

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
February 23, 2015 - 7:00 PM

On February 23, 2015, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Powderly at 7:01 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette was recording the meeting and LakeCAM was recording for public broadcast.

7:00 PM Meet with David Cavanaugh from the Middleborough/Lakeville Herring Fishery Commission to discuss the purchase of Identification Vests

Thomas Barron and David Cavanaugh of the Middleborough/Lakeville Herring Fishery Commission were present for the discussion. Mr. Barron said that under the by-law revisions of 2010, the Commission must go to Middleborough and Lakeville Boards of Selectmen for uncustomary expenditures. Right now, Commission Members have been issued three-season jackets for cold weather. Some members are asking for jackets for April through the summer weather, mainly for identification purposes, when they are down at the Herring Run and during warmer weather. The cost for 15 vests would be \$130.00, including shipping. Middleborough has approved the expenditure through existing funds.

Ms. Garbitt asked if the Town of Middleborough votes annually to approve the revolving fund at their Town Meeting. The Town of Lakeville does not. Mr. Cavanaugh stated that it was set up through Middleborough Town Meeting, and they do approve it. No income is being generated, since there has been a moratorium for catching herring since 2006. The last year that permits were sold for catching herring was in 2005. The Commission is using the money that is still in the account.

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

VOTED: To allow the expenditure by the Middleborough-Lakeville Herring Fishery Commission of \$130.00 to purchase 15 lightweight identification vests.
Unanimous in favor.

7:10 PM Meet with Mary O'Keefe from Comcast to discuss Comcast Service Center Location

David Curtis, Chairman of the Cable TV Advisory Committee, Donald Foster of LakeCAM, and Mary O'Keefe, Senior Manager and Stephen Driscoll from Comcast were present. Ms. O'Keefe explained that Comcast is planning on opening an Xfinity Store in the Cape Roads Shopping Plaza on Route 44 in Raynham. They would like to transfer customer service from the office in Middleborough to the new store. However, Lakeville's cable license requires the customer service center to be located in either Lakeville or Middleborough. Comcast is looking to have their license amended to include Raynham for the customer service center. The section of the license in question is Section 12.1 – Customer Service Office.

Mr. Driscoll stated that there are five (5) Xfinity stores that they have opened, which offers a new experience for customers. It allows the customers to meet us in a wide open space and learn how to use the devices. They can pay bills, and there is a self-service kiosk. It is felt that this will be a nice addition to surrounding communities, so people can see the products and services that Xfinity has to offer. The Middleborough office is currently open 43 hours a week. The new store will be open 58 hours a week with night, Saturday and Sunday hours. There will be more employees and parking. Mr. Driscoll said the franchise fee that cable subscribers pay for PEG (Public, Educational, Government Access) would be increased from 4% to 5%. Also, Comcast would like to offer the Town a grant in the amount of \$25,000 as the base for a technology fund.

Chairman Powderly asked where do Raynham and Taunton customers go to pay their bills. Ms. O'Keefe stated that there is a customer service office in Taunton that would roll into the Raynham store. However, customers can pay their bills at any Comcast office. Chairman Powderly stated that he would like to make sure that Comcast is not inconveniencing the customers. He asked how many Lakeville residents go into the store monthly. Ms. O'Keefe responded that only 8% of customers go to the Middleborough office. Ms. O'Keefe stated that they do not have a way to do demographics. She explained that additional options have been added for customers to talk to Comcast through phone apps, bills can be paid online, call centers, and online chatting with a customer service representative. Also, equipment can be delivered and returned through UPS at no charge.

