

**Select Board Members Present:**

Joseph Michaud-Chairperson  
Diane Gilbert  
Nathalie Dias

Robert W. Carney, Vice-Chairperson-Late  
William J. Trimble

The Chairperson opened the Public Meeting at 5:30 p.m.

The Chairperson polled the Board for a roll call vote to convene into Executive Session Pursuant to M.G.L. Ch. 39 Sec 23B: On Going Litigation: Selectperson Gilbert, yes; Selectperson Trimble, yes; Selectperson Dias, yes; Vice-Chairperson Carney, yes; Chairperson Michaud, yes.

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The Chairperson reconvened the meeting to order at 6:30 p.m. on January 5, 2009 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

\$ 998,662.10	PR22	\$ 1,244,894.41	PD0923	\$ 58,273.50	D0924
\$ 161,818.96	S0924	\$ 342,997.00	T0924	\$ -270.36	PR24V1
\$ 889,823.94	PR24	\$ 442,041.25	PD0925	\$ 471,710.80	S0926
\$ 23,799.53	T0926	\$ 907,262.15	PR23	\$ 410,424.97	PD0924
\$ 41,753.18	D0925	\$ 18,100.81	P0925	\$ 32,269.62	S0925
\$ 438,684.44	T0925	\$ 881,056.67	PR25	\$ 398,331.44	PD0926
\$ 241,483.90	D0927	\$ 33,836.25	P0927	\$ 2,355.00	S0927
\$ 38,204.27	T0927	\$ 880,430.46	PR26	\$ 2,045,392.20	PD0927
\$ 109,644.16	T0928				

**6:30/Hearing-Petition for NStar Gas for 1 proposed pole location on Allen Street.**

Donna Rosa, Representative from NStar Gas was present for the Hearing-Petition.

*A motion was made by Selectperson Nathalie Dias and seconded by Selectperson William Trimble, it was voted unanimously to approve the Hearing-Petition for NStar Gas for 1 proposed pole location on Allen Street.*

**6:35/Application of Joseph Zakkary d/b/a/ Mozzeral's Pizza & Seafood for a Common Victualler's License, 127 Faunce corner Road, formerly Athens Pizza.**

Joseph Zakkary was present for the application of Mozzeral's Pizza & Seafood.

*A motion was made by Selectperson William Trimble and seconded by Selectperson Diane Gilbert, it was voted unanimously to approve the application of Mozzeral's Pizza & Seafood.*

**6:45/Change of Officers/Directors for New Bedford Yacht Club.**

Marilyn Sams, General Manager for New Bedford Yacht Club was present for the Change of Officers and Directors.

*A motion was made by Selectperson Nathalie Dias and seconded by Selectperson William Trimble, it was voted unanimously to approve the Change of Officers/Directors for New Bedford Yacht Club.*

**6:50/Presentation by the Dartmouth Police Department on the past year's work of the Impact Strike Patrol.**

Sergeant Robert Szala and Detective Paul Medeiros presented the Board with a slide show presentation explaining the Impact Strike Patrol.

I.M.P.A.C.T. stands for Integrated Municipal Police Anti-Crime.

The Impact Team incorporates proactive crime fighting team. Strategies and Criminal intelligence gathered it determines crime trends and nuisance problems with the town. It assigns targeted patrol to solve these problems through proactive means.

Initial deployment October 26, 2007

Total 58 deployments  
1887 encounters  
1176 traffic stops  
317 other stops  
208 citations  
78 arrests.

**New Business:**

## **Renewal of Common Victualler and Motor Agent Licenses.**

### **Common Victualler**

Metro Pizza  
What's The Scoop  
Subway-State Road  
Dartmouth Indoor Tennis

### **Arcade**

Dream Machine

### **Motor Agent**

Elite Auto Sales  
Modern Auto Body  
Unique Auto & Truck Service

*A motion was made by Vice-Chairperson Robert Carney and seconded by Selectperson Nathalie Dias, it was voted unanimously to approve the above list of renewals of Common Victualler and Motor Agent Licenses.*

## **January 8<sup>th</sup> Special Town Meeting.**

The Chairperson announced the Special Town Meeting will be held on Thursday at the Dartmouth Middle School. The Chairperson stated this is a recall election that could amend our Town Charter.

### **Petition of NStar Gas to obstruct and Disturb: 106 Stephen St.**

*A motion was made by Vice-Chairperson Robert Carney and seconded by Selectperson Nathalie Dias, it was voted unanimously to approve the renewal of Common Victualler and Motor Agent Licenses.*

## **Other Business:**

Chairperson Joseph Michaud gave Board members a proposed copy of the new Executive Session Minutes policy for their review for the next meeting.

A written request from Lieutenant Governor was read by Michael Gagne it read as follows:

I am chairing the Municipal Facilities task force and am requesting your participation in this effort. As you may know, President-Elect Obama's team and members of congress are actively working on a federal economic recovery bill with the goal of enactment by Inauguration Day. The bill will likely include significant funding for "ready-to-go" infrastructure projects. To this end, the Patrick-Murray Administration has established task forces to pull together a list of projects that might be eligible for this funding. If we are not prepared with ready-to-go projects, we risk losing this federal money. The deadline for submission is January 8<sup>th</sup> at 2:00 p.m.

Another letter from Phil Giudice, Commissioner, Department of Energy Resources was read regarding Clean Energy Mobilization for Federal Stimulus.

As part of the broader mobilization across the state to stimulate the Massachusetts economy in partnership with President-Elect Obama's incoming Administration, Governor Patrick has direct us to mobilize state resources on energy efficiency and clean energy deployment. The President-elect has identified energy efficient and clean energy in public buildings as a key party of his proposed federal recover package, and the Governor has charged us with making sure Massachusetts is ready to act.

Our overall objective for the energy efficiency and clean energy effort is to reduce fossil energy use to the greatest extent possible, lowering operating budgets over the long-term and creating substantial new jobs. With the estimated almost \$1 billion annual energy spend by state and local government, we estimate that with an investment of \$2 billion, we could reduce energy spending by \$200 million per year while creating 20,000 jobs. We need to accomplish as much as possible in the coming months as a showcase for all sectors and states in clean energy accomplishments.

Selectperson Carney suggested adding in the Hathaway Road Project.

Selectperson Trimble mentioned garage DPW, Consolidate.

Selectperson Gilbert mentioned windows at Quinn school.

The Executive Administrator mentioned a plan for a 5 year street light upgrade.

The Chairperson stated he has copies of the minutes from January 9, 2006 thru March 31, 2006 in these minutes there is no mention of the Board discussing contracts or any votes taken at this time. The Chairperson stated after reviewing these provisions it is his understanding that if this vote wasn't voted on in open session, these contracts might be void or voidable.

The Chairperson addressed the letter send to the Executive Administrator dated December 23, 2008 requesting several answers. First, was the letter ever presented to the full Select Board for review and comment? If so, I am formally requesting the minutes from any session, public or otherwise in which the terms of this letter were

discussed and voted. Two, who were the two Select Board members that were present at the meeting with Attorney Bartulis in which the employee protection clauses were directed to be included in the contracts. Finally, whether town counsel was provided with a copy of this letter prior to being requested to approve the contracts as to form.

The Executive Administrator responded I only received this letter on December 23<sup>rd</sup>. I responded to the request in a letter dated December 29, 2008 I need to research certain files to respond to your inquires it goes beyond the Executive Session Minutes. I will fulfill your request as soon as possible and make it high propriety. I will put all the facts in a document for the Select Board's review.

Mr. Gagne stated I will forward all the Executive Session minutes to Town Counsel for approval.

The Chairperson stated he would like to pick up the minutes tomorrow in a draft form.

Selectperson Trimble questioned Attorney's Murphy, Hesse, Toomey & Lehane, LLP.

1.) How many contracts were they involved in writing and why did the town paid for them?

2.) If they only wrote Mrs. Copley who wrote the other contracts?

*A motion was made by Selectperson Diane Gilbert and seconded by Selectperson Nathalie Dias, It was voted unanimously to approve the Executive Session Minutes of 10-30-2008 and 11-13-2008.*

Selectperson Gilbert mentioned a FOIA request from David Vincent requesting information on a case pertaining to David Bernier/David Hickox vs. David Vincent and Town of Dartmouth. Mrs. Gilbert stated Mr. Vincent received a letter dated January 10, 2007 stating we have received your request and are researching your request. Mrs. Gilbert stated until this day Mr. Vincent has not received a response.

The Executive Administrator replied this case was in litigation at the time and he needed to further investigate the legal aspects before releasing any information out to the public.

With no further business to discuss, the Chairperson declared the regular meeting adjourned.

Attest:



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Michael J. Gagne, Executive Administrator

Transcribed by: Linda Torres