

TOWN OF LAKEVILLE
Selectmen's and Wage and Personnel Board's, as applicable
Meeting Minutes
May 11, 2016 – 6:30 PM

On May 11, 2016, 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 Hollenbeck at 6:35 PM. Selectmen present were: Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette and LakeCAM were recording the meeting.

Discuss and vote on the Assessment Specialist Position Opening

Chairman Hollenbeck said that Norman Taylor was the only applicant for the Assessment Specialist Position, and he has taken the necessary course. It was noted that the Board requires an active Real Estate license; Mr. Taylor's expires August 25, 2016. It will be up to Mr. Taylor to make sure that he keeps that active.

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

VOTED: To promote Norman Taylor to the position of Assessment Specialist, Level 1 Step 5, effective May 16, 2016.
Unanimous in favor.

Discuss letter from Regional District School Committee regarding their vote to appropriate \$510,000 to reconstruct the GRAIS Swimming Pool

Chairman Hollenbeck reviewed the letter regarding the vote that the Regional School Committee took to borrow \$510,000 to pay the costs of reconstructing the District's swimming pool. Jack Healey, Freetown Town Manager, has been contacted about the vote. The Freetown Selectmen will be discussing and voting on the matter on May 16, 2016. Mr. Healey will be providing the language of their vote to Kopelman and Paige for review. If Lakeville is interested, he will provide a copy of their Town Meeting Language to use for Lakeville's Town Meeting. Selectman Burke stated that he did not object to the request being presented at Town Meeting. Town Meeting is an opportunity for the residents to decide if they want to approve it, and everything is subject to appropriation. The Town of Lakeville will have the 60 day window when Town Meeting will take place for the residents to make the determination. If Town Meeting was not held within the 60 day window, the Region could incur the debt after the 60 days. Selectman Burke added that he personally felt that the project should be done. Chairman Hollenbeck stated that having the article on the Town Meeting Warrant will help on a transparency level. The Town is providing the option for the residents to vote on. The residents will also be able to view the amount of borrowing that has been taking place regarding the Track and Tennis Court project for \$80,000. It will allow the residents from both Towns to vote to approve or disapprove. Minor further discussion took place regarding the matter.

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

VOTED: To include an article on the Town Meeting Warrant for the borrowing of \$510,000 for the cost of reconstructing the District's Swimming Pool.
In favor 2, Against 1 (Selectman Powderly).

Review and vote on the Special Town Meeting Warrant Articles and vote to sign Special Town Meeting Warrant for June 6, 2016

Ms. Garbitt briefly reviewed the Special Town Meeting Warrant Articles with the Board. She stated that she will include a dollar amount on Article 2. Minor discussion took place regarding the fact that the Fall Special Town Meeting did not have a quorum and some of Article 1 includes those items such as the insurance recovery for the Highway Barn, wages for the Interim Town Accountant, etc. Ms. Garbitt asked about the article regarding the Police Station Roof, should language be added, the present language modified or should the article remain as is. Chairman Hollenbeck stated that it should be left as is.

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

VOTED: To put the following Articles, numbered 1 through 4, on the Special Town Meeting Warrant.
Unanimous in favor.

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

VOTED: To sign the Special Town Meeting Warrant for June 6, 2016 as amended (amount for Article 2).
Unanimous in favor.

Review and vote on the Annual Town Meeting Warrant Articles and vote to sign Annual Town Meeting Warrant for June 6, 2016

The Annual Town Meeting Warrant was briefly explained by Ms. Garbitt. Chairman Hollenbeck asked to have a discussion about the Enterprise Fund Accounts. Do the Selectmen want to rescind the votes for 2018? Selectman Powderly stated that he does not want to. He stated that once the Landfill (Transfer Station) is close to breaking even, then he does not mind if it gets absorbed into the Town. The Park Department is in a similar scenario. They are making money with the hall rentals, as they receive a percentage of the food and liquor sales. Perhaps this is the last year for them remaining an Enterprise Account. The Water Enterprise Account should remain as it is, since the Town has not sold the Water Tower yet. It is hoped that all three (3) Enterprise Accounts will go away next year. The Landfill and Water Enterprise accounts should be able to next year. It was the consensus of the Board for Articles 4, 6 and 8 to be removed from the warrant.

Ms. Garbitt will be modifying Article 11. With Article 12, the amount will be put in for the pool. Ms. Garbitt will be provided the amount for Article 14 from Chairman Hollenbeck.

Articles 17, 18, 19 and 20 have not yet been reviewed by Town Counsel. Selectman Powderly discussed the repair projects which should be done at the Assawompset Elementary School. Once the total of the projects reach \$100,000, no further work will be done at this time. The amount for Article 18 is \$50,000. If the funds are not spent towards the MS4 Storm Water Permit requirements, the funds will remain in this account. Regarding Article 19, the language will have to be revised regarding hiring an Architect to design a Police Station. It is hoped to hear soon from the architect about the peer review for the design that ModSpace has brought forth. The cost for a Peer Review would be over \$35,000. Selectman Burke stated that though ModSpace can design a building, they cannot do all the specifics that a Police Station needs. That has become apparent through the meetings with the Police Station Design Review Committee. Special design services need to take place, and it needs to be determined if that can be done with ModSpace. It has been recommended that a third party do the design review. The amount does not have to be set this evening, since it is a variable. A few additional events need to happen prior to Town Meeting. The Town of Marion spent about \$300,000, for their design review. Ms. Garbitt stated that she is working with Town Counsel about adding the necessary language about site preparation, borings, perc tests, etc. Selectman Burke stated that after the design is solidified, there can be a Special Town Meeting to see if the Town wants to vote to pay for it. Selectman Powderly stated that he was concerned about spending the additional money on plans, since the Town of Marion just went through this process. Selectman Burke stated that their plans have been provided to ModSpace, and they have been asked to design their plans as close to them as possible. That is being done at this time. If the Design Review Committee feels that the plans are solid, then the Town would spend the money to have an Architect and Design Engineer review every aspect of the specifications. Ms. Garbitt explained that though it seems the process has been done, Lakeville still needs to go through the Designer Selection process. Selectman Burke stated that on Thursday, May 19th the Board will be going to visit the Marion Police Station at 2:30 PM. Then the Board will be meeting to vote the final number.

Ms. Garbitt said Article 20 is the special legislation for the Ted Williams Camp. Selectman Powderly asked if it should just say Police Station or Municipal Town Buildings. Chairman Hollenbeck stated that the language could be *for a Police Station or other Municipal Town Building*. Ms. Garbitt stated that she will check with Representative Orrall to find out if the language has to be specific or not. Chairman Hollenbeck suggested that Town Counsel may be of help with that. Minor discussion then took place on the next several articles. Regarding the Other Post Employment Benefit Trust, Selectman Powderly asked for a list of the municipalities that are participating. Chairman Hollenbeck stated that the Town currently has \$200,000 in the fund, and adding in another \$235,000 is not a substantial amount. The Town is paying \$600,000 a year for retired employees and \$900,000 a year for active employees. Setting the money aside helps the Town to prefund for its future financial liabilities. Selectman Powderly asked to see the figures. Chairman Hollenbeck explained that, since this is a liability showing on the Town's Financials that is why the money is being set aside.

Ms. Garbitt stated that the Planning Board held all the necessary hearings for the Zoning Articles and has recommended approval of all of them. Regarding the Community Preservation Act (CPA), the 1% would raise \$144,000 annually. Sarah Kulakovich met with Harold Scheid, Regional Assessor, to develop the numbers. Selectman Burke suggested changing the order of the articles so that actions would be more streamlined and take place more suitably. Specifically,

with the petitions, the ones to be withdrawn should come first, then the others. Town Meeting will have to approve the expenditure of the CPA funds. Selectman Powderly stated that he would prefer that the Historical Commission or the Building Commissioner decide where the funds are designated rather than a CPA committee.

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

VOTED: To place the following Articles, 1 through 40, (acknowledging that three (3) will be eliminated) on the Annual Town Meeting Warrant as discussed to be arranged more suitably.
Unanimous in favor.

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

VOTED: To sign the Annual Town Meeting Warrant for June 6, 2016 as amended.
Unanimous in favor.

Request for Road Opening Permit – 1 Taunton Street – Columbia Gas

Chairman Hollenbeck explained the road opening permit request that has been reviewed by the Superintendent of Streets. He has approved the request with conditions.

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

VOTED: To approve the Road Opening Permit for 1 Taunton Street by Columbia Gas with the conditions as outlined by the Superintendent of Streets memo dated April 29, 2016.
Unanimous in favor.

Discuss request for appointment to the Master Plan Implementation Committee – Fred Beal

Chairman Hollenbeck said that the Board had received a request from Fred Beal to fill the vacant spot on the Master Plan Implementation Committee.

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

VOTED: To appoint Fred Beal to the Master Plan Implementation Committee with an expiration date of July 31, 2016.
Unanimous in favor.

Discuss request for appointment of Nathan Darling to Emergency Planning Committee as Board of Health's Representative

Chairman Hollenbeck reviewed the memo from the Board of Health requesting that Nathan Darling be appointed to the Emergency Planning Committee as the Board of Health's representative.

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

VOTED: To appoint Nathan Darling at the Board of Health representative to the Emergency Planning Committee with a term to expire July 31, 2016.
Unanimous in favor.

Request from Lakeville Garden Club to declare Week of June 5-11, 2016 as National Garden Week

Chairman Hollenbeck noted that the Lakeville Garden Club requested that the Selectmen proclaim the week of June 5th through June 11, 2015 as National Garden Week. Selectman Burke read the proclamation into the record.

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

VOTED: To proclaim the week of June 5-11, 2016 as National Garden Week.
Unanimous in favor.

Review and vote to award SERSG DPW Supplies Bid

Chairman Hollenbeck said the Superintendent of Streets has requested that the Selectmen award the SERSG DPW Supplies Bid as noted in his memo.

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

VOTED: To award the SERSG DPW Supplies bids as recommended by the Superintendent of Streets as follows: Bituminous Hot Mix – Aggregate Industries Saugus, MA – 200 tons - \$56.75 per ton; Calcium Chloride and Agriculturally Based De-Icer – All States Asphalt, Sunderland, MA – 5,000 gallons - \$1.28 per gallon; Unleaded Gasoline – Peterson Oil Service, Inc. Worcester, MA – 45,000 gallons – \$.0370 per gallon (delivery fee); Diesel Fuel – Peterson Oil Service, Inc. Worcester, MA – 18,000 gallons - \$.0179 per gallon (delivery fee).
Unanimous in favor

Request for Door to Door Sales Permit-Nancy Tausevich-Jack Conway

Chairman Hollenbeck said a request had been received from Nancy Tausevich of Jack Conway Real Estate to go door to door in certain areas of Lakeville to see if the homeowners would be interested in selling their homes. Town Counsel was consulted to see if a Door to Door

Sales Permit would be required, and they confirmed a permit was necessary. Selectman Powderly stated that the answer is no solicitation. The Selectmen stated that they would take no action on the request.

Review request from the Lions Club to waive their Tent Permit Fee

Chairman Hollenbeck briefly explained the request. It was noted that the size of the tent has now changed and a permit is not required. Selectman Powderly expressed his concern with the Lions' when they have big events. Though they have great functions, people are parking on the road and that is a State Highway. He suggested that they have Police Details during their events. Selectman Powderly will contact Mr. Orrall and discuss this with him.

Review and vote to approve Selectman Meeting Minutes for March 16, 2016

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

VOTED: To approve the Selectmen's Meeting Minutes of March 16, 2016 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of April 27, 2016

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of April 27, 2016 as presented.
Unanimous in favor.

Old Business

Update from Selectman Powderly regarding the Assawompset Elementary School Facilities (AES) Study Committee Meeting

Selectman Powderly stated that the Committee had another meeting and will be having its final meeting on May 24th, and the objective will be to disband at that time. It has been suggested that Rick Medeiros, School Superintendent, Nate Darling, Building Commissioner, Bob Souza, School Director of Maintenance and Selectman Powderly be directed to prepare the list of action items. Mr. Darling and Mr. Souza will then work towards repairing the prioritized items and put \$100,000 towards those items this year, along with \$250,000 from the Green Communities Grant. Next year with \$100,000 from the grant, the next set of prioritized items will be done, and the same in the third year with the grant.

Update from Selectmen Hollenbeck regarding the Regional Finance Subcommittee and the discussion with the Auditors regarding the GRAIS Debt

Selectman Powderly stated that at the Regional Finance Subcommittee Meeting last night, (May 10, 2016) it was asked if the Town will be changing the \$505,000 figure. Selectman Powderly had responded that the amount will not be changed. It was hoped that the figure would be changed, and Selectman Powderly had indicated that it was not an option. The Town of Freetown has not voted on their amount; however, they will be meeting on May 16, 2016 to discuss and vote on an amount. Chairman Hollenbeck stated that if the Town provided anything more than the 100% being provided, it would be from a non-recurring fund. The Town cannot give any more than the increase as part of the Levy Limit. Selectman Burke stated that if the new Board of Selectmen of Freetown supports Ms. Pacheco, they will give the 2.5% amount. It seems that it is her intention to push it forward. Mr. Paul Sadeck is happy to have it be zero.

Update from Selectman Burke on the Police Station Design Review Committee

Selectman Burke explained that he had provided most of the update earlier when he spoke about the money for the Town Meeting Warrant Article. The Police Station Design Review Committee had another great meeting with the ModSpace representatives. It seems that the Town really needs more information about specifics. Without that an RFP cannot be drawn up, since right now the specifications are too general. Additional specifics will be researched and there will be a site visit to the Marion facility. Ideally there will be more information to review as a Committee, so that the next step can be determined.

Ms. Garbitt provided an update regarding the status of funds with respect to the House and Senate budgets. There is no 40S money in the budget, so the Town will not receive the \$130,000 it was hoping for. The Town is still owed \$116,000 of 40S money for this year. The overall State aid went down another \$30,000. With all the changes taking place and not knowing for sure if the Water Tower transaction will take place or not, it may not be until Town Meeting that more specific figures are known. Ms. Garbitt then provided an update regarding the Water Tower agreement.

Other Items

1. Letter from Vicki Souza, Council on Aging Director, regarding possible retirement
2. Letter sent to Lakeville Lions Club
3. Letter from Mattapoisett Land Trust regarding upcoming Bike Tour
4. Letter from SERPDD regarding the Southeastern Massachusetts Metropolitan Planning Reorganization
5. Letter from Comcast regarding closing of the Middleborough Office
6. Comcast Forms 200, 300, and 400
7. JTPG Meeting – May 11, 2016
8. Letter from Brian Madden from LEC Environmental Consultants regarding the potential site for the Police Station and a draft Monitoring Report for Natural Heritage for the Athletic Fields at Ted Williams Camp

Ms. Garbitt explained that the Town is waiting for survey to be completed regarding the Police Station site. At this time, Mr. Madden does not feel there will be a “take”, but there is a \$300 fee to file with Natural Heritage. Does the Board want the Town Administrator to file with Natural Heritage? Selectman Burke responded yes. Ms. Garbitt stated that there is also a four (4) year update that will be done. She is working with the Conservation Agent and LEC Environmental Consultants on the report.

Executive Session

At 8:50 PM, upon a motion made by Selectman Hollenbeck; 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 (2) to discuss contract negotiations with non-union personnel, specifically the Fire Chief; pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Highway Union, if 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 (6) to consider the purchase, exchange, lease or value of real estate, if an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declared.

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

List of documents provided at the Selectmen’s May 11, 2016 Meeting

1. In house job posting Assessment Specialist, Real Estate license validation
2. Vote of Regional School Committee in the amount of \$510,000 to reconstruct pool, Chapter 71 Section 16 of the General Laws
3. Special Town Meeting Warrant Articles 1-4 marked draft
4. Annual Town Meeting Warrant Articles 1-40 marked draft
5. Request from Columbia Gas for a Road Opening Permit near 1 Taunton Street; memo from Superintendent of Streets
6. Letter of interest received for vacancy on the Master Plan Implementation Committee
7. Memo from Board of Health to appoint Nathan Darling to the Emergency Planning Committee as the Board of Health’s representative
8. Letter from the Lakeville Garden Club to proclaim June 5-11 as National Garden Week
9. Letter from Superintendent of Streets to recommend SERSG bid awards
10. Request for Door to Door Sales Permit from Nancy Tausevich of Conway Real Estate
11. Request from the Lions Club to waive the tent permit fee from Richard LaCamera
12. Selectmen’s Meeting Minutes of March 16, 2016