

TOWN OF LAKEVILLE
Selectmen's and Wage & Personnel Board, as applicable
Meeting Minutes
June 22, 2016 – 6:30 PM

On June 22, 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 6:30 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.

6:30 PM Meet with Police Chief regarding appointment of Tyler Silva as Police Officer/Constable and Adam Brightman and Adam Swift as Reserve Officers/Constables

Frank Alvilhiera, Police Chief, was present for the discussion. Chief Alvilhiera stated that the position for Police Officer/Constable was posted after Frank Sanchez left. He asked that Tyler Silva be appointed to fill the position, effective July 1, 2016.

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

VOTED: To appoint Tyler Silva as a Police Officer/Constable, effective July 1, 2016 with a one (1) year probation. The appointment will be contingent upon successful completion of the Randolph Police Academy, a psychological examination and physical examination.
Unanimous in favor.

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

VOTED: To appoint Adam Brightman and Adam Swift as Reserve Police Officers/Constables. Both appointments are effective July 1, 2016 with a one year probation and contingent upon successful completion of a physical and physical abilities test.
Unanimous in favor.

6:40 PM Meet with Fire Chief regarding appointment of Jasmine Wiley and Justin Dean as Fulltime Firefighters and Julia Lahaie and John Papoulis as Call Firefighters

Chairman Hollenbeck said the Fire Chief was unable to attend the meeting. However, he has provided a letter asking for the appointment of two (2) Full-Time Firefighter/Paramedics and two (2) Call Firefighters.

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

VOTED: To appoint Jasmin Wiley and Justin Dean as Full-Time Firefighter/Paramedics. The appointments are contingent upon successful completion of a Department approved physical examination, State Physical Abilities Test and a one (1) year probationary period. Justin Dean's appointment is also contingent upon completion and passing the Massachusetts Fire Fighting Recruit Fire Training Program.
Unanimous in favor.

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

VOTED: To appoint Julia Lahaie and John Papoulis as Call Firefighters, contingent upon passing a Department approved Physical and Physical Abilities Test and a one (1) year probationary period. Their appointments would expire on July 31, 2017.
Unanimous in favor.

6:50 PM Meet with Superintendent of Streets and Building Commissioner to discuss Abbreviated Highway Facility Study-Preferred Alternative and discuss the memo regarding the Curb Cut for Lot 6 Highland Road

Jeremy Peck, Superintendent of Streets, was present for the discussion. Mr. Peck showed the plans from the abbreviated Highway Department Facility Study. Weston & Sampson is the engineering consultant that has provided four (4) alternatives. The engineering consultant is now looking for the preferred alternative from the Board in order to finalize their report and close out. Mr. Peck would like the Board to vote on Alternative #4. The main reason is having the maintenance shops and vehicle storage building adjacent to one another. This is the most efficient set up for the site. The location of a proposed salt shed on Alternative #4 is something that may change based on the best needs of the Department. Moving forward, when the Town moves closer to installing a new storage facility, mechanics workshop, administrative building or salt shed, the first step by the Town should be to finalize the Highway Department Facility Study. The Town should utilize the survey of the site done by Jon Pink, Land Surveyor, dated May 9, 2016. It is hoped that in FY18, the proposed salt shed will be funded and built. Mr. Peck explained that he had met with Selectman Powderly and Nate Darling, Building Commissioner, to discuss the four (4) alternatives. It was suggested that the proposed salt shed be turned 90 degrees and to the side of the property, where it will be cleared of trees. Some of the material, located in the back of the property, may be able to be used to form a berm along the property line. Cleaning up that area is the main focus over the next year or two (2). Mr. Peck noted that the alternatives were developed using MassGIS aerial photography and the Town's Assessor information for the site. Property lines are approximate and are shown for guidance.

Regarding the Beneficial Use Determination (BUD), there is approximately 7,000 yards of material, which is substantially more than was originally thought. 3,000 yards of the material has come back reflecting that it is elevated for contaminants. Per DEP, it cannot be stored within 500' of an active private drinking well. Research has been done to determine where the private wells are and the locations of those on city water. Using the majority of the cleaner material to

build a berm along the property lines will save the Town approximately \$25,000-30,000 in costs of transporting it to the landfill at Crapo Hill. The present salt shed, which actually stores a combination of a sand salt mix, is rather small. The Town is only able to have 300 tons delivered at any given time. By building a new metal salt shed, it will have the capacity to store approximately 700 tons. The larger storage space will save the Town in multiple delivery costs or having to wait additional time for deliveries, since the larger Towns are able to receive a large amount as needed.

Selectman Powderly suggested that the auction take place soon to purge items no longer needed at the Highway Department to free up space to develop a nice berm along the side with mulch and trees planted across the top of it. The berm will help reduce sound and provide a nice facade. There is the electric right-of-way and water right-of-way that will need to be considered in this area as that work is done. Jon Chase from the City of Taunton has indicated that he is agreeable with who TMLP hired to do other work in clearing property, as they had done a great job. That company should be investigated to do additional work.

Mr. Peck stated that he had submitted the paperwork for the BUD permit last week. He will be meeting with the auctioneer on Monday to go through the list of items available for auction. The items that can be listed online will be publicized. Mr. Peck stated that the Police Chief and the Fire Chief have indicated that the auction can take place and items picked up as it works out for the buyers' schedule. It may be necessary to bring back the Land Surveyor, since there was difficulty getting a particular line of site in one (1) area. The area is elevated, has some trees and is difficult to see. The office trailer that is proposed to be placed on the site will be able to be moved in the event that the Town prefers it to be in a different location on the site. Alternative #4 is overall the ideal situation if the Town were to fund it at this time.

Mr. Peck then provided an update on the Curb Cut for Map 32, Block 2, Lot 6 Highland Road, as per his memo dated June 1, 2016. The contractor is Paul Turner of Turner Construction Corporation. Mr. Turner contacted Mr. Peck May 20th after a heavy rain storm regarding his intent to install a driveway at the above noted property. There was concern over storm water running from Highland Road down the existing Curb Cut for McCully Cemetery and onto the adjacent property. Different options were discussed, including installation of a drainage structure and culvert pipe under the existing driveway. It was explained to Mr. Turner that the work would be the responsibility of the new owner to alleviate any potential drainage or flooding issues that were existing and known prior to the Curb Cut request at the property. Basically, when the State built the bridge, they did not grade the road for the water correctly to reach the catch basins so there has been a ponding issue where the driveway apron is. The water goes along down to the Cemetery and to where the house is built. Mr. Peck had suggested installing a leaching basin, which is similar to a catch basin, but has holes in it allowing for drainage. The owners are not willing to fund any new drainage structures or pipe. Mr. Turner explained that he was directed to make the existing grades work with the new driveway and storm water run-off. The company installed the residential driveway on May 31, 2016.

Mr. Peck inspected the new driveway on June 1, 2016. The existing grades force some of the storm water from the new driveway onto the Cemetery property. However, the driveway was transitioned away from the Cemetery and will try to force the run-off into a swale that will run

along the home on the lot. At this time the Superintendent of Streets is requesting that the Selectman recognize the potential for concern from the owner of storm water run-off from the adjacent Town roadway and Cemetery. It is to be noted that the homeowner, engineer and contractor were all well aware of the existing storm water flows, and it should be enforced as such, if necessary. Mr. Peck stated that his contention is that this was an existing condition that is forcing water onto the property. The owners tried changing the direction of the water by changing the pitch of the driveway, which did not work. They were provided with a solution that they were not willing to pay for. The Cemetery receiving additional water is not a problem, though the house getting more water will be problematic.

7:30 PM Dog Hearing – Scott Wedge – 2 Lantern Lane

Chairman Hollenbeck read the letter of ascent for the Dog Hearing and explained the process. The hearing was declared open by Chairman Hollenbeck. Witnesses were sworn in: Beth Merithew of 1 Lantern Lane, Jolyn Devito of 52 Sherwood Lane, Stephen Keif & Tracey Keif of 13 Sherwood Lane, Peter Delaney of 54 Sherwood Lane, and Scott Wedge of 2 Lantern Lane.

Chairman Hollenbeck read the multiple complaints and letters received into the record. She stated that there are also a number of Police reports, emails, etc., associated to the complaints and letters received on the matter. Chairman Hollenbeck then asked for Tracy Keif, who filed the complaint, to explain what has been happening. Ms. Keif came forward and provided a bill from a vet visit when she had taken her dog to be seen due to injuries sustained from Mr. Wedge's dog. Brady (Mr. Wedge's dog) has bitten Riley (Mr. & Ms. Keif's dog) a few times under the fence. Pictures were shown of her fence and where her wood is stock piled. Brady walks along the fencing and is able to get under and through the fence. Mr. & Ms. Keif are trying to be proactive and help prevent the dogs from interacting by building up around the fence, but Brady is still able to get through. The dogs just don't like each other. Brady is a good dog; the two (2) dogs simply don't like each other. The Keifs don't want Brady in their yard and want Brady on a leash. It is the law.

Scott Wedge, Brady's owner, stated that he agrees with the leash law and will take responsibility. He has the invisible fence company coming out this weekend. He stated that he doesn't like anything (letters, complaints, etc.) with the word "vicious" in it referring to his dog. Chairman Hollenbeck explained that "vicious" is not anything that has been in the complaints and no one is accusing his dog of that. It is just two (2) dogs not getting along together. Massachusetts General Law 140, Section 140 may have that wording; however, that is just part of the law and that word is associated with the type of hearing taking place. Discussion needs to take place on the violation of the Town's Animal Control By-Law with respect to the leashing of dogs. Scott Wedge stated that Ms. Keif is saying that his dog is going through the fence and biting her dog. He stated that there were many times his dog has been loose, and he was not been picked up. He does not want issues with the Kief's, but he does not like the word vicious being associated with his dog. Selectman Burke stated that it doesn't matter if his dog is going around "licking babies", he should not be out, and Mr. Wedge just admitted that his dog is out often and is not being picked up for it. This cannot take place. Chairman Hollenbeck explained that it is more of a nuisance dog. She understood that the word "vicious" can be a personal reaction.

Beth Merithew stated that Brady is a great dog. He comes in their house, waits for left overs and then she brings him home. He is not vicious. The Kief's dog, Riley, is aggressive but Brady plays with every other dog in the neighborhood. Brady is a very non aggressive dog, and the other dogs just play with him. Peter Delaney read his wife's statement into the record and explained that she was unable to be present since she had to work. He does understand the leash law. Brady is a lovable dog, and Mr. Delaney wants to defend Mr. Wedge and Brady. Chairman Hollenbeck applauded the fact that Mr. Wedge is looking to install a fence. The Selectmen are frustrated, since complaints keep coming in, and it appeared that nothing was being done to resolve the matter. The Selectmen do not want this matter to continue going on or to see anyone getting hurt by either of the dogs, or the dogs themselves. Residents should be able to walk their dogs down the street and not worry about anyone getting hurt.

Chairman Hollenbeck closed the hearing at 8:00 PM. Selectman Powderly asked how old the dog was. Mr. Wedge responded that Brady will be nine (9) in September. He then asked what the backup plan is if the fence does not work. Mr. Wedge responded that he would be walking him in the morning, when they get home, and when his son gets home from school. Selectman Powderly mentioned that he was concerned about a situation that took place with an old dog at 44 Sherwood Lane, the Dowling's and whatever transpired after that. There are always alpha dogs, and enforcing the leash law is what needs to be done since not all dogs get along. Dogs bite dogs and when people get involved to separate them, is when damage takes place to people. Fingers are ripped open, tendons torn and long term medical problems can result from a dog bite. It is not felt that Brady will go and bite someone, but the first reaction of a human is to break up a dog fight, and that is when people get bit. It is not clear on what happened in the 2009 Police report. Mr. Wedge stated that this is the first that he has heard of that. Selectman Powderly asked when will the electric fence get installed. Mr. Wedge explained that he is meeting with two (2) companies to get prices and recommendations. He has two (2) acres of yard, so it is not an easy task. Selectman Powderly stated that when it is installed, the Animal Control Officer should inspect it. The true test of the fence will be to walk by with another dog. Mr. Wedge should stick with the plan of walking his dog on a leash in the meantime.

Ms. Merithew mentioned that Brady, Mr. Wedge's dog, has gotten hurt in the past. Selectman Powderly added that the concern is the dogs getting hurt, and the natural tendency is for someone to step in, and they end up getting hurt from breaking up the dog fight. This matter should have a month to see what happens. The neighbors are commended for coming forward, since it is difficult situation. Chairman Hollenbeck asked Mr. Wedge what he believed is a reasonable, realistic timeline for the fence being installed. Mr. Wedge responded that a month is fine. Chairman Hollenbeck stated that the Selectmen will put the decision in writing and provide it to Mr. Wedge.

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

VOTED: To give Scott Wedge of 2 Lantern Lane a month to install an electric underground fence for his dog Brady. The Animal Control Officer will inspect the fence once it is installed to ensure that it is working properly. This is in accordance with the fact that Brady is considered a nuisance dog by roaming off the property. Mr. Wedge will otherwise walk his dog on a leash when off their property.
Unanimous in favor.

Review the status of the Transfer Agreement with the City of Taunton

Chairman Hollenbeck explained that the discussion regarding the status of the Transfer Agreement with the City of Taunton is a follow up to the meeting that took place on June 14th. The closing is scheduled for Monday, June 27th. Bernard Green is the Attorney for the Clean Water Trust. Three (3) additional signatures are needed. Chairman Hollenbeck has provided the necessary signatures, and Ms. Garbitt will deliver the documents to the Registry of Deeds. A check will be provided from the City of Taunton, and it will be deposited as soon as possible. Ms. Garbitt will need to bring a copy of the notarized deed and copy of the vote from the November Town Meeting. The Mylar plans have to be brought to the recording. Selectman Burke suggested to authorize a member of the Selectmen or the Town Administrator to sign any additional documents.

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

VOTED: That the Board of Selectmen, acting pursuant to the vote taken under Article 3 of the November 17, 2014, Special Town Meeting and Chapter 32 of the Acts of 2016, convey to the City of Taunton, for general municipal and telecommunications facility purposes, the parcels of land located on Kenneth Welch Drive and Montgomery Street and described more particularly in said vote, and execute a deed and any other documents related or incidental thereto.
Unanimous in favor.

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

VOTED: To authorize Rita Garbitt, Town Administrator, to sign any additional documents necessary to execute the selling of the water tower and pump station to the City of Taunton.
Unanimous in favor.

Vote on FY17 Wage Scale

Ms. Garbitt provided information on the new Wage Scales, which will be effective July 1, 2016. There will be a differential for the Assessment Specialist, the Master Mechanic at the Highway Department and the new position, Administrative Assistant to the Council on Aging Director. The Wage Scale will again be put on the agenda for the December Selectmen's

Meeting to review any positions such as the Library Assistant and any others that may fall into the minimum wage category, which will change again in January 2017.

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

VOTED: To approve the Wage Scale for FY17, effective July 1, 2016.
Unanimous in favor.

Vote to approve and sign the Fire Chief's Employment Agreement

Chairman Hollenbeck said that the Fire Chief's Employment Agreement has been finalized and is ready for a vote.

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

VOTED: To sign the employment agreement with Fire Chief Daniel Hopkins, effective July 1, 2016 through June 30, 2019.
Unanimous in favor.

Discuss letter received from the William Noyes Webster Foundation regarding the possibility of locating a Medical Marijuana Dispensary in Lakeville

Chairman Hollenbeck stated that a letter had been received from the President of the William Noyes Webster Foundation, Jane W. Heatley, regarding the desire to have a meeting with the Selectmen to discuss the potential of entering into an agreement to have a dispensary in the Town's medical marijuana zone in Lakeville. The letter was asking to meet to see if the Town is willing to partner with them. Selectman Powderly stated that he didn't mind meeting with them, providing that the discussion is just at the listening phase to find out what they are interested in doing. This will be a big deal for the citizens of Lakeville. This particular foundation presently holds a Certificate of Registration to dispense medical marijuana in the Town of Dennis, and to be able to cultivate and manufacture marijuana and its by-products in the Town of Plymouth. Selectman Powderly noted that there is also a distribution place in Brockton. It was thought that they would have a clientele of 300-400 people; however, it is actually about 3,000 people. It has mushroomed into a lot of people signing up for it with all the doctors that write prescriptions for marijuana. Ms. Garbitt suggested meeting with them in July. Selectman Powderly noted that the letter asked to meet with the Town Planner, the Town Administrator and the Chief of Police.

Review and vote on Amended Job Description for the Payroll Processor

Chairman Hollenbeck stated that she had a conversation with Ms. Garbitt regarding the Job Description for the Payroll Processor. Chairman Hollenbeck is not comfortable signing off on the proposed Job Description, since it is part of a bigger discussion on roles and positions in Town. Whenever someone retires, it is a good opportunity to look at positions and roles. Ms. Garbitt did speak with Ms. Kenney, Treasurer and Tax Collector, about the Job Description. Ms. Garbitt mentioned that she does have some samples from other Towns, if the Board would like to include more Human Resources duties. Selectman Burke stated that there is always an

opportunity to take some work off of Ms. Garbitt's plate, and have the person in this position do more. Chairman Hollenbeck said she wants the opportunity to talk further with Ms. Garbitt and come back with a different description.

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

VOTED: To table the vote on the Amended Job Description for the Payroll Processor indefinitely and to take no action.
Unanimous in favor.

Review and vote on Compliance Certificate for 6 Agnes Way (Woods Edge)

Ms. Garbitt noted that the Town has \$29,500 in the Affordable Housing Trust Fund from the sale of the first three (3) affordable units that were sold in Woods Edge. This is the sixth unit that has been unable to sell as affordable housing. The Town will not receive any funds for this sale. After the first three (3) were sold, the economy tanked and people were not able to recoup what they had paid for their unit. The price that was paid was \$155,000. There were a total of 36 units, and 18 were originally affordable. The sale of this unit (6 Agnes Way-Wood Edge) will bring the total down to 14 affordable units.

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

VOTED: To sign the Compliance Certificate for 6 Agnes Way – Woods Edge.
Unanimous in favor.

Request for reappointment from Matthew Pauliks as Constable

Chairman Hollenbeck said there was a request for reappointment as a Constable from Matthew Pauliks.

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

VOTED: To reappoint Matthew Pauliks as Constable with a term to expire June 25, 2017.
Unanimous in favor.

Discuss re-scheduling August and September Selectmen Meetings

Chairman Hollenbeck stated that she would like to have meetings to discuss the role of the Strategic Plan and the Priority list for the Board for next year. The regular August meetings of the Board were scheduled for Wednesday, August 10 and 24, 2016. The September meetings of the Board were scheduled for Monday, September 12 and 26 2016.

Review and vote to approve Board of Selectmen Meeting Minutes for June 8, 2016

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

VOTED: To approve the Board of Selectmen Meeting Minutes of April 25, 2016 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes for June 8, 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 of June 8, 2016 as presented.
Unanimous in favor.

New Business

Ms. Garbitt mentioned that at the Selectmen's next meeting on July 13, 2016, the Selectmen and the Finance Committee will vote on the end of year transfers and financial policies that will be put forward. Chairman Hollenbeck will meet with those necessary to finalize the policies.

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

Chairman Hollenbeck provided a brief update regarding the GRAIS Debt. With the calculations, there really is no big change. The enrollment figures for FY16 have just been provided. Chairman Hollenbeck would like to make sure that everyone has been using the proper enrollment figures for GRAIS and for the figures to be correct. The School Department is reporting that the Town of Freetown overpaid by \$70,000, which is incorrect. Further information will be provided to the Board, after the Chair has reviewed the enrollment figures.

Ms. Garbitt stated that she is in the process of reviewing the contract with Acela (SoftRite) for the new software that was approved at Town Meeting. It is hoped to have that done by July 1st.

A handout was provided to the Board by Ms. Garbitt from Jeremy Spittle, Legislative Director at the Office of State Senator Michael J. Rodrigues regarding the Article 97 Legislation. Selectman Powderly stated that he was fine with the letter provided that the two (2) legal opinions agree. Selectman Burke explained that the hang up had been the fact that House Counsel and Senate Counsel did not agree. They each also had different information. It has resulted positively for the Town that both opinions match up, and both branches are now in agreement which does not usually happen. Ms. Garbitt stated that she will notify Senator Rodrigues that there is no need to file the Home Rule Legislation, since the Town does not need to seek special legislation to locate the Police Station on the Ted Williams Camp.

Any other business that may properly come before the Board of Selectmen

There was no other business for discussion.

Other Items

1. Press Releases from Police Department regarding apprehension of two (2) suspects involved in the Bridgewater Savings Bank robbery
2. Letter from Martha Schroeder regarding Wetlands By-law at Town meeting
3. Notice of Chapter 91 License Application – 10 Keene Shore Road
4. SRPEDD Commission Meeting Agenda – June 22, 2016
5. Letter from Mass Audubon regarding site walk on Howland Road property

Executive Session

At 8:15 PM, upon a motion made by Selectman Hollenbeck; seconded by Selectman Powderly it was:

VOTED: To enter into Executive Session and not return to Open Session pursuant to M.G.L. c. 30A, subsection 21a (6) to consider the purchase, exchange, lease or value of real estate, if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Board and the Chair so declares.

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

List of Documents provided at the Selectmen's June 22, 2016 meeting

1. Request from Police Chief for appointments of Police Officer/Constable and Reserve Police Officer
2. Request from the Fire Chief for appointments of full time Firefighters/Paramedics and Call Firefighters.
3. Abbreviated Highway Facility Study-preferred alternative. Memo regarding Curb Cut for Lot 6 Highland Road
4. Dog hearing for Scott Wedge, 2 Lantern Lane, Police reports, ACO reports, letters of complaint
5. Transfer Agreement with the City of Taunton for the Water Tower and Pump Station
6. Amended Job Description for the Payroll Processor
7. Wage scales for FY17, effective July 1, 2016
8. Fire Chief's Employment Agreement to approve and sign
9. Letter from the William Noyes Webster Foundation regarding the possibility of locating a medical marijuana dispensary in Lakeville.
10. Vote on Compliance Certificate for 6 Agnes Way – Woods Edge
11. Request for reappointment of Matthew Pauliks as Constable
12. Discussion to reschedule Selectmen August and September meetings.
13. Open Session Selectmen Meeting Minutes of April 25, 2016 and June 8, 2016
14. Executive Session Selectmen Meeting Minutes of June 8, 2016
15. Correspondence from Jeremy Spittle, Legislative Director regarding Article 97 Legislation