

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**April 14, 2014 - 7:00 PM**

On April 14, 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 Powderly at 7:01 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. 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. Mitzi Hollenbeck was welcomed to the Board of Selectmen.

**Reorganization of the Board of Selectmen**

Ms. Garbitt said that the first order of business was to reorganize the Board of Selectmen.

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

VOTED: To appoint Selectman Powderly as Chairman to the Board of Selectmen.  
Unanimous in favor.

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

VOTED: To appoint Selectman Burke as Vice Chairman to the Board of Selectmen.  
Unanimous in favor.

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

VOTED: To appoint Selectman Burke as Director of Veterans' Services.  
Unanimous in favor.

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

VOTED: To appoint Selectman Powderly as Representative to the Plymouth County Advisory Board.  
Unanimous in favor.

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

VOTED: To appoint Selectman Burke as the American with Disabilities Act Coordinator.  
Unanimous in favor.

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

VOTED: To appoint Selectman Hollenbeck to the DEP Subcommittee: Pond Level & Dam

Management; DEP Subcommittee: Nemasket River Flow & Analysis Committee; Regional Finance Committee; and to the Budget FY14, as School Department Liaison.

Unanimous in favor.

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

VOTED: To appoint Selectman Burke to the Master Plan Committee, Highway Barn/Gasoline cleanup, and Intermunicipal Agreements.

Unanimous in favor.

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

VOTED: To appoint Selectman Powderly to the Capital Expenditures Committee.

Unanimous in favor.

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

VOTED: To appoint Selectman Powderly as the Park Commission Liaison.

Unanimous in favor.

**Vote to authorize a Member of the Board of Water Commissioners to sign Water Enterprise Invoices**

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

VOTED: To authorize Selectman Burke to sign the Water Enterprise Account Invoices.

Unanimous in favor.

**Review and vote on Lease for Assawompset School**

Discussion then took place on the Lease for Assawompset School. Selectman Hollenbeck stated that she had concerns with the possibility of entering into litigation due to the difference of Repair versus Capital Expenditure. It may be that a committee should be formed with a Selectman of each Town and a School Committee member to make sure that there are no ambiguities for mediation. Selectman Burke explained that is all governed by the Regional Agreement. Selectman Hollenbeck mentioned that she also had further concerns about the additional utilities and the HVAC systems, where it reads that it is the responsibility of the Town. These are conflicting paragraphs, since it reads school district for utilities. This should be clarified. Chairman Powderly explained that if the cost is under \$5,000, the Region would be responsible; if it is over \$5,000, then the Town would be responsible. Chairman Powderly stated that if the Regional School Department sends a bill regarding a repair, he will ask that the Building Commissioner check out the matter to determine if it is a viable request.

Selectman Burke brought everyone's attention to the section of Article VI: Use of Leased Premises; 6.2 Use of Leased Premises by Town. *Notwithstanding the foregoing, the Town*

*reserves the right, and the School District agrees to give priority to the Town, to use the Leased Premises, at no cost to the Town, for public and municipal affairs, as has been the practice in the past, provided said uses do not interfere unreasonably with the school curriculum or any other school sponsored activities of the School District.* Chairman Powderly stated that the ambiguity goes away with the dollar value of \$5,000. Selectman Burke noted that it requires a vote at an Annual or Special Town Meeting. Selectman Hollenbeck stated that if there is no vote at Town Meeting, there is no clause. She added that she felt that it was basically clarified, however, is still concerned that it might be subject to a bit of interpretation for Capital Expenditures and repairs. Another aspect is what the Town owned as of June of 2011. Ms. Garbitt will change the dates to be current. Chairman Powderly stated that the dates could remain as they are. Selectman Burke added that the Town has been operating with it as it is. It is a 20 year contract, and if the dates are left as they are, then it shows that the Town is already three (3) years into it.

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

VOTED: To sign the lease for Assawompset School “as is” (leave dates in there from 2011).  
Unanimous in favor.

#### **Review letter from Police Chief Alvilhiera regarding Officer McGinn’s Retirement and Posting of the Vacancy**

Chairman Powderly read John McGinn’s letter into the record informing the Police Chief of his upcoming retirement, effecting April 17, 2014. He then read Police Chief Alvilhiera’s letter, requesting that he be allowed to post the vacancy with a preference for Academy trained personnel.

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

VOTED: To authorize the Police Chief to post the position of a vacancy for a Police Officer with a preference for one that is Academy trained.  
Unanimous in favor.

#### **Review Request from Economic Development Committee to include a Survey with the FY15 Preliminary Business Tax Bills**

Chairman Powderly asked what the purpose of the survey was. Selectman Hollenbeck responded that it was to find out the biggest hurdles that businesses face in Town, and what caused them to locate their business in Town. Selectman Burke said it was to get an idea of how to better serve existing businesses, and to determine what are the perceived obstacles for businesses wanting to locate in Lakeville. Selectman Hollenbeck stated that the Committee wanted to leave the survey a little open to allow if an existing business wants to do better, that the Town might offer a business exposition to help offer advice. Ms. Garbitt spoke about trying to insert the surveys into the personal property tax bills, and the fact that anyone that owns a second home also gets a personal property tax bill. The survey will go out June 30<sup>th</sup>. Selectman Burke stated that it depends if the Town will receive more phone calls of why someone is

receiving a survey when they are not a business. Ms. Garbitt added that there may be business owners that have businesses in other towns and they may want to relocate to Lakeville. Chairman Powderly mentioned that there could be some language added that people do not have to review the survey, if they do not own a business.

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

VOTED: To allow the Treasurer/Tax Collector to include the survey from the Economic Development Committee with the mailing of the FY15 Preliminary Business Tax Bills on June 30, 2014.  
Unanimous in favor.

### **Review Request from Building Commissioner to amend Building Department Fee Schedule**

Chairman Powderly explained that Nathan Darling, Building Commissioner, had been reviewing the Building Permit Fee Schedule. Currently, there are no provisions for smaller commercial structures or additions. The minimum permit fee for this type of project is \$1,000. In some cases, this could be over 10% of the construction cost. In order to provide some relief, the Building Commissioner was suggesting reducing the minimum permit fee to \$500 for structures and additions that are 200 square feet or less in area. This will still cover the permitting and inspectional expenses. He further explained that this is only about the minimum fee for new structures & additions and fees for foundations only.

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

VOTED: To amend the Building Fee Schedule as proposed by the letter from the Building Commissioner dated April 10, 2014.  
Unanimous in favor.

### **Request from Town Clerk to renew Auctioneer, Junk Dealer and Junk Collector Licenses**

Chairman Powderly read the request from the Town Clerk to renew the Town's Auctioneer, Junk Dealer and Junk Collector Licenses.

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

VOTED: To renew the Junk Dealer, Junk Collector & Auctioneer license to Anthony and Dorita Morris of 33 Myricks Street to expire May 1, 2015.  
Unanimous in favor.

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

VOTED: To renew the Junk Dealer and Junk Collector License to Hugh and Judy Rogers of 201 County Street, Robin E. Marques and Donald J. Bernier, Jr. of 61 Rhode Island Road and Danielle Fee of 69 Main Street to expire May 1, 2015.  
Unanimous in favor.

### **Schedule May and June Selectmen Meetings**

It was the consensus of the Board of Selectmen to schedule the May and June Board of Selectmen meetings for May 12, May 19, June 16 and June 30. Chairman Powderly stated that he would like to change the Town Meeting from June 2<sup>nd</sup> to June 9<sup>th</sup> in order to accommodate scheduling needs, with a back-up date of June 19<sup>th</sup>.

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

VOTED: To reschedule the Special and Annual Town Meeting date from June 2, 2014 to June 9, 2014, contingent upon availability of the High School. (The back-up date is June 19, 2014).  
Unanimous in favor.

### **Vote to reappoint Animal Control Officer and Assistant Animal Control Officers**

Chairman Powderly read the memo regarding the reappointment of the Animal Control Officer and the Assistant Animal Control Officers.

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

VOTED: To reappoint David Frates as Animal Control Officer with an expiration of April 30, 2015.  
Unanimous in favor.

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

VOTED: To reappoint Laurice Hedges, Darcy Lee, Jared Darling, and Jennifer Nash as Assistant Animal Control Officers with terms to expire April 30, 2015.  
Unanimous in favor.

### **Vote to appoint David Frates as Constable**

Chairman Powderly read the memo requesting the reappointment of David Frates as Constable.

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

VOTED: To reappoint David Frates as Constable for a term to expire April 30, 2015.  
Unanimous in favor.

**Vote to reappoint Veterans' Agent/Graves Officer Robert Mello**

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

VOTED: To appoint Robert Mello as Veterans' Agent and Graves Officer with a term to expire April 30, 2015.  
Unanimous in favor.

**Request to appoint SRPEDD Delegate and Joint Transportation Planning Group Delegate and Alternate Delegate**

Chairman Powderly read the letter from SRPEDD regarding appointing a SRPEDD Delegate and Delegate and Alternate Delegate to the Joint Transportation Planning Group.

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

VOTED: To appoint Jeremy Peck as the Joint Transportation Planning Group Delegate and Rita Garbitt as Alternate Delegate with a term to expire May 31, 2015.  
Unanimous in favor.

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

VOTED: To appoint Rita Garbitt as SPREDD Delegate with a term to expire May 31, 2015.  
Unanimous in favor.

**Request from Old Colony Elder Services to appoint Vicki Souza as Lakeville's Old Colony Elderly Services Board of Directors Member**

Chairman Powderly read the request from Old Colony Elder Services to appoint Vicki Souza as Lakeville's Old Colony Elder Services Board of Directors.

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

VOTED: To appoint Vicki Souza as Lakeville's Old Colony Elder Services Board of Directors Member.  
In favor 2, Abstain 1 (Selectman Hollenbeck abstained).

**Request for Door to Door Sales Permit – Comcast**

Chairman Powderly read the request from Comcast for a Door to Door Sales Permit to sell their products.

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

VOTED: To postpone/table the request for Comcast's Door to Door Sales Permit indefinitely.  
Unanimous in favor.

**Request for One Day All Alcohol Liquors Licenses for Ted Williams Camp: April 27, 2014; May 20, 2014; May 25, 2014; June 1, 2014; June 6, 2014; June 7, 2014 (2); June 8, 2014; June 14, 2014; June 15, 2015; June 21, 2014 (2); June 28, 2014**

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

VOTED: To approve the following One Day All Alcohol Liquor Licenses for Ted Williams Camp as listed: April 27, 2014 from 11:00 AM to 4:00 PM for a Baby Shower; May 20, 2014 from 11:00 AM to 4:00 PM for the Senior Center Volunteer Luncheon; May 25, 2014 from 3:00 PM to 9:00 PM for a Graduation Party; June 1, 2014 from 10:00 AM to 4:00 PM for a Bridal Shower; June 6, 2014 from 6:00 PM to 12:00 AM for a Wedding; June 7, 2014 from 5:00 PM to 1:00 AM for a Masonic Ball; June 7, 2014 from 11:00 AM to 5:00 PM for a Shower; June 8, 2014 from 11:00 AM to 6:00 PM for a 70<sup>th</sup> Birthday Party; June 14, 2014 from 11:00 AM to 6:00 PM for a Graduation Party; June 15, 2014 from 11:00 AM to 6:00 PM for a Beech Party; June 21, 2014 from 11:00 AM to 6:00 PM for a Birthday & Reunion Party; June 21, 2014 from 1:00 PM to 9:00 PM for a Wedding; and June 28, 2014 from 10:00 AM to 4:00 PM for a Wedding.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of February 24, 2014 and March 10, 2014**

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

VOTED: To approve the Board of Selectmen Meeting Minutes of February 24, 2014 and March 10, 2014 as presented.  
In favor 2, Abstain 1 (Selectman Hollenbeck abstained).

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of March 10, 2014; March 24, 2014 and March 25, 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 March 10, 2014; March 24, 2014 and March 25, 2014 as presented.  
In favor 2, Abstain 1 (Selectman Hollenbeck abstained).

**Old Business**

Ms. Garbitt told the Selectmen that she and the Building Commissioner had discussed the next grant round for the Green Communities. She does not think that the Town will be able to submit an application since it requires a significant amount of information and the deadline is Friday. In order to submit an appropriate request, more time is needed. It had been hoped to submit the application for the window replacement in the older section of the Town Office Building. However, the payback is over 45 years, and it will not get approved.

Ms. Garbitt stated that once again the 40S money was not included in the House Ways & Means budget. If it had been, the Town would have received \$131,000. Representative Keiko Orrall has filed for an amendment. This seems to happen each year, and the Town Legislative delegation has been successful in getting it funded.

Ms. Garbitt stated that she had spoken with Robert Marshall about doing a film on the Howland Road property sale. The property will be visited with Sean Provencher on Friday. She wondered if a Selectman would want to go on the site visit. Selectman Burke said he would be interested in going. Chairman Powderly said that the Town went out to bid for the sale of the property, and the State was the sole bidder. The purchase will be subject to Town Meeting vote. Town Meeting will want to know what the Town will do with the money. It is hoped to pay off the debt on it. Ms. Garbitt noted that Town Meeting will only authorize the Selectmen to sell the land. Then they will be a need to go back to Town Meeting to appropriate the funds. A discussion occurred regarding the placement of a Conservation Restriction on the Howland Road property due to the earth removal project at the Ted Williams Camp. Ms. Garbitt said that the State did recommend a few language changes on the motion that Town Counsel prepared, and Town Counsel is fine with their changes. Ms. Garbitt stated that the Board will be voting on the warrant articles at the next meeting of the Board. There are 26 articles for the Annual Town Meeting Warrant and six (6) articles for the Special Town Meeting Warrant.

### **New Business**

Ms. Garbitt spoke about the boiler problem at the Fire Station. Standish Oil has presented the Town with three (3) options. Option #1 is to replace the existing boiler in the Fire Station with a Burnham model #PV905 oil fired boiler. This boiler comes complete with controls and a Carlin model #301 burner. The new boiler will be connected to existing piping and the price includes the removal of the old boiler. The cost is \$13,450. Option #2 is for boiler sections only less burner and controls at a cost of \$10,800. Option #3 is for material and labor to replace two (2) leaking sections at a cost of \$4,870. Chairman Powderly stated that he preferred Option #1 due to the age of the boiler.

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

Minor discussion took place regarding using grindings from the Route 140 State road project to improve the road at Ted Williams Camp. Paving the roads and the parking lot would be an exorbitant cost. The cost is \$207,000 just to pave the driveway for Ted Williams Camp, and that does not include the grading. Ms. Garbitt stated that the Park Commission has included the cost to pave the roads in their Capital Request. Chairman Powderly suggested putting this before the taxpayer and letting them decide. Ms. Garbitt stated that she was hoping that T.L. Edwards would be able to spread and grade the material. Selectman Burke stated that if the material is coming in, they must have a plan in place for it. Ms. Garbitt mentioned that something needs to be done with the area around the Martial Arts Building and the road from Bedford Street. Chairman Powderly stated that if that material comes in, he would suggest having them spread all the grindings. Ms. Garbitt noted that you have to use it almost immediately and not let it sit there since then it will solidify.

Chairman Powderly asked how does the Town go about changing the quorum for Town Meeting? Ms. Garbitt responded that the quorum is set by General Bylaw. She asked if the Board would like her to prepare a Warrant Article for 75 or 50 people instead of the current 100. Selectman Burke stated that he is in favor of the amount being as low as people are comfortable in going.

### **Other Items**

1. FYI: Warrant Article from Park Commission
2. Subsidized Housing Inventory Biennial Update  
Ms. Garbitt stated that the Town will appeal the Housing Inventory figures. 100 Units were used for Sterling Place. Town Counsel researched the Affordable Housing Restriction, which had been removed by the Mass Housing Partnership. This was never communicated to the Town. Ms. Garbitt contacted Representative Keiko Orrall and Senator Rodrigues, and they will schedule a meeting to bring this matter forward. The Board can authorize them to reach out now instead of waiting to hear from them to decide about the appeal. Selectman Burke stated that the Town definitely wants to win this and not be in the appeals position. He asked that Ms. Garbitt continue following up on this matter.

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

VOTED: To authorize Ms. Garbitt to work with the Legislators and Town Counsel regarding the Subsidized Housing Inventory Biennial Update.  
Unanimous in favor.

3. Memo from Board of Health regarding Reorganization
4. Memo from Board of Health regarding Annual Rabies Clinic
5. Memo from Economic Development Committee regarding Full Time Planner
6. Letter from Nancy Durfee regarding Planner Position
7. Notice of Chapter 90 Funding for FY15 - \$372,433
8. Letter from Department of Environmental Protection regarding 2014 Sustainable Materials Recovery Program – Municipal Grant Application
9. Letter from Mass DOT to attend Workshop on Interpreting Municipal Bridge Inspection Reports
10. South Coast Rail Meetings on Replacement of Four Bridges
11. SRPEDD Annual Awards Nominations
12. GATRA Meeting Notice and Meeting Information
13. Southeast Regional Homeland Security Advisory Council Meeting Invitation – May 6, 2014
14. Mass Wildlife Newsletter
15. Columbia Gas of Massachusetts 2013 Financial Statement
16. 2014 Yearly Operational Plan for CSX Transportation
17. Email from MBTA regarding Public Meeting – 5% Fare Increase
18. Draft FY15 Transportation Improvement Plan (TIP)
19. Mass DOT announcement regarding the Winter Rapid Recovery Road Program

At 9:42 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck 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, 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 body, and the Chair so declared; and to discuss strategy with respect to potential litigation because an open meeting may have a detrimental effect on the litigating position of the Board, and the Chair so declared.

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

## **List of documents**

1. List of positions for the Board of Selectmen to vote on for reorganization
2. Information on authorizing a member of the Board of Water Commissioners to sign Water Enterprise invoices
3. Lease for Assawompset School
4. Letter from Police Chief regarding Officer McGinn's retirement and posting of the vacancy; letter from Officer McGinn regarding retirement
5. Copy of survey from Economic Development Committee to be included in the FY15 preliminary business tax bills
6. Revised Building fee schedule and letter from Building Commissioner
7. Town Clerk letter regarding renewal of Auctioneer, Junk Dealer and Junk Collector Licenses
8. Schedule of May and June Selectman meetings
9. Memo regarding reappointment of Animal Control Officer and Assistant Animal Control Officers
10. Memo regarding reappointment of David Frates as Constable
11. Memo regarding reappointment of Robert Mello as Veterans Agent
12. Letter from SRPEDD to appoint SRPEDD delegate and JTPG delegate and alternate delegate
13. Request from Old Colony Elder Services to appoint Vicki Souza as Director for Lakeville
14. Door to Door Sales Permit Application from Comcast
15. One Day All Alcohol Liquor Licenses for Ted Williams Camp
16. Selectmen Meeting Minutes of February 24, 2014 and March 10, 2014
17. Standish Oil Company three options for Fire Department boiler
18. Correction of MBTA public meetings regarding proposed increases anticipated to be effective July 1, 2014.