

TOWN OF LAKEVILLE
Board of Selectmen
Meeting Minutes
September 27, 2017 – 7:30 PM

On September 27, 2017, the Board of Selectmen held a meeting at 7:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Burke at 7:30 PM. Selectmen present were: Selectman Burke, Selectman Hollenbeck (entered at 8:10 PM) and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Lorraine Carboni, Town Coordinator, and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

Request for reappointment of Christopher Emsweiller as Call Firefighter

Fire Chief Dan Hopkins was present for the discussion. Chief Hopkins requested that Christopher Emsweiller be reappointed as a Call Firefighter.

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

VOTED: To re-appoint Christopher Emsweiller as a Call Firefighter with a term to expire July 31, 2018.
Unanimous in favor.

Request for appointment of new Lakeville Arts Council Member – Michelle Darling

Chairman Burke stated that the Lakeville Arts Council is requesting to have Michelle Darling appointed as a new Member.

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

VOTED: To appoint Michelle Darling to the Lakeville Arts Council with a term to expire on July 31, 2020.
Unanimous in favor.

Request for appointment of Volunteer Observers and Wardens – M/L Herring Fishery Commission

David Cavanaugh and William Orphan were present for the discussion. Chairman Burke stated that the Middleborough/Lakeville Herring Fishery Commission has requested that the Selectmen appoint the Volunteer Observers and Fish Wardens.

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

VOTED: To appoint Allin Frawley, Cynthia Gendron, Sargent Johnson and Janet MacCauland as Volunteer Observers with terms to expire September 30, 2018, and Louise Derry-Wells as Fish Warden with a term to expire September 30,

2019 and David Cavanaugh, and William Orphan as Fish Wardens with terms to expire September 30, 2020.
Unanimous in favor.

Selectman Powderly asked Mr. Cavanaugh if he had used Community Preservation Act money to do work at the Oliver Mill Fish Ladders. Mr. Cavanaugh responded that the project is still in the planning stages. There is funding and bridge repairs will be done. Other planning and funding for the repairs to the rock walls and stone work is also taking place.

Review and vote to approve Fuel Oil and HVAC Repair/Maintenance Bids

Chairman Burke stated that a bid went out for the Fuel Oil and HVAC Repair/Maintenance. Only one (1) bid was received and it was from Standish Oil. The price per gallon for delivery is \$.173 and the cost for HVAC Repair and Maintenance during regular business hours is \$95.00 and \$125.00 per hour for evening and weekends.

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

VOTED: To award the bid for Fuel Oil and HVAC Repair/Maintenance to Standish Oil.
Unanimous in favor.

Selectman Powderly asked Ms. Garbitt what is used to determine the price of oil. Ms. Garbitt responded that they use the Journal of Commerce out of Providence, and the vendor has to show proof of the price.

Review Subdivision Plan for Holly Hill Lane

Chairman Burke stated that the Board has received a Form C Subdivision Plan for Holly Hill Lane, which is a one (1) lot subdivision off of Gillian Drive. The Rules and Regulations of the Planning Board require applicants to provide copies of their plans to the Board of Selectmen for their review. There were no comments.

Review the sanding of Private Roads for 2018

Chairman Burke stated that the Board of Selectmen has been reviewing the sanding of private roads for the upcoming winter season. Mr. Peck, Superintendent of Streets has provided a memo regarding the proposed rates for the 2017-2018 winter should snow/ice removal be requested on a private road.

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

VOTED: To approve the recommendation from Mr. Peck, Superintendent of Streets, to set the fees associated with snow and ice removal for the upcoming 2017-2018 winter as the same as the 2016-2017 winter as follows: \$40 per ton for material (1:1 sand/salt mix) and \$68 per hour for driver and one ton dump truck.
Unanimous in favor.

Revisit the School Resource Officer Contract Extension

Chairman Burke asked for a break to be taken at 7:47 PM until Selectman Hollenbeck arrived at 8:10 PM, since she had asked to review the School Resource Officer Contract. Selectman Hollenbeck stated that she had received the information and reviewed it and had no questions.

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

VOTED: To approve the School Resource Officer Contract Extension through to June 30, 2018.
Unanimous in favor.

Vote to ratify the Memorandum of Understanding with the Fire Union

Ms. Garbitt stated that the Firefighters agreed to the final language of their agreement with respect to the two (2) additional holidays.

