**Middleboro Board of Selectmen** **August 8, 2016**
**Meeting Minutes**

At 7:00 PM Chairman D. Stewart called the meeting to order at 6:45 PM.

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

## EXECUTIVE SESSION

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon, the Board voted to enter into Executive Session, to return to Open Session, for the purpose of discussing strategy with respect to litigation and to conduct strategy sessions in preparation for negotiations with Non-Union Personnel. Polled Vote: Selectman A. Frawley - Aye, Selectman L. Dalpe - Aye, Selectman J. Knowlton - Aye, Selectman S. McKinnon - Aye and Selectman D. Stewart – Aye.

At 6:50 PM The Board returned to open session.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to recess until 7:00 PM.

Chairman Stewart began the meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

## UNANTICIPATED

A resident discussed the idea of having a Board of Selectmen emblem and suggested a contest to design something. This will be reviewed further.

Selectman Dalpe spoke briefly about the Oliver Estate Advisory Committee looking into ADT security services. It is expected that the Oliver Estate Advisory Committee will make a decision at their next meeting.

## ANNCOUNCMENTS AND RECOGNITIONS

Selectman Frawley spoke about the large turnout both days at the Krazy Days event.

Selectman McKinnon spoke about the upcoming Middleborough Mess Movers gathering to be held Saturday, August 20 2016 in the Town Hall Parking Lot at 9 AM.

## MINUTES

There were no minutes to approve for this meeting.

## WARRANTS

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to approve and authorize the Chairman, as a designee to sign the warrants for the weeks ending August 13, 2016 and August 20, 2016.

**NEW BUSINESS**

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board voted unanimously to sign the contract for Full Circle Technologies Inc.

The Board discussed the Executive Assistant applicants. It was noted that there was one applicant, which is the current person who is filling the position on a temporary basis. There was discussion on the work history of the candidate, the years of service working for the Town and the qualifications the applicant has. Selectman Frawley spoke about posting the position externally and suggest that be done to allow for more candidates to apply. Selectman Knowlton agrees that the job should be posted externally.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted, three in favor and two against, to offer the position of Executive Assistant to the Board of Selectmen and authorize the Chairman to negotiate a contract.

Upon motion made by Selectman Fawley and seconded by Selectman Dalpe, the Board voted, unanimously to approve the Charity Race/Walk Fundraiser hosted by the St. Vincent DePaul Society on Sunday, September 25, 2016 at 10 AM and notify the Police and Fire of the event.

*Rachel Stevens was present for the discussion.* Ms. Stevens presented the revised Site Access Agreement with Cumberland Farms requesting additional access to Town property. Selectman Knowlton asked about the ownership of the property. Ms. Stevens explained that she does not know what the plans are for a future use of the building. She handles the clean-up of the property. She spoke about how the pollutant is from an older source. In December of 2011 they think there was an active release, the tanks were tested may times and the elbow piping was ripped up.

Selectman Frawley asked how the area will be cleaned. Ms. Stevens explained that right now they are working on getting a delineation of the pollutant. She further explained that once they get a full delineation the remedial approach will be in Phase III. Right now there is no set timeframe as to when the site will be cleaned up. They are still trying to determine the extent of the plume. She referenced the additional monitoring wells proposed, which is a total of three new wells.

There are several questions asked as to how long it will be until this matter is fixed and when will it be cleaned up. Ms. Stevens did her best to explain that it is difficult to determine at this point when the cleanup will be completed; they are currently still determining the area of contamination.

Ms. Stevens explained that all of the reports on this project are available online at the MassDEP site for public viewing. She noted that they do have a pretty good understanding of the plume and they have determined that it is gasoline. They are still accessing the extent of the plume and assessing the risk of vapors in homes or buildings that the plume is underneath.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to sign the amended site access agreement with Cumberland Farms.

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley, the Board voted unanimously to approve $125.00 to be paid to Russ Frade for Port-a-Potty rentals to be paid from the Oliver Estate Revolving Fund.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to appoint Edward Pratt, Keith McDonald and Ellie Osborn to the Middleborough Public Library Board of Trustees for a three year term to expire June 30, 2019.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to appoint Adam Pelletier, Mark Mobley and Donna Bernabeo to the Permanent Cable Committee for a three year term to expire June 30, 2019.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board, voted unanimously to appoint Bob Burke, Arthur Turcotte, Richard Young and Elizabeth Wainwright for a three year term to expire June 30, 2019.

The Board discussed the two Selectmen representatives on the School Building Committee. There was one representing the Chairman of the Board and the second Selectman was representing the Commission on Disability. There was a question asked as to whether both Selectmen can continue to serve on the Committee. The Mass School Building Authority can be asked if it is possible to have both Selectmen continue on the Committee.

Selectman Frawley expressed his interest in continuing to serve on the Committee. He also noted that he would like there to still be a representative from the Commission on Disability. Selectman Knowlton agreed that the Chairman of the Board of Selectmen should be appointed to the Committee and another representative can be appointed to represent the Commission on Disability. This will be reviewed further.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to appoint James Hutchinson to the School Building Committee.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board voted unanimously to appoint Lawrence Berghaus as Auxiliary/Special Police Officer for the Town of Middleborough.

Allison Ferreira, Town Clerk, was present for the discussion. She explained that absentee ballots are available for the upcoming election and that August 19th is last day to register for voting.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to sign the Warrant for the State Primary of September 8, 2016.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to set the Fall Special Town Meeting date of Monday, October 3, 2016.

Chairman Stewart referenced the SouthCoast Rail meeting to be held at the Middleborough High School on September 22, 2016 at 6:30 PM.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon, the Board, voted unanimously to award the Bid to Century Bank as requested by the Town Treasurer.

**HEARINGS, MEETINGS, LICENSES**

Hearing – Earth Removal Permit application made by Costello Dismantling Co for propeorty located at 701 & 703 Wareham Street, Map 110, Lots 3952 & 3985 and continued from July 11, 2016

Upon motion made by Selectman Dalpe and seconded by Selectman Knowlton, the Board voted unanimously to continue the hearing for Costello Dismantling Earth Removal to August 22 2016 at 8 PM.

Hearing – WRPD Application made by the Town of Middleborough (DPW) for property located off 55 Plain Street Map 013 Lot 6384 and continued from June 20, 2016

*Phil Codeiro, Allen & Majors and Chris Peck, DPW, were present for the discussion.* Chris Peck spoke on the status of the plans. He noted that they have worked with the resident that directly abuts the proposed drainage and he is aware of what the resident wants to see. Mr. Peck confirmed that the DPW will make sure the drainage is installed correctly and they will work closely with the resident to make sure it is acceptable. Mr. Peck also confirmed that the Conservation Commission did approve their permit and quarterly inspections are going to be done on the drainage. There was discussion on the cranberry bogs. It was noted that there is a lot of other development where the bogs are and that the pipe in question has had the pre- and post-development calculations reviewed thoroughly by the C. Peck.

Bob Costa, abutting resident, thanked the Board of Selectman and the Conservation Commission for their diligence on this project. He explained that he is still opposed to the construction and the disruption it is going to bring to his life and his backyard. He points out to the Town that this is not the end of Oak Point and that they continue to expand and he hopes that there is a long term plan for water flow.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to close the hearing.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to approve the application for a WRPD Special Permit for property located at 55 Plain Street and find that it; it is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts; is appropriate to the natural topography, soils and other characteristics of the site to be developed; will not, during construction or thereafter have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and it will not adversely affect existing or potential water supply, it was further moved that the as a condition that further disturbance to the 25' zone beyond the limits of work shown on the plan is to be avoided (re: machinery not allowed in the remaining portion of the no work zone).

Discussion – Roadway Acceptance – Brookside Drive & Fidelity Lane
*Adam Bond, Planning Board Chairman and Chris Peck, DPW were present for the discussion.* The Executive Assistant raised two issues with the Roadway Acceptance moving forward. The first is that a roadway layout mylar plan needs to be provided in order to do a legal notice and the second is the residents need to sign a release to their rights in the roadway.

Chris Peck spoke on the many meetings and discussion he has had in regards to the completion of this roadway. Mr. Peck referenced the Beta Group and putting the project out to bid. Their proposal came back at $21,500 to do this work. There are questions as to whether the Planning Board's Revolving Fund can pay for the Beta Group to do the bid work for the roadway completion of Brookside Estates. It was confirmed that the Planning Board is holding surety in the amount of $430,000 on the project. It was noted that if the project comes back higher than the $430,000 there will need to be a discussion with the residents on how to cover the additional cost.

It was noted that the petition to accept the roadway was received by the Board of Selectmen and forwarded to the Planning Board. Adam Bond confirmed that the Planning Board has 45 days to make a report and have a hearing.

There was further discussion on the timeline for getting bids on this project. There was question on having the right data when going out to bid. The scope of work is discussed.

The Town Manager spoke about the cost for the Beta Group is $21,500 and noted that it is unclear at this time whether the Planning Board has those funds available in their Revolving Account. He explained that the Town cannot use Chapter 90 Funds so the only option is to utilize the Planning Board Revolving Fund at this point.

**TOWN MANAGER'S REPORT**
The Town Manager reviewed the Local Receipts and referenced the free cash that will be allocated for spending at the upcoming Special Town Meeting.

**CORRESPONDENCE**
There is no discussion on correspondence.

**EXECUTIVE SESSION**
Upon motion made by Selectman Frawley and seconded by Selectman McKinnon, the Board voted to enter into Executive Session, to return to Open Session, for the purpose of contract negotiation with Police Superior Officers' Union Local. Polled Vote: Selectman A. Frawley - Aye, Selectman L. Dalpe - Aye, Selectman J. Knowlton - Aye, Selectman S. McKinnon - Aye and Selectman D. Stewart – Aye.

At 8:55 PM the Board returned to Open Session.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, the Board, voted unanimously to approve the Police Superior Lieutenant Agreement.

**ADJOURNMENT**
Upon motion made by Selectman Frawley and seconded by Selectman McKinnon, the Board, voted unanimously to adjourn at 9:05 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant