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 4/25/11 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: 4-11-11 Regular Meeting Minutes

4. New Business - 7:05 PM

1. Vote to sign Brewster Ambulance Service contract
2. Vote to sign contract with architect re Town Hall Cupola project
3. Vote Seasonal Water Restrictions as required by DEP
4. Ratify Town Manager's appointments to Conservation Commission
5. Request list of candidates from Civil Service for Police Officer position
6. Vote to authorize use of Town roads re YMCA Triathlon on 6/4/11
7. Vote Re-appointments to ZBA
8. Vote to declare Police department equipment as surplus property
9. Vote to approve One-day liquor license for Bartending Service of N.E. for 4/28/11
10. Approve use of Town roads re Jack Conway & Co. road race 10/1/11
11. Approve placement of signs on T. Hall lawn - Mullein Hill Christian Academy
12. Join the petition of White McGill Realty Group for S. Middleboro Land Exchange
13. Set up Gift account for School department
14. Designate School Zone in front of Burkland & Mary K. Goode Schools

5. Hearings - Meetings - Licenses

7:30 PM Michael Solimini - Discussion re 2011 ATR cover

7:40 PM Robert Poillucci, S. Shore Real Estate Development, Inc. - request approval of water usage @ 6 Bridge Street, Lakeville

6. Unfinished Business

1. Discuss/adopt Board's Rules & Procedures
2. Discussion on topics for future agendas

7. Town Manager's Report

8. Bills

Authorize payment to Murray Brothers re Town Hall Cupola removal project

9. Correspondence

10. Other

11. Executive Session - Collective Bargaining

12. Adjourn

Middleborough Board of Selectmen **April 25, 2011**
Meeting Minutes

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

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

ANNOUNCEMENTS
The meeting was aired live by Comcast and taped by Comcast and Verizon.

Chairman asked Board members if it would be acceptable to them to act on two items that had been submitted beyond the close/posting of the meeting agenda. Board members did not object.

Chairman announced that a pair of earrings had been found in the Selectmen's Hearing room and noted that the Board's secretary would keep them in the office until claimed.

Selectman Frawley attended Massasoit Open House last week. He noted that Massasoit has been a welcomed addition to the community.

Selectman McKinnon acknowledged and thanked Police Chief Gates for taking care of Mr. DiCarlo, a teacher from Massasoit Community College who brought his class for a tour of the police station.

Chairman Rullo reminded the public that the Middleborough Police Department in conjunction with the DEA will be holding the National Take Back Drug day on 4/30/11 from 10 a.m. until 2 p.m. at the police station. Residents are encouraged to drop off any unused/expired prescription drugs to be disposed of properly.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve with correction to p. 3, specifically, noting that it is Mr. Martenson's grandson who is putting the roof on the Animal Control Shelter.

NEW BUSINESS
Brewster Ambulance Service Contract
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve contract with the following question by Selectman McKinnon: Were Fire Chief's comments incorporated into the contract? Town Manager responded that they were.

Town Hall Cupola Architect Contract
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve contract with question by Selectman McKinnon and confirmed by Town Manager that this contract is just for the design.

Seasonal Water Restrictions
Motion made by Selectman Frawley and seconded by Selectman Spataro to approve with questions by Selectman McKinnon as to whether or not we are implementing odd/even number of days per household and if that is incorporated into this. Town Manager responded that he was not sure that it is. Brian Giovanoni addressed Board and offered that DEP restricts all outdoor water use. DEP is doing this in all communities. It is trying to protect more resources. Motion did not carry. Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to postpone action for another week.

Town Manager's Appointments to Conservation Commission
John J. Medeiros of 34 Fernway introduced himself to the Board and shared a little about his background. Eric C. Stebbins, Sr. of 66 Mayflower Avenue introduced himself and shared his interests in helping the Town in this capacity. Chairman thanked both gentlemen. Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to ratify Town Manager's appointments.

Request Civil Service List – One Patrolman
Police Chief Gates addressed Board. He offered that he has held back hiring for past two years due to budget constraints. He has the room to hire another officer, and it will still allow him to stay within his budget, even when the officer, who is presently serving in the military returns. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to request Civil Service List for one Patrolman.

YMCA Road Race & Triathlon
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve use of Town roads for YMCA Road Race on 6/4/11 and Triathlon on 7/10/11, subject to meeting requirements as requested by Fire Chief.

ZBA Re-appointments
Norman Diegoli addressed the Board and noted that he has been a member of the ZBA for 43 years. Chairman commended Mr. Diegoli for his years of service. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the re-appointment of Norman Diegoli of Sunset Avenue and Eric Priestly of 31 Rocky Gutter Street as members to the ZBA with terms to expire in April 2016.

Police Department Surplus Equipment
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to declare Police Department property as surplus, specifically, a 2005 Ford Crown Victoria Sedan, VIN #2FAFP71W95X107516 with 120,244 miles.

One-day Liquor License - The Bartending Service of New England
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve One-day All Alcoholic Beverages Liquor license for The Bartending Service of New England for 4/28/11 at the Alley Theatre, 133 Centre Street from 6 PM until 10 PM.

One-day Liquor License - Sacred Heart Parish
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Sacred Heart Parish for 4/30/11 at the Sacred Hearth Parish Hall from 6 PM until 9 PM.

Jack Conway & Company, Inc. Realtor Road Race
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve the use of Town roads for road race on 10/1/11, between 10 a.m. and 12 Noon, beginning and ending at Conway's sales office, 10 Main Street, Lakeville, contingent upon them contacting Fire Chief to confirm plan for emergency.

Town Hall Lawn Sign Request
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve placement of advertisement sign by Mullein Hill Christian Academy on the lawn of Town Hall immediately for a yard sale to be held on 4/30/11. Three in favor. Selectman Spataro abstained.

Town Hall Lawn Sign Request
Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve placement of fundraiser sign by Nemasket River Productions for the production of "Murder on the Petulant Express" on the lawn of Town Hall from 5/1 - 5/22.

White McGill Realty – S. Middleborough Land Exchange
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Town Counsel to join in the petition on behalf of the Town.

Donation/Gift Account – School Department
Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to authorize the establishment of a Donation/Gift Account for the School department. Selectman McKinnon asked how the account will be tracked. Town Manager responded that it is like any other account. It's looked at as part of annual audit.

Mary K. Goode Schools – "School Zone" signage
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to authorize proper signs be posted designating Mayflower Avenue, where the Henry B. Burkland and the Mary K. Goode Schools are located, as a "School Zone".

HEARINGS, MEETINGS & LICENSES
Michael Solimini addressed Board to propose that Board consider using artwork from schools for next year's Annual Town Report cover. Chairman agreed it's a good idea and asked if he had addressed it with the School Committee. Mr. Solimini responded that this is merely the beginning discussion. Selectman Frawley noted that he will be attending the School Committee meeting on 5/5/11 and would be happy to bring this up. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to authorize Selectman Frawley to collaborate with the School Committee.

Robert Poillucci, S. Shore Real Estate Development, Inc. - Request approval of water usage @ 6 Bridge Street, Lakeville
Mr. Poillucci addressed the Board and noted that he just purchased this property at the end of last year. He is here to offer $50k as a benefit to both Middleborough and Lakeville, which is the cost to do what he's asking to do. Chairman Rullo explained that the Town still lacks an IMA with the Town of Lakeville. Chairman asked if there are some taxes owed to the Town of Middleborough. Town Manager responded that there are some water charges owed to us. Selectman Frawley suggested that throwing $50k away is ridiculous and asked why an IMA isn't being worked on right now. Chairman explained history of the efforts to establish an IMA with Lakeville, specifically, that neither Board was completely satisfied with what the other had wanted within the agreement. Town Manager further explained that the ball was put in Lakeville's court 1.5 years ago with a draft given to them and no response received and he understands Board agreed that, without an IMA Agreement, it would not approve on individual basis. Motion made by Selectman Frawley and seconded by Selectman McKinnon, with comment, to talk with Lakeville and try to work out some type of agreement. Selectman McKinnon acknowledged that there's been a history with that IMA, however, he thinks we may have different mind set today and maybe with change on Lakeville Board recently perhaps we could iron this out. Selectman Spataro offered that it was also sewer service that Lakeville was interested in. He further noted that, if the Town does this, it will be more comprehensive than just a handshake, but he supports looking into it. Selectman Spataro noted that having an IMA helps avoid saying yes to one and no to others and makes things clearer overall. Mr. Poillucci informed Board that his buildings are already started and he can't wait months for this to get worked out. He further explained that there's probably another $20k in permitting fees that will go to Lakeville if Middleborough says no. Robert Dunphy addressed Board and suggested that, as a taxpayer, he'd like the Board to consider the $50k bonus being offered to the Towns of Middleborough & Lakeville. Unanimous vote.

Town Manager asked if Mr. Poillucci has gotten approval of Lakeville Board to get water from Middleborough. Mr. Poillucci responded that he has not. Town Manager noted that it is in the spirit of the IMA is to do that first. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support spirit of the IMA and not act prior to Mr. Poillucci getting the approval of the Lakeville Board of Selectmen.
Mr. Poillucci asked that, in the matter of time, if Board would vote to approve his request, subject to Lakeville's approval. Adam Bond addressed Board and suggested that Board hold off and read facts on Hess decision first. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to wait one week to get more information from Andy Bagas and read Hess background.
Selectman Frawley indicated to Mr. Poillucci that, if he can get Lakeville's decision to the Middleborough Board asap, and if the Board can do it, he would be in favor.
Selectman McKinnon noted that if we don't get paid for our water, we could have problems. Mr. Poillucci offered that he could incorporate into deeds. Town Manager pointed out that Middleborough can't put liens on Lakeville properties. Brian Giovanoni noted that Town Meeting vote is required in approving an IMA. Chairman Rullo explained to Mr. Poillucci that he doesn't want him to delay his project waiting and hoping for this.

UNFINISHED BUSINESS
Rules & Procedures
Motion made by Selectman Spataro to approve as edited. Seconded by Selectman Frawley for discussion: He shared that he had email issues this week and wasn't sure he had most recent copy. Town Manager confirmed that he did.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to make change under Voting section re "revisiting an issue" to "A motion to reconsider a previous vote must be made by a member on the prevailing side. A motion to reconsider must be made at the same meeting as the motion to be reconsidered was voted on.

Selectman Frawley asked if Town Counsel has reviewed/approved section re Executive Session. Chairman responded that we will do that.
Selectman McKinnon suggested scratching out Public Participation on p. 4 and putting public comment under announcements on the agenda for items not already on the agenda. Chairman offered that he will ask public if they have anything they'd like to announce after making announcements on agenda.
Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to move Other to immediately after Pledge of Allegiance on the meeting agenda.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to delete section re Duties of the Secretary.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to incorporate vehicle within document for changing and suspending rules when necessary and that qualified members have to be present, making a majority.

Selectman McKinnon noted that Board needs to verify p. 2 under meetings, 1st paragraph to make sure we have correct wording for going into Executive Session. Chairman will run by Town Counsel.

Selectman McKinnon noted that under Hearing Procedures, we don't have anything in here where evidence must be available by and for both sides. Adam Bond offered that everybody has to have the evidence before the hearings. He suggested that Board just put something in there that copies will be made available to the other side or that the Town will make available to opponent and proponent. If Board has a witness to something, they must be present at the hearings if it is going to consider what they have to say as evidence.

B. Giovanoni asked if Board is going to adopt Roberts Rules of Order. Chairman offered that what Board has here is like a summary of Robert's Rules.

Under Voting section:
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to eliminate part "shall not vote to create a tie vote."

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to add to Voting section: that Board can refer to Robert's Rules of Order as a guide.

Future Agenda Items
Selectman Frawley would like to discuss In-house Ambulance Service with Fire Chief.

Selectman McKinnon would like to see spreadsheet/database created re all permits/licenses to track any issues departments are having with applicants, i.e. taxes owed, etc. Bob Dunphy addressed Board and noted that the Town already owns a computer program to do this and that I.T. should be able to set up easily.

<u>Each Selectman to review the following meeting minutes for outstanding issues:</u>
Selectman McKinnon 2001 - 2002
Selectman Frawley 2003 - 2004
Selectman Spataro 2005 - 2006
Selectman Rullo 2007 - 2008
Selectman Quelle 2009 - 2010

Jim Knox of Tispaquin Street asked if ATM Warrant was available yet. Town Manager responded that it would be available next week and that it would be posted to website.

TOWN MANAGER'S REPORT
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to write to MA Highway that the Town wants to begin process of the replacement of the Plymouth Street Bridge.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to declare Wastewater department Ford Crown Victoria with VIN# 2FALP71W5X229843 as surplus property.

Letter dated 4/13/11 addressed to Town Manager from Pierce Trustees re purchase of a spreader for snow and ice removal was noted.

Letters from Town Moderator appointing Selectmen representatives to various committees was noted.

BILLS
Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to approve payment of bill from Murray Brothers for the removal of the Town Hall Cupola in the amount of $16,609.45.

CORRESPONDENCE
#1 Selectman Frawley asked if Town could write a letter re An Act to Sustain Community Preservation. Town Manager offered that we already have.
#2 & #28 Selectman Frawley asked questions re Permanent Cable Committee meeting minutes: Questions:

- Was use of HB Communications for purchase of new equipment established through a bid process? Town Manager will find out.
- Why is Cable Committee paying for road patchwork at the Middleboro High School from I-Net installation? Karen Foye explained that I-Net is part of Cable Committee not I.T. Town Manager to get clarification.

Karen Foye clarified stipend money, which will be used to pay a bunch of volunteers to tape meetings. They will be paid $50 per meeting.
Chairman noted that it sounds like Board has a lot of questions and suggested having the Cable Committee come in. Selectman Spataro suggested having the Town Manager get answers for the Board instead. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to have Cable Committee come in. Three in favor. Selectman Spataro opposed.

#12 Selectman Frawley – Bristol Plymouth Regional 2012 Assessment – percent increases vary from page to page. Chairman clarified total budget only jumped less than 1% and. Our share increased substantially because of the number of students.
#13 Selectman Frawley – Routine address change from E911 Database Coordinator. He assumes Police and Fire department have this. Town Manager confirmed that they do.
#14 Selectman Frawley offered that he had attended "Two Old Friends" performance held at the Library on 3/11. It was a great time.
#17 Selectman Frawley noted letter from Senator Pacheco re Local Aid.
#20 Selectman Frawley noted letter from Margo King & requested it be put in file.
#11 Selectman McKinnon – noted correspondence from MMA re 2012 House Budget – & that they are looking for letters of support. He asked if that's something Board could do. Town Manager responded that it's already been done through a telephone call.
#16 Selectman McKinnon – SE MA Commuter Rail Task Force – It was noted that Ruth Geoffroy is already representing us.
#18 Selectman McKinnon – noted that the Earth Removal Inspection Reports do not have check marks on all categories. Town Manager explained that DPW Director can't get to those property lines, but he will have him clarify on future reports. Chairman asked if Mr. Bagas could also include any issues that arise under comments. Town Manager noted that he already does.

OTHER
Selectman Frawley noted that he had asked that Soule Homestead web link be added to Town's website and it has been, but under Selectmen's page and he's not sure why. He suggested also adding links to all Town Committees to include Committee agendas, meeting minutes, committee member names, etc.

Selectman Frawley noted that it would be great if we can post draft Warrant to Website a.s.a.p.

Selectman McKinnon noted that he received letter from Representative Straus that the Town will receive $879,139 in Chapter 90 funds in 2012.
Selectman McKinnon acknowledged receiving copy of the Town Audit Reports and noted that he has a few questions. Chairman offered to meet with him to review.
Selectman Frawley noted that he received the reports as well, but that he wasn't sure why he got it as it came without any explanation. Chairman offered to meet with him also if he wants. Chairman suggested they read management letter for overview.

Robert Dunphy asked if anyone has heard from the Tribe. Chairman responded that no one has.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted by Roll Call to go into Executive Session at 9:28 PM to discuss strategy relative to

Collective Bargaining and Pending Litigation and not return to Open Roll Call: S. Spataro, Yes; A. Frawley, Yes; S. McKinnon, Yes; A. Rullo, Yes. Ended at 10:01 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN