**Middleborough Board of Selectmen** **November 16, 2009**
**Meeting Minutes**

Chairman opened meeting at 7:02 PM by inviting those in attendance to join in the Pledge of Allegiance.

Selectmen P. Rogers, S. McKinnon and A. Rullo were in attendance.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve meeting minutes of 11/9/09.
Two in favor. P. Rogers abstained.

**NEW BUSINESS**
Upon motion by Selectman McKinnon and seconded by Selectman A. Rullo, Board voted to sign the Warrant for the December '09 Primary.
Two in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman A. Rullo, Board voted to approve Town Hall Auditorium rental request for Burt Wood School of Performing Arts for 12/5/09 from 9 a.m. to 1 p.m.
Two in favor. P. Rogers abstained.

Health Officer J. Spalding addressed Board to inform Board of Notification of Condemnation for 12 Canterbury Lane.
Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to affirm the Health Officer's order for State Sanitary Code Violations for 12 Canterbury Lane.
Two in favor. P. Rogers abstained.

Health Officer J. Spalding addressed Board to discuss Lakeville contract for Communicable Disease Investigation. Town Manager indicated he supports authorization of the contract. Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to sign contract with Lakeville for Communicable Disease Investigation.
Two in favor. P. Rogers abstained.

**HEARINGS, MEETINGS & LICENSES**
School Superintendent R. Sullivan addressed the Board asking the Board to authorize a Ballot Override Question for 4/3/10 Annual Town Election. Chairman thanked the School Department and School Committee for presenting the need for the override. Selectman McKinnon would prefer to wait for the full Board to be present before voting on the matter. Selectman Rullo indicated that he is willing to vote this evening as it is only a vote to place the question on a ballot for the townspeople to vote for or against. Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to authorize the placement of the Override Ballot question on the 4/3/10 Annual Town Election.

Board welcomed Peter Richer of Waste Management of Massachusetts, Inc. Mr. Richer provided the attached discussion topics and presentation handout to the Board re Middleborough Sanitary Landfill Survey. Health Officer asked that the disposal of medication be added to the list of Residential Hazardous Waste Collection.
Health Officer offered that she has mercury signs for Landfill shed. Mr. Richer indicated that signage is not an issue and that within the next 2 – 3 months it will improve and it will be clarified where items go. He will talk with the library regarding book bin. Danielle Bowker addressed Board and explained that the "Got Books" bin will be placed at the Jackson Street lot, but does think it would be a good idea to have a bin for recycling books at the landfill. Selectman Rullo asked if the landfill will be closing at Noon on Saturdays. Mr. Richer responded that it will not and that the hours will remain the same. Chairman suggested Mr. Richer use something similar to past "bonded" paper and create a helpful information list about the Landfill hours of operation and services offered. Mr. Richer will draft for Board for its approval first. J. Spalding would like to work with Mr. Richer re collection of bulbs and reminded the public that the Health Office is still collecting thermometers and that they have new digital thermometers available for free. B. Erickson asked about possibility of not having to separate curbside recycled items. Mr. Richer will look into. Darlene Anastos suggested that people ask their local Pharmacists if they recycle medications. Chairman thanked Mr. Richer for the presentation. Attachment

**TOWN MANAGER'S REPORT**
Town Manager presented FY2011 Budget Development Schedule to the Board. Selectman Rullo noted that it is hard to imagine some departments taking a 7.5% budget cut. Town Manager responded that it is impossible to hold any department harmless from some type of cut. Selectman Rullo would like to know as ahead of time as possible. Town Manager noted that he is willing to listen to the Board's suggestions.
Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to accept FY2011 Budget Development Schedule as proposed by the Town Manager.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to approve signing letter to Department of Revenue to place on the spring 2010 Annual Town Meeting Warrant an article that will reduce the Water Department budget by $230,000, noting that the Board will move to support the passage of this article.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve letter to Senator and three Representatives regarding Passing Pension Funding Relief, Passing Health Insurance Plan Design Authority and Closing the Telecommunications Equipment Loophole.
Two in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to award the redevelopment of Tispaquin Wells No. 1 and 2 to Denis L. Maher Company, LLC in the amount of $30,880.

**OTHER**
Bob Denise addressed Board and noted that water rates had increased by 10.5 % because there was a wet spring and summer. He asked if that is not the case this year, will be a corresponding reduction. Chairman responded that it would behoove the Water Commission to look at the water rates and reduce them to a more equitable level if that is the case.

**CORRESPONDENCE**
#6 DOR – UST Grant Program Update - no longer available for 2010. Town Manager confirmed that we did not have any grant applications pending.

#10 Patricia Delaney – notify her that the Town owns the Eastern Bank building.

Selectman McKinnon noted that he and Selectman Rullo attended the MA Association of Health Board's all-day seminar on Saturday. It was a very informational seminar. Selectman Rullo thanked Health Officer J. Spalding for having had brought the seminar to their attention.

Selectman Rullo noted that the ambulance study discussion is not yet listed under Future Meeting topics. Chairman noted that it will be discussed in the future.

**HEARINGS, MEETINGS & LICENSES**
DPW Director A. Bagas addressed Board to discuss Flowable Fill Policy. He began by explaining what flowable fill is used for and noted that it is very expensive. He recommends use for certain emergency repairs/situations on roadways only and that it be left to the DPW Director's discretion as to when to use.
Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to authorize the DPW Director to revise the road opening permit and to use his discretion as to when flowable fill is utilized.
Two in favor. P. Rogers abstained.

Chairman welcomed everyone present to discuss issue of Snow Plowing/Sanding Private Roadways. DPW Director noted that he realizes the issue is not popular subject for many people. Mr. Bagas also noted that there is no consistency in the practice of plowing/sanding, or not plowing/sanding, private roads in the Town of Middleborough. He believes we need a clear policy from the Board prior to going into the winter season. He recommends only sanding and plowing Roads owned by the Town. Town Counsel joined meeting at 8:53 PM. Mr. Bagas offered that in the event of an emergency, or life-threatening situation, the DPW will clear the road for access of emergency vehicles.

Chairman read aloud written comments that had been provided by Town Counsel. Town Counsel addressed Board. Town Counsel noted that the letter clearly articulates that the Town would not have the ability to appropriate/expend money for snow/ice removal of private ways unless the Town accepts state statute Chapter 40, Section 6C. Chairman asked what type of liability the Town faces if it continues to plow these roads. Town Counsel indicated that the Town could be subject to a lawsuit to stop the activity from occurring. Ten taxpayers could seek an injunction to stop the activity. An argument can also be made that there is a potential conflict of interest where public service is being provided to some, but not all, private ways in the community and is possibly a violation of Chapter 268A, Section 23.
Selectman McKinnon confirmed with Town Counsel that 200 people could sign a petition and put the issue on as a ballot question for Town Meeting so that the streets could be plowed.
Town Counsel indicated that Gibbs Road could be considered a public way by way by prescriptive use or adverse use of over 20 years or more. The Board could determine if it is one of these. Selectman Rullo asked Town Counsel if the Town assumes any liability if it once plowed these roads and now stops and there is an emergency situation where Police or Fire departments cannot get down road. Town Counsel responded "not if it is a private way". Darlene Anastos addressed Board to say that Gibbs Road has Town gas line services that run down it, therefore, it is not a private way. It is a public way and is used by the public every day. Chairman asked Town Counsel if these gas or water line services, etc. would make it a public way. Town Counsel responded that this would not make them public ways in his opinion.
Health Officer J. Spalding noted to Mr. Bagas that Woloski Park has been listed as a new subdivision, but it is not, and has never been sanded or plowed. Bob Denise, 9 Gibbs Road noted that his road has been plowed for 31-32 years.
Ronald Aloisi – see letter for spelling – 1 Woodland Avenue – read aloud letter that he submitted. He wants Town Counsel's opinion re State-run home on that street because Town may be in non-compliance.
Susan Callan of 18 Edgewater Lane noted that the resident's of this street are half way through street acceptance process and asked that Board continue as we have been so that they can get to next Town Meeting and if someone brings an injunction against Town to stop plowing those roads, then stop at that time.
Rich Young of 14 North Street suggested charging a minimum fee for plowing for this year, such as $1. He suggested that the Town underfunds its snow and ice budget at the beginning of each year.
Steve Morris, 18 Edgewater Lane indicated that every road in this Town has been charged to the residents. He asked the Board to continue as they are because they are close to having their subdivision accepted. He asked Board to adopt a 4" or more of snow accumulation policy.
Dave Parker of River's Edge offered his opinion that we should wait and let the people vote on the matter as they never have.

# Middleborough Sanitary Landfill Survey

Sponsored by the Town of Middleborough
and
Waste Management of Massachusetts, Inc.

Marilyn Bastarache of 18 Gibbs Road asked Mr. Bagas to explain how snowplowing of private roads would work in the case of an emergency, noting that she has had two medical emergencies at her home, over the past several years, where the ambulance could not get down her road, even with the road plowed. Mr. Bagas explained that the DPW may be contacted and the nearest snowplow truck will be sent to clear the road.
Eileen Koyon, 16 Gibbs Road spoke of a 1/5/03 emergency situation where the ambulance became stuck on the road. Last year a man drowned at Tispaquin pond while ice skating. She has a special needs daughter, and in the case of emergency, she needs medical personnel to have access to help.
Darlene Anastos pays taxes and increased assessment on her house. Are the assessment figures going to change when she loses Town services. She would like specific answers as to how much money will be saved by no longer plowing these roads.
Danielle Bowker of River's Edge Drive asked Assessor Barbara Erickson if the fact that a road is unaccepted is taken into consideration when it is assessed and could it be noted on Assessors file "record" cards when a street is not accepted and will not receive certain services.
George Abban of River's Edge Drive noted that he pays taxes for services and asked how long the decision will take as we don't know when it will snow. He asked what residents should do with their trash.

Jim Muirhead of 103 River's Edge Drive asked how long a Town would wait before utilizing a bond deposited by a developer.
Town Manager responded that the sooner you bring a road to completion and get it accepted, the better. If it isn't brought to acceptance right away, by the time it does come up for acceptance, and if there are defects, then the Town is reluctant to accept the Road without the road meeting Town standards. One of the problems that you encounter is that the bonds that were held where not sufficient to complete roads. Perhaps the developer left, perhaps he didn't, but the acceptance couldn't be completed because the road didn't meet the Town's standards. The best situation is for roads being completed and accepted in a short period of time. The Town Manager, Mr. Bagas, and Planning Director Ruth Geoffroy will be making sure it happens going forward.

DPW Director Andy Bagas recommended that the Board leave things as status quo until the issue is resolved, but to not take on anymore unaccepted roads.
Chairman said he will make announcements at upcoming meetings as to when Board will discuss again.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted unanimously to adjourn at 10:12 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

# Purpose

- The intent of the survey is to gauge the overall satisfaction of the residents who use the facility and provide a resource for facility performance and improvement.

# Survey Period

- The survey was distributed to all interested residents who visited the landfill from April 16th through May 23rd of 2009. Approximately 400 self-addressed stamped envelopes and surveys were distributed.

# Selection of Survey Questions

- With guidance from the Middleborough Board of Selectmen, 11 questions were identified for the survey. Questions were specifically crafted to address historical areas of interest by residents and the Selectmen.

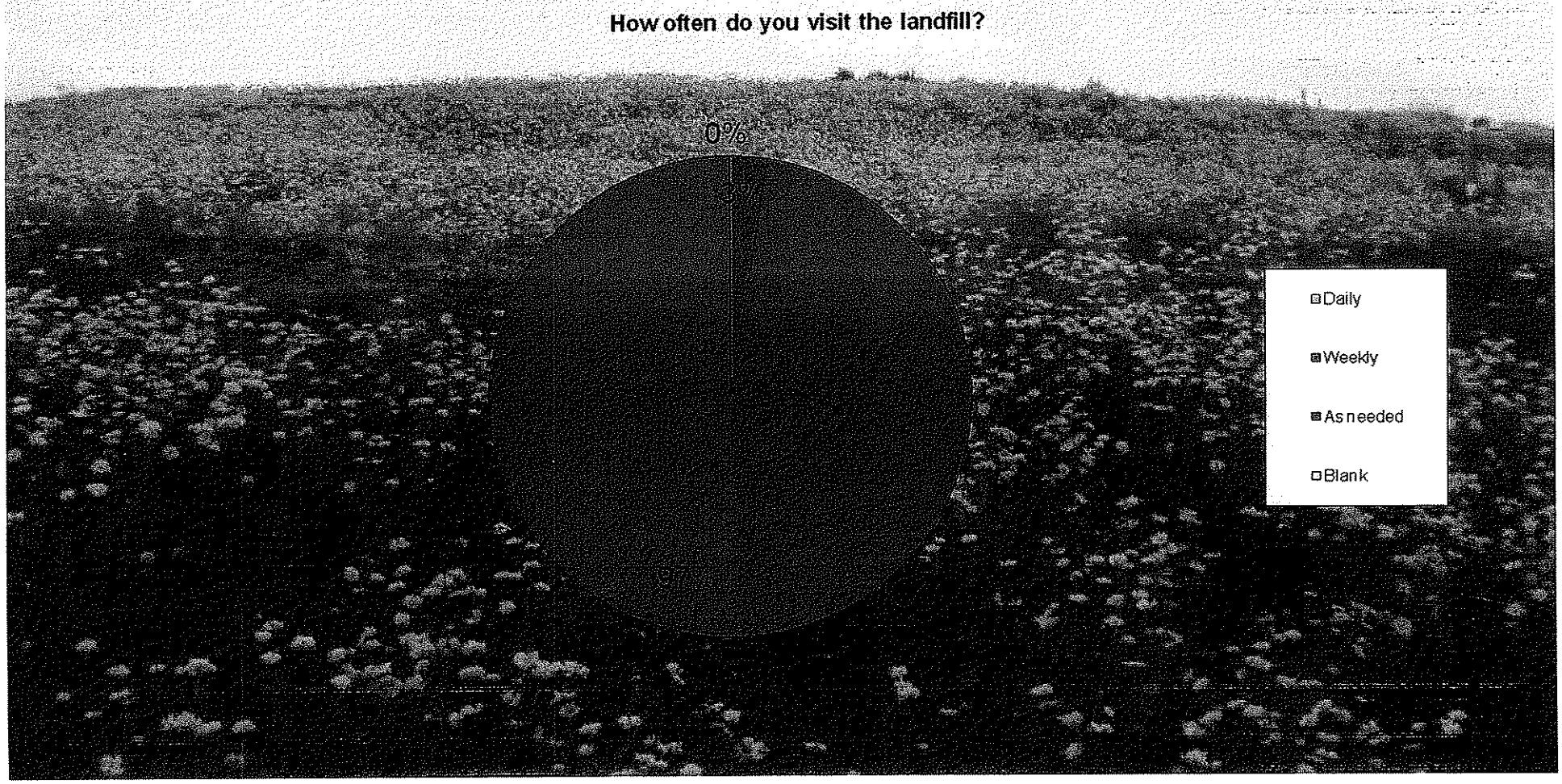
# Participation Rate

- Of the 400 surveys distributed, WMMA received 118 responses. Additionally, 82 residents provided written comments or suggestions in addition to the "Yes" or "No" survey responses. Although optional, 71 responses contained the name and address of the respondent.

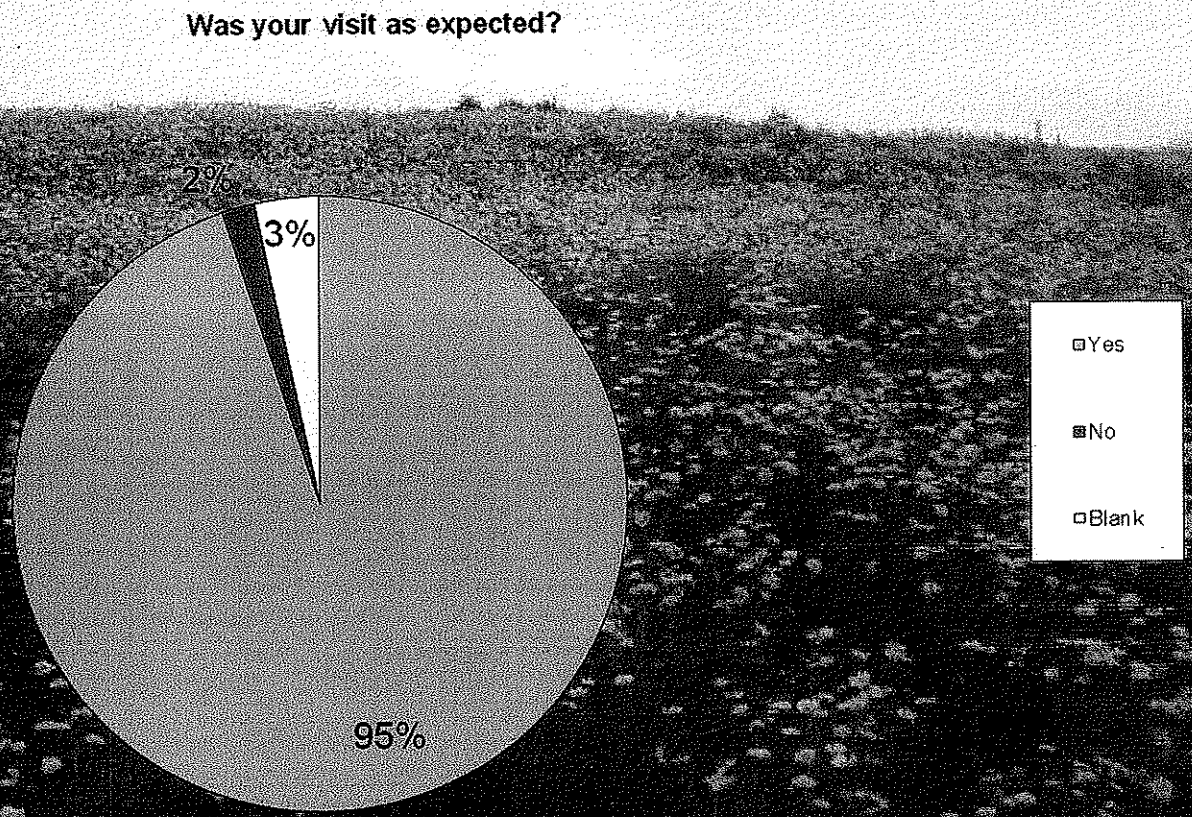
# Results

- The following slides summarize the survey results into simple "Yes" or "No" responses and do not take into account any written comments. Survey data with blank responses to questions are also included in the summary.

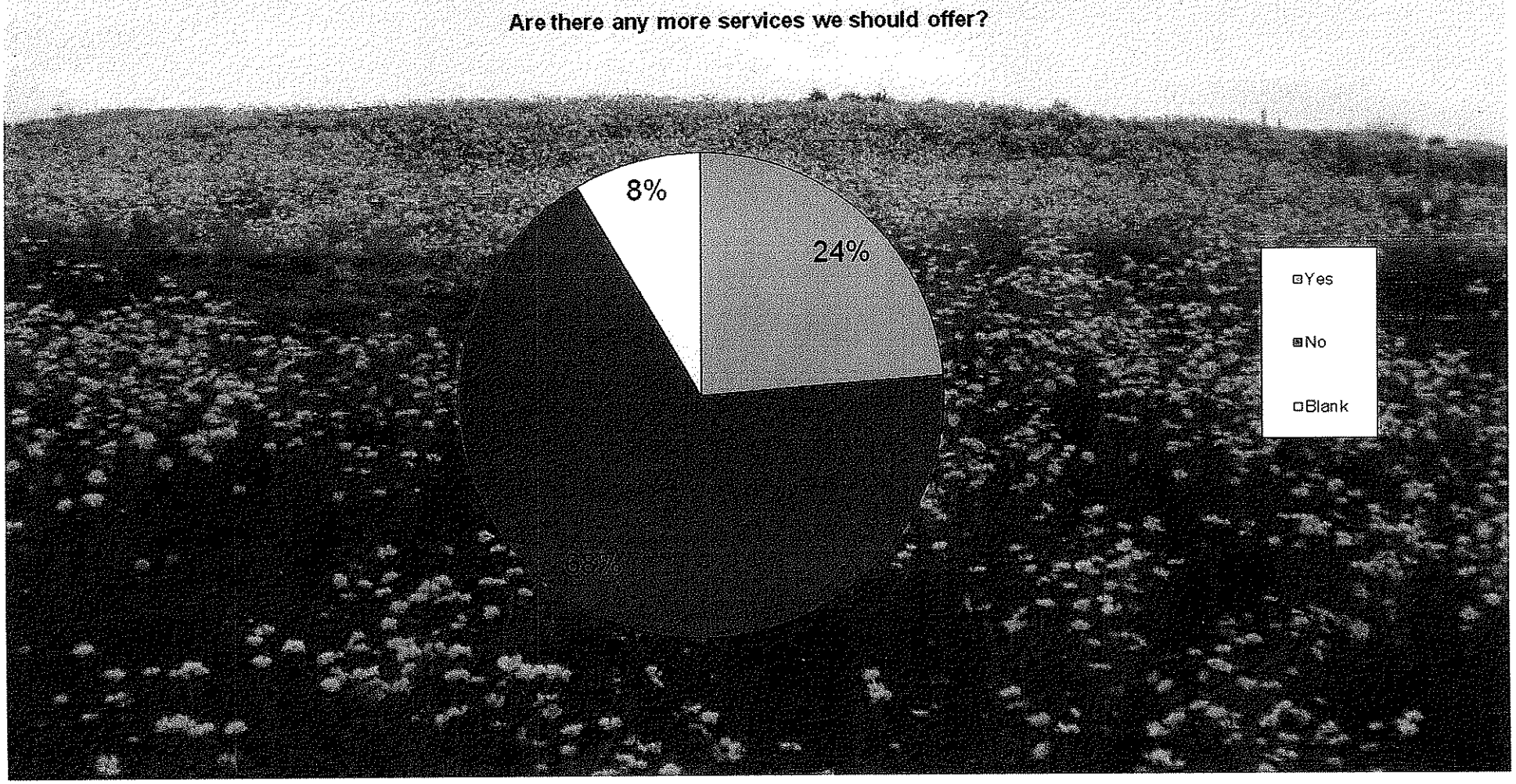
# Question #1


How often do you visit the landfill?
0%
Daily
Weekly
As needed
Blank

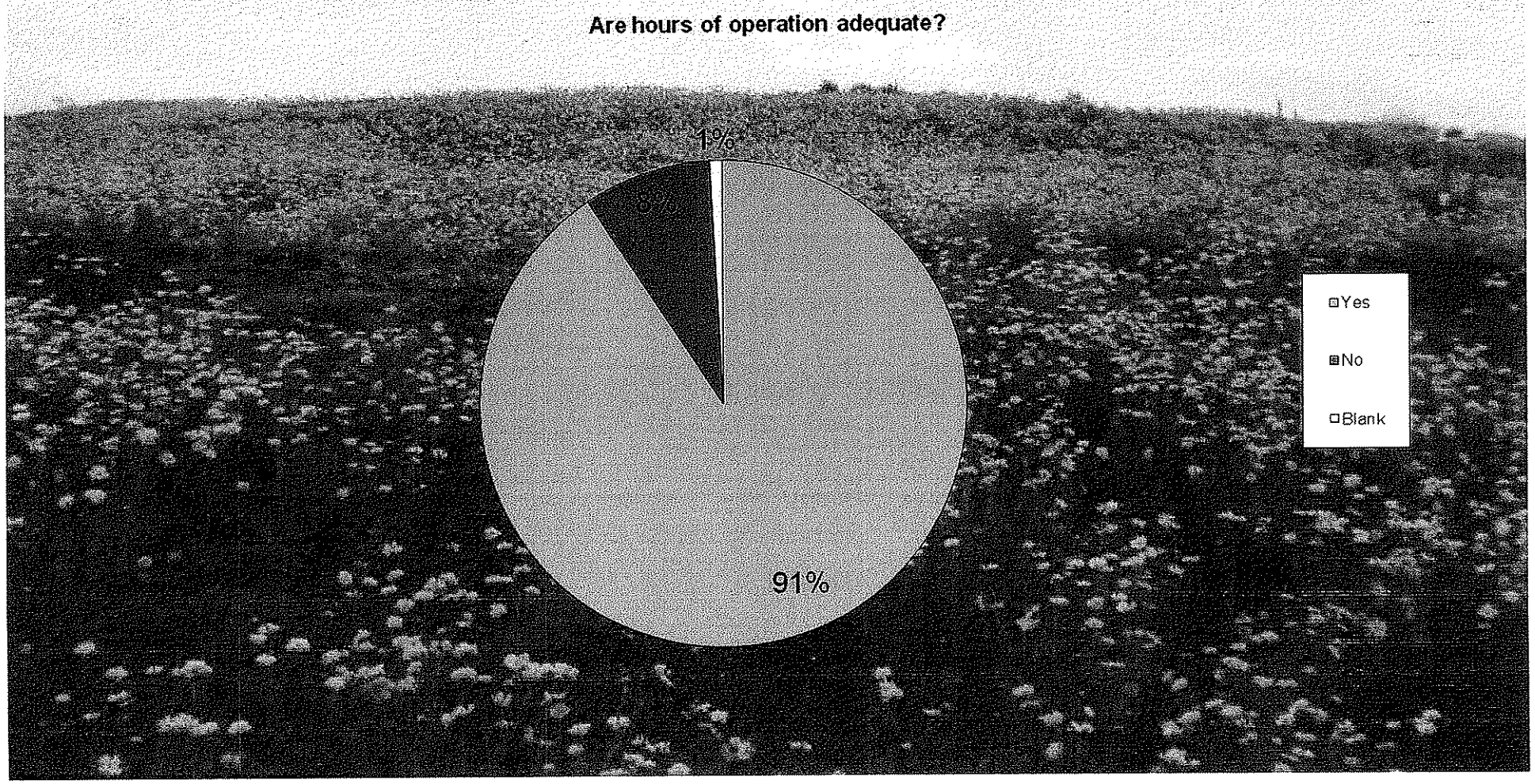
# Question #2



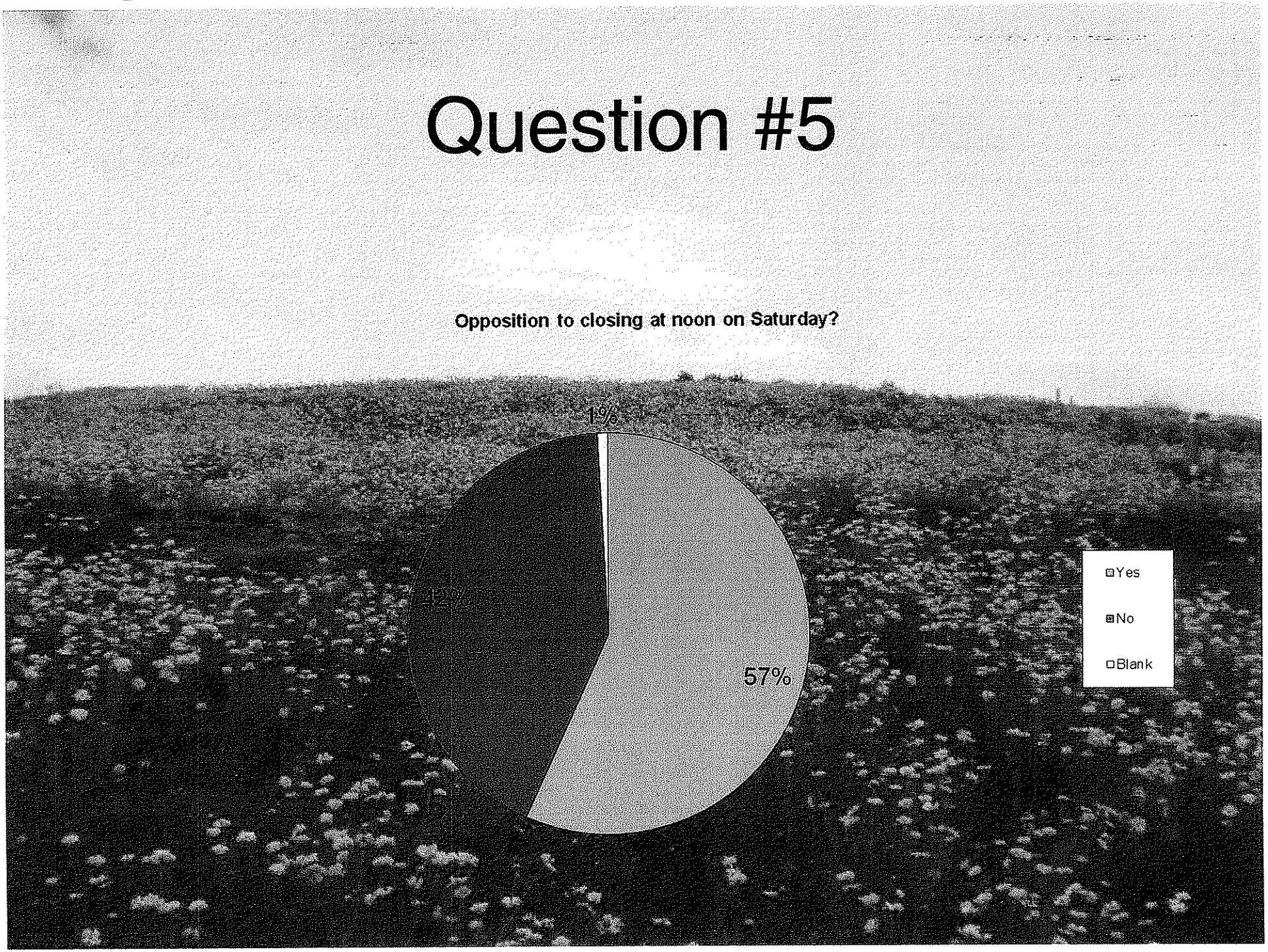
# Question #3


Are there any more services we should offer?
8%
24%
68%
Yes
No
Blank

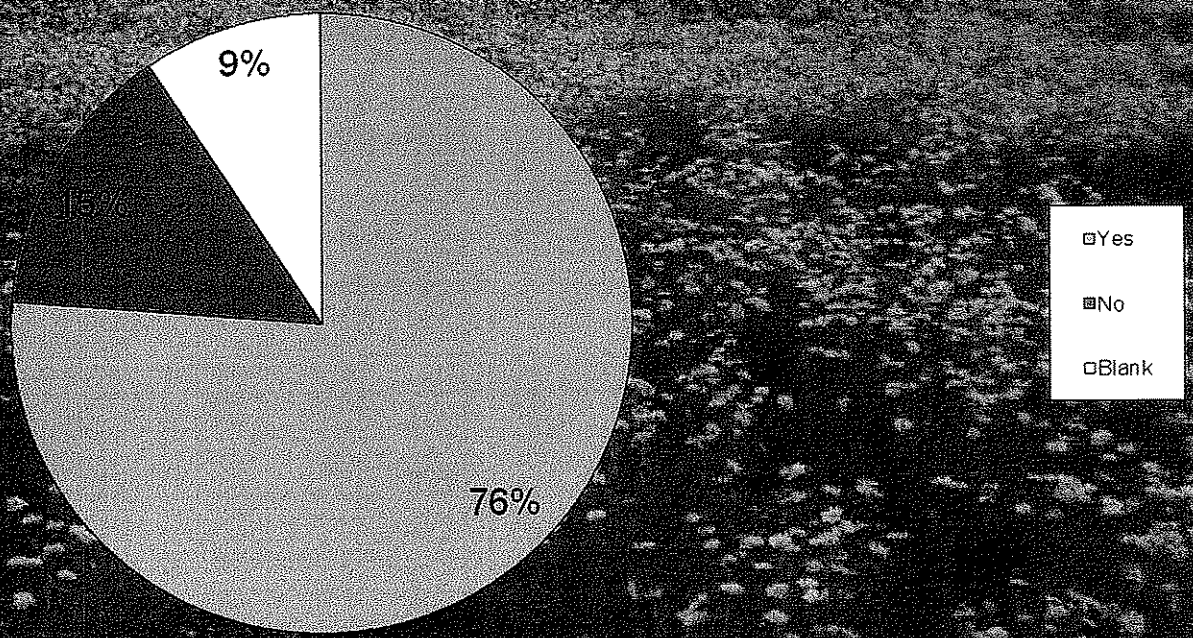
# Question #4



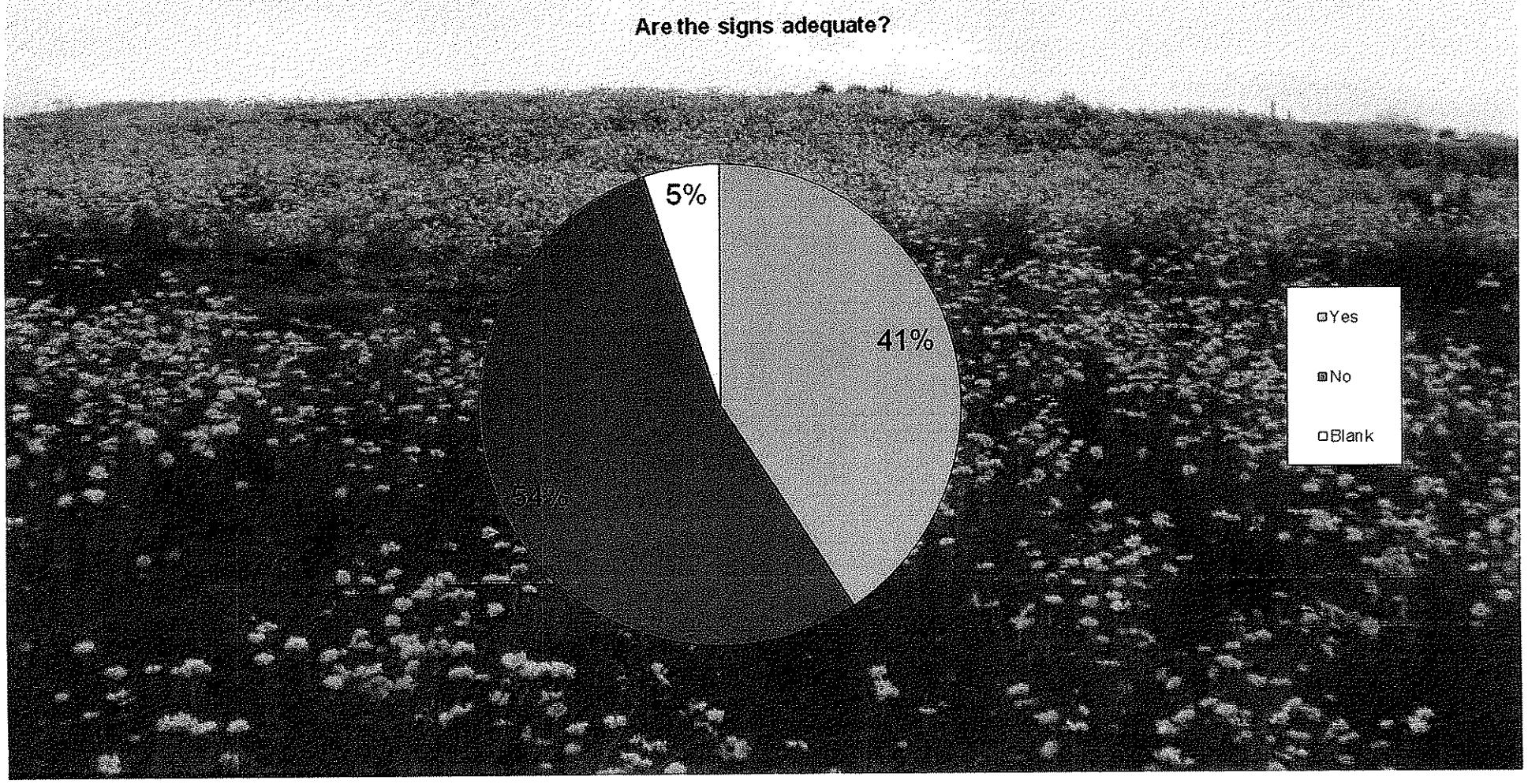
# Question #5


Opposition to closing at noon on Saturday?
1%
42%
57%
Yes
No
Blank

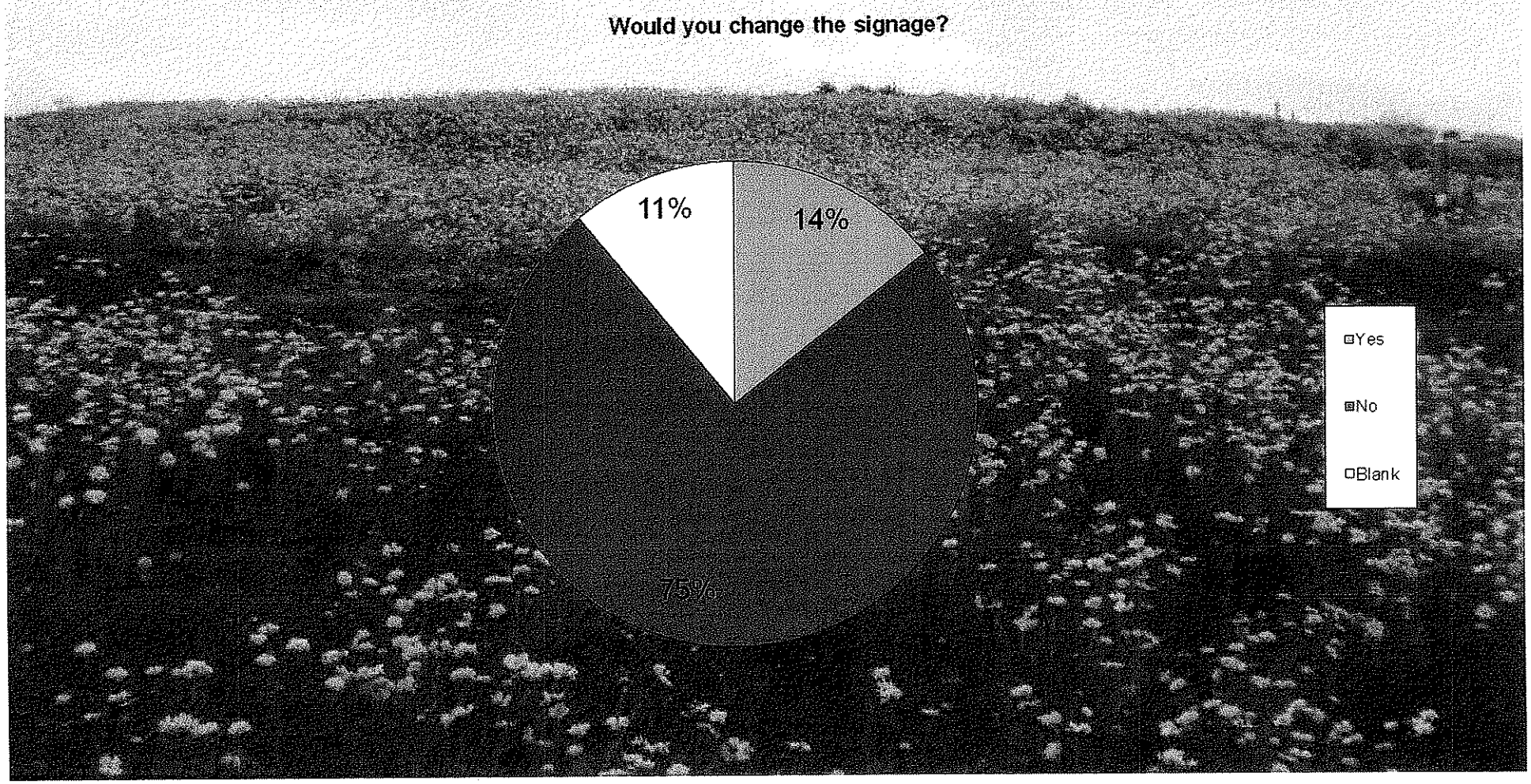
# Question #6


Satisfied with current hours of operation?
9%
15%
76%
Yes
No
Blank

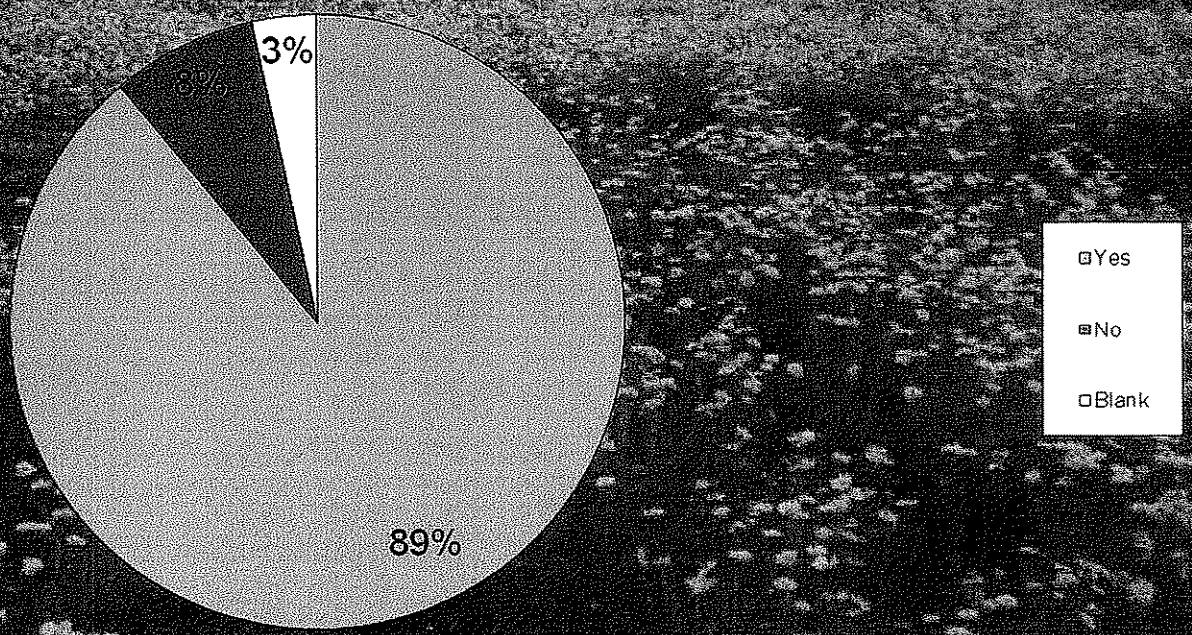
# Question #7



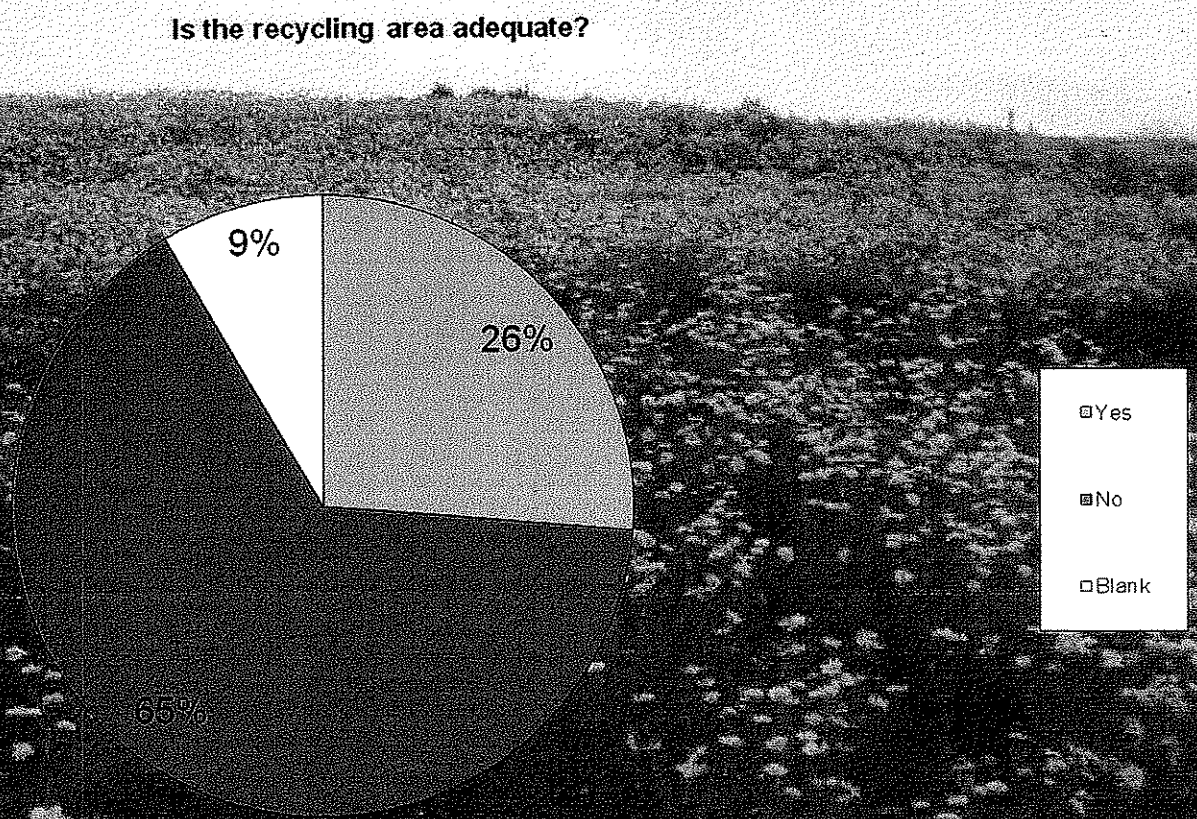
# Question #8



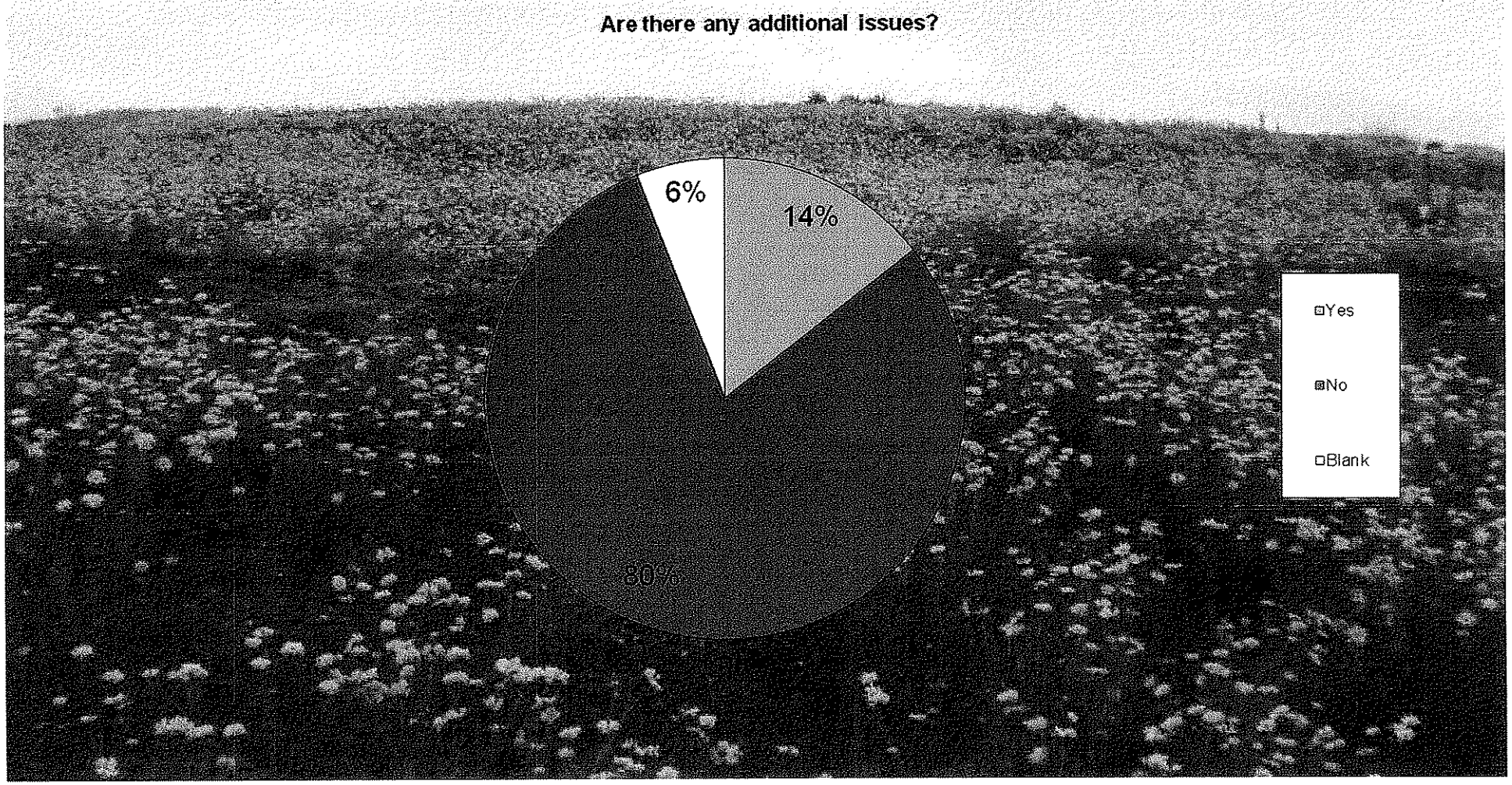
# Question #9



# Question #10



# Question #11



# Key Points and Potential Action Items

- Improve signage at the facility
- Consider providing a pamphlet on the drop-off center operations that explains where items go, and how we recycle various items
- Consider adding a book recycling container for old books.
- Keep hours and days of operation as they currently are now
- Take metal items, lawnmowers, grills, steel cabinets etc. at no cost to residents.
- With redesigned drop-off area, add a take-it-or-leave-it shed for good useable items to be swapped.
- Change landfill permit from calendar year to 12 month rolling annual term?
- Offer residents to purchase the permit decal at the landfill?