Middleboro Board of Selectmen
Meeting Minutes

June 24, 2019

Chairman Stewart opened the meeting at 6:50 PM.

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.

EXECUTIVE SESSION
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted at 6:50 PM to enter into Executive Session to return to Open Session for the purpose of discussing strategy with respect to the Police Patrol Contract Negotiations.

The Board returned to Open Session at 7 PM. Chairman Stewart asks everyone to join in the pledge of allegiance.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to approve the Police Patrol Contract Agreement as presented.

UNANTICIPATED
There is nothing discussed.

ANNOUNCEMENTS AND RECOGNITIONS
Sandy Nolan-Cronin, 17 Patriots Path, read into the record a letter regarding her concerns on the opening of the business Hugs & Yums on Center Street.

Selectmen Dalpe spoke about the successful event, the Oliver Estate 350th Gala that was held this past Saturday. She thanks everyone who volunteered on the event and those that attended.

WARRANTS
Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 6/29/19 and 7/6/19.

NEW BUSINESS
Meeting w/ Sachem St Residents - To Discuss No Thru Trucking
Karen Main, 144 Sachem Street, speaks about her experience living on the road for the last thirty years. She expresses concern regarding the danger on the street now from the commercial truck traffic. She speaks about the 18-wheeler trucks that travel the road and put everyone in danger. They cannot walk down their street and they feel unsafe going to their mailboxes. She explains that every single day trucks pass each other and can barely get by because the width of the road is very narrow. She notes that this increase in truck traffic is not due to the Christina Way development but has been going on for years. Ms. Main reference the letter supplied by Town Counsel in regard to the Board’s authority to put a “No Thru Trucking” order on that section of roadway, which is what the residents are asking for.
It is noted by Selectmen Dalpe that the Board does approve the truck routes when they approve Earth Removal Permits but that they are always sensitive to the neighborhoods that the trucks are directed through. She does not recall approving an Earth Removal Permit in that area.

At 7:27 PM Selectmen Frawley steps onto the Board.

Karen Main explains that if you sit in her driveway, you would be astonished at what is happening on their street. There is discussion on the cellphone application called “Waze” which has the potentially to direct truck traffic down this section of Sachem Street as a “cut through” to get to Rt. 44.

Don Gallant, Byrnes Sand & Gravel, spoke about how they have told all their customers that come to the plant to not use Sachem Street, but to take Wareham Street out to Rt. 28. He notes that they cannot make their customers use that route, but they have asked and advised them. He further explains that their trucks, will not be utilizing that road and he asks if anyone see their trucks on that section of road to report it directly to Mr. Gallant.

Mary Gillespie, 137 Sachem St, speaks about the 31 years she has lived on the road and suggests that if it is not possible to put a “No Thru Trucking” sign up then she suggest a “Load Limit” sign. She also suggests a speed limit sign on that section of road.

Selectmen Dalpe suggested that she speak with SRPEDD at their next meeting to see if they can provide an expert opinion on this situation.

J.R. Frey, 124 Sachem St, spoke about how they are new to the street and that they have young kids. He notes that the street itself is narrow, 22ft wide with 10ft lanes and no shoulders and no sidewalk. He explains that if someone is on the side of the road, it is down to one lane of traffic.

Steve McKinnon, 867 Plymouth St, suggest that before SRPEDD, DOT or MassHighway is consulted the Board should ask for direction from the DPW Director and the Police Chief.

Richard Rico, 139 Sachem St, explained that he spoke to District 5 and confirmed that it is up to the Board of Selectmen to design on the signage for the street. He notes that not all the trucks that go down the road are from Byrnes and that he sees haulers, supermarket trucks and fuel trucks that us the road.

The Board discusses reaching out to the DPW Director and Police Chief for their recommendation on the road. It is noted that the Police Chief will be doing a new speed study on the road. There was several traffic calming measures discussed. It is noted that there are other roads that experience a lot of traffic and those roads do not have limitations.

Larry Main, 144 Sachem Street, notes that he is a CDL holder and he travels the section of road with his own truck and has found that it is extremely narrow and he does not feel the road was
ever meant for commercial trucking. He notes that Wareham going into Sachem is a straight shot now, that years ago, it was much more difficult for a truck to access that road. All that changed when the Town reconstructed the street and since then, it is much easier for vehicles to access.

Chairman Stewart thanks the residents for coming in to speak with the Board. They will review it again in the future and request opinions from the Town’s experts.

Annual Report – Soule Homestead
*Meghan Riley, Executive Director, was present for the discussion.* Ms. Riley presents to the Board a power point presentation of what the Soule Homestead is and showcases the non-profit education that is provided to the Town through their programs.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to authorize the Chairman to sign a letter of support for the ’Borobot Grant Application as amended.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to authorize the Chairman to sign the Agreement to add Facilities Manager to GMEG.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to sign the Agreement with PA Landers in the amount of $41,820 for the Stumping and Grubbing Services at the new DPW site.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to approve the 2019-2020 Annual Appointments as indicated.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve the request from MCCAM for the use of the Town Hall Annex Conference Room.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve and sign the SERSG Contract Award Re-Bid for FY ’20 Water Sewer Treatment Chemicals with a total estimated value of $31,938.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to appoint Darrin DeGrazia and Edward Braun to the Zoning Board of Appeals with a term to expire June 30, 2024.

Discuss Selectmen FY ’20 Goals
Chairman Stewart asks each of the Board Members to express what their goals are for the Board over the next year to come up with the following goals for the Selectmen.
Selectmen Dalpe suggests looking at the School Committee’s rules of conduct to implement something similar for the Board. She also suggests further discussion on a moratorium on Cannabis business until the approved existing businesses are up and running.

Selectmen Frawley suggest continuing to pursue the FlyOver Rotary project. The latest work on the rotary was an “interim” fix, plans should continue for the full project. He also suggests that the Board continue to monitor the High School building project. He also wants the Board to continue working with Southcoast Rail on the Middleborough Station project.

Selectmen Rosenthal suggests relooking at the Town’s plowing of those Private Roads. He also wants to create quality of life spaces where people can congregate, such as the DPW existing building site and what it can be turned into.

Selectmen Battistini suggested looking at the Town’s yearly contribution to OPEB, look at managing grants in-house, to look at the Master Plan to focus on locations where the Board wants development, look at way to produce more electricity to save the Town money in the future and not to be dependent on the grid. He also suggests looking at increasing the internet speed and to look at the feasibility of creating a Riverwalk along the Nemasket River.

Chairman Stewart suggests updating the Earth Removal Bylaw and the policies that go along with it. She would also like to find a way to acknowledge more of the volunteers in the community and recognize what they do for different Town Departments.

Chairman Stewart also suggests goals for the Board as Water Commissioners, which is to identify land the Town owns for water development and land that will not be used. The goal is to get the land to either be preserved through the Conservation Commission/Historic or to be auctioned to get back onto the tax rolls.

Discuss Oliver Estate FY ’20 Goals
The Board of Selectmen and the Oliver Estate Advisory Committee work together to come up with the following list of goals for the Oliver Estate.

- Restore and Renovate the Oliver House
- Establish Marketing Plan for Oliver Estate
- Restore Barn Roof at the Oliver Estate
- Construct Parking Lot at Oliver Estate
- -Review Management Options
- Restore Gardens

HEARINGS MEETINGS AND LICENSES
CONTINUED VARIANCE REQUEST for 15 Quail Place, Subsurface Sewage Disposal System Upgrade, Local Upgrade Request, River Hawk Environmental, Assessors Map 091, Lot 694 (continued from 4/08/19)
Chairman Stewart opened the continued hearing.
There is a request to continue the hearing out, six months, to allow for more time for the project to make its way through Land Court.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to continue the hearing for 15 Quail Place to October 7, 2019 at 7:30 PM.

CONTINUED HEARING – Board of Health – Discuss/Consider/Take Input on Regulations Restricting the Sale of Tobacco Products (continued from 6/3/19)

Robert Buker, Health Agent, Sarah McColgan, Mass Health Association, and Morissa Vital, Southeast Tobacco-Free Community Partnership, were present for the discussion. Chairman Stewart opens the continued hearing and explains that the Health Agent was asked to come back to the Board with new drafted regulations that incorporate the recommendations the Board voted at the last discussion. Mr. Buker notes that he has provided to the Board the proposed regulations that align with the Federal & State Laws, recommendations from the Mass Health Officer’s Association, directives from the Board of Health and interest of public health in the Town. He reads a bullet list dated June 17, 2019 with some key information for consideration.

Selectmen Battistini expresses concern about the limiting of the flavored vape products. He notes that people his age do, indeed, use the flavored products. He also references the blunt wraps and notes that adults buy these products as well. He suggests compliance checks, working with the School Department for education of the students on these products and increasing the fines for violations rather than moving them to only Over 21 establishments.

Selectmen Dalpe expresses concern on the idea of limiting the number of tobacco establishments in the community to 35. There are no limitations now and current permits are not close to the limit proposed.

The Board discusses the mint and menthol products. Chairman Stewart opens the hearing up for public comment.

Dr. Martin Gross, Middleborough Pediatrics, reads a letter into the record regarding his concerns on nicotine, vape and flavored tobacco/vape products.

Sarah McColgan, speaks about the positive aspects of implementing the policy. Morissa Vital, speaks about the epidemic of young kids that are using vape/tobacco and flavored products. She references the FDA findings of flavors that attract young people to tobacco products. Several residents express their opinions both in favor and against the implementation of the policy.

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted three in favor, two against (A. Battistini and L. Dalpe) to adopt the Health Officer’s recommendations on the 21 points, amend the number of months covered on violations from 24 months to 36 months and eliminating everything but the first sentence under “vending machines”.
Discuss/Vote Extension of Existing Fuller St. Earth Removal Permit with Conditions
Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to extend the existing Earth Removal Permit for the Fuller Street project for 90 days with a new expiration date of September 30, 2019.

CONTINUED HEARING – Earth Removal Permit, Applicant/Owner Fuller Street Development, LLC for property located at 68 Fuller Street, Assessors Map 024, Lot 5555
Jeff Younquist, Outback Engineering, and Elliot Schneider, Owner, were present for the discussion. Mr. Younquist notes that there was a discussion with the Conservation Commission Agent and it was confirmed that there is no work being done within 100ft of any wetland. It is noted that Ms. Cassady is out of the office at the moment but will do an onsite when she returns and will provide an updated memo to the Board.

Chairman Stewart opens the hearing up for Board comment.

Selectmen Rosenthal asks who is going to grow the cranberries. Mr. Younquist explains that Peter Beaton owns the land and will farm the cranberries. There is reference to the Farm Plan. Selectmen Rosenthal asks if there is a contract between someone and Beaton to manage the bogs, as Selectmen, he’d like to see that agreement. There is concern on the water management withdrawal permit. Mr. Younquist states that they are not withdrawing any water.

Chairman Stewart opens 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 continue the hearing for the Earth Removal Permit, Applicant/Owner Fuller Street Development, LLC for property located at 68 Fuller Street to July 22, 2019 at 8 PM.

TOWN MANAGER REPORT
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers June 17th through June 21st. There is reference to the appointments to the Historical Commission.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to ratify the appointments of Tom Dexter and Lauren Haugh to the Historical Commission with terms to expire on June 30, 2022 and to ratify the reappointment of Daniel Ajuoe as an Associate Member to the Historical Commission with a term to expire on June 30, 2020.

REPORT ON COMMITTEES COMMISSIONS AND BOARDS
There is nothing reported.

CORRESPONDENCE
There is no comment on correspondence.
EXECUTIVE SESSION
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted at 10:16 PM to enter in to Executive Session, not to return to Open Session, for the purpose of reviewing/approving/holding/releasing Executive Session Minutes. Polled vote: A. Frawley - Aye, A. Battistini - Aye, L. Dalpe - Aye, N. Rosenthal - Aye and D. Stewart – Aye.

ADJOURNMENT
The meeting adjourned at 10:30 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN