

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**February 24, 2014 - 7:00 PM**

On February 24, 2014, 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 Belliveau at 7:00 PM. Selectmen present were: Selectman Belliveau, Selectman Burke and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting for local community broadcast. Matthew Ferreira of The Middleboro Gazette was also recording the meeting.

**7:00 PM Meet with Gregg Corbo from Kopelman and Paige and discuss adoption of Robert's Rules**

*Gregg Corbo, Esquire, from Kopelman and Paige was present for the discussion.* Attorney Corbo stated that he has been employed with Kopelman and Paige for 15 years. Attorney Corbo will now be Lakeville's primary contact, due to the resignation of Kay Doyle. Attorney Corbo was asked to speak on Robert's Rules. He said that there are pros and cons for adopting Robert's Rules of Order as the way to conduct the Board of Selectmen meetings. Robert's Rules of Order was drafted for large assemblies, such as Town Meeting, since there are a lot of people to take turns speaking. Town Meeting is pretty much conducted through Roberts's Rules with all business going through the Town Moderator. Some of that process is already used by the Selectmen, such as motions, seconds, votes and an agenda for conducting meetings. With a three (3) member Board of Selectmen, you may want to allow a bit more informality. Some of the rules would not apply here or make sense, such as standing to raise a point of order. If at some future meeting there is a need to revisit something that had taken place, or having to deal with a contract, it can be done. A lot of town boards adopt a modified Roberts Rules of Order for what they need.

Chairman Belliveau stated that the Board is flexible. Each member is allowed a chance to speak, and the Board also allows participation from the audience. Selectman Powderly stated that the Board follows a basic Robert's Rules of Order. Selectman Burke noted some of the examples that were provided to the Board regarding Robert's Rules of Order. He thinks the Selectmen operate a little more loosely than he would like. He would like to see specific rules for conducting the meeting. Attorney Corbo responded that having a motion, a second and a vote should definitely be in the rules. Depending on your preference, you don't have to have a motion on the second to have discussion. There are areas that you can have more flexibility. You overlay all of this with the Open Meeting Law and how that is interpreted. Your agenda is your guideline about topics that can be discussed. The Chairman works with the Town Administrator to set the meeting agenda. Selectman Burke stated that he is not bringing all this up to criticize how Chairman Belliveau runs a meeting. It is just that the rules are not written down anywhere. Right now we do follow Robert's Rules of Order to a certain extent. Attorney Corbo stated that the Board may not want to be too formal. However, if there is a controversial issue, then the Board would want to have those formalities in place. There are also provisions for the Board to allow themselves to waive the formal provisions of the rules. The Board can go meeting to meeting and tailor their meetings that way.

Ms. Garbitt stated that she was taught that the Chairman steps down if there are only two (2) members present, do they have to do that? Attorney Corbo responded that on a three (3) member Board, under Robert's Rules, you don't have to. Attorney Corbo said that it appears that the Board is following the correct procedures for Executive Session. Chairman Belliveau stated that he appreciates that the Board allows residents to speak at the meetings. They have the right to be heard, as long as they do not repeat themselves. Selectman Burke stated that just because there is a set of rules it does not mean that the Board has to limit input. It would be helpful to have the procedures written down so that it stays consistent. Attorney Corbo mentioned that some towns have public participation time. Selectman Powderly stated that if Selectman Burke would like to go by a set of rules, he suggested that the most simplistic set of rules be chosen for the Board to look at. Selectman Burke said that he would draft a set of rules for the Board. The Rules of Order for the Town of West Bridgewater covers a lot of important aspects. Attorney Corbo said that he did not like #9 on the West Bridgewater Rules of Order. That may handcuff the Board.

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

VOTED: To re-examine the protocol that the Lakeville Board of Selectmen follows for conducting its meetings and to draft it in writing.  
In favor 2, Abstain 1 (Selectman Powderly)

### **7:30 PM Fire Department Service Awards Ceremony**

This item has been postponed.

