

MINUTES

For approval at the 11-3-08 meeting

10-20-08 minutes are
Executive Session only
+ Are not being posted.

DRAFT

Middleborough Board of Selectmen Meeting Minutes

October 14, 2008

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

In attendance were A. Bond, P. Rogers, M. Duphily and M. Brunelle.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve October 6, 2008 meeting minutes.
Unanimous vote.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve October 6, 2008 Executive Session minutes.
Unanimous vote.

At 7:02 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining. Roll Call: M. Brunelle, Yes; P. Rogers, Yes; M. Duphily, Yes; A. Bond, Yes. Chairman announced Board would return into Open Session. Ended at 8:02 PM

NEW BUSINESS

Selectwoman Brunelle returned to meeting room.

Board reviewed Special Town Meeting Articles (attached) as follows: #7, 16, 17, 18 & 19 with Police/Fire Chief G. Russell.

#16 – Selectman Rogers offered that funding for this vehicle has not gone before the Capital Planning Committee, as is required when over \$25,000 and noted that the Town Manager is not recommending funding at this time.

Chief to send Board information (year, make/model, mileage, etc.) regarding two Fire Department vehicles that could be used by the new Fire Chief, including the Code Enforcement vehicle.

Quotes received by Chief Russell re New Vehicle for New Fire Chief:

Crown Victoria	\$25,800
Explorer	\$29,851
Expedition	\$32,870

Town Manager to discuss options regarding repairing the cracked sealcoat in the Police Station parking lot with D. Boucher.

**Middleborough Board of Selectmen
Meeting Minutes**

October 14, 2008

At 8:25 PM Chairman read aloud public hearing notice re Tispaquin Farms, Silo Lane Road Layout. Town Planner R. Geoffroy addressed the Board. She explained that the Planning Board has received the plans for its recommendation. The Planning Board has 45 days pursuant to MGL Chapter 41, Section 811 to review. The Planning Board is requesting that no further action be taken until the Spring of 2009. Marcus Baptiste addressed the Board and expressed that it is his belief that the Planning Board has already reviewed these plans. Town Manager shared that Town Counsel has been consulted and is in agreement that the Planning Board has 45 days to make a layout recommendation to the Board of Selectmen. Chairman closed the hearing as the Board cannot act at this time.

SPECIAL TOWN MEETING WARRANT ARTICLES:

Article #26 – Indian Meadow Road

Planning Board voted favorable action on the Layout of Indian Meadow Road (as per attached letter).

Article #24 – Industrial Zoning District

Will move as an amended article on floor of STM to include “, or” just before the word “which”.

Article #14 – Central Fuel Storage Depot

I. T. Director addressed the Board to discuss.

Article #12 – Two (2) 15kv UPS’S – I.T. Director has agreed to wait on this article at the request of the Town Manager.

Article #13 – Administrative Technical Assistant - I.T. Director concurs to wait on this article.

Article 15 – Purchase Software and Computer Equipment - At recommendation of Town Manager, has agreed to reduce amount to \$28,000.

Article #25 – Convey Gibbs Property to Conservation – Board of Selectmen will then hold Conservation Restriction. Town Counsel has been given changes recommended by Conservation Agent.

Article #11 – Collective Bargaining Agreements - \$20,180, which will come from the Town’s Health Insurance appropriation per Town Manager. This money goes to wage increases: at 0%, 1.5%, and 3% beginning in November.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to postpone ARTICLE #'s: 12, 13, 16, 18, and 27.
Unanimous vote.

**Middleborough Board of Selectmen
Meeting Minutes**

October 14, 2008

Motion made by Selectwoman Duphily to not support ARTICLE #7. No second was made. Motion did not carry.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted to approve amounts recommended by Town Manager for the following articles: 1, 2, 3, 4, 5, 6, 8, 9, 10, 15, 17, 22, 23 with the dollar amount of Article #3 being \$10,491.46.

Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #19.

Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #20 with the agreement that it will be "the Board or its designee".

Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #21.

Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #24 with anticipated change (amendment) to be made on Special Town Meeting floor.

Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #25.

Unanimous vote

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to support ARTICLE #26.

Unanimous vote.

Town Manager to work on motions with Board's secretary and put on single page for each Selectman.

NEW BUSINESS

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted To approve and signed Betterment Agreement re Jeffrey and Christine Schlack, 81 Maple Road.

Unanimous vote.

**Middleborough Board of Selectmen
Meeting Minutes**

October 14, 2008

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve request from Nemasket River Productions to place sign on Town Hall lawn from 10/13 until 10/26.

Three in favor. One abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Health Officer's request to conduct "Flu Awareness Presentation" at Special Town Meeting on 10/20/08.

Unanimous vote.

TOWN MANAGER'S REPORT

Town Manager acknowledged and thanked COA Director A. Priest for providing a bus used for a tour of Middleborough during a visit by Department of Housing & Economic Development Secretary Dan O'Connell. It was also noted that the bus driver was very helpful and accommodating as well. Lt. Governor reiterated today that he will hold local aid harmless when announcing budget cuts tomorrow.

CORRESPONDENCE

#5 Town Manager or Board's Secretary to try and attend ABCC Alcohol Law seminar on 10/27/08.

#12 Selectwoman Brunelle read aloud Rotary Club announcement re Award Recognition Dinner honoring Parks & Recreation Director Harry Pickering.

#7 Highway Superintendent D. Boucher to be asked to provide status re signs/jake brakes on Rte. 28 in response to Mr. Whitman's concerns presented in his letter addressed to the Board.

#15 Town Manager to get response for Board re Wood and Community Garden and Shelter.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted to adjourn meeting at 9:42 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELEC TMEN

SPECIAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Gary J. Russell, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the Auditorium of the Middleborough High School, on October 20, 2008, at 7:30 P.M., to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, a sum of money to be placed into the Stabilization Debt Fund, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, a sum of money to supplement and/or adjust departmental budgets for Fiscal Year 2009, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, Water Enterprise Unreserved Retained Earnings account, or other available source a sum of money for unpaid bills from prior years, or act anything thereon.

ARTICLE 4. To see if the Town will vote to: (a) approve a Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws c. 23A, §3E between Sapphire Engineering, Inc. and the Town of Middleborough for property located at 32 Leona Drive shown on Assessors' Map 38, Lot 1616 which TIF provides for tax exemptions over a twenty (20) year period at the rates set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts ("EACC"); (b) authorize the Board of Selectmen to execute the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; (c) authorize the Board of Selectmen to submit all such documents to the EACC under the Economic Development Incentive Program for approval and designation of the 32 Leona Drive Economic Opportunity Area, TIF Plan and TIF Agreement and Certified Project Application described therein; (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this article; and (e) or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$160,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation of account or other available source or by borrowing under General Laws, Chapter 44, Section 7, for the purpose of remodeling, reconstruction or making extraordinary repairs to the Middleborough High School roof sections, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$130,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing for the purpose of a revaluation update for the Board of Assessors of commercial and industrial real estate and personal property, or act anything thereon.

ARTICLE 7. To see if the town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing to purchase cruisers for the Police Department, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing \$10,400.00 for the purpose of updating the town-wide fixed asset accounting system for capital and infrastructure assets, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund sick leave buy-backs or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, the sum of \$12,500.00 to reimburse the Town's insurance company for the Town's share of a settlement amount paid to Lisa Higgins, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing, a sum of money to refurbish the two (2) 15kv UPS'S for the Bank building and the Town Hall thru the Information Technology department.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing \$18,921.00 to fund the Administrative Technical Assistant account 01.155.511301 from January 1, 2009 to June 30, 2009 or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing a sum of money to purchase software, computer equipment and rewiring for the Central Fuel storage depot, thru the Information Technology department.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing a sum of money to

purchase software and computer equipment for various departments, thru the Information Technology department.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing a sum of money to purchase an administrative patrol vehicle for the Fire Department or act anything there on.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing the sum of \$16,000.00 for repairs to the pump on Engine 2 for the Fire Department or act anything there on.

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source the sum of \$4,200.00 by taxation or from available funds, or by borrowing, to crack-seal, seal-coat and stripe the Police parking lot, or act anything thereon.

ARTICLE 19. To see if the Town will vote to accept the provisions of General Laws Chapter 90, Section 18A relative to ways within the control of the Town which acceptance will enable the Board of Selectmen to adopt rules regulating the use by pedestrians of said ways, or act anything thereon.

ARTICLE 20. To see if the Town will designate a Board or Officer to issue permits for the purpose of creating a trench as that term is defined by MGL Chapter 82A Section 4 and 520 CMR 14.00. or act anything thereon.

ARTICLE 21. To see if the Town will vote to include Barrows Street and School Street in the water main replacement project voted under Article 34 of the warrant for the October 30, 2006 Special Town Meeting, or act anything thereon.

ARTICLE 22. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, Water Enterprise Unreserved Retained Earning Account, or other available source to supplement and/or adjust the Water Enterprise System budget for Fiscal Year 2009, or act anything thereon.

ARTICLE 23. To See if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, Water Enterprise Unreserved Retained Earnings Account, or other available source for the purpose of furnishing and erecting a protective fiberglass dome to be affixed to the coke filter tank at the East Grove Street Water Treatment Facility for the purpose of protecting the filter from airborne contaminants, or act anything thereon.

ARTICLE 24. To amend Section IV of the Zoning By-laws by revoking Section E in its entirety and adopt the following in its place:

E. INDUSTRIAL DISTRICT

1. PERMITTED USES:

- a. Religious, education, municipal or government uses.
- b. Commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.

- c. Child care facilities.
- d. Any use permitted in a Residence District, except those prohibited in Section 3. below.

2. SPECIAL PERMIT USES:

- a. Manufacturing or industrial use.
- b. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) under Section VII, provided that no special permit shall be granted unless the Board makes the findings set forth in Section VII.C.2.a. Provided that no special permit shall be granted for any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, noxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the neighborhood.
- c. A Special permit use shall be compatible with existing uses in the neighborhood within and outside of the District, so that such use is not detrimental to the neighborhood. Construction or maintenance of buffers may be required as determined by the SPGA.

3. PROHIBITED USES:

- a. Dwellings, multiple dwellings, house trailers, and mobile homes.

ARTICLE 25. To see if the Town will vote to transfer the care, custody, management and control of property at 231 Thompson Street in Middleboro, Massachusetts described in a deed recorded in the Plymouth County Registry of Deeds in Book 36291, Page 114 and formerly owned by the Gibbs Irrevocable Trust from the Board of Selectmen to the Conservation Commission to be held by the Conservation Commission for conservation and/or agricultural purposes, or act anything thereon.

ARTICLE 26. To see if the Town will vote to accept Indian Meadow Road as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Indian Meadow Road' – Roadway layout – Plan of Land in Pine Meadows II Subdivision – Middleborough, MA", dated June 12, 2007, drawn by SITEC, Inc., and any related easements, or act anything thereon.

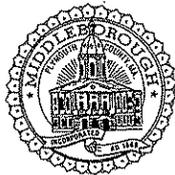
ARTICLE 27. To see if the Town will vote to accept Silo Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Acceptance/Layout Plan – Silo Lane – 'Tispaquin Farms' – a Chapter 40B Development in Middleborough, MA," dated September 3, 2008, drawn by John W. Delano and Associates, Inc., and any related easements, or act anything thereon.

Given, under our hands at Middleborough, this 29th day of September, 2008

ADAM M. BOND
PATRICK E. ROGERS
STEVEN P. SPATARO
MARSHA L. BRUNELLE
MURIEL C. DUPHILY
BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the 2nd day of October, 2008, that date being more than fourteen days before the time specified for said meeting.

GARY J. RUSSELL, Police Chief



Town of Middleborough
Massachusetts

TOWN PLANNER
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

October 14, 2008

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

Re: Pine Meadows II – Indian Meadow Road

Honorable Board:

The Planning Board, at their regularly scheduled meeting held August 21, 2007 and again on October 14, 2008, voted to recommend favorable action on the layout and acceptance of Pine Meadows II by the Town.

The Planning Board, at their public hearing on July 24, 2007, found that the construction of the subdivision roads and the installation of the municipal services, as approved September 14, 1999, to be complete, and have been built to the standards of the Town of Middleborough Subdivision Rules and Regulations. The Board, therefore, voted to issue a Certificate of Completion for "Pine Meadows II".

The Planning Board is in receipt of the following plan entitled: "Indian Meadow Road Roadway Layout Plan of Land in Pine Meadows II Subdivision, Middleborough, MA" off Pine Street in Middleborough, MA dated June 12, 2007, prepared by SITEC Civil and Environmental Engineering, 449 Faunce Corner Road, Dartmouth, MA 02747, consisting of one (1) sheet.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

Michael J. Labonte, Chairman
Middleborough Planning Board

CC: Mr. Ronald Turowetz
QBI Homes Inc.

Incorporated 1669
336 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

To: Board of Selectmen
From: Charles J. Cristello, Town Manager
Date: October 10, 2008
Subject: Special Town Meeting Recommendations *CR*

Attached please find my recommendations for the financial articles on the Special Town Meeting warrant. My overall approach is to fund only what is unavoidable and to preserve as much free cash as possible for the spring Annual Town Meeting. As you can see I am not recommending funding for four articles that I believe can wait. My recommendations total \$612,972.51 from free cash and \$241,379.78 from the Water Enterprise Unreserved Retained Earnings account.

I am also recommending that \$2,700,000 from the landfill settlement be transferred to the Stabilization Debt Fund to be used in future fiscal years to offset our landfill debt expenses. We would then have \$622,774.49 remaining in free cash for the spring.

I previewed these recommendations for the Finance Committee at their meeting last Monday and they are in agreement with this approach.

The settlements contemplated in Article 11 will be funded by transfers from the existing Health Insurance line-item. I expect to have those amounts available for you Monday evening.

Please feel free to call me with any questions.

RECOMMENDATIONS FOR SPECIAL TOWN MEETING OCTOBER 2008

	Free Cash	Water Fund	Transfer from Health Insurance Account
Article 1	see below		
Article 2	\$46,086.94		
Article 3	\$17,115.57	\$9,379.78	
Article 4	n/a		
Article 5	\$160,000.00		
Article 6	\$130,000.00		
Article 7	\$149,920.00	(5 Cruisers)	
Article 8	\$10,400.00		
Article 9	\$24,450.00		
Article 10	\$12,500.00		
Article 11			To be determined
Article 12	\$0.00		
Article 13	\$0.00		
Article 14	\$18,500.00		
Article 15	\$28,000.00	(Total requested \$143,509)	
Article 16	\$0.00		
Article 17	\$16,000.00		
Article 18	\$0.00		
Article 19	n/a		
Article 20	n/a		
Article 21	n/a		
Article 22		\$180,000.00	
Article 23		\$52,000.00	
Article 24	n/a		
Article 25	n/a		
Article 26	n/a		
Article 27	n/a		
Total	\$612,972.51	\$241,379.78	

Summary

Free Cash	\$3,935,747.00	Certified as of July 1, 2008
Article 1	\$2,700,000.00	Transfer to Stabilization Debt Fund
Balance	\$1,235,747.00	
STM Total	\$612,972.50	
Balance	\$622,774.49	Remaining for spring ATM

Water Fund	\$308,358.00	Certified as of July 1, 2008
STM Total	\$241,379.78	
Balance	\$66,978.22	Remaining for spring ATM

**Middleborough Board of Selectmen
Meeting Minutes**

October 27, 2008

 **DRAFT**

Chairman opened meeting at 6:30 PM.

In attendance were A. Bond, P. Rogers, M. Duphily and M. Brunelle.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted to approve releasing bond in the amount of \$7,500 to Daniel and Janice O'Connor re Earth Removal permit for M045, L675.

Unanimous vote.

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted to approve and signed note for bonding fire truck, school bus, and police cruiser.

Three in favor. One abstained.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted to approve and signed Warrant for Presidential Election.

Unanimous vote.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted to adjourn at 7:00 PM and reconvene immediately thereafter for Special Town Meeting.

Unanimous vote.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN