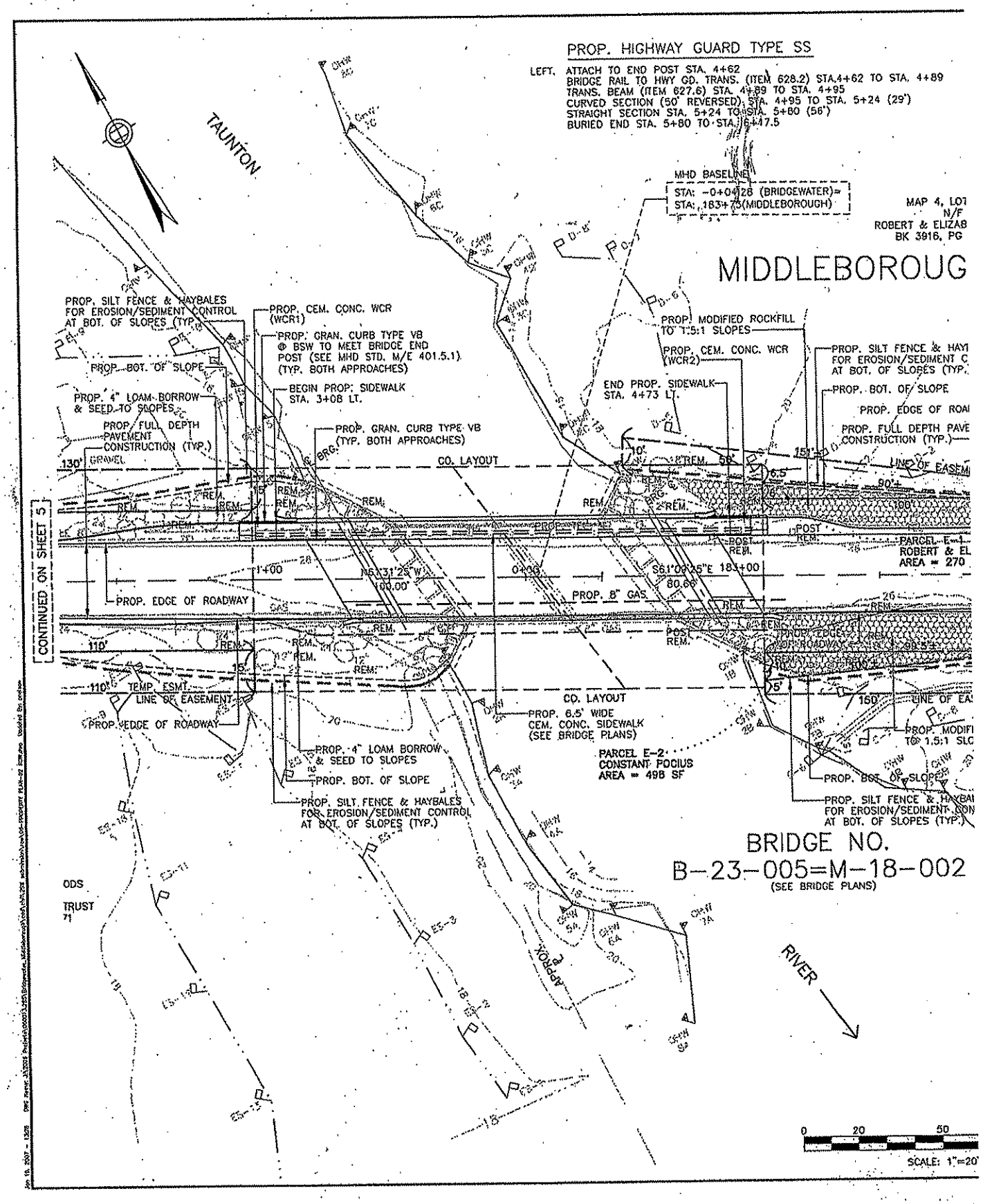
# MINUTES

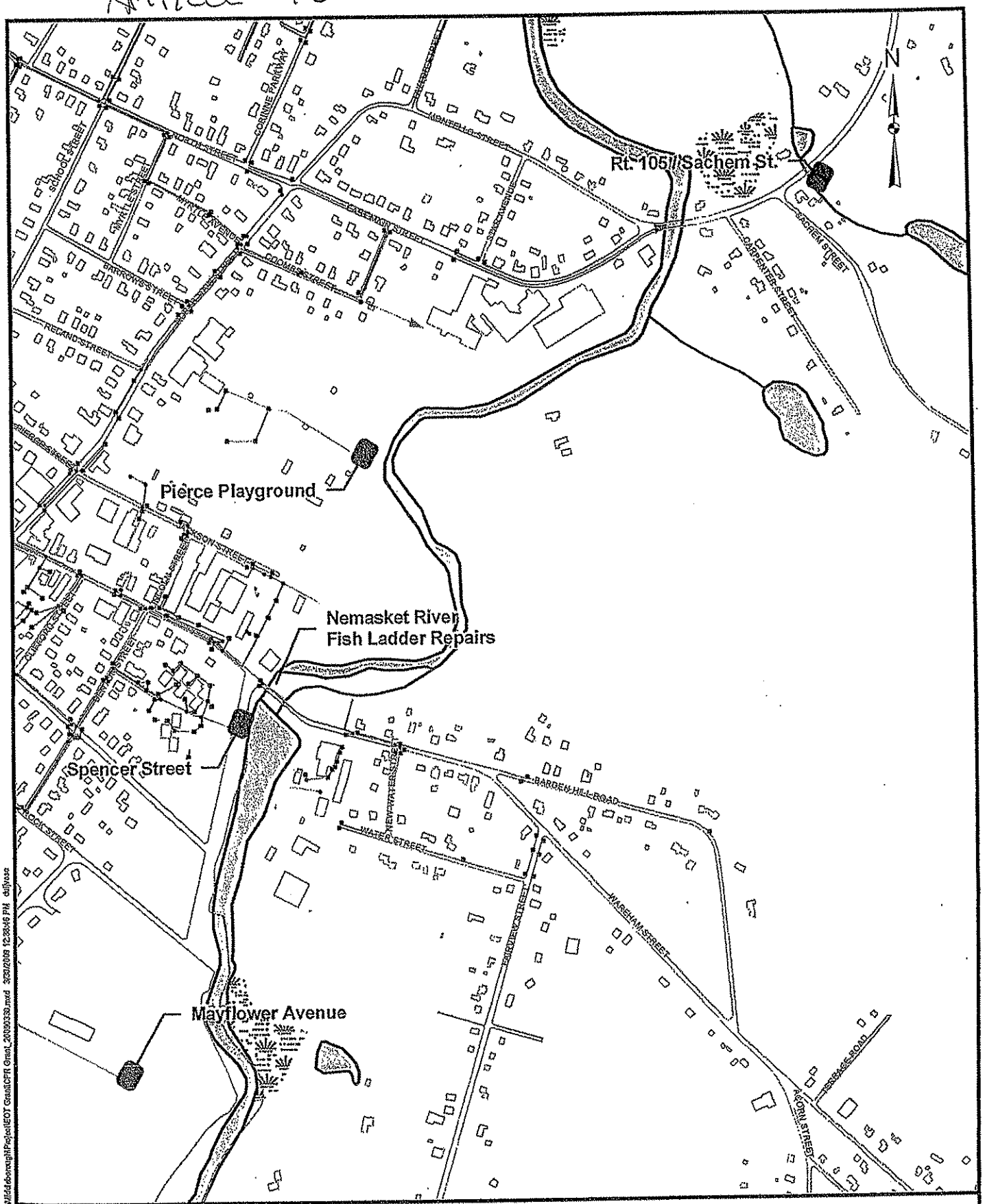
**For approval at the 5-3-10 meeting**

Article 17




IN CHARGE OF G. STEFANO
DESIGNED BY J. KEEGAN
CHECKED BY P. ASTONE
QUOD BY P. NELSON/J. KEEGAN

ARTICLE 18




**Legend**

- Catch Basin
- Drain Manhole
- Estimated Drain Line Location
- BMP's needed

FIGURE 1
TOWN OF MIDDLEBOROUGH, MA

## PROJECT LOCATIONS

600 0 600

DRAFT

ARTICLE 11 :

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement for a term of more than two (2) years 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 the Town Meeting, or act anything thereon.

ARTICLE NEW:

To see if the Town will vote to support acquisition by the Town of the former St. Luke's Hospital property at Center Street and Oak Street for a police station or other municipal use, or act anything thereon.

DRAFT

**Middleborough Board of Selectmen** **April 26, 2010**
**Meeting Minutes**

Chairwoman Brunelle opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

Town Manager was not in attendance.

Chairwoman announced that the Board will go into Executive Session to discuss strategy relative to Collective Bargaining and Pending Litigation for ten minutes following New Business.

**ANNOUNCEMENTS**
Cirelli's Food is sponsoring a Spaghetti Dinner Fundraiser on 5/5/10 at the Middleboro VFW to benefit Run for Home Base. Tickets are $10 each.

Howard Perkins representing Wankinquoah Rod & Gun Club announced that the club is sponsoring four young people from the community ages 13-17 to attend MA Jr. Conservation Camp from 8/8 through 8/20. Anyone interested, may call Mr. Perkins at home, 508 946-0116 and leave the name of the child to be considered. The Club will have a drawing of names at its 5/4 monthly meeting.

**NEW BUSINESS**
Veterans' Service Officer addressed Board on behalf of Billy Garant who is raising money to participate in the Run for Home Base, a 9k road race that is being co-sponsored by the Boston Red Sox Foundation and MA General Hospital on 5/23/10. Proceeds from the race will go to helping veterans and their family members dealing with Post Traumatic Stress and Traumatic Brain Injuries.
Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve, subject to confirmation with Town Counsel that appropriate steps are taken to insure that the Town does not incur liability.
Selectwoman Duphily requested that the bouncy houses do not require staking into the ground.
Upon motion by Selectman Spataro and seconded by Selectman Duphily, Board voted unanimously to approve placement of sign on Town Hall lawn.

Upon motion by Selectman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve placement of sign on Town Hall lawn for the American Cancer Society Relay for Life from **May** 18th until **June** 19th and to remove sign within 24 hours after the event. The event is scheduled for 6/18 and 6/19.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for Steven & Melodie Risk, 102 Rivers Edge Drive in the amount of $12,713.49.

Upon motion by Selectman Rullo and seconded by Selectman Spataro, Board voted unanimously to approve a One-day All Alcoholic Beverages Liquor license for Sacred Heart Rectory on 5/1/10 from 6 p.m. to 11 p.m. for the Annual Parish Workers' Appreciation dinner.

Upon motion by Selectman Spataro and seconded by Selectman Duphily, Board voted unanimously to appoint Selectman McKinnon as the Board's representative to the Plymouth County Advisory Board.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to appoint Selectman Rullo as the Board's representative to the Brockton Power Plant Regional Task Force.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint Selectman Rullo as the Board's representative to the Police Station Building Study Committee.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to appoint Selectman Duphily as the Board's representative to the Capital Planning Committee. Chairwoman Brunelle asked that Selectman Rullo attend Capital Planning Committee meetings as he has been sitting in on Financial Forecast Committee.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted by Roll Call to go into Executive Session at 7:15 PM to discuss strategy relative to Collective Bargaining and Pending Litigation. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes; M. Brunelle, Yes. Chairwoman announced Board would return into Open Session. Ended 7:34 PM

## HEARINGS, MEETINGS & LICENSES

At 7:37 PM Chairwoman opened public hearing for Little John's Restaurant Group, Inc., d.b.a. Shooters Steakhouse and Sports Bar by reading aloud public hearing notice in which the applicant is requesting an All Alcoholic Beverages Liquor license, a Common Victualler license, and Entertainment and Automatic Amusement Device licenses. Attorney Craig Medeiros addressed Board on behalf of his client, the applicant.
He began by informing the Board that he would like to amend the application by requesting to decrease the total occupancy to 100 people. Proposed Manager John Hoban is TIPS certified. Chairwoman read aloud memo from Building Commissioner noting that he has no objections, but that licenses cannot be released until all inspections are complete. It was also noted that the Conservation Commission Agent also has no objections. Chairwoman read aloud letters of support from local business owners. Selectwoman Duphily indicated that she recently visited the proposed restaurant and made positive reference regarding her observations. Attorney Medeiros indicated that there will not be any outdoor seating after 8 PM.
Brian Dorr, 362 Wareham Street addressed Board and offered that he would like to see the buffer zone re-applied. His property abuts theirs where the parking lot is. There should be vegetation put in at upper part of parking lot due to light and noise. Chairwoman noted that this application is regarding a liquor license. She asked if the buffer was there before. He answered that it was before Stephanie Koupelis owned it. Chairwoman indicated that she would like applicant/attorney to address the concerns raised by this abutter. Medeiros indicated that they would be happy to work with the abutter. In terms of entertainment, it will be based on demand, one or two times per week and self contained so it shouldn't affect the abutters. Owner/proposed manager, James Hoban addressed Board and offered that he has re-insulated the entire building so that the entertainment should be well contained within the premises. Virginia Murdock who lives across the street at 365 Wareham Street addressed the Board to say that her grandchildren have been awakened in the past when the doors open for those who smoke. Mr. Hoban offered his cell phone number if she ever has a problem. She asked what kind of entertainment they will have as there are a lot of small children in the area. She noted that the entertainment has been a problem with the past two owners citing that the noise was disturbing to the children.
Building Commissioner R. Whalen addressed the Board to clarify that the capacity for the entire building is an 89 person maximum capacity because of capacity of the size of the septic system. Chairwoman asked to hear any further questions/concerns. Hearing none, Chairwoman declared hearing closed.
Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve all licenses.

David Cavanaugh of the Herring Fisheries Commission addressed Board to say that the Commission has tightened up some of the wording to the Commission's bylaws.
Upon motion by Selectman Rullo and seconded by Selectman Duphily, Board voted unanimously to accept revised bylaws as presented.

Mr. Cavanaugh will get a clean signature page to Board's secretary for Board to sign next week.

**Review of Annual Town Meeting Articles as follows (Attached):**
Article 29 – Chairwoman Brunelle noted that the property owner is withdrawing.
Upon motion by Selectman Rullo and seconded by Selectman Duphily, Board voted unanimously to withdraw Article 29 from the Annual Town Meeting Warrant.

Article 15 – Stanizzi property – Title Issue, Lake Shore Dr., M35, L5856
Tammi Bradford addressed Board and explained that she is an abutter to this property and is trying to purchase same. She explained that although the Stanizzi's have been paying the property tax on this land, the Town is the record owner of the property. Chairwoman read aloud letter addressed to Town Treasurer by Attorney James Coppola who researched the title issue on behalf of the Town. The letter explains that if the Town wishes to transfer ownership of Lot 36 to Mr. Stanizzi, who has been paying the taxes assessed on the property, it must first obtain consent to deed it to him by a Town Meeting vote. If the article passes, a deed can be prepared and recorded which will clear up any issues Mr. Stanizzi now has with the title to the property. Chairwoman requested Board's secretary make sure that Town Counsel is aware that the title was left in Mr. Stanizzi's name and he is deceased. Tammi Bradford to get information to Board's secretary for Town Counsel to check on the probate. Board's secretary notes, for purposes of record keeping, that Town Counsel is already aware.

Ed Beaulieu addressed Board re Petition Article – CPA
It means approximately $23 per year to homeowners
He spoke of Deborah Sampson House – CPA money could have possibly saved this historic home. Money is administered as a totally separate fund and monitored by group voted on by Town Meeting. CPA money does not come out of the Town budget. He asks the Board to support this article.
He is still gathering further information. Chairwoman noted that there is public hearing on all articles next week so that he can bring the information forward at that point.
Selectman Rullo offered that it's all true, but it does still come out of the taxpayers.
Selectman Rullo thinks it's a good idea to put on the Town Meeting Warrant to let the taxpayers vote on it. If it succeeds at Town Meeting it would go on ballot in November.
Chairwoman asked Mr. Beaulieu to find out where the state is on the program as far as matching funds.
J. Lopes asked if there is a particular group backing this. Mr. Beaulieu said just a few concerned citizens. She added that the Historical Commission supported CPA in the past and also noted that the D. Sampson house was so far gone that they couldn't save it and that the CPA program wouldn't have been able to either.

**Article 31 re Term of Elected Officials**
E. Beaulieu explained that the purpose of this article is to start a grass roots campaign across MA and the U.S. There was once a time when serving politically wasn't considered a long-term position. Change is good. He has spoken to people in other communities and they seem to think this is a good idea. Chairwoman noted that because of the language it might be problematic. He noted that it could be amended at Town Meeting. Chairwoman noted that we will have Town Counsel look into it. Mr. Peak addressed Board to say that Mr. Beaulieu didn't explain how this applies to the Town of Middleborough. Mr. Beaulieu explained.

**Article 32 Petition Article – Gibbs Road**
Chairwoman explained that there are many steps that must be taken prior to a road being accepted, including public hearings. Board will have information from Town Counsel for next week.

Neil Rosenthal addressed Board to say that he thinks the end result of the proposed Earth Removal Bylaw article would be projects sitting there until applicant's re-apply. He suggested putting some level of performance bond on the project as a better way. Selectwoman Duphily agreed. She doesn't like the article at all. She thinks a performance bond attached to it would help. She is not in favor of the article as it is. Chairwoman noted that the Board would review all articles next week and vote then. Selectman McKinnon noted that he lives next to a cranberry bog and the Earth Removal project never seemed to end. He would like to see something put in place for the sake of abutters to these projects. Selectman Rullo also offered that he thinks a performance bond is a good idea.

**TOWN MANAGER'S REPORT.**
Chairwoman noted that although the Town Manager is not present, he is requesting that the Board vote on the use of Resort Pre-planning funds re maintenance of the GIS plotter. Upon motion by Selectman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve additional funds needed to cover the three-year maintenance contract as opposed to a one-year contract for an additional $960.

**CORRESPONDENCE**
#9 Employment for Mass Public Retirees – Selectman Spataro questioned the interpretation. Chairwoman noted that the retirees working for the Town are aware. Selectman Rullo noted that if the Town doesn't stop any payments that are not qualified, then the state pension plan has authority to get the money back from the employee.

#16 Chief Benjamino letter re AMR – Chairwoman will be putting it on 5/10 agenda for further discussion, if not, possibly the 5/24 agenda and invite the EMS Committee and AMR to attend. B. Giovanoni noted that the EMS Committee didn't get a copy of the Chief's letter and would like one and that everyone involved should bring all of their

paperwork to the meeting. Board's secretary to copy Fire Chief's letter for the EMS Committee and contact the parties to confirm their availability for either 5/10 or 5/24.

#19 MMA notice re House Debate FY2011 State Budget Bill - Selectman Spataro asked if the Board should do something. Chairwoman noted that the Town Manager already did. Board requested that a copy of that correspondence be sent to Tom Philbin at MMA.

#3 and 4 - Selectman Duphily noted response letters received from Senator Pacheco re House Bill 4439 and FY 2011 Proposed Local Aid Cuts.

#7 – Sustainable Materials Recovery Program – Selectman Rullo noted that this document was forwarded to Mr. Bagas. Follow up with Town Manager and Mr. Bagas re status as deadline for these grants is 6/2/10.

#19 – Selectman McKinnon noted that he is trying to figure out which House bill it is that would jack up Proposition 2 ½ to Proposition to 7.0. It is very important for residents to call their state representatives and tell them not to tinker with Proposition 2 ½. Tell representatives not to support the amendment.

**OTHER**

Selectman Duphily noted that the Middleborough Friends are holding a pancake breakfast on 5/1/10 at the C.O.A. to raise funds for the C.O.A. to support elders.

Selectman Spataro noted that a resident told him a year ago that there was a lot of congestion in area of the library and police department. He had brought it to the Police Chief's attention and he had moved cruisers to the parking lot, clearing up the congestion and they are pleased with the improvement.

E. Beaulieu noted that Project Lifesaver is going to happen in Middleborough at the end of May. This program is about bracelets used to track lost or wandering Alzheimer patients, children with autism, and the like. He is looking for help. He is looking for people who would benefit from this project to contact him. The trust will purchase the bracelets. Families pay a monthly maintenance fee of $10 per month. He will have pamphlets available soon. Board commended project.

Allin Frawley asked if the Board has sent its letter to the Wampanoag Tribe requesting a meeting and if the Town had received a response yet. Chairwoman responded that it had sent letter and has not yet received response. Mr. Frawley asked that the Town Manager make any meetings that he has with the Tribe part of the Town Manager's report. Chairwoman responded that she was sure he will do that.

Mr. Peak addressed Board to note that all active Town employees have 9% taken out of their base pay towards pension plans. He stated that, in fairness to the employees, it should be noted that they are paying towards their retirements.

Chairwoman noted an additional item from the Town Manager's Report - Letter received from Nancy Ockers, 12 Thomas Street addressed to Water Superintendent Joseph Silva thanking the Water Department for its work in pumping water from her home following the rains on 3/29 and 3/30th.

Upon motion by Selectman Duphily and Selectman Rullo, Board voted unanimously to adjourn meeting at 9:07 PM.

_____

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

FROM: 4.26.10 BOS mtg

ARTICLE __. To see if the Town will vote to transfer to the Board of Selectmen the care, custody, management and control of a parcel of land on Lake Shore Drive at Navaho Lake Shores shown as Lot 5856 on Assessors Map 35, also shown as Lot 36 on a plan of Whispering Pines dated April 1952, for the purpose of sale or conveyance of the parcel, and to authorize the Board of Selectmen to sell and/or convey the parcel to Frances Stanizzi or other person(s) on such terms and conditions as the Board of Selectmen determines including conveyance for nominal consideration, or act anything thereon.

ARTICLE __. To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitting by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; to levy a 1% surcharge of the annual real estate tax against real property, to accept a $100,000 exemption from the surcharge, as well as the exemption of property owned and occupied by a person who would qualify for low income housing or low or moderate income senior housing in the town, as permitted under Section 3(e) of said Act; or to take any other action relative thereto.

By Petition

ARTICLE __. To see if the town meeting will vote to enact the following addition to the Town Charter:

To see if the town meeting will vote to enact the following addition to the Town Charter:
**TERM LIMITS**
Beginning with the 2011 Annual Town Election, no elected Town Official shall serve more than 2 consecutive terms of office at any one time. Additionally, any Town Official who has served 2 consecutive terms, shall not be able to run for the same Board or position until his or her successor has served at lease one full term.

By Petition

ARTICLE __ . To place on the town meeting warrant and article to accept Gibbs Road as a street in Middleboro.

By Petition