

MINUTES

For approval at the 1-25-10 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

January 11, 2010

Chairman opened meeting at 7:04 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

ANNOUNCEMENTS

Town Manager's annual review will be held on January 25, 2010 at approximately 7:30 PM.

Ballot questions

Two potential:

1. School Department for Proposition 2 ½ override. Board needs the dollar amount so that it can vote on it.
 2. Chapter 40, Section 6C – snowplowing of private ways
- All due by February 16th so that they may be voted on February 22nd.

Selectwoman Duphily will put together proposed Pooper Scooper bylaw for consideration.

Chairman read aloud Town bylaw regarding snow on public sidewalks or ways.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve 1/4/10 meeting minutes.
Three in favor. P. Rogers abstained.

NEW BUSINESS

Betterment Agreements

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for Todd & Christina Anderson of 723 Plymouth Street in the amount of \$14,455.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for Stephen and Adele Leo of 149 Chestnut Street in the amount of \$24,805.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for Isabelle Campanini of 4 Rachels Court in the amount of \$13,200.
Three in favor. P. Rogers abstained.

**Middleborough Board of Selectmen
Meeting Minutes**

January 11, 2010

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for Ralph James & Regina Leroy of 4 Chestnut Street in the amount of \$23,240.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for April Cormier of 2 Lakeview Terrace in the amount of \$16,926.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for Robert & Patricia Stark of 265 Wood Street in the amount of \$18,690.

Three in favor. P. Rogers abstained.

HEARINGS, MEETINGS, LICENSES

Chairman explained that A. Nalevanko will not appear this evening, but instead, on Wednesday, January 13, 2010, to discuss Interlocal Agreement – Final Activities Public Meeting – Social Service Provider.

Conservation Commission – Caparrotta Conservation Restriction

Town Planner R. Geoffroy addressed Board. Rob Johnson of the Nature Conservancy was also present.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to sign the Caparrotta Conservation Restriction.

Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to authorize the Town Manager to sign the Caparrotta Conservation Restriction related Contract.

Three in favor. P. Rogers abstained.

Cable Committee – Comcast Contract

Chairman R. Silva addressed the Board and introduced Committee members: Dr. R. Sullivan, S. Callahan, M. Mobley, K. Franzosa, R. Denise and T. Tatro. He noted that two members were not present this evening, specifically, R. Brunelle and B. Mackiewicz. Chairman Silva read aloud the attached prepared informational document. He advised the Board that the Committee is asking the Board to reject the initial draft proposal of the license that Comcast sent to the Committee on July 31, 2008, due to it not being in the best interest of the Town of Middleborough. Attorney R. Treano addressed Board. He explained that Mary O'Keefe has agreed to go forward with the agreement the way that it is going. He will be asking for an extension of 3/17/10 and distributed a copy of his written request for the extension. Attorney Treano asked Board to issue a preliminary

**Middleborough Board of Selectmen
Meeting Minutes**

January 11, 2010

assessment of denial and to incorporate the submitted binder as part of the record of this evening's meeting (binder is filed in Selectmen's Office). Mary O'Keefe, Sr. Manager of Government and Community Relations for Comcast, addressed Board and noted that Comcast is very close and looking forward to coming up with a new contract within the next 4-6 weeks to continue working with the Town of Middleborough. Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Based on the preliminary assessment of denial, Board voted to reject draft proposal as presented by Comcast. Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to authorize Attorney Robert Treano to forward letter on behalf of the Town of Middleborough seeking an extension of 3/17/10. Three in favor. P. Rogers abstained.

Chairman thanked the Committee, on behalf of the Town, for its efforts.

BUDGET REVIEW SCHEDULE FY 2011

Law Department

Town Counsel D. Murray addressed Board and advised Board of current legal cases requiring Special Counsel. Selectwoman Brunelle requested that Attorney Murray provide Board with a list of all current legal cases. Attorney Murray agreed to provide. Town Manager will incorporate any Insurance related legal suits not known to Attorney Murray.

Department of Public Works (DPW)

Superintendent A. Bagas addressed Board and noted his budgets to be level funded except for budget with 4% cut as requested by Town Manager.

Administration budget – Mr. Bagas noted that they can live with this budget amount.

Highway budget – includes snow and ice. Total is 1.1 million. 4% cut would require a \$44,000 cut, which would come from elimination of one position (an employee presently out on workers' compensation). DPW is currently short-handed. It is essential to maintain all other positions. This is peak season for water main breaks. Standby means that in the winter they have employees on standby for emergencies (they are compensated via their contracts a certain number of hours per week regardless of whether or not they are called upon). Mr. Bagas informed the Board that they have expended approximately \$145k so far on snow and ice removal. They had budgeted for \$55k.

Tree Warden - \$12,300 was in this budget - contractor in bucket truck to remove trees. They will have to do less. They try to take care of the worse ones – most hazardous.

