MINUTES

For approval at the 11-9-09 meeting

DRAFT

Middleborough Board of Selectmen **November 2, 2009**
Meeting Minutes

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

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 10-26-09 meeting minutes with corrections.
Four in favor. P. Rogers abstained.

ANNOUNCEMENTS

- Housing Rehabilitation Workshop was held today and will be held tomorrow, November 3, 2009 from 2:30 PM to 4 PM at Town Hall Annex, 20 Centre Street.
- Town-wide overnight on-street parking ban from November 1st through May 1st between 12 a.m. and 6 a.m. without a permit. Permit applications are available at the Police Station.
- Middleborough Friend's Harvest Moon Masquerade Ball from 7 PM until 12 Midnight this Saturday, November 7, 2009 at Town Hall, 10 Nickerson Ave. The event funds the Vic Sylvia scholarship fund, awarded annually. Tickets are available at Maria's Card Store and Willy's Auto Supply.

NEW BUSINESS

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to re-appoint the following individuals to the Council on Aging Board of Directors for a three-year term to expire on 11/1/12:

Anders Martenson, 20 Valley Road
Betty Murphy, 83 School Street
Marilyn Chammas, 13 Lakeview Terrace
Barbara Chadwick, 6 East Grove Street

Four in favor. P. Rogers abstained.

Library Director Danielle Bowker addressed the Board on behalf of the Friends of the Middleborough Public Library, requesting permission to have a book donation collection bin placed at the back of the Jackson Street parking lot. A Massachusetts company, GOT BOOKS, that collects books and other types of media, takes the items when the bin is full and the Friends would receive payment based on the weight. The company sells what is in good condition and the rest is recycled. Mrs. Bowker answered various questions as presented by the Board. Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve.
Four in favor. P. Rogers abstained.

Chairman read aloud request from Health Officer J. Spalding requesting to locate the Mercury Recycling Shed donated by SEMASS behind the Fire and Police Departments. Town Manager recommended moving the shed to the landfill to be used by the public. Downtown businesses can use the Town Hall ticket booth room to drop off their fluorescent light bulbs and that material will be taken to the landfill. Selectwoman Duphily asked Town Manager about prior discussions of creating a brochure about what the Town does. Town Manager noted that we had been waiting on getting a DPW Director. Selectman Rullo asked if other sources of mercury, besides light bulbs, are acceptable to leave at Town Hall. Town Manager explained that the idea is to make it convenient for downtown merchants to recycle fluorescent light bulbs only.
Selectwoman Brunelle asked who will monitor to make sure it's only these light bulbs being left at Town Hall. Town Manager responded that the Town Hall staff will monitor.
Selectman McKinnon confirmed with the Town Manager that there is no fee to take items to landfill. Allin Frawley asked where he can drop off an old thermostat with mercury in it. Board advised Mr. Frawley that this item can be taken to the landfill.
Town Manager indicated that he doesn't have a problem with small, self-contained items also being dropped off at Town Hall, but would need to clarify and advertise.
Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to accept Town Manager's amendment to locate the mercury storage container at Town Hall in the room (former ticket booth), under the stairway for fluorescent lights and small thermostats and to place shed at the landfill.
Four in favor. P. Rogers abstained.

Chairman noted Historical Commission Notice of Award for the renovation and reuse of the former Memorial High School to be presented on Saturday, November 14th during the 340th Anniversary Heritage Festival in the Town Hall Auditorium.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted not to meet on the week of 11/23/09.
Four in favor. P. Rogers abstained.

HEARINGS, MEETINGS, & LICENSES

Lopes Cranberry Bogs

Chairman noted that he is pleased to see the condition of this site. Cranberry bogs are planted, irrigation system has been extended, and hydro-seeding has been put down along the banking to prevent further erosion. There are still two bogs to be built on the easterly side of the site. GAF Engineer W. Madden addressed Board. Gary Lopes and other representatives of G. Lopes were also in attendance. Mr. Madden reviewed what had been agreed upon.
Selectwoman Brunelle mentioned that a neighbor of the site had asked if the last cranberry bog could be terraced and asked Mr. Madden to explain why that is not

feasible. Mr. Madden indicated that it can be done, but it is not as efficient an operation. Selectwoman Brunelle also noted that Mr. Madden had indicated that they don't anticipate any significant blasting going forward. He responded that there may be a series of pops (blasts) that only last a couple of seconds. He feels that highest part of that ledge is where they were, but they can talk to the blasting company to see how they can organize and arrange blasting to minimize the amount of time they need to be in there with a hammer.

Selectman Rullo noted that the neighbors had requested monitoring the impact on their property and asked if anything has been done about that. Mr. Madden indicated that there hasn't been anything more done than what has already been done. He added that they can conduct pre-blast surveys on the properties, which he agreed to have included in the permit. Mr. Madden asked if it would be just the homes on the list. They will video the foundations. It was agreed that Mr. Madden will send letter to all abutters notifying them of pre-survey opportunity. They would have to respond by 12/31 if they want to be part of survey. Chairman noted that the Fire department provides blasting permits and visits site prior to, and after, blasting.

Stan Kravitz, responsible for planting the bogs, addressed the Board. Terracing must be stretched so far back to make the slope in order to maintain them and you have to operate mechanical equipment. If you terrace rapidly you can't get your excavator around to keep ditches clean and you can't run your equipment on it without risking your employees. He's happy to attach his cell number to the permit as the permanent operator for anyone who has any concerns. He is willing to put agricultural restriction on site, with exception that if he, bog manager, or family member would like to live there it remains understood that this would be allowed.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve request for three year Earth Removal permit for Red Dog Cranberry and G. Lopes Construction and include in conditions a waiver of rights to a 1 year extension, having the applicant provide quarterly plans, conduct pre-blast survey for those abutters interested in participating with requests submitted to permit holder by 12/30, to have the applicant place an agricultural restriction on property and to conduct monthly street sweeping ½ mile each way.

Four in favor. P. Rogers abstained.

Chairman will put into draft for them to review as quickly as possible and meet again at end of month, or sooner, if possible.

Ben Gilmore addressed Board to discuss draft E.R. Permit for Tispaquin Street – Fred Green Realty Trust Cranberry Bog Project

Mr. Gilmore asked for a change to condition #3, increasing the 30 truck loads to 50 truck loads. It was agreed to leave it at 30, but not to exceed 50 on rare occasion and he is to notify Town's Agent when this will occur. Site inspections schedule will be added in to permit – to include quarterly milestones so Director Bagas can monitor progress. Penalty

provisions are included in permit. Include the word "quarterly review" on permit. Selectwoman Brunelle asked Town Manager if we can have Mr. Bagas provide Board with any issues on his quarterly reports, some site specific. Mr. Bagas could create a checklist (process). Mr. Kravitz asked for a waiver for Condition A9. He will provide written report and email it to the Town Manager's office. Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve draft permit, with changes, as discussed this evening.
Four in favor. P. Rogers abstained.

Abatement for Robert Leite of 25 East Grove Street
Town Manager to look into why we wouldn't just abate the difference of what is owed and what was billed. Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve abating the difference of what was owed and what was billed.
Four in favor. P. Rogers abstained.

Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to amend prior motion to include "that if approving abating the difference of what is owed and what was billed, is not allowed, Board authorizes abatement as presented.
Four in favor. P. Rogers abstained.

I.T. Proposal – Finance Committee discussion
Selectwoman Brunelle recuesed herself and left the meeting room during discussion on this matter. Finance Committee Chairman was present and asked if the Board needed anything from them. Selectman McKinnon noted that he listened to the discussions from both sides and thinks this would be a good idea to get snapshot of what entire system looks like and to evaluate system to see if there is anything we can do better. He indicated that he views this as a good use of Casino planning money. Selectman Rullo thinks evaluations are a good thing, but has concerns as to how much time it would take our current staff to conduct this survey. He is going to rely heavily on the Town Manager's recommendation. Pavadore – we could use unclassified money and then transfer funds later. Selectman Rullo cautioned that it is too soon to tap into those resources. Former Selectman S. Spataro addressed Board and suggested calling on townspeople with I.T. backgrounds to conduct assessment if hard pressed for money. Otherwise we may be throwing money away on having someone just tell us what we have when we already know.
R. Dunphy works for Red Systems and would love to do an I.T. assessment for the Town as a gift, but it would preclude his company from doing future work for the Town.
R. Pavadore believes an assessment should be done, but notes that how it's done can be worked out later, if the Board decides it should be done.
Finance Committee tries to understand all budgets and does not know what funds have

been for at previous Town Meeting. In response, Selectwoman Duphily, asked Mr. Pavadore if he has talked with R. Brunelle about these questions. Mr. Pavadore responded that Mr. Brunelle has been invited to meet and he has not attended the Finance Committee Meetings that he has been asked to attend. He noted that the Town Manager has responded when invited, as have other members of the I.T. Department.
Town Manager explained that the Town tapped out the Pierce Trustees when they funded police cruisers and Fire Department roof. Town Manager noted that while assessments are good, he didn't see a need for assessment when he met with Finance Committee a few months ago and had wanted to hear from Hub Technical, but didn't hear anything too compelling. He would not spend the money, seeing no immediate savings through conducting this proposal. We are doing well with consolidation with other departments already. We've had the same system for all for a long time, which is unlike other municipalities. He is not a fan of leasing. There is nothing cheaper than borrowing.
He is a user of this network and he knows its strengths and weaknesses. GIS is a problem and Planning Board is going to bring forward a proposal, which he supports. Website is being addressed. Not comfortable using scarce resources on this effort. He would start by meeting together with school, general government and the MG&E to discuss where we want to/need to go. Selectman Rullo noted that we need to figure out internally exactly what we want to get out of an assessment. Selectman Rullo volunteered to meet with the three groups and determine if the all three groups are in favor of an outside assessment and if they would find it useful. He will meet with them and report back by the middle of December.

BILLS
Selectwoman Brunelle returned to meeting. Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to pay bill in the amount of $893.26 to SouthCoast Media Group.
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to pay bill in the amount of $1,103.24 to the Town of Plympton.
Four in favor. P. Rogers abstained.

TOWN MANAGER'S REPORT
We had 90 people attend last week's job fair. We received very good feedback form the companies that participated. He thanked A. Nalevanko and the OECD Office for putting on the job fair.

Notice from Town Clerk re ADA Training – for our own staff and any business that want to attend on Wednesday 12/9/09 at the COA from 4 PM until 6 PM.

He met with School Department on Friday to talk about stimulus grants re energy efficiency/savings for schools. He believes we will be more competitive in a grant round. They will be putting together a couple of grants in November and December.

He received response from Mr. Bagas re trash pickup schedule for every two weeks. Mr. Bagas indicated that it would not be feasible.

OTHER
R. Dunphy thanked Board, as a member of the Central Baptist Church, for use of Town Hall parking lot for the Trunk Or Treat program. Selectwoman Brunelle thanked the church for holding the event.

CORRESPONDENCE
#7 Sheriff's Transfer - Board discussed with Town Manager.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 10 PM to discuss strategy relative to Collective Bargaining. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes, M. Duphily, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN