

**TOWN OF LAKEVILLE**  
**Selectmen's and Wage & Personnel Board**  
**Meeting Minutes**  
**June 8, 2016 – 6:30 PM**

On June 8, 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 6:32 PM. Selectmen present were: Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette and LakeCAM were recording the meeting.

**Meet with Park Commission to discuss the structure of the Park Department, Representative to the Open Space Committee and Board of Health regulations**

*Daniel Hopkins, Scott Holmes, Kenneth Lalli and Kenneth Olivieri of the Park Commission were present for the discussion.* Chairman Hollenbeck stated that the communication between the Park Commission and the Selectmen has not been great, so the Park Commissioners were invited this evening to discuss how that can be changed and talk about the structure of the Enterprise Fund. The Selectmen are also the Wage and Personnel Board for the Town. With employee complaints being directed to the Selectmen and the hiring and firing of Park Department employees through the Park Commission, there is a disconnect of who oversees the employees. This is the same with employees that are hired and fired through the Board of Health. It is hoped to restructure this so that there is a “go to” person if potential conflicts arise to know what falls back to the Chairman of the Commission, etc. Selectman Burke stated that presently Mr. Hopkins oversees the Park Department on a day to day basis. Mr. Poillucci has been the one that comes in and does the day to day with the Board of Health. Now Mr. Darling will be coordinating efforts of the Board of Health so that additional energy is not taken from Mr. Poillucci. This allows for a smoother coordination for Town Departments.

Mr. Hopkins stated that it all sounds like a good concept; however, the Park Department only has part time employees. They do not work every single day and one (1) employee works weekends. The Park Commission as a Board cannot discipline or review someone. It can be done individually, then allow it to move onto someone else to do. The summer employees are hired for ten (10) weeks and are only part time employees. It has been discussed about possibly hiring a Park Director next year, who would attend Park Commission meetings and provide updates. Chairman Hollenbeck explained that even if that is done, that person would be a Town employee, providing for a singular person being responsible for the day to day operation, and Mr. Hopkins would not have to do that day to day supervision. It is certainly something to consider during the next budget round. The Park Commission has relatively new Members, but do they want to be handling wage and personnel issues? Selectman Powderly stated that some Towns use Athletic Directors or Teachers from schools or colleges during the summer. Mr. Hopkins stated that there used to be teachers from Apponoquet High School who did that type of work at Clear Pond.

Mr. Olivieri stated that with the Loon Pond Lodge, that is the biggest management aspect and “cash cow” for the Park Department. There is also John Paun Park, Clear Pond and Ted

Williams Camp, where a Park Director would be needed. So does the Park Commission hire someone with a background in Park and Recreation experience or someone with a financial background? It is a unique situation with three (3) Park campuses. What type of background would the Selectmen suggest for hiring someone? Selectman Burke stated that the Park Commission should decide that. Chairman Hollenbeck stated that the Board wanted to speak with the Commission about this so that there are not any misconceptions about revenue and covering expenses. If the Park Commission feels that they can run all the campuses as they need to be run, then the Selectmen would be willing to allocate the funds. The Park Commissioners are all volunteers and may not want to focus their time on the management aspect. The Selectmen are the human resource for the Park Department with grievances, etc.

Selectman Powderly stated that Loon Pond Lodge is the center for raising funds and charges various sports participation fees to utilize the fields. Then there is marketing for the functions that take place, maybe the position is actually two (2) functions for two (2) different people. Chairman Hollenbeck stated that the Park Commissioners can discuss this and perhaps come up with a Job Description for the Selectmen to review. However, there is still that cross collaboration, which is unique to the Park Department. Selectman Powderly stated that if the Park Commission feels that everything is working well as it is, then no changes need to be made. The Selectmen do not want to micro manage the people aspect of the Park Department. Chairman Hollenbeck mentioned that there are the procurement laws, so it may be beneficial to put that in the Job Description to make sure that everything is being done correctly.

Chairman Hollenbeck stated that the other item for discussion is the letter that was received from Martha "Mike" Schroeder from the Open Space Committee. The current Park Representative to the Open Space Committee has been unable to attend their meetings, and this leaves the Open Space Committee having difficulty in obtaining a quorum. The appointment typically takes place in July. The Park Commissioners can discuss that position and provide a recommendation to the Selectmen for a replacement Representative. Ms. Garbitt stated that the Open Space Committee only meets once a month. Selectman Powderly stated that the Open Space Committee needs active participants. If the person appointed to the Committee misses half the meetings, then that person needs to be removed from the Committee. Parks and Recreation are part of the Open Space Plan.

Chairman Hollenbeck explained that the Board is also trying to coordinate the relationship between the Board of Health and the Park Department. Mr. Olivieri stated that they have brought in seven (7) caterers so far, but one (1) had to be discontinued, since they were not up to compliance. May Beth MacKay makes sure that the caterers have provided their certifications so that she has them on file for when requests come in. Chairman Hollenbeck offered that maybe there is a module to help coordinate that with the new accounting system that the Town is implementing. Ms. Garbitt mentioned that it may be under the Building Department and part of permitting.

Mr. Hopkins stated that he had a question regarding the Highway Department employee that is getting paid through the Park Department budget. This employee will do whatever is asked; however, technically he does not have to listen to the Park Commissioners, even though  $\frac{3}{4}$ 's of

his pay is coming from the Park Department budget. How does that work for the Park Commission if there is a project that needs to be done? That could become an issue, or is he still under the direction of the Superintendent of Streets? This could lead to a delay in something getting done, or it may become a union issue. Chairman Hollenbeck explained that it is not any different than it was before; the payment portion is just an allocation. Mr. Hopkins added that there have not been any issues to date. He is just bringing this up to clarify the matter for the Commissioners, since it is a new aspect. Chairman Hollenbeck explained that if the concern is that the time allocation is not enough, then it should be changed for what the Park Department needs. This position should be monitored to make sure that it makes sense with what is being done.

Mr. Hopkins explained that there is grading and loaming work that needs to be done on the new athletic field. There are other piles of material, which some are junk, but there is a contract for getting that cleared up. The loam was screened, but no piles were taken and it was supposed to be taken. Selectman Burke suggested that the person be called about the loam to see if they want to get out of the contract. If they are not going to take it, and if they do not take it by the deadline, it would be considered a breach of contract. The document would need to be read to determine exactly what was agreed upon. Chairman Hollenbeck suggested bringing the people in to have that conversation. Selectman Powderly agreed with making a call to the contractor. Selectman Burke added that the legal rights need to be understood regarding the contract. Mr. Lalli stated that he would like to get the loaming and seeding done to stop losing growing seasons each year. There is a cost benefit of how much the loam would cost. There is also a Conservation Restriction on some of it.

### **Vote to sign the Transfer Agreement with the City of Taunton for the sale of the Water Tower and Pump Station**

Ms. Garbitt stated that the Agreement with the City of Taunton for the sale of the Water Tower and Pump Station has changed again today. The Clean Water Trust Counsel, Bernard Green, has rearranged some items. It has been reviewed by Town Counsel. The City of Taunton is in agreement with the changes. Chairman Hollenbeck asked about the paragraph regarding telecommunications. It is now general and telecommunications. Ms. Garbitt explained that there has been some difficulty with the formatting of the document as different people have different word software, and the document has been adjusting according to the software in everyone's computers. Selectman Powderly stated that the agreement needs to take place by June 30, 2016. Ms. Garbitt said if not, then a paragraph will have to be redone. Chairman Hollenbeck stated that the amount should reflect the payment, and if the Town has to make another payment, the principal amount will change. Ms. Garbitt explained that the Clean Water Trust meeting, which will be taking place tomorrow (June 9, 2016), will be voting on the assumption, contingent upon the City of Taunton's approval next week on Tuesday, June 14, 2016. It is not known if it will be the full City Council or a subcommittee. Selectman Powderly stated that there cannot be language in the document that the parties can change the date, "on or before". In the event that the transfer does not occur before June 30, 2016, then the figures will change, and the date will be July 1, 2016. The Board further discussed the language that should be in place. The Board will have this on their June 22, 2016 Agenda, if the agreement is not signed. Selectman Burke stated that he would like to speak with Mark Reich about the language. The Board of Selectmen

needs to assent to the agreement, yet it depends on the Trust approving the loan transfer to Taunton. The closing could take place in Lakeville, since once the agreement is signed it will need to be recorded at the Registry of Deeds. Selectman Burke explained that he had a concern about whether or not to add language, or simply allow it as it is. Ms. Garbitt explained that Attorney Reich is unable to attend the meeting on June 14, 2016 due to other prior commitments. Ms. Garbitt will post a meeting for the Board for that day.

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

VOTED: To approve the Transfer Agreement by and between the Town of Lakeville and the City of Taunton, contingent upon the satisfactory review of the contents by Counsel and the Board re-reviewing the agreement at its meeting on June 22, 2016.  
Unanimous in favor.

### **Discuss Special Legislation regarding the proposed Police Station location at Ted Williams Camp**

Ms. Garbitt stated that there are conflicting opinions between House Counsel and Senate Counsel regarding the Article 97 Status of Ted Williams Camp. The Selectmen agreed the matter needs to be resolved right away. Ms. Garbitt will contact Town Counbsel regarding the Special Legislation.

### **Review Town Meeting Votes**

Chairman Hollenbeck stated that she would like to go over the items the Board needs to take action on from Town Meeting. One item is the sale of the Assessors Building and what that process is. Ms. Garbitt explained that a professional appraisal will be needed. The newly formed Agricultural Commission, through the Steering Committee, will have to advertise for members and then provide their recommendations to the Selectmen. Selectman Powderly mentioned that he would like to discuss under new business about raising funds or earmarking funds for the Cowboy Shack.

### **Discuss Town Accountant Position**

Chairman Hollenbeck explained that the present contract for the Interim Town Accountant expires June 30, 2016. The position can either be extended or we can advertise to hire a Town Accountant. Presently the Town is happy to extend the contract as the Town moves forward with its conversion to SoftRite software, since Mr. Hassett has done SoftRite conversions with other companies.

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

VOTED: To extend the Interim Town Accountant's contract through to June 30, 2017.  
Unanimous in favor.

### **Request from Town Clerk to send letters to the State Political Committees regarding Poll Workers**

Chairman Hollenbeck said the Town Clerk has requested that the Selectmen send letters to the State Political Committees regarding Poll Workers. The letters will be signed by Chairman Hollenbeck.

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

VOTED: To approve the request of the Town Clerk to send letters to the State Political Committees regarding Poll Workers.  
Unanimous in favor.

### **Request from Old Colony Regional Vocational Technical High School for people to serve on the Superintendent Search Committee**

Chairman Hollenbeck provided a brief update on the request from the Old Colony Regional Vocational Technical High School. They are looking for people to serve on the Superintendent's Search Committee as the current Superintendent, Frank Cody, has submitted his resignation effective October 31, 2016. The first meeting of the Search Committee has been scheduled for June 15<sup>th</sup>.

### **Schedule July, August and September Meetings**

Chairman Hollenbeck stated that she needs to change the Selectmen September meetings back to Monday nights. The Wednesday dates for July (13<sup>th</sup> and 27<sup>th</sup>) and August (10<sup>th</sup> and 24<sup>th</sup>) do not need to be changed. The September meeting dates were scheduled for September 12 and 26, 2016.

### **Review and vote to approve Executive Session Board of Selectmen Meeting Minutes for June 1, 2016**

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

VOTED: To approve the Executive Session Board of Selectmen Meeting Minutes for June 1, 2016 as presented.  
Unanimous in favor.

### **New Business**

Ms. Garbitt explained that Kenneth Upham, Chairman of the Cemetery Commission had a request. There has been some vandalism at Strowbridge Cemetery and a gate is needed to secure the cemetery better along with a camera. The Cemetery Commission budget is about \$1,000 short; however, there are funds available in the repair and maintenance budget. The Selectmen are being asked to allow this transfer. There was consensus of the Selectmen to allow the

transfer so that the Cemetery Commission may add a gate and install a camera at the Strowbridge Cemetery.

Ms. Garbitt provided an update regarding the “Cowboy Shack”. Don Bissonnette has communicated that it will be approximately \$20,000 to provide electricity, heat, air conditioning, do sheet rock, install insulation and to put in an alarm at the building. Mr. Bissonnette will need to obtain quotes.

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

VOTED: To approve \$20,000 towards the necessary work which needs to be done at the “Cowboy Shack” with the approval of the Building Commissioner.  
Unanimous in favor.

Ms. Garbitt provided an update regarding the Route 105 Corridor Study that is taking place through the Economic Development Committee (EDC). The EDC met last night to review the Route 105 Corridor Study. Grant King of SRPEDD was contacted about completing the study and about advising the plans for moving forward. It would be beneficial for the Selectmen to meet with the EDC about the Study, possibly around the week of June 27<sup>th</sup>. Selectman Burke further explained that it is really just for providing comments on the document and then having a strategy session take place regarding the next steps, providing everyone is in agreement. The Study is to help enhance development at the former Lakeville Hospital end of town. Chairman Hollenbeck stated that she is only available June 29<sup>th</sup>. Ms. Garbitt will call Mr. King and schedule a meeting at the Library or Senior Center so that comments can be provided, once the study has been presented to the Selectmen.

#### **Old Business: Update from Selectman Hollenbeck regarding the Regional Finance Subcommittee and the discussion with the Auditors regarding the GRAIS Debt**

Chairman Hollenbeck explained that the Regional Finance Budget Subcommittee will be looking at the GRAIS debt. Chairman Hollenbeck will be emailing Fred Baker, Director of Business & Finance for the Regional Schools, to request the enrollment figures for FY16, which would be from October 1, 2015. This will allow her to run the latest numbers.

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

There was no other business presented for discussion.

#### **Other Items**

1. Memo from Jeremy Peck regarding Curb Cut – Map 32, Block 2, Lot 6 Highland Road
2. Notice from TEC Associates regarding Massachusetts Coastal Railroad 2016 Vegetation Control
3. Letter from Comcast regarding Channel Changes

At 8:20 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c. 30A, subsection 21a (2) to conduct contract negotiations with non-union personnel, specifically the Fire Chief .  
Polled vote of Selectman Hollenbeck, Selectman Burke and Selectman Powderly.

**List of documents provided at the June 8, 2016 Selectmen's Meeting**

1. Transfer Agreement with the City of Taunton for the sale of the Water Tower and Pump Station including signature page.
2. Request from Town Clerk to send letters to the state political committees regarding poll workers and letters to send to the democratic and republican committees.
3. Request from Old Colony Regional Vocational Technical High School asking for people to serve on the Superintendent's Search Committee.
4. New schedule to discuss for the Selectmen's meetings for July-August.