Insect/Pest Control – there is \$1,000 in there. Cut is only approximately \$34.

Rubbish Removal is to remain level funded as recommended by Town Manager.

**Middleborough Board of Selectmen
Meeting Minutes**

January 11, 2010

Water Department

Enterprise account – level funded

Expenses include electricity to run all of the pumps and chemicals also to treat systems. Minor capital items included

They are finding that chemical expenses are increasing but anticipate will decrease after 7/1/10 - searching for best prices.

Capital outlay is \$108k.

To the best of his knowledge, Mr. Bagas believes that the line item of \$10k for new equipment is for pump equipment and not for new vehicles.

In response to question by Selectwoman Duphily, Selectwoman Brunelle explained that the line item re purchases of services for alarm system rental is actually for a service contract such as with ADT. Selectman Rullo noted that the health insurance line item looks like increase but anticipates it will be lower. Town Manager explained that the full expense is in there for now, but if successful in negotiating new plan, the amount will change.

Wastewater Department

Superintendent Joe Ciaglo addressed Board and noted that this budget will be a little less than last year. He thinks they will be able to come in under budget, noting that they always do.

Town Manager read aloud letter received by Joe Ciaglo announcing his intended retirement as of February 26, 2010. He noted that Mr. Ciaglo has been professional and always gone the extra mile when needed. The Town Manager thanked him for his service to the Town. Mr. Ciaglo offered that it has been great to work for the Town of Middleborough, the best job he's ever had. Selectwoman Brunelle extended that he has been a true professional, has always offered new proposals and offered her thanks. Mr. Ciaglo offered his guidance to his replacement, if found in a timely fashion. Chairman offered that Mr. Ciaglo is the most qualified person he's ever seen. Mr. Ciaglo noted that he has been in this profession for 32 years. Mr. Ciaglo thanked the Board for all its kind words.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to authorize the Town Manager to post the position of Wastewater Superintendent. Three in favor. P. Rogers abstained.

Selectmen

Budget cut will come from Annual Town Report line item. We will print only a few for library purposes and put the rest on website.

Town Manager

Level funded budget contemplates **salaries**.

Reduction - giving up ability of his assistant to come back to five day week.

He anticipates taking some furlough days to make up the difference.

Decrease is a total of approximately \$8k.

Assistant's time is approximately \$5k and the rest is furlough.

Administrative Office Buildings

Heat – Will work to reduce heat expense

Custodian line – We need extra money to have a full-time position

TOWN MANAGER'S REPORT

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to authorize Town Counsel to move forward in drafting the appropriate Purchase and Sales agreement re land transfer of land behind South Fire station.

Three in favor. P. Rogers abstained.

OTHER

None.

CORRESPONDENCE

#13 Notice from Finance Committee indicating that Greg Stevens is resigning. Board offered its thanks to Mr. Stevens.

#3 Notice from Conservation Commission re resignation of a member. Town Manager will touch base with Patricia Cassady to discuss filling vacancy.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted by Roll Call to go into Executive Session at 9:00 PM to discuss strategy relative to pending litigation. Roll Call: M. Brunelle, Yes; A. Rullo, Yes; M. Duphily, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session. Ended at 9:15 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

**Middleborough Board of Selectmen
Meeting Minutes****January 13, 2010**

Chairman opened meeting at 7:00 PM.

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

OECD Director A. Nalevanko appeared before Board to discuss Interlocal Agreement between Lakeville and Middleborough for CDBG grant. Board decided to postpone approval until Lakeville legal reviewed (Town Counsel Dan Murray already reviewed for Middleborough). Ms. Nalevanko announced dates of meetings to receive final public input on CDBG activities: January 25 (6:00 p.m. in Middleborough) and January 28 (4:00 and 6:00 p.m. in Lakeville). The social service provider for the CDBG activity was selected from RFP responses.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve South Shore Community Action Council as the provider of the CDBG emergency housing financial assistance project contingent upon award of a 2010 CDBG grant. Award letter to be drafted by Ms. Nalevanko.

Three in favor. P. Rogers abstained.

Board reviewed FY2011 Budget Schedules with the following departments:

General Government**7:00 PM**

- Finance Committee
- Information Technology
- Treasurer/Collector
- Debt Service
- Employee Fringe Benefits
- Unclassified

7:30 PM

- Planning Board
- Town Accountant
- Assessors

8:00 PM

- Town Clerk
- Elections & Registration
- Conservation Commission
- Zoning Board

Human Services/Cultural/Recreation**8:30 PM**

- Library
- Historical Commission
- Council on Aging

9:00 PM

- Veterans' Services
- Health Department
- Animal Control
- Park Department

**Middleborough Board of Selectmen
Meeting Minutes**

January 13, 2010

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

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN