MINUTES

for approval on 11-16-15

Board of Selectmen
Meeting Minutes

DRAFT

November 9, 2015

Chairman opened meeting at 7:05 PM by inviting those in attendance to join in the Pledge of Allegiance.

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

ANNOUNCEMENTS & RECOGNITIONS

Board and audience made various announcements.

MINUTES

Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to approve the 11/2/15 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 week ending 11/7/13.

NEW BUSINESS

Motion made by Selectman Dalpe and seconded by Selectman Stewart, to establish guidelines for 2015 Annual Town Report cover. Board engaged in discussion. Selectman Dalpe withdrew motion. Selectman Stewart withdrew second. Board unanimously agreed to continue with last year's process.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve and sign Santander Bank Parking Lease renewal.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to support Plymouth County Mosquito Control funding for FY16 & authorize Chairman to sign at the recommendation of the Town Manager.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously in favor of the Useful Life of Battis Field Bleachers. Upon motion by Selectman Stewart and seconded by Selectman Knowlton, Board voted unanimously to amend in favor of the Useful Life of Battis Field Bleachers for ten years.

Upon motion by Selectman Dalpe and Selectman Stewart, Board voted unanimously, with regret, to accept the resignation of Bruce G. Atwood from the ZBA. Chairman declared vacancy. Notice will be provided to the Town Clerk of same.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board unanimously to establish a c. 44, sec. 53A gift account for the restoration of the Oliver House.

Motion made by Selectman Dalpe and seconded by Selectman Stewart, to accept gift from Wildland's Trust for land acquisition at Oliver Estate. Town Manager reported that, per the Town Accountant, this $10,000 grant will be used for the closing on 11/30/15 for the 45 acres of the Oliver Estate that will be managed by the Conservation Commission/Agent. Motion made by Selectman Stewart and seconded by Selectman Dalpe, to amend original motion to include the details as reported by the Town Manager. Board voted unanimously on original motion. Board voted unanimously on final motion.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to delegate the Police Chief's official duties relative to the upcoming hiring process for the position of police officer to Peter Andrade as a substitute.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve Betterment Agreement for 149 Chestnut Street in the amount of $1,000.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve Access Path name "Evergreen Drive" for a new 40B development to be located off W. Grove Street, Map 057, Lot 1375.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve Access Path name "Patriot Path" located at 711 Plymouth Street, Map 44, Lot 2669.

Selectman Dalpe began discussion re temporary use of the Oliver House by explaining who that they Syfy channel would like to film/record a pilot of paranormal activity at the Oliver House. Chairman asked if the Town needs insurance or a disclaimer. Selectman Dalpe offered that it's a municipal building just like the Town Hall building so it has the same coverage/same insurance. She offered that she could ask them if they would like to sign a waiver. Town Manager offered that he will run it by our carrier, but he does not think it will be an issue. Chairman requested that he run it by Town Counsel as well. Selectman Dalpe offered that it is for running a pilot for the network and if they were to air it, she thinks the Town may want to have further discussions with them, at that point. Selectman Stewart requested that the Town Manager ask if the network can sign off on its own insurance to hold us harmless. Executive Assistant J. Shanley offered that there is a requirement in place, for anyone renting the Town Hall building, to provide a Certificate of Liability Insurance, naming the Town as additionally insured. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve, subject to approval of Town Counsel for liability and insurance reasons, to allow the Syfy channel to film at the Oliver Estate on Saturday, 11/14/15 with Selectman Dalpe present at all times.

Jane Kudcey addressed the Board noting that she has been running the housing rehab program in Town for a number of years and would like to bring a rehab specialist to the Oliver House tomorrow to look at it. Selectman Knowlton suggested Jane speak with the newly formed Oliver House Advisory Committee. Selectman Dalpe offered that the Committee hasn't officially met yet. Selectman Knowlton suggested that, after the recommendations are determined, this should be brought to the Advisory Committee. Chairman offered that it should also be brought to the Board of Selectmen. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to allow Rehabilitation specialist John Sorry to look at Oliver House tomorrow.

Jane Kudcey informed the Board that Ellie Hutchinson, head of the Colonial Re-enactors group for the East Coast would like to visit the Oliver Estate property on 12/12/15. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to approve. Selectman Stewart requested that Ms. Kudcey forward background information to the Board for both of these individuals.

HEARINGS, MEETINGS & LICENSES

Variance re a soil absorption system at Lots 1-3 Thomas Street

Outback Engineering representative Jeff Youngquist addressed the Board to present the request for a variance re a soil absorption system at Lots 1-3 Thomas Street. Gail Twomey of 203 Thomas Street addressed the Board and offered that this process has been a disappointing one.

She read aloud one of the written requests to Health Officer R. Buker by Outback Engineering. She expressed concerned with the Health Officers memo, however, noted that he was given the wrong information from Outback Engineering. She does not think this is reasonable and thinks they should have to fix it.

Dan Scannell of 196 Thomas Street addressed the Board. He measured the newly installed leaching field at Lot 3 to the distance of his well. It was 80 feet. He suggested that Outback Engineering should have come for a variance before they ever started the work. They didn't take into account his well, or the health of his family. He asked the Board to take this very seriously. That initial 80' measurement told him that nobody really cared about him and his family. Jo Ruthwicz of Thomas Street addressed the Board.

Patricia Faye of Thomas Street addressed the Board to reiterate that it's upsetting that this was not brought to the attention of the abutters before Outback went ahead and did this. She asked that the Board deny the variance and keep with the 200' regulation.
Health Officer R. Buker addressed the Board. Selectman Knowlton asked questions of Mr. Youngquist. Selectman Knowlton offered that he doesn't see how the Board could determine this unjust to say that they don't have to follow the regulations when they planned out the new systems within 200', ignoring the required footage from the abutters. Mr. Youngquist asked if he could move the systems 200' from the abutter's wells. Selectman Dalpe asked if Outback verified whether the surrounding wells were shallow. Mr. Youngquist responded, that they did not verify. Mr. Youngquist asked for a continuance of the hearing for two weeks. Upon motion by Selectman Dalpe and seconded by Selectman Knowlton, Board voted unanimously to continue the
hearing to 11/23/15 at 7:30 pm.

Mayflower Manor
Peter Freeman of Freeman Law Group addressed Board re support requested for Mayflower Manor Local Initiative Program Application for 84 S. Main Street. Representatives addressed Board to review engineering plans of the project. Board asked questions. Mark Resnick, site owner addressed the Board. Selectman Stewart asked about page 11, # 11 being unanswered. Mr. Freeman offered that it should have been answered "yes". They will get the appropriate information to the Board. Resident of 83 South Main Street addressed the Board. He asked about cars, parking, and traffic flow. Mr. Freeman responded that there will be 63 parking spaces. Mark Resnick also offered that

half the units are 1 bedroom apartments with consideration for 1 and ½ vehicles. Josephine Ruthwicz of the Housing Authority addressed Board and offered that the Housing Authority is very supportive of this project. Middleborough Affordable Housing Committee is also supportive. They would like him to play with the proposed rental fees as they are a little too high for the 1 & 2 bedroom units and $100-$200 too low for the 3 bedroom units. Mr. Freeman responded. DHCD looks to HUD re setting affordable rents, but they will work with the Affordable Housing Committee and Zoning. Chairman offered that he will be watching for parking and traffic. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board unanimously to sign the LIP application upon receipt of the 21E Hazardous Waste Assessment being received.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to send letter of support.

TOWN MANAGER'S REPORT

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted unanimously to authorize Chairman Frawley to sign the Feasibility Study Agreement for the Middleborough High School building project.

Town Manager presented his report as is attached.

Establishment of a Community Development Corporation (CDC)
Jane Kudcey of OECD addressed the Board with 3 members of Middleborough On The Move. Chairman asked how the Board can be helpful. They offered that it would be helpful to have a letter of support from the Board for their application. Chairman responded that all they need to do is ask when they need it. He is very excited about this formation.

CORRESPONDENCE

#8 Selectman Stewart noted correspondence from Conservation Agent P. Cassady re Enforcement Order for 117 East Grove Street (formerly 17 Jericho Road) for having had cut down 141 trees and saplings in the 25-foot no disturb zone and some cutting in the wetlands as well. Chairman noted that the work was done on a Saturday, after the inspections by Town Officials notifying them not to continue cutting down the trees. They cut down 100 trees after they knew that they were not supposed to. Chairman offered that the Board is willing to be helpful in any way it can be.

#3 Selectman Knowlton noted correspondence from SRPEDD re the Regional Bicycle plan.
Jane Kudcey addressed the Board and offered that she is meeting with members of SRPEDD tomorrow re bicycle trails tomorrow at 3:30 PM and she will be happy to report back to the Board.

#6 Selectman Knowlton noted notification from Town Clerk re resignation of Teresa Kelly Farley from the Finance Committee.

Town Manager asked the Board to postpone the Executive Session matter for two weeks.

Upon motion by Selectman Knowlton and seconded by Selectman Dalpe, Board voted unanimously to adjourn at 8:45 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN