

TOWN OF LAKEVILLE
Selectmen and Wage and Personnel Board, as applicable
Meeting Minutes
July 31, 2017 – 6:30 PM

On July 31, 2017, 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 Burke at 6:30 PM. Selectmen present were: Selectman Burke, Selectman Hollenbeck and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

6:30 PM Meet with Fire Chief Daniel Hopkins regarding appointment of three (3) Call Firefighters

Daniel Hopkins, Fire Chief, was present for the discussion. Chairman Burke said Chief Hopkins was requesting appointment of three (3) Call Firefighters.

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

VOTED: To appoint Elijah Aguirre, Gregory Bosse and Corey Hayes as Call Firefighters with terms to expire July 31, 2018.
Unanimous in favor.

Discuss submitting a 40R Application to the Department of Housing and Economic Development (DHCD)

Nathan Darling, Building Commissioner and Robert Poillucci, Applicant, were present for the discussion. Chairman Burke recused himself and stepped outside. Selectman Powderly reviewed the details of Mr. Poillucci's proposed project relative to discussions with the Department of Housing and Community Development (DHCD) and the attorneys involved. Amy Kwesell, Esquire of KP Law suggested that it would be beneficial to expand the Town's current 40R district to include other land purchases, since it seems as though the State does not approve of dual submissions of 40Rs and 40Bs. Selectman Hollenbeck stated that she would like a clear answer from DHCD, since the matter has become confusing. Jonathan White's project started out as a 40B, and then changed over to a 40R, so is it possible that this particular project can also be converted at a later date? It does appear that when the submissions are made at the same time, there is a problem. However, it seems that the Town is eligible to receive the 40S payments. Selectman Powderly agreed that the interpretation was correct, but a straight answer may not be forthcoming. The 40R can be done and approved through Town Meeting. It should be done by expanding the 40R area to encompass what has not been developed, so that the issue is not confused any further.

Selectman Hollenbeck wanted to know what might happen by just expanding the District no matter what Mr. Poillucci does. Selectman Powderly stated that the Town would not receive the funding if it did not meet the density requirements. Selectman Hollenbeck stated that Mr. Poillucci has the right to proceed, and it is on him to meet the requirements. Selectman Powderly asked if the area is designated as 40R, will other buildings/businesses be able to go in

there or only 40R's? If Mr. Poillucci does not do a 40R or 40B and a future developer goes in, would this designation muddle their project? Ms. Garbitt stated that the Bylaw has to state what the density is going to be. Attorney Kwesell was going to send the map to Bill Reyelt at DHCD, since it seems that the Town is better off amending it and having it contiguous rather than starting the process all over. In the Bylaw it will be put in how dense it will be and it has to match. Mr. Poillucci stated that there is a density requirement under 40R, but not 40B. If he goes in with what they allow, then he does not have to meet it if he cannot. If the Town passes the 40R, it will maximize everything to its potential. Selectman Powderly stated that he would like to make sure that the Board is not harming future development or preventing anyone from building. If the Attorney responds that it will, then it is not worth doing this. Ms. Garbitt noted that it is an overlay and the underlying zoning will still allow industrial uses. Mr. Darling added that he believes overlays would have the same rights.

Selectman Hollenbeck stated that there are some units for sale and others for rent. Are they being counted as affordable units? This question needs to be answered. The project is mixed with rental and for sale units. Selectman Powderly stated that even if Attorney Kwesell answers the question, it may not make the decision any different. Selectman Hollenbeck stated that in terms of zoning, it needs to be determined if it is really a 40B. Ms. Garbitt stated that Mr. Reyelt said what is being proposed is not a 40R. Selectman Powderly stated that he just wants to make sure that nothing is being set into place that is too restrictive for anyone else going forward. Selectman Hollenbeck stated that the project may not be eligible for the incentive, just the bonus. Selectman Powderly stated that the main thing is to make sure that the 40R is in place, and that the Town has applied for the maximum amount of money it can receive. Ms. Garbitt asked if the attorney should fill out the application for all six (6) lots. Selectman Hollenbeck and Selectman Powderly agreed. The Board will rely on Attorney Kwesell; maybe she will do the project in two (2) breakout phases. Mr. Poillucci stated that there will be eight (8) lots altogether. Selectman Hollenbeck asked if this is approved at the Fall Town Meeting and then Phase Two comes through, could that be submitted as a 40R. Ms. Garbitt stated that Mr. Reyelt said he would not allow that, and he was pretty firm about it. Selectman Powderly stated that if an overlay district is done for all undeveloped land, and it does not harm anyone in the future, then it should be done. Selectman Hollenbeck agreed. It can be conveyed to Mr. Reyelt that the Board did as the State has outlined. Ms. Garbitt stated that Lakeville's Bylaw has to be amended. Selectman Hollenbeck stated that the Board will amend the zone and include the additional density. Mr. Poillucci mentioned that he didn't think that he will have that high of a density, but can put in the maximum compliance. Selectman Powderly stated that the density is the State form. The Town is not doing anything but expanding the 40R. Ms. Garbitt stated that she will start the application to include the eight (8) lots, since the first step is submitting the application. It is not known though if it will impact Mr. Poillucci's project from moving forward. Selectman Powderly stated that this will not harm Mr. Poillucci. Mr. Reyelt is saying that the State does not like doing both, but they have done it in the past.

Vote to Layout Cedar Pond Preserve

Chairman Burke reviewed the details regarding the intent to layout Cedar Pond Preserve. The Planning Board has been notified of the Superintendent of Streets inspection from a letter dated July 26, 2017 to them outlining the punch list items that need to be taken care of. The Planning

Board will need to make sure that the work is done. Ms. Garbitt stated that the Planning Board will let the Board know whether the punch list items have been completed satisfactorily and whether the Board should vote to approve and adopt the Layouts.

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

VOTED: To layout Cedar Pond Road, Quequechan Circle and Ron Circle.
Unanimous in favor.

Review amended Charge for the Master Plan Implementation Committee

Chairman Burke stated that he and Ms. Garbitt discussed amending the Charge for the Master Plan Implementation Committee to remove the Selectman Member from serving on the Committee. It would be easier for seven (7) people to attend a meeting than nine (9).

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

VOTED: To approve the amended Charge for the Master Plan Implementation Committee. The Committee will consist of seven (7) Members appointed by the Board of Selectmen for one (1) year terms. The Committee will consist of a Member of the Planning Board, the Town Administrator, a Member of the Open Space Committee, a Member of the Conservation Commission and three (3) Members-At-Large.
Unanimous in favor.

Discuss Liability Insurance Coverage for Town Oil Storage Tanks

This item was tabled until the next meeting of the Board.

Announce 911 Grants received by the Police Department

Chairman Burke stated that a letter was received by the Police Chief letting the Board know that the Police Department received two (2) grants from the State 911 Department for FY18. The first grant is a Support and Incentive Grant for \$28,304, which will be used to offset personnel costs in dispatch. The second grant is a Training Grant for \$10,000, which will be used to offset training costs to train personnel in continuing education courses and Emergency Medical Dispatch training required annually per State standards.

Discuss Appointment of Town Coordinator

Nathan Darling, Building Commissioner, was present for the discussion. Selectman Hollenbeck had written a letter regarding the appointment. Clorinda Dunphy, Nathan Darling and Selectman Hollenbeck were present during the interviews. Eight (8) people had applied for the position and the applications were narrowed down to five (5) to schedule interviews with. There were 13 of the same questions discussed with each of the candidates during a half hour interview. We were very impressed with all of the candidates. The selection process was

narrowed down to the person that knows how Lakeville's Town government works and that they know people in Lakeville and are familiar with the "players", someone having municipal experience with Lakeville's Boards and Commissions. It was then determined that Lorraine Carboni was the number one choice for the position of Town Coordinator. We had two (2) candidates that we liked a lot, but one (1) candidate stood out based on those criteria for the external facing Town Coordinator.

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

VOTED: To appoint Lorraine Carboni as the Town Coordinator.
Unanimous in favor.

Vote to accept Frederick Parmenter's resignation as Assistant Gas and Plumbing Inspector

Chairman Burke read the resignation letter from Frederick Parmenter into the record.

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

VOTED: To accept a letter of resignation from Frederick Parmenter and to send him a letter of thanks for his 45 years of service.
Unanimous in favor.

Request to appoint Dennis Driscoll as Alternate Plumbing and Gas Inspector

Chairman Burke stated the Building Commissioner has requested that the Board appoint Dennis Driscoll as Alternate Plumbing and Gas Inspector.

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

VOTED: To appoint Dennis Driscoll as Alternate Plumbing and Gas Inspector with a term to expire July 31, 2018.
Unanimous in favor.

Revisit re-appointment of Donald Foster to the Energy Advisory Committee

Chairman Burke explained that due to an error in reading the attendance chart, Mr. Foster was eliminated from being reappointed to the Energy Advisory Committee.

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

VOTED: To appoint Donald Foster to the Energy Advisory Committee with a term to expire July 31, 2018.
Unanimous in favor.

Review and vote on Job Descriptions for Non-Union Part-Time Custodian and Seasonal Custodian

Nathan Darling, Building Commissioner, was present for the discussion. Chairman Burke reviewed the two (2) positions. The intent is to fill the Seasonal Temporary position as soon as possible, and then in the Fall, hire a part-time 18 hour custodian. Selectman Powderly stated that he would like to make sure that with the facilities, the individual would be a back up to Mr. Dellarocco. It would be good if the position can include a bit more than painting and repairs to the buildings. The rate seems like it should be higher. Ms. Garbitt stated that the part-time position would start at Level 7 and the seasonal position is at Level 10. Mr. Darling added that the position involves a bit more than what a regular maintenance person would do, but not as much as the Town Carpenter. These are two (2) distinctly different positions. Selectman Powderly suggested to label one (1) position as that of Seasonal Repair Custodian and the other as Maintenance of Town Facilities Custodian.

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

VOTED: To approve the Job Description for a Part-Time Non-Union Non-Benefit Eligible Custodian (Maintenance of Town Facilities Custodian) starting at Level 7 and the Job Description for a Seasonal Temporary Non-Union Non-Benefit Eligible Custodian (Seasonal Repair Custodian) starting at Level 10 as discussed.
Unanimous in favor.

Vote to declare Board of Assessors' Building available for disposition

Chairman Burke reviewed the details for declaring the Board of Assessors' Building to be available for disposition. As part of the process, M.G.L. Chapter 30B requires that prior to selling a property, regardless of its value, it must be declared available for disposition by the individual or body with the authority to make such a determination for the local jurisdiction. He then asked what will happen if it sells and there is no place for the Assessors to go. Ms. Garbitt responded that the details can be worked out through negotiations during the sale.

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

VOTED: To declare the Board of Assessors' Building available for disposition.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of February 21, 2017; February 27, 2017; May 16, 2017; May 30, 2017 and July 20, 2017

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

VOTED: To approve the following sets of Board of Selectmen Meeting Minutes as presented: February 21, 2017, February 27, 2017, May 16, 2017, May 30, 2017 and July 20, 2017.
Unanimous in favor.

New Business

There was no new business presented for discussion.

Old Business

Selectman Hollenbeck stated that she would like to make sure that a letter is written to everyone who applied for the Town Coordinator position to thank them for their interest in the position. Ms. Garbitt mentioned that two (2) additional applications were received after the deadline; she will make sure that letters are sent to everyone.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Other Items

1. Letter from Council on Aging regarding TRIAD Kickoff Celebration
Chairman Burke read the memo from Kelly Conway, Council on Aging Director, about the SALT Council, which has been assembled. Selectman Hollenbeck stated that she may attend the event scheduled for Thursday, August 24, 2017 at 10:00 AM at the Senior Center.
2. Letter from DEP regarding 22 Beechtree Drive Waterways License
3. Notice of What's New in Municipal Law – September 28, 2017
Chairman Burke and Ms. Garbitt might attend.

Executive Session

At 7:30 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 (6) to consider the purchase, exchange, lease of value of real estate (Nook Street Map 41-3-1), and the Chair declared an open meeting may have a detrimental effect on the negotiating position of the Board; pursuant M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Laborers' 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 (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Meeting Minutes for July 24, 2017.

Polled vote: Selectman Hollenbeck – aye; Selectman Burke – aye and Selectman Powderly – aye.

List of documents distributed for the July 31, 2017 Board of Selectmen Meeting

1. Letter dated July 27, 2017 from the Fire Chief requesting the appointment of three (3) Call Firefighters.
2. Email from Attorney Amy Kwesell of KP Law regarding discussion with DHCD concerning the application of a filing of a 40B and a 40R for the project.
3. Letter from the Superintendent of Streets, Jeremy Peck, with a punch list outlining the work that needs to take place to approve Cedar Pond Preserve (Cedar Pond Road, Quequechan Circle and Ron Circle) as public ways; request from Attorney John Jacobi to accept the three (3) streets
4. Amended Charge for the Master Plan Implementation Committee
5. Discussion on Liability Insurance Coverage for Town Oil Storage Tanks-tabled.
6. Letter from Police Chief regarding receipt of two (2) grants totaling \$38,304 for support and incentive and training.
7. Discussion on appointment of Town Coordinator
8. Resignation letter from Frederick Parmenter as Assistant Gas and Plumbing Inspector after 45 years.
9. Request from the Building Commissioner to appoint Dennis Driscoll as Alternate Plumbing and Gas Inspector through July 31, 2018.
10. Appointment of Donald Foster to the Energy Advisory Committee through July 31, 2018.
11. Job Descriptions for Part-Time Non-Union Non-Benefit Eligible Custodian at Level 7 and Seasonal Temporary Non-Union Non-Benefit Eligible Custodian Level 10.
12. Chapter 8 Information regarding Real Property Transactions: Dispositions and the Board declaring the Assessors' Building as available for Disposition.
13. Selectmen Meeting Minutes of February 21, 2017, February 27, 2017, May 16, 2017, May 30, 2017 and July 20, 2017 for approval.