Mr. Driscoll stated that Comcast is evolving into more than just cable television. The vision for the stores is to provide a better customer experience, not for someone to just make a payment and leave. Chairman Powderly stated that he would like to make sure that this would be helping Lakeville customers, rather than inconveniencing them. Selectman Hollenbeck asked about the grant. Ms. O'Keefe explained that it is in consideration for agreeing to add the Town of Raynham in the license. The money is to be used towards technology for the Town for things the Town might want to do, but may not otherwise have the money to do. The franchise fee will increase the rates to customers, when it is increased from 4% to 5%. Ms. Garbitt asked if Middleborough has a similar license with Comcast, and have they agreed. Ms. O'Keefe responded that there is no language in the Middleborough license for an office. Mr. Foster stated that it is an interesting proposal that deserves consideration and exploration. The Town might want to get its attorney involved to examine what Comcast is proposing to see what it exactly means, and to make sure it meets everyone's expectations. Selectman Hollenbeck stated that she would like to discuss it with the Cable Advisory Committee, and obtain legal advice from counsel.

7:30 PM Meet with Planning Board to discuss establishing a Zoning By-Law Advisory Committee & to discuss various issues

Sylvester Zienkiewicz, Brian Hoeg, Janice Swanson, Donald Bissonnette, and Peter Conroy, Members of the Planning Board and Nancy Yeatts, Town Planner/Conservation Agent, were present for the discussion. Chairman Powderly said the Planning Board was invited to meet with the Selectmen to review various issues, including keeping track of roadways in progress, types of bonds issued and their expiration dates, and offering assistance to update the Planning Board's

Rules and Regulations. Selectman Burke stated that Mr. Darling had attended an Economic Advisory Committee meeting to speak on addressing zoning issues in Town. Mr. Darling had recommended the creation of a Zoning By-Law Advisory Committee to review the current Zoning By-law for any conflicts, and to gather information that would support the potential changes. He had conveyed the fact that the Planning Board plays an essential role in the development and adoption of the Zoning Bylaw. He recommended that a Planning Board member sit as the Chairman of this committee, along with representation from the Board of Health, Economic Development Committee, Zoning Board of Appeals, Conservation Commission, Open Space Committee, Member at Large, and the Building Commissioner. This will take some of the burden off the Planning Board as it pertains to identifying zoning changes. The Town is in the process of doing a corridor study from Route 105 from the Middleborough line to Starr Market. This is an opportunity to look at the whole town, not necessarily to just change zoning, but to address changing the usefulness of the Zoning By-law.

Mr. Hoeg asked what the Selectmen would like to do with the corridor. Selectman Burke responded that they have nothing specific in mind at this time; they would like to see what is recommended. This is an area that had been identified as having potential for more economic development. There are some issues with existing zoning, like lot coverage. Generally speaking, the size of a lot and the setbacks adhere to the residential needs, but that does not necessarily make a lot of sense. This would be an opportunity to look at setbacks and lot size. Also, is it okay to have a different dimensional requirement for business? Selectman Hollenbeck explained that part of the discussion revolved around the Master Plan Implementation Committee, which falls under the purview of the Planning Board. Should that Committee be re-implemented, since they have not met in about a year and a half? Selectman Burke stated that everything that could be implemented from the Master Plan has been done. The Master Plan is out of date, so the Town needs to move forward with a new Master Plan, but that is a long process. Selectman Burke stated that he would like to get this off the ground, since it is a lot of work. Mr. Hoeg stated that the zoning can be done inside 18 months, but the Master Plan will take a couple years to finish.

Selectman Hollenbeck stated that in the survey that was done by the Economic Development Committee, it was mentioned that work needs to be done on the aesthetic parameters for businesses in town. There are quite a few for sale signs, so there is a lot of available space. When the original buildings were built, there was 80% lot coverage, now it is 50% and can go up another 20% if the criteria are met. Mr. Hoeg said it would be nice to have a formal checklist regarding the various stages of development, such as inspections that the developer/builder needs; details about paving requirements, etc.

Mr. Zienkiewicz said he felt that the Planning Board fee schedule and regulations needed to be reviewed with Town Counsel providing input. Chairman Powderly stated that Ms. Garbitt usually authorizes the use of Town Counsel. Town Counsel fees add up quickly. Maybe the Board could allot an amount of time, like ten (10) hours of time. Mr. Hoeg stated that he would like the Planning Board to discuss this first and come up with bullet points, and then get an estimate regarding the time needed for Town Counsel. Selectman Burke stated that Town Counsel should be available for any Town Board that needs guidance. He added that he didn't think that the Planning Board Representative should chair the Zoning By-Law Advisory

Committee. He would like to facilitate it, since he has the resources available through the Selectmen's Office. He added that he would be happy to work with the Planning Board Representative to develop the agenda, since he doesn't necessarily know what the big issues are. His hope would be that the individual representatives would take the discussion back to their Boards and update them with what is going on. It was agreed that Selectman Burke would work on the charge.

7:45 PM Meet with Robert Mather and Marcus Baptiste for Commercial Proposal for 7 Main Street

Robert Mather, Esquire, Jamie Bissonnette from Prime Engineering and Marcus Baptiste, Developer, were present for the discussion. Attorney Mather presented the commercial proposal for 7 Main Street. It would consist of a coffee shop, convenience store, filling station, fast food restaurant with a drive through and electric charging stations. An application will be submitted to the Zoning Board of Appeals (ZBA) for three (3) Special Permits: the filling station, fast food restaurant (Subway possibly) and a drive through. ZBA Chairman Foster suggested that Mr. Baptiste meet with the various Boards of the Town to gather input and to provide a completely transparent application and process. Several issues have already been identified. Regarding the Special Permit for the filling station and fast food restaurant, the applicant must show evidence of reasonable public need that it is not reasonably met within a mile. There are gas stations and fast food restaurants in Middleborough, but not Lakeville.

Chairman Powderly stated that he felt it was a good plan. Ms. Garbitt stated that she would do some research about why the Zoning By-Law was amended in regards to the one (1) mile requirement. Selectman Burke stated that he was willing to support the proposed project at this time. This is something that would affect the nature of the community. Attorney Mather explained that he has met with the Building Commissioner and Conservation Agent. Traffic and environmental issues are major concerns. Chairman Powderly noted that it is very important that each business (New England Rent-all and the proposed project) be located on their own parcel project. Selectman Hollenbeck asked if there is a sidewalk. Mr. Baptiste responded that there are and crosswalks to get across to the train station.

Vote to authorize Deficit Spending for Snow & Ice

Ms. Garbitt noted that the current Snow and Ice Deficit is \$98,213.96 and growing. The FY15 appropriation is \$50,000. This amount will be deducted from the 2016 Tax Levy, unless other provisions are made prior to June 30, 2015.

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

VOTED: To authorize deficit spending for Snow and Ice under Chapter 44, Section 31 for Fiscal Year FY15.
Unanimous in favor.

Review Ambulance Rates

Chairman Powderly explained that the Ambulance Rates are typically insurance generated.

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

VOTED: To approve the Ambulance Rates at the Comstar Average Bundled Top 50 Billing Rate as per the recommendation of Chief Hopkins.
Unanimous in favor.

Discuss and vote on lease for Historic Library – 241 Main Street

Chairman Powderly noted that the lease for Somethin's Brewin was up for renewal. Ms. Garbitt confirmed that the Worker's Compensation and Liability Insurance Policies were current.

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

VOTED: To renew the Lease Agreement between the Town of Lakeville and Somethin's Brewin from March 1, 2015 through February 29, 2016.
Unanimous in favor.

Review Site Plan – 36 Main Street – K9 Country Club addition

Chairman Powderly stated that Jonathan Pink of Azor Engineering has confirmed that the additional space will not be kennel space. They are providing 1,950 square feet of space to the back of the garage as an indoor play area for the dogs. A memo will be sent to the Planning Board that the Board of Selectmen have no comments on the proposed Site Plan for 36 Main Street.

Review Notice of Intent to Sell – Chapter 61 and 61A Land – The Atwood Irrevocable Real Estate Trust – 54 Pierce Avenue

Chairman Powderly said that the Selectmen had received notice from The Atwood Irrevocable Real Estate Trust of its intent to remove the property at 54 Pierce Avenue from Chapter 61A. They do not intend to continue the present use of the property, so this would allow the Town the Right of First Refusal to purchase the property. The Open Space and Conservation Commission have provided their comments; the Planning Board is discussing this at their meeting tonight. The Assessors estimate the rollback taxes to be \$15,000. Mike Schroeder and Linda Grubb have walked the property on behalf of the Open Space Committee and have found no features that would warrant it for protection.

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

VOTED: To waive the Town's Right of First Refusal to purchase the property located at 54 Pierce Avenue.
Unanimous in favor.

Request for revision of Taunton Water Allocation – 7 Water Street

Robert Poillucci and Jonathan Pink from Azor Engineering were present for the discussion. Selectman Burke recused himself from the discussion. Chairman Powderly explained that Mr. Poillucci was requesting that his approval of a Taunton water allocation in the amount of 3,960- to 4,000 gallons per day be increased to 4,650 gallons per day under the name of Water Street Crossing, LLC. Mr. Poillucci explained that the math had not been calculated correctly for the project. Since there is a need for sprinklers in the building, the water line has had to be adjusted for that. There is also a need to have the tap to cover the demand of the system in the event that it is needed for the flow in an emergency. A complete sprinkler system is needed for each building. Ms. Garbitt mentioned that the Town has the capacity to allow the increased request for the water.

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

VOTED: To increase the water allocation request from Robert Poillucci from 3,960 gallons per day to 4,000-4,650 gallons per day of Taunton Water under the name of Water Street Crossing, LLC.

In favor 2, Abstain 1 (Selectman Burke)

A recess taken at 9:03 PM. Chairman Powderly called the meeting back into session at 9:08 PM.

Discuss email from Open Space Committee regarding Town Forest Committee

Chairman Powderly explained that the Open Space Committee has sent an email to the Board regarding the Town Forest Committee. The Town Forest Committee is comprised of three (3) members. However, due to the death of a member, there is a vacancy. Current members include William Garvey and Gene Bartlett. Mr. Garvey's term expires on July 31, 2015 and Mr. Bartlett's on July 31, 2016. Even though presently the committee is non-functioning, it is felt that it should remain, but it should be created in such a form that the members meet and perform their tasks as outlined in M.G.L. Chapter 45, Section 21 regarding the management of Town Forests. Ms. Garbitt noted that the Town only has one Town Forest parcel, consisting of about 15 acres, near Betty's Neck. No forestry management has been done, and its areas are inaccessible by the public. Selectman Burke noted that you need a rigorous consistent program to have it safe from danger, which is a lot of work. To do it right, the Committee would need a budget. The appointments for the committee come up in July. Chairman Powderly asked that the vacancy be advertised.

Discuss SRPEDD Letter regarding Southeast Massachusetts Commuter Rail Task Force

Chairman Powderly said the Board had received a letter from SRPEDD regarding the appointment of a resident to serve as Lakeville's representative on the Southeast Massachusetts Commuter Rail Task Force. Currently Lakeville's representative is Linda Grubb. She would continue as the Town's representative if the Board appointed her.

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

VOTED: To re-appoint Linda Grubb to serve as the Town's Representative on the South Coast Rail Task Force.
Unanimous in favor.

Vote to approve Letter of Services for Vision Appraisal and Real Estate Research Consultants

Chairman Powderly said the Board had received a request from the Board of Assessors requesting that the Selectmen approve and sign the Letter of Services for Vision Appraisal and Real Estate Research Consultants.

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

VOTED: To approve and sign the one (1) year Service Agreement with Vision Government Solutions for the FY16 Interim Update for an annual fee of \$5,000.
Unanimous in favor.

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

VOTED: To approve and sign the Letter of Services with Real Estate Research Consultants, Inc. for the FY16 Personal Property Maintenance Services.
Unanimous in favor.

Discuss MMA Legislative Spring Breakfast Meetings

Chairman Powderly read the notice regarding the Spring Legislative Breakfast Meetings being held by the Massachusetts Municipal Association (MMA). Ms. Garbitt stated that she would be attending the March 13, 2015 session in Mattapoisett. Selectman Hollenbeck said she would attend the session in Canton on March 20, 2015.

Request to hold the Green Sneaker Run – March 28, 2015

Chairman Powderly read the request to hold the Green Sneaker Run on March 28, 2015. The family of Eric C. Johnson, a graduate of Apponequet High School, is offering two (2) scholarships to members of Apponequet's Senior Class who are planning to continue their education at a college or trade school. The run will begin at 10:00 AM at the Apponequet Regional High School. The School has granted permission, and the Police Chief is all set with the details.

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

VOTED: To approve the request to hold the Green Sneaker Run 5K on March 28, 2015 to benefit the Eric C. Johnson Memorial Scholarship.
Unanimous in favor.

Schedule March and April Meetings

The Selectmen decided to schedule their March and April meetings for; Monday, March 9, and Monday, March 23, 2015 and Monday, April 7 and Monday, April 27, 2015.

New Business

Chairman Powderly stated that the Selectmen received a notice from the Lakeville Litter Lifters. The Mess Movers of Middleborough and the Middleborough Selectmen have challenged the Lakeville Litter Lifters and the Lakeville Selectmen to see who can pick up the most trash in a clean-up day. The suggested date is May 16, 2015. Ms. Craig noted that Sun Multi Sports was sending in a donation to the Town to be used for community purposes. Perhaps a cookout could be held for the volunteers who participated in the trash pickup day. Chairman Powderly said he would be interested, and asked for confirmation of the date.

Other Items

1. Letter from Lt. Governor Karyn Polito regarding new Community Compact Cabinet
2. Update from Town Counsel regarding Bargaining with Unions over Retiree Health Insurance Benefits
3. Letter from DEP regarding Notice of Exceedance of Action Level Lead in Drinking Water
4. Notice of Joint Transportation Planning Group Meeting – February 11, 2015
5. Notice of Hearing for Comcast regarding rates
6. Verizon and Comcast Annual Form 500
7. Verizon PEG Grant Report 4th Quarter 2014
8. Notice from FiOS TV Changes

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

VOTED: To adjourn the Selectmen's Meeting at 9:30 PM.
Unanimous in favor.

List of Documents provided at the Selectmen's Meeting of February 23, 2015

1. Letter from the Middleborough-Lakeville Herring Fishery Commission asking for approval of an expenditure
2. Comcast letter about meeting with the Board regarding proposed plans for a new Xfinity store in Raynham
3. Memo to Brian Hoeg, Planning Committee to meet with the Board to discuss various issues, letter from Nate Darling about the creation of a Zoning By-Law Advisory Committee
4. Plans from Marcus Baptiste regarding a commercial proposal for 7 Main Street
5. Snow and Ice Deficit approval form from the Town Accountant
6. Information from the Fire Chief regarding increasing Ambulance Rates
7. Proposed lease renewal for the Historic Library - 241 Main Street
8. Site plan for 36 Main Street, K-9 Country Club Addition
9. Notice of Intent to Sell Chapter 61A land, the Atwood Irrevocable Real Estate Trust, 54 Pierce Avenue
10. Request from Robert Poillucci to increase water allocation for 7 Water Street
11. Letter from Martha Schroeder regarding reviving the Town Forest Committee
12. Letter from SRPEDD regarding the Southeast Massachusetts Commuter Rail Task Force
13. Service agreement with Vision Appraisal for FY16 Interim Update and Letter of Services for Real Estate Research Consultants, Inc. for FY16 Personal Property Maintenance Services
14. Letter from MMA regarding upcoming Spring Legislative Breakfast Meetings
15. Letter requesting to hold Green Sneaker Run on March 28, 2015 to benefit the Eric C. Johnson Memorial Scholarship
16. Dates for scheduling March and April Selectman meetings