Chairman Stewart opened the meeting at 7:00 PM and asked everyone 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 speaks about the upcoming “Bat Run” put on by the Jesse Heikkila Foundation to be held on Sunday, September 15th at 10 AM at Peirce Playground. All proceeds go to pediatric cancer research.

Selectmen Dalpe speaks about the Crantoberfest that will be held a little early this year on Saturday October 5th at the KOA Campground. She highlights the Bakeoff, Cabin Decorating Contest and Halloween Costume Parade.

**MINUTES**
Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to approve the 7/8/19 minutes as presented.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted four in favor, one abstention (A. Frawley abstained.) to approve the 7/22/19 minutes as presented.

Upon motion made by Selectmen Battistini and seconded by Selectmen Dalpe, the Board voted unanimously to approve the 8/5/19 minutes as presented.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted three in favor, two abstentions (A. Battistini and A. Frawley abstain) to approve the 8/19/19 minutes as amended.

**WARRANTS**
Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 9/14/19.

**NEW BUSINESS**
It is noted that the HCA signing with Holistic Health Group has been moved to next week’s agenda.
Review of Stormwater Management Bylaw with Green Seal Environmental
Courtney Beckwith, Green Seal Environmental, and Chris Peck, DPW Director were present for the discussion. Mr. Peck provided an overview of the Stormwater Committee that will look at some of the drainage activities in Town with a one acre minimum. There is a review of the proposed regulations and it is noted that Town Counsel did review the bylaw and provided some changes.

Chairman Stewart opened the discussion up to the Board. C. Peck notes that the Selectmen will need to decide if the Stormwater Committee will be the ones to do the enforcing of the bylaw or if the Board, itself would handle this aspect. Ms. Beckwith confirms that the Board needs to decide who will be the enforcement agency so that the bylaw can be updated to reflect that.

Upon motion made by Selectmen Frawley and seconded by Selectmen Battistini, the Board voted unanimously to authorize the Board of Selectmen to act as the Enforcement Authority for the Stormwater Bylaw.

Courtney Beckwith confirms that she will update the bylaw to reflect the Board’s vote and send it over to the Town Manager for publication in the Special Town Meeting Warrant.

There is a question asked as to what the appeal process is for that? This will be reviewed further.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to appoint Kerri Mederios to the Library Board of Trustees to fill an unexpired term to expire June 30, 2020.

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted unanimously the Order of Conditions for the Fuller Street Earth Removal Permit as presented.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve the Fall Festival and Craft Fair to be held on September 14, 2019 from 10 AM to 3 PM at 38 Plymouth Street and request barriers from the DPW.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve Glacier Path to serve as an access path off East Grove Street, located in the area of 140-142 E. Grove Street.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve Raymond Path to serve as an access path in the area of 54 Tispaquin St.
Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to approve a One Day Beer & Wine License for Marlissa Briggett/South Coast almanac LLC for an event on September 19, 2019 from 6 pm to 9 pm.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to approve a One Day Beer & Wine License for Bill Fuller, the Bartending Service of New England for a Sachem Pride Alumni Foundation event held on September 28, 2019 from 5 pm to 10 pm at either Battis Field or the Grand Ballroom depending on the EEE level.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Rosenthal, the Board voted unanimously to approve a One Day Beer & Wine License for Bill Fuller, the Bartending Service of New England for Crantoberfest to be held on October 5, 2019 from 12 pm to 5 pm at the KOA Campground.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to sign the Lydia Cobb-Quequechan Chapter of the Mass Daughters of the American Revolution Proclamation declaring September 17th-23rd Constitution Week.

Upon motion made by Selectmen Frawley and seconded by Selectmen Rosenthal, the Board voted to award the amended SERSG Water and Sewer Treatment Chemicals IFB for a twelve month period to Roberts Chemical with an estimated value of $17,680.

HEARINGS MEETINGS AND LICENSES
SPECIAL TOWN MEETING WARRANT HEARING – To consider articles to be placed on the Special Town Meeting Warrant
R. Nunes, Town Manager, reviewed with the Board the following articles.

Article 1. This is the report of committees.

Article 2. This is the supplements to the fiscal year department budgets. R. Nunes explains that on September 23rd he will have the motions and the line items for each supplement prepared.

Article 3. This is to pay prior year bills.

Article 4. This is to pay prior year bills for the Water Enterprise Fund.

Article 5. This is to recind debt from a previous article for a Capital Project.

Article 6. This is to fund the OPEB.

Article 7. This is to fund the purchase of OPEN GOV budget and planning module.
Article 8. This is to fund $38,000 for HVAC, Window Repairs/Replacement at the Peirce Building.

Article 9. This is for $100,205 to fund expenses associated with storm water activities as required by the EPA/DEP

Article 10. This is to update the cart/vehicle tracking software in the Sanitation vehicles.

Article 11. This is to take the unexpended funds from the Open Space Community Preservation Fund and appropriate the unexpended balance to the repairs and painting of the Oliver House. R. Nunes explains that this is not acceptable so the article will be changed to allocate the funds for the construction of a parking lot on the Oliver Estate Parcel B land. The change to the article will require a vote from the Board. It is noted that the Community Preservation Committee will need to discuss and vote on this change.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Battistini, the Board voted unanimously to amend the language to Article 11 to change the wording for the allocation to go to the Oliver Estate Land Parcel B, Parking Lot project.

Article 12. This is for the painting, electrical upgrades and insulation at the Oliver Estate in the amount of $33,000.

Article 13. This is in the amount of $54,7050 to replace the Central Fire Station roof.

Article 14. This is $50,000 for HVAC repairs/upgrades at the Town Hall and waterproofing of the Town Hall basement.

Article 15. This is $500,000 for the Mass Clean Water Trust program.

Article 16. This is to vote to accept Mass General Law Chapter 71, Section 71E.

Article 17. This is to vote to accept Mass General Law Chapter 200A Section 9A.

Article 18. This is for the acquiring of land parcels or rights in land parcels as it relates to construction and intersection improvements and related work to John Glass Square.

Article 19. This is to transfer the care, custody, management and control of land from the Selectmen to the Conservation Commission, Assessors Map 041, Parcel 2098.

Article 20. This is to rescind the existing Stormwater Management Bylaw.

Article 21. This is to adopt the Stormwater Management Bylaw presented.
Article 22. This is to accept Mass General Laws Chapter 60 Section 3F.

Article 23. This is to accept Mass General Laws Chapter 59, Section 5N.

Chairman Stewart asks if the Board has any comment on the proposed articles and their placement on the warrant for advertising. There is no comment.

Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to place Articles 1 through 23 onto the Special Town Meeting Warrant for publication as discussed.

CONTINUED HEARING – Paula 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 (continued from 8/5/19)

Paula Augusto DeOliveira is present for the discussion. Chairman Stewart opens the continued hearing and notes that at the last discussion with Mr. DeOliveira he was going to reach out to Engineering Firms to see about a WRPD filing for this proposed project.

Mr. DeOliveira explained to the Board that the cost for the engineering came in at $20,000 and he does not feel that cost is correct. He is proposing significantly less vehicles and he presents to the Board, a revised layout for nine cars with six parking spots for customers.

It is asked that he provide a revised plan to the Board that shows the Z2 and Z3 areas, as well as any wetland areas in relations to the project. Chairman Stewart asks the applicant to provide any revised or new information to the Selectmen’s Office no later than the Wednesday prior to the Board’s Monday meeting so that the Board can review the material prior to the next hearing.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to continue the hearing for the Class II for 83 Cambridge Street to September 30, 2019 at 7:50 PM.

OLIVER ESTATE ITEMS
Upon motion made by Selectmen Frawley and seconded by Selectmen Dalpe, the Board voted unanimously to approve the September – November 9th 2019 dates as presented for the Oliver House.

TOWN MANAGERS REPORT
R. Nunes, Town Manager, reviewed with the Board his Town Manager’s Report which covers August 19th through September 6th. There is a detailed review of the Fiscal Year ’19 Performance Report results.

HEARINGS MEETINGS AND LICENSES (continued)
CONTINUED HEARING – WRPD Application filed by McCarty Engineering, Inc. for property located at 49 Plymouth St, Assessors Map 19, Lot 1896 (continued from 8/19/19)

Brian Marchetti, McCarty Engineering, Michael Whitmore, Roundel 47, were present for the discussion. Mr. Whitmore explains to the Board that they think they have covered most of the items as far as the Town’s concerns and the Peer Review Engineer. Chairman Stewart reads into the record the letter dated August 13, 2019 from Atlantic Design regarding their compliance with the WRPD requirements.

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

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Frawley, the Board voted unanimously to close the WRPD Application 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.

REPORT ON COMMITTEES COMMISSIONS AND BOARDS
Selectmen Dalpe reports that there is still one opening on the Tourism Committee.

CORRESPONDENCE
#2 – Selectmen Stewart references the 35th Anniversary Luncheon Invitation from the Annie Maximum House. Members are encouraged to RSVP.

HEARINGS MEETINGS AND LICENSES (continued)
CONTINUED RENT CONTROL BOARD HEARING – To consider a petition filed by Edgeway Homeowner’s Association for a Certificate of Eviction – 87 Wesley Circle (continued from 8/19/19)

Adam Bond, Counsel, Edgewater Homeowners Association, was present for the discussion. Mr. Bond notes that there is currently $750 in arrears on the property and the tenant has a claim of property damage that needs to be addressed so the tenant has been withholding funds in order for that to happen. Mr. Bond explained that he did attempt to reach out to the property owner but and found that they had hired their own representation and that they did not want to speak with him on the matter.
Mr. Bond asks the Board to either vote to issue the Certificate of Eviction or vote to continue the hearing so that he may prepare for the case to be presented to the Board.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to close the Certificate of Eviction hearing.

Upon motion made by Selectmen Dalpe and seconded by Selectmen Frawley, the Board voted unanimously to issue the Certificate of Eviction for 87 Wesley Circle.

**ADJOURNMENT**
Upon motion made by Selectmen Dalpe and seconded by Selectmen Battistini, the Board voted unanimously to adjourn at 8:20 PM.

Respectfully submitted by,

[Signature]

Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN