

# **MINUTES**

**For approval at the 2-14-11 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes**

**January 31, 2011**

Chairwoman opened meeting at 7:12 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 noted that the meeting was being taped by Comcast and being aired live by Comcast and Verizon.

On February 1<sup>st</sup> Easter Seals is hosting a scoop-off at the Middleboro Friendly's Restaurant. The scoop-off will launch this year's Camp Friendly's Cones for Kids promotion that benefits Easter Seals camps for children with disabilities. The scoop-off will begin at 5:30 p.m. and will take approximately 45 minutes to an hour. The actual competition is a 90 second timed scooping session. Chairwoman encouraged any Board members who could join them, to please do so.

**MINUTES**

Upon motion by Selectman Spataro and seconded by Select McKinnon, Board voted unanimously to approve meeting minutes of 1/11/11.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session meeting minutes of 1/10/11.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session meeting minutes of 1/11/11.

**NEW BUSINESS**

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve us of Town hall auditorium by MIIA for wellness program for dates as presented.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to approve Town hall rental request and waiver of fees. Selectwoman Brunelle will act as security personnel.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve use of Town Hall by the Rotary Club for its annual Arts & Crafts Fair on 7/16/11. Four in favor. M. Brunelle abstained.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day Wines & Malt for Muckey's Liquor, subject to

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application correction for dates as presented. Board's Secretary to research if the facility could qualify for a full-time liquor license.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to approve a One-day All Alcoholic Beverages Liquor license for the Bartending Service of New England for an event to be held at the Alley Theatre, 133 Center Street. Four in favor. M. Brunelle abstained.

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to declare equipment as surplus as presented by OECD and to donate the equipment to the Soule Homestead Education Center Electronics & Appliances collection day scheduled for 4/16/11 from 10 a.m. until 2 p.m.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to appoint Judy MacDonald as Treasurer/Collector of Taxes, effective the date of the Act.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to designate Waste Management to serve as representative to file required Greenhouse Gas report.

Selectman McKinnon noted that he has received a few phone calls from the neighbors to the landfill and noted that they have been unsuccessful in find a solution to the ongoing problem. Chairwoman offered that it is still an ongoing effort and they are continuing to review it. It appears to be occurring during the colder months of the year.

Permanent Cable Committee Chairman R. Silva addressed Board to note that the Committee is recommending that the Board appoint Scott Newall and Maureen Candito to fill the current vacancies. Maureen Candito addressed Board to introduce herself and share her background. Scott Newall addressed Board to introduce himself and share his background. He is a former member of the Committee. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint Scott Newall and Maureen Candito as members of the Permanent Cable Committee as recommended by the Committee.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to dedicate ATR cover to "Judge Anderson and retired employees Donald Boucher, Richard Tinkham, recently deceased Joseph Ciaglo."

Michael Solimini suggested asking the students in schools to contribute by submitting artwork for consideration as the cover. He suggested that maybe we could ask for recommendation from the School Superintendent or perhaps dedicate the cover to military personnel who have returned from Iraq. Chairwoman suggested we could ask the Veterans' Agent to list all personnel in his report. Board asked Mr. Solimini to

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submit his request as an email to the Board's secretary and noted that we could consider something from the schools for next year. Brian Giovanoni offered that he thinks the Judge's proclamation is phenomenal.

**CORRESPONDENCE**

#1 Selectman Rullo – MG&E Minutes reflect that they voted at their last meeting to request that the Treasurer invest their money put aside for pensions and benefits mainly into short-term treasury bills and he doesn't think that's allowed under state statute. Chairwoman asked Judy MacDonald to comment on this. Ms. MacDonald noted that it was sent to Town Counsel. She told John Granahan she didn't think they had the authority to tell the Treasurer how to invest their funds and they don't. However, when they did ask her about the U.S. Treasuries, she did look into it and found that the interest rate is worse than what we are already getting in a regular money market account. Right now she is getting the highest rate she can.

#2 Selectman Rullo - Mark Belanger's requested we send letter to our legislative delegation asking them to sign on in support of a revision to the CPA Act, which would lock in the matching funds at 75%, allow CPA money to be used by existing parks, and to allow Towns who are contributing 1% to combine other sources to get to the 2%. Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to send delegation letter as requested with a copy to Mr. Belanger.

Allin Frawley offered that our state representatives and senator have history of backing this bill.

#6 Selectman McKinnon - Plymouth Street Bridge – He would like to send letter to D.O.T. that we want to move forward with rebuilding this bridge. Chairwoman suggested having A. Bagas in next week to clarify questions posed by Selectman McKinnon such as how having something built over the existing structure is going to inhibit water from flowing freely. Michael Solimini offered that it's been a long time since we've done anything with this bridge. Having this bridge cutting off one part of Town from another, has negatively affected voter turnout. He'd be happy to see that bridge repaired. Oak Point is difficult to get to for a polling location.

**OTHER**

Selectman Spataro noted that the Town Clerk had submitted notice of her upcoming retirement. We will need a replacement. He would like to see this position have a residency requirement. He would like to see department heads groom second-in-command who are residents. Chairwoman offered that this position is not under statute to have separate contract. It is a union position and it would need to be discussed with Labor Counsel. Selectman Spataro suggested that the Board could require residency initially, but negotiate it away if necessary. He suggested that the Board shouldn't just

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give it up. Selectwoman Duphily suggested that the Board could make it a recommendation as opposed to a requirement. Selectman Rullo agreed that the Board should give preference to residents, but has problem with restricting the pool. He suggested that Board might express to candidates that they should consider moving to Town, not just department heads, but all employees.

Chairwoman noted that the Board can discuss further on 2/28. These are good paying jobs. When Chief Silva had his opportunity, he said it was worth moving into Town. It's nice that you can take your payroll from here, be nice if you slept here too. Chairwoman responded that you would hope that alot of your employees, especially your department heads, have an interest in the community, live here, work here, and understand what's happening in the community and not just take a paycheck out. Selectman Spataro suggested that if there was a complaint such as the odor at the Landfill and the DPW Director were living here, maybe he would be in the grocery store getting his groceries and somebody could tell him. If you don't sleep here, even if you do the best job, you don't necessarily get a pulse for everything that's going on.

Selectman Spataro additionally noted that the Board's meetings have been going very well, but the Board hasn't talked about priorities. We are going into budget and the Town Manager has talked to the Board in general terms of maybe a couple hundred thousand dollars that we don't have, but we have health insurance that we don't know, so this may be premature, but when we get close we probably ought to have some consideration of what are the priorities. We have been doing everything a thousand cuts. We don't have money for maintenance of these major capital expenditures we have in the Fire Department. Our population, from a policing perspective, - we are almost 40% more residents in Town that in 1970's yet we have less policemen than we did in 1970.

Everything that we are doing in Town is a must have for some resident, but in some point in time, you have to say we need to invest in some things. If we end up as we think and have some reductions then does it become everybody has a little bit of pain or do we invest in some areas or do we invest in some others? He would like active discussion at from a policy perspective. Town Manager can deal with it, but right now he is bringing us a level funded budget. Is that what we as a Board want? At some point we should have discussion about priorities. We have an expensive ladder truck with no maintenance budget. Clearly some of the other vehicles that the Fire Chief is worried about, he doesn't have a budget for and we've already heard about the concern for safety of the people that work for us.

Chairwoman offered that they have ignored many capital expenditure items, whether its equipment or building maintenance that we have to face and agreed Board needs to focus on that. Capital Planning Committee is working on a ton of requests. Hopefully initial budget submissions will be done shortly. We can't cut across the board anymore because there is nothing there. It is going to be very hurtful this year if we can't come up with the appropriate funding to have the services provided to the residents. It's a discussion we have to have. We have ignored maintenance and equipment for a long time.

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Selectman Spataro recognized Pierce Trustees for funding many items that should have come out of the Town budget. Chairwoman noted that we don't even have enough money to maintain the buildings we own. We need to focus on what needs to be done. Selectman Rullo suggested that the Board can discuss next week under financial policy discussion, but added that the Board can't cut across the board anymore.

Selectman McKinnon offered that it's a perspective for the whole Town. There are various needs: public safety, elderly population, children, etc. We have to look at whole picture. The state doesn't help us. Maybe we have to tell the state if they want unfunded mandates, they have to pay for them. If we get together with Plymouth and Bristol County, etc. and say "this is what we need" our voice may be heard.

Chairwoman acknowledged that the Board is asking its department heads to do more with less money. The residents haven't necessarily seen it because the department heads are keeping it going.

Michael Solimini suggested that the focus should be to attract businesses to bring in income. He noted the good things that happened in 2010. There needs to be leadership and questions asked like what benefits are there to businesses to come here. Our state representatives and senator should be working with Middleborough to bring more to our Town. He hopes Board will build on the positives from 2010.

Selectwoman Duphily noted that D.O.T. was here a couple wks ago for a meeting about work that was going to be done to Route 105. They also had a meeting here the following week concerning the Nemasket River and they were not available to get to that meeting. She asked the Town Manager if we had received any feedback as to what happened at that meeting. Town Manager offered that Mr. Bagas notified him that there weren't that many comments made. They expect that to be bid this year and done next year. Selectwoman Duphily asked if they would be getting a report. Town Manager offered that the DPW Director or the engineer could come in to discuss. It is basically a water quality project.

Selectman McKinnon offered his thanks to Mr. Bagas and his employees for cleaning up the downtown snow. They did a good job and the streets this year have been in remarkable shape.

Chairwoman offered and asked Town Manager if he could confirm that, as far as she knows we do not suspend trash pickup due to heavy snow correct. Town Manager responded that we did it at least one time and put it on website, in newspapers and on cable as rapidly as we could. We try not to do it, but they were trying to air on the side of caution. Chairwoman noted that it is not a policy that has been established and we try to avoid it.

Michael Solimini shared his concerns regarding all the snow and the many flat roofs on our schools. Chairwoman offered that she believes the Fire Department tries to take as much snow as possible off of the Bank Building. Town Manager responded that general

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they do not, but we should talk with School Department to see what they are doing and look at our own buildings. Town Manager will touch base with School Department.

Mr. Solimini also noted that a lot of heating systems can get clogged with this amount of snow and he suggested that a public safety message should be sent to the public. He noted that many people watch the Selectmen's meetings, and therefore, wanted to mention. He also suggested that he would ask the MG&E if it could put something in its newsletter, but noted it is put together well in advance. Chairwoman suggested it be sent out with bills.

Allin Frawley asked how the C.P.A. Committee was coming along. Town Manager noted that the Board is scheduled to make the appointments next week.

**TOWN MANAGER'S REPORT**

He and the Chief's decided to join the SRPEDD study for Regional Dispatch. The SRPEDD study was starting to take off and they decided they wanted to see something happen in the short term and not in the forever term. They approached SRPEDD and they had one entity drop out, and therefore, welcomed them.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 8:27 PM to discuss strategy relative Pending Litigation and not to return into Open Session. Roll Call: S. McKinnon, Yes; S. Spataro, Yes; A. Rullo, Yes; M. Duphily, Yes; M. Brunelle, Yes.

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Jackie Shanley, Confidential Secretary  
BORD OF SELECTMEN

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 **DRAFT**

**February 7, 2011**

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

**NEW BUSINESS**

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to approve a One-day All Alcoholic Beverages Liquor license for the Bartending Service of New England for 2/24/11 at the Alley Theatre from 6 PM to 10 PM. Four in favor. M. Brunelle abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for 3/26/11 at the Town Hall, 10 Nickerson Ave. from 7 PM until 12 Midnight.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 57 Atwood Avenue in the amount of \$14,050.00.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 241 Purchase Street in the amount of \$16,460.00.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to appoint the following individuals to the CPA Planning Committee:

Allin Frawley, Conservation Commission representative  
Jane Lopes, Historical Commission  
Josephine Rutherwicz, Housing Authority

**Request Reserve Fund Transfer for Town Hall Cupola**

Chairwoman explained that there is a flag pole located inside the cupola holding it in place in addition to what's left of what is securing it. Selectman McKinnon asked if there are any other alternative sources of funding this project, even initially. Chairwoman responded not unless we went to Town Meeting and the cupola needs addressing immediately. Selectman Rullo agreed it needs to be done fairly quickly. He doesn't think we have any other choice. Selectwoman Duphily confirmed, through the Chairwoman, that the only way to make repairs is to take down the cupola.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve the request for Reserve Fund Transfer for Town hall Cupola in the amount of \$25,000.00

Town Manager explained that the architect recommended doing work as soon as possible. We will start getting quotes tomorrow, get cupola off, then figure out how to fix it. Selectman McKinnon asked the Town Manager if he had received any feedback about expediting the bid process as he had talked about. Town Manager responded that he had not received any feedback yet, but hopefully we can go forward with 3 quotes.

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Selectman McKinnon offered that he doesn't want to sidestep anything, but doesn't want to see anything disastrous happen. Suzanne Dube asked the Town Manager how many quotes he received. Town Manager responded none. Ms. Dube noted that while she had seen one given to the Finance Committee by the Town Manager, she wondered if he had received any more. Town Manager responded that he had not and noted that the Town is required to get three quotes. We will attempt to get the three without wasting valuable time.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to set the Warrant Article deadline for 3/31/11.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to set ATM for 6/6/11.

Selectman Rullo presented proposed Financial Policies for consideration by the Board. These are all suggestive. They are what we should strive to do. It's meant to be a guideline. He urged that Board adopt. Motion made by Selectman Spataro and seconded by Selectman McKinnon to adopt the proposed Financial Policies, with agreed upon language changes. Selectman Spataro thanked Selectman Rullo for putting policies together. Brian Giovanoni requested that the policies be put on website under Board of Selectmen policies.

**TOWN MANAGER'S REPORT**

Town Manager noted he included MMA material but indicated it would be discussed when Legislative Delegation discussion takes place this evening.

Town Manager noted that the position of Senior Wastewater Treatment Plant Operator has been offered to Craig Smail, effective 1/3/11.

Selectman McKinnon asked Town Manager if Mr. Smail has the necessary certification to which the Town Manager replied, yes.

**HEARINGS, MEETINGS, LICENSES**

Chairwoman welcomed State Representatives Thomas Calter, William Straus, and Stephen Canessa. The Representatives gave the Board an analysis of the Governor's blueprint of budget representing his priorities. After a lengthy informational, question, and answer period, the Representatives asked the Board to begin thinking about what it might want and noted that they would like to give communities the tools to create their own revenue by decreasing costs such as healthcare.

Lelaini Dalpe addressed Board and noted that she was speaking on behalf of the Finance Committee. She offered that the one consistency the Finance Committee continues to see is salaries continue to rise while revenue continues to plummet. Services are being cut.

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Residents are losing out on services and pretty soon it will lead to job losses. The Finance Committee knows that we have contracts and unions, but is there any way of talking to the unions and explaining tough times call for tough measures. Representative Canessa responded that it is best answered by the Board of Selectmen.

Representative Calter agreed and offered that leadership is a tough thing. He said they took furloughs and this year took a very modest cut in pay. It falls at the Board's feet and the feet of the Town Manager.

Representative Canessa recommended that the Board negotiate something it feels confident the Town can pay for when negotiating with unions and contracts. It should be fair to the employees and those who fund those contracts.

Chairwoman thanked the representatives for coming in.

**CORRESPONDENCE**

#5 Selectwoman Dumphily warned the public about the dangers of snow on roofs of homes and the importance of cleaning snow off roofs of vehicles, along with digging out hydrants.

#7 Selectmen Rullo asked if we have fixed the labor rates yet to which the Town Manager responded yes.

Selectman McKinnon asked the Town Manager if we have control over the use of our cell phones. Town Manager responded that we do and that's why we send memo once per year, and will speak to people, if necessary.

#12 Chairwoman Brunelle noted Mr. Solimini's emailed suggestion re next year's ATR cover and asked that it be put on future agenda to discuss and that we notify schools of his suggestion for submission of material.

**OTHER**

Selectman Spataro noted that last week he had talked about department heads that live out of Town. It was brought to his attention that he had referenced the former Fire Chief as having had worked and lived in Town, but had not acknowledged the many other department heads that live in Town.

Allin Frawley asked how he can access accepted Executive Session minutes on the website, in particular, this past year's. Town Manager and Board's Secretary offered that they Executive Session minutes should be on the website, however, Executive Session minutes for the past year are due to be reviewed by the Board in the near future for consideration of their release to the public.

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Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:37 PM to discuss strategy relative Pending Litigation and not to return into Open Session. Roll Call: S. McKinnon, Yes; S. Spataro, Yes; A. Rullo, Yes; M. Duphily, Yes; M. Brunelle, Yes.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN