

MINUTES

For approval at the 2-1-10 meeting

**Middleborough Board of Selectmen
Meeting Minutes****January 25, 2010**

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

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve 1-11-10 meeting minutes.
Three in favor. Selectmen McKinnon and Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve 1-11-10 Executive Session meeting minutes.
Three in favor. Selectmen McKinnon and Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Rogers, Board voted to approve 1-13-10 meeting minutes.
Three in favor. Selectmen McKinnon and Rogers abstained.

ANNOUNCEMENTS

Chairman offered belated Happy Birthday wishes to Selectwoman Duphily.

Selectman S. McKinnon thanked Board and its secretary for sending him a Get Well card. He also thanked Captain Andrade and the Fire Department crew for their recent care.

NEW BUSINESS

OECD Director A. Nalevanko addressed Board and discussed the Community Development Block Grant – Inter-local Agreement and also updated Board on development activities.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Development Block Grant Inter-local Agreement.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to authorize that the project go forward.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to authorize Chairman to sign standard state contract for Department of Housing and Community Development (DHCD).
Four in favor. P. Rogers abstained.

We have a developer interested in Winthrop Atkins and Star Mill - They had converted some other mills in Rockland and Whitman/Hanson, which Ms. Nalevanko is scheduled to visit.

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Bay State Specialty building - former shoe factory on Pierce Street - She had connected the Neighborhood Corporation with them because the owner wasn't moving on the project. They had a 40B project there for condominiums. Now the Neighborhood Corporation is teaming with a local developer to continue that project. Both of these developers will be going before the ZBA soon. These are two exciting opportunities to get some new business in Town.

Town was awarded a DHCD Downtown Initiative Grant in the amount of \$10k -- potential for future theatre to be located in downtown Middleborough.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Town Hall Auditorium rental for Soule Homestead Education Center on 2/13/10 from 5 PM until 11 PM with all fees waived.

Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve One-day All Alcoholic Liquor license for The Bartending Service of N.E. on 2/13/10 from 7 PM until 11 PM at Town Hall, 10 Nickerson Ave.

Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to approve use of Town Hall Auditorium for NRP on 2/22 and 2/23 for auditions with waiver of fees.

Four in favor. P. Rogers abstained.

Town Manager explained that municipal gift accounts, through municipalities, are tax deductible contributions. Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to authorize the creation of a gift account for the Pratt Farm Fall Festival for the sole purpose of having a fundraiser to raise money for a Pavilion at the Pratt Farm. Checks should say Town of Middleborough Pratt Farm Pavilion and mailed to Town Treasurer.

Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Betterment Agreement for Donald & Susan Finlayson of 30 Metacomet Road in the amount of \$18,500.

Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to ratify the appointment of Lauren E. Bell as a member of the Conservation Commission.

Four in favor. P. Rogers abstained.

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Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to award telephone bid to Unibank Bank in the amount of \$382,812.00 at 1.20% interest rate re State Anticipation Note - Purchase of land off Miller Street.
Four in favor. M. Brunelle abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to award telephone bid to Unibank Bank in the amount of \$60,000.00 at 1.35% interest rate re Bond Anticipation Note - Purchase of land off Miller Street.
Four in favor. M. Brunelle abstained.

Selectwoman Brunelle spoke on behalf of the Rotary Club of Middleboro. Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve the Rotary's request to place a sign on the Town Hall lawn promoting its annual Cable TV Auction from 2/22/10 through 3/22/10.
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to sign amendment to agreement between AMR and Town of Middleborough, reflecting a correction to a typographical date error.
Four in favor. P. Rogers abstained.

ANNOUNCEMENT

Chairman read aloud letter from Police Chief Gates regarding Reverse 911 system plan.

HEARINGS, MEETINGS & LICENSES

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to continue public hearing for Class II license application by Robert W. Mullins, Jr. "The Finish Line" to 3/1/10.
Four in favor. P. Rogers abstained.

Atwood Avenue Local Upgrade and Variance Requests, 31 Atwood Avenue

Health Inspector Catherine Hassett addressed Board to review request by Kevin Walker, owner of property located at 31 Atwood Avenue to install a septic system that would allow for the conversion of this one-bedroom house to a two-bedroom house. Applicant Kevin Walker addressed Board and stated that what he is requesting to do is allowed according to the definition of Title V. Concern is regarding the burden on the abutter's wells. Chairman noted that public health is more important. Mr. Walker agreed. Board expressed that it would like Mr. Walker to come back with the contours and suggested that Mr. Walker talk with his client and return to next meeting. Health Officer explained that Mr. Walker is required, under Title V, to test all wells within 100'. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to continue to 2-1-10.

Four in favor. P. Rogers abstained.

Town Manager's Annual Job Performance Review

Board members offered comments as follows:

- **Selectman McKinnon:**
 1. No problems with handling of budgets/budget negotiations
 2. Most communication with Board has been good
 3. Has no problems with Town Manager's performance
- **Selectwoman Brunelle:**
 1. Overall good job
 2. Communication with Board – some members felt not everything was being communicated – area for improvement
 3. Budget and management – excellent
 4. Leadership – like to see more communication with department heads, perhaps quarterly meetings.
 5. Would like to see Workers' compensation in-service training
 6. Always makes self available to community as much as possible – heard no complaints
 7. Excellent job with communication with legislative delegation
 8. Commended watchdog re rollback taxes
 9. On top of everything
 10. Works well with OECD and Planning offices
 11. Sincere effort
 12. Would like to see better understanding of Town Bylaws
 13. Would like to see more policy development – that's where we are lacking to communicate these better to department heads. Thanked Town Manager.
- **Selectwoman Duphily:**
 1. Handled hiring new Police Chief, Fire Chief, and DPW Superintendent beautifully
 2. Gets right back to her when she has request/concern
 3. She would like to see memo or notice (email) to all members if Town Manager is meeting with some selectmen
 4. He walks in Town, which makes him visible
 5. Communication with departments is excellent
- **Selectman Rullo:**
 1. Process of producing good candidates for all of the above mentioned positions excellent
 2. Communication skills – one of his strengths
 3. Has been great at improving communication between General Government and Schools
 4. Financial reports – worked on designing with him and others
 5. Had couple calls recently from residents re not returning phone calls

6. Would like Town Manager to take leadership role in developing plan re downtown area – kinds of businesses we want to see there and kind of people we need to pull together towards making that happen
 7. Outstanding year. Thanked Town Manager.
- **Selectman Rogers:**
 1. Hard working, high ethics, great networking skills, understands issues of community
 2. Responds to Board's needs
 3. Skilled at looking into health insurance issues – managed to come up with solution and yet still must work hard to implement
 4. People are pleased to work with him and feel he is a man of his word
 5. Thinks Town employees believe in him – makes their jobs and lives rewarding
 6. Positive with what he's done here. Thanked Town Manager.

Chairman asked if Board would want to consider a monetary pay increase for the Town Manager. Selectwoman Brunelle offered that she would like to, but not able to with present financial situation. Town Manager offered that this could be discussed at another time as he wasn't anticipating any such discussion.

Town Manager offered that he has enjoyed working for the Town of Middleborough. He has noted the Board's comments and will work towards meeting the requests presented over the next year.

Selectwoman Brunelle asked if there is anything that the Board can do to make his job easier. Town Manager responded that the Board has been very supportive and has been there to assist him and attend meetings as needed, etc. He noted that the Board has been very good to work with and if it will continue to assist him, this would be the best way to make his job easier.

Selectman McKinnon asked the Town Manager to inform the Board if there is ever anything that is not going well and Town Manager asked the same of the Board.

Chairman asked for public comment. None offered.

Board welcomed Fire Chief L. Benjamino re Ambulance Service Discussion – ATM Article or Election Ballot

Fire Chief Benjamino explained that he doesn't think the Town should be asking the Townspeople for money right now for an ambulance service, but rather, would ask the Townspeople if they would want a Town-run service.

Selectman Rullo expressed a need for an in-depth discussion – to dedicate a meeting on this topic – a full hearing of the facts and understanding – financial impact as a next step with current EMS Committee, Fire Chief, Matrix member, Finance Committee, etc.

Chairman noted that this is a valid point, however, a report had been prepared by Matrix and information is available for Townspeople, not to say we shouldn't have discussion, but there is some awareness out there.

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Selectman McKinnon asked Chief if he's ever considered regionalization. Chief responded that it's been looked at but never come to fruition. Selectwoman Brunelle indicated that she would like an opinion from EMS Committee and noted that she still hasn't received an answer from Matrix re Workers' Compensation. Chief Benjamino offered that he asked current ambulance service that question and they would not give the information to him. He doesn't think the Town would see a significant increase in Workers Compensation. The Fire Department personnel are currently carrying and lifting and doing all of the things that the private ambulance service personnel would do. Selectman Rullo asked if could get information from surrounding communities. Selectwoman Brunelle offered that Matrix can get that information. Chief believes it may already be in their report. Chief added that Mutual Aid is like regionalization and it is being utilized.

Town Manager will ask the Town's Worker's Compensation insurance companies if they can provide information re the rate of Worker's Compensation claims for communities that have town-run ambulance services.

Selectman Rullo thinks we need to deal with this before data becomes outdated again. Important to look at this information and come to a conclusion. Selectwoman Brunelle told Fire Chief that he needs to get the Board all of its answers, then it will lay it out. EMS Committee spokesperson B. Giovanoni addressed the Board to say that the Committee is meeting on 2/18 at the Fire station at 7:30 PM and will discuss Matrix report and ambulance service issue. The Committee intends on giving its opinion on the matter. Chairman noted that the issue will be discussed further in a few weeks.

FY2011 Budget Review Discussion & Vote

Town Manager reported that the Governor said he would level fund Local Aid. Town Manager more comfortable keeping with budget plan that we have, starting with 4% budget cuts. Governor will put out budget on Wednesday. Town Manager recommending Board vote to approve budget as presented, with 4% cuts, taking more conservative approach and may reconsider at later date.

Selectman Rullo agrees, but did noted that some of the departments are underfunded and will require finding free cash or making further cuts. He would like to find funding for maintenance man - to assist with energy savings. Selectwoman Brunelle indicated that it is the responsibility of department heads to decide where they want to cut and to control their own budgets, i.e., overtime. Town Mgr announced he will be meeting with department heads responsible for these buildings to put together an energy savings plan and may be able to implement this year. He will report to Board in coming weeks.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Dumphily, Board voted to proceed with budget as recommended by Town Manager
Four in favor. P. Rogers abstained.

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TOWN MANAGER'S REPORT

Postponed until next week.

OTHER

None

CORRESPONDENCE

#1 Letter from Police Chief requesting that the Board recognize the Auxiliary Police in a future Town Report. Selectwoman Brunelle would like to see more in Police department budget about what the Auxiliary Police do.

4 Letter re Rockland Industries. Town Manager explained that the Conservation Commission is writing back to explain that there are still pending issues to be satisfied.

#13 Edgeway Mobile Home Park – Selectman Rullo asked when Board is going to discuss issue of inconsistencies in rent. Town Manager explained that Town Counsel is drafting response.

#18 School Committee Agenda - Selectman Rullo asked when Board is going to review School Department budget. Town Manager noted that discussion is scheduled for 2/22.

#24 Selectwoman Brunelle asked if this documentation has gone to Town Counsel. Town Manager explained that it's with Treasurer and being reviewed by Tax Title attorney.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:43 PM to discuss strategy relative to Pending Litigation. 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. Ended at 10:10 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN