MINUTES

For approval at the 1-10-11 meeting

DRAFT

Middleborough Board of Selectmen **January 3, 2011**
Meeting Minutes

Chairwoman opened meeting at 7 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen M. Brunelle, A. Rullo, M. Duphily, S. McKinnon and S. Spataro, Town Manager C. Cristello and Confidential Secretary J. Shanley.

ANNOUNCEMENTS
Chairwoman wished everyone a happy New Year.

The Mass DOT Highway division will hold a public hearing to discuss the proposed Route 105 at I-495 traffic signals and intersection improvement project in Middleborough. The hearing will be held in the Selectmen's hearing room at Town Hall, 10 Nickerson Ave, on Wednesday, January 5, 2011 at 7 PM.

The Mass DOT Highway division will hold a public hearing to discuss the proposed Nemasket River Stormwater Pollution Mitigation project in Middleborough. The hearing will be held on the 2nd floor of Town Hall, 10 Nickerson Ave. in the Grand Ballroom on Tuesday, January 11, 2011 at 7 PM.

Selectman McKinnon offered his thanks to the MG&E, DPW and Fire Departments for the cleanup of the streets and sidewalks after the recent snow storm. He commended them on doing a great job cleaning up the downtown area in particular. He reminded the public to clear away their fire hydrants in an effort to assist the Fire Department so that everyone will be prepared in the event of an emergency.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve 12/20/10 meeting minutes with clarification to be made that the resignation was that of Patricia Delaney and not Patricia Cassady.
Four in favor. Chairwoman Brunelle abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session meeting minutes of 12/20/10 with correction to dollar amount in 1st paragraph.

Chairwoman announced Board would be postponing New Business item for the appointment of Treasurer/Collector until a future meeting.

Motion made by Selectman Spataro to award SERSG paving contract to Aggregate Industries of Saugus, MA with question by Selectman McKinnon as to whether or not this is the same contractor who had paved Wood Street. Town Manager explained that it was the same contractor, however, he confirmed with DPW Director that the past mistake

by this contractor had been corrected. Motion seconded by Selectman Rullo. Four in favor. S. McKinnon opposed.

Selectwoman Duphily asked Town Manager to confirm Town Clerk's statement that the figures being proposed as license fee increases are average for other towns. Town Manager confirmed and noted that they are modest increases. Selectman Rullo offered that he wants to make sure that the Town is at least covering its cost. He asked Town Manager if it appears to be. Town Manager noted that, according to the Town Clerk, it is. Selectman McKinnon noted that while the fee for pole locations are being doubled, we are keeping zoning maps at the same fee. Town Manager responded that we are going to revisit zoning when we cover recodification. Brian Giovanoni addressed Board regarding resident landfill permit fee. He offered that he thinks it is very cheap. Selectman Spataro asked the Town Manager if we can look at fees with more frequency. Town Manager indicated that it makes sense to do that. He further noted that we will be looking at the Board's fees again and the Fire Chief will be looking at his permitting fees. Town Manager recommended reviewing every third year.
Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve increase in fees as presented by the Town Clerk.

Town Manager's Performance Evaluation
Chairwoman announced she met with Town Manager a few weeks ago and went over the Board members individual evaluation comments. Chairwoman explained the different categories on the evaluation form for which the Board members can grade the Town Manager. In summary, the Town Manager fell between meets and exceeds requirements. Much of which was based on the goals and objectives set by the Board one year ago. Chairwoman allowed the Board members to go through their evaluations and make some of the following comments.

Selectman Rullo

- very pleased overall
- did excellent job keeping the Town's needs at the forefront with legislative delegation, community relations
- strong leadership while maintaining a balanced budget
- took reasonable stance with the Town's unions
- could be more effective in managerial area, specifically, the length of time it took to get the new website up and running.
- is still waiting to see method established to measure goals and objectives for department heads to measure their effectiveness.

Selectman Spataro

- stellar job
- only critique is ability of getting Town-owned property back on the tax roll
- job well done

Selectwoman Duphily

- she has a problem with this process and doesn't understand why we do this publicly on him, but no one else - thinks it is disrespectful towards him
- agrees with his own comments on his personal evaluation
- disagrees with one thing which is that she has never been invited to meetings with state officials and thinks the Board should receive reports on any meetings held with state officials in the Town of Middleborough
- thinks there are times that he should step forward more during meetings, as opposed to being so reserved
- is very professional on the phone

Selectman McKinnon

- agrees he doesn't like having this discussion in front of whole world
- communication – doesn't think he has communicated enough with Board, such as EEE issue, specifically, Selectman McKinnon was informed of the latest information by the press while he attended another Town-related event.
- remarkable work during the flood in March, but as a manager, he thinks he should have been working with Fire Chief managing as opposed to sandbagging
- community relations – great job - Massasoit in Town in part because of Town Manager's effort, medical center, Ring road
- has heard comment in Town that people can't read him - since the Selectmen are her only a few years overall, they, and folks in Town need to know where the Town Manager wants to take the Town
- like to see Town Manager help Fire Chief in finding the FEMA/MEMA grants – help him get through some of the road blocks-would like to see him move more on that.
- as a manager, he has to delegate, but doesn't think he checks enough to make sure things are being done and not sure he's taking necessary action when things are not being done - example is the Town's website - would like to have seen him move faster on.
- overall good job, but wants to see better communication
- weekly reports by Town Manager for packets (meetings) do not show a lot of what he's done in a week.
- when members of the Board call the office they should be able to be told where the Town Manager is
- this is a terrible process and he hates it

Selectwoman Brunelle

- is a terrible process, but the public has a right to know how the Town Manager is doing and how he can improve his performance
- he is always accessible

- he can always improve communication, which she noted that he had acknowledged himself
- good working relationship with state agencies, legislative delegation, and attendance at community events
- only complaint she's ever heard is he is slow at returning phone calls
- professional leadership in dealing with staff
- assisted with Massasoit, Rotary money, MORES grant, Katrina Road issue, union contracts, and developed better working relationship with School department
- gives Board best information available to allow Board to make its own decisions
- high ethical standards, energetic - spending whatever time is needed to accomplish needs of the Board
- doing excellent job overall
- thanked Town Manager for everything he's done

Town Manager addressed Board and noted that there is always room for improvement, although he also wanted to clarify that the EEE information had only been given to the press, therefore, he did not have any information to give to the Board.
Chairwoman asked what the Board can do to help him do his job. Town Manager responded that it's been helpful having the Board participate as team with him in meeting with legislators. He would like to continue that.

Chairwoman Brunelle announced she had asked Town Manager to invite in legislative delegation the first week in February to update the Town on the state budget.

Selectman Spataro asked if we could adapt grading scale to a 1-5 instead of 1-3 to allow opportunity to comment further. Selectman Rullo offered that he had that in private sector, but he noticed that they were narrowing it down. He cautioned that he's not sure it would give much more information. He pointed out that "Meets" is a very good grade and he's not sure what benefit there would be to expand the grading range. Selectman McKinnon offered that part of the problem is we don't have much to quantify. Selectman Rullo disagreed noting that goals and objectives can be set and met. Chairwoman agreed and suggested Board could consider putting time frame on goals and objectives.

HEARINGS, MEETINGS & LICENSES
The Public Hearing for the Transfer of a liquor license from Cirelli Marketplace to Perkins Paper is to be rescheduled.

BILLS
To approve payment of Dickinson Wright bill in the amount of $10,931.58 from Resort funds.

Ben Quelle of 25 Wall Street addressed Board and asked the Board to explain what the bill is for and the time period it covers. Chairwoman gave him the time period of invoice. He asked for details of what services were for. Chairwoman responded that it was for various activities.

Allin Frawley asked if this is last bill for the year or the last bill. Chairwoman asked Town Manager if he'd like to comment. Town Manager responded that he would not. Selectman Spataro explained that the attorney in Washington is expensive and the Board is trying to reduce costs. Mr. Frawley asked if this is the last bill for the year. Chairwoman responded that it was.

TOWN MANAGER'S REPORT
Town Manager noted that the Town's DPW department had received a donation in the amount of $127,000 from the Peirce Trustees for a sidewalk plow.

Town Manager noted that the IRS has issued $.51 per mile as its 2011 business mileage reimbursement rate.

Town Manager thanked Jane Lopes of the Gazette Newspaper for putting the Conservation Commission vacancy in the paper. He reminded those interested to send letters of interest to his office.

Selectwoman Duphily:
#1 - noted that the Fire Department has been awarded a Student Awareness of Fire Education (S.A.F.E.) grant in the amount of $5,415.00.
#5 - noted correspondence from the Department of Utilities regarding a merger and wondered if Oak Point would be affected. Town Manager responded that it would not be.
#8 - noted that no conclusion given whether the bridge is stable or not stable. Town Manager offered that if it were serious it would be more obvious.
#10 –asked if we are going forward with the Mizaras Well. Town Manager responded that we are, we own this well, and that this is part of the whole permitting process.
#12 – noted increase in November permit summary for building department compared to October so looks like things are improving.

Selectman McKinnon:
#8 – noted that on page 1 of 4, under Item 61, #7 "Aggradation" is marked as having a severe major defiency. Selectman McKinnon asked for explanation or definition of aggradation. Town Manager to have A. Bagas address and get back to the Board.
#11 – noted SRPEDD Technical Assistance being offered. Town Manager offered that we will scan and send to all department heads.

Selectman McKinnon asked Town Manager if we can give SRPEDD some type of RFP re HVAC system to pool with other towns. Town Manager responded that it's a good thought.

Selectman McKinnon asked when the last time was that the Town put its legal affairs out to bid, if ever. Chairwoman Brunelle responded that we have never done that. Selectman McKinnon suggested that maybe we should look at as it. There may be a more efficient way. We seem to spend a lot of money on legal fees. Maybe we could find a different entity to give us a better cost. He asked if the Board could bring it up in a couple weeks.

Selectman Spataro noted Fire Chief takes home work that he can't get done during the day, such as this grant money he has recently received. This is an example of going above and beyond. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to issue commendation letter to the Fire Chief.

#3 Chairwoman Brunelle noted that she thought the Town owned 98 Cambridge Street. Town Manager to check with OECD Director or Treasurer/Collector.

#3 Selectman Rullo asked what took place at this address. The report from GeoSite Environmental, Inc. says it's on file. Town Manager responded that we often don't get the full report.

#9 Selectman Rullo noted that if a member of the Board is attending the MMA Annual Meeting to represent the Board, that member must be authorized by the Board to vote on its behalf. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize the Town Manager to vote on behalf of Board.

OTHER

Selectman Spataro reported to the Board that he heard a lot of comments that there weren't many holiday lights and decorations on display in the downtown area and people said they didn't hear much about last year's schedule to pick up Christmas trees. They indicated that it wasn't well advertised. Motion made by Selectman Spataro and seconded by Selectman McKinnon to ask DPW Director to pick up this year's Christmas trees for residents. Selectman Rullo offered that it would require a separate run and doesn't see as very cost effective. Selectwoman Duphily agreed with Selectman Rullo and offered that she doesn't think it is money well spent. Chairwoman Brunelle offered that she would rather see the money spent on repairing pot holes. Selectman Spataro responded that residents should get some level of service.
Two in favor. Three opposed. Motion did not carry.

Brian Giovanoni addressed the Board to offer that he finds it funny that people can pick up Christmas trees for their homes, but can't dispose of them for free at the landfill. He then asked when the recycling schedule is. Chairwoman advised him that it is next week.

Michael Solimini addressed the Board and asked even if Governor were to sign, would it be premature to make the appointment of the Treasurer/Collector. Chairwoman read aloud the process of the act. Selectman Spataro noted that State House attorneys modified some of the language that the Town established relative to this appointment.

Chairwoman noted that the Board would have brief Executive Session.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session at 8 PM to discuss strategy relative to Collective Bargaining and not to return into Open Session. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes; M. Brunelle, Yes. Ended at 8:35 PM.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN