

MINUTES

For approval at the 10-6-10 meeting

***Please note that the 9/27/10 minutes will be delayed due to failure of multiple pieces of equipment at Town Hall. These minutes should be available on line next Monday 10/4 or Tuesday 10/5.**

**Middleborough Board of Selectmen
Meeting Minutes****September 20, 2010**

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.

Chairwoman announced that due to equipment difficulties, Comcast would not be airing this meeting live, but would run the meeting Tuesday, September 21, 2010 at 7:00 PM.

ANNOUNCEMENTS

The Council on Aging (C.O.A.) was awarded a grant from GATRA to expand its transportation services. Starting in late October, there will be a van from Middleboro to Taunton on Monday, Wednesday and Friday. Further details are available through the C.O.A.

The C.O.A. will be holding a workshop called "My Life, My Health" with an introduction on 9/29/10 at 10 a.m. at the C.O.A. building. This is a six week workshop from 9 a.m. to 12 Noon on Wednesday, 10/6, 10/13, 10/20, 10/27, 11/3, and 11/10. Registration required. The workshop is free of charge.

Special Town Meeting (STM) will be held on Monday, October 4, 2010 at Middleborough High School at 7:00 PM.

Chairwoman announced that the Board had two last minute requests for two One-day liquor licenses and asked if Board had any objections to hearing the requests. Board responded that it had none. Chairwoman indicated that they would become items 10 and 11 under New Business.

Selectman McKinnon thanked everyone who came out to vote this past Tuesday, in addition to Poll workers, and those who held signs.

Chair requested that Board's secretary switch location of "Minutes" with "Announcements/Recognitions".

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 9/8/10 meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 9/8/10 Executive Session meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to approve 9/13/10 meeting minutes with correction, as noted, on page 3.

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Upon motion by Selectwoman Dughily and seconded by Selectman Spataro, Board voted unanimously to approve 9/13/10 Executive Session meeting minutes, with corrections, as noted, on pages 2 and 3.

NEW BUSINESS

Mike Pasalacqua and Jason Dunphy represented John Cacciatore on his application for the rental of the Town Hall Auditorium to hold the "Carmfest" fundraiser concert. It was noted that last year, the group raised funds that were donated to the Nichols School (30 guitars) and this year, funds will be donated to the Town of Lakeville School system.

Chairwoman noted the following:

- Nothing is to be put on the piano
- She had received a call last year re underage drinking at the event
- Hours on the liquor license were 5 pm to 10 pm and alcohol was served well beyond
- Attendees were bringing alcohol outdoors

Chairwoman read aloud recommendations by Police Officer Nelson. A copy of the report was handed to the applicant's representatives.

Selectwoman Dughily noted that appropriate permits will be required from the Health Department

Board's Secretary clarified that the bartender hired at last year's concert had been issued a liquor license with very clear hours for serving.

Chairwoman asked how many people attended last year to which the response was between 200 to 300 people. Chairwoman noted that the room has a capacity of 400.

Selectman Rullo suggested that the Board postpone until next week in order to get the Police Chief's input. Chairwoman stated that what she saw last year can't happen again.

Selectman Spataro asked why it is necessary to have the lights off during the concert. Mr. Cacciatore's representatives responded that they believe that the lights are off for 45 minutes while the last band plays. Selectman Spataro asked if they objected to leaving the lights on to which they responded that it would be nice to at least be able to dim the lights. Selectman Spataro offered that he witnessed drinking in the parking lot. He then asked if there is any reason not to hold the event in Lakeville if the fundraiser is to raise money for Lakeville. The applicant's representatives responded that they like Middleborough Town Hall.

Selectwoman Dughily requested that Mr. Pasalacqua and Mr. Dunphy bring the Police Officer Nelson's report back to the entire group to review so that they are aware of his comments and recommendations. She further noted that nothing is to be taped to the walls. Applicant's representatives agreed to let everyone know that. Chairwoman noted that the application does indicate that pizza will be served and therefore, the applicant must check with the Health Department for appropriate permits. Selectman Spataro questioned the hours being requested. Representatives responded that they will set up at 12 Noon and that the band would play from 5 pm until 12 a.m. Selectman Spataro

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requested that the Board's secretary research if the Board generally allows bands/events to continue that late at night.

Representatives noted that they began holding the "Carmfest" fundraising concerts in memory of John Cacciatore's brother, Carmine, who died in a car accident.

Chairwoman announced that the Board would continue the matter to its next meeting.

Holly Begley addressed Board to discuss application to utilize Town Hall property to hold Boy Scout Troop 96 yard sale. Ms. Begley asked if the Troop could also sell candy bars at its yard sale. Chairwoman told her to check with Health Department and that no stakes are to be used in the Town Hall ground if placing an advertising sign on the lawn. Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve use of Town Hall lawn by Boy Scout Troop 96 for Yard Sale on Saturday, October 2, 2010 from 8 a.m. to 4 p.m., with a rain date of October 9th.

Herring Fisheries Commission Bylaws

Upon Chairwoman noting that there weren't any representatives from the Commission in attendance, Selectman Spataro noted that part of the bylaw reads volunteers from Middleboro, Lakeville, or other communities may serve. Selectwoman Duphily offered that she believes that it is open to other communities because there were some Native Americans who were serving as volunteers. Chairwoman noted Town Counsel's recommended changes. Allin Frawley addressed Board to share that it is his understanding, after having had attended Commission meetings, that the reason behind the change, is to open it up to others to volunteer to count fish to help the Commission get an accurate count of fish. Chairwoman asked Secretary to check with Commission and announced that the Board would address at its next meeting.

Selectman Rullo offered to serve as the Board's representative on the I.T. Assessment Implementation Task Force. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to nominate Selectman Rullo to serve as the Board's representative.

Selectman Spataro offered that he personally knows Clare Cole who has requested to be appointed to the Cultural Council and he would recommend her appointment. Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to appoint Clare Cole as a member of the Cultural Council. Chairwoman noted that they are still looking for additional people to serve. Those interested should submit letters of interest.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to re-appoint Laura O'Connor and Melissa Oddi-Morrison to the Commission on Disability.

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Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for Joseph McMahan, 3 Lakeview Terrace, in the amount of \$13,247.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for Diane & James Berger, 170 Wood Street, in the amount of \$12,775.

Town Manager informed Board that Water Department Superintendent Joe Silva asked that the Board postpone matter regarding Meter Reading System upgrade until a source of funding can be found. They will request a future date to address.

Selectman Spataro asked if Tighe Sales stops being sole source selling this product (hand-held readers), and decide that they weren't going to carry it anymore, would we be able to get additional units or parts from an out-of-the area re-seller.

Mr. Silva responded that Tighe Sales is the sole source, but he would imagine that someone else would pick it up or we would go through the manufacturer. He will inquire. Selectman McKinnon asked how the device would be used for leak detection.

Mr. Silva explained that it is through the use of sonic waves and is recorded through a computer over a 24 hour period. Mr. Silva added that the last leak detection program was over two years ago and that you have to do the whole Town once every two years.

Selectman Spataro offered that he ran into some Water Department employees who commented that Mr. Silva is a great manager and he applauded him for that.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to accept the donation of computer equipment from Mayflower Bank with a letter of appreciation.

Chairman David Cavanaugh of the Herring Fisheries Commission addressed Board and confirmed that, in the past, they have had out-of-Town residents express a willingness to serve as Observers and Town Counsel saw no problem with it, but did note that anyone on the Commission had to be from Middleborough or Lakeville. An Observer and a Fish Warden are essentially the same, but the Fish Wardens are the actual Herring Fisheries Commission, the appointed Board, that has the voting power and the power to expend funds whereas a Volunteer Observer has no power. They are volunteer helpers. They check the Herring permits when the permits are on sale, monitor the runs, and assist in whatever work is being done by the Commission.

Selectman Spataro offered that his only objection would be if they had the full duties that a Commission member has and if someone from out of Town were to tell a Middleborough resident what to do. He asked if the Commission was short on volunteers. Chairman Cavanaugh explained that it isn't so much that the Commission is so short handed that it needs to draw from out-of-town, it's more that individuals are offering to serve. Selectman Rullo asked if the Commission has any concerns with the changes to the bylaw. Chairman Cavanaugh responded that it does not.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to accept Herring Fisheries Commission Bylaws as written.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to approve a One-day All Alcoholic Beverages Liquor license for Muckey's Liquors for 9/27/10 from 5 p.m. to 11 p.m. at Oakpoint for an annual golf tournament fundraiser.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve a One-day Wines & Malt Beverages Liquor license for 9/23/10 from 5 p.m. to 11 p.m. at Oakpoint for a golf tournament dinner. Selectman Spataro thanked Don Triner for his charitable work.

HEARINGS, MEETINGS & LICENSES

Nurse Lisa E. Bedard addressed Board to talk about the recent drowning of a twelve-year-old boy at Tispaquin Pond. She expressed that it is upsetting to her that the Town only has two divers at the Fire Department, noting that, it doesn't mean that this boy could have been saved. She suggested that the Town needs to increase the number of divers, even if it means increasing our taxes. She wants to know why the Town can't find some money to man the South Middleborough Fire department. She hopes that the Town can find some money to take care of these issues.

Fire Chief Benjamino addressed the Board and clarified that the Town has approximately 15 certified divers. That day, we only staffed central station due to the budget. South Station was not staffed that day due to the budget. We staff it 60% of the time because that is all that the budget will allow. We do not staff north station at all at this point. He thinks we should. On that particular day, there weren't any divers on duty. Off duty divers responded that day. Nine off duty people responded immediately. Chairwoman acknowledged that the drowning was a tragedy and the Town does the best it can with what it has. There is no money in the budget at this point. Ms. Bedard offered that there has to be more that can be done regarding public safety. Selectman Spataro asked the Chief to confirm that the first responder arrived on scene within three minutes. Selectman Spataro commended the Fire Department, both on-duty and off-duty personnel, noting that the response time was outstanding. Ms. Bedard ended by suggesting that the Board needs to think about a way to find money to put towards public safety. Chief Benjamino confirmed that the call went out to all off-duty and call firefighters to respond. Some of the certified divers are from the Call Department, but there are approximately ten certified divers on the Full-time Fire Department. Glenn Montapert asked if it wouldn't be prudent that a facility offering swimming would have a lifeguard on duty and rope off areas. Chairwoman responded that it is private property and one would hope that they would. Mr. Montapert asked if the Town could enforce those safeguards on such a property when it is licensed by the Town. Chairwoman explained that this campground does not have a license. Selectwoman Duphily noted that it is under litigation.

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Chairwoman opened public hearing at 8:10 PM on application made by Verizon and the MG&E for a joint pole location by reading aloud the public hearing notice (attached). Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve.

Danielle Bowker addressed Board and announced the receipt of a Grant from the Library Services and Technology Act administered by the Massachusetts Board of Library Commissioners. This is a one-year, federally funded Grant, which provides funds to the Library to assist in serving "job seekers" in the community. A survey will be available at the Library to find out what the public needs to learn to help find employment. Online services are available 24/7. Library hours are Monday through Thursday from 10 a.m. to 8 p.m. and Saturday from 10 a.m. to 3 p.m. The grant is \$7,500 and was initiated by the Friends of the Middleborough Library. Selectman Rullo congratulated Ms. Bowker on getting the grant. It is a one-year grant.

The Friends of the Library Book sale is this Wednesday night, Thursday from 2 p.m. until 8 p.m. and on Saturday.

Chairwoman congratulated Ms. Bowker for being awarded the grant and thanked her for applying for it.

Special Town Meeting Warrant Articles

Board held public hearing on the Special Town Meeting Warrant Articles with discussion and presentations by Town Department Heads.

Town Manager noted that he will be giving the Board his recommendations on all of the articles next week, noting however, that there aren't any funds for these items.

TOWN MANAGER'S REPORT

Town Manager reported that he appointed Karen Gorich as Senior Clerk in the Water Department.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to authorize backfilling her former position, as Clerk, in the same department.

Town Manager noted letter to MA Highway saying that we will take responsibility for the signal at Campanelli Drive now that we are going to get funding by the State for that.

Town Manager provided the Board with Capital Planning notes of the first meeting as his way of saying that the Committee has started meeting and will continue to meet regularly.

Town Manager noted that the Board has a copy of his appointments to the I.T. Assessment Implementation Task Force. Selectman Rullo will call the first meeting of

the Task Force. Town Manager offered that a letter would be sent out to each of the members, prior to the first meeting, reminding them to get sworn in.

CORRESPONDENCE

#4 – Selectwoman Duphily noted that she had received a number of calls from neighbors of the Stewart Morgan property on Long Point Road and Marion Road. There had been a sign put on the Gillette’s driveway, which they were upset about. They went to Conservation Commission Meeting and explained the whole situation. There had been a number of people using that property and also the White Banks for drinking at night. They’ve requested more patrol of the tip of that property. The sign has been moved to Long Point Road on the corner. She will follow up.

#6 – Selectwoman Duphily noted the Building Department Permits summary and Health Department Permits summary..

#6 – Selectman McKinnon offered that he was surprised with the 51 permits issued on the Building Department Permit Summary, that the total dollar amount is \$53,409. He would think that the Building permit for the health facility would have increased that figure. Town Manager and Chairwoman offered that they don’t think the facility has the permit yet. Town Manager will check.

#12 – Selectman McKinnon noted application for position of Constable and confirmed with Board that there aren’t any current vacancies. Board agreed letter will be sent to applicant noting that application will be kept on file for future reference.

OTHER

Chairwoman handed out binders and explained that she is trying to get all procedures for the various Board hearings and permits and the procedures that the Board’s Clerk is responsible for, put together, and placed in these binders.

Selectman Rullo updated the Board re Finance Policies. He met with the Finance Leadership of the Town and thinks they’ve come to a consensus of what needs to be done. He met with the Capital Planning Committee last week and asked for their input on the Capital section of the Finance Policies.

Selectman Spataro noted updated list by Chairwoman of outstanding Board action items.

Selectman McKinnon noted event at Massasoit Community College last Friday. Ninety eight students enrolled for fall semester. Many politicians were in attendance. It will impact our downtown and entire Town. He commended all those involved in pulling that together. Chairwoman noted it was especially nice to have all of the politicians there.

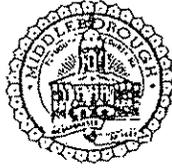
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Selectman Spataro noted the newly opened Burt Wood School of Performing Arts. He applauded the efforts in making the building look much more improved.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted by Roll Call to go into Executive Session at 10:27 PM to discuss strategy relative to Collective Bargaining, Pending Litigation, and Non-Union Personnel Contracts 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 11:15 PM.

Jackie Shanley, Confidential Secretary



A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 20, 2010 at 7:30 PM, for the purpose of discussing the petition filed by Middleborough Gas & Electric Department and Verizon New England, Inc. to relocate Pole One Hundred and Forty (140) on Wareham Street. This petition is necessary in order to accommodate a planned driveway as part of a used car sales area. Anyone desiring to be heard on this matter should appear at the time and place designated.

Marsha L. Brunelle
Alfred P. Rullo, Jr.
Muriel C. Duphily
Stephen J. McKinnon
Steven P. Spataro
BOARD OF SELECTMEN