

MINUTES

For approval at the 7-13-09 meeting

13

NOTE: Attachments for Minutes will be forthcoming, attached and posted.

**Middleborough Board of Selectmen
Meeting Minutes**

June 29, 2009

Chairman opened meeting at 7:00 PM.

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

Chairman invited those in attendance to join in the Pledge of Allegiance.

NEW BUSINESS

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve meeting minutes of 6-22-09.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve Town Hall rental for John Cacciatore on 8/1/09 from 12 Noon until 12 Midnight.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve use of Town Hall lawn by Boy Scout Troop 96 for its annual "Yard Sale" to be held on Saturday, October 17, 2009 from 9 a.m. until 2 p.m., with a rain date of Saturday, October 24, 2009 with the same hours.

Three in favor. P. Rogers abstained.

Town Manager reviewed Police Chief Bruce Gate's contract. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve Police Chief Contract between the Town of Middleborough and Bruce D. Gates.

Three in favor. P. Rogers abstained.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to sign resolution supporting House Bottle Bill H3515 "An Act to Improve Recycling Rates in the Commonwealth".

Two in favor. S. McKinnon opposed. P. Rogers abstained.

HEARINGS, MEETINGS & LICENSES

Resort Advisory Committee Chairman Eric Cedarholm addressed Board to discuss proposed spending of Resort Funds for FY'10. Chairman invited the public to submit comments and suggestions to the Town Manager's Office of where it would like to see money spent. Chairman indicated matter will be put on 7-13-09 agenda.

Suzanne Dube of the Citizen's Environmental Health Impact Committee (CEHIC) updated the Board re the following matters:

- MA DEP Health Assessment of key areas in Middleborough.
- Department of Public Health Environmental Public Health Tracking portal.
- ALS Advisory Committee - update of ALS Registry.
- Rockland Industries site update

Environmental Strategy Management Licensed Site Professionals (LSP's) Tom Silvia, Joe Callahan, and Mike Donnelly contacted by the CEHIC and retained through a DEP Technical Assistance Grant to provide advice and expertise on the work that has been performed at Rockland Industries site addressed the Board. (SEE ATTACHMENTS)

Chairman announced that the Board visited Joseph Arruda, Tispaquin Realty Corporation, 1453 Plymouth Street Earth Removal site on Saturday, June 27, 2009. Board heard from Conservation Agent Patricia Cassady regarding the requirements she has presented to Mr. Arruda, which includes filing a new Notice of Intent (N.O.I.) with the Commission. He will also have to submit a request for a Certificate of Compliance and state that the old work is not completed. He should not be currently doing any work within 100' buffer zone. Chairman read aloud conditions agreed upon by the Board of Selectmen. Chairman asked to hear comments from the public. Abutter Keith Northrop addressed the Board and reported that Mr. Arruda had encroached on his property and cost him legal fees in an attempt to rectify. He would like to trees re-planted and that they be like the trees that had been removed by Mr. Arruda. He also has an issue regarding ATV's and asked if the Board could do anything to encourage Mr. Arruda to keep the ATV's off of the property. He expressed concern that he has been unable to get assistance from Police Department when he has called. Mr. Arruda addressed issues raised by Mr. Northrop. Mr. Arruda indicated that he had replaced the trees, but acknowledged that they have died. He agreed to replace again. He acknowledged that there had been a vandal on his property one night, which caused a disturbance. Mr. Arruda indicated that he is willing to address any concerns. Chairman suggested that any future concerns should be addressed through the DPW Highway Superintendent and/or the Town Manager. Mr. Arruda offered to build a stone wall immediately if Mr. Northrop would like. Chairman recommended that Mr. Northrop attend Conservation Commission meeting on July 16, 2009 to address his concerns. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to approve the conditions as agreed upon, subject to Mr. Arruda complying with required timeline dates, specifically, 7/2, 7/16 and 7/31.

TOWN REPORT

Town Manager presented Board with Memorandum of Understanding (M.O.U.) between Town of Middleborough and Town of Lakeville re maintenance of Route 79. The redesign of Route 79 and Route 495 will result in closing of Route 79, and not Route 105. There was concern that it would result in maintenance difficulties. The Memorandum has been worked on over the past year. Town Manager recommended Board sign M.O.U. Chairman expressed concerns about not mentioning catch basin/water main that should be maintained. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve and sign the Memorandum of Understanding.

Four in favor. P. Rogers abstained.

Town Manager reported on Property/Casualty and Workers' Compensation insurance bids. We received a less expensive proposal from Metroguard through our insurance agent Brian Murphy. Proposal came in \$74k below our previous estimate.

Route 44 project - Fallen on backburner for time being, but need to get back onto the radar screen. Tribe may ultimately fund project, but it has to move forward until then. Congressman Frank has been asked to earmark money to fund project and move project forward.

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43D application update - Technical Assistance Funding in the amount of \$16,000.

Resort Funds - We have three staff members who rely on those funds. Town Manager asked Board to authorize funding of the current staff at the current number of hours until the end of July. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to authorize Town Manager to continue funding the three Planning positions for another month through the Planning Resort funds.
Three in favor. P. Rogers abstained.

OLD BUSINESS

DPW Director Job description - Town Manager suggested changing education and experience section to bachelor's degree and 10 years highway construction and maintenance, seven of which would be of supervisory experience, or an equivalent combination of education and experience. The position of being appointed Tree Warden is included. The position of Moth Superintendent is to be added. Board to review changes at July 13, 2009 meeting.

OTHER

Chairman announced that he would like to discuss items of interest, as provided by Al Rullo in May, during the Board's July 27, 2009 meeting.

Al Rullo met with Representative Canessa's staff. He is trying to establish a regular meeting with our State Reps/Senators once/twice per year. Representative Canessa will be in touch with Mr. Rullo to discuss. Board will discuss on 7-27-09.

Steve McKinnon - Biotech industry - Get Biotech insurance firm into one of our industrial parks. Town Manager, Planning Director and Economic & Community Development Director will discuss.

Chairman mentioned invitation he received from the Wampanoag Tribe to attend its annual Powwow during the Fourth of July weekend.

Michael Solimini asked Town Manager for an update on any cost reduction savings that the School may have recently voted on. Town Manager indicated that there was a report in the paper regarding their energy savings. Mr. Solimini indicated that the teachers voted to freeze their salaries to save the Town money and asked what other departments would be freezing their salaries. Town Manager reviewed percentage increases and health insurance contribution increases agreed upon during union negotiations with various other employees.

CORRESPONDENCE

#13 - Oil spill on Wareham Street - V. DiRusso - Town Manager will look into and follow up.
#15 - Transportation Reform Bill - send letter to Governor to veto. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to send letter.
Three in favor. P. Rogers abstained.

Jane Lopes informed the Board that the South Middleborough National Registered District has been approved by the National Parks Service. Upon motion by Selectman McKinnon and

seconded by Selectman Rullo, Board voted to send letter of thanks to the Middleborough Historical Commission, with particular mention of Vice Chairman Michael Maddigan, for contributions in seeing this through.
Three in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to adjourn meeting at 10 P.M.
Three in favor. P. Rogers abstained.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN