

# **MINUTES**

**for approval on 02/04/19**

**January 28, 2019**

Chairman Dalpe opened the meeting at 6:49 PM.

In attendance were: Selectmen A. Frawley, L. Dalpe, J. Knowlton, N. Rosenthal and D. Stewart; Town Manager R. Nunes and Executive Assistant, Colleen Lieb.

### **EXECUTIVE SESSION**

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted to enter into Executive Session at 6:45 PM, to return to Open Session, for the purpose of discussing strategy with respect to contract negotiation that if done in an open meeting may have a detrimental effect on the bargaining position. Polled vote: A. Frawley - Yes, L. Dalpe – Yes, J. Knowlton - Yes, N. Rosenthal and D. Stewart – Yes.

The Board returned to Open Session at 6:55 PM.

Chairman Knowlton continued the meeting by inviting those in attendance to join in the Pledge of Allegiance.

### **UNANTICIPATED**

There is nothing under unanticipated.

### **ANNOUNCEMENTS AND RECOGNITIONS**

Selectmen Frawley thanks and congratulates Peter Andrade, he retired last week from the Police Department. He noted that the Town appreciates all his work and wishes him the best in his retirement.

Selectmen Stewart referenced the community's positive response to Selectmen Frawley's presentation of the Nemasket River. She thanks him for going above and beyond in putting that presentation together for the Board's meeting.

Kate Mackiewicz, Honorary Mayor representing the Friends of the Middleborough Cemeteries, introduces the two new candidates for this year's Honorary Mayor Election. Tim Holick and Jen Freitas were both introduced and spoke briefly to the Board regarding their upcoming campaigns.

### **MINUTES**

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the 8/6/18 minutes as presented.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the 8/20/18 minutes as presented.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted, four in favor one abstention (L. Dalpe), to approve the 1/14/19 minutes as amended.

**WARRANTS**

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 2/2/19.

**NEW BUSINESS**

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to NOT exercise rights on the sale of the Chapter 61A property located at 182 Purchase Street.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to approve the cost for increased lighting in the downtown as indicated with an increased annual cost to the Town in the amount \$458.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve a Common Victualler License for Abby's located at 561 Wareham Street.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the race/walk for St. Vincent de Paul Society to be held on Sunday, April 28, 2019 at 10 AM and approve the route as requested and notify the Police and Fire Departments of the event.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the Triathlon put on by On Your Left Racing to be held on Saturday, July 27, 2019 from 7:30 AM to 9:30 AM, approve the route as requested and notify the Police and Fire Departments of the event.

Upon motion made by Selectmen Frawley and seconded by Selectmen Knowlton, the Board voted unanimously to approve the 35<sup>th</sup> Annual Cape Cod Getaway MS Bike Ride to be held on June 29, 2019 and June 30, 2019, approve the route as requested and notify the Police and Fire Departments of the event.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve a One Day All Alcohol License for the Bartending Service of New England for a Spaghetti Dinner Fundraiser to be held on 1/26/19 from 5 pm to 10 pm.

The Board reviewed the correspondence from the Assessor's Office. There is discussion on the conflict with Town Counsel and the Petitioner. This will be reviewed further.

The Board reviewed the request from Arthur Battistini, Tourism Committee, to have temporary storage at the Peirce Store Building. Mr. Battistini explained that the group's current storage is the barn at the Oliver House and because the barn isn't weather tight, the items stored are getting



ruined. There also is an issue with mice getting into the store boxes and making nests and chewing on the stored lights used at the Festival of Lights.

Selectmen Frawley explains that the Board cannot act on this request. The Board of Selectmen is not in charge of the Peirce Store Building at this point, the Police Chief still has control of the building. It is also noted that in order to change the use of the building a 2/3rds vote at Town Meeting has to take place.

Mr. Battistini will reach out to the Police Chief with the Tourism's request for storage. Chairman Dalpe allows Glenn Montapert, Tourism and Richard Oakley, Boro'Bot, to speak about how they would like to use the Peirce Store building when it becomes available for use.

### **TOWN MANAGERS REPORT**

R. Nunes, Town Manager, reviewed with the Board his Town Manager's Report which covers January 14<sup>th</sup> through January 25<sup>th</sup>. He noted that a claim has been filed with the insurance company regarding the Oliver Mill Park Kiosk. He speaks about the Emergency Planning Regional Community meeting to be held on Wednesday at 3 PM. He also noted that he will be presenting the FY '20 budget to the Board and the Finance Committee at the next meeting. He provides an overview of the projects in Town.

### **CORRESPONDENCE**

#4 – Selectmen Stewart referenced the thank you notes from the Burt Wood School and Marsha Brunelle for the additional lighting on Union Street.

#5 – Selectmen Frawley referenced the letter from Maura Healey regarding the Juul Pods being used in schools and by young children.

#5 – Selectmen Knowlton also referenced the letter from Maura Healey and noted that the Health Agent will be coming back to the Board with recommended changes to included vaping in the Town's bylaws.

### **NEW BUSINESS (continued)**

Ted Eayrs, Chairman of the Board of Assessors, asks the Board if they would be willing to discuss Item H again, as he has some additional information. Mr. Eayrs speaks about the Appellet Tax Board and their high standards on cases. He reiterates that we want the Town to win on this matter and that it would be in the best interest of the Town to allow for special counsel. He also explains that this matter has taken at least two years of the Board of Assessors time as well as the Assessors staff to deal with. He stresses that there is a need for a strong specialized counsel to do this.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to approve the use of Special Counsel, Attorney Richard Bowen for two upcoming Appellet Tax Board cases from the Assessors Office.

At 7:30 PM Selectmen Stewart recuses herself.

**HEARINGS MEETINGS AND LICENSES**

NEW HEARING – Elmer Wing, for a Class II Automobile Dealer’s License “Internet Only” for property located at 161 East Grove Street, Suite 5, Assessors Map 065, Lot 6495

Chairman Dalpe read the legal notice and opened the hearing. It is noted that the applicant is not present to answer any questions. It is noted that there is an error on the Worker’s Compensation application that needs to be corrected. There is reference to the correspondence from the Conservation Agent regarding vehicles stored at 282 Wareham Street, the applicant’s residential address, which requests those vehicles be removed and the meeting with DEP on the same. It is agreed that the applicant will need to answer as to the status of the vehicles on his property. Selectmen Rosenthal notes that the property of 161 East Grove Street has numerous vehicles all over the property and he asks how it will be determined what is out there.

The Board agrees to continue the hearing and the Executive Assistant will reach out to the applicant with the questions and let them know that the hearing was continued.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted unanimously to continue the hearing for Elmer Wing, Class II Automobile Dealer’s License “Internet Only” for property located at 161 E. Grove Street to Monday, February 4<sup>th</sup> at 7:30 PM.

**NEW BUSINESS (continued)**

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve and authorize the Chairman to sign the contract with SumCo Eco-Contracting, LLC for Phase One work at the Oliver Mill Park.

**REPORTS ON COMMITTEES COMMISSIONS AND BOARDS**

Selectmen Stewart reports that there is an opening on the Conservation Commission. This is an appointed Board. She asks that interested candidates contact the Conservation Commission Office and attend a meeting if you are interested.

Selectmen Frawley reports on the latest EMS Committee Meeting and the latest rating of Brewster Ambulance. He notes that they are doing a fantastic job.

Glenn Montapert spoke about the opening on the Tourism Committee.

**HEARINGS MEETINGS AND LICENSES (continued)**

NEW RENT CONTROL HEARING – To consider a petition filed by Anthony Alenci resident of Hometown America/Oak Point for a rent reduction

*Anthony Alenci, Petitioner, Attorney Lisa Goodheart – Sugarman, Rogers, Barshak & Cohen, PC and Kyle Howieson – Hometown America were present for the discussion.* Chairman Dalpe reads into the record the legal notice and declares the hearing open.

Attorney Lisa Goodheart asks that if the Board is going to allow anyone to speak that she would like a moment so the court stenographer can set up their equipment.

Chairman Dalpe speaks about the correspondence from Town Counsel requesting that the Rent Board continue the hearing six weeks out so that he has time to review and respond to the correspondence from Sugarman & Rogers.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted, four in favor one against (D. Stewart), to continue the Alenci Tenant Petition hearing to Monday, March 18, 2019 at 7:30 PM.

**ADJOURNMENT**

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to adjourn at 7:55 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant  
MIDDLEBOROUGH BOARD OF SELECTMEN