

MINUTES
6-16-08

**Board of Selectmen
Minutes of Meeting****June 9, 2008**

At 6:58 PM Acting Chairman P. Rogers opened the meeting.

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

Chairman P. Rogers began the meeting by complimenting the School Department for a well-run High School graduation ceremony and also offered his congratulations to the parents of the graduates.

On June 18th there will be a gathering from 5:30 PM until 8 PM, 10 Nickerson Avenue, Selectmen's meeting room, to welcome new Town Manager Charlie Costello.

Chairman Rogers stated that we had an issue come up with Rockland Industries. We contacted DEP and they have agreed to come in to meet sometime in July, once they have had an opportunity to conduct testing.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To approve minutes of June 2, 2008.
Three in favor. One abstained.

BILLS

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board
VOTED: To approve MG&E bills totaling \$221.40.
Three in favor. One abstained.

NEW BUSINESS

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board
VOTED: To approve the 79th annual Fourth of July parade on July 4th and grants permission for the North Middleborough Fourth of July Parade Committee to sell Parade Tags.
Three in favor. One abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To approve placement of sign for New England Blues Festival on Town Hall lawn starting immediately with removal of the sign on August 31, 2008.
Three in favor. One abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To approve summer concert series to be held by Music Nights on the Town Hall lawn on Thursday evenings from 6 PM – 8:30 PM beginning July 10 through August 28, 2008.
Three in favor. One abstained.

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At 7:06 PM Chairman Rogers opened public hearing re 2008 Tispaquin Family Campground Permit by reading aloud public hearing notice. Barbara Holton addressed the Board and read aloud a prepared statement, noting that she has been running the campground for the past 25 years and publicly thanked everyone who has supported her. She announced that past matters are now before the Courts to determine a resolution. Chairman Rogers agreed that this is the case and offered the Board the opportunity to vote to approve the permit application before it, if so desired. Selectwoman Brunelle offered that a compromise had been offered to the Holton's on the past issues and because they were not accepted, it is in her opinion, that the Board not take action until receiving the Court's decision. Health Agent addressed the Board and offered that if it is the intention of the Holton's not to comply with outstanding health & zoning issues, she would request that the Board deny the permit, at this time.

Terrence Murphy addressed the Board as a neighbor to Tispaquin Family Campground. He shared that, in his opinion, the campground is a nice neighbor. He asked that the Board consider the campground as an asset to the Town. Chairman Rogers stated that it is not the intention of the Board to close the campground, but to have outstanding Board of Health issues be addressed. Chairman closed the hearing.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board

VOTED: To deny the permit, at this time, until such time that we receive a ruling by the Courts.

Three in favor. One opposed.

Selectwoman Brunelle requested matter be placed on the agenda as soon as the Court's decision is received. Board agreed.

NEW BUSINESS

Vehicle Request – Health Officer

Health Officer addressed the Board and stated her case as to the need for a new vehicle for the Health department. At this time, the Animal Control department is down one vehicle in addition to two Nurses vehicles that are in need of serious repair work.

Chairman Rogers explained that the Capital Planning Committee is requesting three new police cruisers, and if purchased, the Committee will suggest turning over three used police cruisers to the Health department. Health Officer stated that these cruisers tend to be costly to replace tires, consume significant amounts of gas, and have proven to be a past problem consuming the department's budget paying for these expenses.

Selectwoman indicated that she was in agreement with the Health Officer regarding these costs and suggested that maybe the Town should begin looking into smaller (alternative) vehicles for the smaller departments. Health Officer stated that her brakes are gone on her vehicle, but she has to wait until July 1, 2008, to have available funds to address the problem. Town Manager urged the Health Officer, in the name of public safety, to go to the Finance Committee immediately and request a Reserve Fund Transfer to pay for repairs to the brakes on her vehicle. Selectwoman Duphily suggested that the Health Officer look into vehicles that she believes would be suitable for her department and prepare to present her research to the Board and potentially Special Town Meeting

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(STM) in the fall. Town Manager recommended that both the Health Office and other departments get together to make recommendation that would fit their needs. Selectwoman Brunelle asked if the Capital Planning Committee has a list of all vehicles, including their mileage and repair history. Chairman P. Rogers responded that it does not. Finance Committee member Steve McKinnon addressed the Board and asked if someone has a list of all the vehicles that the Town is insuring. Selectwoman Brunelle answered that the Town Manager's office has the list. Mr. McKinnon suggested that we have MG&E look into energy-saving alternative vehicles. Chairman Rogers indicated that the Board supports its department heads to conduct research on the best vehicles that will also suit the department needs. Health Officer stated that she did check with MG&E to see if that department had any vehicles available and that she had also looked into grants and the possibility of funds through Pierce Trustees, but all proved fruitless, at this time. Selectwoman Brunelle explained that this is a policy issue and this will be an assignment for the Town Manager as an all around discussion. It is a total issue to be looked at as part of pro-active financial planning. Inventory and maintenance record-keeping would also be another policy issue. Board requested that this be added to future items for the Town Manager to address.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board

VOTED: To put this request into the fall STM file for consideration.

Three in favor. One abstained.

Gibbs Property Draft P&S for Approval

Chairman read aloud cover letter of explanation from Town Counsel. Selectwoman Brunelle asked question about #35 in the Addendum "Buyer shall have the right to enter the premises". She would consider premises to be a house and we are only purchasing the land and asked if the language should be changed. Town Manager reassured her that the "premises" is the land. Chairman asked Town Manager if we have any comment/concerns on the P&S to which the Town Manager responded that there are none.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board

VOTED: To approve earlier closing date and draft P&S, subject to confirmation by the Town Planner that she sees no concerns and to move forward by the end of business day on June 10, 2008. Town Manager to review with Town Planner.

Three in favor. One abstained.

Aspire Media, Inc. Town Hall Rental Request

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board

VOTED: To approve and waive custodial fees as Selectwoman Brunelle will act as security.

Three in favor. One abstained.

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Recommendation of Award for Ambulance Study – Resort Advisory Committee (RAC)

Chairman read aloud the names and dollar amounts of the three bids presented to the Town. RAC Chairman Brian Giovanoni addressed the Board and gave an overview of the bid proposal process taken. The Committee recommends Matrix Consulting, Inc., Andover, MA. Although they were the highest bidder, they were selected based on several factors:

1. Approach and thorough understanding of the project.
2. Education and experience of personnel.
3. Minimal requirements of Town employees.
4. Time for completion (45 days).

Chairman Rogers stated that Matrix was his first choice as well. He offered the opportunity for the other Board members to comment. Selectwomen Dughily and Brunelle also support Matrix as being the best choice. Selectman Spataro indicated that he too agrees with this award.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To go with the RAC recommendation and award the bid to Matrix Consulting, Inc. of Andover, MA in the amount of \$24,900 and for the Town Manager to contact them as soon as possible so that they can begin the process and named Brian Giovanoni as the contact person.

Three in favor. One abstained.

TOWN MANAGER'S REPORT

Edgewood Development - Sippican Commerce Park

The Board had voted on 9/11/06 to accept offer of Edgewood to install a 16" municipal water line on the site, as per a copy of the minutes presented this evening to the Board by the Town Manager.

Town Manager explained to the Board that we received a letter from the Town Planner on Friday, June 6, 2008 regarding Indian Reservation Roads Inventory

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board
VOTED: To authorize Chairman to sign letter, on behalf of Adam Bond, addressed to the Bureau of Indian Affairs granting permission to the Mashpee Wampanoag to include Precinct and Plymouth Streets on its Indian Reservation Roads Inventory.

Three in favor. One abstained.

Treasurer – Useful Life Bond re Ariel Platform Fire Truck

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Dughily, Board
VOTED: To authorize the Treasurer to borrow for no more than 15 years Useful Life for the Ariel Platform Fire Truck

Three in favor. One abstained.

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Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board
VOTED: To award bid for the purchase of Vaughan Street property, as
recommended by Treasurer, to Eastern Bank in the amount of \$225,000 with an
estimated interest of \$4,611.88.
Three in favor. One abstained (M. Brunelle)

Rail Road Crossing at Spruce Street

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board
VOTED: To approve this RR crossing as outlined by Town Manager S.
Lombard.
Unanimous vote.

OTHER

Selectwoman Duphily shared her concerns regarding dead trees throughout Town and asked how we should approach. She would like to be pro-active and handle before the winter months as these trees could provide for a crisis. She counted at least 15 dead trees on Marion Road and is speaking about tree removals, not just trimming. The Town Manager is to contact Highway Superintendent D. Boucher to review issue and see if there is a plan in place already to address. Robert Dunphy addressed the Board and suggested that if the trees come down it will have a negative impact on the MG&E (power outages) and suggested that the Town Manager also contact that department. Chairman Rogers indicated that the Board will move forward by having the Town Manager contact the Highway Superintendent first.

Skateboards and bicycling on sidewalks in Downtown area

Selectwoman Duphily shared her concerns with the number of both skateboarders and bicyclists on the sidewalks of downtown Middleborough. Selectwoman Brunelle stated that she believes the Board had created a policy on this matter and asked that the Town Manager research. Town Manager asked how the Board/Town will enforce as it would require constant watching. Selectwoman Brunelle stated that, other than making a public statement, there isn't a way to enforce. Selectwoman Duphily's concern is that school will be getting out soon and it is difficult to dodge these activities as one walks down the sidewalks.

Selectwoman Brunelle attended memorial service for former Selectman Victor (Vic) Sylvia and would like to bring forward a fundraising event for a plaque to be put on a park bench in his memory for all that he did for the Town. Selectwoman Brunelle asked the Board if it would allow for a plaque to be placed on one of the park benches outside of Town Hall, specifically the one on the corner, by the rock, where Mr. Sylvia often sat, and after the Board considers, she and several others will go forward with fundraising efforts to cover the cost.

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Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board
VOTED: To support placing the plaque on a bench.
Three in favor. One abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To ask Police Chief to come to meeting early on 6/16 to discuss
skateboard/bicycle issue.
Unanimous vote.

#1 Noise Disturbance

Board's secretary to forward a copy of letter from Sheila Costa to D. Boucher to evaluate situation and to request response be provided to the Board within two weeks.

CORRESPONDENCE**#12**

Board's Secretary is to review budget and see if there is anything outstanding and present to the Board.

#2 MMA Action Alert

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To have its secretary email the Town of Middleborough's three State Representatives and State Senator Pacheco notifying them that the Board does not support Section 15 of the Senate-passed state budget containing a provision that would increase the base for municipal pension cost-of-living adjustments (COLAs) from \$12,000 to \$16,000. Board's secretary is to additionally send same by way of written letter.
Three in favor. One abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board
VOTED: To have Board's secretary create a form letter for John F. Davidson as community business leader and to use in the future for those events that the Board is invited to but cannot attend.
Three in favor. One abstained.

At 8:50 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to pending litigation. Roll Call: M. Brunelle, Yes; M. Duphily, Yes; S. Spataro, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session.

Jackie Shanley, Confidential Secretary
Board of Selectmen