

Chairman Knowlton opened the meeting at 6:45 PM.

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

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 litigation as an open meeting may have a detrimental effect on the litigating position. Polled vote: A. Frawley - Yes, J. Knowlton - Yes, N. Rosenthal and D. Stewart – Yes.

The Board returned to Open Session at 7:04 PM.

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

UNANTICIPATED

Jeff Stevens spoke about a new group called Sustainable Middleborough. He explained that they will be looking at issues in the environment and global issues that are more and more significant. There will be an event held on Saturday, January 12th at the Public Library if anyone is interested in attending this event.

ANNOUNCEMENTS AND RECOGNITIONS

Selectmen Stewart read the notice about the Mass Archaeological Society Inc. event to be held on Wednesday, January 9th at 7 PM at 17 Jackson Street to hear Craig S. Chartier, MA, Director and Principal Archaeologist, speak about the Ja-mar Farms Site. This is a free program to the public.

Selectmen Knowlton spoke to the public about how he will not be running for another term with the Board of Selectmen. He reads the notice from the Town Clerk regarding what positions are open for this upcoming election.

Selectmen Stewart encourages any residents that would like to get involved with the Town to join the Finance Committee to get an understanding of all the Departments and how the finances of the Town work.

Richard Oakley introduces the students that just finished the pilot program at 'Boro Bot. There are pictures taken with the students, parents and volunteers.

MINUTES

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to approve the 6/4/18 minutes as amended.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to approve the 12/03/18 minutes as amended.

Upon Motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to approve the 12/10/18 minutes as amended.

WARRANTS

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley the Board voted unanimously to authorize the Chairman or his designee to sign the warrants for week ending 0/12/19.

NEW BUSINESS

R. Nunes reported that the Board authorized him to negotiate with ARL Healthcare. He noted that he worked with Attorney Silverstein and ARL and they have come up with an agreement that ARL will provide 3% of gross sales, 3% of the annual excise tax and that the Town will receive a \$50,000 development fee on the one year anniversary of ARL's opening and every year after it will increase by 2.5%.

Selectmen Rosenthal has two changes. The first is #11, the third sentence references the incorrect paragraph. The second is #20 the language "any other adult use marijuana retail" to be added to keep it specific.

Upon motion made by Selectmen Frawley and seconded by Selectmen Stewart, the Board voted three in favor, one against (J. Knowlton) to approve and sign a Host Community and Development Agreement with ARL Healthcare.

R. Nunes reported that Seven Point has requested to negotiate a Host Community Agreement with the Town for an Adult Use Retail Marijuana establishment. It is explained that they do have a Medical agreement already with the Town and that they meet the date requirement with the Town in order to move forward with adult retail.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to authorize the Town Manager to negotiate a Community Host Agreement with Seven Point for an Adult Use Retail Marijuana establishment.

Upon motion made by Selectmen Frawley and seconded by Selectmen Stewart, the Board voted unanimously to approve the submittal of the Cultural Council Grant for the Police Station Reuse.

Meeting w/ MBTA, Rick Colon, re: SCX Idling in a Residential Area

Rick Colon - MBTA, Jim Eng – Mass Rail & Transit, John "Jody" Ray – Deputy Administrator Rail, Normal Orral – State Representative, Kathleen LaNatra – State Representative, Mary Wasylyk – Senator Pacheco's Chief of Staff and Adam Bond were present for the discussion.

Rick Colon speaks to the Board about the concern of the community with the CSX engines idling. He introduces Mr. Eng and Mr. Ray who will speak on the short and long term solutions for this issue. Mr. Eng speaks to the Board about the plan to install four plug-in units on the ground and retrofit the 6 locomotives so that they can plug them in rather than have them idle. It is explained that the locomotives have to have heat so that the water doesn't freeze. The plug-ins system is what is used in their other layover areas. Mr. Eng noted that they are working with MassDOT to help CSX fund some of the material for this project.

Mr. Ray spoke about the short term plan for the idling, which is to move the location where the four locomotives sit. Mr. Ray explains that behind the existing MBTA parking lot there is another layover area that is more remote and can be used for the CSX trains currently, until the plug-ins are installed.

Selectmen Frawley expresses concern about the other layover location and reminds them that there are couple of high rises in that area and he is sure they do not want the smell or noise of idling engines in their area either.

Mr. Bond thanks the group for their assistance. He asks if a letter can be sent from CSX that states what they are presenting. He speaks about the ongoing idling issue and asks the Board to consider holding CSX order for a period of sixty or ninety days for a report to come back on the status of this matter, so that they are continued to be monitored on this matter. Selectmen Rosenthal asks that the neighbors provide testimony to the representatives about their experiences living in the area. Two residents speak on the matter.

Chairman Knowlton recommends that the group gets their game plan together and then shares it with the Town Manager and the Board and at that point we can talk further about the Cease and Desist. He asks that as soon as they have the information the Town needs to know. It is reiterated that the Board wants to know what the timeline is with when funding is received and when CSX has the equipment in hand to do the installation.

Normal Orrall, State Representative, spoke briefly about the matter. Mary Wasylyk spoke on Senator Pacheo's behalf about the matter and noted that they had reached out to Congressman Keating's Office. Mr. Jackman, from Congressman Keating's Office, reiterated that this is a new issue for them and that they will work with MassDOT to get CSX to abide by this agreement and they are happy to assist with it.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to suspend, for a period of sixty days, the Cease and Desist and ask that at the end of sixty days any correspondence on the matter be reviewed and to ask for input from the CEHIC, Health Agent and Fire Department.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to open the April 22, 2019 Special Town Meeting Warrant & Annual Town Meeting Warrant.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to close the April 22, 2019 Special Town Meeting and Annual Town Meeting Warrants on March 8, 2019.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimous to sign the InterMunicipal Water Agreement with the Town of Rochester.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to approve Milena's Path to serve as an access path off Wareham Street, Located in the area of 553 Wareham Street as requested by the E911 Database Coordinator.

Jack Healey, Planning Board Member, asks to check on the request for "Holton Way" from the E911 Database Coordinator to see if it's a development that is complete with the Planning Board. Selectmen Frawley discusses how the intent of this is for the E911 system and the ability for Emergency Vehicles to locate the correct street when they are called, it does not have anything to do with public ways. This will be brought back to the next meeting.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Stewart, the Board voted unanimously to authorize the chairman to sign the PEG Access InterMunicipal Agreement between Middleborough and Freetown.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to include two Finance Committee positions on the Annual Town Election Warrant for April 6, 2019.

HEARINGS MEETINGS AND LICENSES

NEW HEARING – Sidra Arif, Tusmiya Inc., d/b/a Standard Auto Sales for a Class II Automobile Dealer's License for property located at 282 W. Grove Street, Assessors Map 049, Lot 5827

Sidra Arif was present for the discussion. Chairman Knowlton read the legal notice and opened the hearings. Ms. Arif provided the green cards. The Board reviews the application. Selectmen Rosenthal asks about the letter from the Conservation Agent. It is noted that there was further conversation with the Agent regarding the property and the application and the Agent agreed that there is no concerns provided that there will be no additional impervious nor will there be any new construction. There is discussion on the parking and the total number of spots. It is clarified that there are eight spots total and that the request is to have three cars available for sale.

Chairman Knowlton opened the hearing up for public comment.

Dennis Sampson, 285 West Grove Street, spoke about his concern with traffic taking a left into 282 W. Grove Street and how cars will often go right onto his property in order to get around a vehicle waiting to turn. He notes that Rt. 28 is heavily traveled and the speed limit at that point is 50 mph. He is concerned that people going around those turning will do harm to his residents who often walk around outside.

Peter Beaton, Bayside Agricultural, noted that he is not opposed to the project. He asks that the applicant be mindful of the cranberry bogs and they consider the water run off if they wash cars.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to close the hearing.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to approve a Class II Automobile Dealer's License for Sidra Arif, Tusmiya, Inc., d/b/a Standard Auto Sales for property located at 282 West Grove Street and allow for eight cars on the lot in total with three vehicles for sale and that there will be no storage of vehicles or work on the vehicles on the property and that it is put on their license that no work is to be done within 25ft of the Wetlands.

NEW RENT CONTROL BOARD HEARING – To consider a petition filed by Hillcrest Mobile Home Tenant's Association for a Certificate of Eviction

Adam Bond – Counsel and Frank Cuddy – President, Hillcrest Mobile Home Tenant's Association were present for the discussion. Chairman Knowlton reads the legal notice and opens the hearing. Chairman Knowlton swears in Mr. Cuddy. Mr. Bond notes that Hillcrest is a small resident owned community off of Rt. 28. The rent is set at \$330 per month.

Mr. Bond speaks about the arrears of \$1,700 that is owed for rent by Mr. Booker. Mr. Bond explains that he is looking for a Certificate of Eviction from the Board so that he can move forward in the court system for the non-payment of rent.

Frank Cuddy testifies that every dollar taken in by the Association is accounted for and there is not the first time we have had to take action to protect the interest of the other residents.

Chairman Knowlton opened the hearing up for public comment. There is no comment.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to close the hearing.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to issue the Certificate of Eviction as requested.

At 8:30 PM Selectmen Frawley stepped off the Board and left the meeting.

CONTINUED HEARING - A Plus Waste & Recycling Services

Ron High, A Plus Waste, was present for the discussion. Chairman Knowlton opened the continued hearing. The Executive Assistant reports that new documentation was provided to the Selectmen's Office at 4:45 PM today. The Board agrees that they will need time to review the items submitted and agree a continuance is needed.

Chairman Knowlton opens the hearing up for public comment. There is no comment.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to continue the hearing for A Plus Waste & Recycling Services to February 4, 2019 at 7:45 PM.

OLIVER ESTATE ITEMS

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to pay Pilgrim Cleaning Service in the amount of \$100 for Gutter Cleaning/Oiling to be paid out of the Oliver Estate Revolving Fund.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to pay Middleborough Gas & Electric in the amount of \$216.18 to be paid out of the Oliver Estate Revolving Fund.

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to pay Plymouth County Cultural Council for Advertising in the amount of \$400 to be paid out of the Oliver Estate Revolving Fund.

TOWN MANAGER'S REPORT

R. Nunes, Town Manager, reviewed with the Board the 2018 Team Middleborough Highlights. R. Nunes also reviews with the Board his Town Manager's Report which covers December 17th through January 4th.

BOARDS COMMITTEES AND COMMISSIONS

Selectmen Stewart speaks about the Reduce, Reuse & Recycle and asks residents to like their Facebook page.

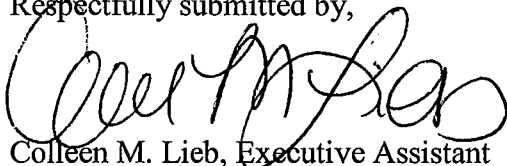
CORRESPONDENCE

#4 – Selectmen Stewart spoke about the Caparrotta or Woodland Realty Trust Conservation Restriction and asked if the Selectmen can change the ownership of the conservation restriction to the Commission.

ADJOURNMENT

Upon motion made by Selectmen Stewart and seconded by Selectmen Rosenthal, the Board voted unanimously to adjourn at 9:15 PM.

Respectfully submitted by,



Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN