

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 1/9/12 TIME: 7:00 PM PLACE: Hall Town

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. **Unanticipated**
3. **Announcements & Recognitions**
4. **Minutes:** 12/19/11 regular minutes
5. **New Business - 7:05 PM**
  - A.) Vote re-appointments to Herring Fishery Commission as presented
  - B.) Vote to cancel White/McGill Land Exchange agreements with the S. Middleborough Fire Station and agree to dismiss the pending Land Court case without prejudice
  - C.) Vote to sign 2012 Contract Award Sheet for Services for DPW as submitted to SERSG
  - D.) Vote to appoint a Survey Board for Inspections of Unsafe Structures consisting of Fire Chief Lance Benjamino, Police Sgt. Benjamin MacKeiwicz, & Local Structural Engineer Robert DesRosiers
  - E.) Vote to approve 6/23 & 24th M.S. Bike Ride
  - F.) Vote to approve Soule Homestead's Town Hall Rental request for 2/11/12
  - G.) Vote to approve One-day Liquor license for The Bartending Service of N.E. for 2/11/12 at the Town Hall, 10 Nickerson Ave.
  - H.) Vote to approve One-day Liquor license for The Bartending Service of N.E. for 1/21/12 at the Alley Theatre
  - I.) Vote to appoint Police Officer John Graham to rank of Sergeant on Temporary Basis
6. **Hearings - Meetings - Licenses**
  - 7:30 PM Edgeway Mobile Home Park Matter (Vote to continue.)
  - 7:30 PM General Government Departmental Budget Reviews (See attached.)
7. **Unfinished Business**
8. **Town Manager's Report**
9. **Correspondence**
10. **Executive Session**
11. **Adjourn**

**Middleborough Board of Selectmen  
Meeting Minutes**

**January 9, 2012**

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

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

The meeting was broadcast live by Verizon and MCCAM and recorded by MCCAM.

**UNANTICIPATED**

None.

**ANNOUNCEMENTS**

The C.O.A. is holding a Caregiver Support Group on Wednesday, January 11, 2012 from 7 PM to 8:30 PM.

Selectman Quelle commended the Police and Fire departments for the work they did during the holidays in addition to the continued effort in the fight against drug related crimes.

**MINUTES**

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted to approve the 12-19-11 meeting minutes. Four in favor. Selectman McKinnon abstained.

**NEW BUSINESS**

Upon motion by Selectman Spataro and seconded by Selectman Quelle, Board voted to approve the re-appointments to the Herring Fishery Commission as presented on the attached. Four in favor. Selectman Frawley abstained.

Town Manager gave brief history re White/McGill Land Exchange matter. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to cancel White/McGill Land Exchange agreements with the S. Middleborough Fire Station and to dismiss the pending Land Court case without prejudice.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign 2012 Contract Award Sheet for Services for DPW as submitted to SERSG.

Survey Board for Inspections of Unsafe Structures

Selectman McKinnon asked if Building Commissioner Whalen would be on this Board. Town Manager explained that he would not because the Board is set up to review his initial determination. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint a Survey Board for Inspections of Unsafe Structures consisting of Fire Chief Lance Benjamino, Police Sergeant Benjamin MacKeiwicz, & Local Structural Engineer Robert DesRosiers.

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Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve the 6/23/12 and 6/24/12 M.S. Bike Ride.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Soule Homestead's request to rent the Town Hall auditorium on 2/11/12 to hold its annual fundraising Valentine's dance and to place an advertising sign on the lawn of Town Hall. Donations may be made to Soule Homestead, 46 Soule Street.

Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for the Bartending Service of New England on 2/11/12 at Town Hall from 7 p.m. to 12 a.m.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic Beverages liquor license for the Bartending Service of New England on 1/21/12 at the Alley Theatre, 133 Center Street from 7 p.m. to 11 p.m.

Temporary Appointment of Police Sergeant

Police Chief Gates addressed Board to explain the need to fill this position temporarily. He noted that Civil Service said we can fill the temporary position for Sergeant for as long as needed.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the temporary appointment of John H. Graham to the position of Police Sergeant.

**TOWN MANAGER'S REPORT**

Town Manager noted Enterprise story about a successful software business in Commerce Park.

Town Manager noted that the Fire Chief completed the Middleborough electronic Comprehensive Emergency Management Plan (eCEMP) update.

Town Manager noted correspondence addressed to MA DOT Administrator Frank DePaola from State Representative William Straus re Route 44 Rotary.

Town Manager noted Draft Policy on Applying for new major grants. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve policy as presented.

**HEARINGS, MEETINGS, & LICENSES**

Edgeway Mobile Home Park Matter

At 7:30 PM Board continued Edgeway Mobile Home Park matter. Selectman Quelle updated Board with latest information regarding work being done at Edgeway Mobile Home Park. He explained that the residents of the Park are aware of the current status. Our next important date is 3/15/12 for Phase II Drainage plans. Town Manager is going to work closely with the operator to make sure things get done on time. Selectman Quelle suggested we get the Owner/Operator before the Board

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in order to point out that he had missed the deadline date for Phase I. Town Manager suggested to the Owner/Operator that their engineer attend a meeting in early February.

The initial plan of Phase II drainage must be submitted to the Board by 3/15/12. Town Counsel explained that it is unethical and not in accordance with the rules to unilaterally contact the judge. He has suggested that the Board may file a contempt complaint, but it is his position that the Board would find it unnecessary to bring a contempt complaint, at this point, as all of the work has been completed. Anne McGann asked if the agreement with Edgeway is a public document. Town Manager responded that it is. Selectman Quelle provided Ms. McGann with a copy. Chairman offered that he finds bringing the contempt charge, at this point, to be unnecessary. Selectman Frawley offered that, historically, the Park Owner/Operator has failed to do what he has said he would do. Chairman responded that he has met the terms of the present agreement and if the Town were to go to Court, the judge may tell us it's a moot point as they are finished with Phase I. Chairman offered that he feels the Board's over-riding responsibility is to make sure that the agreement was met. Motion made by Selectman Spataro and seconded by Selectman Quelle, for discussion, not to file a contempt charge. Selectman Quelle offered that we would be looking for judgment by the judge to make a ruling, and yet we wouldn't be asking for anything specific. It's not necessarily as simple a process as we thought. He would prefer not to upset the judge. Selectman McKinnon noted that it appears that the most significant improvements to the Park, that we asked to be done, have been done, and he listed the various items. He thinks that the judge would throw us out if we go before the judge to report that they were two weeks late after waiting since 2004 for these improvements and having had them completed since September 2011. Anne McGann offered that the residents disagree with the Board. Four in favor. Selectman Frawley opposed. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to continue the matter to 3/19/12 at 7:30 PM.

General Government Departmental Budget Reviews

At 7:50 PM. Town Manager gave a brief overview of the budget. The current deficit is \$500,000. The School Department is losing \$1 million in Federal aid so the deficit is actually greater. We will know more at the end of the month after the government files its budget, MIIA announces its healthcare increase for the year, and the main commitment of motor vehicle excise taxes arrives.

Board reviewed these budgets with representatives from these departments and boards as follows:

- Finance Committee
- Law Department

Selectman Frawley noted that last year we had a snowplowing budget that was completely underfunded, but were able to pull funds from elsewhere. He asked if we should start appropriating more money to these budgets to be more realistic. Town Manager responded that he doesn't know exactly what it is going to be, and would rather leave it alone for now, based on only one year's experience, and adjust it in the future, if needed.

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- Zoning Board of Appeals
- Planning Board  
Planning Director Ruth Geoffroy addressed Board to discuss her budget. Chairman asked Ms. Geoffroy to provide the Board with the filing fees collected over the last five years.
- Town Accountant
- Assessors - No show.
- Health Department - Unable to attend with notification to the Town Manager ahead of time.
- Animal Control - Unable to attend with notification to the Town Manager ahead of time.
- Town Clerk  
Town Clerk Allison Ferreira addressed Board to discuss her budget. She offered to provide the Board with a job description for an Assistant Town Clerk and to work with the union and Town Manager to put the information together.
- Elections & Registrations
- Conservation Commission
- Information Technology  
I.T. Director Roger Brunelle addressed Board to discuss his budget. Selectman Frawley requested a complete breakdown of the software maintenance account. He also reminded Mr. Brunelle that he was waiting for a report on the cash register program that was never installed. Selectman Frawley noted what appeared to be an increase in printing costs. It was also noted that there has been some creative bookkeeping re personnel in this budget. Selectman McKinnon asked for information about the implementation of the G.I.S. program.
- Council on Aging

Board's secretary left meeting at 10:20 PM.

- Treasurer/Collector

Town Manager gave synopsis re overall budget and timeline in which he anticipates that he will make his final recommendation.

**CORRESPONDENCE**

Selectman Spataro noted that the Rockland Industries Site has been closed off for a number of years, and questioned the state's assertion that it cleaned it up in three hours, specifically noting that this would be impossible. Selectman Frawley noted email from Conservation Commission Agent P. Cassady and offered that there is still plenty of work to be done and soil to be tested. The bulk of contamination has been removed. She has done a site visit and taken pictures in addition to providing a detailed report. Selectman Frawley also commended former CEHIC member Suzanne Dube for all her years of hard work in trying to get this site cleaned up.

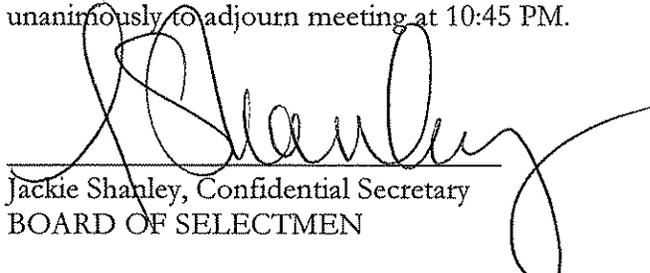
#13 Selectman Frawley noted and explained letter addressed to him and dated 12/22/11, from the Executive Office of Housing & Economic Development re Expanded Gaming/Mashpee Wampanoag Tribe.

Selectman McKinnon noted that he had received a call that Summer Street Bridge is now open for traffic. The caller said he had been on River Street and looked down Auburn Street. Auburn Street is under "future items" on the Board's agenda for discussion.

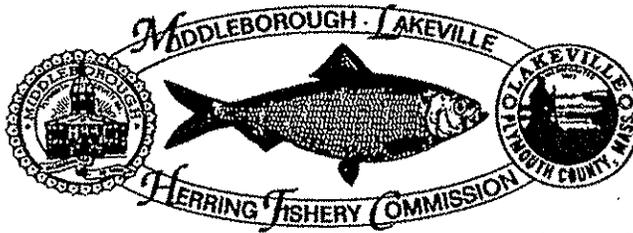
#17 Selectman McKinnon noted correspondence from the Herring Fishery Commission commending DPW Director and his crew.

Chairman noted Earth Removal Inspection reports that reflect expired permits and asked that they be looked into.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 10:45 PM.



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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN



Bank Building, 20 Centre Street, Middleborough, Massachusetts 02346

December 27, 2011

Board of Selectmen  
Middleborough Town Hall  
Nickerson Ave.  
Middleborough, MA 02346

Dear Members of the honorable Board:

On December 13, 2011 the Middleborough-Lakeville Herring  
Fishery Commission voted unanimously to recommend the  
following appointments:

**VOLUNTEER OBSERVERS** for a one-year term ending September  
30, 2012:

Allin Frawley

Harold Atkins

Kristen Chin

Luke Leonard

~~Sylvester Ziewkiewicz~~

Zienkiewicz

FISH WARDENS for a three-year term ending September 30,  
2014:

David Cavanaugh

William Orphan

They have shown a continuing commitment to the operation of the Commission and the protection of the annual herring migration. We feel they will be an asset to the Commission. We request that you consider them for appointment at your earliest opportunity.

We request that home addresses and telephone numbers not be published or placed on appointment cards.

Sincerely,



David J. Cavanaugh  
Chairman