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DARTMOUTH TOWN CLERK

Town of Dartmouth
400 Slocum Road
Dartmouth, MA 02747

Select Board Members Present:

Michael Watson- Chair
Lara Stone- Vice Chair
Stanley Mickelson

Shawn McDonald
John George Jr.

The Chair opened the public meeting at 5:45 p.m.

The Chair polled the Board for a roll call vote to convene into Executive Session pursuant to M.G.L. Ch. 30A, Sec 21: Chair Watson, yes; Vice Chair Stone, yes; Selectman McDonald, yes; Selectman George, yes; Selectman Mickelson, yes;

The Chair called the public meeting to order at 6:30 p.m. on **November 17, 2014** in room 304.

Date	Warrant #	Warrant Description	Amount
11/1/2014	PR18	PAYROLL EXPENSE	\$ 1,012,912.58
11/6/2014	PD1519	PAYROLL DEDUCTION	\$ 442,110.37
11/10/2014	D1520	DPW EXPENSE	\$ 138,105.29
11/10/2014	P1520	POLICE EXPENSE	\$ 21,094.91
11/10/2014	S1520	SCHOOL EXPENSE	\$ 568,974.26
11/10/2014	T1520	TOWN EXPENSE	\$ 806,376.08
11/1/2014	PV19V2	PAYROLL EXPENSE	\$ 436.92
11/1/2014	PR19V2	PAYROLL EXPENSE	\$ -430.68
11/8/2014	PR19	PAYROLL EXPENSE	\$ 1,033,220.43
11/13/2014	PD1520	PAYROLL DEDUCTION	\$ 446,218.59
11/17/2014	D1521	DPW EXPENSE	\$ 405,623.05
11/17/2014	S1521	SCHOOL EXPENSE	\$ 95,910.37
11/17/2014	T1521	TOWN EXPENSE	\$ 151,428.38

I. Appointments:

6:30 p.m. Citation Robert Barboza- As the editor of the Chronicle for eleven years, the Board thanks him for his service and honest reporting that he has done for the Town.

6:33 p.m. Application of NJG d/b/a Lizzies Liquors, 839 State Rd., for a Change of Hours on Sunday to open at 10:00 a.m.

- *After a motion was made by Vice Chair Lara Stone, and seconded by Selectman John George Jr., it was unanimously voted to approve.*

6:34 p.m. Application of Gasbar Entp Inc. d/b/a Acme Liquors, 722 Dartmouth St. for a Change of Hours-

- *After a motion was made by Vice Chair Lara Stone, and seconded by Selectman John George Jr., it was unanimously voted to approve.*

6:35 p.m. Application of NIRAV Inc. d/b/a Dartmouth Wine & Spirits, 313 State Rd., for a Change of Hours on Sunday to open at 10:00 a.m.- The Board has had residents complain about the brightness of the lights on this building. The Board will ask the Zoning Enforcement Officer, Paul Murphy to visit the premises to inspect the lighting. The Board also is asking Mr. Patel to provide paperwork on the company that installed the lighting.

- *After a motion was made by Selectman John George Jr., and seconded by Selectman Shawn McDonald, it was unanimously voted to table this until the next meeting.*

6:38 p.m. Public Hearing-NStar Petition for 1 Proposed Pole Location on High Hill Rd.

*Chairman opened Public Hearing
Chairman closed Public Hearing*

There were no comments from the public

- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanley Mickelson, it was unanimously voted to approve.*

6:40 p.m. Joint Meeting with Planning Board Regarding Town Planner Job Posting- We have received some resumes for this position and will continue to accept them until the end of November. The Planning Board will narrow the pool of applicants and then the two Boards will conduct the joint interviewing process.

- ***After a motion was made by Selectman Stanley Mickelson, and seconded by Vice Chair Lara Stone, it was unanimously voted to appoint Chairman Michael Watson to help at the end of the interviewing process.***

6:45 p.m. Joint and Special Permit Hearing with the Board of Appeals Regarding Dartmouth Power- Dartmouth Power is seeking administrative changes to a special permit granted by the Select Board in the past, and the variances granted by the ZBA.

***Chairman opened Public Hearing
Chairman closed Public Hearing***

There were no comments from the public

- ***After a motion was made by Vice Chair Lara Stone, and seconded by Selectman Stanley Mickelson, it was unanimously voted to approve amendment to the special permit as follows:***

PROPOSED FINDINGS

Based on the documents incorporated into the record and the testimony provided by the Applicant and its representatives and consultants and by others who attended the hearings, the Select Board makes the following findings with respect to the use by the Applicant of the following parcels: Assessor's Map 67, Lot 9 and Map 72, Lot 28-1:

- Purpose of Limited Industrial District.** Approval of the Amendment (as defined in the Decision below) will further the purposes of the Limited Industrial District set forth in Section 14.100; will not increase, alter, extend or modify the physical size, or intensity of operations, of the existing 68 megawatt electrical power plant ("Existing Facility") or 25 megawatt peaking unit ("Peaking Unit") that are operating on the site pursuant to Special Permit SP-90-1, and the amendments thereto; and will not impose hazards or nuisances on neighboring uses or the environment.
- Water Supply and Other Required Natural Resources.** The amendment will not require any increase in water demand than is already permitted for the Existing Facility and Peaking Unit. Other than water, no natural resources are to be obtained

from the Town of Dartmouth, and no natural resources are to be acquired from abutting towns.

C. Noise and Other Pollutants

1. Noise. The amendment will not increase or change noise generated by the Existing Facility and Peaking Unit.
2. Wastewater Disposal. The amendment will not result in any increase in wastewater that is currently permitted by the Existing Facility and Peaking Unit.
3. Other Air Pollutants. The amendment will not result in any increase or change in air pollutants from the Existing Facility and Peaking Unit.

D. Traffic and Road Surface Impacts. The Board finds that there will be no impact to traffic from this amendment. Further, the Board finds that no additional study of traffic is required and no mitigation is necessary for traffic and road surface impacts with respect to this amendment.

E. Mass and Scale. The amendment will not increase or change the mass and scale of the Existing Facility and Peaking Unit.

F. Fuel Oil Backup. The Board finds that there will be no change in the use of fuel oil backup at the Existing Facility and Peaking Unit as a result of this amendment.

PROPOSED DECISION

The Select Board, based upon the findings presented above, hereby grants the following amendments to Special Permit SP-90-1 ("Amendment"): (i) the Covenant that is referenced in Section 5.2.6 of said Special Permit may be modified by the parties thereto from time to time as they may determine is necessary in order to ensure the continued financial viability and solvency of the Existing Facility and Peaking Unit, without such modification constituting an amendment to Special Permit SP-90-1 that requires further approval under Chapter 40A;- and (ii) Section 5.2.13 of said Special Permit is amended such that the term of said Special Permit shall be coterminous with the term of the Covenant as it may be modified from time to time by the parties thereto.

The grant of this Amendment is subject to the following conditions:

1. The Amendment shall be valid only and unless the Board of Appeals modifies Variance Case No. 1990-33 by incorporating the provisions of said Amendment by reference into that Variance.
2. The Existing Facility and Peaking Unit shall continue to comply with the requirements, standards, limitations and conditions contained in the approvals from MassDEP.

3. Special Permit SP-90-1, as amended to date, including all conditions and covenants, shall, except as expressly amended herein, continue in full force and effect.

7:15 p.m. Hearing Application for The Sandtrap (Virtual Golf Facility) for a Year Round Beer & Wine License, 145-I Faunce Corner Rd.

Chairman opened Public Hearing
Chairman closed Public Hearing

There were no comments from the public

- ***After a motion was made by Selectman John George Jr., and seconded by Selectman Stanley Mickelson, it was unanimously voted to approve.***

7:20 p.m. Application of Ruby Tuesday, 83-85 N. Dartmouth Mall for a Change of Manager

- ***After a motion was made by Selectman Stanly Mickelson, and seconded by Vice Chair Lara Stone, it was unanimously voted to approve.***

7:30 p.m. Hearing Tax Classification

Town Assessor, Richard Gonsalves has explained that he is in favor of keeping the same tax rate.

We also heard from Roy Nascimento from the New Bedford Chamber of Commerce representing the small and medium size businesses in Dartmouth, who asked the Board not to increase the rate.

Chairman opened Public Hearing
Chairman closed Public Hearing

- ***After a motion was made by Vice Chair Lara Stone, and seconded by Selectman Stanly Mickelson to adopt the residential factor of 91.8598 resulting in a commercial industrial personal property shift. A motion was also made to adopt the small commercial business exemption of 10%, it was voted (4-1) to approve.***

II. New Business:

- A. Black Friday Application
- Best Buy
 - Dick's
 - Office Max
 - Walmart
- *After a motion was made by Vice Chair Lara Stone, it was voted (4-1) to approve.*
- B. Letter Consent Revised Policy by the Massachusetts Board of State Examiners of Plumbers and Gas Fitters- The Vocational School is asking the Board to send a letter requesting them to change the amendments back to the way they were, which would not require a teacher to travel to Boston whenever they apply for a permit and have the class be taught by an un-licensed substitute for that day and also change the student/teacher ratio back to 8-1.
- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanley Mickelson, it was unanimously voted to approve to send this requested letter and also send letters to Representative Markey and Senator Montigney explaining the same.*
- C. Massachusetts Solar Energy Letter Supporting Solar Energy Development
- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanley Mickelson, it was unanimously voted to approve to support this initiative.*
- D. Reis Mortgage Agreement- The Town will hold a mortgage on the property excluding the cemetery until the amount agreed upon by all parties is paid in full (\$20,000).
- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanly Mickelson, it was unanimously voted to approve.*

- E. Dutch Belt Farm Quitclaim Deed- This is to move the conservation parcel to the Conservation Commission this action was passed at the October Town Meeting.
- ***After a motion was made by Selectman Shawn McDonald, and seconded by Selectman John George Jr., it was unanimously voted to approve.***
- F. Select Board Meeting Schedule – The schedule was discussed and agreed upon by all.

III. Old Business

- A. Cecil Smith/Mary Robinson Landfill- We are still waiting on the Final Permit Approval from the State.
- We have been informed by a member of the Selectboard, the site is no longer blocked off and there is a lot of activity there.
- ***After a motion was made by Selectman John George Jr., and seconded by Selectman Stanley Mickelson, it was unanimously voted to send a letter to the Governor Elect Baker informing him of the injustice that is going on with the Landfill and invite him to attend one of our meetings.***
- B. Police Station- Due to a scheduling issue Vice Chair Lara Stone will be unable to fulfill the commitment to represent the Selectboard and see this project through its entirety.
- ***After a motion was made by Vice Chair Lara Stone, and seconded by Selectman Shawn McDonald, it was unanimously voted to remove Vice Chair Lara Stone from the Committee and replace her with Selectman Stanley Mickelson.***
- C. Arch Street Update- Special counsel had oral arguments in December 2013 in front of Judge Crup, the matter is still under advisement.
- D. Design Committee Mission Statement- the Department Heads are asking that the mission statement be amended to read “ through the co-location of these departments within the Town Hall”

- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanly Mickelson, it was unanimously voted to approve.*

IV. Minutes:

Meeting Minutes of November 3, 2014

- *After a motion was made by Selectman John George Jr., and seconded by Selectman Stanly Mickelson, it was unanimously voted to approve.*

V. Announcements

Christmas Tree Lighting
December 7, 2014
3-5 P.M.

Attest:



David G. Cressman, Town Administrator

Transcribed by: Christine Amaral