

MINUTES

For approval at the 12-15-08 meeting

**Middleborough Board of Selectmen
Meeting Minutes****December 1, 2008**

Acting Chairman P. Rogers opened meeting at 7:01 PM.

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

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve 11/24/08 meeting minutes.

Three in favor. Selectman Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve 11/24/08 Executive Session meeting minutes.

Three in favor. Selectman Rogers abstained.

HEARINGS, MEETINGS, & LICENSES**A-Plus Waste Removal – Follow up**

Chairman announced that the DEP did issue an Administrative Consent Order (ACO) with a suspended penalty to A-Plus Waste Removal and Mitchell Industries for being in violation of holding over trash on site without a permit to do so. The penalty was in the amount of \$18,500. If they violate any of the conditions in the ACO, the fines will be reinstated with ongoing daily fines in the amount of \$500. for each day that the violations continue. Chairman read aloud a portion of the ACO. The respondent signed the order indicating that he agrees with it and in doing so, is stating that he agrees to comply.

Health Officer J. Spalding addressed the Board: Residents contacted her today regarding the composting area and work that allegedly went on this past weekend. DEP had indicated that they were unaware that the composting area had been there all summer. This past Sunday there were vehicles operating on site. With the Board's permission, she will follow up with DEP this week regarding this matter. Documents from DEP state that the hours of operation in this area are Monday through Friday from 8 AM until 4 PM only. There are some parts of the DEP agreement that concern her and she will review it with DEP.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to authorize the Health Officer to follow up with DEP regarding the composting area.

Three in favor. Selectman Rogers abstained.

Jeff Caswell, 85 River Street, addressed the Board and asked if Mr. High has begun permitting process, where asbestos is going, who is monitoring that, and who's paying for the removal. Chairman pointed out that the DEP is investigating and it is ordering a chain of custody to begin.

Attorney Wyman representing A Plus Waste Removal addressed the Board and reiterated that asbestos (insulation) had been removed and that the DEP consent order suggests that, as any demolition moves forward, any asbestos contained therein must be reported to the DEP. Chairman explained that the licensed site professional probably knows where the asbestos went. Attorney Wyman indicated that his client has met with MG&E regarding electricity and is working on septic issues. Once these two items are addressed, he will move toward applying for proper permits to take occupancy. He further stated that Mr.

High has addressed Sunday's composting operation and will see to it that it does not continue.

Town Planner addressed the Board regarding industrial district and zoning requirements. The Building Commissioner is aware of issues of concerns. Town Planner will write a formal letter to the Building Commissioner and copy it to the Board of Selectmen. The first step would be to talk with the property owner to try and remedy.

Attorney Wyman addressed the Board and clarified that it is his understanding that his client does, in fact, have to pay the \$18,500 in \$4,000 increments beginning in 90 days.

NEW BUSINESS

Town Manager and Board reviewed the Five-year Financial Forecast (attached). Forecast will be updated on a monthly basis. This is the first pass at it. Workers' Compensation must be addressed and it will be the job of each department head to assist in doing so. Selectwoman Brunelle acknowledged and thanked the Town Manager for preparing this information. Chairman Rogers requested that the information be posted to the website.

BILLS

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to approve payment to the Middleboro Post Office in the amount of \$670 for the purchase of postage for the Selectmen's office.

Three in favor. Selectman Rogers abstained.

TOWN MANAGER'S REPORT

Health Officer addressed the Board and announced that the Assistant Health Officer, Bart Harrison, recently left to pursue an educational career.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to support Health Officer's request to post for a part-time Assistant Animal Control/Animal Inspector position and an Assistant Animal Control Officer/Inspector with the understanding that the Health Office clerical position is not to be filled.

Three in favor. Selectman Rogers abstained.

Goals and Objectives

Town Manager pointed to his consolidated list of Goals and Objectives and noted that he will provide the Board with a memorandum relative to said list at the Board's next meeting.

It was noted that a SRPEDD meeting is scheduled on 12/11/08 from 10 a.m. to 12 Noon in Seekonk. Selectman Spataro asked if the Town Manager would be attending. Town Manager indicated that if he could not, he would make some telephone calls to Mr. Smith or Mike Carroll in Seekonk and share some ideas about what would be viable, such as regional purchasing. Selectman Rogers suggested that Highway Superintendent D. Boucher be contacted and asked to discuss respecting the no-salt areas with his employees who will be out salting the roads this winter.

OTHER

Selectwoman Brunelle read aloud announcement from Comcast regarding a Holiday Open House to be held on Thursday, December 11, 2008. Board requested copy be sent to the School Department.

Board requested that Town Manager start writing the Police Chief job description and complete within the next two weeks so that it can be advertised in January with a similar process as was used to hire the Fire Chief.

Brian Giovanoni addressed the Board as a member of the Middleboro Friends and thanked the Board for the use of Town Hall and for allowing the signs to be placed on the Town Hall lawn for the Craft Fair held this past weekend.

Chairman announced that the Board would have Mr. Giovanoni in for a report by the Resort Advisory Committee. Mr. Giovanoni indicated his group will be meeting on 12/17 or 12/18 and will notify the Board when the best time would be to meet.

Selectman Spataro acknowledged the work done by Selectwoman Duphily for this past weekends Craft Fair and Selectwoman Brunelle's work, and the work of others, relative to the Masquerade Ball.

CORRESPONDENCE

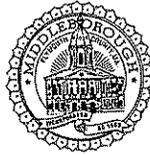
#17 Health Officer addressed Board and announced that she has received annual license renewal application from Edgeway Park and recommended that the Board may wish to discuss and review with Town Counsel. Town Manager announced that Town Counsel is on next week's agenda to discuss this and various matters under Executive Session.

#9 SRPEDD Assistance to Cities and Towns – Town Manager to look at form.

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted by Roll Call to go into Executive Session to discuss strategy relative to collective bargaining and pending litigation at 8:51 PM. Roll Call: S. Spataro, Yes; M. Duphily, Yes; M. Brunelle, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session. Ended at 9:18 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

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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 *CJ*

Date: November 25, 2008

Subject: **Five Year Financial Forecast**

I have attached the first Five Year Financial Forecast for the upcoming budget year. I have based this forecast on a 2% increase in both salaries and expenses over the five year period. The other assumptions that I am making are identified next to the particular expense category.

As you can see we are facing a structural deficit of at least \$2.6 million in FY 2010, which does not project any reductions in state aid. It also does not include any capital spending or use of free cash or other one-time sources of revenue at this time.

I explain the forecast in more depth at your meeting of December 1, 2008. However, if you have any questions before then please feel free to call me.

FIVE YEAR FORECAST

11/12/2008

	ACTUAL	ESTIMATE	FORECAST	FORECAST	FORECAST	FORECAST	FORECAST
	FY 08	FY 09	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SOURCES							
Tax Levy	25,253,490	26,500,879	27,964,549	29,113,663	30,291,505	31,498,792	32,736,262
Levy	631,337	662,522	699,114	727,842	757,288	787,470	818,407
2 1/2 % Increase	616,052	801,148	450,000	450,000	450,000	450,000	450,000
New growth	366,006	460,055	397,572	332,361	263,257	198,413	140,610
Debt exclusions	0	0	0	0	0	0	0
Capital exclusions	0	0	0	0	0	0	0
Override	26,866,885	28,424,604	29,511,235	30,623,866	31,762,049	32,934,675	34,145,279
Total Tax Levy							
Other Revenue	19,797,796	21,254,528	21,770,543	21,770,543	21,770,543	21,770,543	21,770,543
State Aid	N/A	516,015	0	0	0	0	0
Additional New Education Aid	6,696,000	6,700,000	6,700,000	6,834,000	6,970,680	7,110,094	7,252,295
Local Receipts	1,233,045	600,000	0	0	0	0	0
Free cash	1,323,837	4,969,932	4,847,538	5,499,256	5,593,160	5,643,551	5,769,302
Water and Wastewater	1,187,217	4,683,431	4,683,431	4,683,431	4,683,431	4,683,431	4,683,431
Offsets	235,000	781,164	0	0	0	0	0
FAM	0	320,000	0	0	0	0	0
New Landfill / Fund 53	30,472,895	39,825,070	38,001,512	38,787,230	39,017,814	39,207,619	39,475,571
Total Other Revenue	57,339,780	68,249,674	67,512,746	69,411,095	70,779,863	72,142,294	73,620,850
Total Sources							
USES							
State assessments	0	0	0	0	0	0	0
Overlay	0	722,309	560,000	560,000	400,000	350,000	350,000
Other expenses	0	722,309	560,000	560,000	400,000	350,000	350,000
Total	0	722,309	560,000	560,000	400,000	350,000	350,000
Appropriations							
Article 2		67,398,526	69,341,560	72,008,613	73,756,806	75,432,451	77,668,470
Article COLA's		0	212,363	483,125	760,657	1,045,127	1,336,708
Trash Disposal		0	0	0	0	0	0
Other articles		0	0	0	0	0	0
Total approp.		67,398,526	69,553,922	72,491,738	74,517,463	76,477,577	79,005,178
Total Uses		68,120,835	70,113,922	73,051,738	74,917,463	76,827,577	79,355,178
EXCESS (Shortfall)	57,339,780	128,839	(2,601,176)	(3,640,643)	(4,137,601)	(4,685,284)	(5,734,328)

ARTICLE 2 - DETAIL

	ACTUAL FY 08	BUDGET FY 09	FORECAST FY 2010	FORECAST FY 2011	FORECAST FY 2012	FORECAST FY 2013	FORECAST FY 2014
SALARIES & WAGES - TOWN							
General Government	0	3,589,411	3,589,411	3,589,411	3,589,411	3,589,411	3,589,411
Police	0	3,519,403	3,519,403	3,519,403	3,519,403	3,519,403	3,519,403
Fire	0	2,384,349	2,384,349	2,384,349	2,384,349	2,384,349	2,384,349
Public Works	0	1,124,975	1,124,975	1,124,975	1,124,975	1,124,975	1,124,975
Total Town Salaries	0	10,618,138	10,618,138	10,618,138	10,618,138	10,618,138	10,618,138
Other Town Expenses @ +2%	0	<u>1,755,289</u>	<u>1,790,395</u>	<u>1,826,203</u>	<u>1,862,727</u>	<u>1,899,981</u>	<u>1,937,981</u>
TOTAL TOWN EXPENSES	0	12,373,427	12,408,533	12,444,341	12,480,865	12,518,119	12,556,119
WATER AND WASTEWATER							
Salaries & Wages @2%		1,181,874	1,211,421	1,241,706	1,272,749	1,304,568	1,337,182
Expenses		3,788,058	3,636,117	4,257,549	4,320,411	4,338,983	4,432,120
		4,969,932	4,847,538	5,499,256	5,593,160	5,643,551	5,769,302
EDUCATION COSTS							
Salaries & Wages		20,446,352	20,855,279	21,272,385	21,697,832	22,131,789	22,574,425
Other Expenses @+2%		4,421,855	4,510,292	4,600,498	4,692,508	4,786,358	4,882,085
Transportation @5%		2,292,730	2,407,367	2,527,735	2,654,122	2,786,828	2,926,169
TOTAL EDUCATIONAL EXPENSES	0	27,160,937	27,772,938	28,400,617	29,044,462	29,704,975	30,382,679
EMPLOYEE BENEFITS							
Health Insurance @10%		10,255,433	11,280,976	12,409,074	13,649,981	15,014,979	16,516,477
Retirement		3,385,373	3,501,494	3,572,898	3,572,898	3,572,898	3,572,898
Workmen's Comp		620,846	620,846	620,846	620,846	620,846	620,846
FICA @ 5%		510,644	536,176	562,985	591,134	620,691	651,726
Unemployment		175,000	175,000	175,000	175,000	175,000	175,000
TOTAL EMPLOYEE BENEFITS		14,947,296	16,114,493	17,340,803	18,609,860	20,004,414	21,536,947
DEBT SERVICE							
New Debt Service	0	5,864,664	5,841,150	5,974,348	5,684,177	5,227,464	5,097,066
		0	274,639	266,978	262,013	251,657	244,087
UNCLASSIFIED							
		2,082,270	2,082,270	2,082,270	2,082,270	2,082,270	2,082,270
CAPITAL OUTLAY	0	0	0	0	0	0	0
WASTE TRANSFER	0	0	0	0	0	0	0
TOTAL APPROPRIATIONS	0	67,398,526	69,341,560	72,008,613	73,756,806	75,432,451	77,668,470

**Middleborough Board of Selectmen
Meeting Minutes**

December 8, 2008

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 6:30 PM to discuss strategy relative to collective bargaining and pending litigation. Roll Call: P. Rogers, Yes; M. Duphily, Yes; A. Bond, Yes. Chairman announced Board would return into Open Session. Ended at 7:30 PM.

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

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

At 7:40 PM Tony Esposito of Outback Engineering addressed Board to discuss application for Earth Removal permit at 691 Wareham Street. He explained that Carl Tucci is presently trying to work out a land swap with the Town, and therefore, has not removed any earth to date through his recently expired permit. Carl Tucci, Trustee of 691 Wareham Street Trust addressed Board and reported that at recent Conservation Commission meeting he received support from the Commission to continue pursuing his attempt at a land swap. Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted unanimously to approve a one-year Earth Removal permit for 691 Wareham Street Realty Trust, M 110, Lots 4532 & 2994.

Attorney Arthur Pearlman addressed Board to discuss application made by Darshak V. Patel for Transfer of an All Alcoholic Package Store from Deep, Inc., d.b.a. Kurt's Corner to Vir Liquors, Inc., d.b.a. Kurt's Corner located at 353 Wareham Street. Subject to clearance of funds paid for taxes and clean CORI check. Upon motion Selectman Spataro and seconded by Selectman Rogers, Board voted unanimously to approve transfer and change of Manager from Niruben J. Patel to Darshak V. Patel, subject to no CORI background issues or concerns by the Chief of Police.

Upon motion by Selectwoman Duphily and seconded by Selectman Rogers, Board voted unanimously to approve 2nd Hand License application made by Terri Cleaves to sell clothing at 5b & 5c Wareham Street, M50P, L6264 with the hours of 9 AM to 6 PM Monday, Wednesday, Thursday, Friday & Saturday, closed on Tuesdays, and from 9 AM to 3 PM on Sunday. Board asked that applicant maintain record keeping, if, and when, she accepts clothes on assignment, keeping track of who, if anyone, donates clothing to the store. Applicant agreed.

**Middleborough Board of Selectmen
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December 8, 2008

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted unanimously to appoint the following individuals to the Middleborough-Lakeville Herring Fishery Commission:

For a term ending September 30, 2011

David J. Cavanaugh

William Orphan

For a term ending September 30, 2009

Harold Atkins

Kristen Chin

Luke Leonard

2009 Liquor License Renewals

Upon motion by Selectwoman Dughily and seconded by Selectman Rogers, Board voted unanimously to renew all 2009 Liquor licenses, except for Nusan Corporation, dba Huckleberry's Chicken House and that all Common Victualler Liquor licenses that have been approved are only approved subject to passing Fire Safety Inspection.

Upon motion by Selectwoman Dughily and seconded by Selectman Rogers, Board voted unanimously to approve Nusan Corporation, dba Huckleberry's Chicken House, subject to payment of all outstanding taxes, fees, and interest to the Town of Middleborough.

Upon motion by Selectman Spataro and seconded by Selectwoman Dughily, Board voted unanimously to certify 2009 Liquor license non-renewals.

2009 Class II Automobile Dealer's Licenses

Upon motion by Selectwoman Dughily and seconded by Selectman Rogers, Board voted unanimously to approve all Class II Automobile Dealer licenses, except for The Auto Liquidation Group, 66-68 West Grove Street, and subject to the payment of all outstanding taxes, fees, and interest owed to the Town of Middleborough.

Mr. Briar addressed the Board and reported that Vincent DiRusso, owner of The Auto Liquidation Group, has installed the fencing that had been agreed upon at the Board's 11-12-08 meeting, however, he has installed it in such a way that Mr. Briar finds unsatisfactory. Mr. Briar asked that the Board not approve the renewal of Mr. DiRusso's 2009 Class II license.

Upon motion by Selectman Rogers and seconded by Selectman Bond, Board voted to approve 2009 Class II Automobile Dealer's license for The Auto Liquidation Group, 66-68 West Grove Street.

Two in favor. Two opposed.

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Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to have Mr. DiRusso of The Auto Liquidation Group come in next week to discuss ongoing fence issue. Board requested that Building Commissioner, as fence viewer, inspect status and submit letter with details prior to next meeting.
Three in favor. One opposed.

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted unanimously to appoint Linda Bullard as a member of the COA Board of Directors.

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted unanimously to appoint Annette P. Holmes as a member of the COA Board of Directors.

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted unanimously to appoint Sarah Jigerjian as a member of the COA Board of Directors.

Upon motion by Selectman Rogers and seconded by Selectman Spataro for discussion, Board voted to allow Manuel S. Rosa, dba North Main Street Market to apply \$600 that he had paid for a liquor license in 2008, which he did not receive (utilize), due to an ABCC denied Liquor license transfer caused by circumstances unrelated to him, be applied to his 2009 liquor license.
Three in favor. Selectman Spataro opposed.

Chairman announced that the Board and Michael Carrier could not accept Mr. Carrier's proposal regarding residency. The Board agreed to move on to the next candidate. Board agreed to discuss matter further prior to its Water Workshop meeting set for Thursday, December 10, 2008.

TOWN MANAGER'S REPORT

Selectwoman Duphily returned to meeting room at 8:55 PM.

Town Manager briefed Board on upcoming CDBG public hearing notice from A. Nalevanko on our application for our Community Development Block Grant. Hearing is scheduled for 12-18-08 from 3-4 PM in the Selectmen's Hearing Room. The application deadline is 2-13-09.

Training was held last week with representatives from the Attorney General's office at Town Hall on the Manufactured Housing Act. There were approximately 25 local officials from the surrounding area in attendance. Senator Pacheco was also in attendance.

Town Manager updated Board re Design process for Rte. 495-105 Interchange and signalization project that MA Highway is currently engaged in.

Follow up re revenues from the State and taxes and fees paid: Between generating and receiving lottery proceeds, the end result is that the Town is approximately 10% short in receiving lottery aid. Town Manager will continue to research.

**Middleborough Board of Selectmen
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OTHER

Board requested that invitation be extended to DPW & Police Department Building Study Committees to come in on 12/22/08 for a status update.

The Resort Advisory Committee will attend the 1/12/09 Selectmen's meeting to give a status update.

Brian Giovanoni requested a copy of the Trash Fees report, if available.

R. Dunphy asked about availability of Executive Session minutes.

Upon motion by Selectman Bond and seconded by Selectman Spataro for discussion, Board voted to put all E.S. minutes, that are no longer pending matters, on-line like other minutes.

Three in favor. Selectman Rogers abstained.

CORRESPONDENCE

#16 Memo from Conservation Commission Agent re Community Preservation Act (CPA)
Board agreed to invite representative from Planning and Conservation to come in on 1/12/08 to speak on CPA.

#2 Campanelli letter - Town Manager explained that it is a Sapphire update.

#14 Letter from John Healey re offer of land swap - Town Manager to report back to the Board on this.

#12 Conservation Commission memo re vandalism at Pratt Farm - Public is asked to please be vigilant of the area and report any concerns observed.

#18 Letter from R. Dunphy regarding an unsigned letter dated 10-21-08 on Professional Firefighters, Local 3653 letterhead, but since recognized as not having had been submitted by this union - Selectwoman Duphily asked that Chief Russell provide report to Board as to what he has found out about where the letter originated from.

#10 Dr. R. Sullivan resigning from Parks Commission. Board extended its thanks to Dr. Sullivan.

#15 Letter from Wendy & Mark Wymans concerning ongoing noise disturbance - Town Manager is addressing.

Chairman asked public to submit its concerns regarding public disturbances in places such as "on sidewalks" to the Board of Selectmen's Office.

**Middleborough Board of Selectmen
Meeting Minutes**

December 8, 2008

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted unanimously to approve vacation time request for its secretary and authorized the carry over of one-week vacation into 2009.

Upon motion by Selectwoman Duphily and seconded by Selectman Rogers, Board voted unanimously to adjourn meeting at 9:38 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN