

# **MINUTES**

**For approval at the 1-11-10 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes**

**January 4, 2010**

Chairman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 12-21-09 meeting minutes.  
Four in favor. P. Rogers abstained.

**ANNOUNCEMENTS**

None.

**NEW BUSINESS**

Chairman read aloud Town Charter Bylaw regarding appointing a Charter Review Committee. Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to appoint a Charter Review Committee consisting of the following members with terms ending upon the Board of Selectmen receiving a final report of said committee.

Caroline R. Sabalewski LaCroix, 74 Purchase Street  
Michael Solimini, 3 Otis Pratt Lane  
Allin J. Frawley, 35 Forest Street  
Lincoln D. Andrews, 28 Sachem Street  
Steven P. Spataro, 24 School Street  
Bruce G. Atwood, 155 Plympton Street  
Neil D. Rosenthal, 78 Cedar Street

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to approve rental of Town Hall Auditorium with waiver of rental fees for Miss Mass on 1/8/10. Building Commissioner R. Whalen will act as security.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve a One-day All Alcoholic Beverages liquor license for The Bartending Service of New England, LLC on 1/8/10 from 6 PM to 11 PM for event being held in Town Hall auditorium.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve abatement for Ocean Spray Cranberries in the amount of \$27,150.00 with question by Selectman McKinnon. Selectman McKinnon noted to Town Manager that he thought all meters were electric. Town Manager responded that these are special meters.  
Four in favor. P. Rogers abstained.

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Letter from Attorney Robert J. Mather re 136 Wood Street – Invite Attorney Mather to attend future meeting to discuss.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to promote David A. Beals, Jr. to the position of Permanent Police Sergeant as recommended by Chief of Police B. Gates.  
Four in favor. P. Rogers abstained.

**HEARINGS, MEETINGS & LICENSES**

Parks Commission Chairman William Ferdinand addressed Board. Chairman thanked Commission for all it does for the community. Mr. Ferdinand introduced Commission members and noted that he is only one member of the Commission. He read aloud a prepared statement. Selectwoman Brunelle asked him if the Commission has resolved outstanding issues with GMEG union. Mr. Ferdinand indicated that it has not. Selectwoman Brunelle offered that it would be best for those issues to be resolved before discussing Park's Superintendent position any further. Vice Chairman Garrett Perry clarified that he's not sure if the Board understands the current structure of this position. It's never been full time, but only 20 hours per week. He stressed Commission is working on some things but wants to work on being more streamlined - cost effective and efficient.

**Members are:**

Bill Ferdinand, Chairman  
David Thomas  
Cheryl Leonard  
Glenn Lydon  
Garrett Perry, Vice Chairman

Selectman McKinnon asked what type of winter activities they have for the children. Fran Cass responded that presently they have sledding and the skate park. Selectman McKinnon asked if we have any safe ice skating areas. Fran Cass indicated that they did have one and are looking into bringing it back, but it's a matter of cost. Mr. Cass noted that it is something the Town needs. Dave Thomas noted that he had been asked by several residents to offer more programs. The Commission wants to finalize its plans.

**BUDGET REVIEW SCHEDULE FY 2011**

Town Manager reviewed that departments were asked to submit two budgets:

- \* Level funded budgets
- \* Budgets with a 4% reduction
- Sealer of Weights and Measures  
Selectwoman Brunelle asked the Town Manager if the fees being charged by the Sealer are consistent with other communities/is there opportunity to adjust. Town Manager will ask Sealer to look into.  
Selectwoman Brunelle noted that this position's pay is a flat annual stipend.

- **Building Department**

Building Commissioner R. Whalen addressed Board and handed Board revised budget. After discussion, Selectman McKinnon asked if Board would receive updated salary sheets with two changes in salary lines. Building Commissioner offered that he will make sure Town Manager provides. (Town Manager had left room briefly.)

- **Police Department**

Police Chief addressed Board

4% cut – attrition of at least one more person between now and July and can go forward if everything goes right (no injuries, illness, etc). Will do best he can, but not sure will be able to make it through budget for next year and meet contractual obligations.

