

Minutes of the Board of Selectmen Meeting of Wednesday, November 17, 2021. Present were Anthony J. Kinahan, Chairman; Meredith L. Anderson, Vice Chairman; and Denise R. Reyes, Clerk. Also present was David L. Gagne, Town Administrator. The meeting convened at 6:30 p.m. in the Eldon F. Moreira Board of Selectmen Meeting Room.

Also Present:

Brian Forrester, Sunny Side Café
Laura Williams, Library trustees
David Church, Library Trustees
Scott Ames, Library Trustees
Deborah Lancaster, Library Trustees
Christopher Lawrence, 28 Victorian Way
Steve McCarthy, Chairman, Board of Assessors
Paula Bunker, Board of Assessors
John Donahue, Principal Assessor
Marcial Lobaza, National Grid
Thomas Houghton, Nation Grid
Jim Noyes, Town Engineer
Dave Raleigh, 448 West Center Street
Harry Raleigh, 448 West Center Street
Marilyn Raleigh, 448 West Center Street
Ruth Beauchamp, 17 Lincoln Street
Christine Altieri, 398 East Street
William Mead, 440 West Center Street
Rob Petrie, 432 West Center Street
Kristine Roberts, 3 Southgate Ave

Chairman Kinahan called the meeting to order at 6:30 p.m.

Chairman Kinahan stated that the meeting would be recorded and that some or all parts of the meeting may be used by our local access company to be shown on local access along with internet feeds and clips which may be used separately from the video of the entire meeting. A full recording of the meeting will be posted on the West Bridgewater Community Access Video On Demand website at <https://wb-cam.org/vod/>.

The Board led the Pledge of Allegiance.

Chairman Kinahan stated first on the agenda is an application for the transfer of the Common Victualler License from Konstantinos Bokas dba Sunny Side Café to Brian Forrester dba Sunny Side Café located at 150 West Center Street.

Mr. Forrester introduced himself and stated everything will remain the same other than the business being transferred to him from the current owner.

Ms. Anderson **MOVED** to approve the transfer of the Common Victualler license for Sunny Side Café, as presented, Ms. Reyes seconded, and so voted unanimously.

Mr. Forrester thanked the Board and exited the meeting room.

Chairman Kinahan stated next on the agenda was approving the meeting minutes of September 15, 2021.

Ms. Anderson **MOVED** to approve the meeting minutes of September 15, 2021, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was accepting the meeting minutes of October 6, 2021 for review.

Ms. Anderson **MOVED** to accept the meeting minutes of October 6, 2021 for review, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was voting to appoint Carol Ashton, a current alternate member on the Conservation Commission, as a full member filling the current vacancy.

Ms. Anderson **MOVED** to appoint Ms. Ashton as a full member of the Conservation Commission, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was voting on Kenneth Aveiro's Vacation Carry Over request.

Ms. Anderson **MOVED** to approve Mr. Aveiro's request to carry over five vacation days, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was reviewing the proposed schedule of meetings and important dates for the first half of calendar year 2022.

Ms. Anderson stated she may have a conflict with the proposed April 20th meeting date, but could coordinate to participate remotely.

Chairman Kinahan stated all dates are tentative and the Board can vote on changing a date as it approaches.

Ms. Anderson **MOVED** to approve the calendar for the first half of 2022, all dates subject to change, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was the joint meeting with the Library Trustees in regards to appointing a new Trustee.

At 6:36 p.m. Mr. Church called the Library Trustees meeting to order.

Mr. Church stated there has been a vacancy and Chris Lawrence expressed interest in joining the Trustees.

Mr. Lawrence introduced himself and stated he is a resident in Town and eager to serve the community.

Mr. Church **MOVED** to appoint Mr. Lawrence as a Library Trustee, Mr. Ames seconded, and the Library Trustees so voted unanimously.

Ms. Anderson **MOVED** to appoint Mr. Lawrence as a Library Trustee, Ms. Reyes seconded, and Board of Selectmen so voted unanimously.

The Board thanked former Library Trustee Marian Goode for her years of dedicated service.

At 6:38 p.m. Mr. Church **MOVED** to adjourn the meeting of the Library Trustees, Mr. Ames seconded, and so voted unanimously.

The Library Trustees, Ms. Williams and Mr. Lawrence exited the meeting room.

Chairman Kinahan stated next on the agenda was the Zoning Board of Appeals Site Plan Review Special Permit Request for a proposed six dog commercial kennel located at 2 Goldie Road.

Ms. Reyes stated she was not in favor of a commercial business in a residential area. Ms. Reyes would like to request that the Zoning Board of Appeals require proper noise control, lighting control and limited hours of operation.

Ms. Anderson stated she was not against a commercial business going into a residential area as long as they are being respectful to the neighbors.

Ms. Reyes **MOVED** to forward the following requests to the Zoning Board of Appeals: proper noise and lighting mitigation, as to not to disturb the neighbors, and operations must remain respectful of residential neighbors; Ms. Anderson seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was the Zoning Board of Appeals Site Plan Review Special Permit request for a proposed Mobile Fish Food Trailer located at 221 West Center Street.

Mr. Gagne stated the applicant's intentions are to have a mobile trailer where he sells prepared and unprepared seafood items. Mr. Gagne stated the trailer would be located at Hockomock Plaza and utilize a few paved parking spots. Mr. Gagne stated the applicant would like to have a small picnic area in the future, as well. Mr. Gagne stated if approved, the applicant would have to apply for a food handler's permit through the Board of Health Office and potentially, a Common Victualler License through the Selectmen's Office. Mr. Gagne stated Conservation Agent, John Delano, reviewed the application and forwarded several matters of concern to be considered by the Zoning Board of Appeals. Mr. Gagne recommended that the Board of Selectmen support and forward Mr. Delano's concerns to the Zoning Board of Appeals.

Ms. Anderson **MOVED** to forward the Conservation Agent's concerns to the Zoning Board of Appeals for consideration and implementation regarding the Mobile Fish Trailer Special Permit request, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was the Public Hearing to consider the joint petition of Massachusetts Electric Company and Verizon New England, Inc.: Plan No. 30341988 to relocate thirteen poles and OH wire on West Center Street, Lincoln Street and Crescent Street and to install three new poles on Crescent Street and Lincoln Street.

Chairman Kinahan read the Public Hearing notice into the record.

At 6:50 p.m. Ms. Anderson **MOVED** to open the Public Hearing, Ms. Reyes seconded, and so voted unanimously.

Thomas Houghton, National Grid Engineer, introduced himself and explained that due to the realignment of Lincoln Street and Crescent Street, National Grid needs to relocate thirteen poles and install three new poles along West Center Street.

There were several residents from West Center Street expressing concerns regarding the taking of some of their frontage for the relocation of certain poles and recommended underground wires be installed.

Mr. Houghton explained that National Grid is doing the relocation and installation for a paying customer and not on their own accord. Mr. Houghton explained that underground wiring would double the cost and the longevity and reliability of above ground wiring far exceeds that of underground wiring.

Town Engineer, Jim Noyes, stated the pole relocation sites and measurements noted on the documents included in the meeting packet are general estimates. Mr. Noyes said the particulars are being worked out and they may be moved a foot or two in either direction based on the estimated locations but should be the general area of installation.

At 7:29 p.m. Ms. Anderson **MOVED** to close the Public Hearing, Ms. Reyes seconded, and so voted unanimously.

Ms. Anderson **MOVED** to approve joint petition of Massachusetts Electric Company and Verizon New England, Inc.: Plan No. 30341988 to relocate thirteen poles and OH wire on West Center Street, Lincoln Street and Crescent Street and to install three new poles on Crescent Street and Lincoln Street, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was the Hearing to Consider the Local Tax Property Factor for Fiscal Year 2022.

Chairman Kinahan read the Public Hearing notice into the record.

At 7:31 p.m. Ms. Anderson **MOVED** to open the Public Hearing, Ms. Reyes seconded, and so voted unanimously.

Mr. McCarthy presented the FY 2022 Tax Classification data.

Ms. Anderson asked if the Board of Assessors have met, reviewed and voted on the numbers presented.

Mr. McCarthy stated the State has approved the figures in the presentation, and once the figures are compiled and approved by the DOR there is nothing the Board of Assessors can do to change those figures. Mr. McCarthy stated therefore, there is no need for the Board of Assessors to officially meet and vote on the figures.

Ms. Donahue stated before he submits the figure to the DOR for approval the Board of Assessors review and sign off on them.

Ms. Anderson stated she was uncomfortable with the process and **MOVED** to continue the hearing until , after the Board of Assessors have officially met to review and vote on the figures presented, Ms. Reyes seconded, and so voted; two in favor, one opposed.

Board of Assessors member, Ms. Bunker stated typically the Assessors do meet and review the packet presented and are able to ask questions for further clarification; however, whether they meet or not does not change the information in the packet, as the DOR approves it. Ms. Bunker stated when the Assessors meet it is more of an informational meeting. Ms. Bunker stated she did have some concerns but understands it is all fill in the blank information vetted by the State.

Ms. Reyes stated she would like to rescind her vote to post pone the hearing. Ms. Reyes stated, after hearing from another member of the Board of Assessors regarding their typical process for considering the presented information, she is more comfortable with moving forward with the hearing as scheduled.

Mr. Gagne stated the original motion to postpone the Public Hearing was not a valid motion due to it not including a set date and time for continuation. Mr. Gagne stated since the vote was invalid, and Ms. Reyes has now changed her mind in regards to continuing the hearing, the Board is free to continue with the Public hearing or make a valid motion to postpone.

Ms. Anderson **MOVED** to postpone the Public Hearing until December 1, 2021 at 6:30 p.m. There was no second, and the motion died.

Mr. McCarthy continued presenting the FY 2022 Tax Classification Hearing packet.

Ms. Reyes **MOVED** to set the FY 2022 Tax Rate at a 1.44 split, Ms. Reyes seconded, and so voted unanimously.

At 8:09 p.m. Ms. Anderson **MOVED** to close the Public Hearing, Ms. Reyes seconded, and so voted unanimously.

Mr. McCarthy and Mr. Donahue exited the meeting room.

Chairman Kinahan stated next on the agenda was awarding the Fire Department keyless entry installation to Galaxy Integrated Technologies, Inc.

Mr. Gagne stated it would be similar to the keyless entry system at Town Hall and CARES Act funding would be used to cover the initial cost.

Ms. Anderson **MOVED** to award the Fire Department keyless entry installation contract to Galaxy Integrated Technologies, Inc., Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan stated next on the agenda was voting on the Town's Right of First Refusal regarding a 61A land use notice of intent to convert for 223 Matfield Street, Map 26 Lot 147.

Mr. Gagne stated a local family is looking to sell off a portion of their land. Mr. Gagne stated the land would be sold as an undeveloped lot. Mr. Gagne stated the proposal has been reviewed by the Planning Board, Zoning Board of Appeals, and the Conservation Commission, and they all recommend that the Board vote to not exercise their first right of refusal.

Ms. Anderson **MOVED** to not exercise the Town's first right of refusal, Ms. Reyes seconded, and so voted unanimously.

Chairman Kinahan opened the Public Comment period at 8:13 p.m.

Chairman Kinahan stated next on the agenda was the Town Administrator's Report.

Mr. Gagne stated an overview regarding calendar year 2021 Senior Tax Work Off program was included in the meeting packet.

Mr. Gagne stated on August 3, 2021 there was a road safety audit conducted of Manley Street and West Street. Mr. Gagne stated there were several upgrades discussed, all ranging in price. Mr. Gagne stated the road safety audit will remain on file if the Town ever wanted to explore roadway improvements for that area.

Mr. Gagne stated next on his report was a PFAS update. Mr. Gagne stated Water Superintendent, Wayne Parks, forwarded some numbers noting that Stations 1, 2 and 4 are all 10 ng/l and require no further testing. Mr. Gagne stated Station 3 was 22.4 ng/l which exceeds the MCL (Maximum Contaminant Level) and Mr. Parks was awaiting direction from MassDEP. Mr. Gagne stated Representative Dubois petitioned the House for \$350K and was able to secure \$100K in funding for the Town to use for PFAS mitigation. Mr. Gagne stated he forwarded the \$350K request to Senator Timilty and he was waiting to hear back from the Senate as to whether or not it has been approved on their end. Mr. Gagne stated it is his understanding that the Senate and House have an informal agreement that as long as money is available, they would approve the higher amount if both the House and the Senate pass the request. Mr. Gagne stated if the funding is approved, the Water Department will use it to fund their collaboration with Taft and Howard on installing a carbon filtration system estimated to cost \$365k. Mr. Gagne hopes the bulk of that cost will be covered by State funds, but if not himself and the Water Commissioners will come before the Board and request to cover the remaining cost with the ARPA funds that were previously earmarked by the Selectmen for a Water Treatment Facility.

Mr. Gagne stated the traffic signals at the Howard Street/Route 106 intersection are now up and running. Mr. Gagne thanked the DPW Department for working diligently in getting the intersection paved and striped.

Mr. Gagne stated lastly he approved a request from the Girl Scouts to use the Town Hall parking lot to sell baked goods to raise money for the local food pantry.

At 8:18 p.m. Chairman Kinahan stated the following "I would entertain a motion to enter into Executive Session, not to return to Open Session, to discuss strategy with respect to litigation, specifically, the National Opioid Lawsuit the Town is a party to, since in my opinion as Chair, strategizing in Open Session would be detrimental on the bargaining position of the Town."

ROLL CALL VOTE: Chairman Kinahan, yes; Ms. Anderson, yes; Ms. Reyes, yes.

Open Session adjourned at 8:18 p.m.

Respectfully submitted by Lorna J. Carroll, Confidential Secretary.

List of Documents included in the November 17, 2021 meeting packet:

- *Common Victualler License Transfer Application for Sunny Side Café*
 - *Restaurant Layout/Parking Plan*
 - *Serve Safe Certificate*
 - *Menu*
- *Marian Goode Resignation letter*
 - *Letter of Interest from Christopher Lawrence*
- *Public Hearing Notice for Pole Installation/Relocation*
 - *Letter from National Grid re: Petition for Joint Pole Relocation*
 - *Petitions for Joint Pole Relocation*
- *Public Hearing notice for Tax Classification*
 - *Fiscal Year 2022 Tax Classification Hearing Packet*
- *September 15, 2021 Meeting Minutes*
- *October 6, 2021 Meeting Minutes*
- *Letter from John Delano re: Conservation Commission Appointment*
- *Kenneth Aveiro Vacation Carry Over*
- *Schedule of Meeting and Important Dates for the First Half of Calendar Year 2022*
- *Galaxy Integrated Technologies, Inc. Quote for Keyless Entry System at Fire Department*
- *2 Goldie Road – Proposed Six Dog Commercial Kennel – Special Permit Request*
 - *Zoning Board of Appeals Application for Hearing*
 - *Project Narrative*
 - *Pictures of Set up*
- *221 West Center Street (map 45, lot 32) – Special Permit – Zoning Board of Appeals – Food Trailer – that will specialize in the sale of fresh seafood, both prepared for consumption and for purchase*
 - *Project Narrative*
 - *Pictures of Food Trailer*
 - *Zoning Board of Appeals Application for Hearing*
 - *Memo from West Bridgewater Conservation Commission Re: Site Plan Review/Special Permit- Andrew Poce – Mobile Fish Trailer 221 West Center Street*
- *Notice of Intent to sell – 223 Matfield Street*
 - *Standard Purchase and Sale Agreement*
 - *Review letter from Conservation Commission*
 - *Review letter from Board of Assessors*
 - *Review letter from Planning Board*
 - *Map of Parcel*
- *Letter from Council on Aging re: Calendar year 2021 Senior Tax Work Off Program*
- *Manley Street at West Street Road Safety Audit*
- *Email from Water Superintendent re: PFAS Update*
- *Girl Scouts request to use Town Hall Parking Lot for Baked Goods Sales Fundraiser*