

MINUTES

For approval at the 1-26-09 meeting

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

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

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to approve 12/15/08 meeting minutes.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to approve 12/15/08 Executive Session meeting minutes.

HEARINGS, MEETINGS, & LICENSES

At 7:05 PM Board held Title 5 hearing for 45 Plymouth Street. After discussion on the matter, Chairman declared the hearing closed. Upon motion by Selectman Rogers and seconded by Selectwoman Duphily, Board voted unanimously to grant request for a reduction of the required setback of the septic system from the property line from 10' to a minimum of 7' as shown on the plan per 310CMR Section 15.405(1)(b) and substitution of a sieve analysis in lieu of a percolation test due to saturated conditions at time of test per 310CMR Section 15.405(1)(k).

NEW BUSINESS

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted unanimously to allow 2 a.m. closing for New Year's Eve. for Common Victualler liquor license holders.

OTHER

Chairman read aloud 12/22/08 response letter from Attorney Dennis Whittlesey of Dickinson Wright regarding the Mashpee Wampanoag Tribe - Intergovernmental Agreement. Upon motion by Selectman Spataro and seconded by Selectman Rogers, Board voted unanimously to table discussions until the middle of March and to draft a letter to the Tribe suggesting a joint meeting between the Tribe and the Board of Selectmen. Board agreed it would like to meet with the Tribe prior to its elections, but no later than mid March.

TOWN MANAGER'S REPORT

Town Manager noted that the Board agreed to meet on Wednesday, January 21, 2009 to discuss departmental budgets.

Town Manager noted his memo to the Board laying out the intended hiring process to replace Chief of Police.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to authorize the Town Manager to move forward with the recruitment process.

Board agreed with sending letter to the Town of Lakeville re Route 79 at Route 105, with noted changes.

Chairman Bond left meeting room.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to authorize the Town Manager to move forward with employee evaluations in the fashion suggested.

Chairman Bond returned to meeting room.

**Middleborough Board of Selectmen
Meeting Minutes**

December 22, 2008

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to authorize Selectwoman Duphily to participate with Town Manager in employee evaluations process during the daytime and to authorize Selectwoman Brunelle to participate in employee evaluations in the evenings, when necessary.

Four in favor. Selectman Rogers abstained.

Town Manager noted letter signed by Chairman Bond this evening addressed to Tina Brooks of Department of Housing and Community Development.

Response was received from the Department of Revenue noting that it does not keep any sales tax information by community.

Town Manager reported that Police Chief Russell believes the police department does have a cruiser that can be used by the Planning Board department.

OTHER

Town Manager to look over the various figures of the Nativity Scene set and determine if they are in too poor of shape to be placed outdoors in the winter elements.

Jane Lopes addressed the Board and reported that there is an informal committee headed up by Neil Rosenthal that has raised and used funds in the past to purchase items for the holiday scene on the front lawn of Town Hall. These funds can be used towards the restoration of the Nativity set, however, the right person with the necessary skill set has yet to be found.

CORRESPONDENCE

Selectwoman Brunelle noted #14 - letter of resignation from Brian Giovanoni to the proposed Resort Advisory Committee. She thanked Mr. Giovanoni for all of his contributions.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted unanimously to send letter of thanks to Mr. Giovanoni.

Mr. Giovanoni addressed the Board and explained that he works for a company that may, or may not, be able to work on the proposed Resort Casino in the future and that he is resigning to avoid any potential conflicts.

#10 Letter from resident asking Town to pay for streetlight expense - Town Manager reminded Board that it had agreed to shut off several lights in the past, but that he will respond to resident and explain that lights may be paid for privately.

#12 Regional Dispatcher for public safety -

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted unanimously to authorize Town Manager to research.

#15 NIMS compliance - Town Manager strongly recommends that the Board move forward and take online test, as required, so that the Town will qualify for grants.

#9 Letter from Conservation Commission - addressed to Mr. Viera re restoration and cease & desist. Town Manager to follow up with Commission regarding its difficulty in getting letter to Mr. Viera.

**Middleborough Board of Selectmen
Meeting Minutes**

December 22, 2008

Upon motion by Selectman Rogers and seconded by Selectwoman Brunelle, Board voted unanimously to adjourn meeting at 10 pm.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

**Middleborough Board of Selectmen
Meeting Minutes****January 12, 2009**

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

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

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to approve the 12/11/08 Water Workshop meeting minutes.

