

**Middleborough Board of Selectmen
Meeting Minutes**

December 10, 2007

At 7:00 PM Chairwoman Brunelle called meeting to order.

Selectmen A. Bond, W. Perkins, S. Spataro, and P. Rogers were present.

HEARINGS, MEETINGS & LICENSES

Board met with Weston Forest Committee Chairman Bob Lessard. Chairman Lessard presented Board with the Forest Committee's concerns regarding the condition and death of several oak trees on the Purchase Street side of the forest. The Committee had met with Phil Benjamin who had worked on the Pratt Farm logging program in the recent past. Mr. Benjamin reviewed the situation and has agreed to work with the committee to establish plans for the removal of the dead oak and the logging of mature pines. Selectman W. Perkins suggested Mr. Benjamin come in for formal presentation and thanked Mr. Lessard for following up on this matter. Board inquired as to a time-frame to correct the problems as proposed by Mr. Lessard. Mr. Lessard agreed to provide. Chairwoman Brunelle requested Mr. Lessard follow up with the Board at the end of January. **See attached.**

At 7:10 PM Chairwoman opened Public Hearing on Public Entertainment application made by Courtyard Restaurant, 360 Wareham Street. Chairwoman read aloud public hearing notice. Applicant Stephanie Koopelis addressed Board. Chairwoman asked applicant, and applicant confirmed, building has been inspected and is in compliance. Chairwoman read Building Commissioner's letter into the record (**see attached**). Ms. Koopelis informed the Board that the present Friday and Saturday entertainment schedule would remain the same and requested the opportunity for two additional nights. Selectman W. Perkins stated that he supports the application and wanted to give the neighborhood a chance to speak by holding this hearing and noted that none appeared to be in attendance.

Upon motion by Selectman A. Bond and seconded by Selectman W. Perkins, the Board
VOTED: To approve Entertainment license for six days per week with no more than four nights of entertainment, subject to state major capacity laws.
Unanimous vote.

NEW BUSINESS

2008 Liquor License Renewals

Upon motion by Selectman Perkins and seconded by Selectman Bond, Board
VOTED: To approve annual Liquor license renewals as presented on the attached, subject to licensees meeting all necessary requirements. **See attached.**
Unanimous vote.

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New Year's Eve Closing Time Extension

Upon motion by Selectman W. Perkins and seconded by Selectman S. Spataro, Board
VOTED: To approve 2 a.m. New Year's Eve Liquor licenses for those
"restaurant and club" liquor licensed establishments interested in obtaining one.
Four in favor. One opposed.

2008 Class II Automobile Dealer License Renewals

Upon motion by Selectman W. Perkins and seconded by Selectman A. Bond, Board
VOTED: To approve annual Class II Automobile Dealer's license renewals as
presented on the attached, subject to licensees meeting all necessary requirements.
Board agreed to invite in the following dealers to discuss their current status:

1. Ventura Motors
2. Yankee Auto Sales
3. Sachem Motors

Unanimous vote. **See attached.**

Gates/Spruce Street property/water exploration

Board agreed to discuss "Gates/Spruce Street" property/water exploration at its
December 17, 2007 meeting.

Building Permit Fees/Waiver

Board requested letter from Decas, Murray, & Decas, stating that the Board of Selectmen
has no authority to waive building permit fees, be forward to Police Chief Russell.

Appointment to S. E. Commuter Rail Task Force

At the recommendation of Town Manager S. Lombard, and upon motion by Selectman
A. Bond and seconded by Selectman W. Perkins, Board
VOTED: To appoint Town Planner Ruth Geoffrey as the Town's representative
to the S. E. Commuter Rail Task Force. Board requested Task Force and Town
Planner be notified of said appointment.
Unanimous vote.

HEARINGS, MEETINGS & LICENSES

YMCA

At 7:32 PM YMCA representatives Jeffrey P. Russell and Frank McDonald, Sr. appeared
before the Board to give a presentation regarding the organization's upcoming building
project (**see attached**). Board also heard from YMCA Board Chairwoman and
Middleborough resident Mary Prichard. YMCA representatives appealed to the Board to
support the waiving of building permit fees on its pending construction project. YMCA
representatives asked the Board to provide a letter of support directed to the Building
Commissioner to consider waiving these fees. Chairwoman M. Brunelle read into the
record a letter from Decas, Murray, & Decas regarding the authority of waiving permit

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fees. Selectman P. Rogers stated that he is not necessarily in favor of supporting request for a waiver as waiver had been denied to the School department in the past. Selectman P. Rogers explained that the Town protects applicants such as the YMCA with building inspections and code compliance inspections. YMCA representatives indicated that they anticipate \$21,000 in permitting expenses. It was confirmed by YMCA representatives that the YMCA is tax exempt. Selectman A. Bond asked the YMCA representatives if the organization would not move forward with project if fees are not waived. Mr. Russell indicated that the organization would “scale back” on the project.

Upon motion by Selectman A. Bond and seconded by Selectman W. Perkins, Board
VOTED: To leave the waiving of building permit fees to the discretion of the Building Commissioner, and although it supports the efforts of the YMCA, it is policy that the Building Commissioner holds the authority to determine waiving of fees. The Board, however, asks that the Building Commissioner use all sense in considering leniency relative to building permit fees.
Unanimous vote.

At 8:15 PM Board voted by Roll Call to go into Executive Session to discuss strategy relative to pending litigation. Roll Call: A. Bond, Yes; W. Perkins, Yes; P. Rogers, Yes; S. Spataro, Yes; M. Brunelle, Yes. Chairwoman announced Board would return into Open Session.

CORRESPONDENCE

#6 Brown Lindquist Fenuccio & Raber Architects re Recent Fire Station Articles

AND

#7 A. P. Whitaker and Sons, Inc. re Central Fire Station

To be forwarded to Chair before December 13, 2007 meeting.

#’s16-19 Edgeway Homeowners

Selectman W. Perkins to meet with Mr. Jeans within next few days.

#23 MCAH re Chapter 40B Review by Town of Chelmsford

Selectman W. Perkins requested copy be sent to ZBA Bruce Atwood.

#2 Finance Committee re Finance Committee Town Counsel review

Selectman A. Bond asked if Town Manager S. Lombard found any historical data regarding this matter. Town Manager reported that in 1983 there was a salary, but for some reason it changed. Chairwoman M. Brunelle stated that it had been changed to a drawing account, then Finance Committee changed line items and combined everything and this occurred after 1989. Chairwoman informed Board that she has requested Confidential Secretary J. Shanley to review Town Reports and minutes for clarification on the issue. Town Manager informed Board that the Town Charter calls for it as a salary and that the budget he has prepared

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reflects it as such. He intends to make a budget presentation to the Board at its next meeting, Monday, December 17, 2007.

#2 Finance Committee re Finance Committee Town Counsel review

Upon motion by Selectman A. Bond and seconded by Selectman S. Spataro for discussion, Board

VOTED: To obtain an IRS form and forward it to the IRS for a designation as to whether Town Counsel is a 1099 or a W2. One in favor. Four opposed.

#21 Commonwealth re Search for Lease Space

Selectman A. Bond noted that this item is evidence that Massasoit Community college is looking for space in Middleborough and acknowledged Selectman W. Perkins for his efforts in seeing this come to fruition.

Chairwoman announced that the Selectmen's Office had received a telephone inquiry from the Massachusetts Film office calling on behalf of Paramount Pictures and looking to film, within next few months, in an old-gothic, mental-hospital type building. Board requested Secretary forward information to Jane Lopes as a member of the Historical Society.

Ended and adjourned at 9:30 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN