MINUTES

For approval at the 12-14-09 meeting

DRAFT

Middleborough Board of Selectmen **November 30, 2009**
Meeting Minutes

Chairman opened meeting at 7:01 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen P. Rogers, M. Duphily, S. McKinnon and A. Rullo.

Upon motion by Selectman McKinnon and Seconded by Selectman Rullo, Board voted to approve 11/16/09 meeting minutes.
Three in favor. P. Rogers abstained.

ANNOUNCEMENTS
Chairman announced Class II Automobile Dealer license application for Finish Line Auto will be continued to 1-25-09 at 7:30 p.m.

Chairman announced that the Earth Removal Permit matter for Ryan Vlaco will be continued to 12-14-09.

NEW BUSINESS
Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve the appointment of the following individuals to the Middleborough-Lakeville Herring Fisheries Commission for terms as specified:
Term ending 9-30-12
Ronald Burgess (reappointment), 51 Summer Street
Bryant Marshall, 37 Soule Street
Thomas Barron, 6 Sassamon Circle
Volunteer Observers – Term ending 9-30-10
Harold Atkins, 92 School Street
Kristen Chin, 162 Marion Road
Luke Leonard, 123 Howland Road
Three in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve request by Burt Wood School of Performing Arts to place sign on Town Hall lawn from 12-1-09 until 12-14-09 with the understanding that the sign will be moved from time-to-time so as to not damage the lawn.
Three in favor. P. Rogers abstained.

HEARINGS, MEETINGS, LICENSES
Selectwoman Brunelle arrived at 7:07 PM.

Board welcomed OECD Director A. Nalevanko who addressed the Board to review OECD Town Priorities. Director Nalevanko discussed the attached handout re the 2010 Community Development Block Grant Regional Application – Town of Middleborough & Lakeville with the Board.

Health Officer J. Spalding addressed the Board re Procedural Hearing – Condemnation due to State Sanitary Code Violations at 24 Granite Road. Owner of the property, Ms. O'Connor, anticipates being in compliance by the end of this week. A neighbor of Mrs. O'Connor who lives at 32 Granite Road addressed the Board and asked what assurances he and his neighbors have that the owner will meet the compliance deadline. Health Officer explained that the compliance deadline is not 12-14-09, but instead the property owner is typically given a 30-day period of time, but the Health Office tries to work with the owner to bring the property into compliance. The hours permitted for the cleanup activities are from 9 a.m. to 6 p.m. so as to not disturb the neighbors. Ms. O'Connor addressed the Board to say that she is 75% in compliance and that she is sorry to have let things get to this point. She indicated that 30 days is a reasonable period of time to have the property in full compliance. Chairman declared hearing closed.
Upon motion by Selectwoman Brunelle, and seconded by Selectman McKinnon, Board voted to affirm the condemnation of 24 Granite Road and that the Health Agent report back in two weeks, specifically 12-14-09 and that the Health Department issue an order for full compliance within 30 days of today's date.
Four in favor. P. Rogers abstained.

Chairman opened public hearing for Finish Line Auto for a Class II Automobile Dealer's license by reading aloud the public hearing notice.
Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to continue the hearing to 1-25-09 at 7:30 p.m.
Four in favor. P. Rogers abstained.

Board welcomed the Green Energy Study Committee who addressed the Board to present its report as presented on the attached. After a discussion period, Committee member Jeff Stevens will provide a preliminary list of suggestions and provide further report in six months. Chairman thanked the Committee for its report.

Health Officer provided H1N1 vaccine update. A clinic will be held this Saturday for children aged 10-17 from 10 a.m. to 1 p.m. at the Burkland Mayflower complex cafeteria. Pre-registration is required.

Mass Department of Corrections – Bridgewater water supply issues
Margaret (last name not given), professional engineer with MA Department of Corrections - Bridgewater and Weston and Sampson Water Quality Engineer Bill Numery addressed Board to see if Town will work with the MA Department of Corrections. Margaret indicated that based on discussions with Dick Tinkham and Paul Anderson, it would appear that the Town of Middleborough would have the water quality and quantity needed for the complex.

In response to question posed asking why they would not ask Taunton to provide water, Bill explained that if they could conduct a one-year demonstration study at a minimum of six months and maximum of 12 months, they would have the data to figure out the costs to treat the Taunton water, which will be fairly expensive. It may be cheaper to stay with Middleborough water supply vs. Taunton. It's hard to say at this point. The demonstration study could be shorter, and if it fails, would have to go back to the drawing Board. It's a chemistry issue in the water. Taunton is compliant with its own testing, meeting the rules of the chemistry that they have.
Water Superintendent P. Anderson explained that we would be giving them 250k gallons per day. It is a short term commitment at this point, but would need to be given further consideration at the end of the demonstration study.
Selectman Rullo asked if agreeing to this now would have had any effect on the water rates recently set that were based on a reduction of water consumption.
P. Anderson stated that it is hard to say at this point. Town Manager offered that we wouldn't have set a water rate based on a one-year commitment.
M. Solimini expressed cross contamination concerns. Chairman Rogers indicated that check valve would have to be installed re back flow.
In response to question posed by Selectman Rullo, P. Anderson supports going forward with this if since we have ample water supply and indicated that it's always good to sell it for the revenue.
Upon motion by Selectwoman Brunelle, and seconded by Selectman McKinnon, Board voted to approve moving forward with this to look at for temporary solution and for them to come back to Board for its approval
Four in favor. P. Rogers abstained.

Chairman announced that Ryan Vlaco E.R. Removal discussions are postponed to 12-14-09.

TOWN MANAGER'S REPORT
To be presented next week.

CORRESPONDENCE
Selectman Rullo noted that teens are loitering at library. Selectwoman Brunelle asked Town Manager to ask Police Chief to monitor- asking kids to move along.

#10 It was noted that we received letter re Edgeway Homeowner's Association – Rules & Regulations for Mobile Home Parks.

Selectman Rullo received email from M. Solimini re recent reversed 911 about the escape of a convict from Bridgewater prison. P. Rogers indicated that S. Spataro had been called and he called the Chairman. Town Manager will look into requesting Middleborough be added to system.

OTHER

M. Solimini asked why reverse 911 would go through a member of the Board of Selectmen, if it is that necessary. Selectwoman Brunelle responded that it is just a courtesy call. M. Solimini thanked Chief Gates to see police presence and for being proactive in response to the recent escape of a convict from Bridgewater prison.

M. Solimini asked Board if it is true that the Town just purchased a dump truck. Town Manager answered no.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 8:55 PM to discuss strategy relative to pending litigation. Chairman announced Board would not return to Open Session. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; M. Brunelle, Yes; P. Rogers, Yes.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN