



**BOARD OF SELECTMEN
AGENDA**

January 28, 2013

**6:15 P.M - Call meeting to order
All stand for Pledge of Allegiance
Acceptance of Minutes
Approve Warrants:**

PW # 13-30	\$ 122,321.28
DW #13-28A	\$ 21,493.35
BW #13-29	\$ 133,481,83

NEEDS ATTENTION

Approve Property Use Permits, if any

Chairman to sign Bagnall bill submittals, if any

Review and Approve Special License(s) for Veasey Park functions, if any

Correspondence: Letter from Teamsters Union requesting meeting to begin discussions on Highway Department contract renewal (current contract expires June 30th).

See letter from Attorney Regina Ryan. If Board needs to have discussion before approving/denying request, Executive Session will need to be entered into in accordance with MGL Ch. 30A, Sec. 21(a) (3) to discuss strategy relative to litigation; Chairman declares that to discuss in open session may have a detrimental effect on the litigating position of the Board of Selectmen.

See letters you received last meeting regarding the Haryslak's denial of a Home Occupancy Permit. Does the Board wish to take any action?

See attached Form 43 for Rte. 97 Liquors License Transfer---It appears all the paperwork we sent in early Nov. was lost and they are requesting you re-sign another Form 43 to replace the last one (won't accept the copy).

See letter from Phil Taylor requesting copy of public records (Executive Session Minutes). Board should review the Minutes and his letter and vote to release the Minutes from Exec. Session if you all agree the privacy is no longer required.

See attached request from Jeffrey S. Aalto, 12 King St, requesting appointment to the Conservation Commission

Bill & Don---Attached letter received today from Officer Eric Gorski-Exec. Session needed if you wish to discuss request at this time. MGL Ch. 30A, Sec. 21(a) (1)

AGENDA APPOINTMENTS

6:20 p.m. - Road Commissioner Arakelian to discuss plans for JB Little Road and intersection of Seven Star Road

6:30 p.m. – Steve Trettle and William Thibeault – to discuss plans to restore former Aggregate Quarry off Salem Street - Conservation Chairman Mike Dempsey was asked to attend

7:00 p.m. – Al Coulliard, 5 Marion Ave. (you received his and his attorney's letters last meeting) to discuss the letter he received from Conservation Commission regarding proposed daily fines

7:30 p.m. – Executive Session – pursuant to MGL Ch. 30A, Sec. 21(a) (6) to consider the Purchase, exchange, lease or value of real properties located on Center Street; Chairman to declare that to meet in open session may have a detrimental effect on the negotiating position of the Board of Selectmen.

For Board's information only. Not to be read aloud—

This Executive Session is to discuss Mattingly purchase, Bussing Property, and

Request from Dempsey to use town counsel.

Also, Mike's request for BOS to meet on Jan. 31st or Feb. 1st with Bussing & Neve in Executive Session (the earliest you could meet would be the 31st if posted tomorrow)

Date of next regular meeting – February 11th, 2013 @ 6:15 P.M.

MINUTES
BOARD OF SELECTMEN
JANUARY 28, 2013

Meeting called to order at 6:15 P.M.

Present Donald N. Greaney, Elizabeth A. Gorski and Chairman William H. Darke.

Approve Warrants

Moved Greaney, seconded Darke, and it was

VOTED: To approve Payroll Warrant #13-30.

DARKE, GREANEY – “AYE”; GORSKI – “ABSTAIN”

Moved Greaney, seconded Gorski, and it was

VOTED: To approve Deduction Warrant #13-28A and Bill Warrant #13-29.

6:20 P.M. - Road Commissioner

Road Commissioner Arakelian met with the Selectmen and informed them that Phase 1 of the Route #97 project should be going out to bid in the near future; that instead of reclaiming the road the State will mill it and the millings will be taken by the town to J.B. Little Road. Arakelian told the Board that engineering work has been done for the wetlands crossing at hollow closest to 5 corners; that culverts are there now; that using the millings is the most economical way for the town to fix the road. Arakelian told the Board that he also wants to fix Center Street and Seven Star Road but not make a four way start; that to do so would entail having to involve the State.

The Selectman thanked Arakelian for his update and Selectman Gorski suggested he return to a future meeting to talk about the possibility of getting the Road Study Committee resurrected again.

6:30 P.M. – Steve Trettle & William Thibeault discuss former Aggregate Quarry

Steve Tuttle introduced himself to the Board as the Engineer for William Thibeault and told the Board that they asked to meet to give the Board an informal presentation of proposed plans for the Quarry off Salem Street previously owned by Aggregate Industries and currently owned by William Thibeault and Rob Rotundi. Tuttle told the Board that Aggregate had some issues with wetlands; that the pond was a detention filtration pond and where Aggregate had been working there is a 50'-60' drop and siltration issues occurred on property abutting theirs. Tuttle told the Board that because of the 40' cut they can't access the rest of their site; that their proposed plan is to fill in a large area, make a flat plateau gently sloping down to their property; that it would take 70,000 yards of fill long range about a 2-3 year project.

MINUTES-PAGE #2
JANUARY 28, 2013

Tuttle stated that a berm and swail would be put in to catch any runoff in detention pond; that the objective is no runoff from their site; that fill will be pitched in layers toward their property.

Tuttle told the Board that they have worked with Conservation and D.E.P. and stated they would like the escrow funds put on deposit by Aggregate when they had an agreement with the town to fill in the site; that the money goes with the ownership of the site for making the site safe; that once that project is completed the owners would look into future development there; that they don't currently know what the market bares for this kind of property. Tuttle told the Selectmen that they know they will need to go to Conservation again. Chairman Darke told Tuttle and Thibault that if they aren't able to blast they will have to fill in; that he's heard the history of the property and understands what has taken place there and he doesn't have a problem the proposed plan. Road Commission Arakelian had been asked to stay for this discussion and told the owner and his consultant that they need to do something with the site; that their proposal is a step forward and reminded those present that the area is zoned Industrial.

ConComm Chairman Mike Dempsey told the Selectmen and owners that they are all well aware of ConComm's efforts to get that site filled; that two and a half years ago it was turned over to D.E.P. because of resident Joe Ryan's urging. Dempsey stated that his Committee will need to receive something from D.E.P. stating that the owners have fully complied with the cleanup and met all of D.E.P.'s requirements before ConComm will meet with them.

Chairman Darke asked if the problem is with the site runoff, and suggested that the berm would rectify that issue. Tuttle told those present that the runoff is coming from the neighboring site, not theirs. Thibault stated that they had previously met with ConComm and thought they were all set then received a letter from D.E.P.; that he feels D.E.P. feels satisfied and told the Board they will request something in writing from them. Thibault stated that they need to fill the quarry and secure their property. Chairman Darke responded that the Selectmen can't tell him he can't do that. Darke stated that for them to just do nothing doesn't make any sense, and asked that if they receive anything in writing from D.E.P. to please forward a copy to the Board.

Board of Health Chairman O'Hanley advised that the owners do a soil analysis on the fill they will be bringing in and file a copy with the town; that the soil can't be any worse than what is at the site currently; that erosion will be there a long time so it will need to be maintained after every rain storm. Thibault responded that it is urban fill approved by D.E.P. and that they can build the berm first. Chairman Darke told Thibault that he will have to satisfy the Board of Health and Conservation requests to avoid further runoff during the project. Dempsey responded that his commission are not going to look at this until they hear that D.E.P. is happy with the property and future plan; that that property has a couple of vernal pools and is prime turtle habitat; that a study was done

MINUTES-PAGE #3
JANUARY 28, 2013

of turtles and salamanders. Chairman Darke told Tuttle and Thibault to get as much information for the Board of Health and ConComm as they need. The men thanked the Board for their time and stated they will copy the Selectmen on all documents sent to the other departments.

7:17 P.M. – Marion Avenue Resident Al Coulliard

Al Coulliard told the Board that he requested an appointment to discuss a letter he received from Conservation he would be fined daily for what they suggest are violations on his property. Coulliard introduced his Attorney Matthew Watsky and told the Board that he would like his attorney to be allowed to speak on his behalf.

Attorney Watsky told the Board that Coulliard has had a long standing issue with the ConComm; that lots #1 and #2 are of issue of the four lots at that site. Coulliard's lot is #3, and Lots #1 and #2 have river front access; that Coulliard recently received a letter from ConComm threatening fines of \$300 per day. Chairman Darke asked when the Order of Conditions was instituted and Coulliard responded that there he has not done work at the property for eight years; that the neighbor has an Order of Conditions on his land and it's time that he maintains it. Coulliard told the Selectmen that he has been before the ConComm several and they have been to his property several times.

Dempsey responded that they have jurisdiction over streams, wetlands, etc. and if a person is doing something outside of that area they are still under ConComm's jurisdiction. Chairman Darke stated that Couillard hasn't done anything and asked Dempsey what ConComm feels needs to be done. Dempsey responded that there is a problem with runoff; that the bottom two retention ponds can be maintained by Arakelian. Couilliard told the Selectmen that his property never had an Order of Conditions on it; that the solution for Lot #2 issues is to take up the stone at the top and bottom of the hill and replace the stone with sod. Coulliard stated that ConComm wants him to dig up sod and put in riprap. Dempsey responded that they want him to do what is on the Plan; that they want the swail to be built as shown on the Plan; that he disagrees with Coulliard's report; that his person is saying that no sediment is going into the river. Chairman Darke asked if they were supposed to do something and ConComm let it go, how can they do something else later? Dempsey replied that part of what they asking is for him to maintain it; that the swale has not been according to specifications; that ConComm asked that Coullier clean it out and replace the swale.

Selectman Greaney asked how many lots had Order of Conditions on them, and Coulliard responded only Lot #2 did

Chairman Darke asked where is silt coming from when the house was built eight years ago? Is it running down now because it wasn't maintained? Coulliard responded that his scientist states that it's not happening. Chairman Darke asked Dempsey to hold off

MINUTES-PAGE #4
JANUARY 28, 2013

on issuing fines; that in six weeks or so when winter weather breaks, all parties can go to the site, including Coulliard's expert. Dempsey told the Board that the fines are currently up to \$27,000. Darke asked Dempsey again to have the Commission hold off on issuing fines until everyone can visit the site and make a determination as to what needs to be done and who is responsible for the problem; that the Board is trying to help resolve a problem and he hopes that ConComm would agree to do the site walk. Attorney Watsky told the Board that he thinks the Chairman's recommendation is a good solution for now and thanked the Board for their time.

In other business, ConComm Chairman Dempsey requested that Jeff Alto be appointed to the Conservation Commission to replace the late James Stewart.

Moved Greaney, seconded Gorski, and it was,

VOTED: To appoint Jeff Alto to fill the vacancy on the Conservation Commission, said appointment effective immediately through June 30, 2014. 3-0

Resident Phil Taylor

Phil Taylor requested the Board provide him with a copy of the Executive Session Minutes dated March 31, 2008; that these minutes no longer need to be kept closed; that he was part of the discussion that took place during that session and would like a copy for his records.

Moved Greaney, seconded Gorski, and it was

VOTED: To release the March 31, 2008 Executive Session Minutes as public record and the Board's Assistant forward a copy to Taylor at her earliest convenience. 3-0

Correspondence

The Board reviewed a written request received from Teamsters Union asking that the Board provide them with the town's proposal for renewing the Highway Department contract. Chairman Darke asked the Board's Assistant to email Jim Peters and request that he provide the Union's proposal and the Board will then review and provide its negotiating team with the town's counter proposals as they have done in past years.

Board reviewed letter they received regarding denial of a Home Occupation Permit for property on Main Street owned by Haryslak. The Selectmen were in agreement not to respond due to concerns of litigation.

The Board's Assistant informed the Board that she received a call from ABCC regarding the recent License Transfer for Rt. 97 Liquors and reported she was told that the paperwork has been lost; that ABCC requested the Board re-sign another Form 43 for

MINUTES-PAGE #5
JANUARY 28, 2013

the transfer and return to ABCC. Selectmen signed the Form 43 for return to ABCC.

Board reviewed a letter they received from Attorney Regina Ryan requesting the Board's authorization to proceed with settlement discussions. Moved Gorski, seconded Greaney, and it was

VOTED: To enter Executive Session pursuant to MGL Ch. 30A, Sec. 21(a) (3) to discuss strategy with respect to potential litigation.

Chairman Darke declared that discussion in Open Session may have a detrimental effect on the litigating position of the town.

GORSKI, GREANEY, DARKE – "AYE"

3-0

Executive Session was entered at 8:08 P.M. and closed at 8:19 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office. Chairman Darke announced that the Board will return to Open Session at the close of this Executive Session.

Selectmen returned to Open Session at 8:19 P.M.

Executive Session #2-Center Street Property

Moved Greaney, seconded Darke, and it was

VOTED: To enter Executive Session pursuant to MGL Ch. 30A, Sec. 21(a) (6) to consider the purchase, exchange, lease or value of real property off Center/Main Streets.

Chairman Darke declared that an open session may have a detrimental effect on the town's continued negotiations.

GORSKI, GREANEY, DARKE – "AYE"

3-0

Executive Session was entered at 8:23 P.M. and closed at 8: 50 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Assistant's Office. Chairman Darke announced that the Board will return to Open Session at the close of this Executive Session.

Selectmen returned to Open Session at 8:54 P.M.

MINUTES-PAGE #6
JANUARY 28, 2013

There being no further business to come before the Board, moved Gorski, seconded Greaney, and it was

VOTED: To adjourn.

Adjourned at 9:00 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant