Chairman Stewart opened the meeting at 6:45 PM and asked everyone to join in the Pledge of Allegiance.

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

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

UNANTICIPATED
There is nothing discussed.

ANNOUNCEMENTS AND RECOGNITIONS
Selectmen Rosenthal announces the South Middleborough Grange 62nd Annual Agricultural Fair which opens at 1:30 PM on Saturday August 24th.

Brian Giovanoni, Middleborough Friends, announces that the final show of the Thursday Night Summer Concert Series will be held indoors on August 29th from 6 pm to 8 pm in the Grand Ballroom.

Glenn Montapert, Tourism Committee, announced that the 350th merchandise will be available for sale at the Middleborough Friends event on August 29th.

Chairman Stewart announces that the Oliver Estate will be open for the next two Saturday's 8/24 and 8/31 from 10-2 PM for daytime tours.

MINUTES
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted to approve the minutes of 6/24/19 as amended.

WARRANTS
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted to authorize the Chairman or her designee to sign the warrants for weeks ending 8/24/19, 8/31/19 & 9/7/19

NEW BUSINESS
Steve McKinnon, Chairman DPW Building Committee, was present for the discussion. Mr. McKinnon reports that at the DPW Building Committee meeting held on August 15, 2019 the bids for the earth removal work were opened and the low bidder was CC Construction in the amount of $290,000.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to award the bid and sign the contract with C.C. Construction, Inc. in the amount of $290,000 for the earth removal work on the DPW project.
R. Nunes noted that over the last several months there have been a few issues that have come up where the contract is “silent”, one example is an agreement on recycling transport. Outside counsel was used to negotiate the original contract; the plan is to use the same attorney if possible.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to hire outside counsel to amend the landfill contract with Waste Management.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to approve and sign the agreement with T. Ford for Phase II of the Oliver Mill Repair and Restoration project.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted to sign the Memorandum of Agreement with GMEG to include the Department head Classification of the Cable Access Director as part of the collective bargaining agreement and amended to be effective July 1, 2019.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to sign the Conservation Restriction for Ja-Mar Farm.

OLIVER ESTATE ITEMS
Matt Foye, Facilities Manager, was present for the discussion. Mr. Foye provides a power point presentation to the Board on the painting, electrical upgrades and insulation for the Oliver House. It is noted that there will be an article on the Special Town Meeting for the funding for this next project. There is an overview of the history of lead paint and how exteriors are handled that have existing lead paint on them. There is a brief discussion on the water in the basement, which are due to condensation and humidity. A new dehumidifying system has been put into place at the house to address this issue. There will be an article discussed at the September 9th warrant review for these renovations.

HEARINGS MEETINGS AND LICENSES
NEW RENT CONTROL BOARD HEARING – To consider a petition filed by Edgeway Homeowner’s Association for a Certificate of Eviction – 87 Wesley Circle
John Fruci, Resident of 87 Wesley Circle, and Adam Bond, Counsel for Edgeway Homeowners Association, was present for the discussion. Chairman Stewart opens the hearing and reads into the record the legal notice.

Adam Bond explains that he has spoken with the owner of 87 Wesley Circle and that the resident has acknowledged that he has been holding $50 a month based on a “damage claim” that the resident feels the park should take responsibility for.

Adam Bond explains to the Board that the resident told him that the property owners came in and put some drainage in front of the resident’s garage and that his garage flooded. There were large 2x2 linoleum tiles that were laid down in the base of the garage that are now coming up due to
water that shouldn’t have been there. Mr. Bond notes there is an economic disparity between the park owners and the resident on the matter.

Adam Bond explains that he is asking the Board to issue a Certificate of Eviction; this is needed so that the park owners can take the resident to court and resolve the matter. It is the next step in the process and does not mean that a resident is going to be evicted. It is a mechanism for the park owners to work with the resident that is allowed under the bylaw.

John Fruci, 87 Wesley Circle, confirmed that he wrote a letter to the Association in April of 2017. He also spoke about the banks that were redone and the grade raised and how the rain water started running into his backyard and then funneled into his garage and under his house. He talked to the president of the Association at the time who questioned the tiles on the garage floor. He explains he did not get a positive response so he wrote another letter explaining how he would be withholding funds monthly until it gets straightened out. He thought when he returned from Florida he would have an opportunity to meet with the Association about it but instead he received the notification on the Certificate of Eviction.

The Board agrees that Mr. Fruci is within his right to try and work out an agreement with Attorney Bond or with the Association before the Board votes on the eviction. Attorney Bond agrees to work with Mr. Fruci to discuss a resolution prior to the next Board meeting.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to continue the Rent Board Hearing Certificate of Eviction for 87 Wesley Circle to Monday, September 9, 2019 at 8:15 PM.

NEW RENT CONTROL BOARD HEARING – To consider a petition filed by Hillcrest Mobile Home Tenant’s Association Inc. for a Certificate of Eviction – 19 Gerald Drive

William Kupchun, Jr., Representing 19 Gerald Drive, and Adam Bond, Counsel for Hillcrest Mobile Home Tenants Association, was present for the discussion. Chairman Stewart opens the hearing and reads into the record the legal notice.

Adam Bond explains that he has spoken with the owner of 19 Gerald Drive and he explains that he does not believe the resident has an issue with the Certificate being issued. He notes that the matter can be dealt with through mediation and that it involves the Estate of the deceased resident.

Mr. Kupchun explains to the Board that it is just himself and his sister to handle the Estate left from their father’s passing. They are going through probate and their intention is to sell the trailer and pay the back rent owed.

Chairman Stewart asks if there is any further comment on this. There is no further comment.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to close the hearing.
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to issue the Certificate of Eviction to William Kupchun, 19 Gerald Drvie as requested.

NEW POLE HEARING – To consider a petition from Verizon New England, Inc., and Middleborough Gas & Elec. On a proposal to install conduit to Pole 35 on Benson St. 
Bill Taylor, Middleborough Gas & Electric, was present for the discussion. Chairman Stewart reads into the record the legal notice and reviews the petition with the Board. It is noted that Mr. Taylor will work with the DPW on the Road Opening Permit.

Chairman Stewart opens the hearing up for Board comment and public comment. There is none.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to close the hearing and approve the petition to install conduit to Pole 35 on Benson Street as requested.

CONTINUED HEARING – WRPD Application filed by McCarty Engineering, Inc. for property located at 49 Plymouth St, Assessors Map 19, Lot 1896 (continued from 8/05/19)
Brian Marchetti, McCarty Engineering, Michael Whitmore, Roundel 47, were present for the discussion. Chairman Stewart notes that correspondence was received from Atlantic Design dated August 13, 2019 regarding their final review. It is explained that because this is a Special Permit, it requires four favorable votes to pass and there are only three members of the Board available for this meeting to vote on it. Mr. Whitmore asks that the hearing be continued to the next meeting where it is hoped that there will be a full Board to act on the permit.

Chairman Stewart asked if there is any Board or public comment. There is none.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to continue the hearing for the WRPD Application for 49 Plymouth Street to September 9, 2019 at 8:05 PM.

TOWN MANAGERS REPORT
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers August 5th through August 16th. There is a detailed review of the Capital Improvement Plan with some key dates for the DPW pointed out. There is also an overview of the articles for the October Special Town Meeting. It is noted that there is a Historical Commission appointment to ratify.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to ratify the appointment of Andria Kieffer as an Associate Member to the Historical Commission with a term to expire June 30, 2022.

COMMITTEES COMMISSIONS AND BOARDS

4
Selectmen Dalpe reports that there is still an opening on the Tourism Committee. Chairman Stewart reports that there are still open positions on the Conservation Commission and also the Disability Commission has one open position.

**CORRESPONDENCE**

#1 – Chairman Stewart references The Residences at Nemasket River and notes that there are 17 Affordable Homeownership Units available through lottery.

#3 – Chairman Stewart reads the letter from Mr. Albert Dube of 79 Plympton Street asking about the intersection of Wood, Plymouth, East Main and Plympton Street and whether there are any plans to reconstruct the intersection. It is asked that this be forwarded to the DPW Director.

#5 – Chairman Stewart acknowledged the letter received from Jackie Crowley regarding the Humphrey Letter.

**ADJOURNMENT**

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted at 8:26 PM to adjourn.

Respectfully submitted by,

[Signature]

Colette M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN