

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
June 24, 2015 – 9:00 AM

On June 24, 2015, the Board of Selectmen held a meeting at 9:00 AM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Burke at 9:05 PM. Selectmen present were: Selectman Burke, Selectman Powderly and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of The Middleboro Gazette was recording the meeting and LakeCAM was recording the meeting for broadcast.

Vote to sign the Deed and other Legal Documents for the sale of the Howland Road Property

Chairman Burke stated that the Town has finally been able to finalize the paperwork for the sale of the Howland Road property.

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

VOTED: Pursuant to the vote taken under Article 3 of the June 9, 2014 Special Town Meeting, to convey to the Commonwealth of Massachusetts, Division of Conservation and Recreation, for consideration of \$760,000, the 613+/- acre parcel of land located on Howland Road, being a portion of Lot 2 shown on a plan recorded with the Plymouth Registry of Deeds in Plan Book 41, Page 702, and being a portion of the property described in instruments recorded in Book 18180, Pages 232 and Page 228, and to execute deeds and any and all other documents as may be necessary or convenient to accomplish the foregoing, and further to amend the Declaration of Restrictions recorded in Book 39945, Page 249 to relieve the Town of the obligation to impose on the 10-acre Howland Street parcel a conservation restriction approved by the State, as the conveyance of said parcel to the Division of Conservation and Recreation is sufficient to protect said parcel. Unanimous in favor.

Martha Schroeder, Open Space Committee Member, asked if the Town owes money on the property and how much money will be going into the Town coffers. Chairman Burke responded that the Town still owes \$125,000. The difference from the sale will go into a special account titled Loan Proceeds from Town Owned Land. It can then be transferred to pay down debt or anything that has a useful life of five (5) years or more. Linda Grubb, Open Space Committee Member, asked if the money can be used to purchase land. Chairman Burke stated that the Selectmen have not looked into it beyond what Town Counsel has communicated that it could be used for. Ms. Garbitt will check with Town Counsel and notify Ms. Grubb and Ms. Schroeder what the answer is.

Vote to extend the Temporary Conservation Commission Clerk Position

Chairman Burke explained that the Conservation Commission has a Temporary Part-Time Clerk, whose employment ends on June 30, 2015. It is warranted to extend the position for a few

months while the Building Commissioner evaluates how that particular Department functions in order to determine the administrative needs of the Department.

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

VOTED: To extend the Temporary Part-time Conservation Commission Clerk's position through September 30, 2015.
Unanimous in favor.

Review and discuss revised Curb Cut Regulations

Jeremy Peck, Superintendent of Streets, was present for the discussion. Chairman Burke stated that the Selectmen had designated the Superintendent of Streets to issue the Curb Cut Permits on their behalf at Town Meeting. The yellow highlighted areas on the current Curb Cut Regulations reflect revisions Mr. Peck would like to make. He has a question highlighted in blue if the Planning Board needs to even be involved in the process. Chairman Burke said this is all to help expedite the process for the applicant. Mr. Peck explained that the Planning Board is comfortable with the revisions. They feel that they are typically not provided enough information from the applicant to make the decision as it is. The current process holds up the applicant depending on when the Selectmen and the Planning Board meet. This is an alternate way to speed up the process. Further, anywhere that it is necessary to have culverts, some language will be inserted regarding the minimum size pipe that can be used and the type. This takes place typically on Town property, therefore, if changes or a fix is necessary, there will be specifications in place so that the modification can be made with matching materials. He is still working on the language for the general conditions. Chairman Burke stated that he is not against relieving the Planning Board from reviewing Curb Cut Permit applications. The Planning Board typically has Site Plan review, and they review Curb Cuts as part of the process anyway. This matter will be revisited at the next meeting of the Selectmen.

Update from Selectman Hollenbeck on the Dam Meeting regarding Special Legislation

Selectman Hollenbeck stated that a Dam meeting had taken place on June 9th. It was an interesting meeting. It was noted that the pond levels are fairly low at this time, and that the ground water is also fairly low. A graph update was provided at the meeting of where the levels are in relation to each other. The Special Legislation is in the House and the Senate right now regarding forming a Flood Management Commission, which would involve districts of other Towns. This would be a public body that would discuss the flooding issues and pond management. There is a lot of concern about the legislation. Some of the items that came out from the discussion were the fact that this is another unfunded mandate. In the language proposed, the members of the Committee would have to act in the best interest of the District, not the Towns or Cities that they are representing. The funding is scheduled to go through the bond bill that has been appropriated, however, nothing has happened at this time. Representative Keiko Orrall was consulted about the matter, since there seems to be no means to get the money to this area to do anything with it. The Dam group now is not a formal body. The present group has a lot of concerns, yet they do not have authority to do anything. They are a group of people that have come together to discuss the issue.

Selectman Hollenbeck said that at the meeting unintended consequences were also discussed. Selectman Powderly pointed out that the burden of the damage of the flooding is to the two (2) Towns that are impacted. Discussion occurred regarding formal meeting minutes. Selectman Powderly stated that he supported that all member Towns, based on the population of square miles of ponds, should provide support equally. Why should one (1) Town have to come up with the money, when no income is received, yet it incurs all the damage? It seems that it would be beneficial to meet with the Town of Middleborough, Freetown and possibly Rochester. Selectman Hollenbeck stated that she was just looking for a starting point for the discussion and Allin Frawley, Chairman of the Middleborough Board of Selectmen, had reached out to her. Selectman Powderly indicated that he would rather have a larger meeting, than just meet Town by Town. Chairman Burke stated that it would be beneficial if the group can build a consensus on particular points, then they would have the guidance and vision to allow other communities to agree. Selectman Hollenbeck stated that she would not mind meeting with Middleborough. The intent is to see where they stand, then to see if it would lead to a joint meeting with all the stakeholders. Jack Healey, Freetown Town Administrator, was at the meeting, however, no one from the Middleborough Selectmen were there. The primary concern is the unintended consequences from the legislation. The group felt that they were not represented, or asked for input, on the legislation. It should be discussed in a formal manner, invite Legislators, and all the Towns to gather input. Chairman Burke suggested that as a courtesy for the meeting to take place with the Middleborough Selectmen initially, then to go from there.

Discuss and vote on dates for the Farmers' Markets for CDC

Selectman Hollenbeck stated that the Selectmen voted on the date for Summerfest for Sunday, September 20th, however the dates for the Farmer's Markets have not been voted on yet. A flyer has been provided regarding the "Grow Your Own Lakeville" events that the Community Development Committee has been working on. The first two (2) dates being proposed are Tuesday, July 7th and Tuesday, July 28th. These dates are when the Lakeville Arts Council is holding its music events at the Town House. Two (2) morning dates are also being proposed for Saturday, August 8th and Saturday, August 22nd at the Town House. The first date in July will basically be an information event in order to advise people what they need to do in order to sell their products at the Farmer's Markets.

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

VOTED: To approve July 7, 2015 and July 28, 2015 from 6:00 to 8:00 PM and August 8, 2015 and August 22, 2015 from 8:00 AM to 10:00 AM as the four (4) dates for the "Grow Your Own Lakeville" Farmer's Market events of the Lakeville Community Development Committee at the Town House.
Unanimous in favor.

Vote to approve the FY16 Wage Scale

Ms. Garbitt provided the Wage Scales for FY16, which will be effective July 1, 2015. It includes the 1.75% increase. Selectman Hollenbeck stated that her only comment is with the new minimum wage laws, which the Town does not have to adhere to; there are some positions

that will fall under minimum wage. These are Level 12, Steps 1, 2, & 3. This is mainly the positions at Clear Pond and the Library/Page.

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

VOTED: To approve the Wage Scales for FY16, effective July 1, 2015, which includes the following four (4) categories: Union employees, Non-union employees, Non-Union part-time non-benefit eligible employees, and Call Firefighters.
Unanimous in favor.

Review Site Plan for 7 Main Street

Chairman Burke said there was a request from the Planning Board to review the Site Plan for 7 Main Street. The Selectmen reviewed the plan and had no comments. A memo will be sent to the Planning Board.

Request to award Gasoline and Diesel Fuel Bids for SERSG

Chairman Burke stated that Southeastern Regional Services Group (SERSG) has gone out to bid for gasoline and diesel fuel. Mr. Peck, Superintendent of Streets, has requested that the Selectmen award the bid as provided. The prices are better than those on the State bid list. Ms. Craig noted that the bidders were bidding on the delivery price per gallon. Selectman Powderly asked how the Town would know that it is receiving a price better than what it could purchase the fuel for on the street. Ms. Craig added that all gasoline vendors pay the same price per gallon from the Boston Terminal, and the price fluctuates on a daily basis. They are required to supply the Town with a copy of the Index Price the day of the delivery to verify.

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

VOTED: To award the Gasoline and Diesel Fuel Bids for SERSG to Peterson Oil Service, Inc. of Worcester, MA for Mid-Grade Unleaded Gasoline, estimated at 45,000 gallons at a bid increment of .0370/gallon and for Ultra Low Sulfur Diesel, estimated at 18,000 gallons at a bid increment of .0185/gallon.
Unanimous in favor.

Vote to approve Animal Control Officer Warrant

Chairman Burke provided an explanation on how the Town must annually issue a warrant to the Animal Control Officers giving them authority to pick up stray and unlicensed dogs.

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

VOTED: To issue the Warrant to the Animal Control Officers to pick up stray and unlicensed dogs.
Unanimous in favor.

Request from Police Chief to appoint Richard Pacheco as Police Officer/Constable

Chairman Burke stated that a letter was received from the Police Chief requesting the appointment of Richard Pacheco as Police Officer/Constable.

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

VOTED: To appoint Richard Pacheco as a Police Officer/Constable with a term to expire July 31, 2016, contingent upon a one year probation period and successful completion of a physical examination.
Unanimous in favor.

Review memo from the Open Space Committee regarding Chapter 61 Properties

Martha Schroeder and Linda Grubb from the Open Space Committee were present for the discussion. Chairman Burke stated that the Board has received a memo from the Open Space Committee regarding Chapter 61 properties that they feel the Town should be interested in if they become available. They are also requesting that the Selectmen look into adopting the Conservation Preservation Act (CPA). Ms. Schroeder stated that many of the Chapter 61 properties may never become available, however, the Selectmen have the ability to say whether to sell them or not. The list provided has the properties that are felt that the Selectmen should look at and exercise their right of 120 days. They include parcels in the watershed for the Assonet River, parcels in the watershed for Wachamotusset Brook, Lakeville Country Club, farm land along the Nemasket, land along Leonard Washburn and Poquoy Brooks, any larger farm fields to keep them in agriculture, and Parcel 54-1-1 off Route 18. The Open Space Committee realizes that the Town presently has no funds for purchasing any lands should they come up for sale, therefore, it is suggested that a repository mechanism be established for any funds that might come to the Town, as has in the past, as recompense for damage to natural resources. Ms. Schroeder added that the Open Space Committee did explore the CPA several years ago, however, it was found that they cannot advocate for it, only educate about it. It seems that a separate committee, such as a group of citizens, should be formed to explore it again. Ms. Grubb noted that there are a few people that are considering forming a group and moving forward with the CPA. Selectman Hollenbeck stated that without input from a representative from people that would be involved with the administration or execution of the CPA, it will be difficult. Ms. Grubb stated that the Committee would have those people involved, and the group would have fundraising activities held to obtain the necessary monies to do what is involved. Minor further discussion took place on the topic.

Ms. Schroeder stated that she thought that some funds had been given to the Town from N.E. Rental when they developed their property. Ms. Garbitt explained that Marcus Baptiste had donated \$50,000 to the Town for the relocation of Route 79. Those funds went into the General Fund. Ms. Schroeder stated that there ought to be a repository for these type funds for benefitting conservation for the Town, yet there is no mechanism or separate fund. Chairman Burke stated that this is a matter of opinion, whether it is right or wrong. It is not a bad idea to establish an account to set aside monies for these needs. Selectman Hollenbeck mentioned that it could be done.

Schedule July, August and September Meetings

It was the consensus of the Selectmen to schedule the follow meetings for July, August and September: July 14, 2015 at 9:00 AM; July 29, 2015 at 6:30 PM; August 12, 2015 at 9:30 AM; August 26, 2015 at 7:00 PM; September 9, 2015 at 9:30 AM and September 23, 2015 at 7:00 PM.

Review and vote to approve Board of Selectmen Meeting Minutes of March 10, 2015; March 17, 2015; March 23, 2015; March 24, 2015 (2 sets); April 7, 2015 and June 15, 2015

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

VOTED: To approve the following Board of Selectmen Meeting Minutes as presented: March 10, 2015, March 17, 2015, March 23, 2015, March 24, 2015 (2 sets), April 7, 2015 and June 15, 2015.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of June 8, 2015 and June 15, 2015

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

VOTED: To approve the following Board of Selectmen Executive Session Meeting Minutes as presented: June 8, 2015 and June 15, 2015.
Unanimous in favor.

New Business

Mr. Peck stated that Ed Kozlowski from the Transfer Station is retiring. Mr. Peck would like to have a full time person to replace him with a work schedule of Monday-Friday. This person would also handle bringing the roll off truck containers two (2) days a week for unloading. Mr. Peck provided additional details of what he needs for staffing at the Transfer Station and Highway Department. Ms. Garbitt said this would need to be posted in house. Mr. Peck said if someone from the Highway Department applies for the job, then he would need to replace that employee. Minor further discussion took place regarding the positions, the state of flux of the Departments, seniority, etc. Mr. Peck suggested that the Union be made aware of what was taking place, so that they can provide direction on how this is being perceived. It is essentially two (2) separate Departments under one (1) Manager.

Ms. Garbitt stated that the Police Department now has a standing order to use Narcan when necessary. Chairman Burke stated that at the State level, the Governor is putting together a task force to deal with narcotics, opiates, etc. that appear to be everywhere recently. Chief Alvilhiera completed a survey to be involved in that discussion. This is good and hopefully at the State level there will be money made available for the treatment side of this, which is important. The Police Chief added that into his survey about having an educational component for the schools.

Ms. Garbitt asked when the Selectmen would like to meet with the Board of Assessors to go over their report. It was the consensus of the Selectmen to try and meet with the Board of Assessors on July 6th or July 7th during the morning.

Old Business

Jeremy Peck, Superintendent of Streets was present to discuss the SEMASS contract with the Selectmen. Mr. Peck stated that he has received the draft report regarding the Technical Assistance from DEP as part of a grant. The Selectmen will be able to view it, once it is finalized. Ms. Garbitt stated that she can also send it to the Selectmen in draft form. Mr. Peck explained that it is basically comparing Lakeville to Towns with similar set ups. Selectman Powderly asked if this is about other Towns taking Lakeville's waste. Ms. Garbitt stated that based on the opinion from Town Counsel, the Town can go back to SEMASS and talk to them about the contract. Mr. Peck stated that the Town will need to have someone that will accept solid waste. Chairman Burke explained that Town Counsel discovered, in researching the contract on Lakeville's behalf and exploring the options, that the present contract is not a valid contract. Their fees are substantially higher than what the market is. They were contacted about renegotiating the contract, but they had no interest in doing so. Town Meeting had voted the contract for a period not exceeding 20 years. However, it has been found that under State law that the contract is not valid; it has been too long a period of time. The contract expired on November 30, 2014. The Town will then be soliciting quotes from other companies. The matter may evolve into a legal fight anyway.

Mr. Peck stated that there was one (1) amendment extending the contract for two (2) six (6) year periods. At this time, SEMASS is charging the Town almost \$104 per ton, while it should be more like \$75 a ton. That alone will be about a \$25,000 cost savings to the Town per year. Mr. Peck cautioned the Board that the facility in Rochester has not completed their renovations. It may be more beneficial to wait until matters have settled before the Town makes any changes. Chairman Burke suggested that bulky waste, hauling fees, and all additional costs be considered as well. Mr. Peck explained that SEMASS requires 1,000 tons a year, and the Town is only bringing in 800 tons, so the Town could be penalized. He said that only solid waste goes to SEMASS. The recyclables go many different places. The Town also does not want to be tied in anywhere, since it wants to be able to consider prices. Most recyclables are going to China now, since they want clean materials and Lakeville is considered to be "clean". However, with the single stream process taking place now, there is then another process that has to take place after the fact. Mr. Peck explained that the Town has a grant to separate bulky plastics, like lawn furniture. There are a lot of places that do not want to accept it, so the Town pays a little for it to be taken away. Recycling is tough, since the Town is not getting anything for handling the recyclables. Basically, the Town is paying, through labor, a truck and gas, etc. The more recycling that is done though, the less is going into solid waste.

Other Items

1. Email from Nancy Lamarche regarding the Lakeville Animal Shelter
2. Letter from SRPEDD regarding election of Selectmen to serve on the SMMPO
3. Letter from Plymouth County Registry of Deeds regarding FY15 Accomplishments

4. Letter from Plymouth County Registry of Deeds regarding FY16 Budget
5. Notice from Verizon regarding FiOS TV programming change
6. Notice from Verizon regarding FiOS TV fee and programming change

At 10:30 AM, upon a motion made by Selectman Powderly; seconded by Selectman Hollenbeck it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21(a) (1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual; pursuant to M.G.L. c.30A, §21(a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel, specifically the Town Accountant; and pursuant to M.G.L. c.30A, §21(a) (3) to conduct strategy sessions in preparation for negotiations with union personnel, specifically the Lead Operator at the Transfer Station.
Polled vote: Selectman Hollenbeck-Aye, Selectman Powderly-Aye, and Selectman Burke -Aye.

List of Documents provided at the June 24, 2015 meeting

1. Quitclaim Deed for sale of Howland Road Property, Letter from Town Clerk regarding Town Meeting article, Amendment to Declaration of Restriction, Letter from NHESP regarding Amendment to Conservation and Management Permit
2. Recent job posting - Temporary Part Time Conservation Commission Clerk Position
3. Proposed & current Regulations for residential and business driveways and curb cuts under town curb cut by law
4. Update from Selectman Hollenbeck regarding the Dam meeting and Special Legislation
5. Vote for Farmer's Market dates for July and August per the Community Development Committee and a craft brochure for "Grow your own Lakeville"
6. Wage scales for FY16 effective July 1, 2015 for Union employees, Non-Union employees, and Non-Union part-time non benefit eligible employees.
7. Site Plan for 7 Main Street
8. Request from Jeremy Peck to award gasoline and diesel fuel bids for SERSG to Peterson Oil Service, Inc. of Worcester, MA
9. Animal Control Officer Warrant
10. Request from Police Chief to appoint Richard Pacheco as Police Officer/Constable
11. Memo from Open Space Committee regarding Chapter 61 Properties
12. Proposed meeting dates for the Selectmen for July, August and September.
13. Selectmen Meeting Minutes for approval: March 10, March 17, March 23, March 24 (2 sets), April 7, and June 15, 2015.
14. Selectmen Executive Session Meeting Minutes for approval: June 8, 2015 and June 15, 2015