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

VOTED: To ratify the Memorandum of Agreement with the Fire Union between the Town of Lakeville and the Lakeville Permanent Firefighters Association, I.A.F.F., Local 3188 with all terms and conditions of the July 1, 2014 – June 30, 2017 agreement remaining in effect and incorporated into the new Agreement except as modified by the terms of the MOA with the duration of the agreement through to July 1, 2020.
Unanimous in favor.

Discuss notice from South Coast Rail regarding the Middleborough Train Station

Chairman Burke stated that a notice was received from South Coast Rail regarding the Middleborough train station. It seems that the South Coast Rail project may be moving forward, at least to pay for Design Engineers and Wetland Consultants to go through the process of evaluating the Draft Supplemental Environmental Impact Report (DSEIR), which MassDOT will submit for full public review early 2018. Representative Orrall was contacted about this matter and conveyed that it was felt that this would be the direction it would head. She indicated that the Town of Lakeville should start considering some sort of mitigation payment due to the station being discontinued in Lakeville. The irony is that no one from the Town of Middleborough or Lakeville is making the decision to disrupt the service in their Towns. The loss of the Station will leave a huge hole in the Corridor Study Plan, which was put in place with the 40S and 40R aspects 15 years ago. What has been built since that time was to allow those living nearby to have access to the Train Station. The existing Cape Flyer service may continue.

Selectman Powderly stated that his concern was having an empty parking lot. He asked that the Town Administrator look into who owns the parking lot, since it may be Canpro. Ms. Garbitt felt that Canpro may own a section and the MBTA is leasing the property from them. It seems

that they are proposing a restaurant or a Dunkin Donuts on the site. Ms. Garbitt will contact Jean Fox, MassDOT Project Manager. Chairman Burke stated that his question was about the fact that the Town pays the State to have a Commuter Rail Station, so if it is going to move can the Town stop paying the State. Does the Town have to continue paying if the Cape Flyer continues? Ms. Garbitt explained that all communities are charged and assessed for the commuter rail, even if one is not located in their town. Selectman Hollenbeck stated that she had spoken with a man today on the train about the cost and the time he spends each week to use the train to get to work. Selectman Hollenbeck stated that from Quincy Center into Boston, there is only one (1) rail line for the train to travel, which becomes a bottleneck each day. There is not enough capacity on that line. They need to dig and install another rail line in order to resolve that problem, but it does not seem as if the MBTA wants to do that. Selectman Powderly stated that the parking lot cannot be allowed to remain as an open lot since that will attract a lot of unhealthy opportunities. It will need to be blocked off. Selectman Hollenbeck stated that there are many things which the State promises, yet does not follow through on. If there is something being proposed which will generate revenue, that would be beneficial. Perhaps the land could be given to the Town so that the Town can do something with it. Selectman Powderly suggested that the Board find out from Canpro what their plans would be and if they lease it. Also, can they override the mitigation with 40R and 40S and put it in writing to be guaranteed for 15 years? Selectman Hollenbeck stated that it may be a Department of Housing and Community Development (DHCD) question, which can be asked when the Board meets with them next week.

Ms. Garbitt stated that the Middleborough station will not be happening until 2020. MassDOT has contracted with Omni Navitas Solar Energy Development to design and build solar canopies over the parking spaces of certain selected commuter rail and MBTA parking lots and garages. Selectman Powderly felt that they are looking to be able to say that they developed a revenue stream for leasing the parking area. Ms. Garbitt stated that the solar canopies are going to start being built in October 2017. Selectman Powderly asked Ms. Garbitt to also call Sandy Richter at the Middleborough Gas & Electric Department (MG&E) to find out if she knows anything about the solar panel project.

Ms. Garbitt stated that she will contact Jean Fox to ask about a date when her full Board could meet with the Selectmen. Selectman Hollenbeck stated that she will contact Jeannette Barnes of South Coast Today, since they need to hear from the Board that this is a complete waste of taxpayers' money. Selectman Powderly asked that the packet of information be emailed to Ms. Richter to make sure she is aware of what will be taking place.

Review and vote on the Event Management Agreement for the Loon Pond Lodge

Chairman Burke stated that Bill Fuller was planning to attend the meeting this evening; however, he could not make it. Ms. Garbitt mentioned that the latest draft of the Agreement was sent to Mr. Fuller's attorney, John N. Cannavo, and he did not respond until late in the afternoon. The Board needs an opportunity to review what has been received. Selectman Hollenbeck asked if Town Counsel, Lee S. Smith has been going through the changes and reviewing what the Board has sent to him. Ms. Garbitt stated that he was. However, looking at the penalty section, it is not different. The Town Administrator had made notes on the sections where Mr. Fuller's

attorney made changes. His attorney's changes are in blue and the ones in red are from the Town. Selectman Hollenbeck asked for the mark up version in word to be emailed to her. Ms. Garbitt stated that she will also call each of the Board members to clarify where and who made the changes.

Review and vote to renew the Contract for Bartending Services at the Loon Pond Lodge

Chairman Burke stated that the contract for bartending services at the Loon Pond Lodge has expired and needs to be renewed. The effective date of renewal would be May 14, 2017 with an expiration date of May 14, 2018. Selectman Hollenbeck stated that the Board had discussed combining the Bartending Services together with the Event Manager Agreement. Then the dates would correlate. Chairman Burke agreed that could be done so that the dates line up.

New Business

Representatives of the Haunted House Committee were present, Kelly Mahoney and Terry Watman. They had a request to put some signs up for their event as they do every year. Chairman Burke suggested that the signs be approved as their timeline is running out, since they open on October 13, 2017. The item can be added to a future agenda for the Board to vote on, and the representatives will not have to be present. Ms. Mahoney stated that the location for the signs would be the corner of Southworth Street and Precinct Street and the corner of Route 79 and Precinct Street. The Board stated that the signs can be installed tomorrow, and the Board will vote at its next meeting in favor of allowing them to install the signs for the Haunted House event.

Selectman Hollenbeck stated that the Board did not reappoint Maria Perrone-Martin to the Community Development Committee when reappointments were made since she had not met the attendance policy that the Board had set into place. Ms. Perrone-Martin has asked to be reappointed. Selectman Hollenbeck said Ms. Perrone-Martin's schedule did not match up with ours last year.

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

VOTED: To appoint Maria Perrone-Martin as an Associate Member of the Community Development Committee with a term to expire July 31, 2018.
Unanimous in favor.

This item will be on the next agenda of the Board of Selectmen to be ratified.

Selectman Powderly brought back up the topic of the solar panels being planned to be installed at the MBTA commuter lot. He stated that he thought that the Town has an ordinance not to allow this as it will devalue the property. It is important that if they are planning on starting this project in October that the Board stop it from taking place. What does the Building Commissioner say about this? Then there is input needed from the MG&E. Public hearings should take place so that the people who will have to look down on them can give their opinion. Ms. Garbitt stated that the MBTA has been in touch with the Assessor's Office on the matter and

that was not communicated to the Town. The Assessors will assess taxes on it. Selectman Powderly stated that a solar project in the middle of a neighborhood is not a good idea; the entire area will need to be secured. Ms. Garbitt stated that she looked up the By-law and it seems that it can be done by right and in an Industrial Zone. Selectman Powderly stated that he felt hearings need to take place. The Board needs to find out some answers on this, since there may need to be a cease and desist put into place. Selectman Hollenbeck stated that there is the overlay, but it has not been designated at Town Meeting. She asked that it be put on the Fall Town Meeting Warrant. Chairman Burke stated that the Board needs to gather information about the project and propose something at Town Meeting. The Town Administrator can do some research and then provide an update to the Board next Wednesday.

Old Business: Update on Natural Heritage for new Police Station and Update on the site walk at the Assessors Building

Chairman Burke stated that a meeting had taken place on Friday, September 15, 2017 with Natural Heritage and Endangered Species. What needs to take place is not appealable. Brian Madden of LEC Environmental Consultants is presently working with the Town to help put the appropriate efforts in place. The Town will have to put up a silt fence and do a turtle sweep. If there are turtles found, they have to put a radio on them to see where they go. The Town will also need to do certain other things to mitigate the taking. The area is turtle habitat and the Town Administrator is pulling together Town owned properties that are available to use as mitigation. The scope of the taking has to be determined. Once the size is determined, they will determine the amount of "like" land to match in kind. If it is an acre, the Town will have to give them 1.5 acres. It will be about four (4) acres, unless the Town does not have any land that is "like" to offer in kind. Then, the Town will have to pay into a mitigation fund at a rate of \$10,000 an acre. It has been made clear to Natural Heritage that it is important for the Town to continue to move forward to build the Police Station and break ground in the spring. If the project does not start in the spring and is delayed, the cost to the Town will be significantly more than \$50,000. The silt fence is already in place. Mr. Madden provided a quote to do the services. Ms. Garbitt provided another handout regarding other Town owned property. There is a 20 acre parcel, which the Rounsvilles donated which abuts 20 acres of Town owned land that abuts Audubon property. This is all good land and the Conservation Agent has been consulted about the type of land necessary to satisfy what the Town needs to mitigate. Chairman Burke stated that six (6) acres are needed since the Town is mitigating for four (4). Selectman Powderly stated that he would like to make sure that the land being provided is not buildable land. It may be that the Town pays \$50,000 so that it doesn't lose land which could ultimately bring in tax revenue. Ms. Garbitt stated that Mr. Darling will also look at the land to determine its value and make sure that the Town is not "giving away" a ¼ million dollar parcel.

Ms. Garbitt stated that the quote from Mr. Madden goes back to September 1, 2017 and includes all his anticipated services in the amount of \$9,000. The Board will need to sign his proposal. The Board asked Ms. Garbitt to sign the contract and set it into place. Ms. Garbitt stated that the timing is working out to do the turtle sweep, since the deadline for a turtle sweep is mid-October.

Ms. Garbitt provided an update on the Assessors Building. A walk through took place on September 20, 2017 and six (6) people were present. Some thought it was business zoned; however, Mr. Darling let them know it could be a home occupation. Bids should be received by October 13, 2017, and will be opened at 10:00 AM. The Town cannot utilize Multi Listing Services (MLS) unless a price is set. Selectman Powderly stated that once the quotes are received, if the prices are not what the Board is looking for the Town could obtain a realtor. Chairman Burke stated that he felt that the Town was missing out on 99% of people who might bid on the building since it is not on MLS. Selectman Powderly suggested to put out a minimum of \$150,000. Selectman Hollenbeck suggested a dollar. Chairman Burke recommended that the Town Administrator contact Town Counsel on how to list the building from the procurement perspective.

Any other business that may properly come before the meeting

Ms. Garbitt stated that the Town received a denial on the appeals for Sterling Place. Does the Board want to go any further? The Board responded that they did not.

Other Items

1. Letter from DHCD regarding Sterling Place at Lakeville Station – Subsidized Housing Inventory
2. Letter from Attorney General approving the Zoning Amendments from Town Meeting
3. Notice from MMA regarding Fall 2017 MunEnergy Breakfast Series
4. Notice from Comcast regarding Municipal Emergency Reporting Procedure Reminder

Executive Session

At 9:27 PM, upon a motion made by Chairman Burke and seconded by Selectman Powderly, on a unanimous roll call vote, the Board:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21a (2) to conduct strategy sessions in preparation for negotiations with non-union personnel; pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Laborers' Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21a (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Meeting Minutes for September 13, 2017.
Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck-Aye.

List of documents provided at the September 27, 2017 Selectmen's Meeting

1. Request from the Fire Chief to appoint Christopher Emsweiller be reappointed as Call Firefighter.
2. Request from the Lakeville Arts Council to appoint Michelle Darling as a new Member of the Lakeville Arts Council.
3. Request from the M/L Fishery Commission to appoint Volunteer Observers and Fish Wardens.
4. Bid award for fuel oil and HVAC repair/maintenance bids from Standish Oil.
5. Form C Subdivision plan for Holly Hill Lane.
6. Memo from the Superintendent of Streets regarding rates for the 2017-2018 Winter rates should snow/ice removal be requested on a private road.
7. School Resource Officer Contract Extension
8. Vote to ratify the Memorandum of Agreement with the Fire Union
9. Notice from South Coast Rail regarding the Middleborough Train Station.
10. Event Management Agreement for Loon Pond Lodge
11. Contract for bartending services at Loon Pond Lodge
12. Update on NHESP for new Police Station
13. Update on site walk at Assessors Building