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

In attendance were: Selectmen A. Frawley, A. Battistini, N. Rosenthal and D. Stewart; Town Manager R. Nunes and Executive Assistant, Colleen Lieb. Absent was L. Dalpe.

This meeting was recorded by MCAMM for broadcast on Comcast and Verizon.

UNANTICIPATED
There is nothing discussed.

ANNOUNCEMENTS AND RECOGNITIONS
Paula Fay, spoke about the May 16, 2019 event to be held at the Father Shea Center in conjunction with the 350th Anniversary Celebration of the Town, called “Taste of the Town”. There will be twenty different food providers along with adult beverages to sample.

MINUTES
Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted unanimously to approve the 4/8/19 minutes as amended.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to approve the 4/29/19 minutes as amended.

WARRANTS
Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 5/11/19.

NEW BUSINESS
Introduction of the ‘Borobot SeaPerch Teams & Robots - Rich Oakley
Richard Oakley introduces members of the four teams that participated in the ‘Borobot SeaPerch event. The teams show their robots and provide comments. There is a group picture taken with the Selectmen.

Discuss/Update MassDOT Southcoast Rail – Jean Fox
Jean Fox, Rick Colon and Jeff Morse – VHB, were present for the discussion. Ms. Fox reviewed with the Board her PowerPoint presentation of South Coast Rail – Phase 1, dated May 6, 2019. She noted the dates of the meetings with the Conservation Commission, the Planning Board and SRPEDD. Ms. Fox overviews the design development that has been happening and highlights the Phase 1 Program activities since June of 2018. She notes that there are two culvers in Middleborough that will need to be installed. The first culvert was installed this past weekend.
Selectmen Frawley requested from Jean Fox the 90% design plans for Middleborough. He states that the Town has yet to receive any plans on this project for review. Jean Fox confirms that she will send along plans to the Board.

Chairman Stewart asked about pedestrians crossing Rt. 28. Ms. Fox explained that those pedestrian crossings will have a “hawk system” that communicates with the other lights to safely get pedestrians across the road. Chairman Stewart asked about “satellite parking” being over at John Glass Square or the Amory and how those roads are going to change.

Selectmen Frawley asked Jean Fox what has changed in the South Coast Rail plans since the last presentation. He states that the Board is now 18 months down the road from the first presentation and nothing has changed on the plans.

Jean Fox speaks to the Board about her recommendation for a Stakeholder Group. This group will be the one that pushes for parking and discusses a road diet.

Jeff Morse, VHB, reviewed with the Board Parcels A, B & C and the possibility of an overlay district to rethink some of the development potential around the station. He discusses how the Stakeholder Group would look very carefully at some of the streetscapes and look at how to make room for pedestrians. These are some things that have already been discussed with the Planning Board and can be explored further with the Stakeholder Group.

Selectmen Frawley notes that two of the parcels deemed Technical Assistance Opportunities by South Coast Rail are actually landlocked parcels due to the track. Selectmen Frawley asks for the reviewed ridership numbers. Jean Fox confirms she will get the reviewed numbers for the Board.

Selectmen Rosenthal acknowledged the planning resources provided by South Coast Rail, which he feels is worth a bit of money, $40,000 or more. He appreciates what South Coast Rail is doing for Middleborough and says thank you.

Selectmen Frawley notes that all this talk is for Phase I and that actually Phase II is “D.O.A.” that unless Stoughton is corrected Phase II will not be moving forward. Selectmen Frawley also asks about the Cape Flyer which uses the Middleborough Line in the summer. Jean Fox does not see any issue with the Cape Flyer continuing as it doesn’t have anything to do with nor will it be affected by Phase I.

The Board discusses making an appointment to the stakeholders group.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to put on the 5/13 agenda to Vote a Member to the Southcoast Rail Stakeholders group.
Vote To Appeal Town of Plympton Denial on Chapter Land, Chapter 61B Abatement Request at Soule Homestead

Ted Eayrs, Chairman – Board of Assessors and Ross Lawrence, Assessor Appraiser, were present for the discussion. Ted Ayers provides the history of the tax payments on the Soule Homestead property and noted that it was under Chapter 61B. Mr. Eayrs recommend that the denial be taken to the Appellate Tax Board for appeal.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to appeal the Town of Plympton denial on Chapter Land, Chapter 61b abatement request at Soule Homestead as presented.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to authorize the Town Manager, Chairman of the Assessors and the Assistant Appraiser to discuss with the Town of Plympton officials the Soule Homestead tax matter.

Peirce Building Technical Building Assessment Presentation from Brendan Leary of Siemens Industry

Ted Eayrs, Chairman of the Peirce Building Working Group and Brendan Leary – Siemens were present for the discussion. Mr. Leary reviewed with the Board the report on the Peirce Building. It is noted that $60,000 in funds were set aside for repairs in the building.

Jeff Stevens, Green Energy Committee, spoke about how there are a lot of possibilities to apply for competitive grants to do the needed repairs for this building.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to authorize the expenditure of $22,635 for items #1 through #5 as noted in the Siemens report of the Peter Pierce Building Technical Assessment dated April 5, 2019.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to authorize the request to hold a Memorial Day Parade and Ceremony on Monday, May 27, 2019 and approve the parade route as indicated.

Mark Valentine, Curator of a Collection of Giant Government Flags, speaks about the flags that will be at the Memorial Day event. They are 45 feet wide and 99 stories high. He explains that it has been over 25 years since they were last here in Town. These flags have been around the world and a picture is shown of them flying at Mt. Rushmore.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to authorize the Permanent Cable committee (PCC) and the Town Manager to negotiate on behalf of the Board of Selectmen on the Comcast Contract.

Discuss Traffic – South Main Street (Rt. 105) and Mayflower Ave Intersection

Chairman Stewart begins the discussion by referencing the information that was provided by Chris Peck, DPW Director, regarding other parking restrictions that we have in Town.
Mike Rousseau, 76 South Main Street, spoke about what he saw when he was watching the intersection of South Main Street and Mayflower Avenue when the crossing guard is present to cross the children. He explained that the intersection is so bad now with the new complex that it has just added to the congestion in that area during that time. He also notes that Mayflower Ave backs up onto South Main Street every day and causes further issues. He notes that he spoke with a representative at SRPEDD and was told that the new complex is about 50 parking spaces short for what they have for apartments. He expresses concern that South Main Street will become a parking lot and that it will continue to become more and more congested.

R. Nunes noted that he did receive correspondence about the parking at Mayflower Manner and he confirms that they do monitor the parking. He explains that Mayflower Manner allows one car per unit and it can approve one additional car per unit, at an extra cost.

Mike Rousseau, 76 South Main Street, said he was told that there has been a change at the school complex and that overnight parking will no longer be allowed. He explains that there should be no reason for anyone to be parking on South Main Street overnight.

R. Nunes explained that there was a meeting with MassDOT at District 5 with the purpose of discussing a traffic light at Mayflower Avenue and Rt. 105. It is unclear at this time if the warrants will indicate a traffic light is needed. Mr. Nunes will look into the number of parking spaces available at Mayflower Manner as well as confirm that there has been a change with the School on No Overnight Parking and confirm.

Ron Schmidt, 80 South Main Street, explained that he was hoping the Board would take action to change the policy for that section. He noted that he was at the Zoning Board meetings and that the number one topic of all six hearings was parking. It is noted that this is a 40B project.

Selectmen Rosenthal speaks about the history of the property and agrees that there is now a monstrosity in its place. He does not blame the residents for being disturbed by it. He notes that he does not think it is necessary to take away overnight parking. He does agree that the site lines from the entrance and residents driveways in the area should be pulled back the 20-40ft so that the view is better. Selectmen Frawley states that he is 100% okay with the request to ban and thinks the Board can vote it and then rescind it, if we find its not effective.

Mike Rousseau, 76 South Main Street, stated that he thinks it will be six months before the Town gets any results from SRPEDD study. He agrees with Mr. Rosenthal’s statement to increase the site lines.

There is no action taken at this time.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to rescind the vote taken to appoint Jack Healey to the Zoning Board of Appeals with a term to expire on June 30, 2024.
Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to appoint Jack Healey to the Zoning Board of Appeals to fill the remaining term of Joe Freitas, term to expire June 30, 2020.

Chairman Stewart noted that New Business Items #J & K will not be acted on at this time, as they require plans to be drawn up of the easements so that they can be voted and recorded at the registry. This will be brought back to a future meeting.

Chairman Stewart reviewed with the Board the spreadsheet provided of the Executive Session Minutes that are outstanding dating back to 2010. She notes her discussion with Town Counsel and explains that if no notes or minutes are found for a certain date then there is nothing the Board can do at this point. However if minutes are drafted and ready for approval, the Board can proceed with the review. The Board will look at approving the backlog of Executive Session minutes over the next few weeks.

**HEARINGS MEETINGS AND LICENSES**

Board of Health – Discuss/Consider/Take Input on Regulations Restricting the Sale of Tobacco Products

*Robert Buker – Health Agent and Sarah McColgan – Tobacco Control Program Director was present for the discussion.* Chairman Stewart read the legal notice and opened the hearing. The Board begins by asking for confirmation on what the color coding indicates. It is explained that the yellow highlight is the existing regulations, the green highlights are existing regulations that have changes and the purple highlight are the advanced flavor restrictions. Ms. McColgan explains that the easiest approach for the Board is to answer the questions on the Checklist for Policy Decisions to move forward in the process.

Dani Jameson, Assistant Principal Nichols Middle School, explained that they are finding students with these vape products at the school. She noted that they seem to sell them amongst themselves. It is noted that last year there were five vape incidents and that this year, so far, there have been nineteen incidents. She expresses concern that these students don’t understand what they are using. There is discussion on how this is happening in the bathrooms with several students sharing them.

Patrick Tinsley, Not a Resident, provided a few thoughts on the flavor ban and also talked about the inspections that were happening the past year and going back several years. Middleboro has a 100% compliance rate at the Convenient Store Level.

Louise Derry-Wells, 9 Chestnut Street, spoke about the candy flavors of tobacco and how the candy flavor is a form of advertising to children and young adults.

Sarah McColgan spoke about how lower tobacco sales equal less people with tobacco related illness and less people addicted to nicotine, these regulations considers menthol a flavor and is looking to remove all flavored products from site with the intent to lower consumption and lower sales. She notes that the new regulations and that this isn’t meant to be an economic
stimulus package. She also explained that in July of 2018 the Town of Middleborough was part of a State program that also did compliance checks; she notes that the Town is no longer part of that. If the Town wants to have the checks done, she will gladly work with our Director to make sure those checks get done.

Vijay Patel, Jamie’s Liquors, spoke to the Board about how he has been a small business owner for 18 years and that he has not had any tobacco violations. He feels these regulations will hurt his business and explains that he has a mandatory id policy for all customers buying tobacco. He does express concern that juul pods and other products can be purchased by the kids online and how that is not regulated. He does not think having the stores not selling the products is going to solve the problem. He also notes that those that purchase the products in his opinion 75% of them are in the 35-50 age range.

There is a handout provided to the Board titled “Where are Kids getting Juul?”

Selectmen Rosenthal asks to take this under advisement and have the Town’s Health Agent come up with recommendations for the Board. Mr. Bucker confirms that he will work with the State to get the compliance checks done again and he will provide recommendations to the Board. Mr. Bucker noted that new this year, the Health Department is requested that the tobacco permit holders sign a document stating that they understand there are new rules and that they are subject new laws and compliance checks.

Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted unanimously to continue the hearing on the Regulation Restricting the Sale of Tobacco Products to June 3, 2019 at 7:45 PM.

NEW HEARING – WRPD Permit Request submitted by Zenith Consulting Engineers, LLC for property located at 104 Wareham Street, Assessors Map 059, Lot 3551 & 3574, Zoning Residence B and WRPD District Z3 & Z4

Nyles Zager – Zenith Consulting Engineers, LLC and Marcus Baptist, Developer, were present for the discussion. Chairman Stewart reads the legal notice and opens the hearing. Nyles reviews with the Board the request which is for a special permit from Section 8.2.8.3i to allow not less than 3.5% of any lot area to be maintained as Natural Vegetation Area with a minimum of 35.4% is being maintained. It is noted that these plans have been approved by the Planning Board under the Form C process.

Chairman Stewart reviewed the correspondence received from the Departments on the project. She reads the letter from Atlantic Design regarding the project and the suggested condition of approval that reads “If the final designs of the individual lots result in additional land clearing, the applicant should provide plans and calculations to the Board to confirm compliance with the WRPD bylaw. She also reviews the correspondence from the Water Department, Conservation Commission and Planning Department, there are no issues noted.

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

Joe Pagana, 7 Acorn Street, asked about the septic systems that are going to be installed on the project and expressed concern where he is downhill. He also expresses concern that he will have water in his basement. Mr. Zager explains the pre-and post-runoff and the requirement of keeping the water flow the same as before the project.

There is discussion on how families that purchase the lots will be made aware of the WRPD Special Permit and the limit of clearing trees on their property. Mr. Baptist explained that he will make sure that the closing package for each of the lots has a copy of the special permit and it is noted that it will be filed with the Registry of Deeds.

David Golden, 9 Acorn Street, asks about the clearing of the trees on his property line. Mr. Zager reviews on the plans the clearing as it relates to the owners property line.

Melissa Miller, 34 Wildflower Lane, asks about the other property shown on the plans and what will be happening with those lots. Mr. Zager explains that one of the lots will go before the Planning Board for a retreat lot and the other two are going to be ANR (Approval Not Required) Form A lots.

There is no further public comment.

Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted unanimously to close the hearing.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to find 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 Protecting Districts; and
b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed; and

c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town; and

d. Will not adversely affect any existing or potential water supply; and

grants the WRPD Special Permit with the following conditions:

1. If the final designs of the individual lots result in additional land clearing, the application should provide plans and calculations to the Board to confirm compliance with the WRPD bylaw.
2. The Developer will install a row of hay bales along the WRPD line to ensure 35% vegetation on each lot.
3. The Developer agrees to the clearing as shown on the plans and that no further clearing will be done.

OLIVER ESTATE REPORT TO THE BOARD OF SELECTMEN
Selectmen Rosenthal reports that he does not believe that the Oliver Estate Advisory Committee has seen, reviewed or voted on the 2019 Greener Horizon’s Contract for the Oliver House. He notes that the next meeting of the Committee will be on May 15th.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to authorize the Chairman to sign the Greener Horizon’s Plans and Specifications for 2019 Landscape Management Plans and Specifications for 2019.

TOWN MANAGERS REPORT
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers April 22nd through April 26th. It is noted that in Mr. Nunes report there is a request to ratify a Conservation Commission appointment.

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted three in favor, one abstention (D. Stewart) to ratify the appointment to the Conservation Commission of Nancy Oakers with a term to expire June 30, 2021.

CORRESPONDENCE
#4 – Chairman Stewart referenced the upcoming Eagle Court of Honor Ceremony to be held on May 19th, she asks available Selectmen to plan to attend.

ADJOURNMENT
Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to adjourn at 10:35 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN