



Town of Bellingham

BOARD OF SELECTMEN

10 Mechanic Street

Bellingham, Massachusetts 02019

Tel: 508-966-5800 * Fax: 508-966-4425

January 28, 2019

The January 28th meeting of the Board of Selectmen was called to order at 7:00 PM by Chairman Daniel Spencer with Mrs. McNulty and Mr. Connor in attendance.

New England Country Club – Change of Manager

Julie Tartsinis presented before the Board and stated she has been working at NECC since July 2018 as the food and beverage manager but with Diane Hamilton no longer there she will now manage the entire club. Everything will remain the same under her management.

On a Connor/McNulty motion, the Board unanimously voted to approve the change in manager at the New England Country Club.

Don DiMartino – DPW Director

Don presented before the Board to update them on the following:

Layout Box Pond Drive in progress

- It is unaccepted and not laid out beyond house #54 – Note: Don is unsure why this is the way it is, he doesn't know the back story. There is no homeowners association with about 20ish houses on the unaccepted portion.
- Free Survey and plan preparation is under way – Note: Courtesy of Norfolk County Engineers
- Tell me now if BOS has issue with moving towards acceptance – Note: Board does not have an issue. If this road is accepted it will give the Town the opportunity to do some temporary paving as opposed to just patch work until funds are available to redo the street. Once the survey is completed Planning Board will make their recommendation and then put as an Article on the Town Warrant.

TIP Project – Roadway improvement (Douglas Drive to Mechanic Street) Update

- Project Scope – Rebuild road, sidewalks, add bike lane & bike marking, and improve drainage system
- \$6.9 Million current estimate Note: 90 % Grant program from state
- MassDOT 25% Design Hearing (February 26 at 7 PM – Arcand Meeting Room)
 - Do we want to mail the hearing notice to all abutting residents? – Note: This is not required but the Board and Don agree we should
- Currently on TIP for funding and bid advertising 2023 – Pushing to move up – Note: The Town may have to do some cut and paste paving in order to get us to 2023.

TIP Project – Related matters

Land (Easement) Acquisition

- Likely on May or October 2020 Town Meeting Warrant
- Mostly Simple temporary construction easements – Note: this will happen if construction needs to step foot on a resident's private property
- Work will eliminate unrestricted access to medical building parking lot at Douglas and So Main. Loss of about 6 parking spaces – Note: Engineers will work with them on this

Other Local TIP Projects

- Exit 18 Interchange (I-495 at Route 126 Hartford Ave) \$13.5 Million (Preliminary Design) – Note: There will not be a design for this project until it has been assigned a year but the project will certainly follow the 126 project. Mr. Martino suggested setting up a meeting with the district representatives first
- SNETT (Bellingham Franklin) \$2.76 Million

Update /Modify Town Infrastructure - Projects to consider before complete reconstruction

Water Service Pipes

- We should renew all water services within the limits of the project.
- Will try to do in house. We will need capital funding for the above normal amounts of: Police Detail, Hot Mix, and other items.
- Making Board aware of the soon to be submitted Capital Request to CIC and FinCom. – Note: TTHM water project will be the priority

Sewer Pipes NEW

- We can construct a relatively low cost sewer to provide sewer service to homes from Potter Drive to Douglas Drive – Note: Now would be the time to do it. Residents would have an \$8,750 betterment assessment and hook up fee then sewer rate charges thereafter. This would go to town meeting for vote. Work would need to be completed before the 126 project got underway.
- Next Step – Suggest a meeting with invitations to those who would get stubs and pay betterments
- Set Date – Note: Don will draft a letter and set up a public hearing to inform residents. If residents don't want it this idea will just go away
- Discuss other unusual possibilities for private work.

MS4 status & plans

- We are in year one of the permit – Note: Effective last July
- Critical activities that we need to step up Cleaning all Catch Basins (about 2,300) in year one. – Note: Most that has ever been done is 300 in one year
- Biggest uncertainty is cost to dispose of CB cleanings.
- No word on Appeal (Water Quality Standards vs. Maximum Extent Practicable)
- Work at Municipal Center
- Grant funded - Old Police Station Park & two storm water basins
- Future – storm water basin behind lower parking area (South Main Street catchment area)
 - We will pursue grant funding

Rates & Fees

Water Rates

- Current increases in operating cost require that we use funds that should be for capital to make ends meet in 2020 budget/revenue projections – Note: Rate revenue is no longer covering expenditures
- We will soon need to look at the rates
- When does the Board want to discuss? – Note: In June when back to a 5 person Board

Water Fee - Residential Irrigation Backflows

- Currently we do not charge the 179 customers with device the \$90.00 fee we charge everyone else (mostly businesses) with a device that we need to test.
- Testing Appointment difficulties and staff time
- Questions for the Board
 - Do we want to start charging for the testing of the devices?
 - Do we want to establish a different fee?
- How do we deal with customers who make device testing difficult? – Note: In June when back to a 5 person Board

Sewer Rates

- Revenue is exceeding operations cost; thereby funding the operations and capital project list.

Storm water Utility?

- Not currently an enterprise fund but an option
- Does the Board want to consider establishing a Storm water enterprise fund?
 - Fee to all developed properties (Residential and Commercial)
 - Fee can vary based on impervious surface
 - Town Meeting vote needed

Damaged Mailbox Policy

The current policy assumes there is a shared responsibility between the town and the resident when mailboxes are damaged during snow removal operations. The Town will reimburse a resident for damage to a mailbox at a flat rate of \$40 including all costs and once the resident has filled out a claim form and provided receipts. Most damage is done from snow hitting the mailbox during the removal process. Under discussion Mr. DiMartino stated that we have fewer plowing vendors this year. The numbers are down from 39 to 25. All routes were revamped as a result and every street is covered. The Town may need to look at boosting its rates to go above the state's rates in order to entice drivers.

Resident Street Light Request

Mr. Fraine explained the typical procedure for a resident street light request would be for our safety officer to review and then make a recommendation to the Board. It would then be the Board's decision to act on the request. The most recent request from a resident on Susan Lane was under discussion. Mr. Connor stated that street lights are typically an indication of an intersection and not at the end of a cul de sac which is what was being requested at this time. Mr. Connor questioned whether this street light was being requested for convenient purposes and not for safety. He also questioned why other residents on this street hadn't requested a light before now. Chairman Mr. Spencer asked the Board for a motion to grant the street light to which there was none. At this time no action was taken on the request for a street light at the end of Susan Lane.

Signature Stamp

At the request of Mr. Martinis, Mary MacKinnon looked into the legalities of obtaining a signature stamp to replace actual signatures for each member of the Board in order to make the process of signing licenses a little easier. She was informed by counsel that once the Board motions to approve a license a signature stamp can be used however a signature stamp cannot replace the approval of signing off on warrants. Under discussion the Board members in attendance felt they could continue with the process of signing licenses as they do now.

On a McNulty/Connor motion, the Board unanimously voted to accept the November 19th and January 7th minutes as submitted. Under discussion, Mr. Fraine stated he checked with the Town's counsel regarding the approval of minutes and was given the following response: "In my opinion, a member of a board can vote to approve minutes whether or not he/she was originally present at the meeting, or whether or not the individual was a member of the applicable board at the time the meeting took place. As part of an "FAQ" on the Open Meeting Law, the Attorney General's Office has stated the following with respect to the approval of minutes:

The Open Meeting Law does not govern the method for approving those minutes, however. Public bodies may choose the method for approving their minutes, including approval by the public body chair alone, by majority vote of the public body, or by consent of the body (approved unless there is an objection). When a quorum of a public body approves minutes, however, it must do so during a noticed meeting.

In light of this, it is my opinion that any current board member can vote to approve the minutes at issue. To the extent that the members who were not present at the meeting are not comfortable officially approving the minutes, they could simply abstain from the vote to approve the minutes and the two members who were present at the meeting could vote to approve them. There would obviously need to be at least 3 members of the Board present to establish a quorum for the meeting, but then at the time of the vote the members who were originally absent would just abstain from voting. If the minutes are approved at a meeting for which there is a quorum present and the vote is, for example, 2 in favor with 2 abstentions, then the minutes would be deemed accepted by a majority that is present and voting. In effect, the 2 abstaining members count toward the quorum, but they do not count toward the vote. The only exception to this would be if there is something in a town charter or General Law that requires a specific vote requirement for the matter being voted upon. In this case, however, there is nothing in the Open Meeting Law that requires anything other than a simple majority vote."

Mr. Fraine informed the Board that there are currently 244 residents who have an additional recycling container at no additional cost on their trash bill. In 2011 when the automated collection program began the town was not paying a fee to dispose of recyclables and offered an additional recycling container to encourage residents to recycle. This option has been discontinued because of the rising cost of recycling. Today the town pays approximately \$54 a ton to dispose of recycling. Mr. Fraine would like the Board to consider what should be done in regards to those residents who currently have additional recycling containers. One option would be to do nothing and let the residents keep the additional container with the no additional charge. A second option would be to charge these residents the two family rate which is an additional \$40 per quarter. And the third option would be to have the residents return their additional recycling container and the town would pick it up. Mr. Connor questioned how many of the 244 residents actually use the extra recycling containers during their recycling week and suggested the town try and get an accurate count. Mr. Fraine stated this is something the Board will need to revisit in the spring to take a vote.

Mr. Fraine asked the Board members in attendance if they would be willing to move the February 23rd budget review to Saturday March 2nd at 9:00AM per the request of Don Martinis. All Board members were available to do that.

Mr. Fraine informed the Board that a \$25,000 appropriation was received from the legislature to hire an architect for the design of the renovations being done at the senior center. A committee is being formed to review the architect submittals and Mr. Fraine asked if a Board member would be willing to sit on the committee. Mr. Connor volunteered to do so.

Mr. Fraine requested an executive session regarding contract negotiations. Members of the Board were polled with all voting in the affirmative.

On a McNulty/Connor motion, the public meeting was adjourned at 8:08 PM with no further business to be discussed in open session at the conclusion of the executive session.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Hilarie J. Allie".

Hilarie J. Allie
Administrative Assistant