

# **MINUTES**

**For approval at the 9-14-09 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes****September 9, 2009**

Chairman opened meeting at 7:03 PM.

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

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve 8-24-09 meeting minutes with correction as noted to page one. Four in favor. P. Rogers abstained.

**ANNOUNCEMENTS**

Chairman reminded the public that the Board will hold a public hearing on 9/28/09 and welcomes comments, however, noted that the Board intends to adopt Rules and Regulations, therefore, does not see a need for a large number of attendees.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to declare 1997 Ford Crown Victoria Sedan (Car 93) VIN# 2FALP71W1VX229905 as surplus. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to declare the Building department 1997 Chevy Cavalier VIN# 3G1JC5241VS880919 as surplus. Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to declare Assessor's 1996 Blue Chevrolet Corsica VIN# 1G1LD5544TY145664 as surplus. Four in favor. P. Rogers abstained.

Danielle B. Breault of 5 Becca Lane addressed the Board and gave an overview of her reasons for requesting sewer abatement, explaining that only one person resides at this address. Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to accept this abatement in the amount of \$358.20 as approved by Mr. Ciaglo in addition to an abatement for the next quarter upon review by Mr. Ciaglo and Town Manager. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to allocate 705 Gallons per day ("GPD") of sewer capacity and 775 GPD of water capacity to the project Lot 15 Campanelli Business Park, Leona Drive, Middleborough, including associated fees, as supported by the Water and Wastewater Superintendent. Four in favor. P. Rogers abstained.

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**OTHER**

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve a One-day All Alcoholic Beverages Liquor license for Muckey's Liquors for 9-10-09 from 3 PM - 7 PM for an event to be held at Oak Point.

Four in favor. P. Rogers abstained.

**BILLS**

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve payment of legal bill to Dickinson Wright in the amount of \$726.72.

Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to authorize the Town Manager to contact Attorney Dennis Whittlesey and request written confirmation from him that the Town of Middleborough will not have to pay back any Planning monies.

Four in favor. P. Rogers abstained.

Special Town Meeting Warrant Articles

**Article 3**

Town Manager indicated that this article balances the budget.

**Articles 1 & 2**

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to recommend Article 1 and Article 2.

Four in favor. P. Rogers abstained.

**Article 3**

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to recommend Article 3.

Four in favor. P. Rogers abstained.

**Article 4**

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve Article 4, as presented.

Four in favor. P. Rogers abstained.

**Article 5**

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve as presented.

Four in favor. P. Rogers abstained.

**Article 6**

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to recommend approval as presented.

Four in favor. P. Rogers abstained.

Selectwoman Brunelle asked Town Manager if the Town can start putting money aside for anticipated sick-leave buyback payments. Town Manger will discuss possibilities with Town Accountant. Selectman McKinnon suggested that this money should be put aside as like with retirement money – GASB 45. Town Manager will look into.

**Article 7**

Town Manager to check with Town Counsel and see if this is a legal article that encompasses the design process. Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve, pending confirmation by Town Counsel that the article is legal.

Three in favor. M. Duphily and P. Rogers abstained.

**Article 8**

Town Manager noted that the Police Chief took the initiative to begin downsizing his fleet of vehicles. To have more efficient vehicles, he is changing from Crown Victoria's to Ford Taurus'. Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve. Selectwoman Brunelle asked if there is any way we can hold off due to the financial state of the Town. Town Manager stated that we held off last year and after a certain amount of time these vehicles are not worth keeping. According to Chairman Rogers, this was on the Capital Planning seven year list to be replaced this past spring, but was postponed. R. Dunphy asked how many vehicles are in the Police Department fleet. Town Manager indicated that he would provide that information to Mr. Dunphy.

Town Manager to ask the Chief if he needs 3 vehicles or if he can get by with 2.

Four in favor. P. Rogers abstained.

**Article 9**

Upon motion by Selectman McKinnon and Selectwoman Brunelle, Board voted to approve.

Four in favor. P. Rogers abstained.

**Article 10**

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve.

Four in favor. P. Rogers abstained. Selectwoman Brunelle and Selectman Rogers abstained.

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**Article 11**

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve.

Four in favor. P. Rogers abstained.

**Article 12**

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve.

Four in favor. P. Rogers abstained.

**Article 13**

Town Manager recommended Board pass over at this time.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to decide just prior to the start of Town Meeting if this article is needed.

Four in favor. P. Rogers abstained.

**Article 14**

Conservation Commission Agent Patricia Cassady and David McGowan from the Nature Conservancy addressed the Board to speak about this article. Selectman McKinnon asked if money could come from the Treasurer's temporary borrowing account. Town Manager to confirm there is enough money in there. R. Geoffroy informed Board that she already confirmed with Treasurer, but Town Manager will also confirm.

Upon motion by Selectman McKinnon, and seconded by Selectwoman Duphily, Board voted to approve article as presented and to re-appropriate from water account in the spring.

Four in favor. P. Rogers abstained.

**Article 15**

Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to approve as presented.

Four in favor. P. Rogers abstained.

**Article 16**

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve as presented.

Four in favor. P. Rogers abstained.

**Article 17**

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to approve as presented.

Four in favor. P. Rogers abstained.

**HEARINGS, MEETINGS, & LICENSES**

At 8:37 PM Chairman opened public hearing by reading public hearing notice (attached). Ben Gilmore addressed Board to review application on behalf of Fred Green Realty Trust for an Earth Removal Permit for property located at Tispaquin Street, Middleborough, Assessors Map 067, Lot 249. The reason for this request is for the construction of a 2.8 acre cranberry bog and expansion of existing reservoir. Mr. Gilmore indicated that he expects the project to be complete within three years.

Chairman noted comments provided by DPW Director Andrew Bagas. Chairman noted that an application must be completed to confirm no taxes are owed to the Town. Total number of trucks on daily basis would not exceed 30 truckloads. Lopes Construction will be the contractor. Mr. Gilmore confirmed that he would apply for a Certificate of Completion once he is done. Selectwoman Brunelle asked if Mr. Gilmore would have a problem if the Board approved a two year permit. He answered that he would not. The main route of travel will be south on Tispaquin Street. Selectman McKinnon stated that he would like to see monthly sweeping of the street, ¼ to ½ mile down (not necessary in the winter) along with necessary signage to warn public of heavy truck traffic in area. Chairman asked to hear comments from public. B. Giovanoni addressed Board and indicated his support of the project. No abutters approached Board to be heard. Chairman declared the hearing closed. Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve a two year permit with normal conditions to include monthly sweeping, signs, receipt of a farm plan at conclusion, subject to verification that all taxes and municipal fees have been paid and to include conservation commission order of conditions .

Four in favor. P. Rogers abstained.

Chairman indicated that the conditions will be drafted within two weeks and submitted to him for comments. Mr. Gilmore indicated that he will provide, in writing, all comments he made this evening.

Chris Wainright of Pearl Street addressed Board and noted that they have had a lot of vandalism on Pearl Street and at the School Street School owned by the Town. According to Police, it's mostly teenagers hanging out at the school. Police said that there is a sign on front of school that says no trespassing after dark and he is asking Board to change sign to no trespassing. He showed Board photographs. Selectwoman Brunelle explained that the school property is under control and management of the School Department and not owned by the Town. The Town Manager is to ask Police Chief to have more officers visible in that area and to forward this concern to school department. Selectwoman Duphily wants the school notified that it needs to clean up the graffiti as it is difficult to impossible to remove if left too long. Selectman McKinnon asked Town Manager to discuss with Chief the best way to handle. Photographs will be forwarded to the School Department.

**TOWN MANAGER'S REPORT**

H1N1 update – We want to get message out to the public to get their children vaccinated and to practice good hygiene and if you become sick with the flu, to stay home from school – fever and sore throat – stay home – just starting public education to limit the impact of the flu this year. H1N1 vaccines are expected to begin in October. Selectwoman Brunelle asked if we will have and H1N1 flu clinic. Town Manager stated that we do not have one scheduled yet as we do not know when to expect the vaccine, but we will have a clinic once we have vaccine.

Police and Fire Chief's have applied for federal grants to help deal with budget cuts this year. The Police department has applied for \$75, 000 and the Fire department has applied for \$326,000. It was noted that it is a long shot, but they are trying to get some assistance.

This Friday the Under Secretary of Economic Affairs will be here for an hour to look at areas of interest re Economic Development. He will be here between 11 and 12 Noon and in the company of Representative Canessa. They will meet at Friendly's at 11 a.m.

Town Manager reviewed an old letter from Dan Murray re advertising for pole hearings and noted that Attorney Murray came to the determination that we are not required to advertise and should not be charging the applicant the cost of advertising. Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to eliminate advertising for pole hearings .  
Three in favor. M. Brunelle and P. Rogers opposed.

**Selectmen's hearing room sound system**

Town Manager reported that we are still in negotiations with Comcast over funding for renovations. We do not have any money to proceed, therefore, we are on hold.

**Website**

Town Manager reported that we have department heads filling out their questionnaires to give us information for the website. We will be putting up a general inquiry asking the public for input as to what they would like to see on the website. Department heads meeting tomorrow where they will discuss website and encourage departments to put information up. Selectman McKinnon asked if cable programming is going to end in a year. Town Manager explained that they are getting out of public access permanently and they will pay us a portion of money to take over our own, but that is the sticking point of negotiations. Town Manager doesn't know specifics of Verizon's status.

Town Moderator W. Perkins addressed Board – re sound system – he asks that Board recollect vote it took in 2003 re number of discussions re World War I plaques hung in

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the lobby. He noted that the Selectmen's meeting room was voted the Veterans' Memorial Room and that the vote was to reinstall the plaques and eagle back to this

room. He explained that the Veterans' Council has been working to put together all of the Veterans' names so that the information that would go on plaques in this room will be complete and accurate and they ask for the Board's cooperation based on its vote from 2003. Selectwoman Brunelle stated that she believes that was prior to the construction of the Memorial Park and believes we have recognized the Veterans' by the construction of the park. She asked if it would be more appropriate to use the conference room adjacent to the Veteran Agents' office. Paul Provencher indicated that based on the number of people turning up as they uncover names, this room would not be practical and noted that this is the Town Hall.

Don Triner addressed the Board and stated that this room would be strictly for the Veterans' of Middleborough. The park is for all Veterans' anywhere. Selectwoman Brunelle agreed with memory of those past discussions, but her concern at present is getting this room acoustically improved and doesn't have full understanding of what we are talking about i.e., number of plaques, etc. Mr. Perkins asked that the Board keep in mind as it deliberates on what it does to this room. Jane Lopes said Board is losing sight that this is not just a meeting room, but a historic room with preservation on it. She told the Board that it can't do anything without review by state and local historical commissions and that everything must be done with historic respect to this room. Roger Brunelle addressed Board and indicated that a mutual decision should be reached and that his priority is to provide better acoustics for the public to hear the meetings.

Bob Lessard noted that the Council has been researching these veterans' for approximately one year and figure it will take another two years before they have all the names. He doesn't know how the plaques will be presented, but wants to discuss with the Board. Planning Director noted that this is the only hearing room we have and need to maintain the capacity of the room and the use/space of the walls. She noted that all of the elected and appointed boards use it.

**OTHER**

Selectwoman Brunelle asked if we have heard anything back from our Senator relative to the Roll Back Taxes. Town Manager noted that he has a call into him, but has not heard back. Selectman McKinnon asked the Town Manager to also ask the Senator if there is possibility to move stimulus funds into Chapter 90 Funds for local road use.

**CORRESPONDENCE**

- #10 SEMASS - current contract negotiations - Town Manager will look into
- #16 CDBG Grant - Town did not get this grant.
- #17 SRPEDD looking for additional membership for its Regional Economic Strategy Committee. Town Planner stated that she believes A. Nalevanko has been representing the Town in this capacity and may just need to be re-appointed.

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- #3 & #4      Fire Department has gotten two grants. Selectwoman Duphily commended Fire Chief Benjamino for getting these grants in his short time here as Fire Chief.
- #21            Conservation Commission meeting minutes were difficult to follow as presented from most recent to furthest meetings and would prefer to receive them monthly as opposed to six months at a time.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 9:02 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.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

(Town Seal)

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Wednesday, September 9, 2009 at 8:00 PM, for the purpose of discussing an application filed by Gilmore Consultants on behalf of Fred Green Realty Trust for an Earth Removal Permit for property located at Tispaquin Street, Middleborough, Assessors Map 067, Lot 249. The reason for this request is for the construction of a 2.8 acre cranberry bog and expansion of existing reservoir. Anyone desiring to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers, Chairman  
Muriel C. Duphily  
Marsha L. Brunelle  
Stephen J. McKinnon  
Alfred P. Rullo  
BOARD OF SELECTMEN

Publish: August 20, 2009

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