

**TOWN OF LAKEVILLE**  
**Selectmen's and Wage & Personnel Board**  
**Meeting Minutes**  
**August 10, 2016 – 6:30 PM**

On August 10, 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. Also present were: Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**7:00 PM Liquor License Transfer Hearing for Poquoy Brook Golf Course**

Brian J. Conefrey, Applicant, was present for the discussion. Chairman Hollenbeck read the procedure that would take place for the hearing and the legal notice into the record. Mr. Conefrey of 9 Quail Road, Lakeville, is purchasing the golf course, and needs to transfer the liquor license as well.

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

VOTED: To open the hearing for the transfer of Common Victualler All Alcoholic Beverages License for Poquoy Brook Golf Club of 20 Leonard Street.  
Unanimous in favor.

Chairman Hollenbeck swore Mr. Conefrey in and briefly spoke with him regarding the transfer.

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

VOTED: To close the hearing for the transfer of Common Victualler All Alcoholic Beverages License for Poquoy Brook Golf Club of 20 Leonard Street.  
Unanimous in favor.

The Board of Selectmen stated that they have no problems with the transfer.

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

VOTED: To approve the Common Victualler All Alcoholic Beverages License transfer to Brian J. Conefrey from Daniel C. Dickow, contingent upon the sale of the Poquoy Brook Golf Course to Mr. Conefrey.  
Unanimous in favor.

Ms. Craig-McGee stated that Mr. Conefrey needs to provide a check in the amount of \$200 as the application fee to the Alcoholic Beverages Control Commission (ABCC). Ms. Craig-McGee will be sending all the paperwork to the ABCC. It will take at least a month for them to go through their process of checking on taxes, looking into any Department of Revenue issues, unemployment taxes on the seller's end, etc. The ABCC will then provide the Town with a

Form 43 and when the sale of the Golf Course closes, the new License will be issued, contingent upon payment of the real estate taxes owed.

**7:30 PM Meet with Agricultural Steering Committee to review their recommendations for appointment of Members to the Agricultural Commission**

Chairman Hollenbeck welcomed everyone from the Agricultural Steering Committee and interested applicants for the Agricultural Commission. Shawn Conway spoke for the group. The Steering Committee wanted to keep Members of the Steering Committee involved with the Commission. There was not a lot of outside interest to join the Commission. It was hoped to have a cross section of people with a variety of sizes of farms. He stated that Nancy Kitchen wants to attend the Commission meetings as a by-stander, not as a Member or Alternate. Selectman Powderly explained that it is expected that people will be at most of the meetings, unless someone has extenuating circumstances. Mr. Conway asked about keeping the minutes of their meetings. Chairman Hollenbeck explained that the Commission will be subject to the Open Meeting Law. Those on the Commission will need to take the Conflict of Interest Training online, all meetings will need to be posted and the Commission will need to publically document the minutes. Ms. Garbitt added that one of the most important aspects of the Open Meeting Law is that the communication with emails can only discuss scheduling the meetings, nothing else. Ms. Craig-McGee mentioned that they can also send out agendas to the members prior to the meeting, but there cannot be any back and forth correspondence/discussion on any matters. Chairman Hollenbeck stated that the Commission can arrange where to hold the meetings, since it has to be a public place. The Commission can arrange with someone in the Selectmen's office for the taking of the minutes, and LakeCAM is also available for recording the meetings. The Commission will need to elect a Chairman, Vice Chairman and Secretary at the first meeting.

Ms. Garbitt stated that she would be able to attend their first meeting, distribute the policies and provide an overview. She will be able to provide any information with questions that they may have. The Commission will be provided with a Town Email so that Members' personal email is not public. All Members will all need to be sworn in with the Town Clerk once the Selectmen sign their appointment forms. Ms. Craig-McGee stated that she can explain the posting notice, provide it and email it to the person who will be posting the meetings.

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

VOTED: To appoint Shawn Conway, Paul Hunt and Tracie Treleavan as three (3) year Members with terms to expire July 31, 2019; Jared Darling and Joan Morton as two (2) year Members with terms to expire July 31, 2018; Ann Gredler and David Thomas as one (1) year Members with terms to expire July 31, 2017 and Kelly Conway and Iain Ward as Alternate Members with terms to expire July 31, 2017 to the Agricultural Commission.  
Unanimous in favor.

### **Discuss memo from Board of Health regarding reorganization of their Department**

Chairman Hollenbeck stated that the Board of Health voted to approve a permanent reorganization involving Board of Health employees at their meeting held on July 6, 2016. The employees will report directly to and be supervised by the Building Commissioner/Director of Inspectional Services, Nathan Darling. On December 16, 2015 the Board of Health Members had voted to approve the temporary reorganization for a trial period effective December 17, 2015. Mr. Darling will continue approving all of the payrolls, time cards and employee absence reports for the Board of Health Employees.

Chairman Hollenbeck explained that since their temporary reorganization is becoming permanent, the Town will have to apply for Special Legislation. Ms. Garbitt stated that Town Counsel, Michele Randazo, said that she would come and meet with the Chairman of the Board of Health, the Building Commissioner, and the Chairman of the Board of Selectmen to go over this. Selectman Burke noted that the matter first needs to go before Town Meeting in order to find out if the Town wants to do this permanently. Selectman Powderly stated that he is fine with Mr. Darling taking over the day to day functions of the Board of Health. Selectman Burke explained that they would still act as the Board of Health. Chairman Hollenbeck stated that it would be good to have one (1) folder for every property in order to streamline what takes place at a particular property and have the complete history. Selectman Powderly stated that the files should be streamlined with or without the process. Selectman Burke stated that it may be worth a conversation with Attorney Randazo about the drawbacks and more compelling reasons about this changeover. The Selectmen did allow them to try out the new arrangement, and when they were comfortable to ask about making it permanent. The Special Legislation should not be that hard to do. Chairman Hollenbeck stated that Ms. Garbitt could reach out to Attorney Randazo about any other ancillary factors.

### **Request from the Board of Health to appoint Nate Darling as Special Assistant Health Agent**

Ms. Garbitt explained that this appointment will allow Mr. Darling to be able to sign off on as built and not have to call in another Special Assistant Agent, which will allow work to be done quicker.

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

VOTED: To appoint Nathan Darling as Special Assistant Health Agent with a term to expire to expire July 31, 2017.  
Unanimous in favor.

### **Revisit request to purchase Town Owned Property located at 20 Rhode Island Road**

Chairman Hollenbeck stated that Derek Maksy is the second party who has brought this matter up to the Board. At the February 2, 2016 meeting of the Board, it was decided that there was no interest in selling the property. Basically, the interested person needs to come in and let the Board know what they would want to use the property for.

### **Request for Mooring Permit-Nick DiPietro-20 Central Avenue**

*Nick DiPietro was present for the discussion.* Mr. DiPietro stated that his attorney has advised him to obtain a Mooring Permit from the Town. Chairman Hollenbeck stated that Ms. Craig-McGee has reached out to the DEP and obtained permits and regulations that other communities have. It seems odd that Long Pond would be under this guideline. Ms. Craig-McGee stated that Mr. DiPietro went to DEP, and she had spoken with Carlos Fragata, of the DEP Wetlands and Waterways Program, several times about how to proceed. Mr. Fragata kept reiterating that it is the Town's responsibility to issue the Mooring Permit. The Town of Lakeville does not have a Harbor Master or a designated local official to patrol moorings.

Selectman Burke stated that when the request was put in a few years ago, the Board felt that it wanted to avoid policing moorings. The Town does not have the resources for divers and all that would accompany this. Does the Board want to develop a system to handle this? There is language in the law about non action, which is considered a denial. If the Board takes in an application, then they will have to act on it within 30 days. If the Board does not act within 30 days, it is then a denial, and Mr. DiPietro could appeal to the DEP. Mr. DiPietro asked if others would be able to come in and put in a mooring right in front of his property. Selectman Powderly responded that that is the great debate; people do it in Florida all the time. The Board would address it as it happens. Mr. DiPietro asked who he would complain to. Selectman Burke responded that it would be the Board of Selectmen. To do this correctly, the Town would have to hire someone, have a boat and the cost would fall on the taxpayers. This is the second time this issue has come up, and it has been brought up by Mr. DiPietro both times. The Board would have to analyze it and have Town Counsel involved to develop a system. Selectman Powderly stated that if Mr. DiPietro puts a boat on a mooring in line with typical water traffic and someone hits it, then he has a problem. He cautioned Mr. DiPietro to not put it too far out in the water, just far enough out so that it does not run aground or spin around.

It was the consensus of the Board to take no action on the request from Nick DiPietro to obtain a Mooring Permit for 20 Central Avenue.

### **Request to transfer Common Victualler License for Baldies Pizzeria to their new location – 40 Main Street**

Chairman Hollenbeck said the Board had received an application from Baldies Pizzeria to transfer their Common Victualler License to their new location at 40 Main Street.

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

VOTED: To approve the transfer request of a Common Victualler License for Baldies Pizzeria from 78 Main Street to 40 Main Street with an expiration date of December 31, 2016.  
Unanimous in favor.

### **Review Zoning Board of Appeals Petition for 2/4 Freetown Street**

Chairman Hollenbeck explained that the Zoning Board of Appeals (ZBA) is requesting the Board to review the petition for 2/4 Freetown Street and provide comments. This is a different set of circumstances. The petitioner has applied for a Special Permit from 6.1.3 (*Extension-pre-existing non-conforming structures or uses may be changed, extended or altered by Special Permit from the Board of Appeals finding that such change, extension or alteration is not substantially more detrimental than the existing non-conforming structures or uses*). The site presently contains two (2) existing buildings: a commercial building and a residence that is rented. The petitioner would like to create a condominium, and sell each building to a separate owner. They are also seeking to change and alter the pre-existing use. Selectman Burke stated that this is not even a condo, and the property has been marketed for years. The Town has no condo oversight; however, it doesn't mean that the Town cannot do them. It is defined in State law and on the local level that the Town should have some control. The ZBA does not have to say yes to the request. The Building Commissioner's issues are the use and easements, since it would be giving each side a yard. The condo trust has control over this. The nuance is the "sharing" aspect of septic. However, that is common with condos. They have a shared system like at Wood's Edge. It is not sure how the area is zoned. It originally was one (1) lot and permission was given to put two (2) structures on the property. 81L used to be a technique that if someone had two (2) buildings on one (1) parcel, non-conforming, they couldn't split it, but now case law comes into play with that. The Board may not have to communicate anything to the Building Commissioner, since he will work with them. The Zoning Bylaw Review Advisory Committee could look at this and recommend some language for the Bylaw. Ms. Garbitt stated that the area is business zoned. No comments were provided from the Board on the petition.

### **Review and vote on Job Description for the Temporary Assistant Town Clerk Position**

Chairman Hollenbeck stated that the current Clerk in the Town Clerk's Office will be on maternity leave. Since this will be taking place during election time, someone is needed that knows the position. There will be additional duties involved, more than what the Clerk is presently doing. This person could step into Ms. Drane's shoes to fill in when she is not present. It is a non-union, non-benefit eligible position. Chairman Hollenbeck asked if it is accurate that the Town Clerk acts as the Board of Health Agent to issue burial permits and generate deeds for Town owned cemetery lots. Ms. Garbitt responded that that was accurate. This would be a 30-40 hour per week job. The posting will take place in-house for a week and then be advertised.

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

VOTED: To approve the Job Description for the Temporary Assistant Town Clerk with an hourly rate of \$25.94, subject to changes in the revision in the hours and qualifications.  
Unanimous in favor.

### **Announce upcoming retirement of Vicki Souza as Council on Aging Director**

Chairman Hollenbeck stated that a letter had been received from the Council on Aging Director, Vicki Souza, announcing her official retirement date as of January 20, 2017. She will be using vacation time from December 26, 2016 through January 20, 2017. Chairman Hollenbeck read her letter into the record. Selectman Powderly suggested that the Board meet with Ms. Souza to see what she sees for changes in the Job Description and with the Senior Center to make sure that the Town gets the appropriate person in place.

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

VOTED: To accept the retirement letter of Vicki Souza, Council on Aging Director, and to send her a letter of thanks for her time and service to the Town.  
Unanimous in favor.

### **Review and vote to approve Board of Selectmen Meeting Minutes of April 28, 2016**

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

VOTED: To approve The Selectman Meeting Minutes of April 28, 2016 as presented.  
Unanimous in favor.

### **Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of June 22, 2016, July 27, 2016 and August 4, 2016**

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of June 22, 2016, July 27, 2016 and August 4, 2016 as presented.  
Unanimous in favor.

### **New Business**

There was no new business presented for discussion.

### **Old Business**

Chairman Hollenbeck provided an update on the George R. Austin Intermediate School debt. An email had been received this morning from Fred Baker, Director of Business & Finance at the School Department. He had received a voice mail from the auditor regarding the fact that they had no changes from the proposal of \$9,000 that Chairman Hollenbeck had stated. The auditors should be writing a memo to that effect. The School Committee will be meeting tonight, and they have been provided this information. This matter can be deemed resolved, provided that the letter also states that the Town of Freetown was not overcharged.

### **Any other business that may properly come before the meeting**

Ms. Garbitt stated that when the new Cherry Sheet numbers came out, the Payment in Lieu of Taxes should have gone up \$7,000-\$8000 for the sale of the Howland Road property, and it had not. She contacted the Assessors about that, and they will check into it.

### **Other Items**

1. Letter from HarborOne Bank regarding scholarships awarded to Lakeville Students
2. KP Law Update – An Act Relative to Transgender Anti-Discrimination
3. Final Approval letter from Mass Housing for Water Street Crossing

### **Adjournment**

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

VOTED: To adjourn at 7:45 PM.  
Unanimous in favor.

### **List of documents distributed at the Selectmen's August 10, 2016 Meeting**

1. Letters of interest from applicants to serve on the Agricultural Commission
2. Memo from the BOH asking for permanent reorganization involving the BOH employees.
3. Memo from BOH and previous minutes about requesting that the BOS appoint the Director of Inspectional Services as the Special Assistant Health Agent
4. Letters of interest in the Town owned property located at 20 Rhode Island Road.
5. Request from Nick Dipietro of 20 Central Ave for a mooring permit on Long Pond.
6. Request from Baldie's Pizzeria to transfer their Common Victualler License
7. Request from the ZBA to review the petition for 2/4 Freetown Street and provide comments regarding the petitioner applying for a Special Permit from 6.1.3.
8. Job posting and Job Description for the Temporary Assistant Town Clerk position.
9. Retirement letter from Council on Aging Director Vicki Souza.
10. Open session Selectmen/Finance Committee Meeting Minutes of April 28, 2016.