

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
May 19, 2014 - 7:00 PM

On May 19, 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 7:00 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant, Christine Weston, Recording Secretary, Cynthia McRae, Town Accountant and Nancy Yeatts, Conservation Agent/Town Planner. Matthew Ferreira of the Middleboro Gazette was recording the meeting. LakeCAM was recording the meeting for local community broadcast.

Chairman Petruzzo called the Finance Committee meeting to order at 7:00 PM. Members present included Michael Petruzzo, George Vlahopoulos, Donna Winters, and Maureen Candito.

7:00 PM Meet with Lakeville Garden Club to proclaim June 1-7, 2014 as National Garden Week

Terry Peterson, Patricia Bissonnette and Nancy Johnson LaFave, Members of the Lakeville Garden Club, were present for the discussion.

Chairman Powderly read the request from the Lakeville Garden Club to proclaim June 1-7, 2014 as National Garden Week. Ms. LaFave stated that on June 5, 2014 at 6:00 PM in the Great Ponds Gallery at the Library there will be a display of pictures and art for National Garden Week. There will also be a Silent Auction. The Lakeville Garden Club is always looking for more volunteers. The Club has recently been working more fervently on growing items to put into recipes, which are better alternatives and more flavorful than salt such as herbs and other natural preservatives. Selectman Burke read the Proclamation for National Garden Week into the record.

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

VOTED: To Proclaim the week of June 1-7, 2014 as National Garden Week.
Unanimous in favor.

7:15 PM Meet with Daniel Hopkins, Park Commission Chairman, to discuss PARC Grant

Daniel Hopkins, Park Commission Chairman and Nancy Yeatts, Town Planner, were present for the discussion. Mr. Hopkins stated that he has received some quotes regarding the projects at the Park for the Park Acquisitions and Renovations (PARC) Grant, however, not all the quotes have come in. The irrigation for the two new fields will cost approximately \$38,779, including labor. The quote for the Ted Williams portion of the driveway drainage is \$21,800. The area near the karate studio is \$11,100. Both areas could most likely be incorporated together. Chairman Powderly stated that the question is if the Town would be able to come up with the money, or 40% of the \$300,000, which is \$120,000. Would the Town be willing to increase the Capital Budget by this amount?

Ms. Yeatts explained that she had attended the mandatory training session for the PARC Grant. It is a two (2) year grant, and will be awarded in November. Construction does not start until the next fiscal year. Selectman Hollenbeck asked if the Town would have to have 100% of the funds initially to move forward. Ms. Yeatts responded that it requires a favorable Town Meeting vote. Selectman Hollenbeck noted that if it is revocable it makes it easier to come up with the appropriation. Ms. Garbitt stated that the wording is the typical wording for a borrowing article. The Board would have to authorize the Town Treasurer to borrow the funds. Ms. Yeatts explained that the drainage in front of the doorway areas is not adequate and needs to be corrected, since it puddles and stays muddy. This is not acceptable for people who are renting the Loon Pond Lodge or those attending the function/event. It also brings a lot of dirt into the renovated building with its new floors and carpets. Selectman Hollenbeck mentioned that the opportunity about using the road grindings needs to remain a consideration to use on the roadway. Ms. Yeatts asked if the grindings would be a material that people with high heels would be able to walk over. Chairman Powderly suggested putting in funding in the Capital Budget for the piece 50' or so in front of the building on each side. The \$120,000 does not come easy for the Town. Ms. Winters asked if the Park Commission has established a business plan yet? Mr. Hopkins responded that they are still working on it. Selectman Burke had spoken with Mike Nolan about setting up a plan for all the parks, and that takes time. It is not just for the Lodge.

Selectman Hollenbeck asked if the Board has to decide how much they are comfortable putting towards this. Ms. Yeatts explained that the grant is only for the camp, not for the bathrooms at Jon Paun Park. Selectman Hollenbeck asked if the Town can apply under the smaller grant. Ms. Yeatts responded that they could; however, applying for the larger grant is a better opportunity, since the needs of the parking lots and driveways puts it over the threshold. Ms. Garbitt asked if the Town had to expend any funds in the first year. Ms. Yeatts responded that the grant is not awarded until November. The Town would not be able to get reimbursed for anything until it has been awarded the grant. The money cannot be spent until the Town has been made aware that they have been awarded the grant. Chairman Powderly stated that the Town may have to pre-spend the \$20,000 to do some of the necessary work. Ms. Garbitt noted that the Treasurer will not be borrowing anything for FY14 then for the Park. Ms. Yeatts said that the application is due June 18th. Selectman Hollenbeck mentioned that the Board should also determine what it is willing to spend towards the project as well. The total project costs for the warrant article needs to be set. Ms. Garbitt mentioned that the amount can be lowered at Town Meeting; however it cannot be raised higher than the article amount. Further discussion took place on the topic.

Selectman Hollenbeck noted that the full amount for the project will have to be listed on the warrant. Ms. Yeatts indicated that the Town would get reimbursed for what it spends up to 60%. Selectman Burke stated that the Town should try to receive back as much as possible with the understanding that the Town is committed to 40%. Ms. Yeatts stated that the Town has put a lot of money into the renovations at the Ted Williams Camp. Now is the time to receive some help to finish it. Chairman Powderly suggested that the Park Commissioners try and obtain as much as possible through the grant process. Selectman Burke agreed to leave the amount open ended, whatever the Park Commission is able to come up with that makes sense. This is not a time to restrict an opportunity if there is a chance to get the project done.

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

VOTED: To place this article on the Annual Town Meeting Warrant and to authorize the Park Commission to apply for the grant.
Unanimous in favor.

7:30 Meet with Finance Committee to review FY15 Budget

Ms. Garbitt passed out updates to the FY15 Budget. Selectman Hollenbeck reviewed the handouts. Chairman Powderly explained that there are still some areas in the budget that have not been firmed up, such as the full time Police Dispatcher and the two (2) firefighters. A general discussion occurred with the Finance Committee regarding the proposed lease with TMLP for technology.

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

VOTED: To authorize the Town to move forward with the lease with TMLP for \$235,000.
Unanimous in favor.

Selectman Hollenbeck stated that she wanted to discuss the school budget. Chairman Powderly stated that he would like to update everyone on the conversation that took place with Lisa Pacheco, Freetown Chairman of the Board of Selectmen. The Freetown Board, voted per Lisa Pacheco, a figure given to them by the Regional School Committee with two (2) scenarios, and now they have three (3) scenarios for the School Budget. The one with minimum level services, with no termination or reduction of teachers and no change in classroom sizes, was the budget that was voted on. They did not go with recommendation of the Regional School Committee. Selectman Hollenbeck explained that that also includes the debt service for the schools. Lakeville votes four (4) numbers. At this time, many of the figures are still in flux. The Chapter 70 amount was provided earlier in the year, and that figure will not change. The School Department is still using an amount over \$100,000, which was over assessed. It is not known if the Town can hold off on that aspect until the final budget is released. If the Town uses the current number, at a 90% reimbursement, it will most likely change. Further information was provided by Selectman Hollenbeck.

Discussion occurred regarding the recent override for the Schools. Selectman Hollenbeck said that the public was told that every student would bring their own device. However, then equity came into play. Maybe the reality of everyone bringing their own device did not manifest, but that was the pitch that had been provided. Ms. Candito asked about the Chrome Books. Discussion took place on that, the Freetown grant and the Comcast match. Chairman Powderly noted that the School Department can spend the funds on whatever they deem appropriate. He would prefer to vote the lower number, the 90% reimbursement for transportation. Selectman Burke noted that the Town of Freetown just votes one (1) number; they do not care how it is broken up.

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

VOTED: That Excluded Debt would be \$467,508, Non-Excluded Debt would be \$49,165, and Transportation \$284,827. The figure for the Operating Budget would be \$11,108,829, with Net School Spending being \$9,808,770 and \$1,300,059 over Net School Spending.
Unanimous in favor.

Upon a motion made by Ms. Candito; seconded by Ms. Winters it was:

VOTED: That Excluded Debt would be \$467,508, Non-Excluded Debt would be \$49,165, and Transportation \$284,827. The figure for the Operating Budget would be \$11,108,829, with Net School Spending being \$9,808,770 and \$1,300,059 over Net School Spending.
Unanimous in favor.

Further discussion took place on the Town's budget. John Olivieri, Jr., member of the Board of Assessors, spoke about the Assessors being open more hours to the general public. He stated that he is not speaking for the Board. Personally, he would like to keep the office open on Wednesdays. Ms. Garbitt noted that in 2010, all Departments faced budget cuts, and the Assessors cut their staff. Then they got behind in their inspections and their everyday work. Now their hours have been restored. Discussion next took place about the Board of Assessors meeting with the Selectmen to discuss the additional hours and whether or not it will benefit the public. If it won't benefit the public, then there is no sense in keeping the additional hours in the budget.

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

VOTED: To approve the budget for the Assessors in the amount of \$176,000.
Unanimous in favor.

Ms. Garbitt then discussed the Fire Department's budget with the Board. It was suggested to have the Fire Chief do some further work on the numbers in his budget, and then return before the Board next Tuesday evening for discussion. It was noted that the Chief will adjust the budget for one (1) additional fireman.

Ms. Garbitt noted that the Board of Health had \$1,000 on their wish list for \$500 for boots and clothing for the Health Agent and Assistant Health Inspector and an additional \$500 for training and certification. Selectman Burke asked what does the Highway Department Employees receive for a clothing allowance. Ms. Garbitt responded \$250 per employee annually. Selectman Burke said he would not be against matching that for the Health Agent and Assistant Health Inspector. That is a reasonable wish list.

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

VOTED: To approve \$146,183 for the Board of Health budget.
Unanimous in favor.

Ms. Garbitt noted that the Board has not gone over all the budgets for the Selectmen. The Planning Board's budget has been increased \$2,000, which pays for Ms. Yeatts to be a Part Time Planner and to attend Planning Board meetings. Selectman Burke voiced his thoughts on the proposed Full Time Town Planner position. The Board doesn't have a job description for this position. He felt that it was premature to fund the position until the Board has a job description. Maybe the Board should withdraw this and revisit it next year. Discussion took place regarding what a Town Planner would do. Ms. Garbitt stated that a Planner would help implement the Master Plan. Also, for things like the survey that the Economic Development Committee (EDC) put out, there really is no one who pulls it all together. Selectman Burke said the Board also needs to be thinking of a succession plan for when Ms. Garbitt retires. Are we going to be looking for an Assistant Town Administrator/Town Planner. Chairman Powderly stated that it is said that Town Planners pay their salaries writing grants, however, that does not generally happen. If the Town had a lot of undeveloped acreage, he would see the need for that position. The Board would need to see a job description. Ms. Candito commented that the proposed salary would not be sufficient to hire an Assistant Town Administrator/Town Planner. It was decided to eliminate the Full Time Town Planner Position. The \$2,000 will be moved to the Selectmen's budget.

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

VOTED: To reduce the Town Planner amount by \$58,000 and to move the remaining amount of \$2,000 into the Board of Selectmen's budget for a Part Time Planner.
Unanimous in favor.

Ms. Garbitt then spoke on the \$1.6 million to \$1.7 million for health insurance. The Town will have teachers retiring from the Region, and the Town will be billed the number of years that they worked for the Local School Department. It has been figured that this will be approximately \$20,000. Ms. Garbitt said she has included an amount of \$40,000, which would cover two (2) family plans and one (1) single plan.

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

VOTED: To approve the amount of \$1,715,686 for Employee Group Benefits.
Unanimous in favor.

Ms. Garbitt provided an update regarding the Fire Department's Boiler. It is estimated at approximately \$20,000 to fix the furnace. This amount will need to come from the Reserve Fund.

Discuss the FY14 Regional Assessment Discrepancy and the FY15 Regional Assessment

Selectman Hollenbeck explained that the Town has hired Special Town Counsel to review the Regional School Assessment for FY14. The consultant was brought in to calculate and recalculate the amounts. The State came out with their numbers, and then it changed between Freetown and Lakeville. The State declared that Freetown had more means to pay. Over \$300,000 has been charged to the Town of Lakeville. Selectman Burke explained that part of putting on the brakes for the transportation portion is that, once it is voted on at Town Meeting, it cannot be undone.

Review and vote to award bartending Contract for Ted Williams Camp

Chairman Powderly explained that the Park Commission went out to bid to enter into a contract to provide bartending services at the Ted Williams Camp. Only one (1) bid was received from The Bartending Service of New England, LLC or its nominee. Selectman Hollenbeck asked to see a copy of the contract when it is available. The fee to the Park Commission will be 20% monthly of total receipts. They will apply to the Alcoholic Beverages Control Commission for an all alcohol annual license for the Camp, eliminating the need for one (1) day liquor licenses.

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

VOTED: To accept The Bartending Service of New England, LLC's bid to provide bartending services at the Ted Williams Camp.
Unanimous in favor.

Vote to accept resignation letter from Rent Control Board Member John Cataldo

Chairman Powderly read the letter from John Cataldo regarding his resignation from the Rent Control Board. He asked that a notice be placed in the Middleboro Gazette for letters of interest for someone to serve on the Rent Control Board. The deadline for letters will be June 12, 2014.

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

VOTED: To accept the letter of resignation from John Cataldo from the Rent Control Board effective July 1, 2014 and to send him a letter of thanks for time served.
Unanimous in favor.

Request from Park Commission for six (6) All Alcohol One Day Liquor Licenses: June 14, 2014 (2); July 12, 2014; July 19, 2014; July 20, 2014 and July 26, 2014

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

VOTED: To approve the following one day all alcohol licenses at the Ted Williams Camp for the following dates: June 14, 2014 from 6:00 PM to 11:00 PM for a Retirement Party; June 14, 2014 from 10:00 AM to 5:00 PM for a Company

Outing; July 12, 2014 from 11:00 AM to 5:00 PM for a Wedding Reception; July 19, 2014 from 5:00 PM to 11:00 PM for a Birthday Party; July 20, 2014 from 11:00 AM to 5:00 PM for a Union Party; and July 26, 2014 from 6:00 PM to 11:00 PM for a Wedding Reception.

Unanimous in favor.

Request for renewal of Ungaraged/Unregistered Vehicle Permit – 1 Fern Avenue

Chairman Powderly stated that Nate Darling, Building Commissioner, inspected 1 Fern Avenue on May 16th and had provided a memo of its condition. At the time of the inspection, it appears that the conditions of this permit are being followed. Ms. Garbitt asked if Don Foster had been contacted. Ms. Craig explained that the Zoning Board of Appeals has continued the matter until August. Ms. Garbitt noted that the applicant was applying to renew his Special Permit for a year.

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

VOTED: To approve the renewal of the Ungaraged/Unregistered Vehicle Permit for 1 Fern Avenue until June 7, 2015.

Unanimous in favor.

Review Request for Road Opening – Mirra Company for Comcast Cable – Pine Ridge Drive

Chairman Powderly said the Board had a request for a Road Opening Permit from Mirra Company for Comcast Cable to install cable services on Pine Ridge Drive.

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

VOTED: To approve the request for a Road Opening Permit from Mirra Company for Comcast Cable on Pine Ridge Drive provided that the conditions as outlined in the letter dated May 16, 2014 from Jeremy Peck, Superintendent of Streets, are adhered to.

Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of February 27, 2014, March 18, 2014, March 25, 2014, April 28, 2014 and April 30, 2014

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

VOTED: To approve the Selectmen's Meeting Minutes of February 27, 2014 with the correction of a typographical error of Sylvester Zienkiewicz's name.

2 in favor, 1 Abstain (Ms. Hollenbeck)

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

VOTED: To approve the Selectmen's Meeting Minutes of March 18, 2014, as presented by invoking the rule of necessity.
2 in favor, 1 Abstain (Selectman Hollenbeck).

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

VOTED: To approve the Selectmen Meeting Minutes of March 25, 2014 as presented.
2 in favor, 1 Abstain (Ms. Hollenbeck)

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

VOTED: To approve the Selectmen Meeting Minutes of April 28, 2014 as presented.
2 in favor, 1 Abstain 1 (Ms. Hollenbeck)

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

VOTED: To approve the Selectmen Meeting Minutes of April 30, 2014 as presented.
2 in favor, 1 Abstain (Mr. Burke)

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of April 14, 2014, April 28, 2014 (2 sets), April 30, 2014, and May 12, 2014

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of April 14, 2014 as presented.
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of April 28, 2014 (2 sets) as presented.
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of April 30, 2014 as presented.
Unanimous in favor.

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of May 12, 2014 as presented.
2 in favor, 1 Abstain (Selectman Burke)

The Finance Committee adjourned their meeting at 9:50 PM and exited.

New Business

Ms. Garbitt stated that American Mobile Homes has requested a Temporary Mobile Home Permit for the property located at 123 Howland Road due to a fire.

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

VOTED: To approve the request by American Mobile Homes for a Temporary Mobile Home Permit for the property located at 123 Howland Road. The permit term is for May 19, 2014 to November 19, 2014.
Unanimous in favor.

Ms. Garbitt stated that a request has been made for a permit for Public Entertainment at the Back Nine Club for June 7, 2014 from 1:00 PM to 7:00 PM for a prom and June 14, 2014 from 3:00 PM to 11:00 PM for a wedding.

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

VOTED: To approve the request for two (2) Outdoor Entertainment Permits at the Back Nine Club on June 7, 2014 from 1:00 PM to 7:00 PM for a Prom and June 14, 2014 from 3:00 PM to 11:00 PM for a Wedding.
Unanimous in favor.

Old Business – Update from meeting with DHCD on May 15, 2014 regarding 40R Density Bonus and SHI Inventory

Chairman Powderly provided an update regarding the meeting with the Department of Housing & Community Development (DHCD) on May 15, 2014. He had attended the meeting at the State House in Boston. The Town was requesting its density bonus money in the amount of \$312,000 for the Sterling Place at the Train Station. Kathleen O'Donnell, Legal Counsel for the Town, attended the meeting, along with Representative Keiko Orrall and Senator Michael Rodrigues. He said that Attorney O'Donnell laid out the timeline and explained why the Town was due the density bonus. The State said they believed this was a separate project, since it took so long for the completion of the second phase. Ms. O'Donnell pointed out that the Town had approved both Kensington and Sterling as one (1) project with eight (8) buildings. The search for Indian artifacts was the delay in the project. Ms. Garbitt stated that the law requires 25% of the units in each building to be affordable housing. However, the developer made all the units in Kensington Court as affordable units. The developer built more affordable units than what was

required (48% of the total project). Chairman Powderly said he hoped that the State walked away knowing the timeline and feeling more comfortable with Lakeville's explanations. However, it is still unknown if the Town will receive the money. The State has \$4 million in a Smart Growth Trust Fund. They can reallocate it as Lakeville does its annual budget. If they don't rule in our favor, then we stay the course and continue to have meetings. Selectman Burke stated that the Department of Housing approved all the changes that the developer brought to them. The Town did not have a say in it. Hopefully they will do the right thing.

Other Items

1. Letters in favor of the rezoning of 28 and 30 Bedford Street (these properties were in the Overlay District)
2. Letter from Town of Wareham regarding Summer of Celebration
3. Letter from Department of Housing & Community Development regarding Multi-Family Unit Production
4. MassWildlife Newsletter
5. Municipal Client Advisory – May 2014 from Murphy, Hesse Toomey & Lehane

At 10:08 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 (3) to discuss strategy with respect to collective bargaining, specifically the Firefighter's Union, Police Union, and the Laborer's 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 (3) to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the Board, and the Chair so declared.

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

List of documents for May 19, 2014 Selectmen's Meeting

1. Lakeville Garden Club Proclamation to declare June 1-7, 2014 as National Garden Week.
2. PARC Grant Opportunity Summary
3. Ted Williams Camp/Loon Pond Lodge Drive and Parking Lots Drainage Inspections by Jeremy Peck, Superintendent of Streets
4. Freetown-Lakeville Regional School District Memo dated May 14, 2014 regarding Certification of FY15 Budget
5. FY15 Maintenance Budget – Town of Lakeville dated 5/19/14
6. Capital Expenditure Committee FY15 Capital Plan dated May 8, 2014
7. Information regarding the bid from The Bartending Service of New England, LLC
8. Resignation letter from John Cataldo from the Rent Control Board
9. Applications for One Day All Alcohol Liquor Licenses for Ted Williams Camp, June 14, June 14, July 12, July 19, July 20 and July 26, 2014

10. Memo from Nate Darling, Building Commissioner for 1 Fern Ave Unregistered/Ungaraged Vehicles Permit and application
11. Request from Mirra Company for Comcast Cable Pine Ridge Drive Road Opening
12. Request for Temporary Mobile Home Permit from American Mobile Homes for 123 Howland Road
13. Selectmen Meeting Minutes of February 27, March 18, March 25, April 28 and April 30, 2014 for approval
14. Executive Session Selectmen Meeting Minutes of April 14, April 28 (2 sets), April 30 and May 12, 2014 for approval
15. Application for two (2) Outdoor Entertainment Permits for The Back Nine Club for June 7 and June 14, 2014