MINUTES

For approval at the 9-13-10 meeting

Middleborough Board of Selectmen Meeting Minutes DRAFT **August 23, 2010**

Chairwoman opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen M. Brunelle, A. Rullo, S. McKinnon, and S. Spataro, Town Manager C. Cristello and Confidential Secretary J. Shanley. M. Duphily was absent.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve 7-26-10 meeting minutes with Helen Belmont's name as President of Middleborough Friend's group to be added to the first paragraph under Announcements and Jean Spalding's name to be added to the first sentence of paragraph two under Announcements.

Robert Dunphy approached podium to inform the Board that the links on the Town's website do no allow access to the Board's meeting minutes.

Selectman Rullo noted that the 3rd paragraph from the bottom of page six of the 8/9/10 Board meeting minutes, notes that the Chairwoman stated that the rules regarding submitting material for discussion at Board meetings was voted on at the Board's 6/21/10 meeting. Selectman Rullo noted that there had not been a vote taken. Chairwoman Brunelle agreed that no vote had been taken.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve the 8/9/10 meeting minutes with the heading "HEARINGS, MEETINGS, AND LICENSES" to be added above the top paragraph of p. 4.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session minutes of 6/14/10.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session minutes of 7/12/10.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Executive Session minutes of 8/9/10.

ANNOUNCEMENTS

Chairwoman Brunelle explained that several weeks ago it was suggested that the Board adopt Robert's Rules of Order, which led to her draft of proposed Rules & Procedures for the Board's consideration.

Motion made by Selectman Spataro and seconded by Selectman McKinnon, to return to the way the Board was running its meetings previously in regards to "Other" and public comment so that if someone has an issue that they would like to speak on, they are welcome to. If the Board does not have a response to offer, it will defer the matter to a

future agenda. Debate and discussion ensued. Motion made by Selectman McKinnon to ask Selectman Brunelle to step down from the position of Chairman of the Board of Selectmen. Chairwoman offered that she had been trying to balance the Open Meeting Law rules. Selectman Rullo agreed with comments made and found the drafted guidelines and procedures to give the Chairman too much power and took away freedom for public comment. Selectman Rullo suggested that the Board go back to the way it had been conducting its meetings and allow free flow of public comments, but continue to establish procedures so that the public understands how Board conducts its meetings. Further debate and discussion continued. Various residents approached podium to offer comments.
Board voted unanimously in favor of motion made by Selectman Spataro and seconded by Selectman McKinnon to return to the way the Board was running its meetings previously in regards to "Other" and public comment so that if someone has an issue that they would like to speak on, they are welcome to.
Selectman McKinnon withdrew motion to ask Selectwoman Brunelle to step down in her position as Chairman in the interest of not having a full Board present.
Selectman Spataro offered to second his motion. Selectman McKinnon noted that he would rather have a full Board present. Motion withdrawn.

As the meeting was running behind schedule, Board agreed to move forward to
HEARINGS, MEETINGS & LICENSES.
WRPD re Virginia Bradbury, 67 Beach Street, Webby Engineering – Continued from 8/9/10.
Chairwoman noted feedback from Town Counsel that this application would not be allowed as falls within the 25' no touch zone. Chairwoman asked for questions from the audience. Hearing none, Chairwoman declared the hearing closed. Chairwoman read aloud comments provided by Conservation Agent Brian Giovanoni addressed Board and asked that the Board make one of its new policies to say no to WRPD's within 25' of wetlands. Chairwoman responded that it is in the WRPD Bylaw already that it is not allowed. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to deny the request as the granting authority has no authority to grant waiver.

Fire Captain Andrade informed Board of new signage planned for the Middleborough Fire Department.

Attorney Robert Mather addressed Board representing Sysco Boston, LLC. He introduced representatives of Sysco. He gave a brief summary of Sysco's plans to build a warehouse in the Town of Lakeville. Sysco President Fred Casinelli addressed Board and thanked the Board for allowing them to present. Discussion ensued regarding truck travel routes, traffic & noise concerns, Jake braking, and refrigeration units. Questions and comments were heard from various residents. Chairwoman asked Sysco representatives to address hazardous waste cleanup plans for the site. Chuck Frasier

offered that they've identified asbestos, residue from incinerator, and possible standing water contamination and that all will be cleaned up. John Jenkins of Lakeville addressed Board with comments after having had attended Lakeville meetings re Sysco potentially locating in the Town of Lakeville. David Fisher addressed Board noting that he grew up in Middleborough and owns three restaurants in Town. He has dealt with Sysco for the past twenty years. They have quality people and quality food. Sysco is a first-class company. In response to suggestion made by Town resident Mrs. Beaulieu, Sysco representative, Mr. Frasier, offered that they have not yet purchased the land and have not hired contractor to remove hazardous materials, but are willing to share mitigation plan with the Town when it has it. Further comments were heard from members of the audience. Attorney Mather noted that any one of the representatives of Sysco may be contacted with questions. Chairwoman thanked them for coming in and giving the Town the opportunity to ask questions and have its concerns heard.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to approve Discharge of Mortgage/Lien/Covenant Agreement in connection with FY2001 Ready Resource Fund (RRF) Grant #5397, Commercial Improvement (i.e. Sign & Façade) Program (CDBG grant and program) to Edward C. Vaughan, Trustee, Blair Realty Trust.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign Warrant for 9/14/10 State Primary.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve request from North Congregational Church to use barriers to block off Plymouth Street in front of the church on Saturday, September 25, 2010, from 8:00 a.m. until 3:00 p.m., or on Sunday, September 26th (rain date) from 10:30 a.m. until 4:00 p.m. for its Annual Fall Festival/Craft Fair, with the understanding that the barriers will be removable.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to declare 1991Dodge W150 as surplus, as recommended by DPW Foreman/Mechanic K. Capalbo.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for Dana R. Pelton, 13 Tinkham Lane in the amount of $27,559.75.