5% cut from current year - for year coming, it will have to come from regular pay for police officers for most of the reduction, mostly from night pay. Selectwoman Brunelle – asked Town Manager to check number of weeks. She comes up with 52 weeks and one day, but Treasurer indicated there is 53 weeks. Selectwoman Brunelle asked Chief to see how often on-line law books are updated as it would be more cost-effective than to continue purchasing books. Selectwoman Dughily noted medical expense line item has gone down drastically and asked why. Chief explained that each cruiser has medical bag/oxygen tanks – variable – amount of use changes. Selectman Rullo noted additional requests – anticipated electricity dollar amount seems unreasonable based on last year's expense. Chief responded that it is and that it will go over \$14k. This is why he's asking for more. Budget is underfunded. Selectman Rullo asked how Chief is doing holding to overtime budget. Chief noted that they exceed the budget each year in this area. They delay filling positions.

- **Fire Department**

Chief Benjamino addressed Board with the following comments:

Chief began by offering thoughts and prayers to Lincoln L. Maxim's family on his passing yesterday. He was a long-time Call Captain with the Fire Department.

Selectwoman Dughily recused herself from discussion of this budget.

Chief has met with two Captains who indicated that one is retiring in spring and one in the fall, which will assist in maintaining cuts they are facing.

Dangerously low staffed.

Low on firefighters.

Delay in code enforcement.

Fortunate to have professional firefighters we have, do a lot that is unseen by general public.

Need to staff north and south station.

Continues to seek grants.

Has several grants outstanding (3 or 4).

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Concerned with aging fleet apparatus.  
Have two vital pieces of apparatus out of service presently.  
Aged vehicles/maintenance issues.  
Budget he submitted is 4% cut.  
Does have great concern for safety of firefighter personnel.  
Chairman Rogers asked why code enforcement inspections are done by Captains. Why can't code enforcement be done by building department? Chief responded that it comes with experience and education. Chairman suggested we need to consider ways to economize when money is tight. Building Commissioner offered his thoughts.  
Chairman noted that the Board will discuss the Ambulance Service this month and would like Chief to attend that meeting. Chief will be notified when matter will be on agenda.

Selectwoman Duphily joined meeting.

**TOWN MANAGER'S REPORT**

Email from A. Bagas requesting vote to authorize deficit spending in snow/ice account.  
Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to authorize deficit spending for snow/ice removal for FY'10.  
Four in favor. P. Rogers abstained.

Selectwoman Brunelle thanked the Highway Department for snow removal this weekend all the while continuing on with trash pickup during the same time.  
Selectman McKinnon thanked DPW for storm just before Christmas -- a lot of snow and snow on sidewalks removed allowing folks to shop downtown.  
Selectwoman Brunelle noted that she has a scanner at home that she had listened to and noted instances where some people were pushing snow back into streets and sidewalks. She asked if we can look into issuing warning/fine.  
Town Manager suggested that the best solution is to educate the public, however, he will ask Mr. Bagas if there is a way to keep track of.

Email from A. Bagas to allow two Highway Department Foreman to take home their vehicles when there may be a need for emergency response. Both are residents.  
Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve.  
Four in favor. P. Rogers abstained.

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Chapter 90 – Town Manager informed by DOT liaison that these funds can't be used for stormwater work, noting that Mr. Bagas put in request and it was rejected. Chairman indicated that he believes Chapter 90 can be used. Town Manager will discuss further with Mr. Bagas.

Town Manager informed Board that he has scheduled a meeting with the consultant on Wednesday, January 6, 2010 re design of website.

**OTHER**

Selectwoman Duphily explained discussion she had with Town Clerk re licenses. Selectwoman Duphily noted that the snow on sidewalks were very well taken care of, however, many people still walked their dogs on sidewalks and Town Hall lawn/Veterans' Park and are not cleaning up after their pets. Selectwoman Duphily asked how we would create a bylaw to address. Town Manager will look into other communities.

M. Solimini noted that there had been a great deal of snow on Saturday and at 1:30 pm the access road to the Nichol's Middle School didn't appear plowed and appeared hazardous. His daughter's sports game wasn't cancelled. After discussion, it was learned that this was a church-sponsored activity.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to adjourn at 9:35 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN