

**TOWN OF LAKEVILLE**  
**Board of Selectmen**  
**Meeting Minutes**  
**October 11, 2017 – 6:30 PM**

On October 11, 2017, 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 Burke at 6:30 PM. Selectmen present were: Selectman Burke, Selectman Hollenbeck and Selectman Powderly. Also present were: Rita Garbitt, Town Administrator, Lorraine Carboni, Town Coordinator, and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**6:30 PM Meet with Jeremy Peck to discuss the Taunton Street Culvert Replacement**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Mr. Peck had applied for a Culvert Replacement Municipal Assistance Grant for the Taunton Street Culvert to obtain funds for its repair. There were 37 grant applications, and only 13 were funded. Lakeville was not chosen due to higher priority needs of other applicants who scored higher and were awarded the grant money. The culvert was deemed to be in poor condition back in 2012 by the BETA Group who had made some recommendations at the time. A Request for Proposals has been done to obtain an engineer to design the culvert. Most likely the work will be the same as BETA Group was recommending. The intention is to have the culvert completed prior to the start of school next year. Chairman Burke asked, in terms of a structural analysis, is that necessary or can we forego it. Mr. Peck responded that it can be foregone. Precast culverts are pretty standard with their structural design, and the Town can do its own permitting. There will be headwall work with a standard headwall set into place, with wings on it, to stabilize the up and down streams.

Selectman Hollenbeck asked about the cost. Mr. Peck responded that it is estimated at \$275,000, which is what was submitted and on the Capital Plan. Chairman Burke asked what a structural analysis costs and if the culvert has to be done immediately. Mr. Peck explained that BETA Group performed a mini analysis about five (5) years ago. They deemed it to be an important issue at that time, and the culvert is in worse condition that it was at that time. The repair should be taken care of sooner rather than later. Later the Town may be dealing with the failure of a culvert and be pressed to do it. It is better to be proactive than to be reactive. Selectman Hollenbeck asked where the culvert falls in Lakeville's street analysis. Mr. Peck stated that the road there was paved about four (4) to five (5) years ago. Selectman Powderly asked about the status of the culvert on BETA's road list. Mr. Peck explained that it is not on a list; BETA looks at the drainage issues on the street. Selectman Powderly noted that the Town has not set aside money for the project as of yet. Could someone look at it and say, since it has been in poor condition for 50 years, it could remain that way for another 50 years? Mr. Peck responded that there is no life expectancy for the culvert. When it was pointed out by BETA Group it was felt that it should be addressed. Chairman Burke stated that since the Town did not receive the grant and is aware of the project, funding needs to be considered. Selectman Hollenbeck agreed. If the culvert fails, there will be a more serious problem than there is now. The Town is aware that it is in poor condition. The project cannot be pushed down the road any longer; funds have to be set aside for its repair.

Mr. Peck stated that BETA Group just submitted their 25% design for the signal at the Route 18/79 intersection. It is probably about 60% done and predicted to be another \$200,000 in design. The figures do not include the land taking of approximately \$285,000. No funds have been set aside for this project; it is planned to use funds from Chapter 90. This project needs to keep moving forward in a timely fashion. The entire project is probably \$8 million. Initially the cost was projected to be about \$5 million; however, with the increased length of the sidewalk and additional drainage, the figure expanded. Borings have been done to examine the soil underneath. The Town may need to look at other options to fund it.

Richard LaCamera of 32 Old Powderhouse Road, stated that he has been asking for this for years. At the bottom of Heritage Hill there are two (2) catch basins caved in. Water goes into the catch basin that is caving in, and the pathway of water from the golf course is to go into the culvert; however, it is missing it and going into the catch basins. This requires calls to the Highway Department to have it pumped out. Discussions have taken place with both the Town Administrator and Mr. Peck and they say that it will be fixed in the spring or the fall, and it still hasn't been done. This is costing the Town money and it is a safety hazard. One neighbor has had his whole yard flooded out. The project is not a major expense to fix. Mr. LaCamera stated that he would like an answer of when it will be fixed, if not now, later and he would like to discuss it privately. Chairman Burke stated that the Board is not ready to address the matter at this time, but appreciates it being brought forward.

#### **6:45 PM Meet with John Olivieri to discuss Hazardous Waste Insurance**

*John Olivieri of J.K. Olivieri Insurance Agency, Inc., was present for the discussion.* Mr. Olivieri explained that this came about from when the Town changed how it transferred certain materials from the Transfer Station. Most municipalities do not have more than the standard coverage and are held to a different standard than private entities. Municipalities also have their Fire Departments available to do clean ups, whereas private firms would have to hire someone. By contract the Town is required to bring material to Taunton. The standard policy does not cover that material. A discussion took place with Ms. Garbitt regarding other options of coverage and other areas that the Town may be exposed, such as the fuel tanks. Under the current existing coverage, there is a smaller limit in place than what the Town could have if purchased an additional amount of \$500,000. The additional coverage would include a vehicle hitting a building along with a typical leak. This additional amount would have a limit of \$4,000,000.

Selectman Hollenbeck asked if the insurance would be retroactive if it was found that there is an underground leak occurring with the Assawompset School underground tank, along with environmental cleanup. Mr. Olivieri responded that it would, since it is a much broader coverage. Selectman Powderly asked if the cleanup includes a tank replacement. Mr. Olivieri responded that there is tank replacement coverage as well. There is a pressure test that is usually done annually to underground tanks. Selectman Hollenbeck asked about the deductible. Mr. Olivieri stated that there was a \$1,000 deductible. Initially it was thought smaller tanks had to be covered; however, through speaking with Mr. Darling and Ms. Garbitt that does not have to happen. Ms. Garbitt stated that the amount would be \$4,200 if the Board decides to add the coverage. Mr. Olivieri responded that the amount is on an annual basis. The Town prefers to

have its contracts/accounts begin on July 1<sup>st</sup> so that they will match up with the fiscal year. Therefore, the insurance coverage would either be extended out or pro-rated with the carrier in order to match up.

**7:00 PM Meet with Nature's Remedy to discuss Letter of Non-Opposition or Support for Registered Marijuana Dispensary or Cultivation Facility**

*Robert Carr, Jr., President of Nature's Remedy, John Brady, Chief Operating Officer, and David Miller, Director of Real Estate and Ashley (who is in charge of Patient Outreach) were present.* Chairman Burke stated that representatives from Nature's Remedy were present to provide information about their business. The Board received the information prior to the meeting, so the Board had a chance to review it prior to the meeting. The information presented outlined the firm's Mission and Vision, and provided details of their management team, along with information relative to the application process they are following with the Commonwealth of Massachusetts. The location they are looking at is 310 Kenneth Welch Drive. Selectman Hollenbeck noted that the one difference with this company as compared to others who have been before the Board is that they are proposing a recreational component side of the business, which no one else has done.

Mr. Carr provided some background information on his experience. His background is in construction, dealing with plans and specifications. This has helped with the applications for DPH. Maine has had their program operational since 1999. He joined an association there that had patients involved. They had a caregiver program that grows for patients. They know how to produce good products for ill people. He started in the Massachusetts program and has put together a great team. He does not rely on consultants; they have internal staff. Mr. Brady has done a lot of work in Colorado, so he has resources he can pull from out there. It has taken a long time to get through the design process in Grafton, which will be a grow and dispensing location.

Mr. Brady said he has been in the agricultural field for over 40 years. He started a company to provide fertilizer for marijuana plants. Mr. Parenteau having the chillers there already is a huge plus. We have not seen a facility like it with the controls. They are interested in recreational, but it is more the ability to grow recreationally. They want the ability to grow both medical or recreational. It will cost \$4-5 million to build the grow facility. We have other Towns in this area that are talking about letting them sell recreationally. Nature's Remedy is currently working on three (3) applications with the Massachusetts Department of Public Health (DPH) to operate Registered Marijuana Dispensaries (RMDs). Three (3) is what is presently allowed under Massachusetts law. In March 2016, the DPH invited Nature's Remedy to submit the third and final phase of the application process, the Siting Profile, for two (2) of its applications. The Siting Profile currently requires applicants to obtain a letter of support of non-opposition from the municipality that the RMD intends to locate in. Nature's Remedy has received two (2) letters of support, one from the Town of Grafton, which will be a grow and dispensing location. The other letter is from the Town of Millbury. The firm has been awarded two (2) Provisional Certificates of Registration (PCR's). Nature's Remedy is currently in the building and site design phase for each of these locations. Nature's Remedy is looking to file its third and final siting profile with DPH for a RMD in Lakeville.

Selectman Hollenbeck stated that the Board has wondered why the three (3) others who have come before the Board have not asked about the recreational side of the business. The Board wants to partner with a firm with a sound business mind and who knows what to do to make this successful by working with the Town. The Board is looking to learn about projected traffic impacts and a bit more in terms of what types of product the company will be growing medically and later recreationally.

Mr. Brady explained that what the needs and/or demands will be is a very hard question to answer. Statistics can be provided about the amounts of medical and recreational products that are being produced and sold along with the number of people that are being serviced. Overall, more product is needed than is available. There are many companies in the process of obtaining their grow certificates and other approvals. Lakeville's location of being right off of 495 is a great location. It allows for Cape traffic if the business is allowed to go recreational. We have identified where the recreational dispensary would be located, if we are allowed to sell recreational. There are ten (10) grow operations in the State; seven (7) are complete waiting for approval. A 15,000 square foot facility of flowering product yields 6,000 pounds a year. The product is selling for \$6,000 a pound medically. There will be a dramatic shortage soon in the State since the need is great for the medical product. A patient consumes about a pound a year. Nature's Remedy is looking at a 30,000 square foot facility with a 16,000 square foot canopy for grow room. We anticipate 6,000 to 8,000 pounds annually. Typically, a first harvest is not as good as it will be once the process smooths out after the first year. The product should then yield 14,000-15,000 pounds between the two (2) grow facilities. Funding is in place, and additional funding is in process and is not an issue.

Selectman Powderly stated that the Board would gladly receive any additional information such as statistics, product needs and products produced, etc. He added that the facility being considered is in the Cold Storage Food business facility, and he expressed his concerns about cross contamination and odors. Mr. Brady assured the Board that the air filtration system has "scrubbers", and odor cleaners process the air before it goes outside. The smell is the plant itself. Selectman Powderly said he was confused about the forecast on customers. Mr. Brady said medical customers will be consistent; those who purchase recreationally tend to come and go. Selectman Powderly asked if the Host Community Agreements had to be the same from Town to Town. Mr. Brady said no. The State allows a 3% assessment for the Town on medical marijuana and 3% on recreational. As part of the community agreement the profits left over at the end of the year, Nature's Remedy is big with respect to charitable benefits. If the Town would like or need a ball field, money for Police Department items or extra manpower, or educational programs to take place within the Schools, such as drug and alcohol awareness programs, Nature's Remedy is happy to help with programs in the community. Selectman Powderly said you have a gross number for recreational marijuana. Is the amount \$60 million gross three (3) years out? Mr. Brady explained that Nature's Remedy facility could be \$10 million the first grow year. The State has capped recreational facilities at 75. If they start to expand that amount, then the numbers can change.

Police Chief Alvilhiera said he had spoken to the representatives a few days ago about their Security Plan and has no issues at this time.

Selectman Hollenbeck asked about the water for the facility. Mr. Brady stated that they will have a water recirculation system. The intention is to use as little water as possible with as little as possible ultimately going down the drain. About ½ gallon is needed per day for a plant. It is also important to have good dehumidification and humidity control. Selectman Hollenbeck stated that the Town does have a cap on the amount of water that can be provided; however, if necessary, a well could be put in.

Selectman Powderly stated that the Board understands the medical aspect; it is really the recreational side, which is not known. Mr. Brady stated that right now companies are set up as not for profit. The State has changed that so it will soon be seen that more companies are changing over to for profit status. That information can also be provided to the Board.

Richard Scott asked if there is a State regulatory guideline that Nature's Remedy is adhering to and what role does the local community have. Mr. Carr responded that they are using the guidelines from DPH, which are more stringent than those of the local community. However, the local community has a big input in what the company does. Before we begin, the Chief of Police will provide input after DPH. Their guidelines are very strict. There is a significant amount of security at the facility. The product starts from seed through to sale and it is vertically integrated. There will be a bar code on the packaging of every product to identify where it came from and what the contents of the package are. DPH will do quality control. Mr. Scott asked, if the business is under State jurisdiction for enforcement, if someone drove by and smelled an odor, where would the enforcement come in. Mr. Carr responded that it would be local enforcement. Typically, it starts at the Building Department. Selectman Powderly noted that the odors outside the Brockton facility are pretty tremendous at times. The key is to make sure the odors are mitigated. Mr. Brady stated that it may be due to the type of systems they have in place. There will be odor control systems in place. Selectman Powderly said that he wants to be sure that this does not become an issue for the Building Commissioner. Mr. Brady said a high humidity day will bring higher odors. We want to be good neighbors, so if there is an issue it will be addressed by us. Selectman Hollenbeck asked if the requirement was 500' away from a day care facility. Mr. Carr said anywhere where children congregate. Mr. Scott said it would be good to emphasize the odor component in the local agreement. Anything that has a financial tooth helps the Operation & Maintenance plan be more preventative. If there is a complaint, which comes with a penalty that would kick in after so many days, it would make sure everyone is protected. Chairman Burke said he didn't think there could be a By-law developed for one party.

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

VOTED: To approve a letter of Non-Opposition for Nature's Remedy.  
Unanimous in favor.

**7:30 PM Meet with Kelly Shumway to discuss application for Junk Dealer and Collector – 290 Bedford Street**

*Kelly Shumway was present for the discussion.* Chairman Burke provided details regarding the application. The Building Commissioner has reviewed the application for the License for

290 Bedford Street and provided a memo dated October 11, 2017. Mr. Darling feels the use is appropriate for the zone and recommends issuance, providing that the applicant adheres to the Junk, Old Metals or Second Hand Articles section of Lakeville's General By-Law. Selectman Powderly asked if the sales will mostly be inside. Ms. Shumway responded that it would be. In good weather, there may be some sales outside. Selectman Hollenbeck noted that the business is required to keep a manual book. Ms. Shumway stated that they do that anyway.

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

VOTED: To approve a Junk Dealer and Junk Collectors' license for the property located at 290 Bedford Street to Kelly Shumway of TKO Restorations and Treasures with an expiration date of May 1, 2018.  
Unanimous in favor.

### **Review and vote to award Sand and Salt bids for 2017/2018 – Highway Department**

Chairman Burke provided the details of last year's and this year's prices regarding the sand and salt bids from Plymouth County and what the Superintendent of Streets is recommending.

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

VOTED: To award the bid for Sand to G. Lopes Construction, Inc. at \$12.05 per ton and to award the bid for Salt to Morton Salt, Inc. at \$45.86 per ton.  
Two (2) in favor, one (1) abstention (Selectman Hollenbeck).

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

VOTED: To award the backup bid for Salt to Eastern Minerals, Inc. at \$47.05 per ton.  
Two (2) in favor, one (1) abstention (Selectman Hollenbeck).

Selectman Powderly asked how the Town could get its delivery guaranteed. Chairman Burke responded that they will look into that information with Mr. Peck and provide it to Selectman Powderly.

### **Vote to approve request from the Haunted House Committee to place signs on Southworth/Route 79 and Precinct Street/Route 79**

Chairman Burke explained that the Board discussed the request from the Haunted House Committee at its meeting on September 27, 2017 under New Business, but did not formally vote at that time.

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

VOTED: To approve the request from the Haunted House Committee to place signs on Southworth/Route 79 and Precinct Street/Route 79 intersections.  
Unanimous in favor.

**Ratify vote of September 27, 2017 to appoint Maria Perrone-Martin as an Associate Member of Community Development Committee**

Chairman Burke stated that the Board discussed and voted on this item at its September 27, 2017 meeting. However, it had not been on the agenda, and the Board needs to ratify its vote.

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

VOTED: To appoint Maria Perrone-Martin as an Associate Member of the Community Development Committee.  
Unanimous in favor.

**Announce creation of Elderly Affairs Liaison in Police Department**

Chairman Burke stated that the Police Chief has created the position of and assigned Emiliann Melo as the Department's Elderly Affairs Liaison Officer. The position is under the direction of the Chief of Police and is the Department's primary representative to the elder citizens of Lakeville. The Elders Affairs Liaison also assists and makes referrals to other support agencies for persons at risk of all ages. The person in this position is a mandated reporter under Massachusetts General Law.

**Discuss Board of Health Request for Assistant Animal Inspector**

Chairman Burke stated that the Board of Health has requested that Lisa Podielsky be appointed as Assistant Animal Inspector. Ms. Garbitt explained that Ms. Podielsky covers for the Animal Control Officer. She is from Freetown and works as their Animal Control Officer. David Frates feels this would be a good appointment. Selectman Powderly stated that if the position were to be receiving more money, he suggests that it be posted. Ms. Garbitt noted that is a good point, but it has never been posted. It could be posted going forward.

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

VOTED: To appoint Lisa Podielsky as Assistant Animal Inspector for a term to expire on July 31, 2018.  
Unanimous in favor.

**Discuss Board of Health Request for funds for Septic System Repairs**

Chairman Burke explained that the Board of Health can loan money for septic system repairs. They are asking that the funds in the account be increased by \$50,000, since recently there have been an increased amount of inquiries from property owners. Ms. Garbitt stated that she contacted the Financial Advisor about this. There are two (2) loans that the Town has for this program. It starts with the Board of Health reaching out to the DEP to their Clean Water Trust Septic Repair Program. The Town can set into place temporary borrowing until the Clean Water Trust puts the Town in a pool with other communities. Samples of the votes from previous loans and bonds have been provided. It is being recommended to increase the fund by at least

\$100,000 to \$200,000. Mr. Hassett, Town Accountant, has recommended that the amount which has been awarded be inserted. The account is presently at about \$90,000. This item could be placed on the Town Meeting Warrant; however, the process could take months. The borrowing percentage is 2% for the Town, and the Town charges the homeowner 5%. Loan payments are made through the betterment payments. The money is re-appropriated at Town Meeting.

Selectman Powderly suggested starting the process, since the Town does not want to turn people away. The Town wants the people to be able to become more compliant, and if the amount is not adequate, then it should be increased. Ms. Garbitt mentioned that there are also homeowners in Clark Shores who will be part of the upgrading of the water line. The Board of Health wants to help them to be more compliant. There will need to be an initial meeting with DEP by the Board of Health to start the process before the article is put on the Town Meeting Warrant; however, it could be put on and withdrawn if necessary. The DPH will then reach out to the Clean Water Trust to see if there is money available. The amount needs to be determined by the night of Town Meeting. Selectman Powderly suggested that Ms. Garbitt check with Town Counsel to prepare the appropriate language for the Warrant article. The amount of \$200,000 seems to be suitable. Chairman Burke suggested that the BOH also be consulted about the amount and what they think. Ms. Garbitt stated that there have been at least 50 betterments done. They are paid off as properties are sold. Chairman Burke suggested that the matter be researched with the goal of putting it on the November Town Meeting warrant.

#### **Review and vote on Special Town Meeting Articles and vote to sign the Special Town Meeting Warrant for November 13, 2017**

Chairman Burke said that it is hoped that there will be a quorum at the upcoming Town Meeting scheduled for November 13, 2017 at 7:00 PM. Ms. Garbitt then provided an update on the Warrant articles. She stated that Town Counsel has combined the Laborers and Firefighters Article together. The amount is referred to in Article 2. The contractual obligations have been set aside from the Annual Town Meeting. The Property and Liability Insurance amount has been included for \$4,000, if the Board does decide to move forward with it. With Articles 3 and Article 4, they are two (2) unissued bonds, which have been on the books for a while. \$1.1 million for the water storage tank, the interest was forgiven for the loan and the loan was paid off anyway. A vote is needed to rescind it. Article 4 was for the water line to Town Hall. The project was done under budget by \$4,000, so this debt can be rescinded. Article 5 is an article to reduce the Town Meeting quorum from 100 to 25 at any Town Meeting. Article 6 is for the rezoning of Staple Shore Road from business to residential. Tomorrow evening the Planning Board is scheduled for a public hearing at the Library at 8:00 PM to speak on the zoning change. Article 7 is to amend the language for Accessory Structures and the public hearing will be held on that tomorrow evening as well by the Planning Board. Article 8 will be discussed between the Planning Board and the Zoning Bylaw Review Advisory Committee with Mr. Darling to fine tune the language for the Zoning By-Law Section 7.4, Sub-section 7.4.6. Ms. Garbitt asked if the Board wants to keep this article in the Warrant or remove it. Chairman Burke responded that it can be discussed after the meeting tomorrow night. The article can then be added on as amended or agreed to. If necessary it can be ratified next week if changes take place tomorrow evening. Articles 9, 10, & 11 are road acceptances for Cedar Pond Road, Quequechan Circle and Ron Circle.



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

VOTED: To put Articles 1 through 11, as previously discussed, on the Special Town Meeting Warrant for November 13, 2017.  
Unanimous in favor.

### **Review and vote to sign Contract for Event Management for the Loon Pond Lodge**

Chairman Burke stated that the Board recently met with William Fuller regarding the Contract for Event Management for the Loon Pond Lodge. The notes of that meeting have been provided to the Board for review. Ms. Garbitt noted that at this time, Town Counsel is waiting on Selectman Hollenbeck's review. Selectman Hollenbeck stated that Town Counsel should have standard language. The revenue items need to be identified in accordance with the Agreement, and it needs to be made sure that there is standard language in place with respect to the access of books and records. Ms. Garbitt stated that she will call Attorney Lee Smith about this tomorrow.

### **Discuss and vote to submit 40R application to Department of Housing and Community Development**

Chairman Burke provided an update on a meeting that the Board of Selectmen had on October 5, 2017 with the Department of Housing and Community Development (DHCD) in Boston regarding expanding the existing 40R District, which is located near the commuter rail. The discussion also included expansion of the 40R District along the same piece of land on Riverside Drive, which is undeveloped, for the possible potential of a residential development. The developer is proposing a 40B Development. If the Town expands this to a 40R, then the Town would be able to receive money for it. During the meeting it was found that there is a timing issue to the process. The Board of Selectmen would have to vote to submit an application to DHCD to amend the Town's 40R District. DHCD would issue an amended Letter of Eligibility. As long as the Town's application to amend the 40R District has been submitted to DHCD before the 40B Project Eligibility Letter has been issued, the Town would be eligible for the bonus payment of \$3,000 per unit. The Town might not be eligible for the Zoning Incentive Payment. The Town does not have to have a Project first to submit an application. If the MBTA parking lot is there at the time of application, it is eligible, even if the parking lot is closed. The affordability has to be spread throughout the Project. Under the new regulations, the units might be counted for the Town's Subsidized Housing Inventory (SHI). A 40B can be built under a 40R, and the Town would receive the bonus for the affordable units. There is an opportunity to put an overlay district on a portion of property which is zoned commercial, and residential dwellings are going there anyway, so there is an opportunity for the Town to get State funds.

Selectman Hollenbeck stated that the developer has already gone before the ZBA to present his idea. Presently, the existing zoning limits what can be built. The developer is willing to work with the Town. Selectman Powderly further explained that to apply for a 40R, there does not have to be a development presented. A 40R will not do away with the current zoning, and whatever is happening can continue. A 40R helps the Town with density bonus payments, allowing the Town to receive an additional \$3,000 per unit. If there is going to be a 40B, it

makes sense to have an overlay designated as 40R giving the Town the potential to receive funds, subject to appropriation and the builder meeting any requirements. Selectman Hollenbeck added that even with the potential of the rail station closing, the 40R would apply whether or not the station remains. Chairman Burke further explained that the rail station parking lot may be abandoned by MassDOT, and it could become a Solar Farm with complete unilateral action by the State, through no public hearing process whatsoever. The Town would like the parking lot considered for 40R for development purposes.

A motion was made by Selectman Hollenbeck and seconded by Selectman Powderly to authorize Town Counsel and the Town Administrator to work on the 40R application for submission to the Department of Housing and Economic Development (DHCD).

#### Discussion on the motion:

Richard LaCamera, citizen, was provided the floor to stipulate his concerns about the proposed designation. He provided some back ground history from when he had been a Selectman and part of what was taking place with respect to the Lakeville Hospital property and anticipated plans at that time. The area was planned for economic development, not 70% residential as it seems it is heading towards now. Canpro has not done a good job with selling the property over the years. Ms. Garbitt told Mr. LaCamera what the Town has received credit for affordable housing projects that have taken place. Due to changes in some housing projects, the Town was not deemed eligible for some credits, since they ultimately did not qualify. Mr. LaCamera expressed his concern of the Town not receiving credit for units it had anticipated going towards its affordable housing count. He felt that Town Counsel should have realized this and made the Town aware that changes would affect the counts. Discussions need to take place with the Zoning Board of Appeals and Town Counsel so that everyone is aware of the fact that project changes may result in lack of eligibility of the units qualifying as affordable units. Mr. LaCamera stated that the Board should have an agreement with the developer; it should have been part of the Purchase & Sale. Having an agreement would bring benefits to the Town in terms of community development and infrastructure.

Nelson Pratt asked how short the Town is from its 10% affordable housing goal. Selectman Hollenbeck stated that the present figure is 7.6%. Ms. Garbitt noted that the Town is 126 units short. Mr. Pratt asked if the Town can set a limit for the entire size of the project. Selectman Hollenbeck explained that it depends on the number of rentals and what is affordable. Mr. Pratt asked if the Town could approve a project less than what is needed, so that it receives only what is needed. Selectman Hollenbeck stated that this would be something to check with Town Counsel about. As long as the Town has a Housing Production Plan in place, which is presently being updated this year, the Town will have more leverage to be able to say no to a project. It may be that the Town cannot limit a project.

Richard Scott expressed his concerns of changing zoning without having a project presented. A plan for the area is needed. There has to be some way to maintain the zoning integrity to meet the Town's objectives and not just the owners. He stated that he does not want to change the zoning until it is known what will be developed. The only thing that the Town has is the zoning to hold the developers feet to the fire.

Chairman Burke stated that he is hearing from the discussion that there is a huge opportunity for the Town, and it is important that it is made sure that it does not go away. Also, there is the question of if the Town meets the 10% affordability requirement, can a developer still, under 40R, develop further with expanded density. This may be an unintended consequence and needs to be found out if it is possible or not. Selectman Powderly stated that he would rather see business go in at the Hospital site; however, if it does not, he would rather have the Town vote to designate a 40R overlay giving the Town the potential to earn money on each unit.

The vote on the previous motion was taken and it was unanimous in favor.

### **Town Administrator's Annual Review**

Chairman Burke stated that the Board has been provided a form to fill out for the Town Administrator's Annual Review. This item was tabled until the next meeting of the Board.

### **Review and vote to approve Board of Selectmen Meeting Minutes of October 5, 2017**

Chairman Burke stated that the minutes need to be corrected, since he did not recuse himself; he just excluded himself from the 40R discussion.

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

VOTED: To approve the Board of Selectmen Meeting Minutes of October 5, 2017 as amended.  
Unanimous in favor.

### **New Business-Update regarding the Regional Finance Committee Meeting on October 5, 2017**

Selectman Hollenbeck provided an update regarding the Regional Finance Committee's Meeting held on October 5, 2017, along with a brief background of what has taken place with the last fiscal year School budget. Selectman Hollenbeck is putting together a simple document, which includes figures since the 2012 override showing the various funding sources that the School budget obtained its' funding from. It will show what the Towns of Freetown and Lakeville provided, what was provided by the State, what was used from their (Regional Schools) Excess & Deficiency (E&D) account, which is an unsustainable funding source. Selectman Hollenbeck mentioned that she is unable to attend the Regional School Committee Meeting on November 15, 2017 for their negotiations session. She was told that a substitute in her stead was agreeable to sit in on the Executive Session to see how negotiations are proceeding. Selectman Powderly stated that he could attend in order to report back to the Board. Selectman Powderly noted that as negotiations proceed, the Board has a fiduciary responsibility to the Town. Selectman Hollenbeck added that the School Department wants to look at the Towns stabilization accounts.

## **Old Business-Announce Governor Baker signed the Special Act establishing the Department of Inspectional Services and Permitting in the Town of Lakeville**

Chairman Burke stated that Senator Rodrigues provided a signed copy of Lakeville's local Bill (H2780) that Governor Baker signed on October 5, 2017. The benefit of this is that the Building Department, Conservation Agent and the Board of Health have been merged together allowing Town residents to visit one (1) office to do their permitting.

## **Any other business that may properly come before the Board of Selectmen**

Ms. Garbitt stated that she is in the process of setting up the meeting with Jean Fox and her South Coast Rail team. The date of Wednesday, October 18, 2017 at 6:30 PM was agreeable for the Board Members. Ms. Garbitt mentioned that she had also been making calls about the proposed solar canopies at the MBTA parking lot. The Board suggested having that meeting on Thursday, October 26, 2017 with Rick Colon.

Ms. Garbitt stated that she had received the Determination of Applicability from the Conservation Commission for the new Police Station property. The area in question does not fall into any significant zones.

Ms. Garbitt stated that assessments don't have to be done every year; it will be two (2) years until the next assessment with Other Post Employee Benefits (OPEB), September 2018.

## **Other Items**

1. Notice of Award of Recycling Dividends Program Grant - \$3,850
2. Thank you letters from the Lakeville Arts & Music Festival Committee
3. Memo from Middleborough Gas & Electric regarding Tax Lien Meeting Summary  
Action Items

Ms. Garbitt stated that the MG&E now has an important collection tool available to them: attaching past due electric billing to municipal tax bills through the lien process. With the cooperation of Town Tax Collectors, light plants may attach (lien) amounts past due to current tax bills, which then allows collection through the mortgage and/or Town tax collection. This new process adds procedures to the Town's collection activities. The process also will not begin until the next generation of next year's tax billing.

4. Notice from Department of Health & Human Services regarding removal of Social Security Numbers from Medicare cards
5. Notice from Verizon regarding contact information on the License Renewal
6. Notice from Comcast regarding channel and package changes
7. Letter to John Scanlon regarding his donation for the Islands at the intersections at Routes 105/18

## **Executive Session**

At 9:55 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck, 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 (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; pursuant to M.G.L. c. 30A, §21(a) (3) for the purpose of discussing strategy with respect to litigation in the matter of Trocki v. Lakeville, et al, Plymouth Superior Court C.A. No. 1783 cv 00700. Holding the meeting in open session would have a detrimental effect on the litigation position 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 27, 2017.

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

**List of documents provided at the October 11, 2017 Selectmen's Meeting**

1. Communications from the Superintendent of Streets regarding the Culvert Replacement Municipal Assistance Grant Notice.
2. Storage Tank & Environment Liability Policy proposal from J. K. Olivieri Insurance Agency, Inc.
3. Presentation packet from Nature's Remedy to the Board of Selectmen for their proposal intentions for the Kenneth Welch Drive property.
4. Letter from the Director of Inspectional Services and Permitting dated October 11, 2017 regarding recommendation of a Junk Dealer & Junk Collector License for 290 Bedford Street. Application from Kelly Shumway of TKO Restorations and Treasures for licenses.
5. Bid results and award recommendation from the Superintendent of Streets for sand and salt for 2017-2018.
6. Memo to ratify vote of September 27, 2017 to appoint Maria Perrone-Martin as an associate member of the Community Development Committee (CDC)
7. Letter from Police Chief Frank Alvilhiera dated October 2, 2017 appointing Emiliann Melo as Elderly Affairs Liaison Officer and the duties and responsibilities of the position.
8. Request from the Board of Health for Lisa Podielsky to be appointed as Assistant Animal Inspector.
9. Request from the Board of Health for funds for septic system repairs and previous town meeting warrant article language and votes.
10. Special Town Meeting Warrant articles for November 13, 2017.
11. Draft contract revisions for Event Management contract for Loon Pond Lodge
12. Meeting Minutes of October 5, 2017 from DHCD meeting and motion to authorize Town Counsel and the Town Administrator to work on the 40R application for submission to the DHCD.
13. 12 page evaluation for the Town Administrator
14. Selectmen Meeting Minutes of October 5, 2017
15. Memo that Selectman Hollenbeck will provide update on the Regional Finance Committee Meeting from October 5, 2017.
16. Copy of the Special Act establishing the Department of Inspectional Series and Permitting in the Town of Lakeville.