

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**August 25, 2014 - 7:00 PM**

On August 25, 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 along with LakeCAM for local community broadcast.

**7:00 Meet with the Superintendent of Streets to discuss the Request for Qualifications for Engineering Services for Rhode Island Road (Route 79)**

*Jeremy Peck, Superintendent of Streets was present for the discussion.* Mr. Peck explained that he was providing the latest draft of the Request for Qualifications (RFQ) for the Rhode Island Road (Route 79) design and construction project. He was looking for the Board to review the draft, and provide any questions or comments. The Project Initiation Form (PIF) and Project Need Form (PNF) were put together with the Engineering Consultant through Department of Transportation (DOT). The next step is to advertise the RFQ for 25% of the design. The Town will negotiate a fee to complete a 25% design, which is the DOT preliminary review process. With a DOT project, approximately 50% of the engineering work occurs before the 25% design is submitted to DOT, so the fee for this work is expected to be approximately 50% of the total amount of the contract. This allows them to see the intent of the design, and potential right of ways or takings. The project is being funded through the Transportation Improvement Program (TIP), which is 90% Federal funds and 10% State funds. Other costs have to be borne by the Town, such as the land takings, right of ways, etc. A preliminary estimate has been provided, and 10% is the engineering fees, which is about \$400,000. The responses need to be ranked, and then we conduct interviews and negotiate a fee with the chosen firm.

Mr. Peck reviewed the RFQ with the Board. This project is not programmed into the schedule until 25% of the design is completed. This shows that the Town is serious about completing the project. Once it is on the schedule, work will depend on the TIP funding. Mr. Peck said that the Town did some paving on Route 79 through the Pothole Winter Rapid Recovery Program. It is a patch job to help keep the road viable through the next six (6) or seven (7) years due to all the potholes. Mr. Peck said for the project to begin, several steps have to take place: a survey must be prepared, meetings must be held with residents and DOT, right of way research, and layout review. Ms. Garbitt mentioned that a few years ago, there was a public meeting with residents along Route 79, and they said they did not want sidewalks, although sidewalks had been planned for both sides of the road. The Town will hire a traffic engineer who will determine what the design will be. The road will be designed to the specifications of the traffic count. The intersection will be realigned, and there will be potential land takings there, which the State will have to do. Something will also need to be done with the curve on Route 79, where the culvert is. Mass DOT wants shoulder lanes and certain widths, in order to have "smart streets" for pedestrians, bikes, and vehicles. It will probably be necessary to do some design waivers, where the Town can argue why it needs modifications. As soon as the RFQ is submitted to the DOT, it goes to District Five and to the Main Office, where they will review compliance for traffic,

environmental, ADA, etc. Mr. Peck stated that as long as 25% is designed, then it is programmed for the TIP, even if the Town has to halt the project for a while. This project will go from Galfre Road to Clear Pond Road. The Town will need to make sure to have an engineer that is DOT certified. Any costs that are over the amount of the project, the Town has to absorb, which is any costs over 10%.

**7:15 PM meet with the Animal Control Officer to discuss a contact with the Town of Wareham to use the Lakeville Animal Shelter**

*David Frates, Animal Control Officer, was present for the discussion.* Chairman Powderly spoke about the request from the Town of Wareham to board stray dogs at the Lakeville Animal Shelter. Mr. Frates explained that he felt that there would be no problem accommodating Wareham dogs at the Animal Shelter. The income from boarding dogs from other Towns helps to pay for the Assistant Animal Control Officers. The Shelter has a very successful adoption program, which out of Town dogs are placed into. Mr. Frates said that we are helping Towns that do not have their own Shelter.

Selectman Burke noted that this is a great example of regionalized services that work. Ms. Garbitt explained that with the agreements the Town presently have in place with other Towns, their Officer calls and brings the dog in. The owners have to show proof of current rabies vaccinations. They also need to provide a release form from their Town's Animal Control Officer in order to have their dog returned to them. There are presently eight (8) Towns that Lakeville has contracted with to provide these services. Selectman Burke asked about #11 in the agreement, (Lakeville retains the right to refuse to accept dogs, if the shelter is filled to capacity) shouldn't it be that Lakeville is able to refuse to accept dogs for any reason. Mr. Frates stated that only adoptable dogs are placed into the adoption program. Biting dogs are not adopted out. He has not had a problem with any of the Towns that Lakeville has an agreement with.

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

VOTED: To enter into an agreement with the Town of Wareham to use the Lakeville Animal Shelter.  
Unanimous in favor.

**7:30 PM Meet with the Deputy Fire Chief regarding appointment of Kyle Gerrior as Fire Fighter/Paramedic**

*Kyle Gerrior was present for the discussion.* Chairman Powderly read the letter from Chief Hopkins requesting the appointment of Kyle Gerrior as a Full-time Firefighter/Paramedic for the Town.

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

VOTED: To appoint Kyle Gerrior as a Full Time Firefighter/Paramedic. The appointment is for a one (1) year probationary period, to expire on August 25, 2015 and contingent upon successful completion of an approved Massachusetts Firefighter's Academy.  
Unanimous in favor.

**Review and discuss new job description and classification for a Part Time Clerk for the Treasurer/Tax Collector's Office**

Ms. Garbitt explained that the Treasurer/Collector would like to post the Part-Time Treasurer/Collector Clerk position (19 hours) that was approved in her FY15 Budget. She previously had two (2) Full Time Clerks doing each job, but five (5) to six (6) years ago, she lost one (1) of those positions. The Clerk on the Collector's side had to pick up the work, and the Selectmen voted to reclassify the position and change the title of the position. Ms. Kenney is looking to train someone to do payroll and other duties. The position would begin at Level V, as a nonunion position. The hourly wage would be between \$14.96 and \$16.79. Selectman Hollenbeck asked questions on the actual job description. Selectman Hollenbeck noted that the typical person applying may not know Munis and payroll, so those might need to be listed as preferred. Ms. Garbitt stated that the position will have to be posted in house first, and if no qualified applicants apply, then it will be advertised and placed on the website.

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

VOTED: To approve the Job Description and Classification for a Part-Time Clerk for the Treasurer/Collector position as presented.  
Unanimous in favor.

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

VOTED: To approve the Classification and Compensation Plan as indicated on the non-union, Wage Scale Level V.  
Unanimous in favor.

**Review recommendation from the Town Counsel regarding an amendment to our Cell Tower Zoning Bylaw Section 9.3**

Ms. Garbitt provided an update and all the background information regarding the amendment to the Town's Cell Tower Zoning Bylaw Section 9.3. It was noted that the provider currently has to go through the Special Permit process. AT & T did just go through the permitting process, and told the Building Commissioner that it is no longer required. Attorney Patricia Cantor from Kopelman and Paige, P.C. provided the language for the warrant article. She recommended that the Town amend their Zoning Bylaw.

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

VOTED: To forward the Cell Tower Zoning Bylaw Amendment to the Planning Board for them to schedule a public hearing.  
Unanimous in favor.

#### **Discuss SRPEDD Municipal Assistance for FY15**

Ms. Garbitt explained that each year, SRPEDD offers Municipal Assistance to their communities. At a recent Energy Advisory Committee Meeting it was suggested that it would be beneficial to have someone from SRPEDD help write the grant for the next round of Green Communities Grants. Ms. Garbitt said the time could also be used for help working on the update of the Town's Master Plan. It depends what the Board feels is more important. Chairman Powderly asked if the Building Commissioner was able to come up with some appropriate items for the next Green Communities Grant round. Ms. Garbitt responded that Mr. Darling is looking at weatherization projects and LED Street lights. It also would be beneficial to hire an engineer to help with the planning. Chairman Powderly asked if the Energy Advisory Committee needs to provide worthwhile projects that would be approved within the payback timeframe first.

Selectman Hollenbeck asked what the deadline was to submit the grant. She added that the Town has been talking about exploring a municipal partnership with Middleborough regarding a Police Station. In the past, the Planning Board did not use their allotted 20 hours, but they are planning on using them this year. Mr. Zienkiewicz stated that some of the time may be used to look at business zones in Town.

Chairman Powderly asked if the Board would like to hear from Mr. Darling about the street lights and other Green Communities projects. Ms. Garbitt mentioned that an audit was done by Middleborough Gas & Electric regarding the weatherization of the Senior Center. Mr. Darling has recommended that it be done. Ms. Garbitt said the Town is eligible for up to \$250,000 each year. It originally was thought that the window project would have been a worthwhile project. However, the payback was too long in years, and the State would not approve it.

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

VOTED: To allocate the 20 hours of Municipal Assistance from SRPEDD for the next Green Communities Grant round.  
Unanimous in favor.

#### **Request from Police Chief to reappoint Anthony Keaney as Recruit Officer**

Chairman Powderly read the letter from Chief Alvilhiera into the record.

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

VOTED: To appoint Anthony Keaney as Recruit Officer, effective September 15, 2014 through February 6, 2015.  
Unanimous in favor.

**Request for Town Clerk to rescind appointment of Shirley Fernandes as Election Officer**

Chairman Powderly read the request from the Town Clerk to rescind the appointment of Shirley Fernandes as Election Officer.

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

VOTED: To rescind the appointment of Shirley Fernandes as Election Officer.  
Unanimous in favor.

**Request from Lakeville Arts Council to display signage for the 2014 Lakeville Arts & Music Festival**

Chairman Powderly stated that the Lakeville Arts Council has approval from Rockland Trust Company and Mr. Sedell to place large signs on their properties. They are requesting to place a sign, as they did last year, at the intersection of Pickens and Precinct Street and various lawn signs on private properties.

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

VOTED: To approve the request by the Lakeville Arts Council to place lawn signs on private properties and to place a sign at the intersection of Pickens and Precinct Streets advertising the 2014 Lakeville Arts & Music Festival.  
Unanimous in favor.

**Request from the Daughters of the American Revolution to proclaim September 17-23, 2014 as Constitution Week**

Chairman Powderly read the request from the Daughters of the American Revolution requesting that the Board declare the week of September 17-23, 2014 as Constitution Week. Selectman Burke read the proclamation into the record.

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

VOTED: To proclaim September 17– 23, 2014 as Constitution Week.  
Unanimous in favor.

**Request from Mirra Construction for Road Opening Permit to install Comcast Cable on Riverside Drive**

Chairman Powderly said the Board had received a request from Mirra Construction for a Road Opening Permit to install Comcast Cable on Riverside Drive.

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

VOTED: To approve the request from Mirra Construction for a Road Opening Permit to install Comcast Cable on Riverside Drive, subject to the conditions as outlined in the letter from Jeremy Peck, Superintendent of Streets, dated August 21, 2014.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Meeting Minutes of May 27, 2014 and August 13, 2014**

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

VOTED: To approve the Selectmen Meeting Minutes of May 27, 2014 as presented.  
Unanimous in favor.

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

VOTED: To approve the Selectmen Meeting Minutes of August 13, 2014 as presented.  
Two (2) in favor, one (1) abstention (Selectman Burke)

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of August 11, 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 of August 11, 2014 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt said that the Board had received an invitation to participate in the creation of a Veteran's Memorial Walkway in Lakeville from the Historical Commission and POLL (Preserve Our Lakeville Landmarks). The bricks cost \$75.00 and would be custom engraved.

Ms. Garbitt stated that there will be a dedication for the 100<sup>th</sup> Anniversary of the Historic Library at Somethin's Brewin at 10:15 AM.

## **Other Items**

1. Letter from State Reclamation and Mosquito Control Board regarding Mosquito District Commissioners
2. Verizon Second Quarter PEG Grant Report
3. Notice from Town Council regarding amendments to MGL Chapter 30B
4. Department of Revenue Bulletin regarding Sewer Relief Fund
5. Notice from MMA announcing nominations for Kenneth E. Pickard Municipal Innovation Award Municipal Website Award and Town Report Contest
6. Directions Newsletter from Woodard and Curran
7. Retired State, County and Municipal Employees association of Massachusetts Newsletter

At 8:10 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, §21(3) to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the Board, and the Chair so declared.  
Polled vote: Selectman Burke-Aye, Selectman Hollenbeck-Aye, and Selectman Powderly -Aye.

### **List of Documents provided at the Selectmen's Meeting of August 25, 2014**

1. Memo from the Superintendent of Streets regarding Rhode Island Road Request for Qualifications
2. Contract with Town of Wareham to use the Lakeville Animal Shelter
3. Memo from Fire Chief to appoint Kyle Gerrior as Full Time Firefighter/Paramedic
4. New job description and classification for Part Time Clerk for Treasurer/Collector position
5. Recommendation from Town Counsel regarding an amendment to the Cell Tower Zoning Bylaw Section 9.3
6. Information from SRPEDD regarding 20 hours of Municipal Assistance
7. Request from Police Chief to reappoint Anthony Keaney as Recruit Officer
8. Memo from Town Clerk to rescind appointment of Shirley Fernandes as Election Officer
9. Request from Lakeville Arts Council to display signage for the 2014 Lakeville Arts & Music Festival
10. Letter from Daughters of the American Revolution requesting proclamation of September 17-23, 2014 as Constitution Week
11. Application from Mirra Construction for a Road Opening Permit to install Comcast Cable on Riverside Drive
12. Selectmen Meeting Minutes - May 27, 2014 and August 13, 2014
13. Selectmen Executive Session Meeting Minutes – August 11, 2014
14. Notice from Lakeville Historical Commission and POLL regarding brick fundraiser to create a Veterans' Walkway