

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
March 10, 2014 - 7:00 PM

On March 10, 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 7:01 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. Mathew Ferreira of The Middleboro Gazette was also recording the meeting.

7:00 PM Meet with Finance Committee to interview candidates for the vacancy on the Finance Committee

Michael Petruzzo and Donna Winters of the Finance Committee were present for the discussion. At 7:14 PM there was still no quorum of the Finance Committee. It was decided to go forward with the interviews, since the candidates were all present

The first candidate was Steve Olivier who lives on Pierce Avenue. Mr. Olivier has lived in Lakeville since 1982. He graduated Magna Cum Laude from UMass Dartmouth then worked at Raytheon and Liberty Mutual. In 1995, he obtained a CPA license and recently passed the CPU exam. Mr. Olivier said he served on the Finance Committee for eight (8) years and was the liaison for the Finance Committee to the Regional School Committee. He also served on the Board of Selectmen for two (2) years and represented the Selectmen on the Regional Finance Committee. He has been out of politics for two (2) years now and is well rested.

Selectman Powderly stated that he finds that the lion's share of the budget is the schools. Can you offer any control or positive suggestions to the schools that they can take to heart, or is that something that can never be accomplished by them? Mr. Olivier responded that you can always hold out hope, and we have done that in the past with suggestions. They have sometimes acted on suggestions, but not always. You need to give them positive suggestions and understand both sides, the Towns and theirs. After a time, it does prevail. It takes time, but minor gains can be had. Mr. Petruzzo stated that he has worked well in the past with Mr. Olivier on the Finance Committee. He has a good grasp of the Town's financial matters. Selectman Burke stated that the Town is looking at having conversations relative to the Police Station and/or a multi-use building for emergency services. What are your thoughts on that and the need/impact this might have? Mr. Olivier responded that the Town has done a wonderful job fixing the Police Station. Prior to that it should have been condemned. However, volunteers stepped in to fix it up, since Town Finances have not been in the position to build a new facility. We do need to help the Police Department get into the 21st century. The strategic time to do that is when the debt of the Town starts to taper off. When that takes place, it will minimize the impact to the tax payer. So when the bonds are down, the Town should ask for a debt exclusion or an override. Right now the Town is not in a good position to ask for an override. Perhaps 2016 might be a good time to build a police station.

The second candidate is George Vlahopoulos of Jamie's Way. Mr. Vlahopoulos attended Norwich University and graduated Magna Cum Laude in Political Science. He had an internship

with a law firm then went into banking . He has been a Branch Bank Manager at Quincy Square for the past four (4) years. Mr. Vlahopoulos moved to Lakeville in 2011. He has not served on other boards in Town, so there would be a learning curve. However, he is very studious, articulate and pays close attention to detail. He can be very persuasive and is open minded, but I can give an argument. Mr. Vlahopoulos said he thinks it is important to take part in the community.

Selectman Powderly stated that Mr. Vlahopoulos is in private industry. In the public sector, there is a certain amount of patience you need to have. It is an entirely different world. Mr. Petruzzo stated that Mr. Vlahopoulos shouldn't be discouraged about his lack of municipal experience. It is not a bad thing to have a fresh outlook. Selectman Burke mentioned about the feasibility study that was done for the Police Station. He asked how he felt about building a Police Station. Mr. Vlahopoulos stated that there is a time and place for everything. He has not been inside of the Police Station, but it is something that needs to be built into the budget. It is a balancing act to have what we want, and what we need. He doesn't want to see taxes go up, but it is important to have a facility where the Police are proud to work. Mr. Vlahopoulos said that by driving by the building he can see that there is a need for improvement. At some point, we will have to decide what to do.

The third candidate is Gordon MacKay of Ruby Drive. Mr. MacKay said he attended St. John's University and obtained his Bachelor's Degree and got his Master's Degree from Lesly University in Cambridge. He and his wife built a home on South Pickens Street and moved to Lakeville. Prior to joining the financial field, he spent over 30 years in sports and entertainment. He does not have formal experience on Town or Municipal Boards, but would offer a fresh perspective. He has always believed in a cross discipline approach. All throughout his career he has been a problem solver. He started his financial career with Wells Fargo Advisors, but now he works for Mass Mutual as a business analyst. In regards to the Police Station, he liked what other municipalities are doing with a mixed use building for the Fire and Police Departments. This gives the Town a bigger bang for the buck. First responders are important to us all and they need a suitable place to work. We should look for Federal grants or other types of funding, such as low interest loans through the State and Federal government. The Town's credit rating is good. He is interested in serving the community.

Selectman Burke noted that there is a time commitment serving on a Town Committee or Board. It is especially important during budget season to attend the meetings. Chairman Belliveau said this position is for a one year term, then you would run for re-election next year. Mr. Petruzzo stated that this is busy time of year for the Finance Committee. Discussion occurred regarding the frequency of meetings.

Selectman Powderly stated that it is encouraging to have new residents volunteering to serve on a Town Committee. If you do not get appointed, don't get discouraged, as there are plenty of committees that routinely have vacancies. We are always encouraging people to get involved in town politics. Chairman Belliveau stated that the Board will meet with the Finance Committee and notify the applicants of their decision.

Discuss invitation from Freetown Selectmen to meet with the Freetown Finance Committee and Regional School Committee on March 31, 2014

Chairman Belliveau stated that the Selectmen and Finance Committee have been invited by the Freetown Selectmen to meet with them, the Freetown Finance Committee and the Regional School Committee to discuss the School budget. He was concerned that the School Committee will have already voted on their budget. Selectman Burke stated that he felt that the meeting should be later in order to have a realistic conversation when the actual numbers have come out and after elections have taken place. Chairman Belliveau stated that the Town of Lakeville needs to know where the Town of Freetown stands with their budget numbers. Holding off until April is not a good thing. We need to know where their numbers are. This discussion should have taken place in February. Now we will meet after the schools vote on their number. They can go down, but not up. It is important for us to do our budgets and knowing, not assuming, what Freetown can do. Selectman Burke stated that it is better to wait for the State numbers, even if the School Committee will already have voted. Chairman Belliveau stated that the State numbers do not affect Lakeville whatsoever. Selectman Powderly stated that if Selectman Burke is concerned that there may be a new Selectman, then he should encourage Ms. Hollenbeck to attend the meeting. Selectman Burke stated that this joint meeting was a good experience for him when he was first elected.

Chairman Belliveau stated that the Town has its budget numbers for the year, and needs to know where Freetown is in order to be unified. Selectman Powderly asked when the Board will begin budget meeting with Department Heads? Ms. Garbitt responded that the Board should consider scheduling them next week or the last week in March. The next regularly scheduled Selectmen's Meeting is March 31, 2014. However it can be changed to March 24th so that the Lakeville Finance Committee and Lakeville Selectmen can meet with the Freetown Boards on March 31st. The Department Head Budget Meetings were scheduled for Tuesday March 18th and March 25th at 6:30 PM.

7:30 PM Meet with James Marot, Planning Board Chairman to discuss suggested zoning changes for the Annual Town Meeting

Sylvester Zienkiewicz, Planning Board Member, was present for the discussion. Ms. Garbitt stated that Mr. Marot was planning on attending the meeting this evening, but was unable to come since he was very sick. Ms. Garbitt stated that she had attended the Planning Board meeting and they did vote on the Medical Marijuana Dispensary Zoning Bylaw. The Board needs to add a definition and a table of use. The Planning Board would like this to be regulated by Special Permit, with the Zoning Board of Appeals as the permitting authority and setting the regulations. If those three (3) things go through then, the Town can rescind the moratorium. Ms. Garbitt said Town Counsel has provided the language. The Planning Board is using the Town of Montague's bylaw. The Town needs to act on this by June 30th. Now this needs to go to Town Counsel for review. Selectman Burke mentioned to Mr. Zienkiewicz that the Board is in agreement with the Medical Marijuana Bylaw going to Town Counsel. Mr. Zienkiewicz stated that the Planning Board is looking to schedule a public hearing on the matter. We received this from Town Counsel and made a few changes for Lakeville, such as allowing by Special Permit rather than by right.

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

VOTED: To authorize Ms. Garbitt to forward the Medical Marijuana bylaw to Town Counsel for review.
Unanimous in favor.

Ms. Garbitt distributed a handout from Mr. Marot about the Wind Energy Bylaw. The Planning Board voted to rezone the Lakeville Business Park lots as Business and the Bartlett parcel on Tyler's Way as a Development Opportunity District with parcels 9, 8 and 2 and Parcels 1-5, and 17 to Business. The Planning Board is moving forward and would like to go to Town Meeting with these parcels. Mr. Zienkiewicz stated that there will actually be five (5) zoning changes. Also, regarding the wind power bylaw, that is changing it to be by Special Permit rather than as of right. Ms. Garbitt mentioned that she believes that making that change might change the Town's Green Community Status. Selectman Powderly asked why did the acreage increase? Ms. Garbitt stated that it is the same acreage; a parcel had been left out. A parcel had been left out in the Business Park by mistake. Selectman Powderly stated that he would not move forward on 11 b and c until he understands why it is being done. Mr. Zienkiewicz stated that the Planning Board is only asking to hold a public hearing. Mr. Zienkiewicz stated that the public hearing will allow the public to make their feelings known about the parcels at the public hearing.

Selectman Powderly stated that he is trying to understand why they are adding special permit requirements. The intent was to rezone things that were incorrectly zoned for years. This is totally brand new. Chairman Belliveau asked why it has to be Special Permit for the wind farm. Mr. Zienkiewicz responded that the wind farm has all kinds of regulations. The Planning Board supported this initially for as of right. The Planning Board has changed its minds based on the experiences in Fairhaven and Falmouth, so it should be by Special Permit. That does not mean that it is not allowed; it means that there will be special conditions attached. Selectman Powderly stated that Fairhaven put up a wind farm too close to houses. Falmouth put in an old technology wind turbine that sounds like a dump truck going down the street. They went and made mistakes by going with the lowest bidder and not getting good quality. The manufacturer said not to put them so close to homes due to the flicker effect. They should not be installed less than 2,000 feet from the nearest house. Wind turbines need to be installed paying attention to distance and noise regulations per manufacturer guidelines. Ms. Garbitt stated that her concern was that the Town would no longer be considered a Green Community and then not be eligible for grant money during the next grant round. Selectman Burke stated that the Town does not want to make a change that will change its Green Community designation/status.

Discuss FY15 Budget Projections and Schedule Budget Meetings with Finance Committee and Department Heads

Ms. Garbitt stated that the budget meetings have already been scheduled. The budget books for the Finance Committee are available in the conference room. Ms. Garbitt then briefly reviewed the Budget Summary for FY15. The numbers will change quite often between now and Town Meeting. There are five (5) students interested in attending Bristol Agricultural School, but only one (1) student brought back their request to the Superintendent. That will

change the figures by \$100,000 if they all attend. The \$188,484 represents nine (9) students at this point. Also, there is a student in a Weymouth School. The Town receives approximately \$74,000 in Chapter 70 Aid for Bristol Agricultural students. The Old Colony Chapter 70 Aid goes directly to Old Colony.

Ms. Garbitt said Free Cash is certified, and the Town is being conservative on estimated receipts. \$120,000 was received from the Ted Williams earth removal, but that will be used to offset the note. The remaining balance is \$190,000. The school numbers are on the second page. Chairman Belliveau stated that that is why he wants to be on the same page with Freetown. We don't want to go to a Joint Town Meeting. They seem to want to do level funding, and that would be a decrease to Lakeville. Ms. Garbitt stated that the figures are preliminary, and the Board has not met with Department Heads yet. Also, the Fire Department roof needs to be fixed, since there are leaks on the rubber roof and also leaks on the Town Office Building roof.

Selectman Powderly asked about the amounts in the Budget Summary for various articles and where were the police cruisers captured. Ms. Garbitt stated that they are in the Capital Plan. If they are approved at the June Town Meeting, the financial impact will not affect the operating budget until FY16. Discussion occurred about the possibility of purchase an ambulance. Ms. Garbitt responded that it will be in the Capital Plan that will be presented at Town Meeting. There is \$467,000 in the Town's regular Stabilization Account and \$139,000 in the Debt Stabilization Account.

Selectman Burke asked about previous discussions regarding the Transfer Station. What is the current status? Ms. Garbitt responded that recyclables are not all the way back up, and they are looking at the actual sales of permits and bags. It seems that it will need \$105,000 from the General Fund this year. Work has begun to set this up as a Town Department and present this as an operating budget. Health insurance, property and liability insurance all have to be expense items, and it will still work out to be \$105,000 for operating budget. She hopes to have budget numbers for the budget meeting with Jeremy Peck.

Discuss postponing the Annual Town Meeting

Ms. Garbitt noted that the bylaws state that the Annual Town Meeting is to be held on the second Monday in May. Town Counsel, Town Moderator and the High School are available on June 2, 2014. She is suggesting that the Annual Town Meeting be postponed until June 2, 2014 at 7:00 PM.

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

VOTED: To postpone the Annual Town Meeting until Monday, June 2, 2014 at 7:00 PM at the Apponequet High School Auditorium.
Unanimous in favor.

Review and discuss the draft Rules of Order Policy for the Board of Selectmen

Selectman Burke stated that he had brought the topic up for discussion at the last meeting of the Board in order to have a written policy and procedures for major items in place. Chairman Belliveau stated that he did not have a problem with it. Selectman Powderly asked if the Board was then adopting the one page of rules. Selectman Burke said yes, and the Board can modify it as they see fit.

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

VOTED: To adopt Selectman Burke's draft Policy for Rules of Order of the Lakeville Board of Selectmen.
Unanimous in favor.

Review and discuss the draft Political Signs Policy submitted by the Town Clerk

Chairman Belliveau stated that the Town Clerk came before the Board a month ago about putting together a bylaw for Political Signs, but instead suggested having a policy in place. The Town Clerk has submitted a draft Policy. Ms. Garbitt stated that when someone pulls papers to run in an election, the Town Clerk would like to hand out information for sign procedures. Also, many candidates don't know that they have to ask private homeowners to put signs on their property.

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

VOTED: To adopt the Town of Lakeville Board of Selectmen Political Signs Policy as presented.
Unanimous in favor.

Vote to Layout Spring Brook Lane as a Public Way

Chairman Belliveau asked Ms. Garbitt to speak to the item. Ms. Garbitt showed the set of plans for Spring Brook Lane. She stated that this is just a vote to lay it out, the Board is not voting to accept it. It is located across from Jennifer's Way on Kingman Street. If the Board votes to lay it out, then this will go to Jeremy Peck for inspection, then to the Planning Board. They will hold a public hearing and then vote to approve the layout. This is step one (1) of a five (5) step process.

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

VOTED: To layout Spring Brook Lane.
Unanimous in favor.

Discuss Savas' vacant land next door to Town Office Building

This topic is on hold.

Request for renewal of Temporary Trailer License – 135 Precinct Street – Alan Swanson

Chairman Belliveau reviewed the application for the renewal of a Temporary Trailer License at 135 Precinct Street.

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

VOTED: To renew the Temporary Trailer License at 135 Precinct Street for Alan Swanson with a new expiration date of March 30, 2015.
Unanimous in favor.

Discuss reappointment of Joseph Simas to the Old Colony Regional Vocational Technical High School District Committee

Chairman Belliveau noted that Joseph Simas' appointment to the Old Colony Regional Vocational Technical High School District Committee was expiring on May 1, 2014. Ms. Garbitt said that Mr. Simas has indicated that he will not be asking for reappointment. The Board of Selectmen asked that a notice be placed in the Middleboro Gazette for letters of interest for the vacancy prior to April 15, 2014. The topic will be back on the Selectmen's agenda for their last meeting in April.

Request for proclamation from Business and Professional Women/MA to declare April 8, 2014 as Equal Pay Day

Chairman Belliveau read the request from the Massachusetts Federation of Business and Professional Women MA for the Board to proclaim April 8, 2014 as Equal Pay Day. Selectman Burke read the proclamation into the record. Selectman Powderly stated that he did not know if the numbers are correct that were depicted in the proclamation.

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

VOTED: To proclaim April 8, 2014 as Equal Pay Day in Lakeville.
In favor 2, Against 1 (Selectman Powderly).

Review and vote to approve Board of Selectmen Meeting Minutes of January 27, 2014

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

VOTED: To approve the Board of Selectmen Meeting Minutes of January 27, 2014 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of February 24, 2014

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of February 24, 2014 as presented.
Unanimous in favor.

New Business

Ms. Garbitt said that the Board has received four (4) One Day All Alcohol Liquor Licenses from the Park Commission. The hours requested are also the actual hours of the event.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License at the Ted Williams Camp on March 22, 2014 for a birthday party from 1:00 PM to 8:00 PM.
Unanimous in favor.

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

VOTED: To approve the request for a One Day All Alcohol Liquor License at the Ted Williams Camp on March 22, 2014 for an engagement party from 4:00 PM to 11:00 PM.
Unanimous in favor.

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

VOTED: To approve the One Day All Alcohol Liquor License at the Ted Williams Camp on March 28, 2014 for the Nolan Party from 5:00 PM to 12:00 AM.
Unanimous in favor.

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

VOTED: To approve the One Day All Alcohol Liquor License at the Ted Williams Camp on April 5, 2014 for the Warriors Fundraiser from 5:00 PM to 12:00 AM.
Unanimous in favor.

Any other business that may properly come before the meeting

Selectman Burke stated that he attended the Legislative Breakfast Friday in East Bridgewater. Most of the communities are facing the same issues as Lakeville. Many towns are feeling squeezed with unfunded mandates. The Town of Wareham counted 22 unfunded mandates. They are considering not doing them, but then they will lose Federal Aid since there are strings

tied to it. If all the Towns say no, then maybe they will listen. Selectman Powderly stated that unfunded mandates are a reality, and we have to increase taxes to pay them, but he likes Wareham's approach. It was good to hear that Lakeville is experiencing the same issues as other towns. Selectman Burke said discussion also took place about the pensions and Towns' bond ratings if they do not funding the pension liabilities like you are supposed to for GASB. There is always the threat that it will affect the Town's ability to borrow. Ms. Garbitt said communities are starting to put in minimal amounts. One community, Newton-Wellesley did go out and borrow the money to fund it all. The State faces the biggest liability and we don't know if they have started addressing it. Selectman Burke said a candid discussion took place on heroin use. Police are carrying Narcan for resuscitating an overdosed person. It was quite an eye opener.

Other Items

1. Notice of First Annual Easter Eggstravaganza at Betty's Neck – April 22, 2014
The date for the First Annual Easter Eggstravaganza has been changed to April 19, 2014.
2. Bi-Monthly Sanitary Landfill and Transfer Station Inspection Report
3. Letter from the Town of Dartmouth regarding Small Businesses
4. Annual Report from South Shore Housing
5. SRPEDD Commission Agenda – February 26, 2014
6. Joint Transportation Planning Group Agenda – March 12, 2014
7. Letter from Department of Housing and Community Development regarding Subsidized Housing Inventory Biennial Update
8. Letter from Massachusetts Historical Commission regarding Archeology Month
9. Up to date list of donations for Animal Shelter (Plaque for donations)
Ms. Garbitt provided an up-to-date list of the donations that have been received into the Animal Shelter in the amount of \$5,353. She stated that David Frates has had a plaque made to acknowledge people in whose name money has been donated. Colonial Trophy knew a few of the people who made donations, so they donated some of the names on the plaque.

At 9:10 PM, upon a motion made by Selectman Powderly; seconded by Selectman Burke it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21a (6) to consider the purchase, exchange, lease or value of real estate because an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Firefighter's Union, if an open meeting may have a detrimental effect on the bargaining position of the public body, and the Chair so declared; and pursuant to M.G.L. c.30A, §21a (4) and M.G.L. c.30A, §21a (7) as discussion may be had regarding the Intermunicipal Agreement with Taunton Municipal Lighting Plant regarding infrastructure improvements to the Town's network that is exempt from disclosure as a public record in accordance with G.L. c. 4, §§7 (26) (a), (c) and (n), and where unauthorized disclosure of or access to the records on such system could violate various statutes including, but not limited to: The Federal Health Insurance Portability and Accountability Act ("HIPPA"); Massachusetts Criminal

Offender Record Act (“CORI”) (G.L.6, §§167-178Bk); G.L. C. 214 §1B, and others.

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

List of documents for 3-10-14 Selectmen Meeting

1. Letters of interest for the Finance Committee from Stephen A. Olivier, George Vlahopoulos and Gordon MacKay
2. Invitation from Freetown Selectmen to meet with the Freetown Finance Committee and Regional School Committee on March 31, 2014
3. Proposed zoning by-law changes for Annual Town Meeting
4. FY15 Budget Projections
5. Timeline for changing the Annual Town Meeting date
6. Draft rules of order for the Board of Selectmen
7. Draft political signs policy submitted by the Town Clerk
8. Notice of intent to layout Spring Brook Lane
9. Temporary trailer license application for 135 Precinct Street – Alan Swanson
10. Letter from Old Colony Regional Vocational Technical High School District regarding appointment of Joseph Simas
11. Request for a Proclamation from the Massachusetts Federation of Business and Professional Women to declare April 8, 2014 as Equal Pay Day
12. Selectmen Meeting Minutes of January 27, 2014
13. Selectmen Executive Session Meeting Minutes of February 24, 2014
14. Applications for One Day All Alcohol Liquor Licenses from the Park Commission