

MINUTES

For approval at the 11-15-10 meeting

**Middleborough Board of Selectmen
Meeting Minutes****November 8, 2010**

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

ANNOUNCEMENTS

Chairwoman read aloud announcement re Household Hazardous Waste Collection Day to be held on Saturday, November 13, 2010 in the Town Hall Parking Lot from 9 a.m. to 1 p.m.

Selectman McKinnon thanked everyone who voted on Tuesday, November 2, 2010 and those who came out and held signs.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to approve 11/1/10 meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to approve 10/25/10 Executive Session meeting minutes. Four in favor. Selectman Rullo abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to approve 11/1/10 Executive Session meeting minutes. Four in favor. Selectman Spataro opposed.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to declare Fire Department Ford Box Van - VIN# 1FDJE30M2PHA95646 as surplus.

Upon motion by Selectman Spataro and Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Muckey's Liquors for an event to be held on 11-20-10 at 200 Oak Point Drive from 5:30 pm to 11:00 pm.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve crediting the fee previously paid by Mr. Triner for a license not used and have it put towards this one.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve a One-day Wines & Malt Beverages Liquor license for the Professional Bartending Service, LLC for an event to be held at Town Hall, 10 Nickerson Ave. on 11/27/10 from 5 p.m. to 11 p.m. w/ the agreed upon additional Police Details as deemed necessary by the Police Chief, no alcohol to be taken outside of auditorium, Town Hall rental applicant John Cacciatore to check with the Health Department for any necessary food permits, band will stop playing at 11 PM, cleanup and breakdown will be between 11 PM and 12 Midnight, all rules contained within the Town Hall rental agreement will be complied with, a copy of the Liquor license will be given to the police

detail officers covering the event, once a Liquor license is applied for and approved, the original Liquor license, which will be given to the Bartending Service, must be in the possession of the Bartender during the event, and its hours for "serving" adhered to.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to approve Confidential Secretary's Employment contract, effective 11/13/10 through 11/13/13.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to not meet on Monday, November 22nd.

BILLS

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to pay bill in the amount of One thousand two hundred seventy nine and ninety five cents to SouthCoast Media Group.

TOWN MANAGER'S REPORT

Town Manager made Board aware of status regarding Competitive Grant re Woloski Park Neighborhood Acquisition. Dan O'Grady of 5 Woloski Park addressed Board and referenced Alice Elwell's newspaper article yesterday. He reports that they never had a flood in the neighborhood until this past spring. He doesn't see likelihood of reoccurrence. He thinks that the road should be restored if a grant is achieved. It's a dip in the road that is a problem and not the road itself. He noted that within the grant it talks about the disposal of 8 houses and that will probably cost as much as the grant itself. Chairwoman explained that FEMA is part of it, being in a flood zone. Severe flooding costs them money also.

Town Manager noted letter prepared for Board's signature to Mr. Horstmann, CEO of Mass Tank congratulating Mass Tank upon manufacturing offshore components for the Cape Wind renewable energy project.

HEARINGS, MEETINGS, & LICENSES

Chairwoman opened public hearing on application by A&C Motorcycles for a Class II Automobile Dealer's license by reading aloud the public hearing notice. Applicant Charlie Taft and his wife addressed Board and noted that they but have outgrown their current space and would like to relocate to 461 Wareham Street. Chairwoman read aloud comments provided by Town departments. Chairwoman asked for clarification since application calls for vehicles. Mr. Taft explained that there is no such thing as a Class II for motorcycles, therefore, this is the type of application that would apply. He will primarily sell motorcycles, but will also be able to sell cars. Chairwoman asked to hear comments from the public. Hearing none, Chairwoman declared hearing closed.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to approve, subject to a clean CORI report being received. Selectman Spataro thanked applicant for keeping business in the Town of Middleborough.

Town Accountant Steve Dooney addressed Board to present Financial Report 2010. Dooney will provide six month updates. Chairwoman asked that he let us know when he's ready so we can schedule on the agenda. He will let us know 3rd week in January.

NEW BUSINESS

Chairwoman noted that the Indirect Cost Report will be postponed until the Board's next meeting due to minor corrections needing to be made.

HEARINGS, MEETINGS & LICENSES

Health Officer Jeanne Spalding noted that Body Art person not present – she sent notice to last known address, but received info he may have moved. Health Officer informed Board that she would like to move forward with the hearing. Chairwoman indicated that the Board would wait a few more minutes.

CORRESPONDENCE

#7 & 8 Winthrop Atkins re-development - Selectman Spataro noted that he was approached by residents in the area of Winthrop Atkins building about the proposed influx of people on a dangerous corner and on a road in need of maintenance. They hope that the Town will take the neighborhood into consideration. Town Manager offered that DPW Director A. Bagas is to check with the engineer to follow up on concerns previously raised.

#1 161 S. Main Street - Selectman Spataro noted that the building (church) looks great.

#5 Selectman Rullo noted that the letter from Mr. Malcolm of Edgeway may deserve a response. Town Manager noted he believes Mr. Malcolm is presently unavailable, but that he comes in frequently and will most likely be in at some point at which time they can discuss his concerns.

#4 Selectman McKinnon noted Big Bag Flood Defense System correspondence and asked if it could be sent to the Fire Chief– send to Fire Chief. Town Manager responded that he had sent it to Fire Chief and Conservation Commission.

Chairwoman received a letter from neighbor to unaccepted street near River's Edge and noted that a bus driver is concerned about safety hazard relative to snow plowing. Chairwoman will forward to Board's Secretary for packets next week.

Selectman McKinnon asked how the Town tracks mileage relative to mileage reimbursement. Town Manager offered that he imagines the departments track by keeping a log. He doesn't think there is a particular form. Chairwoman thinks they put the mileage and where they traveled to and from and include it on the warrant for the payment of the bill. Selectman McKinnon thinks we should have a particular format. Town Manager is not sure one doesn't exist. Selectman McKinnon wants to see some type of process to keep track of. Selectman Rullo had spoken with Town Accountant and Accountant reported that the Town may spend approximately \$5k per year on mileage reimbursement. Town Manager will check out the level of documentation.

Mike Solimini addressed Board and noted that every year we see a fuel charge for all the Town vehicles. He asked how the Town tracks fuel for Town vehicles. Chairwoman informed Mr. Solimini that the Town uses the Gasboy system since July 2010 and that it requires drivers to key in a code and car identification number. They are still finalizing and tweaking. There is a monthly report generated.

HEARINGS, MEETINGS & LICENSES

Health Officer Jeanne Spalding addressed Board re Body Art Establishment Permit & Body Art Practitioner Permit – 378 Centre Street. Health Officer reviewed her report submitted to the Board in preparation for this evening's hearing. Health Officer asked that the Board revoke present license to practice. Discussion ensued. Chairwoman asked to hear any other questions. Hearing none, Chairwoman declared hearing closed. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to revoke Body Art Practitioner permit following the recommendation of the Health Officer due to reasons as laid out in the attached Health department violation letter.

NEW BUSINESS

Chairwoman recused herself and left meeting room. Vice Chairman Rullo read aloud request by Burt Wood School of Performing Arts, d.b.a. Lorna Brunelle on her application for a Yearly Entertainment license and Sunday Entertainment license. Lorna Brunelle addressed Board. Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon Board voted to approve both a Week-day Entertainment license and Sunday Entertainment license for Burt Wood School of Performing Arts, d.b.a. Lorna Brunelle. Four in favor. M. Brunelle abstained (recused).

OTHER

Allin Frawley addressed Board to reiterate last week's comments that the legislative delegation needs to be reminded to follow through with the Rotary funding. Chairwoman responded that she wants to give them a little time, noting that they are currently on break.

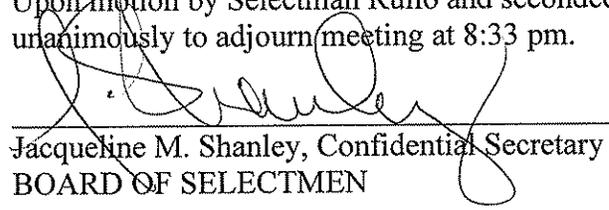
Mike Solimini addressed Board and offered that he hasn't heard anything about Sysco lately. He asked if there is anything going on in Middleborough with them. Town Manager responded that there has been and that they will make decision this Friday about where they want to go (which of two properties).

Mr. Solimini asked how much time has elapsed re Bridgewater prison wanting access to water. Town Manager and Chairwoman noted that they believe the prison has actually declined.

Mr. Solimini asked for an update re Plymouth Street bridge. Town Manager responded that the Town is still pursuing getting on the state's list for repair.

Selectman McKinnon asked Mr. Solimini if he has looked into lighting on Plympton Street. Mr. Solimini offered that the MG&E is meeting tomorrow night and suggested that Selectman McKinnon is welcome to attend and ask.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to adjourn meeting at 8:33 pm.



Jacqueline M. Shanley, Confidential Secretary
BOARD OF SELECTMEN



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer

PH: 508-946-2408
FX: 508-946-2321

October 29, 2010

Mr. Leonard Denson
215 Onset Ave.
PO Box 22
Onset, MA 02558

RE: Body Art Establishment Permit and Body Art Practitioner Permit

Mr. Denson,

On October 8, 2010 you contacted the Health Dept. to inquire about expansion of your Body Art permit to perform tattoo to also allow you to perform body piercing. In addition, you were requesting consideration for a Body Art Establishment Permit at the location of 378 Centre St. in Middleborough.

A complaint was received by the Health Department on 10/19/10 regarding tattooing in an illegal studio by you at the 378 Centre St. location. The complaint also stated the person being tattooed was under 18yrs. Pictures from Face book entry were also given to the Health Department confirming the above. The pictures clearly show you performing tattoo work on a young man in an area of open construction with beer cans, open food boxes and unsanitary conditions.

On 10/20/10, Joan Stone, RN, the Public Health Nurse went to 378 Centre Street accompanied by Robert Whalen, Building Commissioner and you were present at the location. Mr. Whalen confirmed that no Building Permits were applied for the renovations occurring at the location. The Public Health Nurse confirmed that body art equipment was on site. Mrs. Stone asked you if you were doing tattooing at this address, and you replied "no". When asked if you were doing a tattoo on a person under 18yrs, again your reply was "no". Mrs. Stone advised you we were in possession of pictures showing otherwise. You then admitted to doing tattoos on a person under 18yrs at this

9. APPLICATION FOR BODY ART ESTABLISHMENT PERMIT

- (A) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Board of Health.

11. Grounds for Denial of Permit, Suspension/Revocation of Permit, or Refusal to Renew Permit

- (A) The Board may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
 - (1) Any actions which would indicate that the health or safety of the public would be at risk;

12. Enforcement Procedures

- (1) The body art permit shall be suspended immediately upon notice to the holder (without a hearing) when the Board of Health has reason to believe that an imminent health hazard exists.
- (7) Any person performing body art on a minor without a permit and the written consent and the presence of a parent or legal guardian may be penalized by a fine of \$250.00 per violation or brought before the district court.

A public hearing has been scheduled before the Board of Selectmen/Health on **November 8, 2010, at 8:10pm** in the Selectmen's Meeting Room of the Town Hall on Nickerson Avenue relative to revocation of your practitioner permit to perform body art in the Town of Middleborough and rejection of your request for a body art establishment permit.

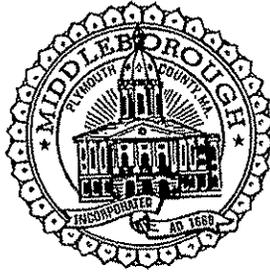
You have the right to a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence relative to proceedings to revoke your permit. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

Please contact this office if you have any questions.

Yours truly,



Jeanne Spalding, Health Officer
Middleborough Health Department



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

MEMO

Leonard Denson- Tattoo

A complaint was received by the Health Department on 10/19/10 regarding tattooing in an illegal studio by Leonard Denson. The complaint also stated the person being tattooed is under 18yrs. Pictures from Face book were also given to the Health Department confirming the above.

On 10/20/10 I went to 378 Centre Street along with Robert Whalen, Building Commissioner. Mr. Denson was at the premise. I asked him if he was doing tattooing at this address, his reply was No. I asked him if he was doing a tattoo on a person under 18yrs, again his reply was No. I then told him we were in possession of pictures showing otherwise. He then admitted to doing tattoos on a person under 18yrs at an unauthorized location. He states he knew the persons father and had done tattoos for him. When asked if he had signed permission and ID from parent he answered no. I asked if he knew the regulations regarding under 18 and use of unauthorized tattoo studio, he replied he did and knew he was working illegally. He stated he needed the money. I also showed him a photo with open beer container; he just shrugged no audible reply.

At 3:45 pm Mr. Denson came to the office to plead his case. Jeanne Spalding the Health Officer was present. We told him he violated the regulations Section E #3 page 11 and section 5 #1-14 , and his permit would not be renewed. He again stated he knew he was working illegally. He was informed also that his application for opening a tattoo shop and doing body piercing would be denied.

Jeanne Spalding R.N. P.H.N.