

MINUTES

For approval at the 11-24-08 meeting

November 12, 2008

**Middleborough Board of Selectmen
Meeting Minutes**

Chairman began meeting by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Bond, P. Rogers, S. Spataro and M. Duphily.

NEW BUSINESS

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted unanimously to approve Gina M. Pangione as Manager of Gola Gola, Inc., d.b.a. Jamie's fine Wine & Spirits, II, 10 Merchant's Way as a supplement to the Board's previous motion on November 3, 2008.

HEARINGS, MEETINGS, & LICENSES

At 7:05 PM Chairman declared AGS Development Corp., Earth Removal permit public hearing closed as the applicant had withdrawn his application.

NEW BUSINESS

Request by Class II Automobile Dealer "The Auto Liquidation Group" for an increase in business hours. Building Commissioner R. Whalen addressed the Board and spoke about an ongoing property dispute at this location between Mr. Dirusso and his neighbor Mr. Briar. A fence has been taken down and has not been put back up. Mr. Briar, had his property surveyed by Outback Engineering and has plans that show the location of where the fence was as being his property. Mr. Dirusso has a plot plan that shows this same location as being his property. The survey cost Mr. Briar \$1,000 in the year 2007.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted unanimously to approve request for extended hours, subject to Mr. Dirusso putting fence up on property line as surveyed by Outback Engineering, subject to Building Commissioner's (as Fence Viewer) confirmation that fence has been put up on said surveyed property line. Hours of operation will be from 8 a.m. to 8 p.m. Monday thru Friday, 8 a.m. to 6 p.m. on Saturdays, and closed on Sundays.

HEARINGS, MEETINGS, & LICENSES

Travis Miller Vice President of Matrix Consulting Group addressed the Board to report his firm's assessment of the Town adding an ambulance service. Various scenarios were presented to the Board. Mr. Miller indicated that an ambulance service would not be self-supporting, but that it would help offset the cost of operating the Town's fire stations located on the north and south sides of Town. Following lengthy discussion on the matter, Board indicated that it would like the new Fire Chief to be involved in the decision-making process and would also like to receive further information from the consultants before making a final decision.

**Middleborough Board of Selectmen
Meeting Minutes**

November 12, 2008

Appointment of New Fire Chief

Chairman gave brief overview of Fire Chief selection process thus far and offered the floor to Selectman Spataro. Motion was made by Selectman Spataro and seconded by A. Bond for discussion, to establish a charter commission, creating a commissioner of public safety position to oversee the fire and police departments with a deputy chief or captain running each of those departments and reporting to the commissioner. Board voted one in favor. Two opposed.

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted to appoint Michael Carrier of Pelham, NH as the new Fire Chief, contingent upon passing a pre-employment physical, and authorized the Town Manager to work out a contract with Mr. Carrier.

Three in favor. One abstained.

NEW BUSINESS

Board received request from the Cultural Council asking the Board to solicit members for the Council and to appoint interested candidates. Board agreed to allow time for interested individuals to submit applications and set a target date of 11-21-08. Board agreed to keep Deborah Hurley's application on file.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to approve MHS Student Council Bonfire at Battis Field on November 24th as part of Spirit Week
Unanimous vote.

TOWN MANAGER'S REPORT

Town Manager noted that Goals & Objections – Will address next week.
Letter from D. Boucher re Pavestone sign location on Cowan Drive could be the cause of jake-braking. Town Manager will call MA Highway and ask if they had been unwilling to give Pavestone a location for its signs and also follow up with Don Boucher.

CORRESPONDENCE

#3 Selectman Spataro – Bridge inspections – Town Manager to look into whether or not these two bridges, specifically, Murdock St./Nemasket River and Titicut St./Taunton River, are the Town's responsibility.

#7 Selectman Bond – Professional Firefighters – Chairman read aloud letter addressed to the Board dated 11/6/08 from the Professional Firefighters, Local 3653. Several Board members acknowledged and thanked Mr. Cummings and Mr. Taylor for immediately clarifying that the letter previously read aloud at the Board's 11/3/08 meeting pertaining to the hiring process of a new Fire Chief was not endorsed by the Union.

**Middleborough Board of Selectmen
Meeting Minutes**

November 12, 2008

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted unanimously to adjourn meeting at 10:16 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

**Middleborough Board of Selectmen
Meeting Minutes****November 17, 2008**

In attendance were: Selectmen P. Rogers, S. Spataro, M. Duphily and M. Brunelle.

Selectman P. Rogers conducted the meeting as "Acting Chairman".

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve the 11/3/08 meeting minutes.
Three in favor. Selectman Spataro abstained.

HEARINGS, MEETINGS & LICENSESA Plus Waste Removal follow up

Health Officer addressed Board and reported that the business has been operating under the guidelines established by the Board at its 11-3-08 meeting. She reported having had received one call from the residents just after the holiday regarding the compost operations. She also reported that she spoke with Dave Johnson of DEP and he indicated that he does not deal with that issue, but Dan Connick does. They have been out to the site recently and have made corrective recommendations relative to the compost area. Sumner Martinson is handling the composting operation.

DEP expects to provide a report within the next two weeks. Health Officer will notify the residents as to when the matter will appear on the Selectmen's agenda again, once the DEP report is received.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to extend the conditions until December 1, 2008.

Unanimous vote.

CORRESPONDENCE

None.

TOWN MANAGER'S REPORTBudget process

Town Manager is working with I.T. Director R. Brunelle to prepare this year's budget electronically, cutting back on excessive paperwork. Town Manager reported that the State budget will most likely carry down to the local level, but that we will have to see the impact of what the Governor proposes, and go with the level funded budget for now. Town Manager to ask various departments to review all fees to see if adjustments are needed.

NEW BUSINESSLiquor License Fee Schedule

Selectwoman Brunelle noted that in the nine years that she has served on the Board, the Town has only increased these fees one time. With all of the overhead expenses involved in the processing of liquor license transactions, she would recommend that the Board consider increasing these fees at this time.

**Middleborough Board of Selectmen
Meeting Minutes**

November 17, 2008

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle Board voted to have the Town Manager come back on 11/24/08 with a recommendation for the Board's consideration (including revenue made) and to check with surrounding Town's as to how they arrived at the dollar increase to their fees.
Three in favor. Selectman Rogers abstained.

Brockton Power Plant

The Health Officer addressed the Board and gave brief update regarding the Brockton Power Plant. The intent of the task force that meets on a monthly basis is to collect data and the surrounding towns are to decide if they are in support of or opposed to the Power Plant. Many people are concerned that this is not the best area for the power plant. There are concerns regarding health issues.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to authorize Health Officer J. Spalding to continue attending meetings relative to the Power Plant and to report back to the Board. Chairman thanked Health Officer for attending and keeping the Board updated.
Three in favor. One abstained.

HEARINGS, MEETINGS & LICENSES

Conservation Agent P. Cassidy addressed the Board regarding the Freitas Baseline Document/Conservation Restriction – Vaughn Street. She reports that she has reviewed it and it looks accurate. Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to authorize Acting Chairman to sign document on the recommendation by the Conservation Agent that everything appears accurate.
Three in favor. Selectman Rogers abstained.

Conservation Agent P. Cassady addressed the Board regarding the Gibbs Conservation Restriction (signed by the Conservation Commission on 11/5/08). She provided a copy of the "Declaration of Conservation Restrictions" to each Board member (attached). Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to sign the Gibbs Conservation Commission.
Three in favor. Selectman Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to authorize the posting of the Conservation Commission Senior Clerical Position, as an upgrade for an existing employee.
Three in favor. Selectman Rogers abstained.

**Middleborough Board of Selectmen
Meeting Minutes**

November 17, 2008

691 Wareham Street Realty Trust re Request for One-Year Earth Removal Permit
Extension

Carl Tucci addressed the Board seeking a one-year extension. Town Manager will bring before Town Counsel to verify if a new application must be completed/submitted. Mr. Tucci is to call the Board's secretary for a future date on the Board's agenda.

OTHER

Selectman Spataro reported that Sgt. Michael Downing of Highland Street was injured on duty while serving in Afghanistan and that there is a fundraiser planned on his behalf for this Friday, 11/21/08. Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board agreed to provide letter of support to be presented at the fundraiser. Three in favor. Selectman Rogers abstained. (NOTE: Notification received on 11/18/08 that the fundraiser will be held on 12/6/08 at the VFW Hall on North Quincy Street in Brockton.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily to authorize Chairman to sign letter of support on behalf of the Board.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 8:15 p.m. to discuss strategy relative to pending litigation. Roll Call: S. Spataro, Yes; M. Duphily, Yes; M. Brunelle, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN