

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
Lakeville Senior Center
April 25, 2016 – 7:00 PM

On April 25, 2016, the Board of Selectmen held a meeting at 7:00 PM at the Lakeville Senior Center in Lakeville. The meeting was called to order by Chairman Hollenbeck at 7:00 PM. Selectmen present were: Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, Nathan Darling, Building Commissioner and Christine Weston, Recording Secretary. LakeCAM was recording for public broadcast.

The Board of Health was also present. Chairman Poillucci called the Board of Health to order at 7:01 PM. Members present were: Derek Maxim, Robert Poillucci, and Christopher Spratt. Nate Darling, Building Commissioner, was present in the audience. LakeCAM was recording the meeting. Ian Ward, Agricultural Steering Committee Member, was present and invited to the table with the Board of Selectmen and Board of Health for the discussion.

Meet with the Agricultural Steering Committee to discuss the formation of an Agricultural Commission and a Right to Farm By-Law

Interested citizens and members of the Agricultural Steering Committee were: Kim Veilleux, Emma Darling, Nancy Kitchen, Paul Hunt, Shawn Conway, Kelly Conway, Tracie Treleaven, David Boble, David Thomas and Joseph Chamberlain.

Chairman Hollenbeck stated that the Board of Selectmen had met, and it was decided to send the Right to Farm By-law and the Article for the formation of the Agricultural Commission to Town Counsel for review. Attorney John Goldrosen of Kopelman and Paige has reviewed the wording and provided comments. The meeting this evening is to work through both the By-law and Article that the Agricultural Steering Committee has brought both forward as petition articles for Town Meeting. The Board of Selectmen are happy to move forward with the article for the formation of the Agricultural Commission. More time is needed to refine the Right to Farm By-law, since one (1) difficulty is that the Board of Health (BOH) does not have codified regulations at this time. Also, the commercial component needs to be discussed regarding, "any and all" parcels.

Mr. Ward stated that the Agricultural Steering Committee, after meeting with the Selectmen, feel that there is a consensus between both parties of what is not controversial. Later down the road, the Right to Farm By-law can be brought forward again. The idea had originally been to do both at the same time. However, some of the nuances have come out regarding the Right to Farm By-law, so the Committee feels it is important to form the Commission first. It is preferred to have a good Right to Farm By-law or not have one at all.

Mr. Poillucci explained that the By-law impacts the BOH more than any other Department. There is no one specific legal set of regulations for the BOH at this time. The BOH will spend some time to square that away, and perhaps once a month meet with the Agricultural Commission to work out the issues. At this time, the BOH is concerned about any By-law that may be passed without knowing the ramifications. Selectman Burke explained that when the

Selectmen tried to get information from the BOH, it was found that they did not have all their information in one place. The Board of Selectmen feel it is necessary to work with the BOH in order to help them organize their regulations to make sure that everything is compatible with what exists and does not interfere or conflict with what other Departments have in place. Mr. Ward explained that his ideal goal with the Agricultural Commission is to be a sounding board. It is not wanted to have repercussions take place, which are now unforeseen, by putting a By-law in place. Mr. Conway added that the point of the Commission was to be a resource for the Town and to be able to answer questions. The Commission intends on working together with everyone involved. If the BOH is not ready as the Commission grows, it would not be able to move forward very well. The forming of the Commission takes precedent over the Right to Farm By-law. Mr. Poillucci stated that the BOH has all its regulations, but they are not in one (1) document from start to finish, so there is nothing comprehensive to send to Town Counsel to compare and contrast with. As the BOH pulls this together, they will work with the Commission. The BOH needs to codify its regulations and have them reviewed by Town Counsel. Then the Right to Farm By-law can be considered knowing that it will not be in conflict at that time.

Chairman Hollenbeck asked if everyone is clear now with what the Selectmen would like to do and asked if the Steering Committee has reviewed the redlined version as provided from Town Counsel. Mr. Conway stated that this is the first time that the Committee has seen the redlined version. He did have several discussions about the verbiage with Ms. Garbitt. Chairman Hollenbeck asked that the Agricultural Steering Committee review the redlined version, and if there are any changes to please let the Selectmen know so that it can be voted on before the warrant articles are put forth. Mr. Conway stated that he did have a question about the mutual appointment agreement that has been changed to give the appointing authority solely to the Board of Selectmen, and to provide for two (2) alternate members who may vote in the event that a regular member is absent or otherwise unable to vote. The Steering Committee has provided the article to be in the best interest of the Town. It was deemed that the Town and the Steering Committee would be able to put names forward, not that one (1) Board had precedent over the other, but to allow discussion of who would benefit the Commission at that time. However, that has been redlined to be removed. Though the Steering Committee is well established now, it is not known what might take place in the future.

Chairman Hollenbeck explained that if the proposed language was used, and the Commission is made up of seven (7) members with the Selectmen being a membership of three (3), there is then a committee of ten (10), of which the Selectmen would have no ability to change any members. There would then be a loss of a check and balance. Though the Steering Committee is favorable now, if that changed and it was becoming more and more radical, there would be no way to remove someone from the Agricultural Commission. The Selectmen do not want to control the Commission, but there should not be a way that the Commission could have a self-perpetuating radical Commission. If it was a two (2) or three (3) member Committee, it would be less of a concern. Mr. Thomas explained that the intent is for the Steering Committee to be able to recommend possible people to be on the Commission.

Selectman Burke said this is the process that the Selectmen use with other appointed groups. The groups interview interested residents and make their appointment recommendations to the

Selectmen. The group would have voting rights of who they would recommend to the Selectmen. Chairman Hollenbeck explained that this is the legal language that Town Counsel recommends. Ms. Veilleux asked where the Selectmen would get its list of names if it was not provided by the Steering Committee. Chairman Hollenbeck explained that the Board wants the names presented from the Steering Committee. Selectman Burke stated that an ad would be put in the newspaper looking for those interested in serving on the Commission. Those that responded would be interviewed by the Steering Committee, and then forward their recommendations to the Selectmen. This hierarchy needs to be in place. Selectman Powderly stated that the Selectmen will ask the Steering Committee what they felt about those submitting letters of interest. The bulk of suggestion would be from the Steering Committee.

Mr. Ward spoke on his experience with the mutual recommendation aspect with other Towns. He stated that at this time there is a lot of interest. Chairman Hollenbeck stated that she would be happy to run the question by Town Counsel about forming language for a list to be presented for consideration from the Steering Committee, though it would not be binding. Selectman Powderly stated that it would all still be by recommendation from the Steering Committee. The Selectmen runs ads asking for letters of interest as a lot of potential applicants rise up from the ad in the newspaper. The Selectman can provide its written policy of how this is done to the Steering Committee. Chairman Hollenbeck stated that they will also find out how Town Counsel feels about appointed groups making recommendations to the Board of Selectmen. Mr. Poillucci stated that if the Selectmen went the way the Steering Committee is suggesting, there are no checks and balances. The worst common denominator of what someone might do ten (10) years from now needs to be taken into consideration, so that all the power is not given to one (1) side.

Mr. Ward asked if everyone is comfortable with the wording as it has now been presented. Selectman Powderly stated that the Board was. Selectman Burke added that the article being proposed is trying to keep some consistency with the process that he was comfortable with. The Board is in support of it and appreciates the mission. Mr. Spratt stated that he felt that the process is fair. Recently he was not the only candidate for the BOH and had to go through the process in order to be appointed to the BOH. Selectman Burke explained that from a logistics perspective, the point is to make sure that there are few or no ambiguities when someone is appointed to a Committee. Mr. Chamberlain asked if there is a statutory number for the people on the Agricultural Commission. Mr. Ward responded the Committee went by what the majority of Towns have and most have seven (7) members.

Chairman Hollenbeck stated that the Board will send the Steering Committee their policy language and the final language of the article. The Board of Selectmen will vote on articles on May 11, 2016 and Warrant Review is scheduled for June 1, 2016. If it is necessary, another meeting can be set up between both groups. Selectman Powderly stated that the setting up of the Agricultural Commission appears to be the easy part; it is the language with the Right to Farm By-law where the work begins. Chairman Hollenbeck stated that once the Commission is formed, they will be bringing forth a warrant article when it has been vetted and is ready. Mr. Ward stated that his Committee wants to do this right, and the best way to start is with buy in from everyone. Ms. Garbitt mentioned that Town Counsel had asked about the warrant article being made into a General By-law. Chairman Hollenbeck and Selectman Burke stated they would like this to be a General By-law. Ms. Garbitt will communicate that to Town Counsel.

Mr. Ward asked what the next steps in the process are, since there are two (2) petitions that have been put forth. Selectman Burke explained that the Selectmen will put forward the warrant article with the revised language as a By-law, then ask that the Petitioners table indefinitely the existing petition article for the same, and the petition article for the Right to Farm By-law. The Right to Farm language will be revised by the newly formed Agricultural Commission in the future. Selectman Burke can explain on Town Meeting floor what is taking place. However, someone from the Steering Committee will have to come up to move to table it indefinitely. Mr. Ward stated that he wants to make sure that any confusion is minimized.

Adjournment

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

VOTED: To adjourn the Board of Selectmen at 7:45 PM.
Unanimous in favor.

Upon a motion made by Mr. Maxim; seconded by Mr. Spratt it was:

VOTED: To adjourn the Board of Health at 7:45 PM
Unanimous in favor.