

Approved
7/5/94

TOWN OF NEW BOSTON

SELECTMEN'S MEETING MINUTES

JULY 1, 1994

An emergency meeting of the Board of Selectmen was called to order at 3:00 p.m. by Chairman Johnston.

PRESENT: Arthur W. Johnston, Chairman
Michael S. Pimenta, Selectman
Darlene M. Goodin, Selectman
Lorraine A. Cleveland, Town Administrator

The purpose of this emergency meeting, which was requested by Selectmen Goodin and Pimenta, was to discuss the terms of section E and G of the 60 day agreement which transferred Herbert (Bud) Scott's gravel permit to New Boston Aggregate Corporation, aka Ernest Thibeault. The agreement expired last Friday, June 24, 1994. Mr. Scott and Mr. Thibeault were both present to meet with the Board.

Mr. Thibeault first met with the Board to discuss his failure to comply with Section E. of the agreement which required him to present a bond proposal to the Board prior to the expiration of the agreement. Mr. Thibeault explained that he did not realize why there were any problems with the delay in submitting the necessary paperwork as he thought the Board was aware it would take him more than 60 days to submit the engineering plans. In addition, he has a separate agreement with Bud Scott regarding the bonding.

All three members of the Board voiced their concern that the terms of the 60 day agreement had to be met with no exceptions. Otherwise a cease and desist order would be issued to him. Mr. Thibeault said that would not be necessary as he had a proposal with him and he presented it them for their review. The bond proposal is a \$40,000 surety bond to be issued through the Fidelity and Deposit Company of Maryland.

Chairman Johnston reiterated to Mr. Thibeault that it is impertinent that he follow all the terms of this agreement until the public hearing on July 18 and the terms of the bond must be ready if he expects to receive a permit. Mr. Thibeault replied that he will need a permit before he can receive the bond. Chairman Johnston said the terms of the permit can be set pending the approval of the bond.

Ms. Cleveland asked the Board for recording purposes if the submitted proposal was acceptable. All three members replied in the affirmative.

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Mr. Thibeault informed the Board that Pike will be paving the driveway, i.e., the driveway entrance and 50 ft. up the hill. He said other efforts are being made to clean up the pit area.

Chairman Johnston asked if the Board if everyone is in agreement with the proposal and that the cease and desist order which was prepared and signed today is now null and void. The Board was in unanimous agreement to void the cease and desist order.

Arrangements for the Board's site visit on Tuesday, July 12 at 3:30 p.m. were confirmed with Mr. Thibeault. Mr. Thibeault said Peter Holden of Holden Engineering will be present. Chairman Johnston said representatives from the Conservation Commission will be present too.

Mr. Thibeault left the meeting.

The Board then meet with Bud Scott to clarify their discussion from Monday night and to reiterate the terms of Section G. of the agreement regarding the bond. It shall remain in place until such time as an acceptable security is submitted, either at the public hearing or a reasonable time thereafter.

The Board explained that Mr. Thibeault is now in compliance with Section E. of the agreement and the cease and desist order was voided.

Mr. Scott was invited to attend the site visit on July 12.

The meeting was adjourned at 3:30 p.m.

Respectfully submitted by Lorraine Cleveland, Town Administrator

