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 10/25/10 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: 10/4/10 Regular, 10/6/10 E.S.& 10/18/10 Regular & E.S.

4. New Business - 7:05 PM

1. Vote to sign DPW Collective Bargaining Agreements.
2. Vote to sign Library Collective Bargaining Agreements.
3. Request for Parade Permit, Parking Ban & Use of Fire Truck -Christmas Parade Committee.
4. Decision in Michael Sands Variance Application.
5. Betterment Agreement - David & Marion Gunning, 143 Everett Street.
6. Authorize New Street Names as recommended by E-911 Coordinator.
7. Request for One-day Liquor license - Muckey's Liquor for 11/3 & 11/4.
8. Request for One-day Liquor license - Bartending Service of N.E. for 11/5
9. Vote to Sign Employment Agreement for Town Accountant Steve Dooney.
10. Request use of Town Hall lawn & placement of Ad sign - Rock Village Church.
11. Vote to Sign CDM WWTP Permit Limits Study.

5. Hearings - Meetings - Licenses

7. Unfinished Business

1. Vote to approve and sign E.R. Conditions for Chop Chaque Cranberries.

8. Town Manager's Report

9. Correspondence

10. Other

11. Executive Session - Collective Bargaining, Pending Litigation, Non-Union Contracts

12. Adjourn

Middleborough Board of Selectmen **October 25, 2010**
Meeting Minutes

Chairwoman opened meeting at 7:08 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

ANNOUNCEMENTS
Chairwoman announced that Governor Patrick and Congressman Barney Frank were here at Town Hall today to announce the signalization and other improvements around the rotary to alleviate traffic in light of the Department of Transportation's commitment of $2 million to update the engineering and environmental work to the project.

A public Flu Clinic will be held on November 9, 2010 from 4 PM to 7 PM at the Middleborough High School for Middleborough residents who are 18 years of age and older.

The Green Energy Committee will hold the *Green Energy Fair* at Town Hall on 11/6/10 from 10 a.m. until 2 p.m. in the Auditorium. Soule Homestead will host an electronics and appliances recycling fundraiser in the Town Hall parking lot simultaneously.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to approve 10/4/10 meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 10/6/10 Executive Session meeting minutes.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to approve 10/18/10 meeting minutes. Three in favor. Selectman McKinnon abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to approve 10/18/10 Executive Session meeting minutes. Three in favor. Selectman McKinnon abstained.

NEW BUSINESS
Chairwoman asked if the Board would object to addressing the *Decision* in the *Michael Sands Variance* Application with Town Counsel first as Town Counsel was present. Town Counsel Dan Murray addressed Board and reviewed the *Decision* by the Court. At the recommendation of Town Counsel and upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board, acting in its capacity as the Board of Health,

Findings

1. unanimously found that the Board's regulation providing for a variance of the 200 foot distance between septic systems (sewage disposal areas) and wells
2. does not provide for a variance of the distance between a septic system and an existing well, and that that part of the application for variances which requests a variance of the distance between the proposed septic system and an existing well on an adjoining property may not be granted because such relief is not within the scope of the regulation and authority of the Board.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board

3. unanimously found that the applicant for variances failed to file a written petition with the Board within thirty (30) days of the decision of the Health Officer to deny the application for variances as required by the Board's regulation.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board

4. unanimously found that the locus property is susceptible to flooding and that installation of a well on the property less than 200 feet from a subsurface sewage disposal area may endanger the health of any potential user of the well if flooding occurs at the property.

Decision

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board, acting in its capacity as the Board of Health, voted unanimously to deny the application for variances, and in part, based on the evidence received at the hearing, and in part, on the foregoing findings and that the decision to deny the application for variances, and the foregoing findings shall be prepared in the form of a written decision to be approved and signed by the Chairman on behalf of the Board.

Town Counsel will prepare documents for the Chairman's signature.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to sign DPW Collective Bargaining Agreements. Three in favor. M. Brunelle abstained. Town Manager offered his appreciation and thanks to the Unions for their cooperation.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to sign Library Collective Bargaining Agreements. Three in favor. M. Brunelle abstained. Town Manager offered his appreciation and thanks to the Unions for their cooperation.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Christmas parade permit scheduled for Saturday, November 27, 2010, beginning at 1 PM with a rain date of Sunday, November 28th, a parking ban from

Everett Square through the center of Town, and the use of a fire truck for Santa to ride on, subject to availability and at the discretion of the Fire Chief.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 143 Everett Street in the amount of $13,761.00.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to approve a One-day Wines & Malt Beverages Liquor license for Muckey's Liquor for 11/3/10 & 11/4/10 from 4 PM to 11 PM for a "Homes for our Troops" fundraiser to be held at 200 Oak Point Drive.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve One-day All Alcoholic Beverages Liquor license for Bartending Service of New England for 11/5/10 from 7 PM to 12:30 AM for a birthday party to be held at 46 South Main Street.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted to sign Employment Agreement with Town Accountant Steven M. Dooney with an effective date from 10/9/10 through 10/9/13.
Mike Solimini and Mark Belanger addressed Board to offer their personal opinions and express concerns with the contract. Chairwoman noted that Mr. Dooney has done a tremendous job for the Town and also noted that this is not private industry.
Town Manager noted that the Board has attempted to get more in line with private industry contracts and is moving more into the mainstream.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve use of the Town Hall lawn by the Rock Village Church for its Live Nativity Pageant at 7:00 PM on December 11, 2010, with a rain date of December 18th and the placement of an advertising sign from December 4 - 11th.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to approve the WWTP Permits Study Contract with CDM.

UNFINISHED BUSINESS
Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to approve and sign the Earth Removal Conditions for Chop Chaque Cranberries.

TOWN MANAGER'S REPORT
Town Manager recommended Board vote to adopt the standard IRS mileage reimbursement rate noting that it is used by most other communities.

Motion made by Selectman Spataro to review rate each year and to adjust accordingly as the IRS standard rate changes. Discussion ensued. Selectman Spataro retracted motion. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to adopt the standard IRS mileage reimbursement rate of .50 per mile to be reviewed at time when the IRS adjusts its mileage rate.

CORRESPONDENCE

#6 - Selectwoman Duphily noted letter from Mark Belanger re Sysco in Middleborough and offered Mr. Belanger the opportunity to speak if he had any further comments he'd like to make. Mr. Belanger noted that he had already received a response from the Town Manager and Selectwoman Duphily and thanked them for that. Chairwoman asked secretary to start a folder for any other Sysco comments that come in.
Brian Giovanoni addressed Board to offer that he is sorry for Town of Lakeville and welcomes Sysco with open arms and hopes they turn shovel within the next six months. Town Manager noted that they let us know last Tuesday and we've been working hard on it ever since. Chairwoman noted that the Town has been trying to build its commercial tax base for many years, which will be less of tax burden on residential.

Mark Belanger addressed Board and offered that Sysco's TIF was in the range of .53 cents on the dollar. He added that the cost of service was looked at recently, and in his opinion, if that's what the Town of Middleborough is receiving, Sysco isn't paying its fair share. He suggested it be looked at.

OTHER

Chairwoman informed Board that the Department of Revenue certified the Town's tax rate and notified the Town very late Thursday evening. Chairwoman asked Board to vote on so that the Tax rate could be set. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.
Brian Giovanoni asked question regarding trash liens. Chairwoman responded that, from what she understands, trash would no longer be picked up for those who have outstanding taxes. Town Manager will verify.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 7:50 PM to discuss strategy relative to Pending Litigation and not to return into Open Session. Roll Call: M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes; M. Brunelle, Yes. Ended at 8:15 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN