

# **MINUTES**

**For approval at the 9-29-08 meeting**



**Middleborough Board of Selectmen  
Meeting Minutes**

**September 15, 2008**

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

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted  
To approve 9-8-08 minutes.  
Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted  
To approve 9-8-08 Executive Session minutes.  
Unanimous vote.

Chairman acknowledged the passing of Patti A. Caldwell employed by the Town of  
Middleborough Health department for the past four years. Chairman read aloud obituary.

Tom & Kathy McGuiness addressed Board to ask if they could place a 12'x3' banner on  
the front Town Hall lawn advertising the 2 mile fundraiser walk, in memory of their son  
Kris, to be held on Sunday, September 28, 2008.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board  
voted to authorize.  
Unanimous vote.

Ed Beaulieu addressed the Board on behalf of the Middleborough Veterans' Council  
recommending that the 8' photograph of the Vietnam Moving Wall be hung in the  
corridor of Town Hall on the opposite side of the wall to the Selectmen's Meeting Room  
along with the proclamation that had been issued by the Board of Selectmen.

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board  
Voted to accept the photograph and have it hung in the hallway along with the  
proclamation.  
Unanimous vote.

Ed Beaulieu addressed the Board questioning the vote of the Board as recorded in the  
9/8/08 minutes relative to Enfield Paranormal Society's scheduled date to provide its  
report regarding the investigation here at Town Hall.

Upon motion by Selectman Spataro and seconded by Selectman Bond, Board voted to  
have Enfield provide its report to the Board before the Masquerade Ball event scheduled  
for 11/1/08.

Two in favor. Three opposed.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board  
voted to ask Enfield to come in and give its report to the Board on the Monday evening  
immediately following the Masquerade Ball, specifically, November 3, 2008.

Three in favor. Two opposed.

**Middleborough Board of Selectmen  
Meeting Minutes**

**September 15, 2008**

At 7:20 PM Chairman read aloud public hearing notice regarding FY'09 Tax Classification Hearing and opened meeting. Board welcomed Board of Assessors' Chairman A. Freitas. The Board of Assessors unanimously recommends leaving the FY'09 Tax Shift at 5%. Chairman closed the hearing.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to accept the recommendation of the Board of Assessors.

Unanimous vote.

At 7:23 PM Board welcomed C.O.A. Director Andrea Priest who gave a brief presentation of the Sr. Tax Work-Off program. The program will start in January 2009. Beginning in November, she will begin to interview the candidates. The Assessors Office will apply the abatement if all hours are fulfilled for a total of \$750.

Director Priest indicated that advertising has or will take place as follows: in COA newsletter, Cable TV, and in Brochure that is available in Town Departments. She will also be placing advertisements. It was suggested that Director Priest ask if she could leave some brochures in Maria's Card Store for distribution.

Suggestions were made to change/add some language. Board asked Director to confirm if volunteers will be covered by the Town for liability. Selectman Spataro raised the issue of "Means" testing and indicated that he thought we were doing this to help those seniors who are having difficulty paying their taxes.

Chairman Bond requested that Director Priest document everything. Selectwoman Brunelle requested that Town Manager discuss with Labor Counsel how this might affect clerical union contracts. Barbara Erickson explained that she had spoken with Labor Counsel in the past regarding this issue and he indicated that it is not an issue if it is under 20 hours.

Upon motion made by Selectman Spataro and seconded by Selectman Bond, Board voted to add "Means" testing as a qualification for the Sr. Tax Work-Off Program.

One in favor. Four opposed.

Chairman Bond asked if the Town needs to get personal injury waivers. He requested confirmation that the Town is covered. Suggested Town Counsel be asked and to also look at legislation.

Tax Incremental Financing (TIF) Agreement – Sapphire Engineering

Anna Nalevanko addressed the Board. Committee has arrived at a Draft TIF schedule.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to amend the Development Opportunities District EOA.

Unanimous vote.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to approve a new EOA known as 32 Leona Drive.

Unanimous vote.

