

**Middleborough Board of Selectmen  
Meeting Minutes**

**June 6, 2016**

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

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

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

**UNANTICIPATED**

Selectman Dalpe requested Board vote to accept donation of Sheraton Sofa from Joe Marshall for the Oliver Estate. It will be voted at the Board's next meeting.

Board to attend the unveiling of the historic marker on 6/13/16 at 1:30 pm. State Representative Orrall will attend. Her office was extremely helpful, including Jeanine Knowlton.

**ANNOUNCEMENTS & RECOGNITIONS**

Selectman Frawley announced the Overnight Canoe trip sponsored by the Taunton River Watershed on June 18<sup>th</sup> and 19<sup>th</sup> starting at the Oliver Mill Park.

Selectman McKinnon announced the need for 20 volunteers this Saturday at 9 a.m. to help with Middleborough Mess Movers trash cleanup.

Chairman recognized the graduating Class of 2016.

School Committee member Brian Giovanoni made various announcements.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve the 5/23/16 regular meeting minutes.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize the Chairman to sign Warrants for week ending 6/11/16.

**NEW BUSINESS**

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to rescind the 5/2/16 approval to modify the Mitchell Memorial Club's existing liquor license to include the upper and lower parking lots for outside functions.

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Upon motion by Selectman McKinnon and seconded by Selectman McKinnon, Board voted unanimously to approve a One-day All Alcoholic beverages liquor license for the Mitchell Memorial Club for 6/18/16 from 8 a.m. to 7 p.m. for purposes of holding a Pig Roast event, subject to the following conditions, so as to not violate the Club's annual Liquor license:

- Event alcohol can't come from the Club's inventory (must be purchased separately)
- No crossing of alcoholic beverages into, or out of, the building
- Event must be in a separate space from the building (outdoors)

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to declare the Park's department 1987 Kubota Tractor and 1989 Homeade trailer as surplus equipment.

Bob Burke addressed Board. Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted to approve request from the Simeon L. Nickerson American Legion Post 64 to reserve a parking space at the top of Thatcher's Row, specifically, as a "Reserved for Post Adjutant" space for Post member Eric Goodnow who will be replacing Bob Burke as Adjutant. Mr. Burke to contact DPW Director to discuss the sign.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted to approve reimbursement to Leilani Dalpe. Four in favor. Selectman Dalpe abstained.

Jane Kudcey of the OECD provided a presentation to update the Board on the process in seeking grants and other OECD activities.

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to adopt the Affordable Housing Production Plan, as presented. Josephine Ruthwicz, Chairman of Affordable Housing Authority, addressed the Board and offered that they've made a lot of progress in the last several years. Derek Adamiec asked if it's standard practice for the Town to push for the maximum time that a unit can remain affordable. Josephine responded that it's in perpetuity unless it's through the OECD housing rehab program. Jane Kudcey responded that in the past they had time limitations, but as they've learned more, most are now in perpetuity. Josephine Ruthwicz responded that, in the past, some of the developments, like Middlebury Arms had a 40 year deed restriction, so many have expired recently and the State has been giving out a lot of Affordable Housing tax credit, so they will continue. Brian Giovanoni addressed the Board and suggested we need to look at our own bylaws and set a goal. It is a numbers game. The state is never going to touch 40 B's. We need to make all subdivisions at least 10%. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to send letters to State Representatives, Senator, Governor and Chairman of Committee handling re inclusion or exclusion of our mobile home parks as affordable housing. The Board expects the state to allow the Town to count it as affordable housing if they are going to include it as the number of homes in our Town.

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The state should either remove it from the count of total homes in our community or keep it and include it as counting towards affordable housing.

Selectman McKinnon left meeting room. Weston Forest Committee Chairman Derek Adamiec addressed Board. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted to approve request for \$900 from the Weston Trust for the Cedar point Bench project. Four in favor. Selectman McKinnon not present.

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to send acknowledgement of receipt to Police Chief of his written intention, as required by his employment contract, to remain as Chief of Police for the Town.

Upon motion by Selectman Dalpe and Selectman Frawley, Board voted unanimously to appoint Chris Peck as the Town's representative to JTPG and Ruth Geoffroy as Alternate for the period May 27, 2016 through May 24, 2017.

Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to approve amendment of Entertainment license for the Fireside Grille, adding outdoor Acoustic entertainment on Friday and Saturday nights from 5 pm to 8 pm.

Selectman McKinnon returned to the meeting room at 8:05 pm.

At 8:05 pm Chairman continued public hearing from 3/7/16 re Pole 63 relocation – E. Grove Street (Next Sun). Board heard from Bill Taylor of MG&E. Chairman asked to hear any further questions or comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to approve relocation contingent upon favorable action by the Conservation Agent.

At 8:10 PM Chairman continued public hearing re WRPD application for property located off 55 Plain Street. Chairman noted that Atlantic Design has indicated no issues. Phil Cordeiro of Allen & Major addressed Board and asked the Board for approval of the permit. Selectman Frawley asked Mr. Cordeiro what can be done to stop water draining into resident Jeffrey Cornell's Cranberry bogs. Mr. Cordeiro responded. Selectman Frawley asked Mr. Cordeiro what he could tell Mr. Cornell when there is a large storm, in the future, and his bogs are blown out. Mr. Cordeiro responded. Selectman Knowlton offered that he would prefer to see this finished with Conservation first. Selectman McKinnon noted Item B under the WRPD approval requirements and noted that they have clear cut every single living thing that could absorb water and that they have destroyed the natural topography and all that water has to go someplace. He suggested a bond be secured that will cover the replacement of Mr. Cornell's Cranberry bog and Summer Street when they are destroyed. Mr. Cordeiro responded. Selectman Dalpe asked for a copy of the Easement on the Deed. Mr. Cordeiro will send to the office. Jeff Cornell, 35 Summer Street addressed the Board. He offered

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that he is hoping that the Conservation Commission will deny its permit and he is asking the Board of Selectmen to do the same. Selectman Frawley noted that the Board should be aware that this is a Town DPW application, not an Oak Point application, and that, he has the utmost faith in Mr. Peck. Chairman noted that Allen & Major represents Oak Point as well as the Town's application. Chairman gave Mr. Cordeiro the option of having the Board vote this evening, possibly, not in favor, or to continue the hearing. Mr. Cordeiro requested that the Board continue the hearing. Upon motion by Selectman Frawley and seconded by Selectman Dalpe, Board voted unanimously to continue the hearing to 6/20/16 at 7:30 PM.

At 8:40 PM Chairman Stewart left the meeting and Acting Chairman S. McKinnon opened the public hearing on application for a WRPD special permit made by Outback Engineering for property located at 9 Tinkham Lane, Map 048, Lot 5193, Zoning District GU, WRPD District Z4 by reading aloud the public hearing notice. Jeff Youngquist addressed the Board. Chairman asked to hear any further questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Frawley 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.

The Board votes to grant a special permit, to allow for the existing home, at 9 Tinkham Lane, located in the 25' no touch buffer from the BVW, to be razed and allow grading for the new home in the 25' no touch buffer 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, based on the plan titled 'Subsurface Sewage Disposal System Upgrade 9 Tinkham Lane for Assessors Map 048, Lot 5193, 9 Tinkham Lane, Middleborough, MA 02346', prepared by Outback Engineering, dated December 1, 2015.

At 8:48 PM Chairman opened public hearing on application for a Class II Automobile Dealer's license made by J & J Car Care, Inc., 760 Center Street, Map 50, Lot 4914 by reading aloud the public hearing notice. Attorney Salpoglou, representing the applicant, addressed the Board. They have designated eight parking spaces for employee and customer parking and seven for the sale of vehicles. Resident Arthur Turcott of Center Street addressed the Board and spoke of experience with previous owner, specifically noting that cars were parked on the sidewalks. Lisa Neville of Lovell Street addressed the Board. She thinks seven cars for sale is a bit much. She doesn't know how he would park seven cars in that lot at one time. Attorney Salpoglou noted that the proposal is to park 5 cars on the left in the front with 2 more behind the gate and employee and customer

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parking in the back. Chairman asked to hear any further questions/comments. Hearing none, Chairman closed the hearing. Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to approve the license with parking of 15 car maximum, seven for sale and eight for employee and customer parking.

At 9 PM Chairman opened public hearing on WRPD application made by Outback Engineering for property located at 360 Wareham Street by reading aloud the public hearing notice. Dave Fisher addressed the Board asking for 180 seats instead of 121 because of the water restrictions. After some discussion, Selectman Frawley asked the applicant if he would be willing to meet with Town Counsel, the Town Manager and maybe a member, or two, of the Board to see if the Board is allowed to approve this. Selectman McKinnon asked the Town Manager to arrange the meeting. Upon motion by Selectman Dalpe and seconded by Selectman Frawley, Board voted unanimously to continue the hearing to 6/20/16 at 7:45 pm.

**TOWN MANAGER'S REPORT**

Town Manager gave Police Station Building Committee update.

Selectman Dalpe left the meeting room.

DPW held an online auction for the first time and it garnered \$48,000 and got rid of just about all DPW surplus property.

Selectman Knowlton asked the Town Manager for an update on proposal on the Community Preservation \$35,000 joint recreation center. Town Manager responded that they have had several meetings with Weston and Sampson and have looked at several sites that they don't believe will work, but they will provide an updated report.

**CORRESPONDENCE**

#3 Selectman Frawley noted Taunton River Watershed River Run 2016.

#1 Selectman McKinnon noted Comcast Channel Change information.

#4 & #5 Selectman McKinnon noted Town owned property deeds were recorded.

Upon motion by Selectman Frawley and seconded by Selectman Knowlton, Board voted to adjourn at 9:20 pm. Three in favor. Selectman Dalpe not present.