

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
July 28, 2014 - 7:00 PM

On July 28, 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 7:00 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 and LakeCAM for local community broadcast.

7:00 PM Meet with Finance Committee to review letters of interest for vacancy on Finance Committee

Michael Petruzzo, Maureen Candito, Donna Winters and George Vlahopoulos were present for the discussion. Chairman Michael Petruzzo called the Finance Committee meeting to order at 7:00 PM. The Finance Committee has received a letter of interest from Donald Healy, former Finance Committee member, regarding filling the current vacancy on the Finance Committee. Ms. Garbitt stated that she had also received a letter from a resident, Steven Fletcher, interested in serving on any Town Committee. He has been contacted to see if he may be interested in serving on the Community Development Committee if that is formed. Ms. Candito stated that David Davenport also expressed an interest in serving. Selectman Hollenbeck asked if the Finance Committee has selected a member to serve on the Regional Finance Committee. Chairman Petruzzo stated that discussion will take place when the meeting of the Finance Committee continues in the conference room this evening.

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

VOTED: To appoint Donald Healy to the Finance Committee with a term to expire April 5, 2015.
Unanimous in favor.

Upon a motion made by Ms. Winters; seconded by Ms. Candito it was:

VOTED: To appoint Donald Healy to the Finance Committee with a term to expire April 5, 2015.
Unanimous in favor.

7:15 PM Meet with Board of Library Trustees to discuss filling of vacancy on Board of Library Trustees

Nancy LaFave and Ruth Gross, Library Trustees, were present for the discussion. It was noted that Elizabeth Walters had resigned from the Board of Library Trustees. Some research was done with Town Counsel in order to be clear on how the vacancy should be filled. Town Counsel advised that the vacancy would be filled by a joint appointment between the Board of Selectmen and the Board of Library Trustees. Ms. LaFave said that Donald Fronzaglia had

expressed his interest in serving out the remainder of Ms. Walters' term. He is not interested in running for the position in 2015.

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

VOTED: To appoint Donald Fronzaglia to the Board of Library Trustees with a term to expire April 5, 2015.
Unanimous in favor.

Upon a motion made by Ms. Gross; seconded by Ms. LaFave it was:

VOTED: To appoint Donald Fronzaglia to the Board of Library Trustees with a term to expire April 5, 2015.
Unanimous in favor.

7:30 PM Meet with Gary LaBoa of Top Tier Site Development regarding 210 Kenneth Welch Drive

Gary LaBoa, Robert Santora and Thomas Tripp of Top Tier Site Development were present for the discussion. Chairman Powderly stated that Top Tier Site Development is looking to construct a 30' x 30' membrane building for storage at 210 Kenneth Welch Drive. Since the Lakeville Development Committee (LDC) has disbanded, it is now the responsibility of the Board of Selectmen to enforce the Covenants and Restrictions of the Industrial Park. Nathan Darling, Building Commissioner, has provided a memo to the Board regarding the project, as well as, the letter he sent to the applicant. He has also included the Covenants and Restrictions for the Industrial Park for review.

Mr. LaBoa explained that they moved their company from Middleborough to Lakeville in April. They have 45 employees, and perform wireless construction, residential electrical, cell towers, etc. Mr. Darling had provided them with the Covenants from the LDC that the Company did not know existed. We are aware that the LDC is no longer active. Mr. Darling encouraged them to meet with the Selectmen regarding what they would like to do with their property in the Industrial Park. Mr. Darling was not sure if the Covenants of the LDC will stay in existence, or if the Industrial Park will revert back to the Town's building regulations and codes. Mr. LaBoa distributed Mr. Darling's letter, information on the portable structure that they would like to erect, marked up site drawings with location, and a copy of the Covenants. There are no permanent foundations for the portable structure; it stakes directly to the ground. The average height is 15'. It will be next to an existing chain link structure at the right side of the building. Mr. LaBoa also included an aerial view of the building with the proposed location of the structure. There will be a solid surface that the structure will be located on. They would also like to put a fence across the front of it, in order to shield it from the sight of the road. The company would not be setting a precedent regarding fencing, since there is already fencing in the Park at several other businesses. In order to do this, the company needs relief from the fence height in the Covenants, since the Covenants only allow for three (3) foot high fences.

Selectman Hollenbeck stated that the Board of Selectmen is required to comply with the existing setbacks. She asked about the parking area being re-graded. Mr. LaBoa responded that the re-grading has already been done, so that the structure will not sink into the ground. Selectman Hollenbeck asked about the type of fence, and what color the structure would be. Mr. LaBoa responded that the fencing would be galvanized chain link with privacy panels. The structure would be grey. Selectman Hollenbeck stated that the Covenants state that the Town wants to “create a garden style” Industrial Park. Mr. Tripp stated that it is also not a huge issue to put bushes along the front as well. They will do whatever it takes so that this works for the Town and the Park. He did not feel there would be any complaints from others in the Park. Mr. LaBoa stated that the elevation of the building is up a little higher, the fencing will be about 60 feet back from the road, and you may not even be able to see it, since the property rises from the road.

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

VOTED: To allow a 30 x 30 membrane building for storage purposes at their property at 210 Kenneth Welch Drive as shown and to also erect a fence as shown on the plan presented.

Unanimous in favor.

Discuss creation of a Community Development Committee

Selectman Burke stated that the Economic Development Committee (EDC) met recently, and discussed the idea of whether some members of the EDC wanted to move into a different group for Community Development purposes such as tourism and community events. They could then coordinate with Open Space and other like-minded groups. Approximately half of the EDC Members are interested. These members have had good ideas, yet it did not fit the mission of the EDC. A charge for this new committee has not been developed yet. Selectman Burke said that some members expressed the fact that they would like to serve on both committees. It needs to be decided, if members can serve on both committees, and the membership number on the Community Development Committee (CDC). Both committees could consist of five (5) members. The EDC presently has nine (9) members, but he felt that number should be reduced for quorum needs.

Selectman Hollenbeck stated that the split naturally happened in the EDC, since the members were going in multiple directions. Discussion took place about having a subset of the committee or splitting the EDC to form another committee. The committee could work together in some senses, but they also need to run parallel, so that they do not stifle creativity. Selectman Burke stated that it is okay to have some overlap. Selectman Hollenbeck said that the new committee would work with Open Space, the Arts & Music Festival Committee, the Library, and the Conservation Commission. It could be a marketing arm for the Town. Selectman Hollenbeck has met with the Plymouth County Tourism Board to find out what help they can offer. If we notify them of events, they will create a Destination Lakeville page. She noted that the EDC membership does not allow for two (2) Selectmen to be on it. Selectman Hollenbeck stated that she feels that both committees can work on their own and also regroup and touch base with one another. Chairman Powderly stated that Mary Beth MacKay does the marketing for the Park

Commission, and she might be a good fit on the Community Development Committee. Selectmen Burke suggested that it may be good to have a representative from Open Space and the Park Commission on the CDC . Chairman Powderly stated that while he thinks it is a good idea to split the EDC, he wants to make sure that other groups understand that the CDC is not trying to pry into what other groups are doing, but will be a helpful arm to those groups. Ms. Garbitt stated that she visualizes one (1) member of the CDC contacting groups such as the Friends of the Library and forwarding information to Destination Lakeville. The CDC would be relaying information, not pushing.

Sarah Kulakovich stated that it would not be redundancy, but it would be reaching out to other Towns with programs that do not currently exist in Lakeville. The idea is not to recreate the wheel, but maybe by offering programs that do not yet exist in Lakeville, this could be a way to bring in new business. Not everyone sees tourism as business, but we want to try and prove that tourism is a business that generates revenue. Chairman Powderly stated that getting involved in things that are untapped is a good idea. Selectman Hollenbeck stated that perhaps a seven (7) member committee would be better so that a member of the Arts & Music Festival or a Library Trustee could be onboard. Perhaps we could begin with five (5) and have the ability to go to seven (7) members. Ms. Lafave said that marketing is always an issue, and any avenue you can utilize to get the word out is good. Chairman Powderly stated that he feels it would be a good idea to form the new committee. He suggested that a charge be developed and brought back to the Board.

Review and vote to approve Election Warrant for the September 9, 2014 State Primary

The warrant was read into the record by Selectman Burke.

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

VOTED: To approve and sign the Election Warrant for the September 9, 2014 State Primary.
Unanimous in favor.

Review request from the Town Clerk to appoint Election Officers

Chairman Powderly said there was a request from the Town Clerk for the Selectmen to appoint Election Officers.

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

VOTED: To appoint the following as Election Officers for terms to expire on August 15, 2015: Martha Vigers; Marilyn Hunt; Eleanor Gamache; Joseph Chamberlain; Susan Lynch; Margaret Gross; Melissa Fitzgerald; Beverly Ingraham; Marion Bollesen; Pauline Ashley; Joan Morton; Jean Douillette; Kristen Main; Robert Brady; Joan E. Newcomb; Gary Mansfield; Catherine Sankus; Debra Martin; Shirley Healey; Patrick Fitzgerald; Joanne-Corrieri-Upham; Mitchell Plonka; Stephanie Annichiarico; Gail Fish; Mary Guertin; Michelle Darling; Kathy

Medeiros; Gail Evirs; Francis Kenney, IV; Margaret Caron; Judy Roberts; Julie Ketler; Karen Keohane; JoAnn Chuippi; Frederick Beal; Susan Johnson; Evelyn Bumpus; Leslie Dean; Melanie Goldstein; Denise Fulton; Michael Fulton; Jonathan Drane; Shirley Fernandes; Mary Fronzaglia; Joanne West; and Lynn Costa.

Unanimous in favor.

Vote to appoint Brian Hoeg and John Olivieri, Jr. to the Project Review Committee for 43D for Expedited Permitting

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

VOTED: To appoint Brian Hoeg and John Olivieri, Jr. to the Project Review Committee for 43D for Expedited Permitting with terms to expire July 31, 2015.

Unanimous in favor.

Review request for Outdoor Entertainment Permit-The Back Nine Club-August 10, 2014

Chairman Powderly asked if a neighbor could have outdoor entertainment at a party without asking the Town for permission. Ms. Craig stated that in the past, all outdoor entertainment requests have come before the Selectmen for approval. There is no charge for the permit. Ms. Garbitt stated that many residents do not know that they are supposed to apply for a permit.

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

VOTED: To approve the request of the Back Nine Club for Outdoor Entertainment for a graduation party on August 10, 2014 from 2:00 PM to 9:00 PM.

Unanimous in favor.

Request for seven (7) One Day All Alcohol Liquor Licenses – Park Commission – August 16, 2014; August 24, 2014; September 6, 2014; September 13, 2014; September 22, 2014; September 25, 2014; and September 27, 2014

Chairman Powderly said that the Park Commission has requested seven (7) One Day All Alcohol Liquor Licenses for the Ted Williams Camp.

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

VOTED: To approve the One Day All Alcohol Liquor Licenses for the following:

August 16, 2014 from 5:00 PM to 11:00 PM for a baby shower; August 24, 2014 from 11:00 AM to 2:00 PM for a triathlon; September 6, 2014 from 5:00 PM to 11:00 PM for a wedding; September 13, 2014 from 12:00 PM to 5:00 PM for a wedding; September 22, 2014 from 4:00 PM to 10:00 PM for a wedding; September 25, 2014 from 5:00 PM to 11:00 PM for a rehearsal dinner; and September 27, 2014 from 11:00 AM to 5:00 PM for a company outing.

Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes for July 14, 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 for July 14, 2014 as presented.
Unanimous in favor.

New Business

Ms. Garbitt stated that Mark Perry, Scout Master from Troup 333 has provided the Board with a Certificate of Appreciation for the collection of retiring American flags. This is their third year doing this, and they have collected 1,200 flags just this year alone.

Selectman Hollenbeck stated that she had attended the Regional School Committee Meeting last week about confirming a meeting date to meet with them and the Freetown Selectmen. August 13th is the date that has been agreed upon, but they are waiting on a date from Freetown. The School Committee wants to meet at 6:00 PM. Chairman Powderly stated that is fine with him.

Any other business that may properly come before the meeting

Ms. Kulakovich stated that there are several professional builders and an electrician that have come forward to help restore the Boy Scout Building on Pickens Street. Discussion occurred with the Conservation Commission about demolishing the building, since no funds could be found to have it redone. Now these people have come forward to donate their time. The Town has historical ties to the building. This is a way for the Town to gain back a building with just a little fundraising. Ms. Kulakovich asked if the Conservation Committee approves the work, would the Selectmen also approve the work, since it may be done before your next meeting. She also requested that the Highway Department remove the debris from the site. Donations would be sought to pay for the materials.

Ms. Garbitt stated that the Town of Lakeville owns the property. She had thought that the property was part of the Viger's Property, but it is not. The Conservation Commission has taken oversight of the building. There will be an expense to remove the debris. Chairman Powderly noted that Donald Bissonette from the Planning Board and the Building Commissioner will lead the renovations. They will also make sure that there are cameras and an alarm system installed to make sure that the building is secure.

Other Items

1. Memo from Planning Board regarding Rush Pond Road
2. Memo from Planning Board regarding Curb Cut – Highland Road – Map 32, Block 2, Lot 6

3. Letter from Lakeville Arts Council regarding Arts & Music Festival Transportation
4. Construction Notice regarding Surrey Drive, Carriage House Drive and Tammatt Brook Road
Chairman Powderly read the construction notice into the record. Ms. Garbitt stated that the notice has been mailed to the residents. It was on LakeCAM and in the Middleboro Gazette.
5. Copy of Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report
6. Letter from Michael Cody to Conservation Commission regarding 77 Pickens Street and their response.
Selectman Hollenbeck said she was not very familiar with the Wetlands Protection Act, so she read up on it this weekend. Based on her research, someone moving into Town would not be aware of what the regulations entail. Perhaps a Frequently Asked Questions sheet should be given out that details what they can or cannot do when they move into Town. This would make it easier for people, since it seems that the problem is just a communication issue. Ms. Craig stated that the Conservation Commission did hold an open house at the Library, and invited the public to come in and learn about the Wetlands Protection Act. Ms. Garbitt stated that the Town Clerk includes information on wetlands in her welcome package for new residents.
7. Thank you letter from the Tuesday Club of Assonet
8. Update from Town Counsel regarding HMO Premium Contributions
9. Letter from FEMA regarding Flood Insurance Rate Map and Flood Insurance Study Map
10. Copy of South Coast Rail FY15 Technical Assistance Program
11. JTPG Annual Cookout Meeting Notice – July 23, 2014
12. Notice from Verizon regarding Price Increases
13. SRPEDD Commission Meeting Agenda for July 23, 2014 and Agenda Items

At 8:20 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 (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.

Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck -Aye.

List of documents provided at the Selectmen's meeting of July 28, 2014

1. Letter of interest from Donald Healy to serve on the Finance Committee
2. Letter of interest from Donald Fronzaglia to serve as interim member and information from Town Counsel on the process
3. Information from the Building Commissioner regarding 210 Kenneth Welch Drive
4. Information regarding the creation of a Community Development Committee
5. Warrant for the September 9, 2014 State Primary
6. Memo from the Town Clerk to appoint Election Officers
7. Appointment of Brian Hoeg and John Olivieri, Jr. to the Project Review Committee for 43D for Expedited Permitting
8. Application from the Back Nine Club for Outdoor Entertainment on August 10, 2014
9. Applications for One Day All Alcohol Liquor Licenses from the Park Commission
10. Draft letter to be sent out to Commission/Boards regarding identifying their goals and priorities