

Chairman Dalpe opened the meeting at 6:15 PM and invited those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Frawley, L. Dalpe, J. Knowlton, 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.

BUDGET REVIEW

Leeann Bradley, Planning Director was present for the discussion. There is a review of the Planning FY '20 budget with a total of \$237,343. Adam Bond, Chairman, spoke about how the Board is actively working on updating the Subdivision Rules & Regulations.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to recommend favorable action on the Planning FY '20 budget with a total of \$237,343.

R. Nunes reviewed with the Board the Zoning FY '20 budget with a total of \$35,176.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to recommend favorable action on the Zoning FY '20 budget with a total of \$35,176.

Robert Whalen, Building Commissioner, was present for the discussion. There is a review of the FY '20 Building Department budget with a total of \$349,817.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board unanimously to recommend favorable action on the FY '20 Building Department budget with a total of \$349,817.

R. Nunes reviewed with the Board the FY '20 Sealer of Weights & Measures FY '20 budget with a total of \$7,608.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted to recommend favorable action on the Sealer of Weights & Measures FY '20 budget in the amount of \$7,608.

Robert Buker, Health Agent, was present for the discussion. There is a review of the Animal Control FY '20 budget with a total of \$125,316.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the Animal Control FY '20 budget with a total of \$125,316.

Robert Buker, Health Agent, was present for the discussion. There is a review of the Health Department FY '20 budget with a total of \$344,985.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to recommend favorable action on the Health Department FY '20 budget with a total of \$344,985.

Arthur Battistini, Chairman Historical Commission, was present for the discussion. There is a review of the Historical Commission FY '20 budget with a total of \$1,600.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to recommend favorable action on the Historical Commission FY '20 budget with a total of \$1,600.

MINUTES

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the 2/11/19 minutes as amended.

WARRANTS

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to authorize the Chairman or her designee to sign the warrants for week ending 3/9/19.

UNANTICIPATED

Glenn Montapert, Chairman of the Tourism Committee, requests to discuss with the Board the OECD budget consultant payments for the Tourism assistant. There is a brief discussion on the Tourism projected budget for the coming year which includes 350th events. The Board agrees to put this on the next agenda for discussion.

TOWN MANAGERS REPORT

R. Nunes, Town Manager, reviewed with the Board his Town Manager's Report which covers February 25th through March 1st. There is discussion on the Peirce Building Working Group and what their charge is. Mr. Nunes noted that they will hold their first meeting and report back to the Board with that their Group Missing Statement will be.

BUDGET REVIEW (continued)

Judy MacDonald, Treasurer & Collector, was present for the discussion. There is a review of the FY '20 Treasurer & Collector budget with a total of \$541,454.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board unanimously to recommend favorable action on the FY '20 Treasurer & Collector budget with a total of \$541,454.

There is a review of the FY '20 Debt Services budget with a total of \$2,404,331. J. MacDonald speaks about the debt and what the latest items are that will be going into the last borrowing. It is noted the High School Feasibility Study and the Water project were just bonded. There is discussion on the pay down of 1.6 million in general fund debt that has been done to date.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board unanimously to recommend favorable action on the FY '20 Debt Budget with a total of \$2,404,331.

There is a review of the FY '20 Employee Fringe Benefits with a total of \$17,793,043. J. MacDonald noted that there are 3% increases for the Health Insurance and FICA. The Workers Compensation line item and Unemployment remain the same. Chairman Dalpe asks that it be reviewed if we can put more funding toward OPEB.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board unanimously to recommend favorable action on the FY '20 Employee Fringe Benefit Budget with a total of \$17,793,043.

NEW BUSINESS

Discuss Cannabis - Limit Umber of Related Businesses in Town

Attorney Jonathan Silverstein was present for the discussion. Selectmen Knowlton begins the discussion by explaining that it is not his intent to limit any business in Town, his concern is that cannabis is a young industry and until these businesses are up and running it is difficult to see what the unintended consequences are and then go from there. He thinks that it would be good for the Board to let some of the businesses get up and running instead of continuing to approve more of them for the Town.

R. Nunes noted that there is currently a limit for three recreational facilities. There are only two moving forward with recreation. The recent agreements have been for processing, manufacture and cultivation. There is no limit on these and the Board is permitting a lot of cultivation and processing, which is separate from retail. It is noted that we have permitted nine growers and cultivators and we are currently negotiating with six manufacturing processing cultivators. It is also several businesses are located in the same building.

Mr. Silverstein speaks about how the Board can vote that they no longer want to sign anymore cultivations and that it is within their discretion. There is discussion on a bylaw to limit the number of any one type of business this is an option as well. The Town Manager will get back to the Board with square footage of what has been approved so far. The Board agrees to put this back on the agenda as an item for discussion next week.

There is discussion on articles about the negative side and/or positive side of marijuana. The Board members are asked to provide their articles to the Executive Assistant so that the articles can be distributed for review. There is discussion on the Police Chief and what his thoughts are on these businesses. R. Nunes noted that he has spoken with the Police Chief regarding these

facilities and the Chief of Police plans to treat this as any other business. He will not be weighing in on the security of the buildings.

UNANTICIPATED (continued)

Selectmen Frawley referenced an article in the past weeks newspaper regarding the Southcoast Rail that stated that they have every necessary construction permit but they have yet to come before the BOS for a WRPD permit.

Leeann Bradley, Town Planner, noted that the Planning Board met with Jean Fox on January 22nd and that they would be back before the Planning Board for their 3/5/19 meeting.

Selectmen Frawley noted that the article states that they are 90% to 100% done with their design and that they are in close communication with us, when they are actually not communicating with us. He is frustrated that the Board has to hear about these things in the newspaper and yet, we haven't heard from them. He thinks it is ridiculous.

Selectmen Stewart reiterates what MassDOT agreed to at their last discussion with the Board which was that they would provide a WRPD plan for us to do a peer review on, that they agreed to pay for. They need to send the WRPD plan to the Selectmen for a review and it is clear that they have not done that yet.

NEW BUSINESS (continued)

Jonathan Silverstein, Special Counsel and Valero Romano, Seven Point, was present for the discussion. R. Nunes reviews the agreement. Selectmen Stewart asked that language be included in the agreement that outlines the process for making sure that Middleborough Residents get the first change at any job openings in their business.

Upon motion made by Selectmen Frawley and seconded by Selectmen Stewart, the Board voted four in favor, one against (J. Knowlton) to approve a Host Community Agreement and Development Agreement with Seven Point of Massachusetts for property located at 461 Wareham Street and include language for priority hiring of Middleborough residents.

At 7:36 PM Selectmen Frawley stepped off the Board.

Vote/Discuss Town Counsel Response to A Plus Waste Matter

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to determine there was a basis for the Board's Order dated July 25, 2016 in that there was a continuing odor issue after July 25, 2016.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to determine that Paragraph C of the Board's Order dated July 25, 2016 was supported when entered in that there was a continuing odor issue after July 25, 2016.

It is noted that the Board did have emails and there was some testimony after July 25, 2016 that the odor did still exist because of the complaints received.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted three in favor, one against (D. Stewart is against) to determine that Paragraph D of the Board's Order dated July 25, 2016 was not supported when entered and/or is not supported now in that the Board did not have authority under General Laws, Chapter 111, Sections 122 and 123 to prohibit introduction to the site of new materials not associated with the nuisance odor and its removal.

Selectmen Stewart encouraged the Board members to vote against this as she does not support Town Counsels recommendation. She feels the Board did have the authority to order that no new material be brought on site.

At 7:50 PM Selectmen Frawley stepped back onto the Board.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to declare pieces of Library materials and shelving as surplus for the Library as requested.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the 13th Annual Patriot Half Triathlon scheduled for Saturday, June 15, 2019 at 7 AM with athletes cycling on the roads of Middleborough between 8 AM and 12 PM and approve the route as indicated.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the 18th Annual Cranberry Tri-fest Olympic distance race for Sunday August 25, 2019 at 7:30 AM with the athletes cycling on the roads of Middleborough between 8 AM and 10 AM and approve the route as indicated.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the Road Race on May 18, 2019 for the YMCA and approve the route indicated.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve a One Day Beer & Wine License for Trivia Night Fundraiser in Memory of Tim Harnett to be held on March 30, 2019 from 6:30 PM to 10 PM at 53 Oak Street.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to approve the Betterment for Jeffrey L. & Nancy A. Jarrett for property located at 640 Wareham Street in the amount of \$17,500.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to authorize the Chairman to sign the Letter of Intent for Oliver Mill Park, Middleborough Preservation Restriction.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to appoint the following candidates to the Council on Aging Board, Wally A. Glendye, Jr., CrissAnn Tortora and mark Leach all for three year terms to expire on June 30, 2022.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Rosenthal, the Board voted unanimously to submit to the Planning Board the Amendment to the Middleborough Zoning Map for review.

HEARINGS MEETINGS & LICENSES

NEW HEARING – WRPD Special Permit for a proposed HarborOne Bank project for property located at 2 W. Grove Street, Assessors Map 58J, Lot 3541

Attorney Robert Mather, Randy Miron – Boheler, Nick Jacob – Benzene Development were present for the discussion. Chairman Dalpe reads the legal notice and opens the hearing. Attorney Mather returns the green cards.

Attorney Mather provides an overview of the project for the Board. He notes that the site is .59 acres and is located at Two West Grove Street. He notes that currently the business is a petro mix fuel station and that the property is located in General Use in a WRPD Zone 2 area. He explains that the station and the related structures are to be demolished and the gas tanks removed to construct a new 1,750 square foot HarborOne bank. Attorney Mather explains that they did meet with the Building Inspector and while the lot is non-confirming, the proposed plans make the lot “less” nonconforming, therefore the Building Inspector felt it was an acceptable use.

There is a review of the presented plans. There is reference to the four curb cuts, with two on W. Grove and two on S. Main Street. There is a review of the proposed landscape buffers and the reduction in storm water volume. They are putting in a new underground filtration system and there will be no run off in the State right of way or the abutting properties.

Attorney Mather references the Department comments and the peer review comments he explains that they have all been addressed. Selectmen Stewart asks a specific question on the handicap parking and where the armored car will park when it has to access the bank.

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

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawely, 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.

BUDGET REVIEW (continued)

Andrea Priest, Council on Aging Director, was present for the discussion. There is a review of the Council on Aging FY '20 budget with a total of \$806,659.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted to recommend favorable action on the Council on Aging FY '20 budget in the amount of \$806,659.

Jason Cox, Veteran's Agent, was present for the discussion. There is a review of the Veteran's FY '20 budget with a total of \$638,722.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to approve the Veteran's FY '20 budget with a total of \$638,722.

Fran Cass, Park Department, was present for the discussion. There is a review of the Park Department FY '20 budget with a total of \$323,999.

Upon motion made by Selectmen Knowlton and seconded by Selectmen Frawley, the Board voted unanimously to recommend favorable action on the Park Department FY '20 budget with a total of \$323,999.

Discuss Earth Removal Bylaw

There is discussion among the Board regarding the Earth Removal bylaw. It is suggested that the Board ask the Departments, such as Planning, Zoning, Health, Building and DPW to comment on the bylaw and the regulations. The Board discusses what triggers the requirement for an Earth Removal.

Selectmen Stewart reminds the Board that the bylaw has to be applied equally and that the Board or Departments should not be making the decision of whether or not to file for a permit. There is concern about the more than 800 cubic yard removal threshold, in that, everyone applying for a septic system would need to file for an Earth Removal permit. There is discussion on the possibility of exempting a septic system.

Ed Mederios, 9 Crest Drive, speaking as a Developer, notes that when he has been doing business one way in Town for 40 years, who interprets it now that one of the Selectmen thinks

the interpretation of the bylaw is different. Who decides whether a project can go over the 800 square cubic yards is asked.

Selectmen Stewart reiterates that to anybody that's removing earth on one lot of land, has to file an earth removal permit. There are four exceptions that can be considered. If the Board has been doing it wrong previously, there is no exception for that, now that the Board is doing it correctly moving forward, this is what we need to do.

There is discussion on what triggers when the Conservation Commission does a Determination of Applicability.

The Board agrees to request feedback from the Departments and will revisit this once comments have been received.

Discussion on Procedure of Preliminary "Site Plan Review"

Selectmen Rosenthal proposes his ideal that any building project that fall under 20,000 square feet will fall under a "Site Plan Review" that will be done in conjunction with the Town Manger and Department Heads reviewing the plans and providing comments. It is hoped that drainage and storm water can be reviewed prior to construction and the applicant can be made clear as to what permits are required.

R. Nunes agrees that this will be a good tool. He references his Economic Development Team Meetings that he holds currently and he will expand that to include the projects that would fall under the "Site Plan Review". Leeann Bradley, Planning Director, speaks about the nine surrounding communities that all have the Site Plan Review. She speaks favorably for this idea.

OLIVER ESTATE ITEMS

Chairman Dalpe noted that they are waiting for the arrival of the new sink.

REPORTS ON COMMITTEES COMMISSIONS AND BOARDS

There is nothing reported.

CORRESPONDENCE

There is no correspondence.

ADJOURNMENT

Upon motion made by Selectmen Knowlton and seconded by Selectmen Stewart, the Board voted unanimously to adjourn at 9:10 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant
MIDDLEBOROUGH BOARD OF SELECTMEN