

TOWN OF MIDDLEBOROUGH
NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

As required by Chapter 39 M.G.L.
PLEASE TYPE OR PRINT LEGIBLY

NAME OF DEPT. OR BOARD BOARD OF SELECTMEN

DATE OF MEETING: Monday 11/29/10 TIME: 7:00 PM PLACE: Town Hall

Date and time received by Town Clerk

Clerk/Board member posting notice

MEETING CANCELLED: _____ DATE & TIME CANCELLED: _____

CLERK/BOARD MEMBER CANCELLING THE MEETING: _____

AGENDA

1. Pledge of Allegiance

2. Announcements & Recognitions:

3. Minutes: 11/15/10 Regular & E.S.

4. New Business - 7:05 PM

1. Vote to Approve M.S. Bike Ride for 6/25 & 26th
2. Vote One-day Liquor Licenses for Muckey's Liquor as Follows:
 - All Alcoholic Beverages Liquor License for 12/1
 - Wine & Malt Liquor License for 12/8
3. Vote One-day Liquor Licenses for The Bartending Service of N.E. as Follows:
 - All Alcoholic Beverages Liquor License for 12/5 With Fee Credited
 - Wine & Malt Liquor License for 12/19
 - All Alcoholic Beverages Liquor License for 6/18/11
4. Vote Appointments to the Council on Aging
5. Vote to Sign Barden Hill Water Tank Circulation System Contract
6. Vote to Award DPW Services Contracts, Effective 1/1/11
7. Vote to Approve Betterment Agreement for 164 Plympton Street
8. Vote to Authorize Zoning Enforcement Action re ATV Track @ 299 Miller Street

5. Hearings - Meetings - Licenses

7:15 PM Ron Burgess re Pratt Farm Project

7:20 PM Police Chief Gates - Discuss Commending Officers re Burglary Arrests

6. Unfinished Business

1. Approve Indirect Cost Report
2. Discussion & Finalize Board Meeting Procedures

7. Town Manager's Report

8. Correspondence

9. Other

10. Executive Session - Collective Bargaining & Non-Union Contract Negotiations

11. Adjourn

**Middleborough Board of Selectmen
Meeting Minutes**

November 29, 2010

Chairwoman opened meeting at 7:03 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 the meeting was being video taped by Verizon and Comcast and was being aired live by Comcast.

MINUTES

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 11/15/10 meeting minutes with request that Secretary add to page 4 under "Other" that Selectwoman Duphily stepped down from the discussion regarding 299 Miller Street.

Discussion ensued relative to an emailed question from Michael Solimini in which he requested that the minutes of 11/15/0 be expanded to include a more detailed description of question he raised relative to the Subcontract Agreement for S. Shore Community Action Council - Community Block grant. Allin Frawley addressed Board to speak on behalf of Mr. Solimini who could not be present. Mr. Frawley clarified Mr. Solimini's request. Town Manager explained that the grant is very targeted for income eligible people who apply through the Office of Economic and Community Development (OECD). Selectman Rullo added that OECD Director Anna Nalevanko indicated that she is going to do an outreach to the people in advance of disbursing the funds from the grant. Town Manager offered that she has received a lot of inquiries already.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve 11/15/10 Executive Session meeting minutes.

ANNOUNCEMENTS

Chairwoman read aloud COA vacancy announcement. Letters of interest may be sent to the Board of Selectmen or the COA with a deadline for submission of 12/22/10.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve 27th Annual Cape Cod Getaway MS Bike Ride on June 25th and 26th, 2011. Selectwoman Duphily requested that the proposed single-file riding of bicycles be enforced. Board requested applicant be notified by way of approval letter.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Muckey's Liquors on 12-1-10 from 6 PM to 11 PM for the "Support The Troops" event to be held at 200 Oak Point Drive.

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Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Muckey's ~~Liquors on 12-8-10 from 6 PM to 11 PM for a "Wine Tasting" event to be held at 200 Oak Point Drive.~~

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for The Bartending Service of New England on 12/5/10 from 1 PM to 4 PM for a "Birthday Party" event to be held at The Oak Point Community Room, 200 Oak Point Drive and to approve applying prior payment for an event scheduled for 11-7-10, but which had been cancelled.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for The Bartending Service of New England on 6/18/11 from 4 PM to 10 PM for a "Wedding Reception" event to be held at 107 France Street.

Vice Chairman Rullo read aloud request from The Bartending Service of New England re The Alley Theatre. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve a One-day Wines & Malt Beverages Liquor license for The Bartending Service of New England on 12/19/10 from 7 PM to 10 PM for a "Book Signing" event to be held at The Alley Theatre, 133 Center Street. Selectwoman Brunelle abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve re-appointment of the following individuals to the Council on Aging Board of Directors for a One-year term, effective 11/1/12:

Barbara Chadwick, 6 East Grove Street
Marilyn Chammas, 13 Lakeview Terrace
Geoffrey Hebert, 167 Centre Avenue
Anders Martenson, Jr., 20 Valley Road
Betty Murphy, 83 School Street
Arthur Turcotte, 840 Center Street
James Waite, 5 Purchase Street

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve Barden Hill Water Tank Circulation System contract.

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to award SERSG DPW Services contract as presented on the **attached**, effective 1/1/11.

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve Betterment Agreement for 164 Plympton Street in the amount of ~~\$16,200.00.~~

HEARINGS, MEETINGS, LICENSES

Selectwoman Duphily stepped away from the table and discussion re 299 Miller Street/ATV issue. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to authorize Zoning Enforcement action relative to same.

Ron Burgess addressed the Board to make brief presentation re the Pratt Farm project and to note that many individuals assisted with the project. He noted that it was more the tremendous cooperation, and not so much the individuals that made the project a success. He noted that the contributions were great and included local businessmen, volunteers, and Town officials. They received a tremendous amount of support. With the state providing essentially nothing, the individuals collectively were able to rectify the problem. Mr. Burgess will forward addresses to the Board's secretary so that the Board can send a letter of appreciation. Selectman Spataro offered a special thanks to Mr. Burgess. Chairwoman Brunelle offered thanks to Town Manager Cristello. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to put letters of commendation in personnel folders.

Police Chief Gates addressed Board to discuss commending police officers who assisted in apprehending suspects in recent burglary activities. Chairwoman read aloud Chief's letter (attached). Chairwoman asked Chief if we are still experiencing problems with break-ins. Chief noted that there was an arrest on Saturday. Chief noted that the Chairwoman's son is a good citizen, with thanks from the Chief as he helped enable an arrest today. Chief thinks that if the officers receive recognition from someone other than him, it would be appreciated. Chief and Chairwoman noted that the public's awareness of their surroundings and their neighbor's properties is strongly encouraged. Selectman Spataro asked if there is an elevated level and cause. Chief responded that the main problem is drug related, but the economy doesn't help. Selectman Spataro asked if the number of incidents is consistent with history. Chief responded that it is no more than in the past. It comes in rashes. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to issue letters of commendations for the officer's personnel files.

UNFINISHED BUSINESS

Indirect Cost Report

Town Manager noted that, in the future, they are going to try and get the Indirect Cost Report before the Board in the spring in conjunction with the budget.

Selectman Rullo asked when the last time was that fringe benefits were calculated and if it can be looked at next time around. Town Manager responded that it can.

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Selectman McKinnon noted that some numbers seem to be missing under school department employee benefits health & retired staff. Town Manager offered that this ~~sheet is primarily useful for doing the report for the state.~~

Selectman McKinnon asked why debt service is in there. Town Manager responded that in some years the borrowing would be there and in some years, it wouldn't. We need to be consistent. Further discussion ensued. Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve.

Board Meeting Procedures

Selectman Rullo addressed 1st paragraph, suggesting that Rent Control Board be added to list of duties. He noted that he had found that the initial draft put too much power in the position of the Chairman, but this draft does not. He thinks that this is a good draft and one which he could support. Chairwoman hopes to sit with Board's Secretary, Town Manager, and Town Clerk to finalize the procedures for licenses. Selectman McKinnon addressed 2nd paragraph – "acting in official capacity as Selectmen" and thinks that should be removed because of times such as when Board members present proclamations at events. Chairwoman noted that this wording may be found the Selectmen's handbook, but that she can adapt the wording to reflect the moments that he is concerned with. Selectman Spataro concurred with Selectman McKinnon. Chairwoman offered that she will develop some new language. Selectman McKinnon suggested removing wording in 5th paragraph re rotating chairmanship as it is in his opinion that if a Chairman is doing a good job and everyone wishes for that individual to remain as Chairman, he wouldn't want that ability to be taken away. Selectman Rullo noted that it only says it's encouraged, not required. Selectman McKinnon noted that he would like to send the Chairwoman a suggestion relative to the election of officers. Chairwoman responded that our Town Manager and Secretary don't want to do it and that she doesn't know what the problem is as it has never been a problem before. Board's Secretary reminded Board that Town Counsel advised her that neither she nor the Town Manager have the legal authority to act in that capacity. Selectman McKinnon suggested that the 3 or 4 selectmen that are not up for election would choose the person who would handle the election. Selectman McKinnon suggested Chairman not serve on other committees as has plenty to do as Chairman. Chairwoman will prepare final draft for input by the public.

TOWN MANAGER'S REPORT

Town Manager brought Board's attention to statements made today to the press by property owner at 299 Miller Street relative to ATV Track.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve installation of a STOP sign on Wood Street northbound at Bridge Street, as recommended by DPW Director and Chief of Police.

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Town Manager noted that he has received a number of calls relating to private ways and that he, the Planning Director, and the DPW Director are going to go out this Friday and ~~look at some of these roads to see what condition they are in so that hopefully we can get them prepared and be able to accept more next year.~~

Selectwoman Duphily asked Town Manager to look into odor coming from landfill again as she received a complaint. Chairwoman noted that individuals are to call Aaron Smith directly. Town Manager noted that they have been given his number and a number of them have called him. Town Manager will get Selectwoman Duphily and Selectman McKinnon Mr. Smith's number.

CORRESPONDENCE

#7 - Chairwoman Brunelle noted letter from Library Board of Trustees recommending honoring Judge Robert L. Anderson on the cover of the Annual Town Report. Chairwoman requested that additional letters of recommendation be sent to the Selectmen's office no later than 1/17 for discussion on 1/24/11.

#3 - Selectman Rullo noted that the ABCC has banned the "Four Loko" Alcoholic Beverages product and asked if the Police Chief was aware. Board's Secretary responded that he is aware.

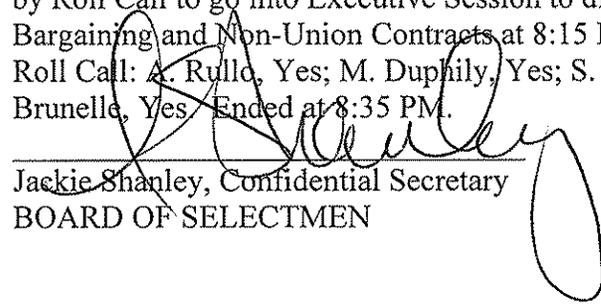
#10 - Selectman Rullo noted Permanent Cable Committee vacancy. Chairwoman announced that letters of interest may be sent to the Selectmen's office to be forwarded to the Permanent Cable Committee. Letters of interest will be due by 12/20/10.

OTHER

Selectman McKinnon received message through his company from the FBI re Smishing and Vishing warning the public not to give out personal information such as bank account numbers, PIN numbers, or credit card numbers if they receive a text message on their cell phones or an automated phone call asking them to call or log into a website and provide such information. This is the time of year for scams.

Brian Giovanoni addressed the Board to ask the Board to consider revisiting the idea of having correspondence and the Town Manager's Report put on-line.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining and Non-Union Contracts at 8:15 PM 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.


Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN