Middleboro Board of Selectmen
Meeting Minutes

July 22, 2019

Chairman Stewart opened the meeting at 7:00 PM and asked everyone to join in on the Pledge of Allegiance.

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

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

UNANTICIPATED
There is nothing discussed.

ANNOUNCEMENTS AND RECOGNITIONS
Paula Fay, 8309 Oak Point Drive, thanks the Oak Point Quilters and the Public Access Channel for the exhibit of Quilts at the Oliver House that were on display this weekend.

Selectmen Battistini announces that the Zip Trip is collecting Whole Grain Cereals to donate to the St. Vincent DePaul Food pantry. Donations are being collected around town and can also be brought to the Zip Trip show on the Town Hall Lawn scheduled for Friday, August 2, 2019.

MINUTES
Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to approve the minutes for June 3, 2019.

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 weeks ending 7/20/19, 7/27/19 & 8/3/19.

NEW BUSINESS
Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to appoint Donna Bernabeo, Mark Mobley and Adam Pelletier to the Permanent Cable committee for a three year term to expire June 30, 2022.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to authorize the placement of a Stop sign at the end of Brearea Drive on the corner of Charnmark Circle as requested.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to approve a One Day Beer & Wine License for Harper Lane Brewery for an event to be held on August 17, 2019 from 5 pm to 11 pm at Benson’s Pond.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve a One Day All Alcohol License for William Fuller, Bartending Service of New England for Krazy Days to be held on Friday, August 2, 2019 from 11:30 AM to 6 PM.
Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve a One Day All Alcohol License for William Fuller, Bartending Service of New England for Krazy Days to be held on Friday, August 3, 2019 from 11:30 AM to 6 PM.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to appoint Leeann Bradley as the Joint Transportation (JPTG) Representative with a term to expire May 24, 2020.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to appoint Christopher Peck as the alternate to the Joint Transportation Planning Group with a term to expire May 24, 2020.

Discuss/Vote recent Tobacco Regulations Amendment
Robert Bucker, Health Agent, is present for the discussion. Chairman Stewart speaks about the questions asked from the permit holders in regard to the enactment date of the policy. It is noted that the change in regulation were published in the newspaper but that there was no specific amount of time voted, that allows the establishments/permit holders to prepare for the change in regulation. It is noted that there is confusion with the permit holders as to how quickly they must remove the banned items from their shelves.

The Board also discusses the “menthol exception”. Mr. Bucker explains what the menthol exception is and that at the State level all flavored tobacco was included “except” mint, menthol and wintergreen. Mr. Bucker further explains when he wrote those regulations for the flavored tobacco products you would have to specifically state those flavors. He explains that he made that point to not include those flavors. They are not prohibited and based on Federal Law it does not have to be mentioned in the bylaw.

The Board discusses setting the effective date of November 1, 2019. It is agreed that the Board will officially vote the effective date at the August 5, 2019 BOS meeting.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to put a moratorium on the current tobacco bylaws until the Selectmen’s August 5, 2019 meeting when this will officially be vote don.

Selectmen Rosenthal suggests that the Board discuss, on a future agenda, the idea of tiered cigarette permits, with different values on Vape Shops as opposed to stores that sell Tobacco products.

OLIVER ESTATE ITEMS
R. Nunes, Town Manager, presented and reviewed the Peter Oliver House Policies and Procedures. He reviews the specifics of the procurement policy as it relates to the Oliver House and how it will be followed. He also provided an overview of the FY ’19 figures in the Revolving Fund.
Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe the Board voted unanimously to adopt the proposed policy with the amendment as discussed.

HEARINGS MEETINGS AND LICENSES
NEW HEARING – WRPD Application Filed by McCarty Engineering, Inc. for Property Located at 49 Plymouth Street, Assessors Map 19, Lot 1896
Patrick McCarty, McCarty Engineering, Michael Whitmore, Roundel 47, were present for the discussion. Chairman Stewart reads into the record the legal notice and opens the hearing. Green cards are returned. Chairman Stewart reads into the record the July 16, 2019 memo from Michael Bumpus, Water Superintendent; the July 12, 2019 memo from Patricia Cassady, Conservation Agent and the July 1, 2019 letter from Leeann Bradley, Planning Director. Chairman Stewart also reads the comment letter from Atlantic Design, dated July 19, 2019 with nine comments on the project.

Michael Whitmore reviewed with the Board the presented plans. There is an overview of the existing building and where the expansion is proposed. There is a review of the outside topography and the wetland areas. Patrick McCarty reviews the parking lot changes and the basin locations. There is discussion on the stormwater basin and it is noted that the bottom of the basin is equal to the season high groundwater. There is a quick review of the responses that they will be providing back to Atlantic Design on their comments.

Chairman Stewart opens the hearing up for comments from the Board.

Selectmen Rosenthal speaks about the 100ft buffer and the 15% max. There is a question as to whether the project is in a Zone II or a Zone III area. This will be clarified.

Chairman Stewart opened the hearing up for public comment.

Ted Eayrs, 48 Plymouth St, notes that he is a direct neighbor to this property. He asks about the septic system and the fire lane access. Chairman Stewart asks the applicant to confirm with the Fire Chief that he is okay with the changes to the fire lane. Mr. Eayrs also points out that the project is in a sensitive WRPD zone and that it all drains right into the Otis Pratt Brook, which flows to the Mizumas well site. It is agreed that the Town will check, again, with the Water Superintendent to confirm that he does not have any issues with the project.

There is no further comment.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to continue the hearing for the WRPD Application filed by McCarty Engineering, Inc. for property located at 49 Plymouth Street to be continued to August 5, 2019 at 7:45 PM.
NEW POLE HEARING – Verizon New England & NSTAR DBA EVERSOURCE ENERGY, to place two jointly owned poles 94/12 & 94/13 and re-numbering poles 94/67 to 94/11.5 on Cedar Street

ROSS BILODEAUX, Verizon, was present for the discussion. Chairman Stewart reviewed with the Board the paperwork for the placement of the joint owned poles as well as the renumbering. Mr. Bilodeau briefly explains the petition.

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

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

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve the petition as presented.

NEW POLE HEARING – Verizon New England & MG&E for the placement of one pole on the southerly side of Moulton Street at a point approximately 90’ easterly from existing pole 5 on the southerly side of Moulton and approximately 331’ westerly from the center line of Carey Street

BILLY TAYLOR, Middleboro Gas & Electric and Ross Bilodeau, Verizon, were present for the discussion. Chairman Stewart reviewed with the Board the paperwork for the placement of the joint owned poles as well as the renumbering. Mr. Bilodeau briefly explains the petition.

Chairman Stewart opens the hearing up for public comment.

Melissa Guimont, 22 Moulton Street, asks about the water pressure problems that she has with her home. Ms. Guimont is advised to speak with the Water Department directly regarding this. Ms. Guimont also asks about the paving of the street. Ms. Guimont is advised to speak with the DPW Director to find out if Moulton Street is on the list of streets that will be paved in the future.

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

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve the petition as presented.

CONTINUED HEARING – Earth Removal Permit, Applicant/Owner Fuller Street Development, LLC for property located at 68 Fuller Street, Assessors Map 024, Lot 5555 (continued from 06/24/19)

Chairman Stewart opens the hearing and acknowledges the request to continue so that the plans can be forwarded to the peer review engineer.
Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, 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 August 5, 2019 at 8 PM.

**OLIVER ESTATE ITEMS (continued)**
Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve the tour scheduled for Saturday, October 3, 2019 at 1 PM and ask if the summer tour guide is available to handle the tour.

Upon motion made by Selectmen Battistini and seconded by Selectmen Rosenthal, the Board voted to approve the event dates as follows: August 3rd, August 24th, September 7th and September 28th and noting that the August 3rd date will be done as a volunteer only with no payment made, since Town Counsel is still working on the new contract.

**TOWN MANAGER REPORT**
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers July 8th through July 19th.

**REPORT ON COMMITTEES COMMISSIONS AND BOARDS**
Selectmen Dalpe reports on the last JPTG meeting. It is noted that they are still reviewing the rotary project and understand the concerns of Carver and Plymouth potential developments make it so they are still considering the flyover option at the rotary.

**CORRESPONDENCE**
#4 – Selectmen Rosenthal asks the correspondence be forwarded to the G&E so that they can advise the Board as to whether or not to support this request.

#5 – Chairman Stewart references the invitation to Wood Palace Kitchen’s 40th Anniversary event.

**ADJOURNMENT**
Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to adjourn at 8:40 PM.

Respectfully submitted by,

[Signature]
Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN