

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

On March 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 Selectman Powderly at 7:00 PM. Selectmen present were: Selectman Burke and Selectman Powderly. Chairman Belliveau was absent. 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 along with LakeCAM.

**Request from Veterans Agent to place Warrant Article on Annual Town Meeting regarding Excise Tax Prisoner of War Exemption**

Selectman Powderly stated that Robert Mello, Veterans' Agent, is requesting that the Selectmen vote to place an article on the Annual Town Meeting Warrant which would exempt former Prisoners of War and their spouses from paying excise tax.

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

VOTED: To place an article on the Annual Town Meeting Warrant exempting Prisoners of War and their surviving spouse from Motor Vehicle Excise Tax.  
Unanimous in favor.

**Review Memo from Planning Board Chairman regarding rezoning articles for the Annual Town Meeting**

*Sylvester Zienkiewicz, Planning Board Member, was present for the discussion.* Ms. Garbitt explained that the Chairman of the Planning Board was not able to attend the meeting this evening. He did provide a memo to the Board regarding the four (4) articles that he would like to place on the warrant for the Annual Town Meeting. Selectman Burke asked Mr. Zienkiewicz if abutters are able to speak during the public hearings. Mr. Zienkiewicz responded that abutters will have an opportunity to speak, if they are present for the hearing. They will have been notified of the hearing dates. Selectman Burke mentioned that one item that has been brought up is regarding the change in the windmill bylaw that the Planning Board is proposing. The Board now has information from Town Counsel regarding the possibility of the change jeopardizing Lakeville's Green Communities designation. Ms. Garbitt added that Town Counsel has suggested for the Board to contact Seth Pickering at the Department of Energy Resources to see if it will or will not affect Lakeville's designation. Selectman Burke stated that the Town needs to figure that out. Selectman Burke asked Ms. Garbitt to send a note to James Marot regarding that.

Selectman Powderly asked about one of the rezoning articles to change the zoning on several parcels of land. Are these the same parcels as previously, and is Bartlett's property included. Mr. Zienkiewicz explained that some of them are the same, but there are fewer lots. Bartlett's property is being proposed as an overlay for business, rather than as a change. Selectman Powderly stated that he is somewhat strongly opposed to the setbacks for the windmills since

they are not remotely close to what they should be. It should be a greater distance to take into consideration the flicker of windmills. The noise of windmills has been addressed per the State, regulations. He pointed out that the Town should consult some of the larger windmill installers and ask them if they have reviewed any of it. He had a real problem if you intend on putting a turbine within 900' of a house. Mr. Zienkiewicz responded that he agreed, however, changing this from As-of-Right to by Special Permit would put in place a stop gap that will allow all those discussions to take place, whereas, with by right, you would not. Selectman Powderly stated that if it is not correct, we have an opportunity to make it right. Selectman Powderly asked if the Planning Board voted to put this on the Annual Town Meeting Warrant. Mr. Zienkiewicz responded that they had, in order to make the change from by right to Special Permit. Ms. Garbitt mentioned that the hearings are scheduled to take place on April 29<sup>th</sup>. The hearings will include articles regarding medical marijuana, windmills and re-zoning changes.

### **Discuss Scheduling the Special Town Meeting before the Annual Town Meeting on June 2, 2014**

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

VOTED: To schedule a Special Town Meeting at 6:30 PM at the Apponequet High School Auditorium on Monday, June 2, 2014 and to open the Warrant.  
Unanimous in favor.

Ms. Garbitt recommended keeping the warrant open for two (2) weeks.

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

VOTED: To close the Special Town Meeting Warrant on Monday, April 7, 2014 at 5:00 PM.  
Unanimous in favor.

### **Review and vote on the Amended Charge of the Energy Advisory Committee**

Ms. Garbitt explained that the Board had requested that the Energy Advisory Committee be asked for a recommendation on a proposed amended Charge for their Committee. The Committee has indicated that they would like their membership to be seven (7) members with two (2) ex officio members, who would not have voting privileges. Selectman Burke asked if there was a need for this committee. Ms. Garbitt responded that the Committee works on the Green Community grants for the Town, works with the Regional School Campus to reduce their energy consumption and gets the word out to homeowners to save energy.

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

VOTED: To amend the Charge of the Energy Advisory Committee to read as follows: The Committee shall consist of seven (7) Members to be appointed by the Board of Selectmen. Members shall include the Building Commissioner or his designee, a Member from the Board of Selectmen, Conservation Commission, Open Space

Committee, three (3) At-Large Members of the community, and as many as two (2) Ex-Officio Members (not to be considered for a quorum and without voting privileges).

Unanimous in favor.

Ms. Garbitt noted that Larry Simpson and Rick Bernard would like to be appointed the Ex-Officio Members so that they can attend when possible.

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

VOTED: To appoint Larry Simpson and Rick Bernard as Ex-Officio Members of the Energy Advisory Committee.  
Unanimous in favor.

Matthew Ferreira was asked to put a letter in The Gazette requesting letters of interest from residents to serve on the Energy Advisory Committee as an at-large member. The deadline for letters is Thursday, April 10, 2014.

#### **Review and discuss the draft Criminal Offender Record Information (CORI) Policy for the Town**

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

VOTED: To adopt the CORI policy dated March 24, 2014 as presented pages 1 through 4 as provided by Town Counsel.  
Unanimous in favor.

#### **Discuss Green Communities Competitive Grant Program for 2014**

Ms. Garbitt stated that the Town has expended all of its existing Green Communities Grant Funding in the amount of \$158,275. The final grant report was approved on March 20, 2014, so Lakeville is eligible to apply for \$250,000 in the Competitive Grant Program for 2014. As you are aware, we were hoping to include the \$100,000 Window Replacement Project for the Town Offices in this grant round, but we were recently informed that it is very unlikely this project will be approved. Ms. Garbitt further stated that the Board had asked her to hold off on the installation of the windows, since there may have been a chance with the payback that this project could take place from the grant funds. However, after meeting with Seth Pickering, the payback is 45 years and that is too long to be covered within the grant. The contractor has installed one of the windows, and Mr. Darling has indicated that they had done a good job.

Ms. Garbitt said there are several other projects that we have been working on, such as LED street lights, weatherization projects, upgrades to HVAC, so she would like the Selectmen to authorize applying for the \$250,000 grant and to move forward with the Window Replacement Project. The window project will take four (4) to five (5) weeks for the windows to be shipped and approximately two (2) weeks for installation.

Mr. Darling met with a representative from Guardian regarding the LED lighting in the industrial parks. It appears that the Town will have enough in projects to apply for the \$250,000 grant, if the Board is in approval. Selectman Powderly noted that the Schools are certainly the largest consumers of oil and electricity for the Town. The Town has been working with the Head of the Facilities at the Regional Schools, Robert Souza, and Fred Baker, the Business Manager, in order to get them involved in reducing energy consumption. They have also been working to create a baseline number regarding electricity and oil consumption for each School Building, especially since being designated a Green Community, a baseline is needed in order to determine what has been saved as you move forward and seek more grants. Ms. Garbitt explained that the Regional Schools cannot apply for the funding, however, the Town can for the Regional School's benefit. The Town of Freetown was not able to pass the Stretch Code, so they have not been designated a Green Community. They can try again, and if it passes, use some of their grant funds to help the School District.

Selectman Burke added that there needs to be a standardization to measure for success. Possibly the Energy Advisory Committee can send a letter to the Regional School Committee asking for a member of the School Committee to serve as an ex officio member of the Energy Committee. They could go back and express the vision of what the Town is trying to do for the Schools. Selectman Powderly added that Mr. Baker and Mr. Souza are beginning to support the energy savings and cost analysis endeavor. A Representative from the Regional School Committee should be on the Energy Advisory Committee in order to enhance communications. Selectman Burke suggested that it be a member of the School Committee, since Dr. Nash (Interim Superintendent) will be leaving soon. Selectman Powderly explained that Jim Kenney has been working very diligently tracking the electrical consumption data for the Town buildings. There has been a significant savings with just the changes that have already taken place. The Committee is looking at the kilowatt hours and consumption of oil consumed. Ms. Garbitt noted Mr. Souza will be taking the electric meter readings at each of the Schools. This will allow for a clearer picture of the consumption by each of the Schools independently.

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

VOTED: To authorize the Town Administrator to apply for the \$250,000 Green Communities Competitive Grant.  
Unanimous in favor.

### **Review and vote to Renew Earth Removal Permits**

Ms. Garbitt noted that there was an Executive Order two (2) years ago that allows all existing permits to be renewed. The Board will have to vote to renew the T. L. Edwards Permit as the extension time period has expired. However, Glenn Chistolini and Alan Butler's Permits are automatically renewed.

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

VOTED: To renew the T. L. Edwards Earth Removal Permit located at 435 Bedford Street until March 31, 2015.

Unanimous in favor.

**Review Site Plan for Addition – 220 and 230 Kenneth Welch Drive – Cold Storage**

Selectman Burke stated that the site plan for Cold Storage Solutions looks great. They will be combining two (2) lots of land into one (1), and building an addition between the two (2) existing buildings, making them into one (1) building. Selectman Powderly agreed, and he added that the Board always encourages new business. No other comments were made on the site plan.

**Review Subdivision Plan for Mark's Way**

Selectman Powderly stated that there is a new owner, and they are putting in a plan for a two (2) lot subdivision off of Kingman Street and asking for the Planning Board to waive the construction of the road. They will use the frontage from one of the house lots to give them another lot to build on. The frontage exists, therefore, they are using the frontage from the subdivision to use for the cul-de-sac and road. Selectman Burke asked why you would waive someone's right to build a road. Mr. Zienkiewicz stated that this Subdivision Plan is scheduled for a hearing and has not been before the Planning Board. That is also the first that I have heard of this. Ms. Garbitt noted that this has been done before. Mr. Zienkiewicz stated that it flies in the face of having 175 feet of frontage. The owner has a huge lot, and it is in the Industrial B zone. If it was in just a residential area, there is another way to do this perfectly legally. That is a mitigating factor of whether or not to build a road. The entire area is basically residential, there is nothing industrial about it. The Selectmen had no comments regarding this plan.

**Request from Town Clerk to send letters to the Town's Political Committees regarding appointment of Election Workers**

Chairman Powderly read the request from the Town Clerk to send letters to the Town's Political Committees regarding the appointment of Election Workers.

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

VOTED: To authorize the Chairman sign the two letters to be sent to the Town's Political Committees regarding appointment of election workers for the Republican and Democratic Committees.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes for January 13, 2014, and January 27, 2014**

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

VOTED: To approve the Selectmen Meeting Minutes of January 13, 2014 and January 27, 2014 as presented.  
Unanimous in favor.

## **New Business**

Ms. Garbitt mentioned that the Town has received the annual notice from MassDOT's Highway Division regarding the fact that they will begin their Spring street sweeping operations along State Highways, weather permitting, on or about March 31, 2014.

## **Other Items**

1. Invitation from Apponequet High School Principal to attend Graduation
2. Email from Robert Marshall regarding Audio Problems with Comcast PEG Channels
3. Letter from Middleborough/Lakeville Herring Fishery Commission
4. MassDOT Report on Bridge Street Bridge
5. Letter from Plymouth County Registry of Deeds on 2013 Community Preservation Act Surcharges
6. MassDOT Newsletter
7. Mass Audubon Statewide Volunteer Day
8. Letter from Massachusetts Municipal Association regarding Various Issues
9. Department of Revenue Bulletin – FY15 Budget Issues and Other Related Matters
10. Letter from Comcast regarding Hispanic Channel Information
11. Letter from Comcast regarding Change in Annual Filing Date of FCC Rate Filings
12. Verizon Annual Notices
13. Comcast Annual Notices

At 7:55 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter into 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, Police Union, Library Union, Highway Department Union, Supervisory Union and Clerical Union because an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21a (2) to conduct contract negotiations with non-union personnel, specifically the Town Administrator. Polled vote: Selectman Powderly-Aye and Selectman Burke-Aye.

**List of documents for 3-24-14**

1. Request from Robert Mello, Veterans Agent, for a proposal in the next Town Warrant
2. Planning Board Chair's memo regarding warrant articles for the Annual Town Meeting
3. Vote to schedule a Special Town Meeting and to open and close the Warrant
4. Vote to amend the charge of the Energy Advisory Committee
5. Proposed CORI Policy
6. Green Communities Competitive Grant Program for 2014
7. Earth Removal Permits G. Chistolini, T.L. Edwards, A. Butler
8. Review site plan for addition to 220 and 230 Kenneth Welch Drive
9. Proposed subdivision plan for Mark's Way
10. Request from Town Clerk to send letters to political committees regarding appointment of Election Workers
11. Joint Board of Selectmen and Casino Advisory Committee Meeting Minutes January 13, 2014, Selectmen Meeting Minutes January 27, 2014, Selectmen Meeting Minutes February 10, 2014
12. MassDOT Highway Sweeping notice
13. SRPEDD's approval for bike racks for the Town