

MINUTES

For approval at the 5-4-09 meeting

 **DRAFT**

**Middleborough Board of Selectmen
Meeting Minutes**

April 22, 2009

Chairman opened meeting at 7:00 pm.

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

Board conducted Police Chief interviews as follows:

7:00 pm Otto Rhode, Jr.

8:00 pm Matthew Clancy

9:00 pm Walter Crickard

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to adjourn meeting at 9:30 pm.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

 **DRAFT**

**Middleborough Board of Selectmen
Meeting Minutes**

April 25, 2009

Chairman opened meeting at 8:00 a.m.

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

Board conducted Police Chief interviews as follows:

8:15 a.m. Joseph Rebello

9:15 a.m. Peter Andrade

10:15 a.m. Bruce Gates

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to adjourn meeting at 11:45 a.m.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

 **DRAFT**

**Middleborough Board of Selectmen
Meeting Minutes**

April 27, 2009

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

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

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve 4-13-09 meeting minutes with section regarding the Tribe to include the following language: "the Planning Board money is not reimbursable".
Secretary begin to number pages of minutes
Four in favor. P. Rogers abstained.

At the recommendation of Selectman McKinnon, Board agreed to ask the Town Charter Study Committee to review applications on file for consideration of an alternate member and to make a recommendation to the Board of Selectmen.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve Executive Session meeting minutes of 4-13-09.
Four in favor. P. Rogers abstained.

ANNOUNCEMENTS

Health Officer J. Spalding addressed Board to speak about the Swine flu. She attended a meeting on the subject today. As of today, there are no cases in New England. They are working on getting vaccines. Schools got their information from the CBC today.

NEW BUSINESS

Treasurer addressed the Board to discuss the Bond that is before the Board this evening for its approval. Chairman read into the record the attached statement relative to the Bond. Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to award bid to Morgan Keegan & Co., Inc. in the amount of \$7,988,952.00 with an interest rate of 3.423728 as recommended by the Town Treasurer/Collector, bonding items as listed on the attached.
Three in favor. P. Rogers and M. Brunelle abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve One-day All Alcoholic Beverages liquor license for Sacred Heart Parish for Saturday, May 2, 2009 from 6 pm to 9:30 pm during an appreciation dinner at the Sacred Heart Parish Hall located at 53 Oak Street.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve One-day All Alcoholic Beverages liquor license for Muckey's Liquors

**Middleborough Board of Selectmen
Meeting Minutes**

April 27, 2009

for April 29, 2009 from 5 pm to 7 pm for a Plymouth Chamber of Commerce meeting to be held at Oakpoint.

Three in favor. P. Rogers and S. McKinnon abstained.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve YMCA road race on June 6, 2009 and Triathlon on July 12, 2009, subject to confirmation by the Police Department that a police detail has been scheduled. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to ratify the appointments of Michael O'Shaughnessy, D. Jeffrey Erickson and Deborah S. Kirsch by the Town Manager as members of the Conservation Commission. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve its Annual appointments as presented on the attached. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to appoint Selectman S. McKinnon as the Board's representative to the Plymouth County Advisory Board. Three in favor. P. Rogers and S. McKinnon abstained.

HEARINGS, MEETINGS & LICENSES

Attorney David Gay representing Brian Grady of GAF Engineering addressed the Board regarding hearing on GAF Engineering – Well location waiver. Mr. Grady appeared before the Board to make presentation. Board heard from Health Officer J. Spalding. Attorney Gay requested that the review engineer be the same person for various Town department issues. Conservation Commission Agent P. Cassady addressed the Board and explained that the matter is in DEP's hands and asks that any changes are forwarded to DEP. The extension is good until 10-27-10. She noted that the Conservation Commission has concerns.

David Thompson addressed the Board as a concerned abutter. He spoke with the Biologist and said that the flags should have been brought up further. Rain comes 20-30 feet from his septic system on a yearly basis. He's a 1,000 feet from the river and it comes up. Mr. Thompson provided the Board with some photographs of his property, including when the brook is normal. Mr. Thompson asked how much dry land is required for a house lot in the Town of Middleborough. Attorney Gay indicated that it does conform with Zoning requirements. B. Giovanoni commented that the Town has rules for a reason on these setbacks. Chairman indicated that he went to the property this past Sunday. It is very shallow groundwater in his opinion. The variance being requested of the Board appears quite excessive. The purposes of the 200' separation does apply according to Attorney Gay.

**Middleborough Board of Selectmen
Meeting Minutes**

April 27, 2009

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to continue hearing until the Health department has conducted engineering study, specifically to June 22, 2009.

Four in favor. P. Rogers abstained.

Health Officer J. Spalding addressed Board regarding Rooming House – 382 Center Street. She explained that the Health Office attempted, unsuccessfully to obtain information, if it exists, from Mr. Marzelli, that would determine that this property is not defined as a Rooming House. Issues of concern pertain to maintenance, which did not allow the Health Office in to conduct an inspection. The Health Office is looking to gain additional information to find out if there are four or more tenants in an attempt to determine if this property is, in fact, a rooming house. The attached letters were sent to Mr. Marzelli in an attempt to obtain this information, but were not responded to. Mr. Marzelli addressed the Board and indicated that he initiated an inspection of this property and that Catherine Hassett neglected to be forthcoming with that fact to the Board of Health. He laid out the events leading up to the issue that is before the Board this evening.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to send to Town Counsel for review and invite Mr. Marzelli and his attorney, if appropriate, back to resolve. J. Spalding to notify the Board when ready to come back with the issue. Four in favor. P. Rogers abstained.

Dr. Sullivan addressed the Board to present the School Committee budget. He began by introducing the School administrators and School Committee members present this evening. He provided a handout of slide presentation that is posted on the Town's website. He thanked Mr. Cristello for a format noting that his financial forecasts have been very helpful. He noted that the School Committee will host a public hearing posted for May 7th in the John T. Nichols School. He is moving forward with School Committee information relative to its pending recommendation, however, this is not a public hearing this evening.. Energy usage has decreased 20-25% this year. Chairman called on Town Manager for update of State budget. He indicated that we should know the House number by the end of this week, which would be helpful. The Governor has the authority over the Stimulus money. Selectman McKinnon suggested that the public call its legislators to say that we need to have action, that the Town's need this money, the State has too much waste. Selectwoman Brunelle indicated that without this money it is going to be devastating to public services. Town Manager recommends that the public need only to write/ask that State to restore cuts in local aid. Chairman asked if we can make the numbers available on Comcast. Town Manager indicated that this will be done.

OLD BUSINESS

Fuller Street – Earth Removal permit Conditions -Elliot Schneider and his engineer appeared before the Board to review.

**Middleborough Board of Selectmen
Meeting Minutes**

April 27, 2009

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve the Conditions for Fuller Street Earth Removal permit with minor corrections.

Four in favor. P. Rogers abstained.

STM/ATM Warrant

Board asked Town Manager for back up to the requested articles. He indicated that the Board will have next week. Board asked that Warrant be put up on website.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted by Roll Call to re-open Warrant to incorporate two petition articles submitted after the deadline. Roll Call: P. Rogers, Yes; M. Duphily, Yes; M. Brunelle, Yes; S. McKinnon, A. Rullo, Yes.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted by Roll Call to close the warrant. Roll Call: P. Rogers, Yes; M. Duphily, Yes; M. Brunelle, Yes; S. McKinnon, A. Rullo, Yes.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve publication of both warrants with correction of Monday to Tuesday and Lincoln D. Lynch School being located on Union Street.

Four in favor. P. Rogers abstained.

IMA update – Chairman reviewed past history. The Board had previously agreed that the Town should have an IMA with the Town of Lakeville, but it has never been able to close the deal with Lakeville. Chairman asked if the newly elected Selectmen had any comments/questions relative to the matter. Selectman Rullo asked for a copy of the agreement. Board will discuss further at a later date.

TOWN MANAGER'S REPORT

Town Manager updated Board on status of Belben's Auto Repair site and indicated issues are being resolved. Town Counsel not clear if coverage (surety) is readily available re underground storage of flammable liquids– we could require surety be posted. Town Manager to look into further.

Policy on Controlled Density Fill – have D. Boucher in sometime in the next few weeks to discuss.

Don Boucher's letter of retirement has been submitted.

Memo to Dr. Sullivan re Green School property – oil leak last summer

**Middleborough Board of Selectmen
Meeting Minutes**

April 27, 2009

OTHER

Letter from ACO asking for extension for Eric Bagge for additional two weeks to euthanize his dog. Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve.
Four in favor. P. Rogers abstained.

Selectwoman Brunelle noted that sign on Town Hall lawn re Mardi Gras has been on lawn for extended period of time. She suggested establishing a policy that signs must be removed within 48 hours of event ceasing and to include that sign will be disposed of if not.

Selectwoman Duphily noted that she has gotten permission from the Historical Commission and the National Historic Commission to beautify the Historic district and brought the Board up-to-speed with her accomplishments and plans.

Chairman announced that Board will discuss Police Chief interviews at its 5/4/09 meeting.

CORRESPONDENCE

#4 – Town of Norton – Subsidized Housing Inventory

#11 – Conservation Commission – 691 Wareham Street – meeting is to get some restitution for damage to Town property while accessing 691 Wareham Street.

#15 – Foreclosed Properties – Town Manager indicated that he and the Town Treasurer met with insurance company today regarding quotes for liability insurance when tenants remain on these properties. Town Counsel is researching the issue of tenants remaining on these properties.

Upon motion made by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 10:15 pm to discuss strategy relative to Collective Bargaining. Roll Call: P. Rogers, Yes; M. Duphily, Yes; M. Brunelle, Yes; S. McKinnon, A. Rullo, Yes. Chairman announced Board would not return to Open Session. Ended at 10:55 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN