

**Middleborough Board of Selectmen
Meeting Minutes**

May 19, 2014

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

In attendance were: Selectmen A. Frawley, L. Dalpe, J. Knowlton, D. Stewart and S. McKinnon; Town Manager, C. Cristello and Executive Assistant, J. Shanley.

The meeting was broadcast live by MCCAM and recorded by MCCAM and Verizon.

UNANTICIPATED

Town Moderator reminded the public to attend the upcoming Annual Town Meeting scheduled for Tuesday, 5/27/14.

ANNOUNCEMENTS & RECOGNITIONS

Board made various announcements.

MINUTES

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to approve 5/5/14 meeting minutes.

Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted to approve 5/12/14 meeting minutes. Four in favor. Selectman Dalpe abstained.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 5/17/14.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize Chairman, or his designee, to sign Warrants for week ending 5/24/14.

NEW BUSINESS

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize payment of Wright-Pierce invoice & for Schematic Design in the amount of \$8,180.92 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize payment of Wright-Pierce invoice for Pilot Testing in the amount of \$2,286.12 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Design Upgrades PH in the amount of \$15,662.85 and authorize Town Manager to sign.

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Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to authorize payment of Wright-Pierce invoice Task II Permitting Assistance in the amount of \$1,574.85 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Subcontractor Services in the amount of \$14,951.48.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize payment of Wright-Pierce invoice for Comprehensive Wastewater Management Plan in the amount of \$7,000 and authorize Town Manager to sign.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to name Judy MacDonald Custodian of 50 Navaho Shores, Middleborough, MA **and** to authorize her to auction the property.

Selectman Knowlton explained his thoughts regarding developing an annual Volunteer Recognition event where the Selectmen would choose the recipients from nominees submitted by the community. Selectman McKinnon suggested selecting a limited number of volunteers could prove difficult, and recommended having an appreciation ceremony for the overall group(s). Selectman Dalpe agreed that a group appreciation may be a better way to go. Chairman offered that he will never take a vote for one volunteer being better than another. He does like the idea of recognizing the volunteers. Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to form a Volunteer Committee task force and for Selectmen Knowlton and Stewart to get it up and running.

HEARINGS, MEETINGS, LICENSES

Steve Ventresca of the Conservation Commission addressed the Board asking for the Board's support of ATM Article 28 and offered to answer any questions that the Board may have. Selectman McKinnon reviewed 310 CMR 10 – The Wetland's Protection Act. Resident Ron Burgess addressed the Board to respond to the concerns raised by Selectman McKinnon. S. Ventresca offered that it is much like the requirements of the W.R.P.D. and the 25' buffer. In response to a question by Selectman McKinnon, Mr. Ventresca offered that the Conservation office typically receives a complaint of questionable activity on a particular property, which prompts a telephone call to the property owner by the Agent. Subsequently, a meeting with the property owner is scheduled so that the Agent may view the project. If the project requires, the Agent may advise the property owner to apply for a permit or to come before the Commission and present its plan. Selectman Dalpe asked why the Commission came up with this bylaw, to which Mr. Ventresca responded, it would provide an opportunity for the Conservation Commission department to receive some reimbursement for the expenses it has been expending. Selectman Knowlton suggested it would be an excessive expense to a property owner if putting up a swing set within 100'

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of wetland. Mr. Ventresca offered that the Agent would make a reasonable determination on the activity, and in a case such as this, would most likely require a Notice of Applicability, which would not require an application fee, but would require a newspaper hearing notice posting fee. Conservation Commission Agent Patricia Cassady further clarified. Selectman Knowlton offered that he wants the Conservation department to operate within the budget that the Town has provided. Mr. Ventresca offered that the department can't sustain services with its current budget. Selectman Stewart confirmed with Mr. Ventresca that this document has been worked on for a significant amount of time and that it has been reviewed by Town Counsel with no issues. She asked if the Commission knows of any other Towns that have passed this bylaw or repealed this bylaw. Mr. Ventresca knows of none that have repealed it. Ron Burgess offered that out of 351, 208 have adopted the bylaw. Only one town has repealed it. Commission Agent Cassady offered further examples of her experience with working for Towns that have a bylaw. Selectman Stewart acknowledged that we have a dedicated Commission Agent, Commission members, and Clerk and they are responsible for the protection of the wetlands in Town. Chairman reviewed several sections of the proposed bylaw with Mr. Ventresca. The Agent offered that property owners are always welcome to come into the office to seek her input if they are unsure or they can also be placed on the Commission's meeting agenda for discussion. She also offered that if she receives a complaint, and cannot successfully make contact with the property owner by telephone, she sends a letter by Certified mail, which costs approximately \$6. Resident Neil Rosenthal offered his displeasure that the Commission did not hold a public hearing on this bylaw and he would like Town Counsel's opinion as to if this is even legal. After further comments by Mr. Rosenthal, he ended by offering that, in his opinion, the bylaw is not needed. Resident Barbara Holton addressed the Board and offered that the Commission already has the ability to control the wetlands now and further control would be detrimental to the property owners. A male resident offered that DEP may take 3-6 month and cost \$500-1,000, but the property owner would have a decision sooner and for less expense as opposed to ending up in Superior Court. Brian Giovanoni suggested that if there were a list provided of the restrictions, people could have a clearer opportunity to vote in favor or against the proposed bylaw. Chairman asked the Town Manager to ask Town Counsel if the public hearing the Commission had on this was legal. Mr. Ventresca offered that it had been in the newspaper at least once, but it has been continued weekly on the Commission's agendas for its meetings, which are open to the public. The Commission is only trying to preserve land now and for the future. He and Conservation Agent offered their thanks to the Board. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted not to support this article. Three in favor. Selectmen Stewart and Frawley opposed.

Public Hearing re STM/ATM Articles

SPECIAL TOWN MEETING ARTICLES:

#1 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

2 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#3 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#4 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

#5 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article.

ANNUAL TOWN MEETING ARTICLES:

#1 Board noted this article.

#2 Board noted this article.

#3 Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted to support this article. Four in favor. Selectman Frawley opposed.

#4 Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to support this article

#5 Board noted this article.

All of the other articles have been previously reviewed by the Board. Chairman asked to hear any further comments/questions. Hearing none, Chairman declared hearing closed.

WRPD 90 & 92 E. Grove Street – (Cont. from 5/12/14) discussion/ vote to approve revised plan
Attorney Troyer addressed Board. The engineer for Cumberland's addressed Board. Selectman Stewart raised the Commission on Disability recommendations for this site. Attorney Troyer offered that they are not willing to change the doors, as are not required to have automatic doors. Chairman offered that the Board would appreciate consideration of the doors. Attorney Troyer explained that they had already gone before the Planning Board, but he will mention the request to his client. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted to approve the revised plans. Four in favor. Selectman Stewart abstained.

CORRESPONDENCE

#1 Selectman Dalpe noted requested that the Cape Flyer schedule be posted to the web.

#6 Selectman Dalpe noted correspondence from Town of Wareham.

#4 Selectman McKinnon noted that the Conservation Commission has been working with NSTAR to look out for the wildlife. He offered his appreciation for all that the Commission has done.

#10 Selectman Dalpe noted the Plymouth County Mosquito Control Poster contest.

#16 Selectman Knowlton noted the Phase I MT Environmental Restoration report re 161 S. Main Street.

Upon motion by Selectman Knowlton and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:04 PM to discuss strategy relative to Pending Litigation – Planning Board re Sippican Commerce Park and not to return into Open Session. Roll Call: A. Frawley, Yes, J. Knowlton, Yes; D. Stewart, Yes, L. Dalpe, Yes; S. McKinnon, Yes. Ended at 10:12 PM.

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN