MINUTES

For approval at the 1-4-10 meeting

DRAFT

Middleborough Board of Selectmen **December 21, 2009**
Meeting Minutes

Chairman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

Town Manager was not in attendance.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve 12/7/09 meeting minutes.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve 12-14-09 meeting minutes with spelling correction of Dominic Falconeiri's name on page 6.
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 12-14-09 Executive Session meeting minutes.
Four in favor. P. Rogers abstained.

ANNOUNCEMENTS
Legislation passed re Land Acquisition fund for Town of Middleborough in which all roll-back taxes shall be deposited and expended by the Board of Selectmen for purposes of recreation, conservation, agricultural, open space, or other municipal use. Selectwoman Brunelle explained that this is based on taxes paid by residents when their property is coming out of Ch. 61A land. When in 61A, taxes are reduced. It was previously approved by Town Meeting. Selectwoman Brunelle thanked Town Meeting and Mr. Cristello for getting it enacted.

Chairman announced that Representative Calter notified the Town that it has received a grant re Miller Street - Black Brook - land protection and aquifer protection. Chairman will provide further information at 1-4-10 meeting.

NEW BUSINESS
OECD Director A. Nalevanko addressed Board to present Public Social Service Priorities Community Planning Process. Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve Public Social Services Priorities list as presented by A. Nalevanko.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 2010 Common Victualler licenses as presented, with corrections as noted.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 2010 Class II Automobile Dealer's license for Wareham Street Motors,
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to rescind vote to renew 2010 Class II Automobile Dealer license for C. Costa, 27 Chestnut Street.
Four in favor. P. Rogers abstained.

Glenn Amaral addressed Board regarding request by W. Byrne for one-year Earth Removal extension. Two sections are planted and one is to be planted in the spring.
Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve one-year extension, effective 12-21-09.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Special State Election Warrant.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve VFW 2 a.m. New Year's Eve closing time.
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 2 a.m. closing time liquor licenses for those clubs and restaurants who apply to the Town Clerk with the applicable $15 fee. Town Clerk to notify the Police and Fire Chiefs of those licenses issued.
Four in favor. P. Rogers abstained.

OLD BUSINESS

E.R. Permit Final approval G. Lopes/Red Dog Cranberry

Glenn Amaral addressed Board. He said applicant approved conditions as presented
Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve final conditions.
Four in favor. P. Rogers abstained.

Board Discussion on Charter Commission Report
Selectwoman Brunelle read aloud bylaw referencing appointment of a Charter Review Committee. Lincoln Andrews addressed Board and noted that as it is not yet 2010, he recommends Board follow bylaw and not appoint committee until the New Year. N. Rosenthal noted that he agreed with Mr. Andrews. Chairman offered that the Board was pleased with the quality of the report. Chairman read through the report.
Selectman McKinnon recommended holding discussion until Charter Review Committee is established in January. Selectwoman Brunelle offered that she doesn't have any additional recommendations and supports the Committee's recommendations.
Selectman Rullo noted that in general, he is in favor of recommendations, but asked who would be appointing authority of the Town Treasurer and who the Treasurer would report to. C. LaCroix indicated that the Committee felt those discussions would lay with the Board. Similar to other department heads, the Committee thought that the Treasurer would be appointed by the Town Manager and report to the Board of Selectmen.
C. LaCroix is to ask Town Counsel if the Treasurer position is under same statute as Accountant, Fire and Police Chiefs. Selectman Rullo suggested consideration may be warranted to grandfather in the current Town Counsel to continue as salary due to the number of years he's been Town Counsel. He would like to have discussion first.
N. Rosenthal noted that it would just be taken out of Town Charter. It's simply to give the Board more leeway – flexibility on how Town compensates Town Counsel as opposed to eliminating benefits. Lincoln Andrews noted that it depends who the Board is speaking about - G. Decas or D. Murray. He further offered that Dan hasn't been Town Counsel for long. B. Atwood suggested that the next Town Counsel may not be an individual, but instead could be a firm out of the city. Chairman told Committee if it could get recommend together, Board will vote appointment on 1/4/09. He noted that there is no need for the Committee to be present.

OTHER
Board of Selectmen wished everyone a Merry Christmas and Happy New Year.

Selectman McKinnon suggested that it would be helpful if residents could shovel out their hydrants as the Town is low on firefighters.

Selectman Rogers asked snowplowers to please not plow snow onto sidewalks as Town equipment needs to have access.

CORRESPONDENCE
P.A. Landers announcing it will commence work on roadway relocation and related work on a Section of Rte. 79 (Rhode Island Road) in the upcoming weeks

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to reaffirm Patricia Cassady as the Town's representative to Plymouth-Carver Aquifer Advisory Committee with Selectwoman Brunelle as delegate.

Four in favor. P. Rogers abstained.

Noted Mass Highway Project 605878: Nemasket River Storm Water Pollution Mitigation Enhancement has been evaluated and that a Project Review Committee has determined that the Town's scope is eligible for Federal Aid Highway construction funding and is acceptable to advance.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted unanimously to adjourn meeting at 8:09 PM.

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Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN