

TOWN OF LAKEVILLE
Selectmen's and Wage and Personnel Board's, as applicable
Meeting Minutes
January 9, 2017 – 6:30 PM

On January 9, 2017, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Vice-Chairman Powderly at 6:30 PM. Selectmen present were: Selectman Hollenbeck (entered 6:35 PM), Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

6:30 PM Meet with Town Moderator for Capital Expenditures Committee appointment

Norman Orrall, Town Moderator, entered at 6:42 PM. Mr. Orrall stated that he had received three (3) letters of interest for the vacancy. After a review of the letters and speaking with each interested applicant, he appointed Fred Beal to the Capital Expenditures Committee with a term to expire July 31, 2017.

6:45 PM Meet with Police Chief for appointment of Adam Swift as Police Officer/Constable

Frank Alvilhiera, Police Chief, was present for the discussion. Chief Alvilhiera stated that Adam Swift has been working as a Reserve Police Officer in Lakeville for the past seven (7) months. He is a graduate of the Randolph Municipal Police Academy and is very well liked by his peers and shows a willingness to learn. He requested that Mr. Swift be appointed as Police Officer/Constable, effective January 10, 2017. Mr. Swift has already successfully completed the necessary physical and psychological testing.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To appoint Adam Swift as a Lakeville Police Officer/Constable, effective January 10, 2017 contingent upon a one (1) year probationary period.
Unanimous in favor.

Vote to award contract to Jacunski Humes as Project Architect for Study/Schematic Design of Proposed Police Station

Frank Alvilhiera, Police Chief was present for the discussion. Selectman Burke stated three (3) firms were interviewed for the Project Architect. Pomroy Associates has reviewed the proposals. Based on the proposed scope and comparable fees on similar projects, it is felt that Jacunski Humes Architects, LLC has provided a fair and acceptable proposal. Pomroy recommends that the Board approve them as Project Architect for the Study/Schematic Design for the proposed Police Station. Selectman Burke added that they were high energy during their presentation and seem to be a really good fit. They understand that the Town is interested in the Marion Police Station. If the needs are similar and it fits the design for Lakeville, it will benefit the Town in terms of cost as well as time. Chief Alvilhiera added that there is not much cost in

terms of moving rooms around to suit the needs of what will work best for the Lakeville Police Department. Also, the building code has not changed since the Police Station was built in Marion. A significant amount of the plans are redundant. If 80% of those plans are determined to be similar to what Lakeville is looking for, then the Town is that much ahead in the process.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To award the contract for Designer Services for Phase 1 (the Study and Schematic Design) in the amount of \$25,000 to Jacunski Humes as Project Architect for the Study/Schematic Design of the proposed Police Station and to authorize the Town Administrator to sign the contract.
Unanimous in favor.

Discuss joining the Plymouth County OPEB Trust (PCOT)

Chairman Hollenbeck stated that she has discussed with the Board previously about joining the Plymouth County OPEB (Other Post Employee Benefits) Trust (PCOT) Program. She and Ms. Garbitt attended a seminar last April about the program with Plymouth County Treasurer Thomas O'Brien. Presently the Town has a balance of \$437,137.08 in the OPEB Trust. Selectman Burke stated that he is in favor of joining. Chairman Hollenbeck explained that the likelihood of the Trust becoming fully funded is not likely. If it is, then the Town would not have to make any additional contributions. However, the amount is an ongoing calculation. Chairman Hollenbeck read the lengthy vote into the record. It was noted that the fees will be deducted directly from the account, rather than OPEB having to invoice the Town.

Upon a motion made by Selectman Hollenbeck; seconded by Selectman Powderly it was:

VOTED: WHEREAS the Town of Lakeville (the "Town") has accepted the provisions of M.G.L. c.32B, §20; and

WHEREAS Plymouth County sponsors the Plymouth County OPOEB Trust Program (PCOT); and

WHEREAS the Town is eligible to participate in PCOT, a program designed to fund post-employment benefits for its employees as specified in the Town's policies and/or applicable collective bargaining agreements; and

WHEREAS it is determined to be in the best interest of the Town to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the Commonwealth of Massachusetts; and

WHEREAS the Town's adoption and operation of the program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the program; and

WHEREAS the Town's funding of the program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS the Town reserves the right to make contributions, if any to the program.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Selectmen ("Board") hereby approves participating in the Plymouth County OPEB Trust Program (PCOT); and
2. The Board hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective January 9, 2017 (the "Trust"); and
3. The Board hereby appoints the Treasurer or his/her successor or his/her designee as the Town's Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the Town in all matters relating to the Town's participation in the Trust, including, but not limited to, authorizing the investment of assets in PCOT's investment pool, providing directions to the Trustee and/or the Trust Administrator, and authorizing contributions and disbursements from the Town's trust assets' and
4. The Board hereby appoints the PCOT Investment Committee for the oversight of investments; and
5. The Town's Plan Administrator is hereby authorized to execute the legal and administrative documents on behalf of the Town and to take whatever additional actions are necessary to maintain the Town's participation in the Trust and to maintain compliance of any relevant regulations issued or as may be issued.

Lakeville Board of Selectmen
Miriam Hollenbeck, Chairman
John Powderly Selectman
Aaron Burke, Selectman

Lillian Drane, the Town Clerk of the Town of Lakeville, hereby certifies that the above foregoing vote was duly and regularly adopted by said Town at a regular meeting thereof held on January 10, 2017.

IN WITNESS WHEREOF I have hereunto set my hand and seal this January 2017.
Unanimous in favor.

Status update on the Natural Heritage Permit for the location of the new Police Station

Ms. Garbitt explained that last November she had contacted Natural Heritage to notify them of the Town's intention to build a new Police Station on the Ted Williams Camp Property. Emily Holt had stated that the Town would need to apply for a new Permit under the Massachusetts Endangered Species Act. The application was submitted November 30, 2016 along with a \$300 filing fee for the new Permit. On January 4, 2017 Misty-Ann Marold of Natural Heritage called to say that the Town should have applied to amend the current Natural

Heritage Endangered Species Program Permit for the Ted Williams Camp for the Athletic Fields, and the 30 day review window was closing within the week. Two (2) options were provided. Option 1 forces the Town to do a MEPA filing, which is a lengthy process with an appeal period. Option 2 asks that the Town seek to amend the current Permit with a Notice of Project Change. The options were reviewed with the Conservation Agent who contacted the Town's Environmental Consultant, Brian Madden of LECC. He advised the Town to withdraw the current MESA filing, which has been done, and he will file for a Notice of Project Change. The original Permit application has been provided to the Board for review. Jonathan Pink of Azor Land Sciences, Inc. has completed the survey of the site for the new Police Station. It will be forwarded to the Project Architect next week. They will then be able to begin their soil analysis when the weather permits.

Discuss Job Description for IT Supervisor

Chairman Hollenbeck stated that the Board has been provided a Job Description for an Information Technology Supervisor from John Barker, who was asked to draft it for the Board. Mr. Barker has also provided a quote for providing IT Planning and Oversight Services to Lakeville. The arrangement can be structured as a services agreement between Technology Leadership Group, LLC and the Town of Lakeville or to offer employment as a part-time employee. The Job Description is not in the format and does not contain some of the key elements that the Town has developed for its standard Job Descriptions. Ms. Garbitt stated that she will put the Job Description into the Town's typical format for the Board to review and vote on at their next meeting scheduled for January 23, 2017. Selectman Powderly and Selectman Burke both agreed that they were impressed with the plan that Mr. Barker had developed, and would prefer to bring him in to do the work. Chairman Hollenbeck asked if the Town would have to go out to bid on the proposal since his cost is \$29,000 for the year. Ms. Craig-McGee stated that it depends upon how Mr. Barker is brought on, as a consultant or as an employee. If he is hired as a consultant, it is considered to be a service and the Town will have to go through the bid process. With anything over \$10,000, the Town is required to solicit three (3) bids.

Ms. Garbitt explained that she would need to post the position if this was going to be an employee situation. This position would be supervising Phil Burgess, who provides IT Support through Dyntec. Selectman Burke asked if the position would be temporary or long term. Chairman Hollenbeck responded that it will depend on how long it takes to effectuate the IT Plan. Ms. Garbitt stated that it would be at least a year. Selectman Powderly suggested to speak with Mr. Barker about duration, though it does not seem that it will be a position that will go away. The position is a part time non-union, non-benefit position. Chairman Hollenbeck stated that Mr. Barker has said that Dyntec is being underutilized. Providing Mr. Barker performs the work as outlined in the plan, it should not be necessary to make any changes while the Town works to develop its IT Best Practices through the Community Compact. Mr. Barker can also commit to the bi-weekly updates.

Discuss Letter of Resignation from Eric Levitt as Full Member of Zoning Board of Appeals and request to be appointed as an Associate Member

Chairman Hollenbeck explained that Eric Levitt has provided a letter of resignation as a full member on the Zoning Board of Appeals and has requested to be appointed as an Associate Member. Donald Foster has sent an email indicating that he is in favor of Mr. Levitt being appointed as an Associate Member. If appointed to that position, Mr. Levitt's term would expire July 31, 2017. James Gouveia, who is presently an Associate Member on the Zoning Board of Appeals, had sent in a request to be moved up to a Full Member when the opportunity provided itself. He recommended Mr. Gouveia be appointed as a Full Member.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To accept the resignation of Eric Levitt as a Full Member of the Zoning Board of Appeals and appoint him as Associate Member with a term to expire July 31, 2017.
Unanimous in favor.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To appoint James Gouveia as a Full Member of the Zoning Board of Appeals with a term to expire July 31, 2018.
Unanimous in favor.

Revisit attendance for Boards, Committees and Commissions

Ms. Garbitt briefly discussed the attendance record as provided. Chairman Hollenbeck asked if the Board should make a policy about attendance or just not appoint those who have not been attending meetings. Selectman Burke suggested to simply not appoint those who have not been attending their appointed meetings, understanding that it is for cause. Ms. Craig-McGee mentioned that there are some cases that if the appointed board is formed by MGL, often they spell out how this process is to take effect. Chairman Hollenbeck stated that she would like the Board to adopt a policy so that on non MGL appointed Committees and Commissions, the Board can remove individuals with cause. Ms. Craig-McGee provided the policy to the Chair in draft form.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To adopt the attendance policy as provided and to remove Sandra Martini-Gamache. Associate Member, from the Community Development Committee and to appoint Kira Watkins as Associate Member to the Community Development Committee with a term to expire July 31, 2017.
Unanimous in favor.

Request for Road Opening Permit-12 Main Street – Columbia Gas

Chairman Hollenbeck explained that Columbia Gas has requested a road opening permit for 12 Main Street to install a new natural gas connection. Jeremy Peck, Superintendent of Streets, has issued a letter for the Board approving the work, subject to his conditions.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To approve the request from Columbia Gas for a Road Opening Permit for 12 Main Street to install a new natural gas connection, subject to Jeremy Peck's, Superintendent of Streets, conditions as outlined in his letter dated December 21, 2016.
Unanimous in favor.

Request from Kenneth Upham, Sr. to be reappointed as Constable

Chairman Hollenbeck explained that a request had been received from Kenneth Upham, Sr. to be reappointed as Constable.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To reappoint Kenneth Upham, Sr. as Constable with the term to expire January 15, 2018.
Unanimous in favor.

Request for Temporary Storage Trailer – Savas Liquors – 330 Bedford Street

Ms. Garbitt stated that the Building Commissioner has reviewed the proposed location of the Temporary Storage Trailer to be located in the rear of Savas Liquor Store. However, he would prefer that the Fire Department inspect the proposed location to ensure they can get their emergency vehicles through there. This will be put on the agenda for the next Selectmen's meeting.

Request to use Town House Property – Lakeville Arts Council for Annual Arts & Music Festival

Chairman Hollenbeck stated that the Lakeville Arts Council has requested the use of the Dickran Diran Square, Center State and Town House and grounds for the 2017 Arts & Music Festival which they are scheduling for Saturday, September 30, 2017 with set up occurring on Friday, September 29, 2017.

Upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To approve the request by the Lakeville Arts Council to use the Dickran Diran Square, Center State and Town House and grounds for its 13th annual 2017 Arts &

Music Festival on Saturday, September 30, 2017 with set up taking place on Friday, September 29, 2017.
Unanimous in favor.

New Business

Ms. Garbitt said Nelson Pratt, who is a Member of the Casino Advisory Committee, has communicated that he is no longer a Member on the Committee and would like his name removed. He asked about disbanding the Committee since he feels that it does not serve the purpose any longer for what it was formed for. Chairman Hollenbeck stated that though the Committee may not be relevant at this time, she did not feel that the Board should disband the Committee. Mr. Pratt's name can be taken off the list.

Old Business: Update on Community Compact

Ms. Garbitt said that she had a conference call with the State on the technology aspect of the Community Compact. The State asked for the Strategic Plan that was completed by John Barker. This is a new Best Practice, and Lakeville is one of the first communities to enroll in the program. As the program takes shape, it will show transparency for all Town Departments and allow for the townspeople to become more involved.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Other Items

1. Department Head Bi-Weekly Report Ending December 29, 2016
2. Thank you for Senior Baskets
3. Municipal Emergency Report Procedure Reminder from Comcast
4. Letter from Comcast regarding change of Ownership Structure
5. The Voice of the Retired Public Employee Newsletter
6. Memo from Police Chief regarding fee waiver for Public Records Requests under \$1.00
Ms. Garbitt mentioned that it is not up to the Police Chief to waive fees. Selectman Burke commented that he hoped that the Chief is coordinating this with the Town Clerk. Ms. Garbitt stated that at the next Department Head Meeting, all Department Heads will be asked to decide who they will designate in their Department for the duty of public records requests.
7. Letters from the Regional School District notifying the Towns of Lakeville and Freetown the School Committee has approved \$298,366 from E & D to cover additional special education tuitions within the FY17 Budget
8. Notice from National Grid regarding their natural gas pipeline safety programs
9. Notice of JTPG Meeting scheduled for January 11, 2017

At 7:28 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Police Union and Laborers' Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared, and pursuant to M.G.L. c.30A, §21a (2) to conduct contract negotiations with non-union personnel, specifically the Fire Chief.
Polled vote: Selectman Powderly-Aye, Selectman Hollenbeck-Aye, and Selectman Burke-Aye.

List of documents provided at the Board of Selectmen Meeting of January 9, 2017

1. Letters of interest, resumes, from Derek Maxim, Fred Beal and Gary Canedy for the opening on the Capital Expenditures Committee. Emails from Town Moderator, Norman Orrall, to applicants informing them of his choice to appoint Fred Beal to the Capital Expenditures Committee.
2. Letter from Chief Alvilhiera asking that the Board appoint Adam Swift to the position of Police Officer in the Town of Lakeville effective January 10, 2017.
3. Email from Pomroy Associates, Taylor MacDonald regarding the fact JHA has provided information from his insurance carrier of making the necessary changes as part of the contract as Project Architect and recommendation to award the contract to Jacunski Humes Architects, LLC as Project Architect for the Study Schematic Design (Phase I) for the proposed Police Station in the amount of \$25,000.
4. Vote of the Board of Selectmen to authorize participation in the Plymouth County OPEB Trust Program (PCOT), Agreement for Administrative Services (in draft form), Internal Revenue Service ruling information from the Department of the Treasury.
5. Email correspondence from/to Town Administrator and Emily Holt and Misty-Anne R. Marold of Natural Heritage Endangered Species Program regarding the filing for the Ted Williams Camp property to encompass the proposed Police Station, MESA (Massachusetts Endangered Species Act) checklist as prepared by the Town Administrator, Book and Page documents regarding the Lakeville Baseball Camp, Inc., Oliver map showing the land in GIS format, survey map provided by Azor Land Sciences of property, aerial pictures of property and photographs of vegetation currently on property.
6. Job Description for Part Time Technology Supervisor, Email from John Barker of Technology Leadership Group, LLC indication two proposals to structure an arrangement for IT Planning and Oversight services to the Town.
7. Letter of resignation from Eric Levitt as full member of ZBA to be appointed as Associate Member and Email from Chairman of the ZBA, Don Foster, in favor of this and asking that James Gouveia, Associate Member be appointed as full member of the ZBA.
8. Attendance list of Committees/Boards from July 1, 2016 through November 30, 2016.
9. Request from Columbia Gas for Road opening permit at 12 Main Street and letter from Jeremy Peck, Superintendent of Streets, approving the work subject to conditions.
10. Request to reappoint Kenneth Upham as Constable through to January 15, 2018.
11. Request from Dennis Savas for a Temporary Storage Trailer permit at 330 Bedford Street (rear of Savas Liquor Store). Letter from Mr. Darling, Building Commissioner, allowing request with the suggestion that the Fire Department also approve the location.
12. Request from the Lakeville Arts Council to use the Dickran Diran Square, Center State and Town House and grounds for their 2017 Arts & Music Festival on September 30, 2017.