

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 11, 2014**

Chairman opened meeting at 6:30 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

**UNANTICIPATED**

Selectman McKinnon clarified that Police Sergeant David Beals, Jr. had only withdrawn from the Police Chief Assessment Center process due to a family matter that came up during the process. Selectman McKinnon noted that it should in no way disqualify him from applying for any future openings.

**ANNOUNCEMENTS & RECOGNITIONS**

Board made various announcements

**MINUTES**

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve the 7/28/14 meeting minutes.

**WARRANTS**

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for weeks ending 8/9/14 & 8/16/14.

**NEW BUSINESS**

Fire Chief Benjamino and Mark Brewster of Brewster Ambulance addressed the Board to announce Smart 911. The Chief urged the public to sign up on line for Smart 911, which will give vital information to emergency services personnel in the case of an emergency call. The Chief gave Brewster Ambulance credit for moving this forward and for funding the program. There will be a public relations effort to get the word out. Mark Brewster noted that Middleborough will be the first community in the Commonwealth to have Smart 911. Selectman McKinnon asked if a one-page flyer could be included with MG&E bills, to which Mr. Brewster responded that it would be a great idea. They would like to post it to the Town's website. Jeff Marani addressed the Board and explained that individuals should create a Head of Household account, and if they have teenagers with cell phones, and they report that their children are not where they should be, they can ping that teenager's cell phone within five seconds to locate their phone. All information given is strictly confidential. For more information, including information re privacy, visit [www.smart911.com](http://www.smart911.com). Individuals can provide as much, or as little, information as they wish to include in their account. You can include information such as where your children's bedrooms are located, where your gas tank is located, where the nearest fire hydrant is located, if there is a domestic violence history in the home, or if anyone in the home has medical issues or allergies.

Selectman Dalpe updated the Board re the vacant space in the Town Hall annex. She has connected with Philip Austin of Best Choice Home Finder who has excellent knowledge pertaining to what the

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 11, 2014**

Town is looking for re a tenant. He agreed to stay within the Town's budget. He has provided an initial contract, which is with Town Counsel for review.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of \$187,954.20 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of \$5,715.30 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of \$187,954.20 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve payment of Wright-Pierce invoice in the amount of \$14,300 for Design Development and to authorize Town Manager to sign invoice.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve Betterment Agreement for 49 Wareham Street in the amount of \$16,445.49.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve Certificate for Fuel Storage for Lorden Propane.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to approve and sign the Warrant for the State Primary. Town Clerk, Allison Ferreira addressed Board.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to appoint John C. Ponte, Jr. as an Auxiliary Police Officer.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to promote Police Officer Gregory E. Trask to the Police Sergeant, effective 8/24/14. Officer Trask addressed Board.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to approve and sign Agreement with Ocean Spray Cranberries, Inc.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize acceptance of state funding for 2014 MassWorks Everett Square Revitalization project and to authorize Town Manager to sign MassWorks application certification letter. Jane Kudcey of OECD addressed Board.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to authorize Chairman to sign FY14 and FY15 GATRA contracts with COA.

**ANNOUNCEMENTS**

Chairman read aloud upcoming MCCAM changes in programming.

**HEARINGS, MEETINGS & LICENSES**

Board met with former members of the Town Manager Search Committee to discuss the present search for a Town Manager. Steve Morris addressed the Board and offered that he agrees with hiring an outside firm and narrowing down the pool of candidates and then holding interviews with the top 3-5. The Screening Committee may suggest to the Board that it finds an additional one or two worth also interviewing, but it would be at the Board's discretion. The former Committee was comprised of nine members. They met at the Library to conduct interviews. Neil Rosenthal addressed Board. Lincoln Andrews addressed Board and offered that privacy is critical if we want to get good, qualified candidates. Town Manager informed the Board that Mark Morse will contact each of them. Board thanked the former Committee members. Board will appoint members to the Town Manager Screening Committee at its 8/25/14 meeting.

WRPD – TIP Project/Route 44

Curtis Young of Wetland's Preservation, Inc. addressed the Board to introduce the project. Matt Leidner, P.E. from Civil Design Group, LLC, addressed the Board to review the project plans. Mr. Young addressed the issues raised by Atlantic Design Engineering. Board asked questions. Selectman Stewart offered some information as a member of the Conservation Commission. Chairman asked if this project would, in any way, hold up the Rotary project, to which the response was that it would not. Chairman asked to hear any further comments or questions. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton,

The Board finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

The Board votes to grant a special permit to allow for transportation improvements to Harding Street (Route 44) including road widening and resurfacing, culvert reconstruction, drainage and utility improvements and other ancillary work **as requested in the Applicant's application** under the Water Resource Protection District By-law pursuant to Section 8.2.9 WRPD Z4 Use Regulations 3a. enlargement and alteration of existing uses and structures, based on the plans titled Harding Street (Route 44) in the towns of Lakeville & Middleborough, Plymouth County, by TEC Inc., dated January 22, 2014.

The Board grants the special permit with the following conditions:

- a. The catch basins must be equipped with traps /hooded outlets or similar gas/oil/grit separating measure.
- b. Additional erosion control must be added if work on the utility pole and guy wire extends beyond planned erosion control measures.
- c. Applicant shall make reasonable efforts to minimize construction debris lost downstream and shall collect any lost material prior to completion of project to prevent any environmental impact.
- d. Should de-watering be necessary the appropriate filtering technology must be employed.
- e. If, during their review and approval process, the MDOT requires changes that affect the water resources of the Town, revised plans shall be submitted to the Board for review and approval. Should the revisions not be accepted by the Board the special permit shall not be effective.

### **TOWN MANAGER'S REPORT**

Town Manager informed the Board that Susan Musker has been a great addition to the I.T. department.

Town Manager noted the MIIA Rewards program, and that the Town is getting \$27,391 back on property Casualty. He commended the Department Heads for their contributions in the program and noted that Caroline LaCroix had coordinated the program.

Selectman McKinnon offered that he did not receive tonight's meeting material attachments in his email from the Board's Executive Assistant. Selectman Knowlton had some difficulties as well. Board's Assistant suggested it may be their personal computers as the material for tonight's meeting was significant in size. Town Manager offered that we will discuss it with I.T. Selectman McKinnon reported that he was able to receive and open the material when it was emailed to him by the Chairman.

### **CORRESPONDENCE**

#3 Selectman McKinnon noted correspondence re 55 Lake Shore Drive-Complaint.

#14 Selectman McKinnon noted. Town Manager offered that the letter was forwarded to the Town's insurance company.

#5 Selectman McKinnon noted the MBTA Advisory Board newsletter.

#7 Selectman Dalpe noted the Cranberry County Chamber of Commerce free seminar.

#8 Selectman Dalpe noted correspondence from resident regarding the Town Meeting Warrant. Town Manager noted that we actually group departmental purchases per department into an article. We are not bundling various departmental purchases into a singular article.

#4 Selectman Stewart noted thank you letters to state delegation re Environmental Bond Bill H4009.

#15 Chairman asked what the Board's recourse is if Robert Weaver does not remove the excess vehicles on site. Town Manager will talk with Town Counsel about the Board's options. Board agreed to send Mr. Weaver a letter to come in before the Board.

**HEARINGS, MEETINGS, LICENSES (continued)**

Earth Removal Modification - G. Lopes Construction & Red Dog Cranberry Co., LLC

Chairman opened hearing at 8:00 PM on Earth Removal Modification application made by G. Lopes Construction & Red Dog Cranberry Co., LLC by reading aloud public hearing notice. GAF Engineer W. Madden addressed Board to introduce the project. The original E.R. permit was approved in 2009. Selectman McKinnon asked Mr. Madden to quantify how much a "little more" blasting actually means. He was unable to answer that, but offered that they can get that information to the Board. His best guess is that it would be approximately an additional 30% more blasting. He can get the records of the blasts that took place in the past. Selectman McKinnon suggested that the neighbors need to be warned that blasting will be occurring. Mr. Madden responded that they will have to notify the neighbors that blasting will take place. They will not be increasing the number of truck trips per day. The goal is to complete project within one year. Chairman confirmed that hours of operation, dust control and conditions of the original permit will remain the same. This is just a modification. The Board would like to know approximately how many blasts are expected to take place so that the neighbors can be notified. Chairman noted the comments by the DPW Director and suggested that his recommendations should be followed. Mr. Madden offered, again, that notifications will be given to the neighbors. Chairman asked how the applicant feels about the Conservation Agent doing a site visit. Mr. Madden offered that they have no issue with it and he will make arrangements with her. Chairman asked to her any further questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Stewart and seconded by Selectman McKinnon, Board voted unanimously to approve with the following contingencies:

- notify abutters of blasting
- let police and fire know quantities and times
- protocols that were in place for 2009 are same now re blasting
- updates of project plan re past and future blasts
- arranging site visit with Conservation Commission
- all existing conditions of the E.R. remain in place.

Title 5 Regulations Hearing

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 11, 2014**

Chairman opened hearing re Title 5 Regulations Hearing at 8:30 PM by reading aloud the public hearing notice. Health Inspector Catherine Hassett addressed the Board. Board asked questions. Chairman asked to hear any further comments or questions. Hearing none, Chairman closed hearing. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve the Title 5 Regulations.

Variance Regulation

Health Inspector Catherine Hassett addressed the Board. Town Manager noted that we do not have a separate Variance Section in our local regulations. Town Counsel suggested it would be helpful to the public to have this. Selectman Knowlton offered that he is pleased to see this and that there is no cost involved to the applicant. Selectman Stewart noted that she finds the variances to be rather vague. Upon motion by Selectman McKinnon and seconded by Selectman Knowlton, Board voted unanimously to approve.

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to recess for 15 minutes.

Board resumed meeting at 9 PM.

WRPD – Cumberland Farms, 150 S. Main Street

Chairman continued the hearing on 8/11/14 at 9:00 PM. Doug Troyer addressed Board to review the outstanding concerns that caused the continuance of this hearing. Matt Leidner, P.E., from Civil Design Group, LLC, addressed Board to further review project. Doug Troyer summarized, noting that they believe the project to be in harmony with the WRPD bylaw, and respectfully requested that the Board vote to approve. Board asked questions, which were answered by the applicant's representatives. Selectman Stewart asked if the applicant considered the handicap automatic door openers. Mr. Troyer responded that he had brought her previous request to his client, but that they were not receptive, at this time, for this particular project. Selectmen McKinnon and Dalpe offered their appreciation for all of the work the applicant put into the project. Chairman echoed the appreciation. Mr. Troyer offered his appreciation and recognition of the Town's staff members for their professionalism and assistance and offered that the Board/Town has terrific staff. Mr. Troyer offered to ask his client again if they wish to consider installing push button door openers. Chairman asked to hear any further questions/concerns. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, the Board finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
- d. Will not adversely affect any existing or potential water supply.

**Middleborough Board of Selectmen  
Meeting Minutes**

**August 11, 2014**

The Board votes to grant a special permit to allow for construction of a convenience store and gasoline station at 150 South Main Street **as requested in the Applicant's application** under the Water Resource Protection District By-law pursuant to Section 8.2.7 WRPD Z2 Use Regulations 3a. enlargement and alteration of existing uses and structures , based on the plans titled 'Site Plan Set for Cumberland Farms, 150 South Main Street, Middleborough, MA 02346', prepared by The Civil Design Group LLC., and the associated Stormwater Management Report, both dated July 16, 2014.

The Board grants the special permit with the following conditions:

- a. A portion of the entrance drives will drain onto South Main Street and Clark Street East. MassDOT approval will be required. Should MassDOT require revisions in the plans, the plans shall be submitted to the Board for their review and approval. Should the revisions not be accepted by the Board, the special permit shall not be effective.
- b. After consultation with Atlantic Design the drainage basin butterfly must be relocated for better accessibility.
- c. The size of the Stormceptor water quality unit should be confirmed with the manufacturer. A larger unit must be installed if local conditions require it.

---

Jackie Shanley, Executive Assistant  
BOARD OF SELECTMEN