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 11/15/10 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: 11/8/10 Regular

4. New Business - 7:05 PM

1. Authorize Chairman to sign Community Development Block Grant W-9 Form
2. Authorize Chairman to sign FY05 Grant Amendment & FY10 Authorized Signature Card
3. Authorize Chairman to sign Subcontract Agreement for S. Shore Community Action Council

5. Hearings - Meetings - Licenses

7:15 PM Approve Indirect Cost Report

7:20 PM COA Director Andrea Priest - Discuss Taunton Shuttle Schedule

7:30 PM Conservation Comm. Agent Tricia Cassady -CPA Transition Committee Update

6. Unfinished Business

7. Bills

8. Town Manager's Report

9. Correspondence

10. Other

11. Executive Session - Pending Litigation & Non-Union Contracts

12. Adjourn

Middleborough Board of Selectmen **November 15, 2010**
Meeting Minutes

Vice Chairman Rullo opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance. Selectman Rullo informed those in attendance that Chairwoman Brunelle would be joining the meeting at a later time.

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

ANNOUNCEMENTS
Vice Chairman announced that the meeting is being aired live by Verizon and Comcast and is being taped by Comcast.

The Middleborough Public Library would be thankful to have al long overdue books, CD's and DVD's returned. These items may be returned 11/22 through 11/28 without any fines providing that they are still usable.

Middleborough All Sports Booster Association (MSBA) is holding a fundraiser by selling gift cards. All vendors give a percentage of the sale to the MSBA. Gift cards may be ordered online 12/3/10.

MINUTES
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve 11/8/10 meeting minutes.

NEW BUSINESS
Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman to sign Community Development Block Grant W-9 form. Selectman Rullo noted that item #4 on the form needs to be checked off.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to authorize Chairman to sign FY05 Grant Amendment and FY'10 Authorized Signature Card. Selectman McKinnon asked for an explanation relative to math. Town Manager explained.

Vice Chairman Rullo read aloud request provided by the Office of Community and Economic Development re Subcontract Agreement for S. Shore Community Action Council. M. Solimini addressed Board to ask what the process is for those who will benefit from this agreement. Selectwoman Duphily pointed to page 3 where it provides for further explanation, including the intent to do an outreach.
Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to authorize Chairman to sign Subcontract Agreement for S. Shore Community Action Council.

HEARINGS, MEETINGS, & LICENSES

Indirect Cost Report

Vice Chairman announced that the Indirect Cost Report is still not available and would be postponed until the Board's 11/29/10 meeting.

Taunton Shuttle Service

Council on Aging Director Andrea Priest addressed Board to discuss the Taunton Shuttle schedule. The Town received grant from GATRA to extend transportation services to the Middleborough-Taunton line called the Middleborough Taunton Connection. They've been working on it for two years. Residents on dialysis receive treatment in Taunton as none is available in Middleborough. This transportation service is for the general public as well. This transportation will allow access to the Social Security office, walk-in clinics, social, recreational, and employment activities. Reservations are needed. You must call by 1 PM the day before. Vice Chairman offered that he thinks it is a wonderful service and thanked A. Priest for putting it together and for coming to the meeting to present.

CPA Transition Committee Update

Conservation Commission Agent Patricia Cassady addressed Board to provide an update re the Community Preservation Act Transition Committee. The CPA was passed on 11/4/10. It will appear on the next fiscal year tax bill. It will be approximately $23 for the average tax payer. Those with questions can contact the Conservation office or the Assessor's office. Exemption information will be included in next year's tax bills. A CPA Committee needs to be established with a minimum of five members and a maximum of nine. The five members must include a member of the Conservation Commission, Historical Commission, Housing Authority, Park Commission and Planning Board. Ms. Cassady noted that they are hoping to include a member of the Agricultural Commission and three members at large. They will also need to form a bylaw for the Committee. There are plenty of resources to be found in other Towns who have C.P.A. Vice Chairman noted that it sounds like a bylaw needs to be drafted to be voted on by Town Meeting. Conservation Agent will provide the Board with sample bylaws which it will review and take input from the public before having Town Counsel provide input. Jane Lopes addressed Board to suggest that the five members are to appoint the members at large and the five members could draft the bylaw with help from the state-wide organization for the Board. Town Manager suggested that this would be a very unusual construct and noted that he is not comfortable with that. Selectman McKinnon offered that he would like to see a letter go to the five different groups so they can elect a member from each group and the remaining members would be chosen by the Board of Selectmen. Motion made by Selectwoman Duphily and seconded by Selectman McKinnon, to nominate members to draft a bylaw. Brian Giovanoni addressed Board to note that pursuant to the Open Meeting law, any work being done will need to be posted – like an Ad hoc Committee. Town Manager suggested that once we have the names, they would be appointed as a bylaw drafting committee, as a governmental body.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to withdraw previous motion.
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to seek names from the mentioned departments relative to the drafting of bylaws for the C.P.A. Board agreed to ask for nominations within thirty days.

Chairwoman Brunelle arrived at 7:40 PM.

TOWN MANAGER'S REPORT
Town Manager gave introduction re Pratt Farm dike repairs. Conservation Agent elaborated, noting that many individuals were instrumental, including, but not limited to, Edward Barbato and Allin Frawley. Chairwoman Brunelle thanked all those who were involved. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to send letter of appreciation to all involved. Town Manager has a list of the individuals.

Town Manager noted there has been a change in procurement law, which would allow for flexibility in awarding bids if the Town has a preference. Selectman McKinnon noted that after the Board's previous discussion on the matter, he became aware of some questions on blogs suggesting that he knows someone from the company that he had motioned to award bid to for the Barden Hill Water Tank. He wanted to state, for the record, that he does not know anyone from the company. He was only concerned with keeping the work/income within the state of Massachusetts. Town Manager to do further research and will report back to the Board before the end of the year.

Received grant funds for Middleborough Park Ring Road project. The project is to be published on Wednesday with bids due 12/22/10.

CORRESPONDENCE
#3 Chairwoman Brunelle read aloud letter from Wally Glendye about his public safety concerns regarding snowplowing River's Edge. Chairwoman noted that she has explained to Mr. Glendye that, at the moment, the Town has an injunction in place, which would not allow it to plow this roadway.

#1 Selectman Rullo noted correspondence from Margo & John King re Edgeway Mobile Home Park.

#6 Selectman Rullo noted letter from Fire Chief asking to postpone his meeting with the Board re an assessment of staffing of the fire stations and the feasibility of a Town-run ambulance to offset the cost of staffing.

#12 Selectman McKinnon noted letter from Brenda Wilson re intersections of Rocky Gutter and Purchase Streets as well as Rocky Gutter and Miller Streets and that the letter has been forwarded to Chief Gates and DPW Director for recommendations.

OTHER

Leilani Dalpe addressed the Board to inform the Board of an ongoing problem re an ATV track located at 299 Miller Street. Selectwoman Duphily stepped down from the discussion. Ms. Dalpe informed the Board that ATV's are pulling in and disrupting the neighborhood every weekend. Various Town departments are all looking into potential violations. She understands that Zoning has sent a Cease & Desist Order to the owner, Thomas Stevens, but is waiting for him to pick up his mail.
She researched laws on ATV's. She suggested that there seems to be confusion within the Town as to what the Town can actually enforce and what the law actually states. She handed out copies of the law. She noted that there are a variety of matters contained within the laws that the authorities could be checking on. Chairwoman requested that the Town Manager check with the Building Commissioner and report back. Ms. Dalpe offered that State Representative Calter offered to make himself available, if the Board would like to hear from him as a co-writer of the law. Mike Healey addressed the Board to say that this activity is disrespectful to the neighbors. It doesn't make sense to him that this can go on in a quiet neighborhood. Chairwoman assured him that the Town is going to look into it. The Town Manager believes that the Conservation Commission is taking this up again on Thursday for further discussions because it had ordered a Cease and Desist Order.

Michael Solimini addressed Board and noted that he received information yesterday that there were 23 break-ins in Middleborough during the month of October. He is concerned at high number. He suggested that someone might talk with Chief Gates and make the public aware. He suggested having Chief shed light on matter. Maybe Chief could talk about what people could do to protect themselves.
Selectman McKinnon offered that he had been at the Police Department on Friday and assured Mr. Solimini that the department is aware and is taking appropriate action.
Mr. Solimini noted that he just wanted to make the public more aware.

Mr. Solimini noted that he had submitted a public records request asking for documentation regarding the Town Accountant, but had received a response that the documentation was not available in the Selectmen's office. Chairwoman informed him that we do have a resume for Mr. Dooney and that we will get it to him.

Selectman Spataro returned to matter re ATV track @ 299 Miller Street. He assured those in attendance that the Town will follow up and make the effort to get to the bottom of it. Chairwoman will make sure the police department gets a copy of the laws and she will contact Chief Gates tomorrow.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted by Roll Call to go into Executive Session at 8:13 PM to discuss strategy relative to Pending Litigation and Non-Union contracts and not to return into Open Session. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes; M. Brunelle, Yes. Ended at 8:35 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN