

**Middleborough Board of Selectmen
Meeting Minutes**

June 21, 2010

Chairwoman opened meeting by invited those in attendance to join in the Pledge of Allegiance.

In attendance were M. Brunelle, A. Rullo, M. Duphily, S. McKinnon, and S. Spataro.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 6-14-10 meeting minutes with request for Secretary to add to page 3 that the original Fuel Storage permit for 154 Thomas Street had been issued in 1934.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for New England Bartending Services for Nemasket River Production's summer fundraiser event being hosted by the Mayflower Lodge on Sunday, June 27th from 3 PM to 7 PM on the lawn of the old Barrows Estate, 46 South Main Street.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve request by Kellie A. Craig to place a 3' x 5' free standing Welcome Home Sign on the lawn of Town Hall from 7/1/10 to 7/9/10 in honor of the men and woman of the 747 Military Police Company.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve annual re-appointment of Special Police Officer Kurt Vanderzeyde.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve request from Sunoco to be heard by the Board of Health on 6/28/10 relative to Sunoco's Tobacco violation of 5/6/10.

Chairwoman read aloud letter from the EMS Committee re future Ambulance Contract RFP (attached). Town Manager noted that the Board does not have a choice but to go through the required RFP process. Discussion ensued. Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to put out an RFP for the ambulance service for the next cycle.

Chairwoman Brunelle read aloud 2nd letter from the EMS Committee re Girard CQI quarterly reports on A.M.R.'s performance (attached). Discussion ensued. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to approve the EMS Committee's recommendation re CQI.

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Town Manager offered that he had attended the last EMS Committee meeting and relative to a recent questionable violation by AMR. It was agreed upon, at that meeting, that there had been

a violation, but it was not a finable infraction because there weren't enough incidents within that period of time. AMR has taken steps to make sure that it does not happen again. B. Giovanoni added that the first hearing that they had relative to this matter was strictly about the fine portion. At its last meeting it was discussed again and AMR has changed some procedures to make sure that they will not miss something again. Selectman McKinnon noted that he thinks these violations are too much. One is too many, and in his opinion, should be a finable offense. Selectman Rullo would like to see discussion re ambulance service study as a future agenda item. Selectwoman Brunelle noted that she thought that the EMS Committee was working on a recommendation. Brian Giovanoni indicated that they have discussed it and met with the Chief. The Chief is still fine tuning his report. His report is tight. The numbers are coming together on this. He believes the Fire Chief will most likely want to meet on this in the coming months. Chairwoman asked Town Manager to speak with the Chief to see when he is going to be ready so we can get it on an agenda for discussion. Allin Frawley noted that he also attended that meeting and recommends that the Board go to one of those meetings and see what it thinks. He agrees with Selectman McKinnon. It needs to be talked about and addressed and have in-depth discussion.

Upon motion by Selectwoman Duphily and Selectman Spataro, Board voted unanimously to approve the Board's Summer Meeting Schedule as follows: 7/12, 7/26, 8/9, 8/23, 9/13.

HEARINGS, MEETINGS & LICENSES

Parks & Recreation Commission member David Thomas addressed Board to give update. Mr. Thomas noted that the Commission recently hired Fran Cass as the Park's & Recreation department Superintendent. They have a new web page on the Town's website. Fran Cass appeared before the Board. Chairwoman Brunelle congratulated Mr. Cass on his new position. He thanked the Pierce Trustees for financially assisting in repairing the pool liner. He acknowledged the participation of Mr. Cushing and Mr. Atkins. He also thanked the Friends of Middleborough for its donations and partnership in raising funds and the Police Chief and Fire Station personnel, Water Department, and all departments who assist in helping the Commission run. He gave an overview of what the Parks & Recreation program has to offer. He explained that they don't have fireworks on the actual 4th because it would cost an additional \$20k to do that. Fireworks will be displayed on 7/1 and 7/3. The carnival will be held from 6/30 until 7/4. They are going to sell the wares directly to the public so that the department will gain the profits directly for the benefit of the program. He explained that the public may rent the pool any day of the week, but would be required to pay for lifeguard services. They also have grills for cooking. He thanked the Board. Chairwoman thanked them for coming in.

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BILLS

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve payment of bill to The Country Press, Inc. in the amount of \$2,998.00.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve payment of bill to SouthCoast Media Group in the amount of \$2,034.75.

TOWN MANAGER'S REPORT

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to award contracts to the bidders listed below under the SERSG DPW Supplies IFB for a twelve month period commencing 7/1/10. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB. (Attachment)

Town Manager noted the new schedule for Rubbish and Recycling Collection during holiday weeks. This notice will be posted to website per Town Manager.

Selectman McKinnon asked if it will go out with water bills and Town Manager responded that, while it is too late for this one, it will be put in with next round.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to send recommendation by DPW Director A. Bagas and Police Chief B. Gates for installation of Stop signs on Tispaquin Street and Maple Road to the Safety Committee for review or recommendation

OTHER

Selectman McKinnon read aloud the attached prepared statement.

Motion made by Selectman McKinnon and seconded by Selectman Rullo for discussion, that Chairman Brunelle be removed from the position of Chairman and the Vice Chairman Rullo take the position of Chairman for the remainder of the current term, and two, the Board has an election to fill the Vice Chairman position.

In response to question by Selectman Rullo, Selectwoman Brunelle explained that she hadn't recused herself from the I.T. Assessment on Wednesday, June 16, 2010, because it was a final assessment and there were no monetary decisions being made. It was to hear a report. There were no votes taken. She recused herself previously because she had no idea of the parameters of where the assessment would go. Selectman Rullo asked if the Board needed a quorum for that report to be read that night. Chairwoman Brunelle responded that a quorum was not needed. Selectman Rullo asked Chairwoman Brunelle if she intends to participate in these future discussions. Chairwoman Brunelle responded that she does intend to as long as it doesn't involve financial decisions re the I.T.

Director. Selectman Rullo offered that it becomes difficult when it's about the I.T. Director and he thinks Chairwoman Brunelle should recuse herself. Chairwoman

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Brunelle offered that she will contact the State Ethics Commission herself to find out if she should recuse herself. Selectman McKinnon explained that his concern is that there is an appearance of unethical behavior when the person who is married to the Town employee who's department the Board is discussing is presently sitting on the Board. Chairwoman Brunelle responded that the Board additionally discussed the School Department as well that evening and she has the ability to be present for that. Selectman McKinnon responded that the I.T. Manager controls the entire I.T. infrastructure and she is married to him. Chairwoman Brunelle repeated that she would get clarification from the State Ethics Commission. Selectman McKinnon offered that there are monetary aspects to this proposal and the Chairwoman is not supposed to be present for those discussions/decisions as her husband works in that department. Chairwoman noted again that she will get clarification from the State Ethics Commission and if it is still the opinion of the Board that she not participate, she will recuse herself.

Selectman Spataro offered that he doesn't support motion for Chairwoman Brunelle to step down. Motion amended by Selectman Rullo and seconded by Selectman Spataro, that Chairwoman will recuse herself from any future I.T. discussion regarding the IT department regardless of whether it involves finances or not. Selectwoman Duphily offered that she is not in favor of this as she prefers to wait to hear from the State Ethics Commission. She feels it is stepping over the line.

Allin Frawley offered that the Wednesday meeting sounded like a Selectmen's meeting, confirming that it was posted as a meeting.

Robert Dunphy offered that he agrees that there was no financial discussion. If you look at the Assessment, it could be construed as a conflict of interest. And whereas the discussion was controlled by the Chairwoman, it could be considered a conflict of interest.

Chairwoman Brunelle indicated that she recuse herself from future discussions.

Nancy Thomas offered that the Ethics law does address conflict of interest or the appearance of such. She stated to the Board that it elected M. Brunelle as its Chairman and it has every right to question her leadership or decisions in that position. Whatever the Board decides she should do, regardless of the response from the State Ethics Commission, should be abided by.

On the amendment: Two in favor. M. Duphily and S. McKinnon opposed. M. Brunelle abstained.

On the original motion: One in favor. Selectmen Rullo, Duphily and Spataro opposed. M. Brunelle abstained.

Selectwoman Duphily asked for a copy of the written letter. Selectman McKinnon provided to each member of the Board.

Chairwoman requested that anyone, Board members or public, who have items for discussion, please let her know ahead of time to keep people better informed.

Chairwoman noted that we will be having a seminar relative to the new Open Meeting law requirements.

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Selectman Spataro noted to the Chairwoman that the meeting is inconsistent with folks coming up to the podium and sometimes offering their names. It would be appreciated that whenever someone approaches the podium, they introduce themselves by name and the Board will then address those who return to the podium, more than once, by their surname. Chairwoman noted that this suggestion is well taken.

Brian Giovanoni asked if the Board could have the Town Clerk scan the new Open Meeting law documents to get out to Committees. PDF is fine.

CORRESPONDENCE

6-14-10

#4 Auburn Street – Parking of vehicles within 100 feet of bordering vegetated wetland. Chairwoman asked if the Board can get a follow up from the Conservation Commission. Town Manager noted.

6-21-10

#1 Selectman McKinnon noted as a nice letter he and Selectman Rullo had received from Michael Ambrose re their support of the Community Preservation Act.

#7 Commonwealth of MA – Final Charter Commission Districts – Selectman McKinnon noted that anyone interested in running for Plymouth County Commissioner can feel free to call him and he will assist in helping them get signatures.

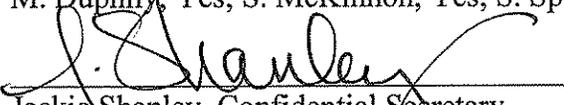
#8 Executive Office of Public Safety – Click It or Ticket – Selectman McKinnon doesn't agree with it because it sounds like a money-maker thing instead of safety measure.

Selectman McKinnon noted that he had received a complaint of a strong aroma coming from K.O.A. Campground. Chairwoman Brunelle noted that she had brought that to attention of Town Manager two weeks ago. Town Manager responded that they have multiple systems out there. They have one that is currently in failure is partially disconnected so that it will not continue to cause problems. Selectman McKinnon noted that this complaint was as recent as Friday. Town Manager will bring to Health Officer's attention that there have been further complaints. Selectman Rullo recused himself from discussion as abutter (family member) approached Board. Tom Garafalo of 436 Plymouth Street addressed Board to bring a complaint that the K.O.A's Campground septic system is in failure and he wants to know what is going to be done about it for public safety. Town Manager offered that the Health Officer informs him that it is being monitored and inspected weekly and pumped regularly. Mr. Garafalo disagrees that it is being pumped according to the guidelines. He has a letter that it is to be pumped once per week. Town Manager noted that it is his understanding that it is. In response to question by Selectman Spataro, Town Manager agreed that he will put Health Officer in contact with Mr. Garafalo.

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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 8:34 PM to discuss Pending Litigation and Collective Bargaining and not to return to Open Session. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes. Ended at 9:40 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

June 21, 2010

As a member of the Board of Selectman I rely on the Chairman to keep the ship of state in safe waters.

Recent events leave me with the feeling that we are headed into the rock pile.

This observation has weighed very heavily on my mind.

The event occurred on Wednesday June 16, 2010. The event was the presentation of the IT assessment by the Edward J. Collins Jr. Center for Public Management. The meeting involved the presenters: Sheldon Cohen and John Powers, Members of the Finance Committee, Members of the School Department, The IT Director Roger Brunelle, Various members of the town, the press and three members of the Board of Selectman Chairman Brunelle, Selectman Duphily, and me.

The Chairman opened the meeting and indicated that where there were no monetary decisions being made she would stay for the meeting. The presentation proceeded followed by questions and answers. After all the discussions were completed the meeting closed and all departed.

The issue that perplexes me was the fact that when we discussed the IT Assessment on two previous occasions (November 2, 2009 and December 14, 2009) Selectman Brunelle recused herself from the meetings and left the meeting room before discussions started. But now that the conclusions are being presented and some of those conclusions are not pretty, Selectman Brunelle elects to stay and control the meeting.

This looks to me like ^{POSSIBLE} an ethics violation and possibly a conflict of interest.

Due to what I perceive to be a very egregious act by the Chairman I make the following Motion:

That Chairman Brunelle be remove from the position of Chairman and the Vice Chairman Rullo take the position of Chairman for the remainder of the current term.

And 2 we have an election to fill the Vice Chair position.

Stephen McKinnon,

Selectman, Middleborough MA.

E M S Advisory Committee
20 Centre Street
Middleboro, MA 02346

June 14, 2010

Board of Selectmen
Town Hall
Nickerson Avenue
Middleboro, MA 02346

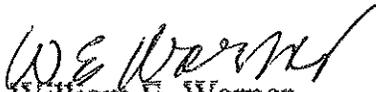
Honorable Board,

At the Committee meeting on June 10, 2010, there was discussion regarding proposed renewing of the Ambulance Contract, which should be addressed in July of this year.

As chairman, I suggest we contact your board, and determine if you are desirous of continuing to current arrangement with A M R without going through the tedious and time consuming process of an RFP and then not accepting the low bidder. Since this is a contract for services I don't believe it is necessary to go through the RFP process.

Please advise the committee accordingly, since is the view of the committee, based on the last RFP situation; we would probably have difficulty getting someone to submit a bid.

Please Advicc.


William E. Warner
Chairman, for the committee

CC: Town Manager

E M S Advisory Committee
20 Centre Street
Middleboro, MA 02346

June 14, 2010
Board of Selectmen
Town Hall
Nickerson Avenue
Middleboro, MA 02346

Honorable Board,

The E M S Committee held its quarterly meeting on Thursday, June 10, 2010 basically to review the Girard CQI quarterly reports on A M R's performance for period. To date A M R has failed reached the goal set by Girard of 85%, for over 2 years.

On a previous occasion A M R had requested the Town not pursue the CQI process in the up coming year. For that concession they would reduce the Annual payment by \$10,000.00.

Since, from the beginning of the CQI, A M R has not as yet reached the goal set by Girard. The committees voted to recommend your board notify A M R the Town would continue to require the CQI reports for another year.

Should you have any questions please do not hesitate to contact us.

Respectfully Submitted,


William E. Warner
Chairman, for the committee

CC: Town Manager

**SERSG DPW Supplies IFB
Fiscal Year 2011
Contract Award Sheet**

The Board of Selectmen of the Town of Middleborough voted at its meeting held on _____, 2010 to award contracts to the bidders listed below under the SERSG DPW Supplies IFB for a twelve month period commencing 7/1/10. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the Board for final approval and signature.

	<u>Estimated Quant.</u>		<u>Bid Price</u>		<u>Est. Value</u>
9. Washed Sand for Snow and Ice Removal					
Boro Sand & Stone, Attleboro, MA	500	\$	11.23	per ton	\$ 5,615.00
14. Concrete Block Catch Basin Structures					
HiWay Concrete Products, Wareham, MA	12	\$	277.78	each	\$ 3,333.36
18. 12" Corrugated Aluminum Pipe					
E.J. Prescott, Brockton, MA	500	\$	9.95	per foot	\$ 4,975.00
23. Water Main Pipes and Fittings					
E.J. Prescott, Brockton, MA	4,000	\$	32.16	per foot	\$ 128,640.00
	12	\$	383.00	each	\$ 4,596.00
	12	\$	383.00	each	\$ 4,596.00
25. Drain Manhole Frames and Covers					
East Jordan Iron Works, Brockton, MA	8	\$	316.43	each	\$ 2,531.44
28. Catch Basin Frames (3 flange) includes grates					
East Jordan Iron Works, Brockton, MA	8	\$	306.92	each	\$ 2,455.36
29. Catch Basin Frames (4 flange) includes grates					
East Jordan Iron Works, Brockton, MA	8	\$	320.53	each	\$ 2,564.24
34. Class I Bituminous Concrete Patching Mix - FOB - Cold Patch (tons)					
T.L. Edwards, Inc., Avon, MA	400	\$	78.00	per ton	\$ 31,200.00
35. Class I Bituminous Hot Mix (FOB Plant)					
T.L. Edwards, Inc., Avon, MA	500	\$	61.34	per ton	\$ 30,670.00
43. Liquid Ferric Chloride					
Kemira Water Solutions Lawrence, KS	40,000	\$	0.7000	per gallon	\$ 28,000.00
48. Sodium Hypochlorite - 55 gallon drums					
Mann Chemical, Barrington, RI	145	\$	70.95	per drum	\$ 10,287.75

**SERSG DPW Supplies IFB
Fiscal Year 2011
Contract Award Sheet**

53. Regular Unleaded Gasoline

Dennis K. Burke	130,000	\$2.4775	per gallon**	\$322,075.00
Chelsea, MA		Bid Increment*	(0.0142)	

56. Ultra Low Sulfur Diesel

Dennis K. Burke	65,000	\$2.5492	per gallon**	\$165,698.00
Chelsea, MA		Bid Increment*	0.0042	

Total Estimated Value \$ 747,237.15

*Bid increment and tax (where applicable) are added to the Boston Low from the Journal of Commerce for the date of fuel delivery.

**Price on 4/22/10.

Signature(s)

Chair, Board of Selectmen

**SERSG DPW Supplies IFB
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	<u>Estimated Quant.</u>	<u>Bid Price</u>	<u>Est. Value</u>
2. Liquefied Polyphosphate (15 gallon drums)			
Municipal Water Solutions, Mundelein, IL	50	\$ 105.90 per drum	\$ 5,295.00

Signature(s)

Chair, Board of Selectmen
