Middleborough Board of Selectmen **February 22, 2016**
Meeting Minutes

Chairman Frawley opened the meeting at 7:05 PM by inviting those in attendance to join in the pledge of Allegiance.

In attendance were: Selectman A. Frawley, L. Dalpe, J. Knowlton, D. Stewart and S. McKinnon; Town Manager, Town Manager, R. Nunes

UNANTICIPATED

Selectman Stewart asked about the possibility of a reception at the Oliver House. Selectman Dalpe talked about organizing a ribbon cutting type ceremony at the Oliver House that is in the early planning stages. It was noted that the Historical Commission would like to present an award to the Oliver Family.

Selectman Stewart request the Board be kept informed on the upcoming events and any activities involving the Oliver House. There was discussion on the handicap accessible ramp and the timeline for completion. Selectman Dalpe confirmed that the Tourism Committee has secured a licensed building contractor, who will pull the correct permits through the Town to construction the ramp. It was estimated that the work will begin in mid-March and is dependent on the weather. Selectman Frawley requested that the Board be forwarded the plans for the construction of the ramp. Selectman Dalpe will have the Building Contractor forward the documents. She noted that Historic New England will be involved and the contractor will be working with them on the installation. Selectman Frawley asked Selectman Dalpe to make sure that all emails and plans are provided to the entire Board for review.

Selectman McKinnon asked that the Board revisit the Planning Department budget and that it be put back onto the agenda for either the February 29th or March 7th meeting.

Jeff Stevens, Green Energy Committee Member, provided an update on Middleboro as a Green Community. He discussed energy related grants that are good service for the community. He noted that they are looking at the option of solar panels on Town Buildings and properties.

Jeff Stevens, presented a picture of the historic sign that was once in front of the MECC Building. He explained that he searched throughout the Town trying to locate the sign so that it might be installed back in its original location. He had a discussion with Keiko Orrall Office's is looking into getting that sign recreated.

ANNOUNCEMENT & RECOGNITIONS

Selectman Dalpe speaks about the upcoming Herring Run Festival and Oliver Estate tours. She also noted when the next Oliver House Advisory Committee meeting.

Allin announced the upcoming canoe race to be hold at Oliver Mill, the upcoming Middleboro Youth Soccer registration and Taunton River Watershed Alliance training.

Brian Giovanoni, School Committee Member, noted the upcoming School Committee meeting to be held on February 25, 2016 and highlights a few items.

MINUTES
There were no minutes to be voted.

WARRANTS
Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to authorize the Chairman, or his designee, to sign the warrants for the week ending February 2, 2016. Unanimous vote.

NEW BUSINESS
Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve and authorize the Chairman, as a designee to sign the Hillcrest Rent Increase Decision. Unanimous vote.

Bob Nunes discussed the location of the monitoring wells on the Town Hall property. Selectmen McKinnon asked the Town Manager to find out what Cumberland Farm's plans are for the mitigation of the plume.

Brian Giovanoni, 89 Rocky Meadow, asks if we can find out how long Cumberland Farms has been monitoring the wells.

Bob Buker, Health Officer, confirmed that the Health Department office has been receiving monitoring reports and sampling results. He also confirmed there is a southeasterly track of pollution. Selectman McKinnon asks that the Town get answers for fixing the problem that Cumberland Farms created.

Upon motion Selectman Dalpe and seconded by Selectman McKinnon to approve and sign the Site Access Agreement for monitoring wells with Cumberland Farms Inc. on Town Hall Property. Unanimous vote.

There is a review of the Draft RFP for the Oliver Estate. Selectman McKinnon noted many issues with the document and requested it be revised and resubmitted. Jane Lopes, Community Preservation Commission and Oliver Advisory Committee, apologizes for the errors in the document and stated they will be corrected and resubmitted for the next meeting. Selectman Frawley asked about removing the reference to the septic system since the Town is moving forward with that work. To be continued to the next meeting.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe to make appointments to the Agricultural Commission. Unanimous vote.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe to appoint Patty Zimmerman as a member of the Agricultural Commission. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to appoint Butch (Frances) Bell as the alternate member of the Agricultural Commission for a three year term. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to make appointments to the Cultural Council. Unanimous vote.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe to appoint Kevin Schmidt as a member of the Cultural Council. Unanimous vote.

For the next item Selectman Dalpe stepped off the Board citing a potential conflict as she has an item going before Zoning Board.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart to make appointments to the Zoning Board of Appeals. Motion Carries.

This is not a joint appointment with the Zoning Board. Darrin DeGrazia is the candidate.

Upon motion by Selectman McKinnon and seconded by Selectman Stewart to appoint Darrin DeGrazia to the Zoning Board of Appeals to complete the term vacated by Bruce Atwood. Motion Carries.

Selectman Dalpe steps back onto the Board.

Chairman Frawley acknowledges the resignation of Darrin DeGrazia as a 3rd Associate Member of the Zoning Board. He stated that the Board will be accepting letters of interest for the appointment of the 3rd Associate Member position until March 28th.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to extend an offer of employment with the Middleboro Police Department to Jeffrey J. Err. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to extend an offer of employment with the Middleboro Police Department to Weldon F. Nelson. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to extend an offer of employment with the Middleboro Police Department to Steven A. Robins. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to extend an offer of employment with the Middleboro Police Department to Ryan S. Whiteside. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to issue a Cease and Desist Order on the Harju E.R. Permit for the ongoing Non-Permitted Earth removal activity. Unanimous vote.

Chairman Frawley asks if the Board objects to Stop & Save having a KENO monitor in their building. There is no objection from any of the Board members.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve the Disabled Veterans "Forget Me Not" sales to be held July 2nd to July 5th. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a Second Hand Dealers and Junk License for 57 Center Street with the hours of 9 AM to 6 PM Monday through Sunday. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve a One Day Beer and Liquor License for New England Bar Tending Service for February 25, 2016 6-11 pm at the Alley Theater. Unanimous vote.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to authorize the use of Town roads for 10th Annual Patriots Half Triathlon on June 18th starting at 7 AM. Unanimous vote.

HEARINGS, MEETINGS, LICENSES

Jane Kudcey, OECD, spoke about the creating of the Middleboro Bicycle Committee. The purpose of the group is to identify and map bike trails. There will be a kick off meeting on March 2nd. Selectman McKinnon asked if SRPEDD is involved. Jane confirms that they will be offering map assistance. Selectman McKinnon asks if there can be a path designated from Wareham Street down to East Main Street. This will be reviewed.

<u>MG&E Verizon Pole Installation Hearing – Harper Lane</u>

Chairman Frawley reads the legal notice and opens the hearing. The Applicant spoke about extending the line with a new pole for the new home being constructed on Harper Lane.

Selectman Frawley opens the hearing up for public comment. There is no comment.

Selectman Frawley closes the hearing.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to approve the pole change as presented. Unanimous vote.

WRPD Public Hearing – Application made by Renewal Energy, LLC (Next Sun) for property located at 117 East Grove Street, M65, Lot 2916 and continued from February 11, 2016.

Amelia Tracy – Next Sun Energy, Brad Holmes and Steve O'Connell – Andrew's Surveying & Engineering are present for the discussion. There was a review of the presented restoration plan for the property.

Amelia spoke about the course of the construction process and how in early November some trees were cut that were beyond the limit of where they could be removed. Selectman Frawley asked how those trees were cut? He states that the contractor was pruning trees along the property edge. Amelia explained that there was a miscommunication between her company and their subcontractor. Amelia states that they take full responsibly for the error. Selectman McKinnon asks who ignored the Cease & Desist Order? Amelia responded that she was not sure but that she will look into the matter further.

Steve O'Connoll spoke about the correspondence regarding the project and the slop stabilization. Selectman Frawley noted that it was reported that tree cutting work was done on the weekends, which is why the Board has asked the applicant to come forward, to discuss that matter. Selectman Frawley stated that the Board takes those actions very seriously and that they are not happy that the trees were removed instead of protected.

Trish Cassady, Conservation Agent, speaks about the Order of conditions and the tree cutting that happened. She expresses disappointment at what has happened. Selectman Stewart asks about tree replacement. Selectman McKinnon spoke about the warranty on newly planted trees. There is to be no more work on the property until the Conservation Commission meeting on March 3rd.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon to continue the hearing to March 21st at 7:30 PM. Unanimous vote.

Outback Engineering, Variance Request

Jeff Younquist – Outback Engineering was present for the discussion. Jeff explained that he is before the Board, on behalf of the owner, Kathleen Anderson Irrevocable Trust, to request a variance on the perc rate of the property.

Robert Buker, Health Officer, explained that he does not have an aversion on the granting of this variance. He explained that he requested it come before the Board because of the history of the property.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart to grant the variance requested of the perc rate for the Fuller Street lot. Unanimous vote.

Discussion Brookside Estate

The Board briefly discussed with several residents their request for a joint meeting with the Board of Selectmen and the Planning Board to discuss moving forward with roadway completion and Town acceptance. Bob Nunes noted that Chris Peck the Highway Superintendent will attend the meeting and assist the Board of Selectmen in understanding the issues.

The Board discusses the possibility of holding an Executive Session for the purpose of discussing litigation on this matter. There was reference to a letter representing the residents of Brookside regarding the actions so far on the project and expressing the residents concern.

This joint meeting will be scheduled for Wednesday, March 3rd at 7 PM.

TOWN MANAGER'S REPORT

Town Manager presented his report as is attached.

CORRESPONDENCE

#4 Selectman Stewart asked for confirmation that this is a new facility. Bob Nunes confirmed that this is a new applicant. Selectmen Knowlton had the same question.

ADJOUNRMENT

Upon motion by Selectman McKinnon and seconded by Selectman Stewart to adjourn at 10:10 PM. Unanimous vote.

Colleen Lieb, Acting Executive Assistant
BOARD OF SELECTMEN