

# **MINUTES**

**For approval at the 9-8-08 meeting**

 **DRAFT**

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 25, 2008**

At 7:00 PM Chairman opened meeting by inviting those in attendance to join in the Pledge of Allegiance.

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

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board Voted to approve 8-11-08 minutes.  
Four in favor. One abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board Voted to approve 8-11-08 Executive Session minutes.  
Four in favor. One abstained.

At 7:10 PM Selectman S. Spataro left meeting.

**HEARINGS, MEETINGS, LICENSES**

Costello Dismantling, Inc. E. R. Permit Application

At 7:15 PM Chairman read aloud public hearing notice and opened hearing. Board heard from Engineer Gary James representing Costello Dismantling. After discussion, it was agreed that the permit request need not be decided upon at this point in time. Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to continue hearing to October 6, 2008 at 7:05 PM.  
Unanimous vote.

Edgeway Homeowners Association - Follow up

As a follow up to the 7/28/08 meeting with Edgeway Homeowners Association, Park owner Corey Farcas, and his attorney G. Marsan, Chairman reviewed aloud the details of Town Counsel's response to the 19 issues of outstanding concerns. Chairman gave the Association and the Attorney for the Park's owner an opportunity to briefly comment. Town Manager to gather information from other Town's regarding establishing rules and regulations on mobile parks. Chairman Bond and Selectwoman Duphily volunteered to work with the Town Manager in establishing Rules and Regulations for the Town of Middleborough. The Association will submit a consolidation of remaining issues to the Board of Selectmen and the Board, in turn, will forward to Attorney Marsan for response.

At 7:45 PM Chairman Bond opened hearing and read aloud public hearing notice as follows: "A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 25, 2008 at 7:30 PM, for the purpose of discussing an application filed by Gilmore Consultants on behalf of Benson's Pond, Inc., for an Earth Removal Permit for property located on East Street, Middleborough, MA, Assessors Map 104, Lot 1316. The reason for this request is for the

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 25, 2008**

expansion of cranberry bog and construction of reservoir. Anyone desiring to be heard on this matter should appear at the time and place designated.”

Ben Gilmore addressed the Board and reviewed the project being proposed. After a question and answer period and after comments by Town departments were noted, Chairman closed the hearing. Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to approve three-year E.R. permit for the removal 339,000 cubic yards as described on Assessor’s Map 104, Lot 1316 dated 12/4/06 and to have an Order of Conditions drafted incorporating the Order of Conditions issued by the Conservation Commission specifically addressing the best management portion of that and to include that the applicant indicated a 100’ paved apron on the East Street entrance and that the preferred route of exit is to the South, to take a left to East Street, up Beech to Rte. 58, then to Rte. 495.

At 8:00 PM Chairman Bond opened hearing and read aloud public hearing notice as follows: “A hearing will be held in the Selectmen’s Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 25, 2008 at 7:45 PM, for the purpose of discussing an application filed by Gilmore Consultants on behalf of River’s Edge Realty, LLC for an Earth Removal Permit for property located on Pine Street, Middleborough, MA, Assessors Map 97, Lot 4969. The reason for this request is for the construction of new cranberry bogs, renovation of existing cranberry bogs and reservoir improvement plus expansion. Anyone desiring to be heard on this matter should appear at the time and place designated.”

Ben Gilmore addressed the Board and reviewed the project being proposed. After a question and answer period and after comments by Town departments were noted, Chairman closed the hearing. Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to approve three-year permit to remove gravel from site designated as presented on plan dated 2/1/08 for River’s Edge Realty, LLC, Map 97, Lot 4969 and the Conservation Commission’s Order of Conditions and best management portion with a minimum of a 100’ apron with the requested egress and preferred route of travel as being Route 58.  
Unanimous vote.

Soule Homestead

Jeff Stevens of Soule Homestead addressed the Board to give an update of facility improvements and to seek the Board’s approval for what they are hoping to accomplish. Soule Homestead Education Center Director Frank Albani, Jr. gave a power point presentation. Soule Homestead is asking for permission to go forward with this plan with the intent to raise funds without costing money to the Town. Selectman Rogers and Selectwoman Dumphily requested to see a copy of annual report(s) and status of where we are in the lease since 2003 relative to capital improvement projects. It was agreed that this information will be provided by Soule Homestead for the Board’s meeting on 9/8/08.

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 25, 2008**

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to reschedule its Executive Session appointment until 9/8/08.  
Unanimous vote.

**NEW BUSINESS**

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve One day Wines & Malt Beverages Liquor license to Muckey's Liquor Store (13 Harding Street, Lakeville) to pour at the Oak Point (200 Oak Point Ave.) golf banquet from 5-10 PM on Thursday, September 11, 2008.  
Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted to approve new street name "Allie's Way" for a new development to be located off Rocky Gutter Street, Map 80, Lots 3162, 4013, and 4015.  
Unanimous vote.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to grant permission to Middleborough Friends to place a 4' x 8' sign on the Town Hall lawn beginning 8/29/08 until 10/4/08 for the following upcoming events:  
10/4/08 Pancake Breakfast - Pancake Breakfast at the COA, Plymouth Street  
11/1/08 Halloween Ball - Town Hall  
11/29/08 Holiday Craft Fair - Town Hall  
Unanimous vote.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve and sign the September '08 Primary Warrant.  
Unanimous vote.

Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted to re-appoint Ruth Geoffroy as the Town's delegate representative to the SRPEDD Southcoast Rail Task Force.  
Unanimous vote.

Board agreed to schedule the following meeting dates: 9/8, 9/15 and 9/29/08.

Town Manager provided Board with information he has gathered regarding the formulation of a Green Energy Committee. The Board agreed that this committee will consist of seven members to be appointed by the Town Manager. The Committee's charge is to make recommendations, raise awareness regarding energy issues in Town, and to assist in policy making. Anyone interested in serving on the committee should forward letters of interest to the Town Manager.

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 25, 2008**

Board briefly discussed some of its goals and objectives and agreed it will continue to discuss on 9/8/08 at 7:30 PM.

**OLD BUSINESS**

The Board determined that, although it cannot create regulations for the Sale of Alcoholic Beverages, it can create guidelines. It was agreed upon that an information packet be provided with liquor license applications. The Board also agreed that a form be created for applicants to sign acknowledging that they had received an information packet.

Board agreed that the draft Fire Chief Job Description, with tracking changes, appears to be more than sufficient, subject to adding the language "Bachelor's Degree preferred." Civil Defense Coordinator and Right-To-Know Coordinator will also be added as part of the description.

**TOWN MANAGER'S REPORT**

The Town Manager renewed request to the public seeking letters of interest in serving on the Landfill Committee. The committee will consist of seven members, two of which are to be Town Officials and five of which are to be Citizens at Large. The charge of the committee is to bring any resident concerns to the attention of the Board of Selectmen regarding littering, dust, odors, etc.

SEMASS contract offer on the table regarding when it runs out in 2016. They are making a proposal to gradually phase in the cost increases. They will be asking to come in before the Board in the near future to discuss.

There had been an oil spill at the Greene School today. An above-ground oil tank began to leak and was detected by MG&E workers. The Fire Department was called out to the scene. DEP was on site. It appeared to possibly be caused by vandalism.

Board agreed to discuss the future use of the Rock Village School on 9/8/08 at 8:30 PM and welcomes public input.

**BILLS**

Upon motion by Selectman Rogers and seconded by Selectwoman Dumphily, Board voted to approve bill from ADT in the amount of \$135.16.

Unanimous vote.

Board discussed delegating authority to the Warrant Officer, Town Manager, or its Confidential Secretary to sign all bills under \$500.00 and asked the Town Manager to contact the Town Accountant for his recommendation.

**OTHER**

Selectwoman Dumphily reminded the public to continue taking the necessary precautions regarding the threat of mosquitos and EEE as it has been found recently in Carver.

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 25, 2008**

**CORRESPONDENCE**

#13 Savino property - Selectwoman Duphily asked for clarification of the letter. Chairman Bond clarified.

#26 Sr. Tax Workoff Program - Town Manager to ask C.O.A. to attend 9/8/08 meeting to give public presentation and to have information published on the Town's website.

#6 Department of Housing and Community Development letter re OECD denied block grant. Town Manager explained to the Board that this particular grant application process had been very competitive.

#4 Letter from Chairman Bond to the Wampanoag Tribe - Selectman Rogers reiterated the importance of Town officials not accepting gifts as cited under the State Ethics law. Chairman Bond read aloud letter that he had written to the Tribe.

#20 Letter re Colletti Brothers re Heller and Smith owing them money - Town Manager Explained that Colletti Brothers has been referred to the Bond company.

# 21 Letter from Animal Health Inspector re Residents running Horse Stables without permits - Board agreed to hold hearing. Letters to be sent to each violator to attend hearing on 9/29/08.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to adjourn meeting at 10:07 PM.  
Unanimous vote.

---

Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN