

MINUTES

For approval at the 6-15-09 meeting

**Middleborough Board of Selectmen
Meeting Minutes****June 1, 2009**

Chairman opened meeting at 7:02 pm by inviting those in attendance to join in the Pledge of Allegiance.

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

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve Executive Session minutes of 3/16/09.
Three in favor. A. Rullo abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve meeting minutes of 5/18/09.
Two in favor. M. Brunelle and P. Rogers abstained.

Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to approve Executive Session minutes of 5/18/09.
Two in favor. M. Brunelle and P. Rogers abstained.

ANNOUNCEMENTS

Chairman announced that there will not be a Selectmen's meeting on June 8, 2009.

NEW BUSINESS

Board heard from Conservation Agent Patricia Cassidy re Conservation-Makepeace Neighborhood Fund. Chairman thanked agent for pursuing the grant. Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to accept grant for Conservation-Makepeace Neighborhood Fund and authorized Chairman to sign.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve appointment of Tanya April-Trzeciak to the Cultural Council.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve Town Hall rental by The Burt Wood School of Performing Arts on 6/12/09.
Two in favor. P. Rogers and M. Brunelle abstained.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve Town Hall rental by Tara Pirraglia on 6/26/09.
Three in favor. P. Rogers abstained.

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TOWN MANAGER'S REPORT

Town Manager recommended percentage pay increases to the following four individuals:

Barbara Damon
Irene Hudson

Allison Ferreira
Jacqueline Shanley

and to allow those employees to participate in the Town's Flexible Spending Account, if eligible. Selectwoman Brunelle asked Town Manager if anything has been done yet relative to the Town Accountant. Town Manager will report back at the Board's next meeting.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve letter to Senate President, House Speaker and State Representatives urging them to work toward adopting the local aid amounts voted by the House of Representatives in the FY 2010 Budget Conference Committee.

The Town Manager's office and Selectman's office was asked to participate in a new program offered by Coastline Elderly Services providing employment opportunities for adults over the age of 55 who wish to re-enter the workforce. The participant will work up to 20 hours per week in the offices of the Town Manager and the Selectmen, at no cost to the Town.

Building Commissioner asked Board to appoint former Building Commissioner as Alternate Building Commissioner to cover in his absence. Town Manager to see if there is a cost involved and report back at 6-15-09 meeting.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to appoint former Building Commissioner William Gedraitis as Alternate Building Commissioner to provide coverage in the absence of Commissioner Robert Whalen.

Three in favor. P. Rogers abstained

Selectman Rullo asked why the Town of Lakeville intends to put the Aerial ladder truck back into service, but Middleborough could not. Selectwoman Brunelle noted that it was her understanding that while it could be put back into service, it could not be certified. Selectwoman Duphily noted that she had requested the documentation saying why it couldn't be done. Selectmen Rogers and Brunelle both agreed that the Board had received that documentation. Selectman Rullo explained that he would like to know the answer in the event that the Town's process is flawed and something beneficial may be learned from it for future reference.

Town Manager informed Board that the Grant application has been completed applying to the state for the local School aid amount of \$1,807,289 that had been cut and can now be put back for the Town of Middleborough.

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Plympton Street culvert happened one day later than expected and ran into a much larger job than anticipated. There was a large sink hole found underground. Town Manager commended Public Works Department and Mr. Blanton for overseeing the job, getting it done quickly, and getting it done well.

Town Manager noted that D. Boucher had the Green School hole in the ground being addressed before he even asked him to. The hole has been filled.

HEARINGS, MEETINGS & LICENSES

Chairman opened Dog Complaint Hearing at 7:39 pm re Sherilyn Shurtleff, 37 Lane Street. Chairman confirmed that all parties were in attendance. Animal Control Officer J. Tracy reviewed history with Board. Selectman McKinnon joined meeting at 7:40 pm. ACO has not witnessed dog loose, however, has received numerous reports that dog has been loose, including reports by the post office. No one is receiving mail on the street as the postal worker fears being bitten by the dog. ACO has talked to Ms. Shurtleff about the issue, but she has refused to restrain her dog. ACO believes the dog has become aggressive over the years. ACO reports this has been ongoing for two years. Jose Valadao, 42 Lane Street addressed the Board and indicated that he would simply like to receive his mail in his mailbox. He has no fear of the dog, but the post office won't deliver. Patrick Lynch, 35 Lane Street stated that he's never seen the dog bother anyone, but the mail person won't deliver. Mary Verre, 40 Lane Street indicated that she lives across the street, and because she is home often, she has witnessed the dog go after the mailperson a number of times. The dog is loose all of the time. Sherilyn Shurtleff addressed the Board and indicated that her dog has never bitten anyone, but her dog doesn't like the mailperson because the mailperson sprayed her dog in the past. She indicated that the kids let the dog out and if she ties up the dog, they let the dog loose. Selectman Rullo explained that the Board expects her to follow the leash law. ACO recommended that the dog be cable restrained/permanently restrained to the property and if the owner fails to abide, that the dog be removed from the Town. Chairman declared the hearing closed.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to put dog on permanent restraint on the property, and if not, the owner will have to appear before the Board for further consideration.

Four in favor. P. Rogers abstained.

CORRESPONDENCE

#7 Precinct Street detention pond abutting other neighbors asking why the developer has yet to put a fence around the pond to protect neighborhood children and what, if anything, can be done. Town Manager to ask Planning Board to follow up and take immediate steps to remedy.

#8 Board's secretary to confirm with Animal Control Officer that Mr. Bagge received all transcripts he requested.

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#29 Who pays for Q&A contract? Town Manager believes its AMR. B. Giovanoni, as a member of the EMS Committee, addressed Board and indicated that it is paid for by AMR as per the contract.

#30 Municipal Mini Grant - circulate to appropriate departments

#1 Letter of Thanks from the Middleboro/Lakeville Fishery Commission to Hannaford Supermarket team for its efforts in the cleanup of the park and area around the fish ladder at the Thomas Memorial Park on Wareham Street.

#2 Tufts Health Plan – Town Manager said it may be something to consider for next year.

#3 Plymouth County Cooperative summer programs - noted many programs available.

#5 David Blanton will perform Earth Removal inspections.

#28 South Arrostook Community High School in Maine – thanking Harry Pickering for his assistance with their spring Varsity Baseball team trips to Middleboro.

At 8:05 pm Chairman opened public hearing re Tispaquin Family Campground annual permit application. Barbara Holton addressed the Board and indicated that the Health Officer and Building Commissioner conducted inspection in April. She also informed the Board that her attorney missed the appeal date regarding the ongoing legal case and she is now without legal counsel. She will have to ask for a continuance on that case. She indicated that there hasn't been a health issue in twenty five years and that she has the septic system pumped. Health Officer provided Board with a report of her inspection. Town Counsel D. Murray addressed Board and noted that the septic waste disposal capacity is the issue before the Board of Health. Town Counsel indicated it would be well within the Board's right to deny the annual permit due to inadequate septic per the number of campsites. Chairman declared the hearing closed at 8:34 pm.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to deny the annual campground permit for the 2009 camping season because the campground has insufficient septic waste disposal capacity to serve the number of camper units which will use the camp during the camping season, which insufficiency may present a public health problem.

Four in favor. P. Rogers abstained.

Rooming House – Mr. Marzelli addressed the Board and notes he is running an illegal rooming house without a permit, but that on three occasions he has attempted to give his paperwork to C. Hassett in order to get his permit and she refuses to accept it.

Health Officer addressed Board and noted that she is uncomfortable with the attack on her office and that she has never had any issue with C. Hassett. She noted that he can

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apply for the permit. He has stated that he has handed it to Ms. Hassett and she has indicated that he has not. He has never given it to the Health Officer.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to request that Mr. Marzelli and Health Officer J. Spalding get together to resolve issue and come back before the Board if an issue remains.

Four in favor. P. Rogers abstained.

TOWN MANAGER'S REPORT (additional comments)

Reviewed proposal from Mr. Rose and will be giving him the go ahead to get the Website updated. A. Nalevanko and D. Bowker are going to be involved

SEMASS Task Force meeting this Wednesday – will hear how memorandum was formulated. Town Manager will report back to Board on 6/22/09.

OTHER

Selectwoman Duphily reported that the Middleborough Friends and members of the Stacey LeRoy Foundation worked on Town Hall gardening. The Brunelle's donated the mulch. The Stacey LeRoy Foundation donated money that was used to purchase flowers. Town and Country Landscaping Company planted and will maintain the island by Dave's Diner. Greener Horizon's island near there is coming along nicely. Middleborough Friends is working on additional islands throughout Town. The Oakpoint Garden Club donated the flower pots in front of Town Hall. The flowers in the horse water trofts in front of Town Hall and on Montello and North Streets were donated by Williams Trading Post and planted by the Stacey LeRoy Foundation. Selectwoman Brunelle noted that the group will be back in June to finish the big section behind Town Hall.

As a member of the Central Baptist Church, R. Dunphy thanked the Middleborough Friends for the work that they did along the border of the church.

Ms. Basset publicly thanked the DPW for coming out and doing her road.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 9:09 PM to discuss strategy relative to Contract Negotiations. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; M. Brunelle, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session. Ended at 10:18 pm.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

Meeting was convened at 6:30 PM.

 **DRAFT**

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

Upon motion by Selectwoman Brunelle and seconded by Selectman Rogers, Board voted unanimously to contact the Congregational Church and offer the use of the Town Hall to anyone with an event that has been displaced due to Monday's fire. The customary charges would be waived.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted unanimously to send letter to the surrounding communities that offered mutual aid to Middleborough during the fire thanking them for their assistance.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted unanimously to send letter of praise to our own police and fire departments for their outstanding job during the fire.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to appoint Lt. Bruce Grates as acting Police Chief, effective May 30, 2009.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to adjourn meeting at 6:45 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN