MINUTES

for approval on 12-7-15

DRAFT

Middleborough Board of Selectmen **November 23, 2015**
Meeting Minutes

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

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

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

UNANTICIPATED

Chairman clarified the Syfy matter raised at the Board's meeting held on 11/16/15.

Jane Kudcey of the OECD announced planned activities for Shop Small Saturday.

Selectman Dalpe responded to the Chairman's clarification regarding the Syfy Network matter raised on 11/16/15.

Selectman McKinnon asked to have the Oliver Estate Use form, that he had drafted, reviewed by Town Counsel, and discussed on 12/7. Jane Lopes addressed the Board and offered that the Tourism Advisory Committee would like to participate in the 12/7 discussion. Chairman offered that the Town needs a building/grounds use policy. Discussion ensued.

Jane Kudcey announced that she has applied for funds through the Mass Cultural Facilities Fund for handicapped matters relative to the Oliver House. She has also applied for technical assistance to have a marketing study of the downtown, which will be used as a guide to assist in attracting businesses to the downtown.

ANNOUNCEMENTS/RECOGNITIONS

Board and audience made various announcements.

MINUTES

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted to approve the 11/16/15 regular meeting minutes. Four in favor. Chairman Frawley abstained.

WARRANTS

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to authorize the Chairman, or his designee, to sign Warrants for week ending 11/21/15 and 11/30/15.

NEW BUSINESS

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve and authorize Chairman to sign Civil Service Requisition Form 13 to start the hiring process for four Police Officers.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to approve and authorize Chairman to sign cover sheet for the DHCD Mass Downtown Initiative Technical Assistance application.

Motion made by Selectman McKinnon and seconded by Selectman Knowlton, with question by Selectman McKinnon, to authorize payment to Plymouth County Development Council on behalf of Selectman Dalpe's attendance at the Council's annual meeting in the amount of $30. Selectman Dalpe explained that the $30 was her registration fee. Board voted to authorize payment of invoice. Three in favor. Chairman Frawley opposed. Selectman Dalpe abstained.

Upon motion by Selectman Stewart and seconded by Selectman Dalpe, Board voted unanimously to accept a gift given to the Oliver Estate Advisory Committee (a platter for the estate). It is an 18th Century plate.

Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to authorize the Advisory Committee to do a walk through at the Oliver House on Wednesday, December 2nd at 12 Noon. Four in favor. Selectman Knowlton abstained.

Board discussed request from the ZBA to change Darrin DeGrazia's status from alternate Board member to full Board member. Town Manager noted Town Counsel's opinion. Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to hold a joint meeting with the ZBA to make a joint appointment for a full, or alternate, member at the end of the 30 day advertisement.

HEARINGS, MEETINGS, LICENSES

At 7:53 PM, Chairman continued Board of Health hearing on request by Outback Engineering, Inc. seeking variance re soil absorption system at Lots 1-3 Thomas Street (continued from 11/9/15). Jeff Youngquist of Outback Engineering presented the Board with alternative plans. Health Officer R. Buker addressed Board to respond to question posed by Selectman Dalpe as to why the 200' setback was established. He offered that he would not see an impact on health and safety with less than a 200' setback. Selectman McKinnon offered that it was the former Health Officer who recommended and he believes it was to protect wells from septic systems with cottages that are close together. Chairman recalled that the former Health Officer recommended this regulation to protect the shallow point wells and to leave it up to the Board to determine if a variance is acceptable. Selectman Stewart noted that the policy requires that it must be manifestly unjust. Gail Toomey, abutter to Lot 1, with a shallow point well, addressed the Board and is concerned. She asked questions of Mr. Youngquist. Resident Josephine Ruthwicz addressed the Board and raised question if there was any restriction on the Earth Removal permit for that area from years ago. Chairman referred her to the Planning department. Dan Scannel of 1196 Thomas Street addressed the Board and after looking over new plans just now provided, he does not oppose the variance. Health Officer offered that, even if the Board of Health approves the variance, the green light is still based on the Health Officer's final approval. Selectman Knowlton offered that he's not sure that anyone

has shown that this is unjust. Outback knew before it performed this work. Mr. Youngquist offered that they made a mistake. Adam Bond addressed the Board to offer clarification of unjust relative to zoning and variances. Chairman asked to hear any further questions/comments. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Dalpe and seconded by Selectman Stewart, Board voted to grant the variance, subject to final approval of the Health Officer. Three in favor. Selectman Knowlton opposed. Selectman McKinnon abstained.

DPW Director Chris Peck:

- Today is the first day they have been fully automated with trash cart trucks. Waste Management had to reconfigure the way they receive our recyclable based on the overwhelming new collection we are delivering with the new process. It would cost the Town an additional $2,000 to give residents an additional trash cart. He is asking the Board to approve an annual $100 fee for an additional trash cart. He informed the Board that they would like to offer having the DPW pick up extra Christmas related bagged trash the week of Christmas. Recycling stays the same and the trash carts would also still be picked up separately. This would be to help residents with the excess accumulated from the holiday. Selectman Knowlton offered that he is not in favor of having an extra pick up of holiday trash. Adam Bond addressed the Board and proposed that it's either a legal tax or an illegal tax. He questioned what justifies the extra $100 per year for the extra trash barrel. He wants to know what it costs incrementally. Town Manager offered that the Trash Enterprise fund is just about breaking even. When you look at actual expenditures and receivables, it's just about breaking even. The purchase of the extra cart is optional and not mandatory so it is not an illegal tax. Adam Bond asked if the Town's cost of service increased $100 per year per extra cart. Chairman offered that he is going to ask the DPW Director for a breakdown. Brian Giovanoni offered that there has not been an increase in trash collection fees in the last eight years. What is being offered is completely optional. Mr. Peck offered to generate the numbers on a 2nd Cart and provide to the Board. Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted to approve the $100 annual fee per additional cart. Four in favor. Selectman Stewart opposed.

- Waste Zero representatives addressed the Board re selling Town trash bags in retail stores.

- Chris Peck recommended leaving SEMASS as of 12/31/15. Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted unanimously to notify SEMASS that the Town's relationship with them will end on 12/31/15. Chairman offered recognition that the former Solid Waste Committee saved the Town millions of dollars for many years to come by putting these ideas/programs forward.

- Upon motion by Selectman McKinnon and seconded by Selectman Dalpe, Board voted unanimously to extend SERSG IFB contract for 12 months, effective 2/1/16.

TOWN MANAGER'S REPORT

Town Manager publicly thanked Caroline for her dedication, commitment and personal loyalty for the past year. Town Manager introduced the new Assistant to the Town Manager, Evan N. Melillo. Evan addressed the Board and introduced himself and a bit of his background and experience. Board welcomed Evan.

Town Manager report that the Drug Coalition will hold a roundtable discussion in March and that it will be a great partnership with High Point and some of the non-profits in Town.

CORRESPONDENCE

#6 Selectman McKinnon noted price increases by Xfinity.

#2 Selectman McKinnon recognized Fire Chief Benjamino for obtaining the Emergency Management Performance grant.

#5 Selectman McKinnon asked Town Manager to speak with Conservation and/or Planning, to see what, if anything, we need to do about the Stony Brook Pond Dam and its Safety Order.

Upon motion by Selectman Dalpe and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9 PM and not return into Open Session. Roll Call: S. McKinnon, Yes; L. Dalpe, Yes; J. Knowlton, Yes; D. Stewart, Yes; A. Frawley, Yes. Ended at 9:53 PM.

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Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN