



**TOWN OF FREETOWN
BOARD OF SELECTMEN**
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**MINUTES OF MEETING OF
MONDAY, MAY 23, 2016**

**COUNCIL ON AGING
227 CHACE ROAD, EAST FREETOWN, MASSACHUSETTS**

5:30 P.M. **Call to Order** Chairman Paul Sadeck calls the meeting to order. Others present are Selectman Bob Jose and Selectman Lisa Pacheco as well as Town Administrator Jack Healey. The meeting is being recorded by FREECAM.

Weekly Public Discussion

Consent Agenda:

Board of Selectmen: Action relative to:

- Meeting with Charles Macomber, Highway Surveyor and Jim Noyes regarding the South Main St and Locust St. Bridges.
 - Mr. Macomber states that So Main St. is in much better shape than thought, however, Locust St. is in much worse. Mr. Jim Noyes, Engineer, says on the So. Main St Bridge we thought there was a scour problem, but when we looked at it there was not and this has saved us approx \$300,000. When we went to the Locust St. Bridge the deck is rotted out. 45% is rotten out. The second option is replace the option. And 3rd is just replace the stringers which we don't recommend that would only help for 10 years. The 2nd option would be \$130K above what we estimated. The paperwork for So. Main St. is done, and Locust should be done in 2-3 months. This should be 2-3 months for Locust Street. When asked by Selectmen Pacheco, Mr. Macomber says it would be 3 months of full closure. Motion (Pacheco/Jose) to go with full bridge repair for Option B and get bids together, passed unanimously. Selectmen Pacheco asks that this be sent to the STM so the bus company knows immediately.
- Approve Chapter 90 Project requests for Slab Bridge Rd., So. Main St. and Final Report for Richmond Rd. Bridge as submitted by Charles Macomber, Highway Surveyor.
 - Final Report for Richmond Rd Bridge. The project is 99% done, just some landscaping still needs to be done. Motion (Pacheco/Jose) to approve in the amount of \$160,591.67. Passed unanimously. Chuck says they outspent the

- original contract by \$22,371.67. This is the end of the engineering on the Richmond Road Bridge.
- Speed Study for South Main Street. The last speed study was done in 1974, so a new one is absolutely needed. The cost would be \$4960.00 for GPI to conduct this study between the Brightman Saw Mill and the Stop and Shop Warehouse. We have been getting a lot of complains regarding the speed on this road. Motion (Pacheco/Jose) to approve in the amount of \$4960.00, passed unanimously.
 - Chip Seal Slab Bridge Road from Historical Museum to Bullock Rd. The same process that would be used was used in previous spots all around town and has held up well, according to Mr. Macomber. It's substantially less expensive than completely re-sealing the road, which Mr. Macomber says would be well over \$1M. Motion (Pacheco/Jose) in the amount of \$257,321.80, passed unanimously.
 - Mr. Macomber just received the agreement for the speed study, and will get it to the board as soon as it's ready to be signed.
 - On the topic of Richmond Road, Selectmen Sadeck said today there was a meeting with Southcoast Rail and they will be upgrading the rail on Forge Road and they will be bringing up the speed to 79mph.
- To meet with any concerned residents regarding Excel Recycling issues they may have
 - Mr. Charles Sullivan, High Street, presents the Board with a letter asking that the Board restricts the current license with the following restrictions :
 - 1. Requirement and standards placed on Excel by the Department of Environmental Protection (DEP) represent the highest limit for the operation. This is regards to noise: the DEP limits noise to 10dbs above ambient noise.
 - 2. The hours of operation are limited to 8am-4pm Monday-Friday, with no work allowed on Saturday or Sunday.
 - 3. The metal or other recyclables not be piled higher than the 18-foot walls required by DEP.
 - 4. The total noise level be limited to a total of 60 decibels at the Excel property line. Selectmen Sadeck asks him to clarify this. Mr. Sullivan says his understanding is that the 10dbs DEP requirement refers to background noise. Mr. Sullivan says 60dbs is what the town of Westport allows for a facility in their town. Selectmen Jose points out DEP allows for 57dbs. Selectmen Pacheco wants to know if he means in line with DEP or stricter than DEP. Mr. Sullivan says yes in line with it. Selectmen Jose says at the property line. Mr. Sullivan says yes, but this is only for the shredder. Selectment Sadeck says DEP is 10dbs over the ambient noise anywhere off their property. Mr. Sullivan says the documents that was forwarded to me did not have a total noise level.

- Mr Louis Campos, 8 Mill St., Mr. Campos wants to know what the ambient value Mr. Sullivan has mentioned. The Board asks Mr. John Markey, attorney for Excel, to speak to that. Mr. Markey says that DEP required Excel to run a week-long test to determine the ambient noise level. The data is essentially represented in a bell curve. A figure is determined that represents 90% of the day. That number during the test was in the high 30s/low 40s. Atty. Markey points out that as the time of year changes and other businesses are in the area, that number can change. Mr. Campos asks how the data was taken, what sort of intervals were observed; Mr. Marty Costa and his son, Jonathan, from Excel, say it was a continuous monitoring for 6 days. Mr. Campos asks if that's a valid study, saying a longer period should be used. Excel says the period of time includes all days, which actually lowers the number since Sunday is included. Mr. Campos again asks for the figure. Atty. Markey says the full data is available in the DEP report, with the baseline average being between 37-40 dbs. Mr. Markey says this figure represents the 10th percentile, meaning 90% of the time, it is quieter than that. Selectmen Sadeck asks if this was a required study by DEP. Mr. John Costa says yes it was, it is an industry standard test. Atty Markey says Excel's sound engineers were available at the open house the company held last week. Mr. Campos said can we have access to these study documents. Mr. Costa said yes. Mr. Campos also requests the specifications for the building, noting that everything is enclosed, including all toxins, asking if anything will go into the environment. Atty. Markey says these can be e-mailed to Mr. Campos. Mr. John Costa says the DEP said there were no stat configurations or controls required by DEP. Mr Campos asks if there any time that Excel has shredded materials or refuse exposed to open air? Mr. John Costa says if you go back and read the DEP report, everything about their process is outlined, DEP addresses it. Mr. Campos remains concerned about air quality, asking if there will be days where the air quality be less? Mr. John Costa says the engineer can answer that for you, again citing the DEP report. Mr. Campos says he will take the names from them but would like to know the water system. Mr. John Costa says there will be zero discharge. Mr. Campos says what happens to the waste; Mr. John Costa says they will have someone come in and clean it. Mr. Sullivan asks you will use 5-6K gallons per day of water, what happens to that water. Mr. John Costa says it goes back into the system, it is recycled. It is not a constant flow of water. Mr. Marty Costa says the only time the Town Water would kick in would be if they lost water pressure. Selectmen Jose says the only thing it will leave is evaporation. Selectmen Sadeck asks if tours are available if requested; the Costas say of course. Mr. Campos asks for a tour of their other facilities. Atty Markey points out that no other Excel facility has a shredder, so visiting other sites may not be too useful. Similarly, this facility is the only enclosed system in New England, so

visiting other shredder companies would also not give a clear idea of what is involved here. Mr. Campos says the process of using 2 different facilities in his opinion won't change. He wants to understand how they work through the process. John Costa says they don't have this at the other sites. Mr. Campos says now you are putting this new machine at a new facility, saying it should be looked at. Atty Markey says this is a new, modern, clean way moving forward, and he wouldn't want to take Mr. Campos to a different place that does things differently, the old way. Mr. Campos understands this. He thinks the air quality should be monitored, we should have a base line. A study should be conducted like the sound study. Selectmen Jose asks if DEP requires an air quality test. Atty. Markey says they do, and the sound study was a part of this study. Selectmen Sadeck discusses with Mr. Campos that nothing is being hidden here, all this has been discussed at previous meetings. Mr. Healey said he has already spoken with Mr. Campos on this. The Board acknowledges the homework Mr. Campos has done on this subject.

- Ellen Lima, 41 High St – Mrs. Lima lives across the street from Mr. Sullivan, so she isn't a direct abutter but is essentially across the street. She notes we have had many companies try to come into town that have said there would be no smells, no problems, no vermin, etc. She says Excel will have these issues as well. She thinks when you tour the place there may still be issues that may be brought up. We have a lovely area that we live in. If DEP did a noise study and they didn't have any issue then that didn't do a good job. She says there are already businesses in the area that impact the quality of life in the area, so we shouldn't be taking this lightly. Mr. John Costa says Excel wants to be a good neighbor.
- Mr. Marty Costa reiterates that the company had an open house last week, with all their engineers and such available for questions. He regrets that Mrs. Lima and Mr. Campos didn't receive invitations, but the invitations sent out were meant to be open invites. He would like to extend the invitation again, saying they are welcome to visit and talk about their concerns with the company. He says they want to as transparent as possible. Atty. Markey offers to collect the e-mails of the concerned citizens present at the meeting, to send along the DEP study and all relevant information that should address their concerns.
- Mr. Sullivan says he still has the concerns he raised earlier, that he heard of all this secondhand, not initially from Excel. We should have been hearing about this a year earlier. He would like the Board to address them.
- Selectmen Jose would like to know what their hours of operations are, what Excel is asking for. Monday-Friday 7-5 and Saturday 7-2 with general maintenance during the second shift. Selectmen Jose requests clarification that these are

operating hours, the machine wouldn't be running outside those hours, Mr. John Costa says that is correct.

- Mr. Sullivan said this morning, before 7am, they were working on the building but he does know that the noise barriers were not up yet. Sadeck says Allied/Republic will be enclosed and this will be enclosed. Selectmen Pacheco asks when they will be fully operational. Mr. John Costa says we are waiting for an upgrade from Eversource, and the Verizon strike has them at a stand still at the moment as they need some poles moved before continuing. Selectmen Pacheco asks if Mid-July Early-August is a good estimate, Mr. John Costa says he'd think so. Selectmen Sadeck says the building is being built now, so what time are they starting now? Mr. Marty Costa can assure that they don't start before 7, he was there at 6:30 this morning, and nothing was done. Selectmen Pacheco says it is Excel's responsibility to know what goes on, that "I don't know" or "I'll look into it" isn't an acceptable answer. Selectmen Jose asks if they would be amenable to start at 8? Mr. John Costa says the industry typically runs on a construction schedule, but says it is something they can consider.
- Selectmen Jose asks about the height of the piles. Mr. John Costa says we hope not to have any high piles but sometimes we do have high piles and some times as high as 30' high. He says they don't intend on having piles that high, but due to space concerns at the site, it would be difficult to avoid them at times. Mr. Campos asks what the process of the loading of the materials? Mr. John Costa says the loading is outside the enclosed facility, which was considered in the DEP study. Mr. Healey says there is also a water spraying process involved that helps prevent dust entering into the air.
- Michael Gauthier, 45 High St. – Mr. Gauthier says like Mr. Campos he is also late to the party, had no idea it was coming in. Selectmen Sadeck wants to make sure it is known that this facility is in an industrial area. Mr. Gauthier understands this. He has been fighting against "some polluting agencies" trying to go into this area for over 30 years. He doesn't want this facility to come in.
- Mr. Campos wants to know when Mr. Barbato was involved in the process? Selectmen Sadeck says Building Inspector Scott Barbato sent Excel to the Board to issue a scrap dealer's permit to them, which was issued in June of 2015, which is renewed annually. The company then went to DEP to have this in town. We don't yet know if they are going to disturb the neighbors. They do know they need to renew annually and they need to do what we need to say and we don't want anything to harm the neighbors and we are going to protect the neighbors. Selectmen Sadeck reiterates that the Board has the ability to pull Excel's permit if they prove to be an issue. So far, he hasn't seen anything from the people that represent the neighbors that would seem to make us want to revoke the license.

- Mr. Sullivan says his request is to put the restrictions down is so that everyone has a baseline. He has checked with the building department in both Westport and Charlton, where Excel is located now. Westport was not as friendly as Charlton was; in fact, the office in Charlton did not know where Excel was located, which Mr. Sullivan says speaks to the operation of the company. Mr. Sullivan would rather they not be there, but he does allow that the DEP permit answers most of his questions. That said, he has 2 big concerns he wants them to keep to the DEP standards and he wants to make sure that there isn't so much noise in the background. He also doesn't want to see large piles of metal and he doesn't want to see long hours. Selectmen Sadeck says we pulled out the video if anyone wants to see the initial meeting.
- Selectmen Pacheco says she voted against it initially because she wanted restrictions on it, so she wouldn't be against putting them on it now. This keeps a better checks and balance on it and that this Board has a better basis to pull away on it. She says that she would have to check with Town Counsel to see if restrictions can be placed on it now, since Excel already has the license. When asked by Mrs. Lima, Selectmen Pacheco says the only restrictions on Excel come from DEP, not the town's junk dealer's license. Mrs. Lima says this is much different than a junk dealer's license. Selectmen Pacheco agrees, in her opinion. Selectmen Jose briefly explains the process a business goes through to get a license, and says that the Zoning Enforcement Agent (and Building Inspector) Scott Barbato said a junk dealer's license is allowed in that area and he told them to go to the Board of Selectman for a license. The Board then didn't place any restrictions on it. Selectmen Jose was not a member of the Board of Selectmen at the time. He would then in the future propose future restrictions on the license. He thinks we should mirror something similar to Mr. Sullivan's restrictions and also pile heights. Maybe with this we can make the neighbors happy. Mr Marty Costa said we want to make everyone happy, to be a good neighbor. He understands when he goes out at 6:30 in the morning it is quiet but please know it is going to be different, it will change and everything is open for discussion. They are able to work with this, but just want to make this a reasonable discussion. Mr. Campos asked if the license can be changed now. He also says this is much bigger than just a scrap metal facility, asking if the process to determine zoning decisions like this should be down to one person. Selectmen Sadeck says one man didn't make this decision, they were referred to the Board of Selectmen who issued the license. He says that you may not like every business that tries to come to Town, but if the Town's by-laws allow a particular business, they have to be allowed to go through the process. Selectmen Pacheco understands what Mr. Campos is talking about, but says you would have to look at the by-laws, not the Board. Mr. Campos says people take advantage of the

system and he wants to make sure that it isn't done. Selectmen Jose says he believes the Planning Board is looking at changing the definitions for future applications.

- Motion (Pacheco/Jose) to ask Town Counsel if we can put restrictions on the existing license now or if it needs to wait for the 12/31 renewal, passed unanimously.
- The Board thanks everyone for coming out to voice their concerns.

Board of Health:

Personnel Board:

New Business

- Dates for upcoming Board of Selectmen Meetings: Monday June 6th (Special/Annual Town Meeting), Monday June 13th, Monday June 27th, Monday July 12th, Monday July 25th, Monday August 8th, Monday August 22nd.

Old Business:

- Water Agreement

Motion (Jose/Pacheco) to adjourn at 7:18 pm. Passed unanimously.

Respectfully Submitted,



Ali Golz, Administrative Assistant