

MINUTES

For approval at the 6-1-09 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

 **DRAFT**

May 18, 2009

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

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

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve 5-11-09 meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve 5-11-09 Executive Session meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve 5-4-09 meeting minutes.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve 5-4-09 Executive Session meeting minutes.

ANNOUNCEMENTS

Chairman reminded the public that Annual Town Meeting is scheduled for Tuesday, May 26, 2009 at 7:00 pm at Middleborough High School.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to accept amended licenses from Shell Gas Station to Colbea Enterprises, 2 West Grove Street.

Two in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to authorize Chairman to approve EMS Service Zone Plan Application regarding ambulance service.

Two in favor. P. Rogers abstained.

MHP 40B-The Groves re final cost certification

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to authorize Chairman to sign letter indicating that the Town has no comment.

Two in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve Town Hall rental by Northbrook Academy for June 5, 2009 from 2:30 pm until 10:30 pm for purposes of holding a graduation ceremony.

Two in favor. P. Rogers abstained.

Board heard from School Superintendent Dr. R. Sullivan to discuss Article #10 of the Annual Town Meeting. Dr. Sullivan presented the Board with the history/status of the

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Contaminated soil located at the Green School Site. He then introduced William Hoyerman, LSP, Assistant Division Manager of Coler & Colantonio, Inc. Mr. Hoyerman further reviewed the history and status of the contaminated Green School site.

Lincoln Andrews addressed the Board and announced that, since Friday, May 15, 2009, he decided to try and raise money to save the school. As of this moment, he has received over \$9,000 and asked for pledges indicating that they would remain private, while issue is being reviewed to see if project is worth it.

Bruce Atwood addressed Board – noting that it is a historic landmark, but it also meant alot to the children that went there as well as to their parents. It's part of the community, In his opinion it should be preserved as a historic landmark. Lincoln Andrews made a plea for donations. Mr. Andrews advised the Board that there is a huge old well dug at this school that must be coved immediately for public safety purposes. Board directed Town Manager to ask DPW to look into and take care of tomorrow. Chairman summarized the issues and thanked those who presented.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to support Article 10 of the Annual Town Meeting.

HEARINGS, MEETINGS, & LICENSES

Chairman opened public hearing at 8:22 pm on application made by Thomastowne, LLC, dba The Riverside for a new All Alcoholic Beverages Restaurant Liquor license by reading aloud the public hearing notice. David Fisher addressed Board and reviewed past use of the property located at 58 E. Grove Street. He explained that he would like to open as a private function facility on an as reservation basis, private function business - Wedding business. Chairman asked to hear comments from public. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to approve application.

At 8:31 pm Chairman opened public hearing on application made by Edward Vieira for an Earth Removal permit – 195 Plympton Street, M026, L4361, 4385 & 5119. Joe Webby of Webby Engineering representing Mr. Vieira presented plan to the Board. He explained that due to the economy, Mr. Vieira has been a little slow in selling gravel. Chairman advised that a Project plan should be submitted in the future with the application, which would include the access roads and egress roads. Mr. Webby indicated that the access Road involves Brad Doyle's property to Plympton Street to Rte 44. Chairman noted that the agreement with Mr. Doyle should be in writing and submitted to the Selectmen. Chairman noted that the Town is always concerned with overburdened wells, and therefore will put some type of condition in the permit to protect the residents. He advised Mr. Viera that, in the future, he should go to the Health Department to find out who, if anyone, has an overburdened well. Chairman asked to hear comments from public. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to approve three-year permit, subject to receiving project plan and access/egress roads. Chairman instructed Mr. Vieira to provide this material to the

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Board's Secretary and we will draft conditions for their review and hopefully complete in June.

At 8:43 pm. Chairman opened public hearing regarding complaint of vicious dogs owned by Thomas Stevens, 299 Miller Street. As Selectwoman Duphily elected to recues herself from the matter, and the Board did not have enough members present for voting purposes, Board agreed to continue the hearing to June 15, 2009 at 7:45 pm.

TOWN MANAGER'S REPORT

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve assignment of Municipal Vehicle for 24 Our Use by new Water Superintendent Paul Anderson.

Town Manager read aloud Animal Emergency Preparedness announcement.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to authorize posting of public health nurse position.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve moving forward with Plympton/Soule Farm ATB #F299189 settlement adjusting the value of the 25 acres of Town-owned land located on Soule Street in Plympton from \$407,400 to \$301,900, resulting in a tax reduction in the amount of \$1,335.63 for Fiscal 2009.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to declare equipment as listed on the attached as surplus.

Town Manager announced that a portion of Plympton Street will be closed down to repair the culvert at 93 Plympton Street on Wednesday, May 27th, with rain dates of May 28th or May 29th.

Town Manager announced that the good news voted on in the Senate Ways & Means Cherry Sheet is that our Veterans' benefits have shown up, indicating that the Town will be reimbursed.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to authorize Chairman to sign letter to Senator Pacheco asking him to vote to put back local aid.

OTHER

Allin Frawley noted article he read in Sunday's Boston Globe South referencing comments made by Town Planner that the Town assumes that widening Rte. 44 and improving the Rotary will happen as part of the Mashpee Wampanoag Billion dollar

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casino construction project. Mr. Frawley noted that section 8 of the Agreement between the Town and the Tribe states that these improvements will be paid for by the Tribe. Chairman Rogers explained that the casino is a "proposed" project, therefore, there are many factors involved, but that the issue is beyond the Board of Selectmen, at this time. Jane Lopes asked if the Town is involved in discussions regarding widening Rte. 495. She asked if the Task Force has been involved recently. Town Manager noted that there was a meeting here last week and acknowledged that the Town is very involved and will continue to be.

CORRESPONDENCE

#6 Herring Run Cleanup Volunteers – Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted unanimously to authorize Greg Dudek and Mark Jackson to move forward with their offer of cleaning up the Thomas Memorial Park on Wareham Street under the supervision of Herring Fisheries Commission Chairman David Cavanaugh.

#10 Middleborough Insurance Advisory Committee – Selectwoman Duphily asked if this is an Advisory Group from Police and Fire departments. Town Manager noted that we have an Insurance Advisory Group made up of various individuals and noted that this correspondence is just a reminder that he owes them a response.

#1 Response from D. Boucher – Proposed Road List for FY'09-'10 - Chairman read Street names aloud.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 9:15 pm for purposes of discussing strategy relative to contract negotiations. Roll Call: A. Rullo, Yes; M. Duphily, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session. Ended at

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

Incorporated 1669
339 Years of Progress



**CRANBERRY CAPITAL
OF THE WORLD**



Town of Middleborough

Massachusetts

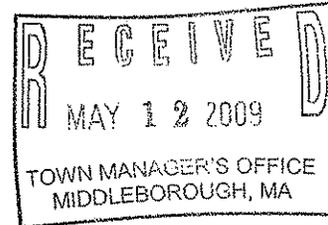
Department of Public Works

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DIVISIONS
Highway
Sanitation
Insect & Pest Control
Tree Warden
Water
Wastewater

Donald A. Boucher
Highway Superintendent
Joseph M. Ciagio
Wastewater Superintendent
Richard E. Tinkham
Water Superintendent

May 12, 2009



Mr. Charles Cristello, Town Manager
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346

Re: Surplus Equipment List

Dear Mr. Cristello:

I have attached a list of equipment that is no longer needed by the Highway Division and needs to be declared surplus so it can be auctioned off or junked. I have asked my Head Mechanic/Foreman to attach a minimum bid to each item to insure that we at least receive the salvage price.

Very Truly,

Donald A. Boucher,
Highway Superintendent

Cc: File

Charles Cristello

From: Allison Ferreira
Sent: Friday, May 15, 2009 11:28 AM
To: Charles Cristello
Subject: PHONE MESSAGE - Kathi Fuller, Highway Department

5/15/09

11:26 a.m.

Kathi Fuller from the Highway Department called. She wanted to let you know that David Blanton intends to close down a portion of Plympton Street to repair the culvert at 93 Plympton Street on Wednesday, May 27th. He indicated there would be rain dates of May 28th or May 29th. Kathi will be posting a public notice in the newspaper.

*Allison J. Ferreira
Assistant to the Town Manager
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