Chairman Dalpe opened the meeting at 7:00 PM and invited those in attendance to join in the Pledge of Allegiance.

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

This meeting was recorded by MCAMM for broadcast on Comcast and Verizon.

PURPLE HEART CEREMONY
Jason Cox, Veteran’s Agent, provides the background on the Purple Heart and discusses the proclamation to make the Town a Purple Heart Community. Brian Oulette, Military Order of the Purple Heart, read the proclamation.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to issue the Proclamation as Read for the Town to become a Purple Heart Community.

UNANTICIPATED
Selectmen Frawley asked for a moment of silence for Richard Pacheco, Senator Pacheco’s father.

ANNOUNCEMENTS AND RECOGNITIONS
Selectmen Stewart reminded residents that now that the warmer weather is here and there are plans to have contractors do work on your property, please make sure they provide proof of insurance and their license information so you can verify with the State that they are a legitimate business before you agree to have the work done.

Selectmen Stewart also reminded the residents of the Town’s Conservation Lands, the Pratt Farm, the Weston Forest and the Morgan Property, she noted that both have parking areas and great trails for walking or hiking.

Chairman Dalpe presented to Selectmen Knowlton a Certificate of Appreciation from the Board for his six years of service working on the Board.

Kate Mackiewicz, 2018’s Honorary Mayor with the Middleborough Cemetery Commission, invited the Town to the inauguration for the new Honorary Mayor, to be held Friday, April 5th from 5:30 PM to 9 PM in the Town Hall Ballroom. There will be a cash bar, food from Pachini’s and music by Jeff Nevaris. Everyone is encouraged to attend.

Arthur Battistini, Reland Street, reminded everyone that the Annual Town Election is this Saturday, April 6th, polls open at 8 AM and stay open until 8 PM. Absentee ballots for this election will be available at the Town Clerk’s Office until Friday April 5, 2019 at Noontime.
MINUTES
Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the minutes from 3/25/19 as presented.

WARRANTS
Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 4/6/19.

NEW BUSINESS
Jonathan Silverstien, KP Law, and Nick Patel, Green Harbor, were present for the discussion.

Upon motion made by Selectmen Frawley and seconded by Selectmen Stewart, the Board voted four in favor one against, to approve and sign a Host Community Agreement and Development Agreement with Green Harbor for property located at 29 Abbey Lane.

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

R. Nunes, Town Manager, reviews with the Board the two articles that are going to be including into the Annual Town Meeting Warrant as well as the small changes made to Article 28.

Ed Mederios, DPW Building Committee, was present for the discussion. Mr. Mederios spoke to the Board about the easement referenced in each article.

Upon motion made by Selectmen Stewart and seconded by Selectmen Frawley, the Board voted unanimously to place Article 25, Article 26 and correct Article 28 as presented.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to close the Annual Town Meeting Warrant for April 22, 2019.

Vote Decision on Tenant Petition for Rent Reduction - Alenci
Chairman Dalpe beings the deliberation by summarizing the last discussion in regard to closing the hearing and taking two weeks to allow both parties to have their final documents in so the Board can review/discuss them. It is noted that Mr. Alenci did not have any final comments but Sugarman & Rogers did provide final comments. Chairman Dalpe opens the discussion up for comments from the Board.

Chairman Dalpe spoke about her feelings that the charging for water created a hardship for Mr. Alenci and the clarification that was received through the process that Mr. Alenci can have the sprinklers turned off. She references the gate and how Oak Point is working on getting it fixed. She notes the poor repair of the sidewalk and roadway which have been repaired and speaks about how Oak Point needs to keep up with these issues as they arise.
Selectmen Stewart speaks about how difficult this is for the Board because it is difficult to make a determination about what we can do as the “rent control board” where these items appear to be more of a civil matter with Oak Point. She notes that it would be difficult for the Board to come up with a “value” for the inequities presented in terms of reducing the rent for Mr. Alenci.

Selectmen Rosenthal speaks on the matter and asks if the Board wasn’t to “reframe” the questions as inquired. He notes that he does see the water issue as both an inequity and a hardship.

Selectmen Frawley notes that he is fine with moving forward with the motion but he does not think it falls under the Board’s jurisdiction, that it is a small claims court action. He states that he is okay with the finding that Hometown America has not provided the property maintenance and upkeep of the community as a whole but he does not think that the Board can award any damages.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Stewart, the Board voted, unanimously, to find that there has not been proper maintenance and upkeep of the Hometown America property and the Alenci property.

Selectmen Rosenthal reframes the second question and asks whether an adjustment to the Alenci’s rent is warranted.

Motion is made by Selectmen Rosenthal and seconded by Selectmen Stewart that the water for the lawn, which the Alenci’s pay for, does create a hardship or an inequity and find to that end that the amount he pays isolated for that purpose should be deducted from his rent. Motion and second are withdrawn.

Selectmen Knowlton asks why the Board would vote this when though the hearing it was made clear that the individual can turn off the sprinkler. It is noted that Mr. Alenci was informed during the hearing of this. There is a question asked about the ramifications if the lawn turns brown. Selectmen Rosenthal notes that it was unclear if they were given or not given the options on the watering of the lawn.

Attorney Murray noted that the only remedies the Rent Control Board has is either upping or lowering the rent be a specific amount and that nothing else can be ordered. He further notes that the Board cannot ask that the lease be changed, that’s not in the statute.

Motion is made by Selectmen Rosenthal and seconded by Selectmen Stewart, the Board voted, two in favor, three against, to allow Mr. Alenci a $200 per year reduction in his rent, unless proven otherwise, so long as the water isn’t turned off. Motion Does No: Carry.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted, three in favor and two against, to deny the Alenci petition as presented. Motion carries.
HEARINGS MEETINGS AND LICENSES

NEW HEARING – Dennis Hogan, for a Class II automobile Dealer’s License, for five Vehicles for Sale, property located at 749 Centre Street, Assessors Map 50I, Lot 4187 (relocating from 22 Cambridge Street)

Dennis Hogan, Atlantic Coast Wholesale, was present for the discussion. Chairman Dalpe opens the hearing for a Class II Automobile Dealer’s License, applicant Dennis Hogan, Atlantic Coast Wholesale, located at 749 Center Street and reads the legal notice. Green cards are returned.

Mr. Hogan presented his request to the Board for consideration. He is looking for 3-5 vehicles in the display area but he feels there will never be more than one or two cars up for sale. There is a question asked on the map and it is noted the measurements are not to scale so it is unclear if the lot can accommodate a total of six vehicles. It is suggested that the applicant redo the map and come back before the Board. Mr. Hogan suggests reducing the number of vehicles for sale to three and asks if the Board will approve that.

Chairman Dalpe opened the hearing for public comment. There is no comment.

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

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Knowlton, the Board voted unanimously to approve the Class II Dealer’s License for Dennis Hogan, Atlantic Coast Wholesale for property located at 749 Center Street and with a total of three vehicles for sale and no more than four vehicles total on the lot at any one time.

At 8:30 PM Selectmen Stewart recuses herself.

NEW HEARING – Elmer Wing, for a Class II Automobile Dealer’s License, for ten vehicles for sale, property located at 161 E. Grove Street, Suite 5, Assessors Map 065, Lot 6495

Elmer Wing, Pittsley Auto Sales, was present for the discussion. Chairman Dalpe opens the hearing for a Class II Automobile Dealer’s License, applicant Elmer Wing, Pittsley Auto Sales, located at 161 E. Grove Street, Suite 5 and reads the legal notice. There are no green cards returned.

Chairman Dalpe referenced the paperwork and outstanding bill from the Fire Department which totals $7,317. She also referenced the payment plan agreement with the Middleborough Fire Department and signed by Mr. Wing on August 21, 2014 agreeing to pay $200 per month on the balance owed due to an incident at 153 Wareham Street.

Mr. Wing briefly explained the situation and states that he had a brush burning permit and he states that he had done nothing wrong, that the fire was self-contained.

Selectmen Knowlton referenced the signed agreement by Mr. Wing that shows he has agreed to the payment.
Selectmen Frawley explains that it is not up to the Board to decide if the bill is valid during this
discussion it has been presented as part of the discussion. He notes that the Board is not
prepared to make any decision on the bill but that it has been the Board’s past practice not to
issue permits to anyone that has an outstanding payment with the Town.

Mr. Wing states that the bill is not valid and that he tried to speak with the Fire Chief regarding
it.

Chairman Dalpe reiterates that the Board’s past practices is not to issue a license when there is
an outstanding bill with another Department in the Town.

Selectmen Rosenthal asks Mr. Wing if he would be willing to do the $200 monthly payments, if
the Class II Used Automobile Dealer’s License was approved. He notes that he would be willing
to take Mr. Wing as his word that he will make monthly payments. Selectmen Rosenthal further
explains that if Mr. Wing doesn’t make any payments then the Board will not renew his Class II
next year. He asks the Board to consider this as a way to get the outstanding bill paid.

Mr. Wing states that he cannot pay if he doesn’t have any money coming in.

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

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

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Knowlton, the Board
voted to grant the Class II Used Automobile Dealer’s License with ten vehicles for sale and no
more eleven vehicles total on that property and request Mr. Wing make payments as agreed upon
with the Fire Department otherwise the license will not be renewable at the end of the year.
Motion Does Not Carry. 2-2-0

Mr. Wing thanks the Board for their time.

At 8:47 PM Selectmen Stewart steps back onto the Board.

NEW BUSINESS (continued)
Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board
voted unanimously to approve a One Day Beer & Wine License for Metro South Homebrew
League to be held on Saturday, June 1, 2019 from 11 am to 5 pm at the KOA Campground.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board
voted unanimously to approve a One Day Beer & Wine License for Beer and Bubbles LLC for
an event to be held on May 11, 2019 from 11 am to 3 pm at Benson’s Pond, 6 Pine Street.
Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve and sign a Notice of Betterment for Tabitha Alexander & Erin Brennan in the amount of $15,104 for property located at 20 Atwood Avenue.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve Charlotte Court to serve as a new street at the request of the E911 Database Coordinator.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to appoint Auxiliary Special Police Officer Michael Doyle with a term to expire 01/30/2020.

OLIVER ESTATE ITEMS
There is nothing discussed.

TOWN MANAGERS REPORT
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers March 25th through March 29th. He request ratification by the Board on two Historical Commission Appointments.

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted unanimously to ratify the appointment of Lauren Haugh as a full member to the Historical Commission.

Upon motion made by Selectmen Frawley and seconded by Selectmen Stewart, the Board voted unanimously to ratify the appointment of Daniel Ajoue as an Associate Member to the Historical Commission.

REPORT ON COMMITTEES COMMISSIONS AND BOARDS
There is nothing reported.

CORRESPONDENCE
There is no correspondence.

ADJOURNMENT
Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to adjourn at 8:58 PM.

Respectfully submitted by,

[Signature]
Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN