

**TOWN OF LAKEVILLE**  
**Selectmen's and Wage and Personnel Board's, as applicable,**  
**Meeting Minutes**  
**March 27, 2017 – 6:30 PM**

On March 27, 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 Chairman Hollenbeck at 6:30 PM. Selectmen present were: Selectman Hollenbeck, 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 Board of Health to discuss direction of Board of Health going forward**

*Robert Poillucci, Chairman Board of Health and Nate Darling, Building Commissioner, were present for the discussion.* Mr. Poillucci explained that outsourcing the Health Agent has been discussed, as has been done with some of the other Departments in Town. This had been looked into; however, no one really does full service for the Board of Health. The Board of Health looked at the Job Description and came to the decision that for a Town this size, there is a need for one (1) full time Health Agent. Selectman Burke noted that the Town currently has a full time and a part time position. Mr. Poillucci stated that the Board of Health only needs a full time person. A full time person should be able to handle the responsibilities. Similar size towns have just one (1) person. Mr. Poillucci asked to take out the part time person out of the budget going forward. He acknowledged that it might be difficult initially to hire someone who can do everything. There are Towns that have people to perform one (1) function such as housing, restaurants, septic systems, etc. If someone is hired who does not have the necessary certifications, they have the opportunity to get obtain those certifications in six (6) months.

Chairman Hollenbeck explained that she is not necessarily looking for a reduction in the budget. She would like the Job Description to have the skillset for what the Board of Health needs that person to be able to do. Mr. Poillucci noted that in checking with Freetown and Middleborough, the salary range seems to be \$60,000-\$70,000. The position should be a salaried position. Ms. Garbitt explained that it would then just be raises, no steps. Mr. Darling noted that he felt that the salary is better and brings in the supervision component. Chairman Hollenbeck asked if the Selectmen approve the Job Description, does it still need to be reviewed by the Union, even though there have not been any substantial changes made. Ms. Garbitt noted that the Job Description was revised in 2013. Selectman Burke asked if the Board had talked about doing away with a Health Agent and just hiring someone for inspections. Mr. Poillucci explained that they would need so many part time people; it would break up the job and add too much onto Mr. Darling's end of it. He would have to supervise all the additional personnel, which is why it is hoped to keep the position supervisory, so that the Agent can do that. Mr. Poillucci stated that the Board will basically pay the same amount for the next person. The Department will have a savings in its next budget of \$20,000, since the part time position will not be needed. That money can remain in place now in the event the new person needs it to obtain the necessary certifications. Mr. Darling explained that looking at this from a consistency aspect; one (1) person will give the consistency and accountability that is needed. Chairman Hollenbeck asked about the one (1) cross out on the Job Description. Selectman Burke explained that it was combined with another point. Ms. Garbitt added that the Job Description

does include the need to attend night meetings; however, there are times when there are also day and weekend meetings which the person would need to know that they would have to attend.

Mr. Darling explained that through research, it was determined what experience and training aspects that the position should have. Chairman Hollenbeck mentioned that she never heard of a Bachelor's Degree in Public Health. Mr. Darling explained that it can be revised to a Bachelor's Degree. Mr. Poillucci noted that the Department does 60-70 septic systems a year; plan review time should only be 10-12 hours a week. The rest of the time should be spent on the other duties. The Department does not want to get an engineer that is focused on just one (1) thing. Selectman Burke agreed that the Department needs someone that is well rounded in a variety of things. Ms. Garbitt mentioned that Mr. Darling was wondering about the person having enough time to obtain any necessary certifications. The Town allows those in the Highway Department 18 months. Mr. Poillucci noted that there is money in the budget available for training. Chairman Hollenbeck suggested allowing 18 months for the person to obtain any necessary licensing or certifications.

Selectman Powderly stated that he would like to make sure the money in the budget would be sufficient. Chairman Hollenbeck explained that once the Job Description gets through the union and they return it back to the Board, it is posted and applicants begin responding, there will be a month of nonpayment of a Health Agent. Mr. Darling stated that the Town will have to work through the interim and will need to use some money for services. Mr. Poillucci stated that it needs to be determined if it is legal for himself and Mr. Maxim to do inspections and witness percolation tests. If so, then they can do those duties. For plan review, if the Board of Health has to have extra meetings, then it does. Selectman Powderly noted that he likes a range on the salary. Ms. Garbitt stated that the current salary amount is \$65,492. Selectman Powderly stated that he did not want to pay someone that amount if they do not have the necessary licensing and certifications. Chairman Hollenbeck suggested a range of \$60,000-\$70,000. Mr. Poillucci noted the present position is paid \$70,000 with longevity. Ms. Garbitt stated that there is a six (6) month probation, and the person would have 18 months to obtain all the necessary licensing.

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

VOTED: To approve the Job Description for a Board of Health Agent based on the changes.  
Unanimous in favor.

**Vote to ratify vote on March 20, 2017 to accept the resignation of Health Agent Lawrence Perry**

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

VOTED: To ratify the vote taken on March 20, 2017 to accept the resignation of Health Agent Lawrence Perry.  
Unanimous in favor.

### **Vote to layout Joshua Lane**

Chairman Hollenbeck recommended approval of the layout so that it can be moved forward to the Planning Board. Ms. Garbitt added that the next step is for the Planning Board to vote to accept it. Then it goes to Town Meeting to be voted on.

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

VOTED: To layout Joshua Lane.  
Unanimous in favor.

### **Review and vote on Annual Storm Water Permit**

Chairman Hollenbeck said the Board was given the Annual Storm Water Permit to review.

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

VOTED: To authorize Chairman Hollenbeck to sign the 2017 Annual Report for the Town of Lakeville's MS4 General Permit (for Stormwater Discharges).  
Unanimous in favor.

### **Discuss the Proposal from Field Engineering Co., Inc. for the extension of the water line to the new Police Station**

It was mentioned that Mr. Darling, Building Commissioner, has been looking into the extension of the water line to the new Police Station. If the water line is extended on Route 18, it would be large enough for future development, and there would be no disruptions on Route 18. Selectman Powderly asked if the Police Station is on the side where the water main is now. If not, it will be difficult to go under Route 18. Ms. Garbitt responded that the water main was at the Old Town House side of the street; however, they also crossed over to connect the Historic Library and Assawompset School. Selectman Powderly mentioned that if Taunton was to do the water line, they can do that and then later hook up new customers. Chairman Hollenbeck asked if there are plans to put in a well for washing the Police vehicles. Ms. Garbitt responded that with the MS4 permit, the Town has to have a washing station at the Highway Barn.

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

VOTED: To approve extending the water line for the new Police Station on Route 18 and to authorize the Town Administrator to sign the specific language to allow this to take place.  
Unanimous in favor.

### **Discuss Re-scheduling the Election for the Police Station Ballot Question**

Chairman Hollenbeck stated that if the location is changed for the election, then the Town has to notify all voters of the change from Ted Williams Camp to the Assawompset School, then the

Town has to notify all voters to change the location back to Ted Williams Camp. Selectman Burke asked why the elections are not held at the Assawompset School all the time. Ms. Garbitt explained that a previous Board had decided that the School was not right for them. Selectman Burke stated that Loon Pond Lodge is now a busy facility, and the Town has limited access there due to their event schedule. He wanted to hold the election on June 3<sup>rd</sup> since the Town Meeting is June 12<sup>th</sup>. Ms. Garbitt noted that when the polling was changed to the Intermediate School, it had been fortunate that the mailing worked out with the census mailing, so the Town did not have to pay to have separate mailings. Selectman Burke stated that he is not against spending the \$7,000 to do the mailing, and then change it back, since that was ultimately what was going to happen after the facility was renovated.

Chairman Hollenbeck asked if the Board felt that there would be a big enough turnout to change the election from a Saturday to a Tuesday. The Town Clerk will not be able to get into the School ahead of time, since the students will be in school. Selectman Burke stated that the ideal date would be Saturday, June 3, 2017. He added that he did not care how much it costs if that is the right day to do it. However, the Board might want to consider having the elections and other voting held at the School all the time to eliminate trying to work with Ted William's event schedule. However, the Assawompset parking area is much smaller than that of Ted Williams Camp. Typically schools have voting day off. Ms. Garbitt mentioned that all the voting equipment is currently stored at the Ted Williams Camp. It cannot be moved to the Schools until after school on Friday. Selectman Burke stated that is the cost of a democracy. The logistics is a pain, but the Town doesn't have a facility which it has direct control over in order to mitigate those costs. Selectman Powderly stated that the School probably has the room to store the equipment. Chairman Hollenbeck stated that she would rather deal with the Park Commission and their event calendar than the School's calendar.

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

VOTED: To reschedule the election for the Police Station Ballot Question to Tuesday, June 6, 2017 from 12:00 PM to 8:00 PM at the Loon Pond Lodge.  
Unanimous in favor.

**Discuss letter from the Middleboro Lakeville Herring Fishery Commission regarding a future recreational herring harvest**

Chairman Hollenbeck stated that the Board received a letter from the Middleborough/Lakeville Herring Fishery Commission looking for input regarding the possibility of a future herring harvest (not in 2017). The following questions are being asked; Would you want to re-open the recreational herring harvest? Why or why not? How would you suggest obtaining enough help to manage a harvest? What are your views on the amount of permits to be sold? To whom? How to sell permits? Cost of permits? Any other information you would like to provide? Any concerns we should address? Both Selectman Powderly and Selectman Burke were in agreement of a future herring harvest. Selectman Powderly stated that if they were to limit it to 50,000 herring, it should be limited to Middleborough & Lakeville residents. Chairman Hollenbeck suggested that the permit fee be enough to cover costs of a monitor. Selectman Powderly added that the Commission should say when and how. Ms. Garbitt

suggested that the Commission be asked to come up with a proposal that the Town could approve. Chairman Hollenbeck stated that the Board will send a letter that it is in favor of a future herring harvest, and ask that they set a permit fee that would cover any necessary costs, including uniforms.

#### **Announce SRPEDD DLTA Grant Award of \$20,000 for Housing Production Plan**

Ms. Garbitt stated that SPREDD gave out \$197,000 in grants. Lakeville has received \$20,000 for a Housing Production Plan, which is a five (5) year plan. Lakeville's Housing Production Plan expires September 2017. Selectman Burke mentioned that he had done a little research about what Towns had a Housing Production Plan. He found that there are only five (5) towns which have met the State minimum 40B. Cities such as Boston, Taunton, Springfield, Worcester, Fall River, and New Bedford, which should have a Plan, do not have one in place. It seems that no one is keeping track of the 40B housing in those places.

#### **Discuss South Coast Rail Update: Notice of Project Change**

Chairman Hollenbeck stated that she had spoken with Representative Orrall today about the Mass DOT Notice of Project Change with the EOE for the South Coast Rail Project. Representative Orrall will be available to speak on the topic with the Board at its April 10, 2017 meeting. Selectman Burke asked if the changes were to take place, and the Lakeville Station was relocated to Pilgrim Junction, how would that impact the Town's 40B with Kensington Court. Ms. Garbitt noted that this point was brought up at the recent SRPEDD meeting.

#### **Review and vote to approve revised CORI Policy**

Chairman Hollenbeck said the Board needed to approve the Town's revised CORI Policy. The changes have been approved by Town Counsel.

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

VOTED: To approve the revisions made to the Town's CORI Policy.  
Unanimous in favor.

#### **Request to renew Temporary Trailer Permit for 135 Precinct Street**

Chairman Hollenbeck said the Board had received a request from Alan Swanson to renew his Temporary Trailer Permit for 135 Precinct Street. Selectman Burke noted that the Temporary Trailer Permit is one of the changes that the Zoning Bylaw Review Advisory Committee is working on. It may not be ready until the Fall Special Town Meeting. People will be able to pull a one-time permit, the Building Commissioner will check the lot lines and then the process is complete.

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

VOTED: To approve the request from Alan Swanson for the renewal of a Temporary Trailer Permit at 135 Precinct Street. The expiration date for this permit is March 30, 2018.  
Unanimous in favor.

#### **Request for appointment of SRPEDD Board of Selectmen Representative**

Chairman Hollenbeck stated that Ms. Garbitt has been the SRPEDD Board of Selectmen Representative and she would like to continue. Ms. Garbitt stated that the annual SRPEDD meeting will be held at LeBaron this year.

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

VOTED: To appoint Rita Garbitt as the Board of Selectmen's Representative to serve on the SRPEDD Commission. The term will expire May 23, 2018.  
Unanimous in favor.

#### **Review and vote to approve Meeting Minutes for January 23, 2017**

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

VOTED: To approve the Selectmen Meeting Minutes of January 23, 2017 as presented.  
Unanimous in favor.

#### **New Business**

Selectman Powderly pointed out that Town Elections are scheduled for Monday, April 3, 2017, from 12:00 PM to 8:00 PM.

#### **Old Business**

Ms. Garbitt stated that she had received the Old Colony Regional Vocational Technical High School 2017-2018 Tentative Operating and Maintenance Budget. Their budget was not much different than the figures she had used in her preliminary budget. Their hearing is scheduled for Wednesday, March 29, 2017 at Old Colony Regional Vocational Technical High School Cafetorium at 6:00 PM. There is a 27% increase for Lakeville.

Chairman Hollenbeck asked for a copy of the assessment sheet. She stated that this is either the second or third year that Lakeville was over the required contribution for Old Colony. This may be another budget to start digging into the details on. Five (5) towns (Acushnet, Carver, Lakeville, Mattapoisett & Rochester) are Members of this School District. Lakeville is the largest contributor. Selectman Burke agreed that it would be a good idea to dig into the budget. The Board should invite the School Committee Representatives in here to talk about the budget, and maybe build a coalition with the other Towns. It is difficult when there are so many

different communities. Selectman Burke added that a regional budget is very political and can be challenging.

### **Any other business that may properly come before the meeting**

Chairman Hollenbeck asked about the reason to still have Rent Control in place if the Town was not allowing mobile homes to be built. Selectman Burke explained that the Town does have a Mobile Home Park, so there is still the need for the Rent Control. They are actually not mobile homes; they are manufactured homes.

Ms. Garbitt stated that Attorney Mather had pointed out to her that the removal of the Industrial B zone will require that the Planning Board notify all abutters within 500 feet. This change will not take place until the Fall Special Town Meeting. Chairman Hollenbeck asked what the zone will then be changed to. Ms. Garbitt responded residential. Marijuana businesses are only allowed in Industrial Zones. This will probably also wait until the Fall Special Town Meeting as well. Selectman Burke asked why the Planning Board would not have a hearing before June on this. Ms. Garbitt explained that notices have to be sent out to all abutters, and the Planning Board typically wants signatures back from all the abutters and to know who was in favor of the change. Chairman Hollenbeck asked what if there is not a need for a Fall Special Town Meeting. The marijuana laws are being readied to go into effect next April, which is why Towns are trying to get this done by the fall. There is a potential concern that if the zoning is not changed over, it could be open to marijuana businesses. This could be a real issue if the Town does not have a Fall Special Town Meeting.

Ms. Garbitt mentioned that another change the Planning Board is making is to remove Site Plan Review for Residential. Site Plan Review had been put in place for Industrial, Commercial and Residential areas due to the MS4 Stormwater requirement. At this time, there are about 12 zoning changes which can move forward; however, advertising will need to be done. Selectman Burke stated that if Ms. Garbitt needs help in the office to get all this work done, she should bring in people to get this done. Ms. Garbitt explained that the Planning Board is not meeting again until April 11, 2017. The timeframe for advertising will need to be calculated so that it is done in a timely fashion. Chairman Hollenbeck noted that the Board needs to keep that in our mind for the Special Town Meeting in the Fall. Selectman Burke stated that the Zoning Board Review Advisory Committee has reviewed and made recommendations for changes to the Planning Board on the obvious by-laws that needed to be cleaned up. The upcoming five (5) will take some time to make sure that they are revised accordingly to then be sent to the Planning Board for further review.

### **Other Items**

1. Invitations to Selectmen to attend Apponequet High School Graduation
2. Letter from Plymouth County and Regional Addiction Funding Committee
3. Notice from Massachusetts Office of Disability regarding ADA Improvement Grant Program
4. SRPEDD Commission Agenda – March 22, 2017

5. Notice from U.S. Census Bureau regarding 2017 Census of Governments, Survey of Public Employment and Payroll
6. Notice of Keolis Commuter Services 2017 Yearly Operational Plan
7. Update on ZBRACS's recommendations for Zoning Amendments for the Annual Town meeting

At 7:53 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 (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for March 1, 2017, and pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Fire Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared.  
Polled vote: Selectman Powderly-Aye, Selectman Hollenbeck-Aye, and Selectman Burke-Aye.

#### **List of documents distributed at the March 27, 2017 Board of Selectmen Meeting**

1. Job Description for Board of Health Agent.
2. Resignation letter of the Board of Health Agent, Lawrence Perry
3. Notice of intent to layout Joshua Lane from AGS Development Corp, Towns procedure for layout and acceptance of public ways
4. Vote to sign MS4 General Permit Annual Report.
5. Proposal from Field Engineering Co., Inc., for the extension of the water line to the new Police Station, email from Selectman Burke to the Building Commissioner dated March 23, 2017, email with Taylor MacDonald of Pomroy Associates dated March 23, 2017.
6. Email from Town Clerk regarding changing of voting places per MGL c54, s24, Calendar for June 2017.
7. Request from Middleborough/Lakeville Herring Fishery Commission regarding providing input for a future herring harvest.
8. Email from Grant King of SRPEDD announcing grant award to the Town in the amount of \$20,000 for a Housing Projection Plan.
9. South Coast Rail, Mass DOT Notice of availability for the South Coast Rail's Notice of Project Change (NPC), copy of article from The Enterprise, 3-23-17, correspondence from Rep. Strauss office
10. Town of Lakeville's CORI Policy adopted March 24, 2014 revised March 27, 2017
11. Request from Allan Swanson to renew a temporary storage trailer license.
12. Request from SRPEDD for a 2017-2018 SRPEDD Commission Member Appointment.
13. Selectmen Meeting Minutes of January 23, 2017
14. Correspondence (March 23, 2017) from Old Colony Regional Vocational Technical High School District regarding vote taken at their meeting held on March 22, 2017 and copy of assessment sheet.