Middleboro Board of Selectmen
Meeting Minutes

June 3, 2019

Chairman Stewart opened the meeting at 7:01 PM and invited those in attendance to join in the Pledge of Allegiance.

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

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

UNANTICIPATED
There is nothing discussed.

ANNOUNCEMENTS AND RECOGNITIONS
Chairman Stewart announced that there is a full-time position for a truck driver in the Trash Disposal Department. Application can be obtained at the DPW Office and the deadline is June 14, 2019.

Selectmen Frawley gave a shout out to the DPW for the Bulky Waste Day, held on Saturday. He noted that he was there at 7:30 AM and there was a line of vehicles down Plympton Street.

MINUTES
Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to approve the 5/20/19 minutes as amended.

WARRANTS
Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to authorize the Chair or her designee to sign the warrants for weeks ending June 1, 2019 & June 8, 2019.

NEW BUSINESS
Lance Benjamino, Fire Chief and Allison Ferreira, Town Clerk, were present for the discussion. Chief Benjamino spoke on the amended application for 252 France Street. Ms. Ferreira also spoke on the amended application. There are no questions.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to amend a Fuel Storage License for Harju Real Estate LLC, 252 France Street as requested.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to sign the Notice of Award for Denis L. Maher Company LLC for the Cleaning and Redevelopment of two gravel pack wells in the amount of $81,963.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to approve and sign the contract with Simcox Appraisal in the amount of $30,000 for the John Glass Square project.
Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to award the bid to JP Morgan in the amount of $16,000,000, Interest Rate, 2.25%, Premium $108,681 and NIC, 1.569.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to award the bid to Century Bank in the amount of $407,250 with an Interest rate of 2.2%.

Selectmen Rosenthal suggests that someone reach out to Pat Freitas and that she has expressed interest in being appointed to the Assawompsett Pond Complex Management Team. Selectmen Frawley notes that if Mrs. Freitas isn’t interested, he would like to be considered. This will be put on the next BOS agenda.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to approve a Common Victualler for Check-In Thai Cuisine to be located at 321 W. Grove Street.

Upon motion made by Selectmen Frawley and Selectmen Dalpe, the Board voted unanimously to approve a One Day Beer & Wine License for Dirty Water Distillery for an event to be held at Benson’s Pond for June 16, 2019 from 11 am to 4 pm.

OLIVER ESTATE REPORT TO THE BOARD OF SELECTMEN
Andrew Sukeforth, Assistant to the Town Manager, presented to the Board the revised Event Coordinator Contract. He explains that there have been minimal changes to the document.

The Board discusses the contract for the Event Coordinator. Selectmen Frawley notes that it has been over a year since the Board last spoke directly with the Event Coordinator. It is suggested that the Board consider a specific date/timeframe for the Event Coordinator to update the Board on a regular basis. The Town Manager reports that the office has not been receiving any updates on the monthly calendar events and that several events needed the submission of a rental application and that was not done. He explains there needs to be better communication between the Event Coordinator and the Town Manager’s Office.

There is discussion on the new procedure for putting items on the Town Calendar and the website change. It is noted that the Event Coordinator will need to be trained. Chairman Stewart noted that a meeting with the Event Coordinator should assist with these outstanding issues.

The Board discusses sending the Event Coordinator contract over to Town Counsel for a recommendation as to whether this position would be a Town Employee or an Independent Contractor. It is noted that Independent Contractors are covered by Workers Compensation and General Liability however, on the General Liability it does not cover if the Independent Contractor was sued individually, they would need their own insurance. This will be reviewed further.
HEARINGS MEETINGS & LICENSES
7:30 NEW HEARING – Paulo Augusto DeOliveira, Route 44 Auto Sale, for a Class II Dealer’s License, for 47 vehicles for sale, property located at 83 Cambridge St, Assessors Map 50E, Lot 2616

Paulo Augusto DeOliveira was present for the discussion. Chairman Stewart reads the legal notice and opens the hearing. Green cards are returned. Chairman Stewart read into the record the correspondence from the Building Inspector, Planning and Conservation Commission. It is noted that the location of the Class II is in a WRPD Zone 2 & 3 district and will require a permit filing prior to the Board approving a Class II Dealer’s License. There is also a question asked as to whether there has been 21E site assessment conducted.

Upon motion made by Selectmen Frawley and seconded Selectmen Dalpe, the Board voted unanimously to continue the hearing for Paulo Augusto DeOliveira, Route 44 Auto Sale to July 8, 2019 at 7:30 PM.

OLIVER ESTATE ITEMS (continued)
The Board reviewed the presented Oliver Estate Survey Questions. There are additional questions added and discussion on how Survey Monkey works. Survey Monkey will be the software that will collect the data. It is agreed that there are no guarantees that those that take the survey are really Town residents. It is hoped that 500 responses are received on this.

HEARINGS MEETINGS AND LICENSES (continued)
7:45 PM CONTINUED HEARING – Board of Health – Discuss/Consider/Take Input on Regulations Restricting the Sale of Tobacco Products (continued from 5/6/19)

Robert Buker, Health Agent and Sarah McColgan, Mass Health Association, were present for the discussion. Chairman Stewart opens the continued hearing and notes that the Health Agent was asked to come back to the Board with specific recommendations or comments on each of the twenty one points that the Board needs to consider.

Chairman Stewart reads into the record the letter dated May 24, 2019 from Merielle Paul of the Plymouth Area Substance Abuse Prevention Collaborative. Also read is the June 3, 2019 letter from Karen Guenette, Assistant Director/Principal of Bristol-Plymouth Regional Technical School.

R. Buker reviews each of his recommendations to the Board. There is discussion on Section D. 2 and the required signage.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to take the Health Agent’s recommendation and keep Section D.2 in the regulations that we currently have for sign requirements.

There is discussion on #15, which involves vending machines that are already banned. There is also discussion on #18 which is the proposed fines and #20 which is the length of the suspension period.
Chairman Stewart opened the hearing up for public comment. There are questions and comments made by Tracie Craig-McGee and Tony Freitas, 23 North Street. Sarah McColgan clarifies the signage requirement which was referenced as #2 in the Health Agents recommendations. Judy Bigelow-Costa speaks on how it takes a village to raise children these days and keep them away from what is not good for them.

Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted unanimously to recommend the Health Agent’s changes on Items #1-8 and Items #11-21 as discussed.

At 8:10 PM Selectmen Dalpe stepped off the Board.

Upon motion made by Selectmen Battistini and seconded by Selectmen Frawley, the Board voted one in favor, three against, to not incorporate the Health Agents recommendations on #9, which is restricting flavored tobacco and #10, which would ban blunt wraps.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted three in favor and one against, to incorporate the Health Agents recommendations on #9 and #10 as presented.

At 8:15 PM Selectmen Dalpe returned to the Board.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe the Board voted unanimously to continue the Tobacco Regulation hearing to June 24, 2019 at 7:45 PM and ask Mr. Beker to provide the draft document a week prior so it can be put on the Town’s website for review prior to the next discussion.

8:00 PM NEW HEARING – Earth Removal Permit, Applicant/Owner, Town of Middleborough, filed by Weston & Sampson Engineers, Inc. for property located on Sachem Street, Assessors Map 059, Lot 2265

Jeff Alberti, Weston & Sampson, and Steve McKinnon, DPW Building Committee Chairman, were present for the discussion. Chairman Stewart reads the legal notice and opens the hearing. Mr. Alberti reviews the presented plan which is for the earth removal on a Town parcel on Sachem Street for the purpose of the project of a new Public Works Facility. There is approximately 42,000 square feet of earth to be removed. It is explained a Request for Determination of Applicability was filed with the Conservation Commission and a negative determination indicated that no Notice of Intent was required.

Mr. Alberti explains that the site will be lined with erosion control and there will be a stabilized construction entrance. The Town Manager noted that it has not yet been determined as to who the earth removal contractor will be and that this will be going out to bid.

Chairman Stewart opened the hearing up for comments from the Board.
Selectmen Battistini asks about the refined screening under the General Conditions. It is noted that reference can be removed from the permit. There are no other Board comments.

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

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to close the Earth Removal Permit hearing.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to approve the Earth Removal Permit for the Town of Middleborough, filed by Weston & Sampson Engineers for property located on Sachem Street and to draft the permit, as amended, for the Board’s approval at the next meeting.

OLIVER ESTATE ITEMS (continued)
The Board discusses the reimbursement for paint for the kitchen project. There is a question asked as to when the Board originally authorized the cost for the entire project. This will be researched.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted four in favor, one against, to approve the reimbursement for Tom Dexter in the amount of $68.97 for the purchase of paint from Wilmot’s to be paid from the Oliver Estate Revolving Fund.

The Board discusses the reimbursement for tablecloths. There is clarification on how the Board is the spending authority of the Oliver Estate Revolving Fund.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Battistini, the Board voted three in favor, one against (A. Frawley) and one abstention (L. Dalpe) to approve the reimbursement for Leilani Dalpe in the amount of $473.91 for the purchase of tablecloths for the 350th Gala to be paid from the Oliver Estate Revolving Fund.

Review/Discuss OEAC Mission Statement
The new mission statement of the OEAC is read as follows:
“To promote and maintain the historic house and its grounds through money raising activities and grants. To build professional management of the estate through expanded activities and functions, weddings, happenings, etc. To promote Middleborough and the Estate as a tourist destination using publicity, advertising and coordination. To use the house as an educational tool to celebrate Middleborough’s storied past and provide maximum accessibilities to the Estate for Middleborough residents.”

Selectmen Frawley reads into the record the October 5, 2015 Special Town Meeting Article that created the Oliver Estate Advisory Committee. “To see if the Town will vote to establish a seven member committee consisting of Middleborough residents to be known as the Oliver Estate Advisory Committee with respect to certain property on the westerly side of Plymouth Street shown as Lot A and Lot B on a Form A plan recorded at the Plymouth County Registry of
Deeds on July 31, 2015, to establish that the purpose and goal of the Committee is to advise the Board of Selectmen, the Conservation Commission or other Town Board, Committee or Commissions, which has care, custody, management and control of the property, or part thereof, with respect to the operation, maintenance and use of the property and maintenance and preservation of the property, to provide that the members of the Committee shall be appointed by the Town Moderator, to terms consisting of two (2) members for one year, two (2) members for two years and three (3) members for three years and to establish other matters applicable to the Committee including those matters required to be established under the Town Committee Formation By-Law, or act anything thereon.”

Selectmen Frawley expresses concern with the mission statement. He agrees with the statement of “promoting and maintaining the historic house” but he feels that the rest of the mission statement requires further discussion with the Board.

Selectmen Rosenthal explains that the OEAC decided that in order to best be able to advise the Selectmen or others, they needed a statement of their perspective.

Chairman Stewart expressed her appreciation for all the work the OEAC has done. She agrees that the mission statement is in line, in general, however she agrees with Selectmen Frawley that some things go beyond the Town Meeting vote. She explains that the Board has been supportive of approving the ideas the OEAC as they come up but expresses concern over the breakdown of communications that the Board isn’t informed until after something has taken place.

Selectmen Rosenthal states that he has no problem with the process and that he isn’t sure why these things don’t come to the Board of Selectmen in a timely fashion. He notes that the OEAC secretary, who is new, will be providing copies of the minutes to the Board so that they can see what is happening at their monthly meetings. He feels the Board should be privy to what the OEAC is doing.

Selectmen Frawley agrees with Selectmen Rosenthal on that point.

Selectmen Battistini speaks favorably on the mission statement and feels it is the Board’s responsibilities to maintain the house and take care of getting contracts to do these projects. He speaks about the OEAC and how they advise us on the property. Selectmen Dalpe agrees.

Selectmen Battistini speaks about the proper process and notes that there should be two approvals from the Oliver Estate Advisory Committee, one to request authorization and one to approve payment and two approvals from the Board of Selectmen, which are the same, on to acknowledge the authorization and one to approve the payment.

Chairman Stewart asks if there is any comment from the public.

Jane Tsoumas, 76 Oak Street, reads the definition of “advisory” and expresses concern about the Committee.
Jamie Meserve, River Street, asks how the OEAC can have a mission that isn’t the same as the article that was voted. She asks how the Advisory Board becomes and event planning committee and states that it is so far away from its intent.

Judy Bigelo-Costa, Wood Street, speaks about the process of approvals in the business world. She notes that the boss has the budget but the project manager is the one that advises.

Tom Dexter, North Street, speaks about the lack of access. He notes that a parking area is going to be proposed and he hopes that it will be connected with the trails and open to the public at all times, just like any other piece of conservation land.

Meghan McDonald, speaks about how the arguing is causing a wound on the house. She asks everyone to come together and work together, that we are all humans here and we all have points of view. She asks everyone to stop being so angry and do this in memory of Kathy Foye.

The Board discusses holding a joint meeting with the Oliver Estate Advisory Committee and to do it on an off Monday night in the summer schedule, to go over the survey results and have more discussion on the house.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to declare surplus the list of items from the Oliver Estate, as presented.

Discuss Historic New England Recommendations
Selectmen Dalpe speaks about the storm last week that caused a branch to become impaled on the barn roof that now needs to be repaired. She also speaks about the kitchen chimney, which is in bad shape and needs to be repointed.

The Town Manager will be working with Mr. Dexter and Mr. Dann, who is a journeyman Mason and has expressed an interested in volunteering to re-point the chimney. It is asked that the Board vote to accept these services.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Dalpe, the Board voted unanimously to accept the services of chimney re-pointing offered by Mr. Tim Dann.

The Board discusses the patching of the barn roof. It is agreed that the entire roof of the Barn probably needs to be redone but it will have to wait until the Facilities Manager is onboard and can look at it.

It is noted that a contract should be brought in to see about patching the roof. This will be reviewed further. The Board agrees to a temporary fix on the chimney until it can be repaired.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to place a tarp over the leaking chimney for now.
Discuss General Maintenance Projects
Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to treat for the caterpillar infestation at the Oliver Estate.

The Board briefly discusses the need for outside GFCI Electrical Outlets. It is agreed that the Town Manager will work with the Electrical Inspector to determine what is needed and report back to the Board next week on this.

The Board discusses the algae on the north portico steps. There is discussion on how best to clean the stone. Selectmen Battistini suggests checking with the Friends of Middleborough Cemeteries to see what they use to clean their headstones and see if it is compatible for use to clean the portico steps.

Discuss Gardens
Pat Balise, Massachusetts Master Gardeners Association and Oak Point Gardeners, was present for the discussion. Ms. Balise spoke to the Board about the historic garden plan. There is discussion on the plan of action.

Selectmen Dalpe asks about having an Arborist come in to trim several problem trees on the property. This will be reviewed further.

Tom Dexter speaks about the arbor that was discovered when the gardeners began cleaning up some of the overgrowth at the front of the property. Mr. Dexter would like to get some volunteers to recreate the arbor and hopes to have this project worked on over the next year.

The Board discusses the yew trimming.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to allow the Master Gardeners to trim the YEWS along the walkways to 36”.

The Board discusses how best to tackle the poison ivy issue. There is discussion on checking with the Park Department to see if they can assist with taking care of the poison ivy. This will be reviewed further.

Ms. Balise speaks about the need for the purchase of good garden tools. The volunteers who are working the gardens are in need of better tools. The list is as follows: Wheelbarrow, leaf rakes, adjustable rake, pruners, loppers, shears, hedge trimmer and reciprocating saw. It is noted that the garden tools will be kept in the barn for easy access.

NEW BUSINESS (continued)
Chairman Stewart presents to the Board a draft of a Composting Bylaw for the Board to consider. She referenced the River Street matter, the Earth Removal project that was looking to bring in fill as well as other composting business in Town.
The Board agrees to review the document and there is suggestion that a hearing should be scheduled. The Board asks that the Health Department, the Building Department and the Conservation Department take a look at the proposed bylaw and provide feedback. This will be reviewed further.

**TOWN MANAGER’S REPORT**

R. Nunes, Town Manager, spoke about the advertising of vacancies for the Town Moderator appointment. There are Tourism and Oliver Estate Advisory Committee vacancies and appointments that need to be addressed.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to advertise the vacancies on the Tourism Committee & Oliver Estate Advisory Board.

R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers May 20th through May 31st. R. Nunes noted that there is going to be an upcoming meeting with Waste Management and he would like one of the Selectmen to sit in on the discussion. R. Nunes suggest that Selectmen Rosenthal might be interested in attending.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to appoint Selectmen Rosenthal to attend the Waste Management discussion.

**EXECUTIVE SESSION**

The Board agreed, since it was so late, to skip the Executive Session to review minutes. It will be rescheduled to the next BOS meeting.

**ADJOURNMENT**

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted unanimously to adjourn at 11:30 PM.

Respectfully submitted by,

[Signature]

Colleen M. Lieb, Executive Assistant

MIDDLEBOROUGH BOARD OF SELECTMEN