

**Middleborough Board of Selectmen  
Meeting Minutes**

**May 10, 2010**

Chairwoman opened meeting at 7:05 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 by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve 5-3-10 meeting minutes with correction on page three as requested by Selectman Spataro.

**ANNOUNCEMENTS**

Chairwoman Brunelle read aloud a notice from the Disabled American Veterans, Chapter 57, Taunton, MA announcing "Operation Let Freedom Ring", which is a nationwide celebration honoring those who helped achieve our country's independence during the American Revolution.

Chairwoman Brunelle announced that the Park's Commission has hired Fran Cass as Park's Superintendent. He has been doing the job and the Commission felt that he was the best fit for the position.

**NEW BUSINESS**

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to re-appoint Joseph Freitas, Jr., 95 Vaughan Street and Darren DeGrazia, 33 Rocky Gutter Street as members to the ZBA with terms to expire April 2015.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve use of Town Hall lawn by the Farmer's Market on dates as presented on the attached.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve posting of educational program signs in the parking lot at the Town Hall & Town Employee parking lot behind Benny's. The program is aimed at preventing pets from overheating in cars during the warmer weather. Everything will be issued with dog licenses and available at local businesses.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously not to object to KENO monitor for The Convenience Store

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve transfer of funds to Veterans' Benefits Account as is presented on the attached.

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Mr. Provencher noted that he is working with Anderson Cushing re liability issue for upcoming fair. He informed Board that there is no liability insurance for bouncy houses, but the individual vendors do have liability coverage and forms for individuals to sign prior to use.

He additionally noted that he fully endorses Let Freedom Ring and also informed the Board that the Fourth of July parade will be on July 3<sup>rd</sup> this year.

**CORRESPONDENCE**

#4 County Charter Revision/Proposed Charter Commission Districts Election

You must have 150 signatures in order to run for this election. If it is disbanded it actually creates more issues, rather than less.

#12 Letter from M. Solimini re Water Crisis - Allowing Bridgewater to temporarily tie into Middleborough water. M. Solimini addressed Board to say that sometimes temporary becomes permanent and asked how you would prevent that from happening. Selectman McKinnon explained that the Town would only do it for a year. It would have time limitations.

**OTHER**

Selectman McKinnon offered that he recently went to the Western Forest with his neighbor and noted that it is quite an area.

Chairwoman asked J. Spalding for update re her contact with Plymouth County Mosquito Control. They have begun testing pools. We have had some early blooms in her opinion. Right now they are annoyance mosquitoes. They do not become the disease-borne type until June. They have already gone through larvicide Ariel spraying. As she gets further information she will pass along to the Board and the press.

**HEARINGS, MEETINGS, LICENSES**

Chairwoman opened public hearing on application made by Middleborough Elks re Alteration of Premises by reading aloud public hearing notice. Elks Club Manager Phyllis Lovett addressed Board to explain the request before the Board. The yard is completely fenced in. The deck is off of the Member's lounge. The backyard is only designed for special events. Selectwoman Duphily noted Police Chief's letter in which he indicates that he has no concerns with granting this request, however, he additionally discloses that he is a member of the club. Chairwoman read aloud letter provided by Captain Burke of the MFD and asked Ms. Lovett if the alteration will pose any problems relative to access to the fire lanes. Ms. Lovett explained that it would not. Chairwoman asked what steps will be taken to insure that no one will wander outside of the property with alcoholic beverages. Ms. Lovett referred to having TIPS certified staff who would be responsible to monitor. Selectman McKinnon asked for, and received, clarification re map of outside premise. Selectman Spataro noted that they are in heavy residential area.

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Ms. Lovett explained that primarily the backyard area would only be used during the daytime. Upon motion by Selectman Rullo and seconded and Selectman McKinnon, Board voted unanimously to approve.

Mr. Frawley also noted that he read in the Sunday Herald about the Casino going to Fall River. He asked if anyone had any contact with anyone from the Tribe. Chairwoman responded that they had not. He asked if the Board was familiar with the article and the Chairwoman responded that they were aware. Chairwoman explained that the Town of Middleborough has an agreement with the Tribe. The Tribe will decide what it is going to do and we will respond.

B. Giovanoni offered that he believes all five members of the Board are truthful and will tell the public what it can when it can.

Allin Frawley offered that we need answers and that this has gone on too long.

Selectman Rullo noted that we sent a letter. We can't force anything. Sometimes it is difficult to wait and take no action, but sometimes that's all we can do.

Allin Frawley offered that he thinks three years is long enough.

Selectman Spataro noted that, generally, in the business world, someone would acknowledge your correspondence, but noted that it's been three weeks since a letter was sent to the Tribe from the Town. Selectman Spataro suggested that it may be appropriate for the Town Manager to call them.

Upon motion by Selectman Spataro and seconded by Selectwoman Duphily, Board voted unanimously to ask the Town Manager to call the Tribe and ask for an answer to our letter.

Selectman McKinnon noted that we have a contract with the Tribe to build a facility, of what size we don't know. They are a private entity and can talk to other towns if they want. The problem with our contract is that there is no end date in it. We have wheels of progress moving slowly, a letter to them, and a response from them, though not what we hoped for. It doesn't move as fast as we would like to see. Anyone can call the Tribe and ask what's going on. He expressed concern that having lawyers send another letter, will cost the Town more money.

Selectman Spataro reiterated that all he's talking about is having the Town Manager call. Selectman agrees that a phone call would be useful, specifically asking, did you get letter and do you have response? Mr. Frawley suggested that when the Tribe wanted to meet with our lawyer, we did it within days. He suggested that their non-response is not polite. Chairwoman will ask Town Manager to call.

B. Giovanoni offered that if we do find out that the Tribe is negotiating with another town, we do have an issue. If so, and are negotiating outside of our contract, he would support contacting Town's attorney.

**TISPAQUIN FAMILY CAMPGROUND**

Board held hearing on application made by Barbara and Ralph Holton for an annual campground permit for Tispaquin Family Campground. Barbara Holton addressed Board. She turned in original petitions with over 300 signatures asking the Board to stop spending taxpayer money on this campground. Mrs. Holton read aloud a prepared statement.

She asks the Board to think differently about this case as it is clear that the state is trying to preserve campgrounds. The KOA has 275 campsites with approval from the ZBA for only 205. She wants to know why she is treated differently. She has no money left to fight this in court and doesn't believe the Town does either. She asked the Board to look over the files and come to a decision together with her. Health Officer J. Spalding approached podium. Chairwoman noted that this has gone on for many years, noting the most recent court decision finds for the Town re insufficient septic system. Letter from Town Counsel dated 5/6 (attached) was read by Chairwoman. Chairwoman offered that it has been discussed in the past that we would approve 57 campsites. It has been found that the septic system does not accommodate the number of campsites on the application. Mrs. Holton has been asked on a number of occasions to correct the septic system to accommodate the campsites. She is requesting 113 campsites. Mrs. Holton stated that the BOH has authority to issue a license for what is there, which she has had before. In 1990 she was given one for 113. Title V changed after that. Anything after 1995 was grandfathered. The Town wants to twist the grandfathering. She is open from April 15<sup>th</sup> until October 15<sup>th</sup>. She believes that Town predecessors passed on information that is untrue. She asked that if her systems are not failing, why should she have to change them. She reminded the Board that she submitted paperwork showing she has the system pumped regularly and has never had a failing.

In response to question by Selectwoman Duphily, Mrs. Holton answered that she had not applied for required permits when she initially expanded her campsites to 113.

Mrs. Holton indicated that she does not carry insurance for the campgrounds. J. Spalding noted that the calculations Mrs. Holton refers to were submitted by her own engineer.

They are legal decisions and are not arbitrary and capricious. Chairwoman asked Health Officer if Mrs. Holton qualifies for the Town's Betterment assistance program. J.

Spalding noted that it is only for residential not businesses.

Chairwoman asked Mrs. Holton if the Board were to issue her a license for 57 campsites would she continue to maintain the 100+ sites that she has now. Mrs. Holton responded that she would continue with what the number of sites she now has.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to continue hearing until next week.

Upon motion by Selectman Spataro and second by Selectman Rullo, Board voted unanimously to authorize Health Officer to inspect KOA and verify that they are in compliance with health regulations.

**Town Manager's Budget Recommendations**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve Town Manager's budget recommendations as presented.

Town Manager referred to a real spirit of cooperation by all departments and gave them all the credit in the world.

Selectman Rullo asked if there is going to be a reduction in hours for some departments, affecting whether they are opened to the public at all times. Town Manager thinks maybe for one, specifically referencing Planning department.

Jane Lopes asked if this will result in any layoffs. Town Manager indicated that the Town is still talking mostly about reductions in over-time and hours.

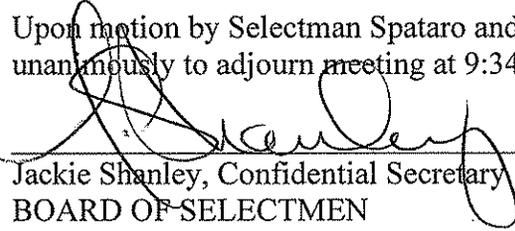
**TOWN MANAGER'S REPORT**

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to ratify Town Manager's appointment of Allin Frawley as a member to the Conservation Commission.

Town Manager noted communications received from State Representative Canessa about FEMA funds. Town Manager briefly reviewed that information.

As requested by Selectwoman Duphily, Town Manager will see if he can get figures to verify the number of residents who received help from FEMA.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to adjourn meeting at 9:34 PM.

  
\_\_\_\_\_  
Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

2010

Middleboro Farmer Mkt

June 12

June 19

June 26

July 3

10

17

24

31

Aug 7

14

21

28

SEPT. 4

11

18

25

OCT 2

9

16

23

30

Michael Nash

159 N MAIN ST

CARVER MA 02330

508 866 2428

TRANSFER FROM DEPARTMENT TO DEPARTMENT

SELECTMEN WITH THE AGREEMENT OF THE FINANCE COMMITTEE OF THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS, REQUEST IS HEREBY MADE FOR THE FOLLOWING TRANSFER FROM DEPARTMENT TO DEPARTMENT IN ACCORDANCE WITH CHAPTER 44, SECTION 33B, OF THE MASSACHUSETTS GENERAL LAWS.

AMOUNT REQUESTED: \$ 5,000.00

TO BE TRASFERRED TO (DEPARTMENT): VETERANS DEPARTMENT  
MEDICAL AID 01.543.577000.0.0

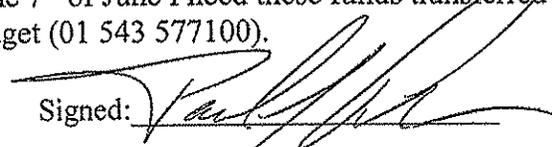
TO BE TRANSFERRED FROM (DEPARTMENT): HIGHWAY DEPARTMENT  
REG PAY SUPERVISION 01.422.511147.0.0

PRESENT BALANCE IN THIS APPROPRIATION: \$ 61,714.39

THIS TRANSFER IS FOR THE FOLLOWING REASONS:

In order to pay the veterans and their eligible dependents that are currently receiving benefits under Mass. General Law chapter 115 from the town of Middleborough from this date until the special town meeting on the 7<sup>th</sup> of June I need these funds transferred into my medical and cash aid line of my budget (01 543 577100).

Date: 5/5/2010

Signed: 

ACTION OF SELECTMEN

1. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_
  2. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_
- Signed: \_\_\_\_\_

ACTION OF FINANCE COMMITTEE

3. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_
  4. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_
- Signed: \_\_\_\_\_

Note: Please submit 5 copies. One copy to Accountant, Selectmen, Finance Committee, Department Head to, Department Head from.

TRANSFER FROM DEPARTMENT TO DEPARTMENT

SELECTMEN WITH THE AGREEMENT OF THE FINANCE COMMITTEE OF THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS, REQUEST IS HEREBY MADE FOR THE FOLLOWING TRANSFER FROM DEPARTMENT TO DEPARTMENT IN ACCORDANCE WITH CHAPTER 44, SECTION 33B, OF THE MASSACHUSETTS GENERAL LAWS.

AMOUNT REQUESTED:

\$ 5,000.00

TO BE TRANSFERRED TO (DEPARTMENT):

VETERANS DEPARTMENT  
MEDICAL AID 01.543.577000.0.0

TO BE TRANSFERRED FROM (DEPARTMENT):

EMPLOYEE FRINGE BENEFITS  
HEALTH INSURANCE 01.919.5174000.0.0

PRESENT BALANCE IN THIS APPROPRIATION:

\$ 1,252,269.00

THIS TRANSFER IS FOR THE FOLLOWING REASONS:

In order to pay the veterans and their eligible dependents that are currently receiving benefits under Mass. General Law chapter 115 from the town of Middleborough from this date until the special town meeting on the 7<sup>th</sup> of June I need these funds transferred into my medical and cash aid line of my budget (01 543 577100).

Date: 5/5/2010

Signed: \_\_\_\_\_

ACTION OF SELECTMEN

1. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_

2. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_

Signed: \_\_\_\_\_

ACTION OF FINANCE COMMITTEE

3. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_

4. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_

Signed: \_\_\_\_\_

Note: Please submit 5 copies. One copy to Accountant, Selectmen, Finance Committee, Department Head to, Department Head from.

TRANSFER FROM DEPARTMENT TO DEPARTMENT

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AMOUNT REQUESTED: \$ 5,000.00

TO BE TRANSFERRED TO (DEPARTMENT): VETERANS DEPARTMENT  
MEDICAL AID 01.543.577000.0.0

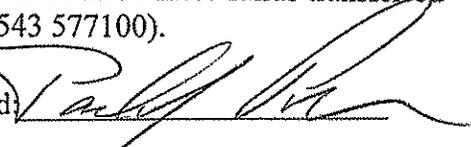
TO BE TRANSFERRED FROM (DEPARTMENT): TRASH DEPARTMENT  
S.E.M.A.S.S. 01.433.529000.0.0

PRESENT BALANCE IN THIS APPROPRIATION: \$ 55,756.32

THIS TRANSFER IS FOR THE FOLLOWING REASONS:

In order to pay the veterans and their eligible dependents that are currently receiving benefits under Mass. General Law chapter 115 from the town of Middleborough from this date until the special town meeting on the 7<sup>th</sup> of June I need these funds transferred into my medical and cash aid line of my budget (01 543 577100).

Date: 5/5/2010

Signed: 

ACTION OF SELECTMEN

1. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_
  2. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_
- Signed: \_\_\_\_\_

ACTION OF FINANCE COMMITTEE

3. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_
  4. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_
- Signed: \_\_\_\_\_

Note: Please submit 5 copies. One copy to Accountant, Selectmen, Finance Committee, Department Head to, Department Head from.

TRANSFER FROM DEPARTMENT TO DEPARTMENT

SELECTMEN WITH THE AGREEMENT OF THE FINANCE COMMITTEE OF THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS, REQUEST IS HEREBY MADE FOR THE FOLLOWING TRANSFER FROM DEPARTMENT TO DEPARTMENT IN ACCORDANCE WITH CHAPTER 44, SECTION 33B, OF THE MASSACHUSETTS GENERAL LAWS.

AMOUNT REQUESTED:

\$ 5,000.00

TO BE TRANSFERRED TO (DEPARTMENT):

VETERANS DEPARTMENT  
MEDICAL AID 01.543.577000.0.0

TO BE TRANSFERRED FROM (DEPARTMENT):

BUILDING DEPARTMENT  
ASST BLDG INPECTOR 01.241.511138

PRESENT BALANCE IN THIS APPROPRIATION:

\$ 54,612.96

THIS TRANSFER IS FOR THE FOLLOWING REASONS:

In order to pay the veterans and their eligible dependents that are currently receiving benefits under Mass. General Law chapter 115 from the town of Middleborough from this date until the special town meeting on the 7<sup>th</sup> of June I need these funds transferred into my medical and cash aid line of my budget (01 543 577100).

Date: 5/5/2010

Signed: \_\_\_\_\_

ACTION OF SELECTMEN

1. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_

2. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_

Signed: \_\_\_\_\_

ACTION OF FINANCE COMMITTEE

3. Date of Meeting: \_\_\_\_\_ Number Present and Voting: \_\_\_\_\_

4. Transfer voted in sum of \$ \_\_\_\_\_ Transfer Disapproved: \_\_\_\_\_

Signed: \_\_\_\_\_

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