### **Meet with Daniel Hopkins, Park Commission Chairman, to discuss Renewing the Lease for the Martial Arts Club**

*Daniel Hopkins, Park Commission Chairman, was present for the discussion.* Mr. Hopkins stated that the Park Commission voted to renew the lease for John Marando's Martial Arts Club. The lease would be for two (2) years and have rent increases in each year. Mr. Hopkins stated that Mr. Marando does work around the building, such as maintaining the restrooms on a daily basis. He is willing to continue that and maintain the building out front, putting in approximately 20 hours a week. The rent is \$475 a month, plus his work for us for the approximate 1,200 square feet in his studio. Chairman Belliveau stated that the Board had questioned the low rent, since we are leasing out the old Library, which is far less than 1,200 square feet, for more money. Mr. Hopkins explained that the Martial Arts Club is off the main drag, and this is a sports activity. Mr. Marando does a lot of work for the Park above and beyond what is expected. Selectman Burke asked what is the electricity and water cost? Mr. Hopkins responded that he is not able to break that out since it is part of the rest of the Park buildings. Selectman Burke asked what type of heat the facility uses? Mr. Hopkins responded that it is propane gas.

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

VOTED: To renew the Lease Agreement for John Marando - Lakeville Martial Arts Club, effective from March 1, 2014 to Feb 29, 2016.  
Unanimous in favor.

### **Discuss sending a letter to the Town of Middleborough regarding Pond Levels**

Selectman Powderly stated that he has been attending meetings regarding the pond levels for almost two (2) years now. He provided a letter that he would like to send to the Town of Middleborough. He suggested adding a sentence in the letter that the level of the dam be raised, so the herring run doesn't go dry during the herring migration. He added that this matter is contentious as it always has been. Factions in Middleborough say that the lowering of the dam has no effect on pond levels. Others say that is not true. He would suggest that the Wareham Street level be lowered, and for this to be standing operating procedure, since that would improve the current situation going forward. It is incomprehensive that there is not a procedure in place. There are tremendous arguments for and against this. The Assawompset Dam is wide open, and they are letting the water flow out as quickly as it can get out of the pond complex. The pond levels are higher than what we would want. If there are floods again, our taxpayers will ask what we did, and we did nothing. Selectman Powderly said that the scale of measurement has changed to a different engineering benchmark. Chairman Belliveau wondered if they are now skewed. Selectman Powderly mentioned that the City of Taunton has said that the level is higher than they want it to be. They control the Assawompset Dam, and it is wide open. Chairman Belliveau stated that the Town has written letters in the past, and Middleborough has been cooperative with our suggestions.

Selectman Powderly stated that someone needs to crunch the numbers to find the ideal pond/dam levels. People need to read Dr. Fennessey's letter and consider the rain fall. Selectman Powderly stated that we would not have a letter to write, if there were standing operating procedures in place. Back in 1999, they were working on a Request for Proposals for an Emergency Action Plan, but he does not think it ever got finished. They need to write a comprehensive plan and update it every five (5) years. If a hurricane is forecasted, then they might need to open the dam because of all the rain that comes with it. He would lower it down prior to the herring run and possibly bring it back up, it depends on the rain and ice melt. Selectman Burke mentioned that the river past the dam is high right now. Selectman Powderly stated that when the City of Taunton tells me the pond level is higher than they would like it to be, then he wants to go on record to let Middleborough know. He would like the letter to go to the Town Manager rather than the Board of Selectmen, since he supervises Chris Peck. Ms. Garbitt asked when the Committee is meeting again. Selectman Powderly responded that they will meet again in mid-March.

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

VOTED: To send a letter to Charles Cristello, Middleborough's Town Manager, requesting that they lower the dam due to pond levels.  
In favor 2, Abstain 1 (Chairman Belliveau).

### **Request for a One Day All Alcohol Liquor License for Ted Williams Camp – March 9, 2014**

Chairman Belliveau read the request for the One Day All Alcohol Liquor License for the Ted Williams Camp on March 9, 2014 for a shower. The Board questioned the length of the license

request. Ms. Craig stated that the Park Commission would prefer to have longer hours on the license in case they get a request for another event on the same day, they would not require another license. However, the hours are supposed to be event specific, allowing for the time that the alcohol arrives on site, and until it leaves the site. Selectman Powderly agreed that the Park needs to request a license for each event individually.

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

VOTED: To approve the One Day All Alcohol Liquor License for the Ted Williams Camp on March 9, 2014 from 10:00 AM to 5:00 pm.  
Unanimous in favor.

**Review and Vote to Approve Selectmen's Meeting Minutes for January 6, 2014, February 11, 2014 and February 14, 2014**

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

VOTED: To approve the Selectmen's Meeting Minutes of January 6, 2014, February 11, 2014 and February 14, 2014 as presented.  
Unanimous in favor.

**Review and Vote to approve Selectmen's Executive Session Meeting Minutes for February 10, 2014; February 11, 2014 and February 14, 2014**

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

VOTED: To approve the Selectmen's Executive Session Meeting Minutes of February 10, 2014, February 11, 2014 and February 14, 2014 as presented.  
Unanimous in favor.

**Old Business**

Ms. Garbitt stated that the Annual Transportation Breakfast will be taking place at the Holiday Inn in Rockland on March 28, 2014 at 7:45 AM to 10:00 AM. She will be attending with the Superintendent of Streets. SRPEDD sponsors a table and will pay for the Towns' admission. If any member of the Board would like to attend they can contact Ms. Garbitt.

**New Business**

Selectman Powderly mentioned that the Savas' had spoken to him about the property that they own next door to the Town Office Building. They would like to meet with the Town to discuss selling us the land. Chairman Belliveau stated that this was previously turned down at Town Meeting. Does the Board want to resurrect this matter? Chairman Belliveau stated that he did not mind either way. Selectman Burke stated that we don't have anything in front of the Board to discuss. Ms. Garbitt stated that she felt this should be placed on an upcoming agenda.

## **Other Items**

1. Memo to the Energy Advisory Committee regarding Revising their Charge
2. Memo from Board of Health regarding Annual Town Meeting Warrant
3. Memo from Economic Development Committee regarding District Local Technical Assistance Grant
4. Letter from BETA Engineering regarding Highway Garage Gasoline Spill
5. Notice from SRPEDD regarding Community Innovation Challenge Grant Program
6. Bulletin from Massachusetts Department of Revenue – Summary of 2013 Municipal Finance Law Changes
7. Notice from Division of Local Services regarding Municipal Workplace Services
8. Complaint letter from LakeCAM to Comcast regarding issues with audio signals on PEG Channels
9. Verizon Newsletter for February 2014
10. Comcast's Press Release, Benefits Summary, and Fact Sheet regarding their merger with Time Warner Cable

At 8:23 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, §21(6) to consider the purchase, exchange, lease or value of real estate because an open meeting will have a detrimental effect on the negotiating position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to collective bargaining, specifically with the Fire Union, the Clerical Union, the Library Union, the Supervisory Union, and the Highway Department Union, because an open meeting will have a detrimental effect on the bargaining position of the Board, and the Chair so declared.  
Polled vote: Selectman Belliveau-Aye, Selectman Powderly-Aye, and Selectman Burke-Aye.

## **List of documents**

1. Gregg Corbo letter regarding Robert's Rules of Order as it applies to small boards.
2. Fire Department service awards ceremony list
3. Lease (License) agreement with Karate Studio (Lakeville Martial Arts Club) at the Ted Williams Camp.
4. Letter to Charles Cristello regarding Pond water levels
5. One day all alcohol license at Ted Williams Camp for March 9, 2014
6. Meeting minutes of January 6, 2014
7. Meeting minutes of February 11, 2014
8. Meeting minutes of February 14, 2014
9. Charge of Energy Advisory Committee