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted to sign and send letter addressed to Honorable Chief Justice Lynda M. Connolly and Honorable Chief Justice Steven D. Pierce asking them to reconsider closing the Wareham

District Court. Selectman McKinnon announced that he sat on the Committee and had, himself, voted to close this Court House. He, therefore, recuesed himself from voting on the matter.
Three in favor. S. McKinnon abstained.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to send letter to Legislative delegation asking when our elected representatives are going to address serious health insurance reform.

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to authorize that the DPW Sr. Clerk position be filled.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Town Hall rental request by the John T. Nichol's Middle School Art department from 5/5/11 through 5/7/11 with set up beginning on Wednesday, May 4, 2011.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign proclamation, as requested, proclaiming the week of 9/17/10 through 9/23/10 as Constitution Week.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day Entertainment license for Lorenzo's Italian Restaurant, 500 West Grove Street for September 8, 9, 10 & 11 during the hours of 11 A.M. until 10 P.M.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Order of Taking for Summer Street Bridge.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to amend name on One-day liquor license

Town Manager noted that he had given the Board a memo with his I.T. Assessment Task Force recommendations. He informed the Board that he had also contacted Mr. Belanger and explained that he had already provided the Board with his recommendations prior to going on vacation last week.
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve the appointments as recommended by the Town Manager (attached).

OLD BUSINESS
Chairwoman announced that Selectwoman Duphily asked if the Board could discuss Guidelines/Procedures at a time when she is present as she is absent this evening due to a family medical emergency. In response to question by Selectman McKinnon, Chairwoman agreed to put the matter on the next agenda. Chairwoman had asked the Board members to gather their comments in preparation of finalizing the guidelines/procedures.

BILLS
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve payment of bill to Edward J. Collins, Jr. Center for Public Management for the I.T. Assessment in the amount of $6,000.00.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve payment of bill to Dickinson Wright in the amount of $51,001.01.

TOWN MANAGER'S REPORT
Town Manager announced that Massasoit will conduct testing for prospective students on Friday, 8/27/10.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to authorize Chairwoman to sign the MORE Jobs grant.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to authorize Robert Whalen to sign documents regarding the CDBG grant as the Environmental Certifying Officer for the CDBG grant.

Chairwoman asked if the Board has no objection, Mr. Thomas has been waiting all evening, and would like to speak under "Other". Board agreed to discuss "Other" prior to Correspondence.

OTHER
Mr. Thomas addressed Board to say that he is not happy with new water and trash rates. He disagrees with the new rates running with quarterly cycle from April until the end of June, when it was voted on in July. He doesn't believe rates should be retroactive. You can rectify by reducing rates by 5% sometime in early October and then return after that. He asked how it is that a five% rate increase in water and sewer is offset by a 2% in trash rates. Town Manager requested opportunity to respond, pointing to documentation he has regarding when the original fees were established. Chairwoman Brunelle noted that she was here at the time that the original fees were established. Chairwoman will get Mr. Thomas a copy of those documents. Town Manager responded that this is his second time proposing reductions in trash fees. He further explained that the water and sewer

rates have always been done this way. He saved the ratepayers a whole year's worth of increases. He doesn't think it's a fair characterization. Mr. Thomas thinks the retroactive process is not right. Town Manager offered his commitment that in the future, when he brings the Water budget before the Board, he will also have the Board vote the Water rates.

Selectman Rullo read aloud question presented by Robert Dunphy re IT Assessment Disaster Recover/Business Continuity Plan. Chairwoman responded that we do have one and that it was in the I.T. Assessment report, but not spelled out clearly. Selectman Rullo disagreed noting that the report clearly said that the Town does not have one. Chairwoman responded that the Town has one for both.

OTHER
Brian Giovanoni addressed the Board to say that Selectwoman Duphily is not here this evening for a very positive reason.

Chairwoman asked Board if it would mind postponing Executive Session until its next meeting due to how late the meeting had run. Board agreed.

Chairwoman noted that she has been contacted by a film crew from New York who would like perform a paranormal investigation at Town Hall.
Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to approve.

Selectman McKinnon announced that he and Selectman Rullo had attended an Eagle Scout Court of Honor for Brendan Gaulin on 8/14/10 and he sends is congratulations to Brendan's parents.

CORRESPONDENCE
#2 - Selectman Rullo noted correspondence received informing the Town that the White Banks of Assawampset Pond has been closed.

Selectman Spataro noted that each Board member received a MA Municipal Directory from MMA and asked if there is one on file in the Selectmen's office. Board's secretary responded that there is.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to adjourn meeting at 10:10 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

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336 Years of Progress

CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough

Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

To: Board of Selectmen

From: Charles J. Cristello, Town Manager

Date: August 23, 2010

Subject: ***IT Assessment Task Force Appointments***

I interviewed the four residents who expressed interest in being on the IT Assessment Task Force. I have enclosed their letters of interest. They were all very qualified and choosing among them was difficult. I am recommending that you appoint Bradford Leonard, John Neely and Richard Allen Roth to the Task Force.

I would be happy to answer any questions you may have.