

**TOWN OF LAKEVILLE**  
**Selectmen's and Wage and Personnel Board's, as applicable,**  
**Meeting Minutes**  
**April 10, 2017 – 6:30 PM**

On April 10, 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 Powderly at 6:38 PM. Selectmen present were: Selectman Powderly, Selectman Hollenbeck 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 and Lakeville Members of Regional School Committee to reappoint Gary Mansfield as Old Colony School Committee**

The above item has been postponed until May 1, 2017.

**6:40 PM Meet with LakeCAM Board of Directors to discuss LakeCAM Financial Statements dated December 31, 2016**

The above item has been postponed until May 1, 2017.

**7:00 PM Meet with Representative Keiko Orrall to discuss South Coast Rail**

*Representative Keiko Orrall was present for the discussion.* Representative Orrall stated that the House Ways and Means approved their budget for the first time. That is significant progress and it is \$250,000 towards Smart Growth at this time.

Ms. Orrall then distributed the phasing plan for the South Coast Rail and explained that it is to establish rail connections for Fall River, New Bedford and Taunton. The impacts to the Middleborough/Lakeville station are still unclear. There is a meeting Thursday and comments can be submitted until April 21<sup>st</sup>. The Stoughton Route will continue to be looked at, but the focus will be on Phase I. The feeling is that using the existing rail makes a lot more sense than creating a new rail through an environmental sensitive area, through Towns that have expressed opposition to it. Using the existing rail is much less costly option. The figures have come in at \$1 billion, which seem rather high, and for the Stoughton Route, \$3.2 billion. With the revenue as it is, it does not seem that the Stoughton Route will take place in anyone's lifetime. Chairman Powderly asked about having enough revenue to go further down the Cape to the Bourne area. Ms. Orrall stated that they are advocating for it. It is an ongoing discussion, and will be included in people's comments. There are also comments about the one (1) seat ride and the two (2) seat ride. Those on the system get the one (1) seat, and those new to the system would get the two (2) seat.

Chairman Powderly asked if there is enough parking at the old Washburn property for a station there. Ms. Orrall responded that she didn't believe that it was necessarily the best option. With scheduling, the current riders can be accommodated. Chairman Powderly noted that there would be a need to have land takings and to drive through neighborhoods to get to that area. Ms. Orrall stated that she has made that argument with Smart Growth that it does not make sense.

Before it was that the trains would have to back up, but now it goes north of Middleborough/Lakeville so they would not have to stop; they would be able to keep on going. Chairman Powderly stated that he felt that they should just change over in Brockton. Ms. Orrall explained that they are working on scheduling and timing with the trains. If they can make a case for it making any kind of sense then fine, however, Ms. Orrall has worked on it for five (5) years, and it does not make sense. Selectman Burke stated that he didn't think any option makes sense for the South Coast. Ms. Orrall stated that if they work on the lines in Boston from Fall River and New Bedford, then it makes sense to sit on a train for an hour and a half rather than in traffic. The rail should be upgraded, and if when year five is reached and the ridership has not increased, then maybe they can finish and keep building Phase II. If ridership does not come through, then just Phase I makes sense.

Ms. Garbitt stated that she was surprised by how many people take the train into Boston who work at the hospitals. Many New Bedford people drive to the Lakeville Station to take the train. Selectman Hollenbeck said as long as the Lakeville Station is not affected, then that is fine. Ms. Orrall explained that politically this matter has been discussed for 30 years. The Governor's Administration wants to look at a solution that may work. It is notable that they are trying to see if this is an option. The triangle has almost been completed. The rails have been upgraded from Myricks on down. Chairman Powderly asked why put money in for a Middleborough station, just have a transfer further down. That area has been upgraded already. Ms. Orrall stated that if it is clear that this line is not working with the ridership then it will kill the second phase, it is felt that the administration's direction is a good one. She stated that she plans to attend the Thursday meeting and continue to monitor the matter carefully. The Board should definitely send in its comments.

Ms. Orrall then provided an update regarding the 40R monies. Ms. Garbitt had emailed her on a question about revisiting an allocation of the housing units. Looking into it, the Town has been advised to send a letter to the agency requesting that change. If the Town can again make the case about the history of the matter and how the discrepancy came about, that should be provided. With the former administration, an approach was taken and the Town was able to receive the money, so it is worth asking again. As long as it is explained well enough, it could be revisited, but the first step is for the Town to request the change. Ms. Garbitt explained that Attorney Kathleen O'Donnell had previously worked with the Town with Sterling Place. It had been explained that the developer of Sterling Place had gone about the process without the knowledge or cooperation from the Town. Chairman Powderly stated that he didn't feel strongly about the 10% and 40B. The Town is receiving a better count, but nothing else. Selectman Burke stated that the Board might as well ask as it is a new administration. The units that do not count then raises the number of units in the Town, which then makes the Town's count 10% further away. If the Town wants to control growth in Town, it needs to be controlled with urbanization, train lines and bike lanes. Ms. Orrall suggested that the Town send the same letter, and find out the new players to address it to. She suggested that the Board be very clear with what it is asking for, specific about the desired credits, and what they want the numbers to reflect (204). Ms. Garbitt stated that all 100 units at Kensington Court are affordable; however, those at Sterling Place are market rate. Ms. Orrall stated that it was the intent of the Town to establish 204 affordable units.

Ms. Garbitt provided an update regarding Route 79. She stated that Ms. Orrall had called on Friday to see if the Town has heard anything else. Chairman Powderly asked who is determining the value on the takings. Ms. Garbitt explained that BETA will have the information on the properties that takings have to take place on. It is not sure if the property owners will receive anything from the removal of trees on their property. In the past, the DOT has compensated for tree removal. BETA also knows which poles have to be moved and that cost. Ms. Orrall stated that the State was just dealing with the intersection. Ms. Orrall added that she can check in with DOT since the letter was sent to them from the Town requesting the signalization. Selectman Hollenbeck stated that the Town wanted to look at the project from a cost perspective. If the Town has to pay to do land takings, can the Town instead just have the State do their part? The Board doesn't want to have to do land takings, and the Town does not have the revenue to do that either. Ms. Orrall stated that tomorrow is the meeting regarding the special legislation for combining the Board of Health under the direction of the Building Commissioner. She suggested that the Board send in a letter of support addressed to Chairman O'Day, along with an explanation of why the Board wants the project to move forward in a specific direction.

#### **Discuss letter from Stephen Olivier regarding Road Water Drainage Issue – 105 Pierce Avenue**

Chairman Powderly stated that the Town had received a letter from Stephen Olivier last week regarding a road water drainage issue at 105 Pierce Avenue. He, Nate Darling, Building Commissioner, and Jeremy Peck, Superintendent of Streets, had visited the area. Mr. Peck had offered some opinions on how to proceed. Measurements were taken to the next ditch and drainage pipe, and those figures and a suggestion were provided today. It is preferred to review the matter first with Mr. Olivier, along with Mr. Darling and Mr. Peck. A pipe can be done to a wall, but the Town should not get an easement to go on someone's property to fix the rest. So, though the matter is not resolved, another meeting should take place with Mr. Olivier on the proposal this week to find out what how to proceed. The water does flow onto his property and has for some time. It will be attempted to resolve the matter as best as possible.

#### **Request from Zoning Board of Appeals to review Special Permit Application and Decision – 9 Harding Street**

Chairman Powderly explained that the request is to put an electronic billboard at 9 Harding Street. It is not known specifically where the sign is going in conjunction with the line of sight. If there is not a line of sight issue, the Board needs to decide if billboards are something that they want to approve. There are only electronic bill boards at the following locations: Savas Plaza, County Street and two (2) on Route 18. The Board has not allowed anything of the size being proposed. Ms. Garbitt mentioned that the approval from the Zoning Board of Appeals is subject to the Selectmen's approval, which has not been done before. Selectman Hollenbeck noted that they are asking for a sign higher and larger than what is allowed in the Bylaw. What type of lighting? Chairman Powderly responded that he is not sure if it is a flip and turn type or electronic lights. Ms. Craig stated that she had spoken with Donald Foster, Chairman of the Zoning Board of Appeals and asked him what would happen if the Selectmen do not approve the bill board in that location. Mr. Foster responded that it will not go through.

Chairman Powderly stated that the Board needs additional information about the bill board, what it will look like and the type of sign that it will be. Ms. Craig-McGee noted that the ZBA does have an appeal period for the approval. Selectman Burke stated that the Board does not have enough information to move forward with approving the application. What should have taken place is that the ZBA should have tabled it and spoken first with the Selectmen. The applicant may have to reapply, but hopefully they can reconsider the application with additional information.

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

VOTED: To reject the Zoning Board of Appeals decision and that the application be denied, subject to a conversation with the Zoning Board of Appeals and/or the applicant.  
Unanimous in favor.

#### **Review and vote on Ballot Question for June 6, 2017 Election**

Chairman Powderly asked if a combination of borrowing funds is made, does the Board have to change the language of the Ballot Question. Selectman Hollenbeck explained that the proposed language will be acceptable.

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

VOTED: To approve the language for the ballot question for the Special Election scheduled for June 6, 2017 as follows: Shall the Town of Lakeville be allowed to exempt from the provisions of proposition two and one-half, so called, the amount required to pay for the bond issued in order to construct, originally equip and furnish a new Police Station, including the payment of all costs incidental and related thereto? \_\_\_\_Yes \_\_\_\_No  
Unanimous in favor.

#### **Review and vote on request for Taunton Water Connection for Blueberry Estates**

*David Mooney was present for the discussion.* Mr. Mooney is looking for approval to tie into a water connection along Woods Edge Road for Blueberry Estates. The tie-in would connect both groups of buildings. The maximum usage is 15,000 gallons per day, which is on the high side. The peak demand is actually about 7,500 gallons per day.

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

VOTED: To approve the Water Connection Application for Blueberry Estates as presented.  
Unanimous in favor.

### **Review and vote to Earth Renewal Permits and Stockpile Permit**

Chairman Powderly reviewed the two (2) Earth Removal Permits and the Stockpile Permit. Jeremy Peck, Superintendent of Street, has inspected all three (3) properties. Ms. Garbitt noted that compost piles are under the regulations of the DEP. Ms. Garbitt and Mr. Darling have discussed at length with the DEP the matter of the stockpiles. DEP has said that Ms. Vasseur has to contact them regarding the compost piles. Ms. Craig-McGee said that the compost piles have been reduced from three (3) to two (2). Ms. Garbitt stated that the Town can only issue the Stockpile Permit; Ms. Vasseur must go to the DEP for the Compost Permit. Chairman Powderly noted that it appears that Ms. Vasseur is selling off the compost.

Selectman Burke stated that Ms. Vasseur is not zoned properly to be running the business at her location, and she is required to obtain a permit from the DEP. If the business is going to continue, the Board needs to determine another solution. He would like to meet with Ms. Vasseur to discuss her plans for the property. Is she winding the business down or continuing to bring in more material to make compost? Ms. Craig-McGee stated that she will contact her and put her on for the May 1, 2017 Selectmen's Meeting.

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

VOTED: To approve the following Earth Removal Permits with an expiration date of March 31, 2018 as follows: T.L. Edwards – 435 Bedford Street – remove 2,000 cubic yards and Glenn Chistolini – 1 Elliot Street – remove 1,000 cubic yards.  
Unanimous in favor.

### **Request from Town Clerk for renewal of Junk Dealer, Junk Collector and Auctioneer Licenses**

Chairman Powderly reviewed the various requests as submitted by the Town Clerk. He stated that the Building Commissioner has performed inspections on each property and recommends approval of all licenses.

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

VOTED: To approve the following licenses as requested with an expiration date of May 1, 2018: Anthony and Dorita Morris, 33 Myricks Street – Auctioneer License, Junk Dealer License & Junk Collector License; Hugh and Judy Rogers, 201 County Street – Junk Dealer License and Junk Collector License and Robin Marques and Donald Bernier, Jr., 60 Rhode Island Road – Junk Dealer License and Junk Collector License.  
Unanimous in favor.

### **Discuss KENO application request for Poquoy Brook Golf Club**

Chairman Powderly said that the KENO application request for Poquoy Brook Golf Club is automatically approved by default unless the Board has an issue. If there was an issue, the Board

would need to send a letter to the Mass Lottery detailing why they do not feel it is proper for Poquoy Brook Golf Club to be granted a KENO License. No issues from the Board were raised.

### **Discuss reappointment of Animal Control Officer and Assistant Animal Control Officers**

Chairman Powderly reviewed the appointments for Animal Control Officer/Constable and Assistant Animal Control Officers.

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

VOTED: To make the following appointments with an expiration date of April 30, 2018:  
David Frates – Animal Control Officer and Constable; Darcy Lee – Assistant Animal Control Officer and Jennifer Nash – Assistant Animal Control Officer.  
Unanimous in favor.

### **Discuss reappointment of Veterans' Agent and Graves Officer**

Chairman Powderly stated that Wilfred Corey's appointment as Veterans' Agent and Graves Officer expires on April 30, 2017.

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

VOTED: To approve the reappointment of Wilfred Corey as the Town's Veterans' Agent and Graves Officer with an expiration date of April 30, 2018.  
Unanimous in favor.

### **Schedule May & June Selectmen Meetings**

The schedule for May and June Selectmen Meetings was reviewed by the Board. The meetings were set for May 1<sup>st</sup> and 15<sup>th</sup> and June 26, 2017 at 6:30 PM. June 12, 2017 is Town Meeting.

Ms. Garbitt asked about scheduling a meeting with the Department Heads and the Finance Committee on April 24, 2017 to review the Town budgets. The Capital Expenditures Committee will also have to meet with the Selectmen.

### **Schedule and vote to approve Selectmen Meeting Minutes for April 27, 2016; August 31, 2016 and March 1, 2017**

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

VOTED: To approve the Selectmen Meeting Minutes of April 27, 2016, August 31, 2016 and March 1, 2017 as presented.  
Unanimous in favor.

## **New Business**

Chairman Powderly stated that the joint meeting with the Lakeville Selectmen and Freetown Selectmen had been cancelled for this evening. Lisa Pacheco wanted to meet with her Board prior to having the joint meeting take place. The Regional Finance Committee has cancelled their meeting again. Selectman Hollenbeck pointed out that the Regional Finance Committee does not have any minutes, which is a matter that she has brought up periodically. Chairman Powderly stated that he was happy to attend the meetings in Selectman Hollenbeck's place and repeat what she was going to say. The joint meeting with the Freetown Selectmen has now been scheduled for Monday, May 1, 2017 in Lakeville at 5:30 PM.

## **Old Business**

There was no Old Business presented for discussion.

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

There was no other business presented for discussion.

## **Other Items**

1. Notice from Board of Health regarding participation in Annual Rabies Clinic
2. Thank you email from Brian and Kathryn McMahon regarding Highway Department
3. Notice from DEP regarding SMRP Grant Program
4. Letter from MassDOT announcing Lakeville's Chapter 90 Funding for FY18
5. Letter from SRPEDD regarding Nominations for SRPEDD At Large Commissioners
6. Letter from SPREDD regarding Annual Special Recognition and Commission Awards
7. Notice regarding FEMA Rule Change on Disaster Reimbursement
8. Letter from Massachusetts Historical Commission regarding 26<sup>th</sup> annual Massachusetts Archaeology Month
9. Letter from Comcast regarding Channel 12 being removed from programming

At 8:03 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 Fire Union if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared; pursuant to M.G.L. c.30A, §21(a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel, specifically the Council on Aging Director; and 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 27, 2017.

Polled vote: Selectman Hollenbeck-Aye, Selectman Burke-Aye, and Selectman Powderly-Aye.

**List of documents provided at the Selectmen's April 10, 2017 Meeting**

1. Old Colony Regional Vocation Technical notice relevant to the appointment of School Committee Members by Member Towns
2. Financial Statement from LakeCAM, year ending December 31, 2016 (7 pages), request from LakeCAM Board of Directors to meet with the Selectmen to review the financial statement.
3. South Coast Rail Notice of Project Change dated March 15, 2017
4. Letter from Stephen Olivier regarding road water drainage issue – 105 Pierce Avenue
5. Email from Chairman Foster, Zoning Board of Appeals regarding approval of a special permit for a billboard at 9 Harding Street, Notice of Decision on Special Permit, copy of petition for Hearing by Rocco Realty II, Zoning By-Laws 7.4.6 Specific Uses by Special Permit
6. Ballot Question for June 6, 2017 Election
7. Letter from David Mooney, Riverside Properties, with application for Water Connection for Blueberry Estates along Woods Edge Road, diagram of plan
8. Letter from Building Commissioner regarding inspections done for 2017 Earth Removal Permit Renewals, applications from interested parties, Lakeville Regulations for earth removal, copies of minutes of previous earth removal discussions and approvals, Chapter V, Removal of Earth
9. Request from Town Clerk to renew Junk Dealer, Junk Collector and Auctioneer licenses memo from Building Commissioner recommending approval
10. KENO Application request for Poquoy Brook Golf Club
11. List of appointments of animal control officer/constable and assistant animal control officers
12. Reappointment request for Wilfred Corey as the Town's Veterans' Agent and Graves Officer
13. Meeting dates for May and June 2017 Selectmen meetings
14. Selectmen meeting minutes of April 27, 2016, August 31, 2016 and March 1, 2017 for approval