

MINUTES

For approval at the 4-21-10 meeting

**Middleborough Board of Selectmen
Meeting Minutes****April 12, 2010**

Chairwoman Brunelle opened meeting at 7 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were M. Brunelle, A. Rullo, M. Duphily, S. McKinnon and S. Spataro.

Upon motion made by Selectman Spataro and seconded by Selectman McKinnon, Board voted to approve 4-5-10 meeting minutes.

ANNOUNCEMENTS

Chairwoman read aloud announcement re “Miss Marilyn Day”, in Honor of Children’s Librarian Marilyn Thayer scheduled for Tuesday, 4/20/10 from 2 PM until 5 PM in the Children’s Library.

Chairwoman announced that the following two additional items will be discussed this evening with Health Officer J. Spalding during ATM Warrant Article review:

- Discuss the Legislation on the Moratorium for Fossil Fuel
- Intermunicipal Agreement with Town of Raynham re Health Services re Communicable Disease efforts.

NEW BUSINESS

Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted unanimously to appoint Selectman McKinnon as the Board’s SRPEDD Representative.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to authorize the auction of the following foreclosed properties:

- Beach Street, Map 111-2578 formerly owned by George & John Williams, Trs.
- 46 Miller Street, Map 080-5852 formerly owned by Frances E. Pratt a.k.a. Ella Pratt f.k.a. Ella Walsh.
- 99 Plympton Street, Map 034-4244 formerly owned by John R. Moran & John F. Haywood, CC Financial Services, Inc.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint Town Manager Charles J. Cristello as its JTPG representative and Town Planner Ruth McCawley Geoffroy as its delegate representative.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Town Hall Auditorium rental by Rachel Park Dance Center on May 23, 2010 from 11:30 A.M. until 4:00 PM.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve Town Hall Auditorium rental by MHS Class of 2011 for prom set-up on 5/14/10 from 5 PM until 10 PM and for the prom on 5/15/10 from

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9 AM - 11 AM and 5 PM - 12:30 AM.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to approve the Justice Assistance Grant and authorized Chairwoman to sign on behalf of the Board.

CORRESPONDENCE

#6 Replacing the Culvert on Summer Street – Selectwoman Duphily will ask Town Manager under “Other” how other roads in Town are doing.

#9 Highway Sweeping began March 29th. Selectwoman Duphily asked if they notified the Town prior to starting as the Board is only now receiving notice.

#12 School Department Operating budget - Selectman Rullo urged everyone to attend April 15 & 29th School Committee Meetings re receiving public comment in regards to proposed cuts.

OLD BUSINESS

Goals & Objectives

- MB & SM – Establish hearing procedures for permits issued by Board; including legal notifications from Town Counsel

Selectman McKinnon asked Town Manager to discuss Section 801 re Mobile Home Parks with Town Counsel to create a step-by-step procedure to follow.

Board would like to have a procedure to follow for public hearings.

- TM & SS - Recruit business to downtown
- MB, SS, & TM - Washburn Mill
- MB & AR (Will work with Town Accountant) - Adopt Financial Guidelines
- Deferred - Bring proposal to Town on ambulance service

EMS Committee member B. Giovanoni addressed Board to say that the Committee did meet with the Fire Chief who is preparing a presentation for the Board. However, the Committee has not come to any conclusions yet.

- MD - Energy conservation goals
- Make improvements to E.R. By-law for Town Meeting action – done
- Deferred - Full-time Custodian for Town Hall. Chairwoman Brunelle sees a definite need for a full-time custodian for Town Hall. She would like to see a position for a custodian/maintenance man.
Chairwoman requested that the issue be placed on agenda under future discussion items.

Town Manager will discuss creation of a flyer re recycling and trash disposal with DPW Superintendent A. Bagas.

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Selectman Rullo noted that the Town will need to remind residents that recycling is an important thing to do as it will save Town money re tipping fees (SEMASS charges \$21 per ton to burn trash). Fees will increase at end of contract with them. We will only see that fee increase. By increasing recycling, it will minimize tipping fees.

Selectman McKinnon asked Town Manager if the DPW still gives out blue recycling bins and if there are still recycling grants. Town Manager will check.

Selectman Rullo noted that the Town presently has a surplus in trash funds. He suggested that perhaps we could use those funds to provide recycling bins for residents.

- MB - Establish date by-law for closing of Town Meeting Warrant
- Business development and marketing plan – is being worked on
- Tourism advertising – can be combined with recruiting business to downtown area – is being worked on
- Revise rules for use of Town Hall – done – new rental application is being worked on.

HEARINGS, MEETINGS, LICENSES

J. Spalding addressed Board to discuss the proposed ATM Article 24 - Bylaw to eliminate dog feces as a public nuisance. Health Officer explained that after considering questions such as who would supervise/oversee/enforce such a bylaw, she thought it better to propose working with local businesses and the public to educate them. This is a matter of common courtesy and a public health safety matter. Local stores could offer bags to residents who are walking their dogs, as needed.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to remove article 24 from the ATM Warrant.

Proposed brochures will be available this week and handed out at the Rabies Clinic and at Town Meeting.

Town of Raynham Health Department contacted Health Officer J. Spalding after seeing our Intermunicipal Agreement with Lakeville. The Agreement with Raynham, if approved, would be relative to Communicable Disease Investigations only and would involve minimal time for the Town of Middleborough. The benefit to the Town of Middleborough would be that it provides us with a little more regional exposure – ability to tap into grants more.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, and with the Town Manager's recommendation, Board voted unanimously to approve moving forward with establishing an agreement.

Health Officer will notify Board if the Town of Raynham makes any changes to the contract.

Chairwoman requested matter be placed on agenda two weeks from now to officially approve and sign the final contract.

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Fossil Fuel Moratorium Legislation

Health Officer J. Spalding indicated that she supports the moratorium legislation both professionally and personally.

Chairwoman requested that matter be placed on future agenda, specifically, May 24th, and asked Town Manager to contact John Granahan at the MG&E for their opinion. Chairwoman Brunelle will contact Pat Rogers to see if he can provide further information. Allin Frawley asked if we can invite someone from Brockton Task Force to attend 5/24/10 meeting. Jeanne Spalding will get the name of who to contact.

Caroline LaCroix of the Charter Review Committee addressed Board re articles for ATM. Chairwoman Brunelle asked if the Charter Review Committee would have any problem with waiting until Fall Town Meeting for Draft Article 11 re petitioning the General Court of the Commonwealth to enact special legislation to provide that any agreement made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of water or wastewater treatment services shall be subject to authorization by Town Meeting because it's not typical to have something like this in a Charter.

Town Manager explained that issue came before Board in the fall by Bridgewater Correctional facility seeking water. If we pass this now we won't be able to pursue assisting Bridgewater. It is a timing issue with that proposal and this article. It is a temporary proposal to see if it will eliminate lead issues in their water. If we pass the article, we may lose opportunity to help them.

Lincoln Andrews asked why we couldn't move forward and add "with the exception of current discussions with Bridgewater Correctional Facility". Chairwoman explained that we would have to ask Town Counsel if we can use this wording.

Neil Rosenthol warned that the Town should be careful not to get caught in an agreement with the Bridgewater Correctional Facility only to possibly find out that we can't get out of it. The long-term allocation of Town water/sewer resources is primarily what the Charter Review Committee is concerned with.

Town Manager will discuss with Town Counsel and ask him to define "emergency".

Selectwoman Duphily recommended that we be careful to include "emergency consideration" so that we are able to continue helping, when needed.

Town Manager will bring back in a couple of weeks.

TNS Auto Class II Internet Sales

Chairwoman opened TNS Auto Class II Internet Sales & some on-site sales public hearing at 8 PM by reading allowed public hearing notice. Applicant Karl Irving addressed Board. Anthony Bertelli owner of property located at 668 Wareham Street also addressed Board. Applicant intends on having no more than 14 cars available for sale in the parking lot at a time. Board reviewed comments provided by Building Commissioner. Property owner A. Bertelli offered to come back after clearing up any concerns with Building Commissioner re parking of cars if the Board would like to grant

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the internet license only. There were no abutters present with comments. Chairwoman declared hearing closed at 8:18 PM.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve Class II Internet Sales only license in the name of TNS Auto, 668 Wareham Street.

Ryan Vlaco Earth Removal - continued discussion from 10/26/09

Attorney Craig Medeiros addressed Board. Mr. Vlaco is currently requesting the submitted proposed revisions to E.R. Permit Conditions and new plans as presented on the attached.

Selectwoman Duphily asked how close Mr. Vlaco is to planting the bogs. Attorney Medeiros responded that there isn't any bog planting yet. Selectman McKinnon noted that his only concern is that they are asking to change the identification of the original property that was permitted. Attorney Medeiros noted that the original permit never described the property accurately. Selectman Rullo wants assurance that the project will be completed by 9-15-10. Attorney Medeiros responded that the only thing left is to sell the loam and this is more than sufficient time to do it. Attorney Medeiros indicated that Mr. Vlaco will be planting behind the McLeod property by 5/30/10. Attorney Medeiros informed the Board that they have had detailed discussions with direct abutters including the McLeods. Attorney Medeiros also noted that there is an agricultural easement in place which means his client can use for agricultural purposes.

Attorney Jeff Angley representing the McLeods addressed Board speaking in favor of this project moving forward because they want it completed. They have worked hard to create and reach a separate agreement that they are happy with. They ask that the Board grant the permit

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to extend permit until 9-15-10, as revised by the attached agreement.

TOWN MANAGER'S REPORT

Selectwoman Duphily asked Town Manager for status of road conditions since flooding. The Town can expect a 75% reimbursement for any damages related to the flooding. We will assess the condition of the roads under water once the water recedes. We are also looking into what we should do about the Pratt Farm Dam.

Memo from Building Commissioner re suggestion by Department of Public Safety to waive permit fees for flood related damage in hopes of encouraging people to obtain the necessary permits to ensure their repairs are done correctly.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to support waiving of fees.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, and as recommended by the Town Manager, Board voted unanimously to approve allowing residents affected by flooding to purchase a second landfill pass for the remainder of this

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fiscal year so that they can properly dispose of necessary debris. The Building Commissioner is to oversee the issuance of these permits to insure that they are issued for their intended purpose.

MEMA – Transfer of Liability and Cost Reimbursement – see memorandum
Just informational for the Board

Potential Land Swap Parcels

Town Manager will have Town Counsel draft something and bring it to next meeting.

Surplus 1995 Ford Crown Victoria

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to declare the Wastewater administrative 1995 Ford Crown Victoria with 179,000 miles on it as surplus.

OTHER

Selectman Rullo asked about the previously mentioned fact that Pat Rogers had represented the Board on other committees. Chairwoman noted that the Board would discuss at its next “Monday” meeting.

Allin Frawley asked who is in charge of caring for the Herring Run on Wareham Street. Town Manager will look into.

Allin Frawley asked if the Town has heard from the Wampanoag Tribe in response to the Town’s letter it had sent. Town Manager responded that he has heard that a letter is coming.

B. Giovanoni asked why the Town doesn’t just get rid of all surplus vehicles. Town Manager noted that the Town is getting rid of these cars as they become surplus. It’s not going to be our practice to hang onto these vehicles.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted by Roll Call to go into Executive Session to discuss strategy relative to Collective Bargaining and Pending Litigation. Roll Call: S. McKinnon, Yes; S. Spataro, Yes; M. Duphily, Yes; A. Rullo, Yes; M. Brunelle, Yes. Chairwoman announced Board would not return into Open Session.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN