



TOWN OF FREETOWN
BOARD OF SELECTMEN
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AGENDA
MEETING OF MONDAY, JANUARY 09, 2017 (Ang)
COUNCIL ON AGING
227 CHACE ROAD, EAST FREETOWN, MA 02717

6:00 P.M. **Call to Order** Chairman Paul G. Sadeck calls the meeting to order. Also present are Selectmen Lisa A. Pacheco, Selectman Robert Jose and Town Administrator Jack Healey. The meeting is being recorded by Selectman Sadeck and FREECAM. Minutes of this meeting will be taken via Selectman Sadeck's recording.

6:05 P.M. Discussion with Residents regarding Excel Recycling. Selectman Sadeck asks residents present to identify themselves before speaking.

Manuel Bandara, 5 Alexandria Drive – Mr. Bandara was present at the very first Excel permit meeting and asked the man from the EPA how you test something that isn't there yet, and was told they go by what they expect. Mr. Bandara believes this facility isn't what they expected. He offers to host everyone present at his home for the day to experience what it's like to live near Excel. He says they give off metal pollution in the air, speaks of choking on the air in his driveway.

Joyce Bandara, 5 Alexandria Drive – Mrs. Bandara called the Board of Health and had the Health Agent come out to see what they are experiencing. She says even he said he was choking. She says she cannot go outside or have her windows open, especially with children present. She says it is inhumane.

Charles Sullivan, 46 High Street – Mr. Sullivan asked for this to be on the agenda because Mr. Costa at Excel said he wanted to be a good neighbor. He says the Department of Environmental Protection gave a license to Excel with certain stipulations, one of which being a sound barrier. Mr. Sullivan says that on the east side of the property, there's a fence with boards on telephone poles; that is not a sound barrier. On the north side, there are empty containers. The stipulation was supposed to be 10 dbs above ambient sound, but Mr. Sullivan can hear the shredder like a freight train at his property, over 900 feet away. Mr. Sullivan also says little bits of metal are blowing all throughout his property and the area, though the snow is covering it now. He says the stipulations are not being followed, and all he wants is Excel to do what they said they would.

Pedro Neves, 9 Alexandria Drive – Mr. Neves is not surprised by any of this. He says anyone who does basic research on this company knows how they operate and that people have died working for the company. He is not against recycling, but says this company should not be in a residential area where people have lived for years and years. He says there should have been someone to advocate for the residents, but some people may not have chosen to do so because of special interests. Mr. Neves echoes the

complaints from Mr. and Mrs. Bandara and Mr. Sullivan. He chose to live in this area because it was peace and quiet, that it was a great place to live, not to be punished. He says anyone that works for the people should advocate for the people, not place businesses like this behind the houses. It initially wasn't that bad while they were testing, but when it's running at full speed, his house vibrates. He, too, invites those present to come experience it. Mr. Neves says he is not an engineer but he is not stupid. He does not understand how the vibration will stop, how the smoke will stop. He reiterates he welcomes companies, but not where this company is. Mr. Neves wants to know who is going to fix this and who is going to be accountable for this.

Ed Brightman, 102 High Street – Mr. Brightman hears the company all the way on his property, which is quite a ways away. He says the sound barriers in place just deflect the noise to somewhere else. He was recently doing a job on Bob Lima's property on 41 High St and noticed all the bits of metal and debris, and Mr. Lima told him it was from Excel. Mr. Brightman says he believes this is the same company as the company in Westport, who were turned away after not being grandfathered in after a sale, so that is why they are coming to Assonet. He isn't sure, that's what he assumes. He says whoever issued the permits should have done more investigating and put them in their backyard first.

Donna Brightman, 102 High Street – Mrs. Brightman echoes what has been said previously. She says it should be the Selectmen's responsibility to do this research, not the residents.

Jose Branco, 7 Alexandria Drive – Mr. Branco feels that nobody "gives a damn." He says if something happens to him and he needs to sell his home, who would buy it? There are homes on Alexandria that are for sale and nobody even looks at them. He feels the Town let them down. He says if any Board member lived on Alexandria Drive, Excel would not be there. Mr. Branco put in a pool 3 years ago for his children, no way they would want to enjoy it now that Excel is here. Mr. Branco says the Building Inspector came to his home and around the neighborhood with the owners of Excel and they were all told it won't be so bad. Mr. Branco questions if this is proper.

Selectman Sadeck asks what the neighbors would like the Board to do. Mr. Branco says this situation should not have gotten this far. Selectman Sadeck says he isn't defending Excel, but they are in an industrial zone, which was in place long before the houses on Alexandria Drive were constructed. He asks if the neighbors want to shut the business down, the neighbors are in agreement that that is what they want. He points out that DEP allows the business to operate. Mr. Neves says DEP isn't allowing it, it is too loud and there is too much pollution, there are too many environmental concerns.

Health Agent Kevin Bernardo has been out to the neighborhood a few times. The first time was on a complaint about the debris on High Street. He says he spoke to the owner of Excel about it, who was aware of the problem, and planned on adding some tarping and rubber mats on the conveyor belts to limit the problem. Since it is a littering issue, they were given an order to correct, a warning; it was only a warning because Excel was already working with DEP on their permit. The second time Mr. Bernardo went out was the time Mrs. Bandara spoke of. Mr. Bernardo wants to state that he was not choking. He says they sat there for a while and talked about the issue and it started getting heavy and dark. Mr. Bernardo took a photo. He again contacted DEP and was again told DEP was working with Excel on the issues. DEP explained to Mr. Bernardo that when it

comes to the vibration issue, it's very difficult to determine what is Excel and what is other area businesses. Mr. Branco wants to know why the Excel facility in Westport didn't have the shredder. He believes it is because Freetown is the only town that would allow it and that is why they are here. Selectman Sadeck says Freetown doesn't make the approval for the shredder, DEP does that approval.

Leia Adey, 7 Friend St – Ms. Adey wants to point out that this facility was approved as a junk yard. She says all of this should have gone through a special permitting process from the beginning. Selectman Sadeck says the Town of Freetown has two separate descriptions, one being a scrap yard. We conferred with Town Counsel on the matter and was told the Town's by-laws weren't specific enough, resulting in the Zoning by-law definition changes at the Annual Town Meeting last year. Ms. Adey questions why Mass General Laws, which is very clear on the definitions, didn't take over the matter. Selectman Pacheco says that very matter went to the Zoning Board of Appeals, which ruled on the matter. Cross-discussion ensues about the ZBA's ruling and the type of facility Excel is.

Bob Lima, 41 High St. – Mr. Lima has lived on High St for 30 years now, and says Excel sounds like an excavation company is operating right across the street from him, he can only imagine what Alexandria Drive is going through.

Selectman Sadeck asks representatives from Excel to speak. John Markey, attorney for Excel, says starting the business is a long process that involves DEP, as Mr. Bernardo spoke about. Atty. Markey says a number of the issues raised today have been fixed, and other issues are still being worked on. He says there is a 90-day review period that is ongoing and issues are still being addressed. He appreciates the difficulty of this situation, but notes that all of the issues brought up are part of the DEP permitting review that they are working on. He says these complaints should be addressed to DEP. He cautions that the issues can't be fixed overnight, but says that each day should be better than the one before it. Martin Costa of Excel says that a hotline has been set up, but they've only received one anonymous call to this point. Mr. Costa says the smoke spoken of is actually steam, a result of water in the mill. Residents respond, questioning why this steam has a color and taste. Mr. Nevas asks what the black steam is, if it is steam, Mr. Jonathan Costa says it could be exhaust from one of the machines. He says that DEP has been out to the site on the noise issue and has already done a new round of sound testing, both on site and on High Street. They received feedback that the facility is not out of compliance. Mr. Sullivan has major problems with this, and does not want to hear Excel saying that they are doing things right. Mr. Martin Costa appreciates Mr. Sullivan's concern, urging him to utilize the hotline when issues arise. He says that as far as DEP's testing has shown, they are in compliance with the terms of their license. He invites any neighbor to visit the site. Mr. Costa says in terms of the debris, they have changed the process that created it in the first place, that should not happen again. He notes that the process can't be tested without running it. He apologizes about the debris issue, but says they would support any effort to clean that up. Mr. Bandara asks about the DEP sound testing, whether the facility was running at capacity at the time; Mr. J. Costa says they were there for around 3 hours, unannounced, and were testing before they even alerted Excel to their presence. Mr. Bandara says there's no way they were running at capacity while they were there. Mr. Branco does not believe that it was another area business causing the vibration issue, as the issue stops when Excel stops. He also has issues with Excel's definition of steam. Mr. M. Costa reiterates that they are compliant with DEP's requirements. He states that he did not do the zoning for the Town of

Freetown, he moved his business into an industrial area. In response to Mr. Branco's questioning of Freetown vs. Westport, he explains that Westport was not considered for this part of the business, as Freetown is situated perfectly for the needs of the business, in terms of access to highways and railroad and proximity to Boston. Mr. M. Costa says when he went through the proper protocol and placed the business in an area that was correctly zoned for what the business was going to do. He says the last thing he wanted was to create an adverse relationship. Mr. Branco asks what Excel will do for him if he put his house on the market and it didn't sell for two years. Mr. M. Costa asks what he would want him to do in that case.

Michael Gauthier, 45 High Street – Mr. Gauthier asks if the sound is this bad in the winter, with all the windows closed, what will it be like in the summer time? He also notes that when Excel previously spoke of the business, they described the business as enclosed, but it is out in the open. He has also had the debris on his property, and also believes DEP's testing to be incorrect.

Selectman Sadeck wants the Board to ask questions of Excel. Selectman Jose asks what modifications were made by DEP to Excel's license around December 1, between the first and second final approvals. Mr. J. Costa says the stack on top of the enclosure and the switching of the sound barrier to the containers. Selectman Jose asks if the decibel level was changed, Mr. J. Costa says that will never change, as that is contingent on the neighborhood; the statute is the statute. Selectman Jose says his issue is with the sound barrier, which he confirms is 20' high. He says with the topography of the area, the residents on High Street are higher than Excel; such a sound barrier is not going to be adequate. Mr. J. Costa says if the sound barrier is found to not be sufficient after the 90 day review period, then they will fix the sound barrier. Selectman Jose asks if the sound testing was done on High Street, Mr. J. Costa says it is his understanding that DEP was on High Street testing before they visited Excel. Selectman Jose asks if they are operating before getting water at the site, Mr. J. Costa says yes, they have portable water at the site now, which Mr. M. Costa says is more than adequate. Selectman Jose also speaks to the zoning review that was done from 2005-2007, the results of which were voted on at Town Meeting by a 2/3 vote. He wants to make it clear that is wasn't the Board of Selectmen responsible for that, but a full committee and Town Meeting vote. He also confirms that DEP is the only agency able to shut the business down, as it is an accurately zoned area. Selectman Jose says what the Board can do is make a formal complaint to DEP and have them extensively follow up. Selectman Jose notes the day DEP visited, we don't know if it was a high speed day or a low speed day; Mr. M. Costa says there are no speeds, it's on or off, the machine only runs with a full feed. Selectman Jose notes different materials will sound different, which Mr. M. Costa allows for and elaborates on, saying it's negligible. He says the machines were running when DEP was there. He says where the machine is situated, they did not anticipate that there would be a constant southwest wind. They are building canopies and chutes currently to alleviate issues. He invites Mr. Bernardo to follow up on that. Mr. M. Costa talks about the testing process, one person stays on their property and the other goes elsewhere to do the testing. The latest round of testing was due to a complaint made to DEP and they were found to be compliant. He says the facility is running as closely to a production environment as possible, but they are still making adjustments. Mr. Gauthier asks why real estate agents have told him his property value has depreciated, Mr. M. Costa says he wishes he had an answer for that. Mr. Branco says the noise level is not consistent, it varies.

Steve Tripp, 4 Alexandria Drive – Mr. Tripp asks about safety vehicle access, questioning how the various businesses on Ridge Hill Road will escape if necessary, as it's the only road in or out. Selectman Jose says the Planning Board is responsible for that, and the road has been there forever. Mr. Tripp says there are more businesses there than ever before. Selectman Jose reiterates that that is not in the purview of this Board. He says if you really wanted to change how that is, you could change the zoning of the area, though the businesses would all be grandfathered in. Mr. Tripp asks how a fire would be put out in the area. Mr. Nevas says the traffic is only going to get worse in the area. Selectman Jose says this was all already taken care of when Republic received their special permit two years ago. Selectman Sadeck notes that Excel paid to bring a water line down Ridge Hill Road, that allowed for hydrants to be installed, which benefits all of the businesses in the area. Ms. Adey asks what came of the petition a number of months back, with the appeal being filed. Selectman Jose says it was settled, so the appeal was dropped, which was the December 1 final approval he spoke of earlier. Selectman Sadeck asks if any of the neighbors involved in that settlement are here, but it does not appear that any are. Selectman Sadeck says he doesn't know the terms of the settlement.

Mr. Branco asks the Board if they think the noise is standard or overwhelming. Selectman Sadeck says he went up there the other day because of the road cutting for the water line and saw that they were up and running, so he visited. He was told by Mr. J. Costa that they were running the test phase. He says that when he left there, he went on the other side of the sound barriers and was surprised to find he couldn't hear anything. He says the residents are free to not believe him, but that's what he observed. He drove up Copicut Rd and down High Street, observed the southwest wind that Mr. M. Costa spoke of, and saw the steam coming from the stack. He says he did not hear any noise on Copicut, but did hear some booms while near Mr. Sullivan's property, which continued until he got until the top of Alexandria Drive. He stresses it was just maybe 30 minutes of one day, but he understands what the residents are saying. He agrees with what Selectman Jose noted earlier, that the barrier isn't enough for High Street. Selectman Sadeck says he didn't feel any vibrations, but perhaps because he was in a car. Mr. Brightman says he gets trucks worked on at Bill's truck repair next to Excel, and was told that they can barely hear Excel running. Mr. Bandera asks what happens when he moves away, and Mr. Brightman says he hears a rumble at that point. Mr. Nevas says there's not consistent noise, but there is noise 60-70% of the time, and this is just the testing phase. He says the biggest issue is the vibration inside the homes, which Mr. Branco agrees with.

Selectman Pacheco says there's no hiding her thoughts on Excel, as she voted against the permit in the first place, but notes that they are in an industrial area. She says their DEP permit is to let their machines run, but it doesn't take away from what the Town can do as part of their license. She says that the Board can take away the license at any time, asking if Excel knows that. Mr. M. Costa says they know that. She believes Excel should be given the time to set up their business, but that DEP should monitor them as often as the Board feels necessary. She speaks that there's no way the debris should be spread, that the air shouldn't be fresh. She says we need to take care of the people that live in Freetown, where Excel are visitors. Selectman Pacheco vows to make the motion to take away Excel's permit if things aren't done correctly, once their business is commissioned.

Selectman Sadeck says that for the Board meeting on February 21, we should put Excel on the agenda again, to get an update on conditions, where the Board can better make a decision on how to proceed. Selectman Pacheco says she thinks Excel should be given

the time to set up their business and she doesn't want to take that away from them. She notes that while Excel says DEP has told them they are in compliance, she hasn't seen any reports saying as much. Mr. Bernardo notes we should have that by the 21st. She would want to see those reports. She says that once she returns from vacation, she wants to visit the residents to see their complaints first hand. Mrs. Bandera speaks about DEP saying they were in compliance while on the property, but being on her property, it is a different situation; Selectman Pacheco notes again that DEP approval is different than the Town giving them their license. Mr. & Mrs. Bandera, Mr. Branco and Mr. Nevas all invite the Board whenever they want to visit. Selectman Pacheco asks Mr. M. Costa when the 90 day review period ends, Mr. M. Costa says sometime towards the end of March. Selectman Sadeck asks the Board if they agree on February 21. Selectman Jose asks if we should wait until the end of the 90 days, but Selectman Sadeck calls the 21st a scorecard meeting to mitigate some of the concerns.

Motion (Jose/Pacheco) to review this again on February 21 and file a complaint with DEP so the Board can receive the numbers to see where Excel is performing and to get some unannounced tests done. Selectman Sadeck asks Excel if they understand what action the Board is taking tonight, they say they do. Motion passes unanimously.

Selectman Sadeck invites the concerned residents and Excel Recycling back again on February 21. Mr. Bandera asks if it's possible for representatives from the Town join the residents in a walk of the neighborhood. Selectman Jose says he walks the neighborhood often and lives less than 2 miles away, he knows what the residents are speaking about. Mr. Nevas says he doesn't believe the sound barriers are actually sound barriers. Selectman Jose says DEP allowed these as sound barriers, changing the guideline from wooden fencing to these containers. He notes he just received and reviewed a copy of DEP's final approval this afternoon. Mr. Gauthier asks when the window for Excel's license renewal is, Selectman Sadeck says that Excel's license runs from December to April 30th. Selectman Pacheco notes we can pull that license at any time. Mr. Branco asks about the value of his home, Selectman Sadeck says the Board will not pull the license because of the value of homes. Mr. Neves says the depreciation issue is something that needs to be addressed, but he understands that doesn't have anything to do with this Board.

The Board thanks the residents for coming out for this meeting and hopes to see them again on February 21. Selectman Jose wants Selectman Sadeck to read the Excel hotline number, for the record: 508-636-3377. Selectman Jose notes this is a 24-hour hotline.

Weekly Public Discussion

Consent Agenda:

Board of Selectmen: Action relative to:

- Approve Board of Selectman minutes from December 7, 12, & 14, 2016. Motion (Pacheco/Jose) to approve the minutes from the 7th and the 14th, as presented. Selectman Pacheco notes she was not present on the 12th. Selectman Jose says there were some grammatical issues, but the content is correct. Motion passes unanimously. Motion (Jose/Sadeck) to approve the minutes from December 12 as presented, motion passes unanimously with Selectman Pacheco abstaining.

- Ambulance Abatements for the month of December 2016, as submitted by Chief Silvia. Motion (Pacheco/Jose) to approve in the amount of \$40,375.02, passed unanimously.
- Annual Renewal of Class II Licenses for Herb's Auto Body, Clermont's Auto Sales, Home Town Automotive and Chipaway Auto. Selectman Jose asks if there have been any complaints about these businesses. Mr. Healey says there have been none to his knowledge. Motion (Pacheco/Jose) to renew the Class II licenses as noted, passed unanimously.
- Sign Agreement between the Freetown and Lakeville for use of Lakeville Animal Shelter. Motion (Pacheco/Jose) to sign as submitted by the Animal Control Officer, passed unanimously. At Lakeville's request, Selectman Sadeck reads a notice that says that the Animal Shelter will not accept stray dogs from anyone other than the Animal Control Officer, but they will accept dogs from their owners, provided they pay the standard \$50 surrender fee.
- Approve new 2017 Standard Mileage Rates. Selectman Sadeck says the Board typically accepts the standard mileage rate that is set forth by the IRS. Town Accountant Kim Fales has provided the Board with that rate, which is .53 cents/mile. Motion (Pacheco/Jose) to approve the rate of .53 cents/mile, approved unanimously.
- Approve use of Volunteer for Animal Control Officer. ACO Lisa Podielsky is present for this discussion. Town Counsel has provided a release form for the volunteer to fill out. Selectman Jose asks if this volunteer is doing this in lieu of taxes, Mrs. Podielsky says no, it is for community service. Mrs. Podielsky plans to use the volunteer to clean and prepare for potential emergencies, no contact with animals. Selectman Jose asks if this is court-ordered community service, Mrs. Podielsky says yes. Selectman Sadeck says this is why we aren't using names. He asks for a motion, but none is made. Selectman Pacheco says she hasn't seen anything like this before. Selectman Jose asks if this is just for this specific person, Selectman Sadeck says yes. Selectman Jose says if the motion is for volunteer work then he would make it, but since it's for this individual, we don't know anything about them. Selectman Jose asks Mrs. Podielsky if she's done a background check on the person, she says she knows the person, no background check was done. Selectman Jose says we should wait until the next meeting, but that will be too late for the individual. Selectman Pacheco says she agrees that a release is needed for volunteer work, but this has a twist on it because of the circumstances. Mr. Healey believes the word of Mrs. Podielsky should be enough. Selectman Pacheco says she wishes they had more information. The Board will not take action on this, but is in agreement that a procedure should be put in place for this situation in the future. Selectman Sadeck asks that if anyone has a request like this in the future, all information should be sent to everyone on the Board. Mr. Healey asks if he should work on that procedure, Selectman Pacheco says yes.
- Accept donation to Cultural Council from CCA. Selectman Sadeck speaks to the Cultural Council's work at the Annual Tree Lighting. Cape Cod Aggregates wishes to donate \$5,000 to the Cultural Council to buy lights and decorations for the event. Motion (Jose/Pacheco) to accept the donation, passed unanimously. Selectman Pacheco asks if the flags were put up on the East Freetown side of town. Selectman Jose says there were issues with the flags, and because of private property and sightline issues at the rotary, a tree couldn't be put up there either. Selectman Pacheco wants to make sure this is done next year.
- Read Public Notice from Temporary Tax Collector/Treasurer. Selectman Sadeck reads the notice out loud. There was a typo on the tax rate. The bills read that the residential rate is \$13.22, but it should be \$13.32. The amount due is correct, it was just a misprint on the rate only. This notice can be viewed at the Town Hall and on the Town website.

- Declare two vehicles as surplus and allow disposal of vehicles at a proper facility, as recommended by Police Chief. The police department has a 2008 and a 2011 Ford Crown Vic that are out of service in 2012 and 2014, respectively. Since then, they were kept at a local auto yard where they were periodically stripped for parts to keep other police cars running. The auto body owner has recently requested the cars be removed, prompting this decision. Motion (Pacheco/Jose) to declare the vehicles as surplus, passed unanimously.
- Discuss the Public Records request made by Patrick Higgins. Selectman Sadeck speaks to the new Public Records law and notes that the Public Records Clerk has already received two requests, including one from Mr. Higgins. Mr. Higgins is requesting all executive sessions minutes for all Boards for all of 2016. Selectman Pacheco says that the Tuesday after every meeting, the Executive Session minutes should be redacted right away. Selectman Jose says we still need to approve minutes before releasing them, but Selectman Sadeck and Mr. Healey correct him, saying draft minutes can be requested at any time, with redactions of sensitive material. Selectman Sadeck says some Boards will need to change how they do their minutes, as not all of them take minutes on the spot. Selectman Jose asks about the fee structure. Selectman Sadeck says you can charge \$0.05/copy, plus the hourly rate of the lowest wage individual that has access. He asks Police Chief Carlton Abbott if he missed anything. Chief Abbott notes that while he doesn't oppose public records, the new law proves to be very cumbersome and overwhelming, depending on the request. Selectman Jose asks if postage is charged, Chief Abbott says it can be if the materials are mailed, or the individual can pick up the materials, or they can view the records on site for no fee. Selectman Pacheco notes that is what Mr. Higgins is requesting. Chief Abbott says you get 10 days to respond to a request, then another 15 to actually compile the request.
- Discuss setting a date to meet with Lakeville Board of Selectmen. The Lakeville Selectmen want to meet on January 30, but we don't have our budgets ready then. The Superintendent is presenting his budget on January 11. The Board agrees to meet on January 30, in Freetown, at 6pm.

Board of Health:

- Discuss Circle K's request to be open 24 hours. Health Agent Kevin Bernardo and Keven Desmarais, Chairman of the Planning Board, are present. This is in relation to the Circle K in Assonet. The Board of Health issues permits for the sale of food at the establishment. Mr. Bernardo says research was done in the town by-laws and he found nothing to say that the Board of Health could restrict the business hours. He did find language in the sign by-laws that would require a special permit. Selectman Jose asks Mr. Desmarais what past practice is, but Mr. Desmarais doesn't recall any limits being placed on hours of operations. Any sign limits were made to match the hours of operation. He confirms there's nothing in the town by-laws that limits the hours of operation. Selectman Jose asks if anyone has applied in the past to be open 24 hours. Mr. Desmarais says no, but he, Selectman Sadeck and Mr. Healey are all in agreement that they wouldn't have to apply. Selectman Pacheco asks what we need to do, Selectman Sadeck says nothing. Selectman Jose says they'd have to get changes approved, but Selectman Sadeck doesn't agree, saying just the sign issue would have to be addressed. Selectman Pacheco says if the Board has nothing to do with this, she has nothing to say, but if the Board does have anything to do with it, she has a whole lot to say. She says we are trying to reduce truck traffic in the area, this will do the opposite; we just had a discussion with residents about this. She sees this as a whole new set of problems. Mr. Bernardo says that's why he brought this to the Board. Selectman Jose requests clarification on who issues permits for gas stations. Mr. Desmarais says they need a

special permit from the Planning Board; the same is true about drive-throughs. Selectman Jose asks if going to 24-hours would be a change of use. Mr. Desmarais says no, but states some of these questions would be better directed to the Zoning Enforcement Official. Selectman Sadeck says he'd entertain a motion to say no to Circle K's request. Selectman Jose questions whether this was an actual request or a request for guidance. Selectman Sadeck reads an e-mail from Mr. Bernardo. He speaks of the rumor that Circle K is looking to expand by taking over the plaza next door, asking Mr. Desmarais if an expansion with diesel fuel would require another special permit from the Planning Board; Mr. Desmarais says that it would. He says if the business wanted to expand the size of their business, it would require coming to the Planning Board. Selectman Sadeck asks if, in that case, can the Planning Board set hours of operations restrictions. Mr. Desmarais says that with a special permit, they can set whatever restrictions they'd like. Mr. Desmarais warns that as a Town, if we are taking a position on any matter, it needs to be a defensible position. Selectman Sadeck says this is on the agenda because he needed to talk to the people that would know, because he couldn't find anything in the by-laws. Selectman Pacheco says that since they made a request, however, she wants to deny the request. Everyone is in agreement that this is something that requires more discussion, and Mr. Desmarais says a general version of this is on the agenda for the next Planning Board meeting. Mr. Desmarais says you can put zoning restrictions with new by-laws and such, which is certainly worthy of more discussion. Mr. Desmarais speaks about a business license that could be established, which could be a way for the Board to limit whatever they want to limit. He notes that he doesn't have the experience in the area, but it could be something to explore. Mr. Desmarais speaks about zoning or licensing, saying the conversation needs to be had about how to go about this. Selectman Jose asks if there will be any motions as the result of this discussion. Selectman Sadeck says he won't make any, because based on the current by-laws, Circle K didn't even have to ask. Motion (Pacheco/Jose) to deny a request from Circle K to be open 24 hours, if an actual request came into the office to be open 24 hours. Selectman Sadeck asks what that motion means. He wants to make it clear: the Board would be denying a request that didn't even need to be made. Selectman Jose says that is correct, by the nature of a request. He says it wouldn't be legally binding, though that'd be up to an attorney to determine. Mr. Bernardo asks if a letter would be sent to Circle K, Selectman Sadeck says no. Discussion ensues about how the request was made and to who initially; Mr. Bernardo says Ali Golz sent him an e-mail saying she had a request from the Circle K, for him to follow up on it as their license comes from the Board of Health. Mr. Healey says it could have been a verbal request, but he isn't sure. The motion passes 2-1, with Selectman Sadeck voting nay.

Personnel Board:

- Discuss/Appoint a Priority Development Committee as submitted by Planning Tech Lauren Moreau. Selectman Pacheco says the committee would consist of representatives from the Planning Board (Mark Rogers), the Health Agent (Kevin Bernardo), a Conservation Agent (Keven Desmarais), the Building Commissioner (Scott Barbato), a representative from the Fire Department (Chief Gary Silvia) and a representative from the Board of Selectmen. Selectman Jose says he'll represent the Board. Selectman Pacheco notes that that would make 3 Planning Board members on the Committee, she isn't sure if that'd be an issue. Selectman Jose says he would find out. Motion (Sadeck/Jose) to approve the Committee as discussed, passed unanimously.
- Sign Change of Status form for John Pina as Patrolman, as submitted by Chief Abbott, effective December 4, 2016. Motion (Sadeck/Jose) to sign, passed unanimously.
- Sign Change of Status form for Deborah Allerdt as Senior Clerk, as submitted by Chief Silvia, effective January 19, 2017. Motion (Sadeck/Jose) to sign, passed unanimously. Selectman Pacheco asks Mr. Healey to find out when Mrs. Allerdt's retirement is.

- Sign Change of Status form for Barbara Lafleur for Counsel on Aging Director, as submitted by COA Director, effective January 1, 2017. Motion (Sadeck/Jose) to sign, passed unanimously.
- Appoint/Sign Change of Status forms for Auxiliary Police Officers Joseph Cowing, Kaylin Jose, Nathan Melo, Marc Gaspar and Michael MacDonald, as submitted by Chief Abbott, effective January 9, 2017. Motion (Sadeck/Jose) to sign the forms for Mr. Cowing, Mr. Melo, Mr. Gaspar and Mr. MacDonald, passed unanimously. Motion (Sadeck/Pacheco) to sign the forms for Ms. Jose, motion passed unanimously with Selectman Jose abstaining.
- Accept Daniel Stewart's letter of resignation effective December 15, 2016, as submitted by Chief Abbott. Motion (Jose/Sadeck) to accept, passed unanimously.
- Form the Police Sub-Committee and Appoint the following members: Carlton Abbott, Jr., Jack Healey, Robert Jose, Lisa A. Pacheco, Benjamin Levesque, Paul G. Sadeck, Charles Sullivan, Mark Fornaciari, and Mary Rezendes Brown. Motion (Sadeck/Jose) to form the sub-committee and appoint the members noted, passed unanimously.

New Business

- Dates for upcoming Board of Selectmen Meetings Monday January 23rd, February 6th, (Tuesday) February 21st. The Board will also meet with the Lakeville Selectmen on January 30.

Old Business:

Executive Session:

- At 8:30pm, motion (Jose/Pacheco) to enter into executive session under the following exemption, and not return into open session following: M.G.L. c. 30A, Sec. 21 (a) (2) - In preparation for negotiations with nonunion personnel and to conduct contract negotiations with nonunion personnel, Jessica Thomas, Temporary Treasurer/Collector. Roll call Chairman Paul Sadeck, Selectman Lisa Pacheco and Selectman Robert Jose, all voted in the affirmative when polled. Ms. Thomas is present and will be a part of the executive session.

At 8:45pm, motion (Jose/Pacheco) to adjourn from executive session. Roll call Chairman Paul Sadeck, Selectman Lisa Pacheco and Selectman Robert Jose, all voted in the affirmative when polled.

Respectfully submitted,



Timm McIntosh, Senior Clerk

Recorded from Selectmen Sadeck's audio recording