**Middleborough Board of Selectmen  
Meeting Minutes**

**September 15, 2008**

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to approve a new EOA known as 52 Leona Drive (for Campanelli Companies).  
Unanimous vote.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to recommend the TIF Plan and TIF Agreement to Town Meeting.  
Unanimous vote.

Sapphire representative indicated that they are in agreement with the Chairman's proposal/request for them to keep good records and documents so that, if necessary, an audit will show that they have made the best effort to hire Middleborough residents.

Chairman explained to the public the difference in taxes over the twenty-year contract with Sapphire Engineering.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to approve the Tax Increment Financial Agreement between Town of Middleborough and Sapphire Engineering.  
Unanimous vote.

Upon motion by Selectman Bond and seconded by Selectman Rogers, Board voted by Roll Call to go into Executive Session at 8:20 PM to discuss strategy relative to pending litigation and contract negotiations. Roll Call: M. Brunelle, Yes; P. Rogers, Yes; S. Spataro, Yes; M. Duphily, Yes; A. Bond Yes. Chairman announced Board would return to Open Session. Ended at 8:34 PM.

**NEW BUSINESS**

At 8:35 PM Board welcomed William Logan of Rocky Meadow Development Corporation.

Upon motion by Selectman Rogers and Selectwoman Duphily, Board voted to approve one-year Earth Removal extension for Assessors Map 063, Lots 1149 & 1031.  
Unanimous vote.

At 8:38 PM Board welcomed GAF Engineering representative William F. Madden on behalf of G. Lopes Construction re request for one-year Earth Removal extension for Plympton Street, Map 24, Lot 4315. Selectman Rogers recommended Board not approve and ask Town Counsel if the 2005 permit should have been given in the 1<sup>st</sup> place – asking if it was a violation of the bylaw to have extended the permit back then.

Upon motion by Selectwoman Rogers and seconded by Selectman Spataro, Board agreed to continue hearing until 9/29/08 for purposes of confirming with Town Counsel if this is legal and to see if there are any difficulties he sees in granting this extension.  
Unanimous vote.

**Middleborough Board of Selectmen  
Meeting Minutes**

**September 15, 2008**

Upon motion by Selectman Rogers and seconded by Selectman Duphily, Board voted to approve and signed Dog Warrant.

Unanimous vote.

Chairman read aloud letter from MA Highway re closing of Bridge B-23-004 Titicut St. over Taunton River for purposes of rehabilitation.

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted to ask for MA Highway to put new railings on bridge and make access to river. Town Manager to summarize letter to MA Highway.

Unanimous vote.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to approve and sign Note Renewal re Early Childhood Center.

Unanimous vote.

**OLD BUSINESS**

#1. Town Manager to follow up with MG&E re 62 Miller Street energy use.

MG&E Energy Audit for Municipal Buildings

Chairman read aloud letter from MG&E

Town Manager to look into Energy Services Company to perform an energy audit.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to certify effective date of Landfill Operations Agreement.

Unanimous vote.

**TOWN MANAGER'S REPORT**

Town Manager to draft new RFP for Board's approval re leasing of Soule Homestead and is to move forward and terminate current lease. Soule Homestead will then be considered for new lease.

Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted to authorize DPW Highway Superintendent D. Boucher to fill existing position of Heavy Equipment/Operator.

Unanimous vote.

**OTHER**

Chairman Bond thanked Selectwoman Duphily for prompting the cleanup of the Town Hall property this past Saturday. Selectwoman Duphily thanked the various individuals who participated in the cleanup.

**Middleborough Board of Selectmen  
Meeting Minutes**

**September 15, 2008**

Steve McKinnon addressed the Board and asked about past meeting in July with MA Highway regarding Rte. 44 Highway improvements asking if we've received any feedback yet. Selectman Rogers indicated that MA Highway is going through the bid process. Town Manager indicated that he will call them.

**CORRESPONDENCE**

#5 Morgan Property – Selectwoman Duphily requested further details regarding the tree-cutting taking place on this property. Town Manager will look into.

Upon motion by Selectman Rogers and seconded by Selectman Spataro, Board voted to adjourn meeting at 9:17 PM.

Unanimous vote.

---

Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN