

MINUTES

For approval at the 6-22-09 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

June 15, 2009

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

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

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve meeting minutes of 6-1-09.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Executive Session meeting minutes of 6-1-09.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve meeting minutes of 5-26-09.

Three in favor. P. Rogers abstained.

ANNOUNCEMENTS

Free cookout scheduled from 5 pm to 7 pm at the Methodist Church, 14 School Street on July 11, 2009.

New England Blues Festival Saturday, August 29, 2009 from 11 a.m. to 8 pm at Battis Field, 26 Jackson Street.

The Attorney General will have speakers at the COA on July 30, 2009 from 6:30-8:00 pm regarding all the new rules and regulations for non-profit organizations.

NEW BUSINESS

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve the following summer meeting schedule:

July 13th and 27th
August 10th and 24th
Wednesday, September 9th

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Kris McGuinness Annual walk and banner placement with a copy of approval to be sent to Police Chief.

Three in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve One-day liquor license for The Middleborough Art Gallery under the name of East Coast Bartending Services for June 27th from 6-9 pm.

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Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve the Fourth of July parade and to sell Parade Tags with a copy of approval to be sent to the Police and Fire Departments.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve request by the Builder's Club to use the Town Hall front lawn to hold a flea market on June 27th, with notice that they will be sharing space with the Farmer's Market.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to authorize Chairman to sign Civil Service forms asking for a list for one Sergeant and one Patrolman.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve payment of bill to The Country Press, Inc. re Annual Town Report in the amount of \$6,014.50.

Three in favor. P. Rogers abstained.

Chairman asked Board to consider meeting with the Resort Advisory Committee on June 29, 2009 to discuss use of Resort funds for FY'10.

TOWN MANAGER'S REPORT

Town Manager provided Board with a draft Public Works Director job description. Board agreed to discuss and review on 6/22/09.

Town Manager provided Board with the updated proposed SEMASS M.O.U. The task force will meet with the Board on 6/22/09 to discuss.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to instruct Town Counsel to proceed with request of a de novo hearing before a justice of the court pursuant to MGL C. 140, S. 157 with respect to the petition by Eric Bagge.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to declare vehicles as presented by Fire Chief Benjamino as surplus.

Three in favor. P. Rogers abstained.

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Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to authorize Wastewater Superintendent J. Ciaglo to backfill vacant positions. Three in favor. P. Rogers abstained.

Town Manager reported that there is no budget impact relative to Alternate Building Commissioner position being appointed.

Gateway Estates - Planning Department is working with the developer and the abutter to secure the catch basin that has caused concern relative to the safety of children.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to authorize the Town Manager to write a letter to AMR and indicate that the Town would like to continue the Quality Assurance monitoring for one year. Three in favor. P. Rogers abstained.

The Matrix Report Ambulance Study is final and the Town Manager will provide to the Board this week.

HEARINGS, MEETINGS & LICENSES

Chairman invited Joe Aruda to the podium to discuss his request for a one-year extension of his Earth Removal permit for Tispaquin Realty Corp. off Atwood Avenue. Selectwoman Duphily raised several concerns that have been shared with her by abutters to this site. Mr. Aruda indicated that he has never received any complaints, but when he has been contacted by any of the abutters, he has addressed their concerns immediately. Chairman indicated that the Board would like to see at least one bog planted as should have been by now, according to the existing permit. Chairman read aloud response provided by Conservation Commission Agent. Mr. Aruda indicated that he has removed approximately 300,000 cubic yards of material to date. Selectman McKinnon expressed concern that the signage is not where it is supposed to be and reflects the wrong permit number. Abutter Amos Dias indicated that he has been cleaning the dirt and rocks left on the corner of Rocky Meadow daily by Mr. Aruda's trucks and expressed frustration that these trucks running at 6 a.m. and are also speeding. He called Joe Aruda. Joe got rid of a couple of trucks. Joe is not there all of the time, but now tells him he will be and he hopes it will be corrected. Doug Ryan of Rocky Meadow Street addressed the Board to say that he has noticed in past two weeks that the trucks have been going in the opposite direction, which Mr. Aruda has addressed. He has noticed a tremendous amount of dust this year. He thinks it may be a question of the drivers, not Mr. Aruda himself. It's been a long process as he has lived through five years of earth removal from this property. Mr. Dwyer addressed the Board to say that someone is going to get hurt with the dirt, mud and rocks being left on the road. Suzanne Dagesse of 56 Rocky Meadow Street addressed the Board. She bought her house in 2002. She first noticed trucks in 2004, which was not under Mr. Aruda. When he took over, agreements were made, that unfortunately, are not being complied with now. She is here today to convey her

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concerns. Board advised her to contact the Highway department, Town Manager, or Selectman's office if and when there are any future problems. Brian Giovanoni addressed the Board, as an abutter, to express his experiences and concerns relative to blind driving area within the travel route for this Earth Removal permit. Barbara O'Brien of 279 Tispaquin Street lives on the corner where the trucks pass and has witnessed the trucks going both ways. She indicated that she has not filed any complaints. The cranberry bogs that were in existence when she bought her home, are now dried up/no longer there. Kathy Ryan of 60 Rocky Meadow Street spoke and indicated that the neighbors used to want to walk through the area, but no longer do because there is nothing beautiful about it. Mr. Aruda indicated that he is confident that the Town will see when it comes out for the inspection, that there is an explanation for all of the issues raised this evening. Chairman closed comment period.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to continue hearing until June 29, 2009 at 7:30 pm to allow time for a Town inspection of the site.

Three in favor. P. Rogers abstained.

At 8:26 pm Chairman opened public hearing re dog complaint. Thomas Stevens of 299 Miller Street, owner of the dog, was not in attendance. Selectwoman Duphily recused herself from the hearing. Animal Control Officer addressed Board and indicated that he has received a number of complaints regarding dogs owned by Mr. Stevens. In this case, this particular dog bit William Parks of 290 Miller Street. A.C.O. recommends giving Mr. Stevens a reasonable period of time to find a new home for his dog, outside of the Town of Middleborough and if he cannot do so, that the dog be euthanized. Mr. Parks addressed the Board and explained that the dog attacked him and that the attack was unprovoked, and he would like the Board to consider public safety and noted that the place in which he was bitten was at a height that could very easily have been at the height of a child. Selectwoman Duphily addressed the Board, as a neighbor of Mr. Stevens. Chairman asked to hear comments from the public. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted that dog owner be given 30 days to find a home in another community for the dog that bit Mr. Parks and if he is not successful, that the dog be euthanized and that all of his remaining dogs be permanently restrained to his property due to reports of those dogs being a nuisance to the public.

Three in favor. M. Duphily abstained.

OTHER

Town Hall cleanup/gardening will be on Saturday, June 20th at 8:30 a.m.

CORRESPONDENCE

#7 COA newsletter – Beware of traveling vendor scams – Selectman McKinnon noted that Census takers will be around Town, but will have identification.

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#20 Plymouth County Selectman's date had changed from 6/23/09 to 6/25/09.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 8:50 PM to discuss strategy relative to Collective Bargaining and Pending Litigation. Chairman announced Board would not return into Open Session. Roll Call: M. Duphily, Yes; S. McKinnon, Yes; M. Brunelle, Yes; P. Rogers, Yes. Ended at 9:15 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN