

TOWN OF LAKEVILLE
Selectmen's and Wage & Personnel Board
Meeting Minutes
July 27, 2016 – 6:30 PM

On July 27, 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 (entered at 7:00 PM). 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 and LakeCam.

6:30 PM Meet with William Noyes Webster Foundation to discuss possible Medical Marijuana Facility

Richard Nagle, Security and Delivery Manager, Jane W. Heatley, President of the William Noyes Webster Foundation, and Lakeville Police Chief, Frank Alvilhiera, were present for the discussion. Chairman Hollenbeck stated that a letter had been received regarding meeting with the Town to discuss the possibility of developing a medical marijuana dispensary within the medical marijuana zone of Lakeville.

Ms. Heatley stated that the foundation is named after her maternal grandfather, which she started in 2012. She explained that if someone has one of the diseases that the product helps, the Primary Care Provider writes a prescription for the product so that that person can have it filled at a dispensary. The Foundation is a holder of one (1) of the first of 15 licenses to be issued this round. Massachusetts's population is 6.3 million people, and there will be less than 40 dispensaries to open within the next year. In this area, Brookline and Brockton are the closest locations. Mr. Nagel stated that he has over 30 years with the Massachusetts State Police and his colleagues recommended him to Ms. Heatley. He is writing the security guidelines and wants to exceed the guidelines set by the Department of Public Health (DPH). There will be security cameras, panic alarms, etc. If a camera goes down, he will make sure that it is replaced and/or fixed right away. The cameras are so good that they will provide the clarity to read a logo on someone's shirt. It is the intention of the business to hire people that are local. There are a lot of people who are in law enforcement that are getting into this area of work. It is our desire that the people in the community are comfortable about having the facility. He encouraged that a liaison be assigned to work with him from day one. He will be in communication with both the Fire and Police Departments about the facility. Chief Alvilhiera stated that he had nothing to add at this time as the project is in its infancy stage.

Selectman Powderly asked how things have been going in Brockton as they are having a lot more business than was originally anticipated. Mr. Nagle stated that he not only monitors the Brockton facility, he monitors the entire United States. He has not heard of anything major that has taken place in Brockton. He wears two (2) hats: one for security and one for business. With the types of security that will be put in place, it will deter much adverse problems from taking place. People will be safe coming and going from the facility. There will be security arriving before the business is open, and they will not leave until after it closes. Ms. Heatley stated that the most negative thing that she had heard was when the man ended up going into a Brookline

facility with his prescription, that it may have been the marijuana that contributed to the killing of the State Trooper in an auto accident. Selectman Powderly noted that the business in Dennis is a small building, and the grow facility will be located in Plymouth. Ms. Heatley stated that the Building Permit was filed in July, and the Town has 30 days to issue the permit. It should be received this Friday. Callahan Construction of Bridgewater will be doing the construction. It is anticipated to start rehabbing the building in Plymouth next week in the industrial park. The building in Dennis is two (2) units in a condo building. Customers will need to have two (2) forms of identification with them. There will be four (4) registration stations, one (1) of which is handicapped accessible and a waiting area. For certain stages of cancer, the product is better quality than what the hospital has to offer.

Ms. Heatley said Cannabis has been used for 5,000 years for various ailments. Israel and Germany have done studies on it, and there is no scientific evidence that it is a gateway drug. There are four (4) states that have medical marijuana now. It has surpassed a billion dollar market in Colorado. 2/3's of the use is adult use and 1/3 medical. The product is taxed 35% by the Federal Government, 15% by the State and 3% from the Town. There is a lot of revenue, but it is not for profit. Once the foundation is up and running, there will be benefits to the Town in terms of a nurse, etc. It takes a while to pay back the growth facility, and the Foundation wants to be good neighbors to the Town and give back. Selectman Powderly asked if Ms. Heatley could provide the agreements from both towns (Plymouth and Dennis), since Lakeville has been trying to acquire them and has been unsuccessful. He asked how many people would a growth facility take care of. Ms. Heatley stated that a 40,000 square foot growth facility would depend on the skill of the medical division on the product from the plant. Every plant has a bar code. The plants are started from seed and tracked through growth. The draw is from about 20 miles around, however, there is also delivery. Not all the data from the various facilities is public, available or even shared. The businesses are in competition with one another. The facility in Salem was by appointment only, but they sold out every time they opened. Selectman Powderly asked if the business is in favor of the recreational or medical Cannabis long term. Ms. Heatley stated that there is a business plan. She is a proponent of supporting it both ways, since she feels adults should be able to decide what they want to consume and when. The specific amount of clientele will not be known until the business is up and running. There are peak hours to the business as with any business. People usually go between 4:00 PM to closing Thursday through Saturday. The slowest times seem to be Wednesdays and early in the mornings. Caregivers usually come around lunch time.

Chairman Hollenbeck asked if Ms. Heatley was aware of the zone for Lakeville. It would be on Route 44 near Raynham. It is near East Coast Fitness, which is a high traffic area, and there have been many accidents. So, why Lakeville is the question? Ms. Heatley responded that since they will be locating in Dartmouth, she is looking at which Towns would be a good fit and location. All eight (8) Towns that she has met with have accepted the Foundation. Basically the Foundation asks if the Town would want them to locate there and if they would want to meet to discuss details and determine the fit. Chairman Hollenbeck stated that her concern is the impact on the traffic flow there from a business standpoint. Mr. Nagle stated that he liked the location since it is near two (2) major highways, the rotary is not a major concern, and the zone is away from the Lakeville residents. For deliveries it will mainly be onto and off the highway. Chairman Hollenbeck stated that from her standpoint for the Town, the idea needs to make

sense, and typically there would be complimentary businesses located in the same area. This is a volatile traffic area in general. What if the host agreement could not be paid? Ms. Heatley stated that the only way they could not pay the host agreement is if the market is flooded. Selectman Powderly asked what the price was. Ms. Heatley responded that it is \$80 for a quarter of an ounce, but it is strain specific. The foundation is renting all the facilities. Mr. Nagle reminded the Board that there are also jobs for the local community and taxes for the host community.

Selectman Powderly stated that the public would want to know the numbers and ask questions. It would be good for the Foundation to share information as in what takes place at the Brockton facility. Answers need to be provided of what the impact would be to the Town of Lakeville. Mr. Nagle stated that the impact will not be directly known. It may not be the same amount of people who are going to Brockton who will be coming to Lakeville. Selectman Burke stated that he is for the idea. He feels that people should have access to whatever type of medical care that they want. Ms. Heatley stated that her business plan is for 1% of the population. Selectman Burke asked how can the Board make an informed decision on the impact that this will be to the Town if that information isn't provided. Ms. Heatley suggested that the Board members speak with host Towns that the Foundation has agreements with. The only data she has is from Colorado, and it is not known how it will match to this area and location. Selectman Powderly stated that he wants to have as much information as possible. Ms. Heatley stated that the data has not even been established yet. She will provide all the data and educational material that she has accumulated. She asked when it may be that Lakeville would be ready to decide. Chairman Hollenbeck responded perhaps after the November election to see how the ballot question is voted on. Ms. Heatley stated that for siting purposes, she would need to know within the next two (2) months since the State requires the Foundation to have that information. Selectman Burke stated that she can anticipate entering into a host agreement when the Town receives the data that was requested. Ms. Heatley stated that the Town can structure the host agreement any way it wants, according to the rules and regulations with the State. It is important to know soon. It is not their intention to waste everyone's time if it is not a viable possibility.

Review and discuss Town Counsel's opinion regarding Lakeville's Rent Control By-law for Twin Coach Estates

James and Rita Gouveia of 45 Haskell Circle, Catherine Dube, and Donna Calabro from Twin Coach Estates were present for the discussion. Chairman Hollenbeck explained that an email had been received from the Twin Coach Homeowners Association regarding Rent Control at their Park. Now that they are a resident-owned community, they cannot raise rents without a majority vote of the membership. They feel that it is a waste of their time and money, and the Town's time and money to continue to have Rent Control in place. It cost the Association approximately \$800 for the last rent increase that the Rent Control Board approved. John Goldrosen from KP Law was asked for his opinion if he thought that Rent Control was still necessary for Twin Coach Estates, and what would the repeal procedure entail. The opinion received from Town Counsel explained that given the change in ownership structure and the degree of control that the Twin Coach residents now have to make decisions on financing and improvements, the mechanism for Town-administered Rent Control appears to no longer be needed. The By-Law was put in place through an act of the Legislature and voted at Town Meeting on December 8, 2008. It is not necessary to request Legislature to repeal the By-Law.

The Town may eliminate rent control for Twin Coach by repealing the By-Law at a future Town Meeting.

Mr. Gouveia stated that the matter has not been presented to the Homeowners at all. It is hoped that the Board will allow the Association to discuss the matter at their annual meeting in September. Chairman Hollenbeck responded that was fine. The majority of the residents should be aware of this before any action is taken. Selectman Powderly asked if the Board has any legal say since the Park is owner operated. Chairman Hollenbeck responded that the Board does. Multiple meetings took place this spring with requests to raise the rent. Financial statements were presented to reflect expenses. Ms. Gouveia asked if the owners sell to an outsider and the Legislation was repealed, could that outsider then just raise rents. Chairman Hollenbeck responded that they could. That is a ramification of not keeping the By-Law in place. Having the By-Law allows for an additional layer of oversight. Mr. Gouveia stated that he was more comfortable if the Board of Selectmen made the decision rather than their four (4) member board, since the Selectmen have dealt with these types of matters more frequently than their Board. Chairman Hollenbeck stated that the matter can be tabled at this time so that the Association can meet in September at their annual meeting and discuss this. A letter can then be submitted to the Selectmen after the meeting to let the Selectmen know what has been decided upon by the Association.

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

VOTED: To table any action at this time on Lakeville's Rent Control By-Law for Twin Coach Estates until the Homeowners' Association have their annual meeting in September of 2016 to discuss what the residents would prefer to do.
Unanimous in favor

Review and vote on Amended Agreement for Public Health Nurse

Chairman Hollenbeck explained that the Town of Lakeville contracts with a Public Health Nurse to provide needed services in Town at a rate of \$40 an hour. This is the same agreement with an addition on page two (2) to Article 1: Scope of Services, bullets – will now include Arbovirus (AKA Zika Virus) Control. The agreement will extend through to February 2, 2017.

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

VOTED: To approve the Amended Agreement between the Town of Lakeville and the Public Health Nurse through to February 2, 2017.
Unanimous in favor.

Request from Fire Chief to award bid for Used Fire/Ladder Truck

Fire Chief Daniel Hopkins was present for the discussion. Chairman Hollenbeck stated that the bids were due July 25th. Chief Hopkins stated that a bid was received for a used 1992 ladder, in excellent shape with an 85' Tower. It is being sold by New England Fire Equipment & Apparatus in Connecticut, in the amount of \$69,699, with a 60 day extended warranty for

\$5,500, bringing the total to \$75,199, if the extended warranty is included. It is Department of Transportation certified with aerial ladder certifications. The Town Mechanic has not reviewed it since it comes from a dealership and they went through it. The service records have been reviewed. Selectman Powderly expressed his concern of the unusually high amount of engine hours of 16,311, implying that the engine may have been rebuilt. Ms. Garbitt had a photograph of the dashboard that showed that the mileage was 16,311 resulting with the fact that the Engine hours were actually 2,849. The mileage and engine hours had been reversed in the printout. Selectman Powderly stated that an oil analysis should be done.

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

VOTED: To approve the request of the Fire Chief to purchase a used 1992 Fire/Ladder Truck in the amount of \$69,699, based on a favorable analysis of the oil (price not to include the 60 day warranty), from New England Fire Equipment & Apparatus in North Haven, Connecticut.
Unanimous in favor.

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

VOTED: To forward a recommendation to the Finance Committee to authorize a Reserve Fund Transfer for the purchase of the used 1992 Fire/Ladder Truck. In the amount of \$69,699, contingent upon a favorable oil analysis.
Unanimous in favor.

Request from Superintendent of Streets to award Pavement Milling Bid

Chairman Hollenbeck reviewed the request from the Superintendent of Streets to award the Pavement Milling Bid. Selectman Powderly stated that when the Chapter 90 money is spent next year, he would like a list of the ten (10) most active roads in Town, as determined by the Fire and Police Chiefs. These are not to include a road in a cul-de-sac that only has a few houses. Ms. Garbitt explained that the Pavement Management Plan is being updated by BETA. Chairman Hollenbeck noted that during a fall meeting of the Finance Committee, a discussion should take place about pavement management. It is the intention of the Town to make sure that the roads being done will benefit the most citizens of Lakeville.

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

VOTED: To approve the bid for Pavement Milling to Garrity Asphalt Reclaiming, Inc. in the amount of \$33,830.30, which will cover 17,000 square yards of milling, ten (10) structure adjustments and twenty (20) rebuilds.
Unanimous in favor.

Request from Town Clerk for appointment of Election Officers

Chairman Hollenbeck said the Town Clerk has requested the appointment of Election Officers. Their terms would expire August 15, 2017.

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

VOTED: To approve the appointments of the following Election Officers: Marilyn Hunt; Eleanor Gamache; Joseph Chamberlain, II; Susan Lynch; Margaret Gross; Beverly Ingraham; Marion Bollesen; Pauline Ashley; Joan Morton; Jean Douillette; Kristen Main; Robert Brady; Joan Newcomb; Gary Mansfield; Debra Martin; Patrick Fitzgerald; Joanne Corrieri-Upham; Stephanie Annichiarico; Mary Guertin; Kathy Medeiros; Gail Evirs; Francis Kenney, IV; Judy Roberts; Julie Ketler; Karen Keohane; JoAnn Chiuppi; Frederick Beal; Evelyn Bumpus; Melanie Goldstein; Jonathan Drane; Mary Fronzaglia; Donald Bernier, Jr.; James Gouveia, Jr.; Rita Gouveia; Kenneth Grillo; Marilyn O'Shea; Theresa Walsh; Arlene Wood; Deborah Danforth; Janet Tracy; Robert Marshall; Mary Sylvia; Jennifer Abbaticola; Maria Perrone-Martin; Peter Chiuppi; Judith Gibbs; Barbara Hadsell; Cynthia Sousa; Susan Murray; Margaret Bethune; James Leonard; Robert Buckley; Kathleen Fuller; Mary Zakarian; Karen Regas; Leanne Cataldo and Sharon Christian.
Unanimous in favor.

Request from Town Clerk to approve primary Election Warrant for September 8, 2016

Selectman Powderly read the Primary Warrant for September 8, 2016 into the record.

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

VOTED: To approve the Election Warrant for the Primary for September 8, 2016.
Unanimous in favor.

Review Subdivision Plan – Tamett Brook Road Estates – 18 Lakeside Avenue

Chairman Hollenbeck asked to clarify that the road will be named “Red’s Road”, since there is already a Tamett Brook Road in Town right now. It was noted that this is actually Tamett Brook Estates. Selectman Powderly stated that he has no concerns or comments provided that the Plan goes through the regular routes of being reviewed by the Planning Board, Zoning Board, etc. Chairman Hollenbeck noted that there is a large wetland located on the parcel, and a drainage easement on two (2) of the lots. It is hoped that when the parcel is being portioned off that this is addressed.

Notice from Massachusetts State Lottery Commission regarding application for Baldie's Pizza for a Keno License

Chairman Hollenbeck stated that if the Selectmen have no objections about Baldie's Pizza applying for a Keno License, then no action is required by the Board.

Review and vote on Taunton Water connection Request from Lawrence Reynolds for 99 Precinct Street

Chairman Hollenbeck said the Board had received a request to tie into Taunton Water for the property at 99 Precinct Street.

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

VOTED: To approve the water connection for 99 Precinct Street for Lawrence Reynolds.
Unanimous in favor.

Vote to accept resignation letter from June Bosse – Council on Aging

Chairman Hollenbeck read the letter from June Bosse, who was resigning from the Council on Aging, into the record.

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

VOTED: To accept the letter of resignation from June Bosse with thanks and appreciation for time served.
Unanimous in favor.

Request from Council on Aging to appoint Charlene Montleon as a Member of the Council on Aging

Chairman Hollenbeck noted that Charlene Montleon is currently an Alternate Member of the Council on Aging (COA) and the COA Director, Ms. Souza, recommended to appoint her as a full Member. The Gazette will be asked to advertise an opening for an Alternate Member. Ms. Garbitt stated that the deadline for letters of interest to be received will be August 12, 2016.

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

VOTED: To appoint Charlene Montleon as a full Member of the Council on Aging, with a term to expire July 31, 2016.
Unanimous in favor.

Announce Retirement of Pauline Ashley as Planning Board Secretary and Board of Selectmen Clerk

Chairman Hollenbeck read the letter of resignation from Pauline Ashley into the record.

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

VOTED: To accept the letter of retirement from Pauline Ashley and to send her a letter of thanks for her 38 years of service.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of May 11, 2016, May 19, 2016, June 6, 2016, June 14, 2016 and July 6, 2016

Chairman Hollenbeck noted a revision to the May 11, 2016 minutes of Page 6. May 11, 2016

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

VOTED: To approve the Selectmen Meeting Minutes of May 11, 2016 with the following change under the first topic on page 6 to; **It was noted**.....not *She stated*.
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of May 19, 2016, June 6, 2016, June 14, 2016 and July 6, 2016 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of June 1, 2016 and July 6, 2016

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

VOTED: To approve Board of Selectmen Executive Session Meeting Minutes of June 1, 2016 and July 6, 2016 as presented.
Unanimous in favor.

New Business: Appointment of Full-Time Firefighter Gregory Bradstreet and Discuss implementing Written Procedures for the Disposition of Surplus Supplies

Chairman Hollenbeck read the request from the Fire Chief for the appointment of Gregory Bradstreet as a Full-Time Firefighter/Paramedic. This will fill the recent vacancy. Mr. Bradstreet has been a paramedic for six (6) years and on-call with Middleborough for four (4) years. He is Certified at 1-2 at the call level and has firefighter experience. He will need the Physical Exam, Physical Abilities test and will then attend the Massachusetts Career Fire Fighter Academy.

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

VOTED: To approve the request of Chief Hopkins to appoint Gregory Bradstreet as a Full-Time Firefighter/Paramedic to the Lakeville Fire Department upon the successful completion of a Department-approved physical examination, a Physical Abilities Test, one-year probation and successful completion and passing of the Massachusetts Career Fire Fighting Academy.
Unanimous in favor.

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

Selectman Burke stated that the Request for Qualifications for the Owner's Project Manager has been finalized. The proposed timeline is as follows: Proposal submission deadline: August 22, 2016 by 3 PM; Proposals reviewed / finalists notified: August 29, 2016/August 30, 2016; Finalist interviews: September 8, 2016; and Award of Owner's Project Manager contract: September 12, 2016. The above will be done by the Committee, and the results will be provided to the Selectmen who will then negotiate the terms of the contract.

Chairman Hollenbeck did not have any new information to report on the GRAIS Debt.

Any other business that may properly come before the meeting

Ms. Garbitt mentioned that the fee for a yearly liquor license is \$1,500. At this time Baldie's Liquor License will expire in December. They will have to pay the fee for the License now and again in November, so does the Board want to consider pro-rating their License. Chairman Hollenbeck stated that the Board does not do this for any other type of license in the Town. Selectman Powderly stated that prorating is a dangerous business and this is what takes place for businesses when they start up. Ms. Craig stated that some Towns do prorate. Chairman Hollenbeck stated that the Board also does not give refunds.

Other Items

1. Notice of Chapter 91 License Application
2. Gateway Health Group Meeting Notice – July 13, 2016
3. Letter from Comcast regarding changes to Set Top Boxes
4. Notice of Preliminary Permit Application for Wind Turbine – Cape Cod Canal and Bourne Tidal Test Site
5. The Voice of the Retired Public Employee Newsletter

At 8:25 PM, upon a motion made by Selectman Hollenbeck; seconded by Selectman Burke it was:

VOTED: To enter into Executive Session and not to return to Open Session, pursuant to M.G.L. c. 30A, subsection 21(a) (3) to conduct a strategy in preparation for contract negotiations with the Laborer's Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared.

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

Unanimous in favor.

List of documents provided at the July 27, 2016 Selectmen's meeting

1. Letter from Jane Heatley, President of the William Noyes Webster Foundation regarding the possibility of establishing a medical marijuana facility in Lakeville.
2. Town Counsel's opinion regarding Lakeville's Rent Control By-law for Twin Coach Estates.
3. Amended agreement for public health nurse.
4. Request from the Fire Chief to award bid for 1992 used fire/ladder truck, information on truck from New England Fire equipment & Apparatus of Connecticut.
5. Request from Superintendent of Streets to award pavement milling bid to Garrity Asphalt Reclaiming, Inc.
6. Request from Town Clerk for appointment of election officers.
7. Request from Town Clerk to approve state primary election warrant for September 8, 2016.
8. Subdivision plan for Tamett Brook Estates – 18 Lakeside Avenue – Red's Road.
9. Notice from Massachusetts State Lottery Commission regarding application for Baldie's Pizza for a Keno License.
10. Request for Taunton water connection from Lawrence Reynolds for 99 Precinct Street.
11. Vote to accept resignation letter from June Bosse from the Council on Aging.
12. Request from the Council on Aging to appoint Charlene Montleon as a member of the Council on Aging.
13. Selectmen meeting minutes of May 11, May 19, June 6, June 14 and July 6, 2016 for approval.
14. Executive Session Selectmen meeting minutes of June 1 and July 6, 2016 for approval.
15. Request from Fire Chief for appointment of Gregory Bradstreet as Full-Time Firefighter/Paramedic to the Lakeville Fire Department.