NEW BUSINESS

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to support the Middleboro Lion's Club Circus to be held on Wednesday 6/24/09 at Middleborough High School with two shows tentatively performing at 4:30 pm and 7:30 pm.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to accept transfer of remaining funds from "donation account", in honor of Seth Thomas, in the amount of \$1,343.80 as a gift to the Town and for those funds to be placed in "A Fund 29 account" to be expended as the Board sees fit.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted unanimously to approve 2nd Hand Clothing "Consignment" license for Ragz to be located at 370 Center Street with hours of operation as

Saturdays	10 a.m. to 4 p.m.
Sundays	11 a.m. to 4 p.m.
Mondays	Closed
Tuesdays & Wednesdays	10 a.m. to 6 p.m.
Thursdays & Fridays	10:30 a.m. to 7 p.m.

HEARINGS, MEETINGS & LICENSES**Community Preservation Act**

Lincoln Andrews addressed Board and noted that there has been no input by the Town Planner regarding the CPA issue. Steve McKinnon addressed the Board and indicated that he would support the CPA program. Mark Belanger addressed the Board and indicated that there are exemptions incorporated into the plan for low & moderate income homes. He explained that CPA isn't about today, but rather the future and that those Towns that show a financial commitment are the Towns that receive/qualify for grants. Brian Giovanoni addressed the Board and stated that while he does support the CPA, he does not support it at this time.

OECD Director A. Nalevanko and the Board discussed Community Development Block Grant strategies and activities. It was noted that the FY2009 application is due on February 13, 2009.

**Middleborough Board of Selectmen
Meeting Minutes**

January 12, 2009

Board reviewed budgets with the following departments:

- Health Department
- Animal Control
- Building Department
- Police Department
- Fire Department

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to authorize the Highway Foreman to deficit spend Snow and Ice.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously not to issue letter objecting to issuance of Keno license to Fireside Grille.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted unanimously to approve rental request for Alicia Hockenberry for 9-19-09 and one-day All Alcoholic liquor license.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted unanimously to approve rental request for Mark Cummings for 9-26-09 from 1 pm to 11:30 pm and a one-day All Alcoholic liquor license.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted unanimously to approve rental request for Soule Homestead for 2-7-09 from 4 p.m. to 12 a.m. and a One-day All Alcoholic Beverages liquor license with all fees waived except for the liquor license fee and granted permission for Jane Lopes to act as security.

OLD BUSINESS

Upon motion by Selectman and seconded by Selectwoman Brunelle, Board voted unanimously to approve the draft letter prepared for the Tribal Counsel re joint meeting with the 2nd sentence stopping after the word "meeting".

TOWN MANAGER'S REPORT

Town Manager noted that having a combined dispatch, as in Halifax, is worth exploring for the future.

Town Manager gave a status update re Rock Village and will ask police to regularly check on the property to help avoid any potential vandalism.

CORRESPONDENCE

#9 Retiree letter regarding health insurance.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to forward letter to the Retirees Association and the Insurance Advisory Committee. Town Manager to draft cover letter.

**Middleborough Board of Selectmen
Meeting Minutes**

January 12, 2009

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

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

**Middleborough Board of Selectmen
Meeting Minutes**

 **DRAFT** January 21, 2009

Acting Chairman P. Rogers opened meeting at 7:00 PM.

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

Board heard the following budget presentations:

Law Department

Highway Department

- DPW Administration
- DPW Highway
- DPW Tree Warden
- DPW Insect & Pest Control
- DPW Rubbish Removal

Water Enterprise System

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted unanimously to approve the Redevelopment of East Main Street Well contract with Amory Engineering, P.C., Duxbury, MA.

Selectmen

Town Manager

- Administrative Office Buildings

Selectwoman Brunelle recognized Lance Benjamino with whom the Board has signed a contract to be the new Fire Chief. Chairman Rogers welcomed Chief Benjamino and stated that the Board looked forward to working with him. Chief Benjamino will start on March 2, 2009.

Selectman Spataro brought up a suggestion to create a stabilization fund for Open Space. The Board will discuss this idea at a future meeting.

Robert Dunphy asked whether or not there was a policy change regarding Selectmen's minutes. He stated that no minutes have been posted to the web site since July. He also asked whether the Executive Session minutes would be posted on the web site. He was asked to call Ms. Shanley to get an answer.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 9:20 PM to discuss strategy relative to collective bargaining. Roll Call: S. Spataro, Yes; M. Duphily, Yes; M. Brunelle, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN