

**Middleborough Board of Selectmen
Meeting Minutes****March 9, 2009**

Chairman opened meeting at 7:04 p.m. and began meeting by inviting those in attendance to join in the Pledge of Allegiance.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve 3-2-09 meeting minutes.
Three in favor. P. Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted to approve 2-23-09 meeting minutes.
Two in favor. M. Brunelle abstained. P. Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve 2-23-09 Executive Session meeting minutes.
Three in favor. P. Rogers abstained.

Announcements

Chairman announced that there will be a Bone Marrow Drive from 4 pm until 9 pm at the Middleboro Elk's Club to help David Bettencourt.

NEW BUSINESS

Board heard from B. Giovanoni. Upon motion made by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve placement of free-standing sign on the lawn of Town Hall from March 19 to April 18 for the Middleborough Friends Pancake Breakfast to benefit the COA on April 18, 2009.
Three in favor. P. Rogers abstained.

Chairman asked Mr. Giovanoni to see if the Middleborough Friends can reframe the picture of the Vietnam Moving Wall that is hanging in the hallway of Town Hall.

Board took matter of Capeway Rovers request for motor cross race dates under advisement and asked that Mr. Collins come in next week to discuss practice dates.

Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to appoint Special Police Officers as presented on the attached.
Three in favor. P. Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to appoint Agents for Liquor Establishments as presented on the attached.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to hold the appointment of Auxiliary Police Officers for one week and have Chief

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of Police explain why some of the names submitted on this list are duplicate to those listed as Special Police Officers.

Three in favor. P. Rogers abstained.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted to approve request from Colonial Retriever Field Trial Club to discharge firearms on Sunday, May 3, 2009.

Three in favor. One abstained.

Board heard from Dana Gallant who gave history of her background relative to her interest in being appointed constable. Upon motion made by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to appoint Dana Gallant as Constable to the Town of Middleborough.

Three in favor. M. Dughily abstained. P. Rogers abstained.

Board heard from Mr. Marzelli who asked if the Board would consider appointing one additional constable. He referenced that with the resignation of David Shanks, there has not been a process server available during daytime hours. Mr. Marzelli indicated that the remaining appointed constables are not available during the week and much of what is needed for service is time sensitive. Selectwoman Brunelle raised the question as to whether these constables should be appointed if they are not available to service the public. Mr. Marzelli recommended the appointment of Linda Rizzo. Joe Gallant addressed the Board and indicated that he and his wife are local and available during the week as constables.

Selectwoman Dughily gave presentation of her initial proposal of the "Vic Sylvia" garden to be located in the side parking lot of Town Hall which would be done by her and the assistance of the Middleborough Friends and paid for through fundraising efforts. Selectwoman Brunelle noted that the Board had previously voted to dedicate a bench in Mr. Sylvia's name and she is in support of the park as presented by Selectwoman Dughily. Historical Commission Chairwoman J. Lopes asked if the Commission could discuss the proposal with Selectwoman Dughily at a meeting regarding the MA Historical preservation restrictions. She suspects that it may have to be approved by the MA Historical Preservation Commission. Steve McKinnon asked if there was a website established in relation to donations for the fundraising. Selectwoman Dughily indicated that one will be established. Upon motion by Selectwoman Brunelle and seconded by Selectman Spataro, Board voted to support M. Dughily in getting permission from the local Historical Commission and the MA Historical Commission to install the park. Selectwoman Dughily will confer with the Department of Public Works as well to confirm that it does not foresee any issues or concerns.

Two in favor. M. Dughily and P. Rogers abstained.

Board heard from B. Giovanoni who indicated that the proposal, as presented, is intended to require minimal work to maintain the park.

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CORRESPONDENCE

#13 Letter from Debbie Lipton – Selectwoman Brunelle read notice aloud.

#5 Letter to Senator Pacheco – Rollback taxes was approved. Will need to go back to ATM and re-submitted to the State legislature by way of an article.

HEARINGS, MEETINGS & LICENSES

Tiffany Cesero – Class II license application

Mrs. Cesero addressed the Board and presented new plan drawn to scale as prepared by her and the Building Commissioner. Building Commissioner is in support of allowing up to ten cars for sale.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve a Class II Automobile Dealer's license for Wareham Street Motors, 491 Wareham Street, with up to ten vehicles for sale on the property located at 491 Wareham Street with hours of operation being Monday through Saturday from 9 a.m. until 7 p.m. Three in favor. P. Rogers abstained.

TOWN MANAGER'S REPORT

Town Manager attended his first meeting with the Green Energy Committee earlier this evening.

Upon motion by Selectman Spataro and seconded by Selectwoman Brunelle, Board voted unanimously to approve letter addressed to the MA Transit Authority, as written by the Town Manager.

HEARINGS MEETINGS & LICENSES

Farrar's Flat Iron Café Change of License Type and Entertainment license. Board heard from Sherri Neely speaking on behalf of the café. She indicated that the café anticipates providing entertainment for children's birthday parties. She would be surprised if they would have entertainment once per week. It will be very low key with no noise that would affect the neighbors. They anticipate dinner music in the background such as an acoustic guitar. They have spoken with present customers as to what they would want and have concluded quiet music as preferred. They want to be able to provide entertainment on any of the given days/nights that they are seeking licensing. Chairman read aloud the Building Commissioner's comments.

Chairman asked to hear from any abutters in the audience who wanted to comment.

Board heard from a gentleman who offered his support of Farrar's endeavors as they have been excellent neighbors. Chairman declared the hearing closed.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to accept application submitted by Farrar's Flat Iron Café, 444 Centre Street for an Entertainment license with the agreement that the license will state that the noise level shall not permeate to disturb the abutters and to additionally include following the state regulations as specified by the Building Commissioner.

Three in favor. P. Rogers abstained.

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Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Ms. Neely's request to pay the difference only the difference between a Wines & Malt Beverages Restaurant liquor license and an All Alcoholic as the annual renewals had recently been paid.

Three in favor. P. Rogers abstained.

OLD BUSINESS

Allin Frawley addressed the Board asking if a copy can be made of the Board's meeting tapes and provided to the library where the public can obtain and copy the tape. Chairman indicated that the Town Manager will resolve.

Mr. Frawley asked if anyone has heard back from Tribe regarding letter sent asking for a meeting. Chairman indicated that we have not heard back, but hopefully shortly.

R. Dunphy asked when the Executive Session minutes would be posted to the Town's website. Board's secretary indicated that the minutes have been posted for some time now.

David Slater addressed Board and indicated videos of meetings are considered as public record and should be available to public. He offered to put on website. Chairman indicated that the Board heard from the I.T. department last week and there is an anticipated upgrade including being taped by DVD.

Karen Foye of Comcast informed the Board that the Library does not want to store the tapes. Mr. Slater asked if someone in the Selectmen's office can dub tapes.

T. Manager indicated that we do not have staff available, but will work on in a timely fashion. Chairman indicated that it is pleasing that the public has shown interest in the tapes of the meetings and acknowledged that we need to modernize and that we will do the best we can.

J. Lopes indicated that the wall panels to be installed in the Selectmen's meeting room, discussed last week by R. Brunelle, if permanent fixture should go through MA Historical Society if they are to be permanent fixtures. Selectwoman Brunelle indicated that Mr. Brunelle is aware of that.

At 8:28 p.m. Board voted by Roll Call to go into Executive Session 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