Board would return into Open Session.

At 6:59 PM Selectman Spataro joined meeting.

Christina Egan, Project Manager of South Coast Rail addressed the Board. Chairman read aloud letter provided by Planning Director Ruth Geoffroy. If Town is opposed, it may write letter to the CORE and MEPA by 1/9/09. Ms. Egan indicated they would like to propose holding a station area workshop with the public and would like to co-host with the Town – she is to contact Selectmen's Office or Town Manager to arrange.

Ms. Egan will make her traffic studies available to our Planning Director.

Christina Egan asked for data on ALS reports in area around railroads in Middleborough. She would like to work very closely with the Town to develop what works best for the Town. Board thanked Ms. Egan. Planning Director addressed Board with concerns as provided for on the attached.

Proposed Resort Casino

Chairman announced news that former tribal council chairman Glenn Marshall has pleaded guilty in federal court to various charges including, but not limited to, violating campaign finance law and committing tax and wire fraud. Chairman suggested Town may not have legitimate contract with the tribe.

Upon motion made by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to seek legal advice from Attorney Wittlesley.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted unanimously to approve 12-1-08 meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve 12-1-09 Executive Session minutes.
Four in favor. Selectwoman Duphily abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted unanimously to approve 12-1-08 meeting minutes.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to approve 12-8-08 meeting minutes.

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Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to approve 12-8-08 Executive Session minutes.
Four in favor. Selectwoman Duphily abstained.

At 8:50 PM A. Bond left meeting room.

The Auto Liquidation Group

Building Commissioner R. Whalen reported that he is satisfied with the installation of the fence.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve The Auto Liquidation Group's 2009 Class II Automobile Dealer's license, subject to payment of any taxes, fees, and/or interest owed to the Town of Middleborough.

Three in favor. Selectman Rogers abstained.

Board heard from Glen Amaral, GAF Engineering on behalf of Carver-Middleboro Cranberry, Co., Inc. Mr. Amaral explained that he was not able to meet with the residents as had been agreed to at the Board's 11-24-08 meeting as the availability of both parties never matched. Resident Wendy Pavo addressed the Board and indicated that Mr. Amaral never returned her calls, however, Mr. Norrie did. She stated a list of what the exact concerns are. At 9:09 PM A. Bond returned to meeting. Questions were presented by residents and answered by Glen Amaral. Chairman closed hearing.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to approve three year E.R. permit subject to Order Of Conditions to be set and to include groundwater table testing to take place before, during, and after project begins and ends.

R. Tinkham and Mr. McCarren addressed Board to discuss Proposal for Change of Water Service, 6 Bridge Street, Lakeville.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to reject request.

Three in favor. Two opposed.

Board indicated it is happy to talk to Town of Lakeville regarding an I.M.A.

NEW BUSINESS

Town Manager to look into specifics surrounding Planning Department's request/need for vehicle repair funds/replacement vehicle and report back at next meeting.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted unanimously not to object to Keno license for Camp Joe Hooker Lounge, Lakeville.

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Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted unanimously to allow the Builders Club to hold Fundraiser Flea Market on front lawn of Town Hall on Saturday, May 9, 2009. Board's secretary to send written response to Haley Andrews.

Town Manager reported that Mr. Walker accepted job offer by Town of Yarmouth. Selectwoman Duphily left meeting room.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, for discussion, Board voted unanimously to offer Fire Chief position to Lance Benjamino.

OLD BUSINESS

Board members agreed to work as liaison with Town Manager on Goals & Objectives
As follows:

Develop economic base - A. Bond & S. Spataro
Electronic means re distribution of weekly packets – M. Brunelle
Comprehensive rules and regulations – P. Rogers & A. Bond
DPW Superintendent – P. Rogers & M. Brunelle
Improve Nemasket River/Oliver Mill Park and Beautify Downtown – M. Duphily

Board agreed to remove "Full-time custodian for Town Hall Buildings" as it relates to budget instead.

TOWN MANAGER'S REPORT

Town Manager provided the attached follow up re incoming/outgoing state lottery aid.

B. Giovanoni addressed the Board to publicly submit his resignation from the proposed Resort Advisory Committee.

Chairman acknowledged Brian's contributions as did Selectwoman Brunelle. Letter of thanks is to be prepared for Mr. Giovanoni.

CORRESPONDENCE

#1 Energy Conservation/cost savings - Town Manager to investigate.
#4 SEMASS Waste to Energy Facility - Town Manager will ask about.
#8 Taunton & Middleborough Sanitary Landfills – Discuss at 2/2/09 meeting.
#5 Robert Anderson Resignation from EMS Committee – Letter of thanks to be prepared for Chairman's signature.
#17 Fire Chief's response letter was noted.

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At 11:03PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to contract negotiations. Roll Call: P. Rogers, Yes; S. Spataro, Yes; M. Brunelle, Yes; A. Bond, Yes. Chairman announced Board would not return into Open Session. Selectwoman M. Dumphily and Board's Confidential Secretary left meeting.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

MEMORANDUM

To: Board of Selectmen
From: Ruth McCawley Geoffroy, Planning Director
Date: December 15, 2008
Re: South Coast Rail, Middleborough Village Station Site

Middleborough has been participating in the South Coast Rail Task Force since August 2007. When requested to propose a new station site in the Town of Middleborough, if commuter rail from New Bedford and Fall River was to use the Middleborough line, the following sites were submitted:

1. Existing layover facility.
2. Freight yard on Station Street (site of former station)
3. Star Pond Brownfields Site
4. Two different sites at the corner of Everette Street and Route 44.

The Planning Department and Office of Economic and Community Development felt that sites 2-4 were preferable to Middleborough.

Site #2 - Freight yard on Station Street (site of former station)

This site had long been discussed by Town officials as a commuter rail site and it is believed that a village center site would help to revitalize the downtown area and serve the residential and mixed use district within and adjacent to downtown. This site would represent Smart Growth in that it would augment the high density urban core. Grant money could be pursued for the Washburn Mill parcel and the surrounding area. This site could accommodate a small station similar to the Franklin Village Station with a 164 car capacity. It could not accommodate a regional station like that in Lakeville with 970 cars as all traffic would be travelling through Everette Square or other residential streets.

Site #3 - Star Pond Brownfields Site

This is an existing hazardous waste site on the west side of the railroad tracks south of Route 44 at the end of Lane Street. Access would be via Everette Street and Route 44. The site is in close proximity to Downtown, and for all of the reasons listed in #2 above would be an excellent station location.

Brown Fields grant money could be utilized for remediation and the site would no longer pose a hazard. It could also accommodate a much larger station than the Station Street freight yard. According to SRPEDD representatives, the site poses too many environmental concerns including but not limited to hazardous waste clean up, wetlands, endangered species and practical access. Therefore the site was removed from the list for further consideration. If Town officials believe that this site still has merit and would be in the Town's best interest, more intensive evaluation could be done by the Town.

Site #4 - Two different sites at the corner of Everett Street and Route 44

There are two different properties at the corner of Route 44 and Everett Street that could be used for a station site. This area could be developed into a large intermodal station. The proximity to the proposed Resort Casino would reduce buses from the Lakeville or Village Center Stations from travelling through Downtown to reach the Resort. A station at this site could be designed with the future reconstruction of Route 44 and an Everett Street interchange. Middleborough officials would have to confirm that a station sited in this area would not adversely impact nearby wells, although preliminary inquiry indicates that it will not. This site was not selected by EOT for further consideration. Middleborough officials should decide whether the Town should pursue station siting at this location.

At the present time, it is the Planning Department's opinion that the best way forward for South Coast Rail would be for the Middleborough Simple Option to be chosen, in the short term, to provide immediate rail service to New Bedford and Fall River with the construction of a Village Station or Everett Street/Route 44 Station. The Middleborough Simple Option only requires that the track from Cotley Junction to Middleborough be improved. This would allow the longer term Stoughton alternative to be developed if that is what is chosen. Accommodations for how the Lakeville Station is integrated will still have to be worked out with this scenario. Once the Stoughton Alternative is in place New Bedford/Fall River service to Boston could continue via that route. The improved tracks between Cotley Junction and Middleborough could then be used by "Budd Car" service to link New Bedford, Fall River and Taunton to Middleborough which would be advantageous when the Resort Casino is built. Rail access for resort casino workers and patrons would reduce adverse traffic impacts to local and regional roads.