MINUTES

for approval on 4/25/16

Board of Selectmen
Meeting Minutes

DRAFT

April 19, 2016

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

In attendance were: Selectman A. Frawley, L. Dalpe, D. Stewart and S. McKinnon; and Acting Executive Assistant, Colleen Lieb

Absent was: Selectman J. Knowlton

UNANTICIPATED

Chairman Stewart asked the Board if anyone objects to holding the May 2, 2016 meeting at 6:30 PM to hold an Executive Session for a grievance, prior to the regular meeting. The Board agrees.

Paul Provencher, Veteran's Agent, was happy to announce to the Board that an agreement has been reached between the Town Manager, the Veteran's Agent and the Union Representations on the clerical position for the Veteran's Department. The temporary position will be posted for 19 hours in mid-May and the funding is available through June 30th. In FY '17 the clerk position will be in the Veteran's Department for 10 hours. The work and hours will be analyzed in March of FY '17 to see what the next step will be.

ANNOUNCMENTS AND RECOGNITIONS

Steve McKinnon, Plymouth Street, spoke about the passing of the debt exclusion and explaining that now the Town needs to vote on the bond proposal for the 9.5 million, which will be done under Article 17 of the Annual Town Meeting to be held on Monday, April 25, 2016 at 7 PM.

Brian Giovanoni, Rocky Meadow Street, Middleboro Friends will be holding their Annual Pancake Breakfast, Saturday May 7th at the COA on Plymouth Street.

Selectman Dalpe announced that the Middleborough Tourism Committee will be applying for a $500 Mass Cultural Council grant.

MINUTES

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon, the Board unanimously voted to approve the April 11, 2016 minutes.

WARRANTS

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon to approve and authorize the Chairman, as a designee to sign the warrants for the week ending April 16, 2016. Unanimous vote.

NEW BUSINESS

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley the Board voted unanimously to disband the Old Tourism Committee.

The Board reviews the presented artwork to choose a front and back cover of the Town's Annual Report. There are nominations for #9, #10 and the green watercolor, submitted by a high school student.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted three in favor, one against to approve #9 "Entering Middleborough" by Laelah Loud, grade six, as the choice for the front cover of the Town's Annual Report.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to approve #10 "The Green School" by Larissa Vieira, grade six, as the choice for the back cover of the Town's Annual Report and invite the artists to Town Meeting for recognition.

Allison Ferreira, Town Clerk, was present for the discussion. She referenced the Certificates of Registration for Fuel Storage list of certificates for renewal.

Upon motion made by Selectman McKinnon and seconded by Selectman Frawley, the Board voted unanimously to approve the Certificates of Registration for Fuel Storage list as presented and subject to the required documents being submitted.

Allison spoke on the working closely with the Fire Department to inspect all locations of current license holders to get a status on their fuel storage tanks. She noted that there are currently four license holders that are in violation of non-payment. She asked to proceed with the next step to notify those in the default to start the process of revoking the license.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon, the Board voted unanimously to notify the license holders that are in violation of non-payment on their Certificate of Registration for Fuel Storage.

Selectman Dalpe spoke about Greener Horizons and the vote to approve a "Day of Service" on April 22nd for the Oliver Estate Gardens and referenced the list of what they would like to do. Michael Quirk of Greener Horizon will be bringing 35 volunteers to clean up the yard and the English Gardens. There will be members of both the Oliver Advisory Committee and the Tourism Committee to monitor the work that is done.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to approve the April 22nd "Day of Service" for the Oliver Estate.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to send a thank you note to Greener Horizon for their service.

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Jane Lopes, Oliver Estate Advisory Committee, spoke to the Board about the Letter of Intent for the Peter Oliver Jr. House Preservation Restriction.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to authorize the Chairman to sign the Letter of Intent for the Peter Oliver Jr. House Preservation Restriction as presented.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon the Board voted unanimously to increase the Dog Adoption Fee to $150.

Julie Leonard was present for the discussion. Julie presented to the Board the plan to implement the monofilament recycling program. She explained that they have received grant funding that they plan to use for materials to make the monofilament recycling bins. These bins are made out of PVC pipe and shaped in a way that once the monofilament is put inside it does not come out. Once these are constructed they would like to mount them to a permanent structure in the areas of bodies of water.

Julie discussed possible locations for putting recycling bins. David Cavanaugh, Herring and Fisheries Commission, expressed support for the program and offered to provide assistance in getting permission depending on where the bins will be placed. Selectman McKinnon asked Julie to send to the Board a list of locations so contact information can be provided for permission.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to support the Monofilament Recycling Program as presented by Julie Leonard.

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley the Board voted unanimously to sign the Confirmatory Deed for Berger property, Lakeshore Drive.

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe the Board voted unanimously to approve the wording in the deed "stating that the property is acquired for general corporate purposes under the Board's control."

The Board discussed the Tourism Committee request. There was reference to the petitioned warrant article, which is requesting the same information.

Arthur Battistini explained that last week the Tourism Committee took a vote to table the warrant article as they would like to receive the information through co-operation between the two groups.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted to postpone this discussion on this request for two weeks. Motion Does Not Carry. 2-2-0

Upon motion made by Selectman Stewart and seconded by Selectman Dalpe the Board voted unanimously to authorize Selectman Frawley locate and release the emails that were referenced regarding the old Tourism Committee.

HEARINGS, MEETINGS & LICENSES

NEW Earth Removal Permit Hearing - Application made Fuller Street Development LLC for property located at Fuller Street, Map 024, Lot 555 & Map 033, Lot 686
Chairman Stewart opens the hearing and reads the legal notice. Green cards are returned.

Ken Motta, Field Engineering and Elliot Schneider, Applicant, are present for the discussion. Ken provided an overview of the presented plan. He noted that this is a request for a new permit for gravel removal to build cranberry bogs. The land is located on the west side of Fuller Street. A permit was previously issued in 2009 and the permit was extended last year. Since there are no further extensions a new permit has been filed. The plan is to remove the remaining 600,000 from the parcel. He explained that the project is outside of the 100ft buffer zone and they have respected a 50ft no touch buffer around the adjacent residential properties. The scope of the project has not changed as they are looking for the approval to remove the balance of the materials left from the first permit.

Ken acknowledges that he did receive two comment letters from Departments as well as a letter from a concerned resident/abutter to the project. He will address the comments and concerns. The Board discussed dust control on the site. Ken spoke on a dust mitigation plan that they have in place. He also confirms that there is screening of material being done on the site.

Chairman Stewart opens the hearing up for public comment.

Richard Giampietro, 100 Fuller Street, asked if the project plans to use the access point? Elliot Schneider confirmed that he has an agreement to use the Bayside Agricultural entrance in perpetuity. So they will not be using the access point to enter the property. He discusses the dust clouds that happen when the winds are above 20 and suggests that the water system they have in place doesn't work.

Derel Lee Twombly, 76 Fuller Street, suggests putting mounds of dirt just inside the buffer zone to help absorb the sound and keep the dust contained.

Patricia Smith, 41 Fuller Street, explains that their home is on the opposite side of Fuller Street, opposite the Bayside Agricultural entrance. She talks about the coating of dust all over her yard. She states that she'd like to see something growing in these projects. She has yet to see a truckload of cranberries go out of the property.

Elliot Schneider spoke about the screens that were put up to help prevent the dust but residents ask that they be removed because they could not see the natural landscape.

Selectman Frawley noted that they will be having Planning, Conservation and the Town's Engineer review and comment on this project, it is hoped they will make suggestions on the issue of noise and dust.

John Garanito, 37 Fuller Street, spoke about how his driveway is directly across from the entrance to the Bayside Property. He explained that if there were any truck issues, he would be the most affected. He explained that the truck traffic has not been a problem at all and it appears to be pretty minimal to him. He agrees there is a dust issue but there is nothing with the truck traffic.

Elliot Schneider asked the Board if it is possible to extend the existing Earth Removal Permit to May 9, 2016, as it will expire on April 27th.

Upon motion made by Selectman Dalpe and seconded by Selectman McKinnon the Board voted unanimously to extend the deadline for the existing Earth Removal Permit for Fuller Street Development for property located at Fuller Street to May 9, 2016.

Upon motion made by Selectman Frawley and seconded by Selectman McKinnon the Board voted unanimously to continue the hearing for the Earth Removal Permit for Fuller Street Development LLC for property located at Fuller Street to May 9, 2016 at 8:10 PM.

<u>WRPD Public Hearing – Application made by Renewable Energy, LLC (Next Sun) for property located at 117 East Grove Street, Map 065, Lot 2916 and continued from April 11, 2016.</u>
Amelia Tracy was present for the discussion. Amelia explained that she is back before the Board with the final sign offs from Atlantic Design and Hawk Design Inc. Land Planning. The Board members review the two final sign off letters and discuss conditions.

Chairman Stewart opens the hearing up for public comment. There is no comment.

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

Upon motion made by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously that it 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 further voted, four in favor none against, to grant a special permit to allow for restoration and re-planting within the 25ft buffer zone on the southeast side of the parcel based on recommendations by the Conservation Commission as requested in the applicant's application under the Water Resource Protection District By-law pursuant to Section 8.2.7 WRPD Z4, based on the plans titled 'Remediation Plan" and "Plan Showing Trees Cut Beyond Approved Limit of

Work", 17 Jericho Road, Middleborough, MA, Assessor's Map 065, Lot 3772, prepared by ASE, dated April 7, 2016, with the following conditions:

1. The Board requests future inspection reports resulting from the proposed 2-year monitoring/maintenance/replacement program should be provided to the Board in addition to the Conservation Commission; and
2. The Board requests the applicant obtain written permission from the adjacent abutting Parcels 4516, 3735 and possibly 2998 prior to the work to be performed on those properties.

Amelia Tracy asked the Board about the status of the Pole Hearing. It was explained that the hearing is set for June 6th. Amelia explained that the funding for this project will be finished by the middle of May. She proposes an alternative that was discussed with the Gas & Electric Company and they are agreeable too that doesn't involving move the pole. The Board asks that she get started on the agreed upon work and the Board will hold a discussion on the Pole Hearing at the May 2, 2016 meeting at 7:20 PM under New Business.

TOWN MANAGER'S REPORT
Bob discussed tentative dates and next steps for the Police Station Building, if Town Meeting approves the funding.

Bob spoke about Saturday, April 22nd - Bulky Waste Collection Day at the Landfill from 8 AM to 2 PM. This is a one day free event for residents of Middleboro.

CORRESPONDENCE
#3 Selectman Frawley referenced Town Counsel's opinion on public records requests.

#2 Selectman McKinnon spoke on the X-finity redesign of services and changing of prices.

ADJOURNMENT

Upon motion made by Selectman Dalpe and seconded by Selectman Frawley the Board voted unanimously to adjourn at 8:40 PM.

Respectfully submitted by,

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Colleen M. Lieb – Acting Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN