MINUTES

For approval at the 10-18-10 meeting

*10/6/10 E.S. Minutes to be voted 10/25/10

Middleborough Board of Selectmen **October 6, 2010**
Meeting Minutes

Chairwoman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

ANNOUNCEMENTS

E-Waste Collection day will be on Saturday, October 16, 2010 from 9 a.m. until 12 Noon in the parking lot of the Town Hall, 10 Nickerson Ave. for anyone wishing to dispose of used and unwanted computers, monitors, keyboards, mouse, and printers. Televisions will not be accepted.

HEARINGS, MEETINGS & LICENSES

Chairwoman opened public Tax Classification hearing at 7:10 PM by reading aloud the public hearing notice as presented on the attached. Board of Assessor's Chairman Anthony Freitas, Jr. addressed the Board and began by introducing Board of Assessor members in and Assessor/Appraiser Barbara Erickson. Chairwoman asked to hear any further comments. Hearing none, Chairwoman declared hearing closed.
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve differential as it exists at 5%. Three in favor. A. Rullo opposed.

Health Officer Jeanne Spalding addressed Board to explain her recommendation to increase Tobacco fees. She explained that it should have increased a few times by now, and therefore, is recommending an increase from $10 to $50 and that she would like to have it in place for this licensing season. In response to question by Selectman Rullo, Health Officer indicated that she did not conduct a survey of what other towns charge, but did note that she is aware that the fees vary from $5 up to $200.
Discussion period ensued.
Motion made by Selectman McKinnon and seconded by Selectman Rullo, to raise fee for tobacco sales to $180 per year.
Health Officer Spalding doesn't want Town to be challenged as arbitrary and capricious. She thinks that $100 - $150 is within reason and would not be challenged.
Selectman McKinnon amended motion to remain at $180 with the expense of one sales enforcement check to be included per year. Motion did not carry.
Town Manager recommended Board set rate at $50 and revisit matter next year.
Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to amend original motion and set rate at $100. Three in favor. Selectman McKinnon opposed.

Selectman McKinnon asked that department heads come prepared with more detailed information when they are presenting requests for change or increases. Town Manager noted.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve 9/20/10 meeting minutes.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve Executive Session meeting minutes.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted to approve 9/27/10 meeting minutes. Three in favor. Selectman McKinnon abstained.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted to approve 9/27/10 Executive Session meeting minutes. Three in favor. Selectman McKinnon abstained.

NEW BUSINESS

Jeff Stevens addressed Board and commended Board and Town Manager for moving forward in making the Town Hall building more energy efficient.
Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to approve requests by the Green Energy Committee to place a sign on the Town Hall lawn to advertise the Green Energy Fair to be held on 11/6/10 from 10 a.m. to 2 p.m. and to use the Auditorium and part of the parking lot for the fair and for the electronics recycling.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to declare kiln as surplus for the COA subject to the item having a value of less than $500.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve M.H.S. Student Council's request to host a small parade that would proceed from the High School, down Fairview Street, up Wareham Street, and turn on to Benton Street to reach Battis Field and for the assistance of a police cruiser leading and trailing the parade, as well as assistance on certain corners were the parade will proceed through, subject to the approval of the Police Chief. Chairwoman asked that Police Chief confirm in writing to the Board.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Common Victuallers license for South Coast Coneys, 10 Merchants Way, Suite 10 with hours of operation as 10:30 a.m. to 8 p.m. Sunday through Saturday.

Bob Burke of American Legion Nickerson Post 64 addressed Board and explained that the Board had granted a licenses to Post 64 so that it could have a fire escape in its building on South Main Street protrude over the adjacent Town Financial Office Building. The Legion Post has sold the building to William Fuller. Upon motion by

Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve.

Middleboro Veterans' Council - Veterans' Services Officer Paul Provencher addressed Board to present the Council's request for permission for selected activities on and around Veterans' Day 2010. Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve.

Veterans' Outreach Center, Inc. Executive Director Joe Thomas addressed Board to announce the third annual "Keep Our Veterans' Warm" Raffle

BILLS
Postponed

UNFINISHED BUSINESS
Town Manager read aloud letter to be sent out by the middle of this month to each of the residents on private streets relative to sanding and snowplowing (attached). Plowing Contractors can apply through D.P.W. Director A. Bagas.
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Town Manager to send letter under his name since he oversees the DPW.

Town Manager went on to explain that relative to Katrina Road, he found a document dated 5/18/87 when the Board declared certain roads as pre-layout Town ways. Raven Street was included on that list and Raven Street later became Katrina through a name change. The confusion came in by the renaming of the road. He thinks it would be an error to continue to treat Katrina as a private way. It would have to be done through the Courts. To do otherwise, would be to take that road and treat part of it differently than the other 8.5 streets, Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to authorize Town Counsel to go forward with doing that. Selectman Spataro asked Town Manager to put together a sheet to send to people on those streets that explains the steps on how to become public way. Town Manager suggested he will add to the letter that anyone interested can contact the Town Manager's office. Selectman Spataro reiterated as long as it includes some type of list
Chairwoman asked that the court-filed paperwork and related documents be given to spokesperson representing Katrina Road. Name to be given to Board's secretary.

TOWN MANAGER'S REPORT
Town Manager noted Notice about two Public Works employees Jeffrey Jenness and David Muse relative to their achievements in the snowplowing driving finals at the New England Public Works Expo and letters of congratulations prepared for Board's signature.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to authorize Chairwoman to sign the Hazardous Waste Recycling Cooperative Agreement.

CORRESPONDENCE
5 - Stop sign request - intersection of Beech & East Streets. Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to send over to Police department for safety recommendation.

OTHER
Selectman Spataro had been asked and if it is possible for residents to be able to put unwanted belongings onto sidewalks for a Town-wide pick up day. Selectman Rullo and Selectwoman Brunelle were asked same question. Chairwoman asked Town Manager to contact Waste Management to see if they could help out. Town Manager will look into. Selectman Spataro noted that it may not be possible as back in the days that it was allowed, we didn't have concerns about what went into the landfill.

Allin Frawley addressed Board and noted that he missed amount on the Dickinson Wright bill. Town Manager informed him that the Board postponed the bills for this meeting. Mr. Frawley requested a running total of what's been paid thus far out of this Casino funds and the total paid to Attorney Whittesley. Town Manager will get for him.

Upon motion by Selectman Rullo and Seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining and Pending Litigation and not to return into Open Session. Roll Call: M. Brunelle, Yes; A. Rullo, Yes; S. McKinnon, Yes; S. Spataro, Yes.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN