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Board of Selectmen

2016 SEP 14 PM 4:19 Minutes of Hearing on Wednesday, June 15, 2016

TOWN CLERK BOURNE

Bourne Community Building

Bourne, MA 02532

Selectmen: Donald Pickard, Chairman; Peter Meier, Vice-Chairman; George Slade, Clerk; Stephen Mealy

Town Staff: DPW Director George Sala; Town Engineer Michael Leitzel

Public Hearing and adoption of an Order of Betterments for Shaker Drive, Friendship Lane, Lancaster Lane, and Canterbury Lane, Monument Beach, MA

Pickard Called to order at 6:04 p.m.

Read the Notice of Public Hearing (sample certified mail letter omitting frontage and liability data); also read article from Article 24 of May 2 Annual Town Meeting that was stamped and certified as attested.

Department of Public Works Department Manager George Sala discussed successful preventive maintenance works on the roads of the neighborhood, results of his surveying, drainage, adjustments, etc. He furthered that he estimates betterment projects high, with a contingency. He also discussed previous successful efforts.

Town Engineer Mike Leitzel discussed procedure

Tim Stanton, 8 Friendship Lane said that a delay or postponement of projects will inflate the eventual price, repairs by Clover Paving, emphasized that the roads are private. He also mentioned that the process is out of sequence.

Pickard emphasized that a procedure must be followed, even though this hearing should have occurred before Annual Town Meeting.

Frank Inzalaco, 40 Shaker Drive is frustrated that this project is 'out of sequence'.

Eleanor Lunde, 40 Shaker Drive spoke to the fact that Annual Town Meeting preceded this hearing and is out of sequence.

Pickard affirmed that there is no harm in conducting the hearing and town meeting vote out of sequence.

Leitzel believes that betterments made be paid in full or over a period of 10 years

Laura Scena, 37 Shaker Drive asserted that Leitzel's answer is in conflict with statement that betterments can be paid with 20 equal payments which could mean five years. Discussion ensued. It is believed that, while confusing, it is actually 10 years or possibly 20 years.

Pickard asked for show of hands to indicate how many household were represented at meeting. A count revealed 19.

Charles Noyes, 7 Shaker Drive asked for estimate of time for paving project to last

Sala gave no estimate but offered that neighborhood's preventive maintenance should extend life. He discussed advantages.

Noyes asked if betterment were subject to interest charges

Selectman Mealy urged passage and cited that delay will inflate costs of material. Interest rate is 5%.

Dianne Cronin, 3 Canterbury Lane asked if why petition does not addressed "taking" of road by town after repair. She was unsettled about the Annual Town Meeting being held before this hearing

Sala discussed that ATM is not a problem. It is just out of usual order.

Patrick Cotton, 31 Shaker Drive spoke about the process

Pickard asked for show of hands of those who would like project to proceed. 15 affirmative votes were counted.

James Corsano, 19 Shaker Drive asked whether betterment is spread over 10 or 20 payments and also wants to know if roads will be accepted by town upon repair.

Pickard discussed advantages to town of accepted road and Chapter 90 funds for road repairs

Selectman Meier asked if road would be repaired to the standard that would be acceptable for town 'taking'.

Sala plan is for Fall, 2016 project but that time is of the essence. If deadline for ordering materials, etc would make it difficult to complete by fall. Prices are also not protected – county bid for asphalt may expire

Joseph Gary, 38 Shaker Drive if road will be torn up, and removed before new tar is laid down.

Sala replied "no" but that there would be a 2 inch subsurface, then 1.5" top layer

Gary also asked if 21 Shaker (a red, unoccupied house) is factored into free space that was spread among rate payers.

Pickard, after checking, determined that it is helping to fund the project by Green way Group

Gary asked how long will paving project would last

Sala would say only that preventive maintenance would likely extend life.

Fred Levitt, 1 Canterbury Lane asked about being on corner lot be assessed further.

Richard Concannon, 32 Shaker Drive wanted to know how the original pavement was laid, i.e., one layer or two

Corsano said two layers

Concannon repeated his concern about the original base layer.

Leitzel offered that a 'coring' would provide an answer

Kathleen Andrade, 6 Friendship Lane and homeowners association treasurer asked the status of residents whose dues are delinquent.

The answer was that it does not affect this project

Leitzel asked what the time deadline for borrowing for this project

Mixed answer

Pickard asked about voting and acknowledged that 15 residents present wanted to vote

Mealy asked about residents conferring among themselves

General discussion ensued about timing and Concannon's subsurface concerns

James Mulvey, a general attendee, asked if the 50% meant number of landowners

Leitzel replied that it is based on lineal footage. Cove Road (Pocasset) problems were cited wherein one resident who owns greater than 50% of lineal frontage successfully and single handedly voted down the entire proposed project

Gary asked about wording on petition. He passed his around to be read. Is Petition #1 to open issue to estimate repairs and #2 to approve repairs and become responsible?

Robinson discussed that is the problem

Frances Keefe, 6 Shaker Drive, a new resident asked about absentee ballots

Cronin believed that there was a commitment for town to accept the repaired roads. She further wanted to know if petition was simply to have highway surveyor get prices or are they committed to paying whatever the price comes to.

Mealy offered to postpone further action until July 19th for reconsideration.

Discussion ensued

Motion was made by Mealy, seconded by Meier, for Selectmen to recess for 12 minutes (7:30)
Unanimous

Selectmen Pickard, Meier, Slade and Town Engineer Leitzel left the room, Selectman Mealy remained with petitioners.

Vote to reconvene was made. All voted yes. Reconvened at 7:30;

Mealy offered that one vote per household would provide an answer.

Discussion ensued. It was determined that all homeowners were notified by registered mail about vote and commitment.

Vote, by show of hands, was 16 to proceed, 4 to not proceed. Survey of households in the room at the time revealed that at least one more person representing a household was in attendance.

Motion to pass was considered by Selectmen. Meier read Article 24 from Annual Town Meeting dealing with road repairs to be made at Country Ridge Estates. Hearing information was re-read.

Selectmen voted unanimously to approve project

Sala will contact paving company

Motion made to close hearing by Meier, seconded by Mealy, unanimous

Adjourned 7:49 p.m.