

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
June 30, 2014 - 7:00 PM

On June 30, 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 7:01 PM. Selectmen present were: Selectman Powderly, Selectman Burke 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 along with LakeCAM for local community broadcast.

7:00 PM Meet with Lakeville Arts Council

Joanne Corrieri-Upham, Jacqueline Kennedy, Richard Tripp, and Janice Lyons, Members of the Lakeville Arts Council, were present for the discussion. Chairman Powderly told the Arts Council Members that the Selectmen were meeting with various Boards and Committees in Town to have them introduce themselves, provide an update, and explain what they do, and what the Selectmen can do to assist them.

Mr. Tripp stated that the Arts Council awarded \$4,100 in grants last year. There were 14 applicants applying for the grants. Lakeville applicants received nine (9) of those grants. The Arts and Music Festival will be held on October 4, 2014. This will be the 10th year and helps promote local artisans, musicians & performers, craft demonstrators, pottery makers, painters, leather maker, spinners and weavers. It is hoped to maybe provide a studio for local artisans to demonstrate how they make their art. There will be a concert on July 19, 2014. The Arts Council hopes to hold these events a few times each year. The concert will take place on Center Stage at the Town House.

Selectman Powderly stated that the Arts and Music Festival is well known. However, due to the fact that attendance has increased, some consideration needs to take place about having a park and ride somewhere nearby. Perhaps a shuttle could be run from the Ted Williams Camp or Assawompset School. It is not favorable to have people parking and walking long distances. Ms. Corrieri-Upham stated that the Council looked into transportation, and it was very expensive, mainly due to insurance, so that is an issue. Selectman Powderly mentioned that Middleborough put on a festival at Oliver Mill Park, and they ran a shuttle bus from the KOA Campground. There should be a way to do it through GATRA.

Selectman Burke stated that he has been on the Board of Selectmen for over a year, and had not had the opportunity to meet the Arts Council Members. He asked what the Selectmen could do to help the Arts Council function better. Ms. Corrieri-Upham stated that she has discussed with Ms. Craig about making sure that Lakeville and Middleborough don't plan events on the same day. Selectman Hollenbeck suggested that the Arts Council speak with Jane Kudcey about working together on community events. Selectman Burke said that the outdoor concert would be a nice community event. Some members of the Economic Development Committee have been trying to focus on community events and creating a Town center feel. Ms. Corrieri-Upham said that the Arts Council receives a lot of assistance from Ms. Garbitt, Ms. Craig, and Ms. Melo at the Lakeville Library, the Highway and Police Departments.

7:15 PM Meet with Open Space Committee

Linda Grubb, Donald Foster, Martha Schroeder and Brian Reynolds, members of the Open Space Committee, were present for the discussion. Ms. Grubb stated that the Open Space and Recreation Plan was just updated, and it is good for seven (7) years. The Plan was accepted by the Planning Board and the Selectmen. The Committee is working on summer programs this summer. Ms. Schroeder said they will be holding an event at the Tamarack Park on July 20, 2014. It is to help get people to visit the Town's Open Spaces, to create an awareness of the Committee, its goals, and what it is doing. At this event, Ms. Grubb will speak on invasive exotic plants, and what to do to identify them. Mr. Reynolds will speak on the history of the Tamarack Park. Patrick Marshall will show where the canoe launch is, since many people do not know where it is. Then in September, we are hoping to put on a Thoreau themed nature walk. We do not have a date for that as of yet, however, it will take place at Betty's Neck. The Committee is also working on certain bylaws. We supported the Open Space Residential Subdivision Bylaw, which the Planning Board is working on. The bylaw does not restrict the number of housing units, but it does preserve Open Space.

Ms. Grubb said the Town has two Agricultural Protection Restrictions (APRs) and needs to be aware of what is happening with those APRs. One site is Hilltop Farm on Highland Road; the other is the Wilkie Farm. Hilltop Farm was given to The Trustee of Reservations, but is held in the name of another entity. Selectman Powderly asked what would people do with the Wilkie Farm. Ms. Grubb responded that people would go to the State, where they have money under their APR program, however, they ran out of money before they got to Lakeville. We have heard, that when they get more money, Lakeville will be on the top of the list. It is suggested to maybe send them a letter asking for input on what could take place at the sites. There are horseback riding trails and gardens on the sites. Ms. Schroeder further added that the TOR's are in a state of flux, but Hilltop Farm is required to have programs taking place there.

Ms. Grubb mentioned the fact that the Lakeville townspeople are paying into the Community Preservation Act fund and do not benefit from it. It would seem that some education and discussion needs to take place regarding the CPA again so that people know it exists. Ms. Grubb stated that the new FEMA maps need to be reviewed in order to look at the streams to make sure that they are named and properly identified. The Committee can look into correcting all the maps, and getting names associated or added to a stream that has no name. The Committee has already named three (3) in Town. There is a Federal Agency for geographical names, and they meet once or twice a year and vote whether or not to accept the name provided. Mr. Reynolds stated that he favors having little pocket parks that people could walk to. At one time, a Planner came through town and helped work on one of our Master Plans, specifically about having small pocket parks.

Ms. Garbitt stated that she didn't know if the Board had a chance to look at the charge for the Open Space Committee that was submitted to them a few months ago. Ms. Grubb noted that the original charge had Conservation Restriction dates, however CR's don't expire. There should be a list of deed restrictions and the dates that they began. The Town has no control of private conservation restrictions; that is up to the property owner, the State and the entity that holds the restriction. When a piece of property, such as Robins Lane comes off the list, CPA funds would

help to possibly pay for the land, if it is a piece of property that the Town would like to see protected. The Open Space Committee develops procedures, and at any time can provide advice and recommendations. Selectman Powderly asked how many Chapter 61 properties were in Town. Ms. Grubb stated that they are listed in the Open Space Plan. The acreage is what is important. There are 2,300 acres under various categories; 61a, 61b and 515 under 61b. The Committee recently voted on the Howland Road Property owned by the Town. There is approximately another 600 acres adjacent to it under 61a. That is another question, of what will happen with that, if and when it comes out of 61a. Ms. Schroeder stated that the Committee is supposed to have a member from the Park Commission. There is a member assigned, however, his schedule does not allow him to attend the meetings. A lot of what the Open Space Committee does is to promote passive recreation. Selectman Powderly mentioned that the Park Commission meets on Monday nights. He suggested that the Committee contact them to get another member. Ms. Grubb asked if the Park Commission could vote to have someone represent them. Most of the members of the Open Space Committee serve on more than one Board or Commission. It would be nice to pull in some new people.

7:30 PM Meet with Cable TV Advisory Committee

David Curtis and James Longo were present for the discussion. Mr. Curtis said he and Mr. Longo were the only members left on the Cable Committee. He noted that the Cable Committee is not really active right now, since there is nothing to act on. Here and there someone has a complaint about service, and we aim them to the right person to get the complaint taken care of. Until we start working with Verizon on the new contract, we don't have much to do. However, since the contract is expiring soon, we would like to have the three (3) vacancies filled. Within the next six (6) months, the Town should be receiving a letter saying that Verizon will be renewing the contract, and then the Committee is on a timeline. From the date the letter arrives, the Committee has until May 4, 2018 to reach an agreement on a new contract. The previous contract took a little bit longer, since the studio had to be set up. If the negotiations are not completed in time, the old license will stay in place, provided that negotiations are taking place in good faith. If negotiations break down, then it goes to the State Committee for resolving. The license that was previously set up was based upon what was taking place with Comcast. Language was included that if any new provider came into Town, they had to have the same provisions in their contract as Comcast. They have put language in there that if someone gets a more favorable license, then they will revisit the contract again. The Committee should be going along with the same contract for both again. Mr. Curtis said there are not any sticking points at this time, and Peter Epstein is a very good attorney. This will be either his 3rd or 4th time helping the Town negotiate a contract. There were certain stipulations, when the Town was with Continental, that were left out originally. So Attorney Epstein has made sure all the particulars were included.

Ms. Garbitt said that Verizon has contacted the Town regarding setting up a meeting with the Cable Committee. Mr. Curtis stated that a lot of people say they don't want to be on the Committee, since they do not have cable. However, those are the people that we want to have on the Committee in order to find out why they do not want or have cable. Matthew Ferreira was asked to run an article publicizing the vacancies on the Cable Committee.

Vote to approve and sign Employment Contract with the Town Administrator, effective July 1, 2014

Chairman Powderly noted that some changes were made with respect to termination language and a few clauses were added. Selectman Burke stated that he did have a few questions. Paragraph 12, there is an 8 month notice provision. He felt it was way too long and that it should mirror Paragraphs 1 and 2. Conversation will begin May 1 for any renewal on July 1. This notice of renewal should mirror the expectation of a discussion, so it should be 2 months. If there is no notification that we don't wish to renew the contract within 8 months, it then automatically extends for a year. Ms. Garbitt mentioned that the Police and Fire Chiefs notifications start in March, and if the Chief or Board does not do anything by then, it does automatically renew for a year. Selectman Burke stated that Paragraph 12 should mirror Paragraph 1. Selectman Hollenbeck brought up that Paragraph 11 is a 60-day termination. Ms. Garbitt read the language that the Police and Fire Chiefs have in their contract. Selectman Burke stated that he preferred 60 and 60, not 90 and 90. Ms. Garbitt stated that as an employee she would like 90 days. It would be nice to have the contracts the same to keep things consistent.

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

VOTED: To make changes to Paragraph 1, 11 and 12, change the date to March 1st from May 1st; on page 4, #11 the notice will be changed to 90 days and #12, the renewal agreement will change from 8 months to 90 days and to approve and sign the Employment Agreement with Town Administrator Rita Garbitt.
Unanimous in favor.

Vote to approve and sign the Collective Bargaining Agreement with the Police Union, effective July 1, 2014

Ms. Garbitt briefly explained the language changes which were done to try and make the agreement consistent. An example would be where it said the Police Chief, Chief of Police, or just Chief. Also the word it's and it should be its.

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

VOTED: To approve the Collective Bargaining Agreement with the Police Union, effective July 1, 2014 through June 30, 2017.
Unanimous in favor.

Review and vote on request from Police Chief to appoint a Police Officer

Chairman Powderly read the request from Police Chief Alvilheira into the record.

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

VOTED: To appoint Jared Stobie as a Police Officer/Constable, effective July 6, 2014 expiring July 6, 2015 with a one year probation, contingent upon successful completion of a psychological examination and physical examination.
Unanimous in favor.

Request for Road Cut – Columbia Gas – Pole 52A – Taunton Street

Chairman Powderly reviewed the Road Opening Permit request from Columbia Gas for Pole 52A on Taunton Street. He noted that Jeremy Peck, Superintendent of Streets, had inspected the area.

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

VOTED: To approve the Road Opening Permit for Pole 52A Taunton Street, according to the Superintendent of Streets' letter of specifications dated June 17, 2014.
Unanimous in favor.

Request for Road Cut – R. W. Bryant for Comcast – Kenneth Welch Drive

Chairman Powderly reviewed the Road Opening Permit request from R.W. Bryant to install Comcast cable services on Kenneth Welch Drive. The Selectmen indicated their disappointment at the drawing submitted for such a large project. There is no indication of the depth. There is also natural gas and electricity running underground through the park. Ms. Craig stated that Comcast usually has a system plan, which is a detailed sketch. When she had spoken to Mr. Bryant, he stated that Comcast did not supply them with a system plan. Comcast wants to start July 7th and is eager to get it done. Ms. Craig said that a more detailed drawing was requested, but the installer wanted to begin work as soon as possible. Selectman Burke stated that he agreed with the plan as long as Mr. Peck is comfortable with what they are doing. Mr. Peck then entered the Selectmen's meeting. He explained that the digging will mostly be off the road. He did ask for flowable fill to be used for Rhode Island Road and Kenneth Welch Drive. They are trying to bore under the road, and they should contact me to make sure that they are doing what they should be doing. Selectman Powderly stated that he would just like to make sure that they know that Mr. Peck needs to be involved, if they have any problems. Mr. Peck will call them tomorrow to schedule a meeting for the first thing in the morning. Ms. Craig stated that the typical requested performance bond is \$2,500. Should it be increased? Ms. Craig explained that the Selectmen typically set the amount based on the scale of the project. Ms. Garbitt suggested for it to be in the range of \$25,000 to \$50,000.

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

VOTED: To approve the application for the Road Opening Permit for R.W. Bryant to install cable services along the length of Kenneth Welch Drive beginning at a pole on Bedford Street and ending at Rhode Island Road, subject to the company

providing a \$50,000 performance bond and meeting with Mr. Peck before any work begins.
Unanimous in favor.

Request to hold Annual Greg's Run on October 4, 2014

Chairman Powderly reviewed the request to hold the fourth Annual "Greg's Run" on October 4, 2014.

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

VOTED: To approve the request for the Fourth Annual "Greg's Run" to be held on Saturday, October 4, 2014 with a start time of 10:00 AM. The race will start and end at Apponequet Regional High School.
Unanimous in favor.

Request for Outdoor Entertainment Permit – September 27, 2014 – 16 Fuller Shores Road

Chairman Powderly said the Selectman had received a request for an Outdoor Entertainment Permit for September 27, 2014 at 16 Fuller Shores Road. Ms. Craig noted that the latest ending time the Selectmen have issued was for 11:00 PM at the Back Nine Golf Club. Discussion occurred regarding the ending time.

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

VOTED: To approve the request for an Outdoor Entertainment License for September 27, 2014 at 16 Fuller Shores Road from 5:30 PM to 11:00 PM.
Unanimous in favor.

Discuss letter of resignation from Elizabeth Walters from Library Board of Trustees

Chairman Powderly read the letter from Elizabeth Walters resigning from the Library Board of Trustees into the record. Chairman Powderly stated that the Board will accept the letter of resignation, and will further research how to appoint a new Library Trustee.

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

VOTED: To accept the letter of resignation from Elizabeth Walters from the Library Board of Trustees, effective June 15, 2014 and to send her a letter of thanks for her time served.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of March 24, 2014; March 31, 2014; May 27, 2014 and June 18, 2014

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

VOTED: To approve the Selectmen's Meeting Minutes of March 24, 2014 as presented.
Two in favor, one abstention (Selectman Hollenbeck).

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

VOTED: To approve the Selectmen's Meeting Minutes of March 31, 2014 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of May 27, 2014 (2 sets), June 16, 2014 (2 sets) and June 18, 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 May 27, 2014 (2 sets), June 16, 2014 (2 sets) and June 18, 2014 as presented.
Unanimous in favor.

New Business

Ms. Garbitt stated that she had received Edward Bunn's letter of resignation from the Finance Committee. Donald Healy, former Finance Committee Member, has expressed his interest in being appointed to the vacancy. It was decided to publicize the vacancy and ask for letters of interest until July 17, 2014. The current letter of interest will be held until that time.

Old Business

Selectman Hollenbeck spoke on the letter from the Board of Health regarding the Food Establishment License for the Ted Williams Camp. She was not sure whether or not they are trying to start a catering service at Loon Pond Lodge. Ms. Garbitt stated that she applied for the Food Establishment License for the Park Department for the Loon Pond Lodge building. The caterers have a license in the community where their business is located. Ms. Craig stated that the need for a Food Establishment License came into play because of the food that is being served at events at the Lodge. The facility does not have a permit to allow food to be served at the facility. Ms. Garbitt stated that the Park Commission will discuss this letter this evening at their meeting. Selectman Burke stated that he did not think that it is good policy for the Town, and it is a liability for the Town. Ms. Craig added that the Park Commission was thinking about having their event person trained to be a Food Safe employee to make sure everything is refrigerated and served at the proper temperatures. Selectman Hollenbeck stated that it seems that the Board of Health is trying to limit the amount of caterers to one (1). Ms. Garbitt stated that this is a Food Establishment License to go along with the liquor. Selectman Burke asked what is plan B and how do we help the Park Department get what they need to be successful.

Selectman Hollenbeck asked about liability. It was noted that liability is capped at \$100,000. It is not known why this is coming to light now since parties and events have been taking place at the Ted Williams Camp for years. Selectman Powderly stated that there is a need to have the Park Commission and Board of Health get together to discuss the matter and discuss what other Towns do. Ms. Craig stated that she has been doing the research. However, most Town owned facilities that have catered functions are golf courses. They have one entity that runs the golf course, and one that runs the food aspect.

Other Items

1. Notice from Board of Health regarding Reappointments
2. Copy of letter from Board of Health regarding Food Establishment License for Loon Pond Lodge
3. Thank you letter from Southeastern Massachusetts Festival Choir
4. Letter from SRPEDD regarding Southeastern Massachusetts Metropolitan Planning Organization
5. Letter from Plymouth County Registry of Deeds regarding FY15 Budget Review
6. Notice of On-Line Training for Municipal Employees – Plymouth County Registry of Deeds
7. Notice from MBTA regarding Fare Increase
8. Letter from MMA regarding Nationwide Siting Standards for Wireless Antennas and Equipment
9. Notice from FiOS regarding Programming Changes
10. Retired State, County and Municipal Employees Newsletter
11. Notice of Retaining Wall/Seawall application – 11 Pine Bluff

At 8:52 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck 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 Fire 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 (6) to discuss strategy with respect to the purchase, exchange, lease or value of real estate, if an open meeting may have a detrimental effect on the litigating 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 pending and 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 Hollenbeck-Aye, Selectman Powderly-Aye, and Selectman Burke -Aye.

List of documents provided at the Board of Selectmen's June 30, 2014 meeting

1. Lakeville Arts Council Local Cultural Councils language for establishment
2. Charge of the Open Space Committee
3. Cable Committee licensing agreement & renewal process guide
4. Collective Bargaining Agreement with the Police Union effective July 1, 2014
5. Appointment of Jared Stobie as Police Officer/Constable
6. Request from Columbia Gas for Road Opening at pole 52A on Taunton Street
7. Road Opening permit Request for Kenneth Welch Drive for Comcast
8. Request for Road Opening R.W. Bryant for Comcast
9. Request to hold Annual Greg's Run on October 4, 2014
10. Request for outdoor entertainment on September 26, 2014 at 16 Fuller Shores Road
11. Letter of resignation from Elizabeth Walters from the Library Board of Trustees
12. Selectmen Meeting Minutes for approval, March 24, and 31, 2014
13. Selectmen Executive Session Meeting Minutes for approval May 27 and June 18, 2014.