

**Middleborough Board of Selectmen
Meeting Minutes**

May 23, 2016

Chairman opened meeting at 7:10 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

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

UNANTICIPATED

Board held a moment of silence for Officer Tarantino of the Auburn Police department.

Court Reporter Carol DiFrazio announced that she was present to record the 8 pm hearing re 88 River Street on behalf of Ronald High, owner of A Plus Waste.

ANNOUNCEMENTS

Board made various announcements.

Members of the audience made various announcements.

Town Manager R. Nunes joined meeting at 7:20 PM.

Paul Provencher announced the planned Memorial Day Veterans' activities.

MINUTES

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the 10/5/15 regular meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the 11/18/16 Executive Session meeting minutes.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve the 11/18/16 regular meeting minutes.

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to approve the 5/9/16 regular meeting minutes.

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to approve the 5/16/16 regular meeting minutes.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the 10/5/15 Executive Session meeting minutes.

WARRANTS

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to approve Warrants for weeks ending 5/21/16 and 5/28/16.

NEW BUSINESS

Board discussed its goals:

Selectman Knowlton

- To have various Committees come in, as done in the past, and present an update of each group's status.

Selectman Frawley

- Stay involved with the High School Building Committee
- Wastewater Treatment Facility
- Police Station Building Committee
- DPW Building Committee
- Partner with Selectman McKinnon to push the Rotary project with our State Delegation
- Get solar panels onto municipal buildings. Start with discussion with the COA and use any funds to offset energy costs and future maintenance costs for municipal owned buildings.

Selectman Dalpe

- Address the existing Police department building. Apply for grants in the fall for a feasibility and architectural study.
- Business development – Chevrolet dealership have been looking at that (AT WHAT?) working with Conservation proactively
- Plymouth 400 is coming up in 2020. Days Inn is looking to build in Middleborough. Would like to facilitate hotels – get the Town the hotel tax
- Middleborough's 350th is coming in 2019. Route 44 Corridor attractions already begun – like to push forward for the number one attraction for the state, which is Native American Village sites.

Selectman McKinnon

- Rotary is a priority
- He is on the DPW Building Study Committee. He has some ideas that he has run by the Town Manager and DPW Director.
- He would like to look at the economic development for the Route 28 South of Route 495 interchange. This will involve working with various departments and look for where we can grow our tax base. Industrial development will provide some residential tax relief.

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- He would like to talk with the Town Manager and Finance team to isolate some funds, perhaps, hotel room tax, to fund a line item for or municipal facility improvements and repairs
- He would like the various Committees to come in and bring their charge with them to make sure everyone is on the same page.

Selectman Dalpe

- Would like to apply for whatever grants we need to make progress with Everett Square. Town Manager and Selectman McKinnon noted that Everett Square is now part of the state TIP.

Selectman Stewart

- Start email sign up for those who don't have Facebook for news such as when excise tax bills go out/are due
- Volunteer recognitions
- Wants all Committee's meeting minutes posted on time and copies sent to the BOS
- Get a list of public and private partnerships in Town and determine where we could work more on private partnerships

Middleborough on the Move, Inc. – Community Development Corporation (CDC)
Subcommittee Presentation

Patrick Landis made a brief presentation (attached).

Selectman McKinnon asked questions. Virginia Landis indicated that they anticipate the CDC Board to consist of 9 to 11 members. Selectman Dalpe asked Ms. Landis about running the Holiday Shop in the Bank building, which she replied they would be happy to do, if the vacancy is not filled with a long term tenant first.

Selectman Frawley noted that this is modeled after a similar project out of Taunton, the Neighborhood Corp. Ms. Landis offered that, unlike the Neighborhood Corp, the Middleborough CDC would not have a housing development component, but rather focus on business and economic development.

Selectman Knowlton offered his support of this.

Selectman McKinnon noted that the goal is to help out low to moderate income families, but not help out large businesses. If a Lowes wanted to come to Town, it could provide job opportunities for them. Ms. Landis responded, yes. She explained that they would listen to the voice of the community and in a case like this, might ask Lowes to donate to the CDC. Selectman McKinnon asked how they will ask the community what it wants. Ms. Landers

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responded that they would hold public forums, targeted surveys, and discussions with government groups and citizens. Selectman McKinnon offered that this meeting is well publicized, but that there are a lot of people in this Town who have no idea what the Board of Selectmen does and what control this Board has over this Town. You might think you're getting your message out, but you're not getting the message out there. You have to make sure you are getting your message out.

Selectman Dalpe asked what the group believes it will need from the Board in the future. Ms. Landis offered that it is unknown at this Town. She shared some possibilities, but noted that the CDC is independent from the Town.

Judy Bigelow Costa offered that she has sat on the Neighborhood Corp for seven years, as a representative for Middleborough and noted that it has been very successful. She spoke in support of the CDC

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to write a letter of support of the CDC.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to pay \$125 to Russ Frade from the Oliver Estate Revolving fund for a porta john at the Oliver Estate.

Derek Adamiec, Chairman of the Weston Forest Committee addressed the Board to discuss the Committee's request for approval of \$800 from the Weston Trust for the Cedar Point Bench project. He also asked would like to know what level of liability insurance would a tree cutting service need to cut some trees in the Forest. He asked if the Committee be able to apply to the CPC to match funds or fund a portion of projects. Chairman Stewart and Selectman Frawley encouraged him to apply with the CPC. Mr. Adamiec offered that the residents of Fay Avenue Association have approached the Committee and are interested in sponsoring the maintenance of a trail on the Purchase Street side, specifically, the Blue trail. Jane Lopes, Chairman of the CPC addressed the Board. She shared that maintenance projects would not be eligible for CPC funding, but if the Committee contacts them, they can give them a better idea of what is eligible. Selectman Knowlton thanked Chairman Adamiec for coming before the Board, but he feels more information is needed regarding the Cedar Point Bench project, such as the intended location of the bench, material to be used, etc. before the Board could vote on this matter. Mr. Adamiec responded that he will make a packet for the Board for a future meeting. Selectman Frawley offered to lend a hand, if needed. Mr. Adamiec extended an invitation to the Board to take a morning walk and to see exactly where they intend to put the bench. He suggested the Board members could email the Committee's secretary their availability to coordinate. Upon motion by Selectman Knowlton and seconded by Selectman Frawley, Board voted unanimously to continue to June 6th.

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Steve Delsignore, Chairman of the Oliver Estate Historical Society addressed the Board. The group has been focusing on preserving, promoting, and interpreting the Estate, the house, in particular, in the period of the late 18th Century into the early 19th Century. The many activities planned will create long term funding. The Estate will be open immediately following the July 4th parade for people to see the estate and grounds and see what can be accomplished by a lot of enthusiastic volunteers in a short amount of time. They are considering a Tavern Night. They are looking to provide the community with family fun events during the daytime as well. Tavern Night would be fun and a great fundraiser. Their goal is to use it and promote it to learn from our past (history). Selectman McKinnon offered that he thinks what they are doing is great and cautioned to work within Town procedures regarding following proper protocol for use of the building. Mr. Delsignore agreed. Selectman Dalpe personally thanked Steve and his wife for all of their continued efforts and success in obtaining donated furnishings for the Estate. Selectman Frawley offered his thanks and reiterated that they should be sure to go through proper channels, as the Board of Selectmen has the oversight and should be kept informed. Selectman Frawley encouraged Mr. Delsignore to let the Board know what it can do to help. Selectman Knowlton offered his thanks and appreciation for the excitement of the group. Town Manager asked Mr. Delsignore about the establishment of an account for fundraising money. The Town Manager suggested that it would be best for them to have their own account much like the Friends of the Library. Selectman Dalpe suggested they contact the Friends. Town Manager offered to meet with the Oliver Estate Historical Society group to go over process.

WRPD Permit Hearing – 360 Wareham Street

At 8:30 PM Chairman opened public hearing on application made by Outback Engineering for property located at 360 Wareham Street, Map 072, Lot 5571 for a special permit, specifically a WRPD permit, by reading aloud the public hearing notice. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to continue the hearing to 6/6/16 at 8:15 pm.

Earth Removal Permit Hearing – Fuller Street

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to extend the Fuller Street Development LLC Earth Removal permit for property located at Fuller Street, Map 024, Lot 555 & Map 033, Lot 686 to 6/13/16. Motion made by Selectman McKinnon and seconded by Selectman Dalpe, to send letter to the applicant clarifying that this will be the final extension to be approved. Motion made by Selectman Frawley and seconded by Selectman McKinnon, to amend by including sending letters to each of the Earth Removal applicants recently requesting extensions beyond the life of their permits. Board voted unanimously on original motion. Board voted unanimously on the amendment. Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to continue the hearing to 6/13/16 at 7:45 pm.

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Earth Removal Permit Hearing – W. L. Byrne, Chestnut Street

Chairman continued hearing from May 9, 2016 on application for an Earth Removal permit made by W.L. Byrne for property located at Chestnut Street, Map 062, Lot 276. GAF Engineering representative William Madden addressed the Board. Mr. Donald Gallant, Manager for W. L. Byrne's was also present. Mr. Madden spoke to concerns by Carl Hayes re impact on the shallow wells on his property. Town Planner comments were addressed by Mr. Madden. Concern by abutter, Mrs. Parsons, was addressed. Mr. Madden offered that Mr. Gallant visited her residence and monitored the weather. They found a significant number of extremely windy days, however they recognize that they are responsible to keep the soil compacted by keeping it well watered. Chairman asked if the Board had any questions re the comments provided by Atlantic Design Engineering. Board had none. Selectman Knowlton asked Mr. Madden to clarify his earlier reference to the economy playing a role in this project not being completed. Mr. Madden responded that the economy had started to take its toll and the removal rate was reduced to a rate lower than what was expected to be taken out of there. Selectman Knowlton summarized and asked that it wasn't that the permit holder ran out of time, they chose not to continue with the project? Mr. Madden responded no and that there wasn't a demand for concrete or gravel that allowed them to remove the 160,000 yards that remain. Selectman Knowlton asked if the economy were to take another dip, would they be in the same situation again. Mr. Madden responded, yes, that is possible. Selectman Frawley asked if they expect to complete the project with a three-year permit and a one-year extension. Mr. Madden responded that it should be close and that they have high expectations for the future. Selectman McKinnon suggested continuing the hearing until 6/6/16 to gather feedback from departments and Atlantic Engineering and to prepare appropriate language for the permit. Executive Assistant offered point of clarification, that there isn't specialized language for the vote of an Earth Removal permit as there is in the case of a WRPD. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve the Earth Removal permit.

Chairman continued hearing re 88 River Street

Selectman Frawley recused himself from participating in this matter and left the meeting room.

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to accept the DEP Odor Survey documents into the record. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to accept the DEP Complaint log. Chairman offered that the Board would get Mr. High a copy of both. Chairman asked the Board to accept email complaints from residents, the Middleborough and the Halifax Health Officers from the last five months. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to accept into the record. Chairman offered to get Mr. High copies of these as well.

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Mr. High provided the Board with a packet of information and addressed the Board. He offered that he may have found a local attorney who will represent him.

Chairman swore in residents from Halifax and invited them to speak.

Sarah McGill, of 110 River Street, addressed the Board. She offered that she purchased her home in 2013. She reviewed her and her family's historical experience with smells in and around her home. You can be outside and it will be fine one moment, but the next, the smell causes them to retreat into their home. In the beginning she could see it was yard waste, but by 2015 it smelled like raw meat. She feels stuck. She can't see morally putting her house on the market. She noted that former Health Officer Jeanne Spalding made some clear/specific recommendations. She doesn't know what they are breathing in or if it is safe for her children. In response to Chairman Stewart, the last time she noticed a smell, she offered that it was on Sunday. She offered that she hasn't noticed the smell as much over the past two months. On Sunday, after a couple of hours, and returning outside, she no longer noticed the smell. It was significant enough that she had to close her windows. The previous time was a few weeks prior and that it was at night time with the smell of rotting meat. Chairman asked, prior to March 23rd, how often she would smell the odor. She replied one to two times per week with a pretty intense level. She lives across Thompson Street. Her house is approximately one half mile from the facility.

Angel Dupre of 12 Thomson Street, Halifax addressed the Board. The nuisance level of smell is definitely there. It's probably been a week since he smelled it last. It smells like garbage. He smelled it when he was outdoors. It hasn't smelled that bad in his area in the past couple weeks. It was definitely worse in the winter.

Shawn Vance, 11 Thompson Street, Halifax addressed the Board. Any time he smells this rotting garbage, it's a nuisance. It is not acceptable for him and his family. Even 1,600 feet away and they still smell it. His six year old daughter had to run to his car, holding her breath, asking him to roll up the windows and began complaining that her throat hurt. On their way home from dance, she announced that she hoped that smell would be gone when they get home.

Samantha Turgeon, 87 River Street, addressed the Board and offered that the Halifax Health Agent indicated that she and her Board has very little jurisdiction or authority because the facility is located in Middleborough and the residents were directed to be in touch with Mr. Buker and the Middleborough Board of Health.

Town Manager indicated that the Finance Committee had approved the expense for the hiring of GEI Consultants.

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Ron High asked if he can also get a letter submitted by the Health Agent on May 9, 2016. Chairman agreed to his request. He noted the Board's meeting from last week, specifically on May 16, 2016, was something he was unaware of as it was not listed on the agenda. It was his understanding that the next hearing was scheduled for tonight. He would have liked to be a part of the discussion regarding the consultant that the Board discussed/voted on. Chairman offered that we will get him a copy of the proposal.

Jamie Meserve addressed the Board and asked for copies of what was submitted today/tonight by Mr. High. Chairman asked Mr. High to submit an electronic copy to the BOS office.

Samantha Turgeon addressed the Board and requested that the residents also be involved in the process.

Selectman McKinnon asked the Town Manager to have this consultant in to explain exactly what he is going to do and what the protocols will be. Such as if he is allowed to enter people's property. Chairman offered that would not be allowed. Selectman McKinnon suggested that the Town will be spending \$5,000 of taxpayer money for this person to do what the Town Officials could do such as smell the air. Chairman offered that the consultant will have specific skills. He would like details of what exactly he will do.

Jamie Meserve of 83 River Street offered that she hopes the Board is considering that the DEP, as trained people, who go out there and know odor, extensively documented odor conditions on several days that were irritating to the throat. This could easily start up again. It's enough of a problem that much of our rural neighborhood has shown up here to testify, which is not easy, given the times.

Town Manager asked if the Board wishes to sign the contract or hold off. Selectman Knowlton responded that the contract is very detailed and he does not want to delay. Ron High addressed the Board noting that he was not afforded the opportunity to participate in last week's meeting and he would like the opportunity to review the contract. Selectman Knowlton offered that the Board is taking action independently not in conjunction with Mr. High. Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted to sign the contract. Three in favor. Selectman McKinnon opposed.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted to continue this hearing to 6/13 at 8 pm.

TOWN MANAGER'S REPORT

Town Manager reviewed the FY17 Strategic Plan (attached).

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CORRESPONDENCE

None

Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to adjourn meeting at 9:35 pm.