

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
September 8, 2014 - 7:00 PM

On September 8, 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 broadcast.

Annual Review for the Town Administrator

Chairman Powderly stated that the Selectmen have filled out the Town Administrator's review form. How does the Board want to proceed? Selectman Hollenbeck explained that she felt the Board should individually go through the form and then write down comments at the end of each section. Chairman Powderly explained that there were six (6) categories; Leadership, Personnel Management, Financial Management, Community Relations, Relationship with Board of Selectmen and Personal Qualities. Each question allowed for five (5) choices: Unacceptable, Needs Improvement, Successful, Exceeds Expectations and Exemplary. Selectman Hollenbeck went over the Leadership section and then provided a summary. She said that Ms. Garbitt would benefit with assistance so that she can do long range planning. The next section was Personnel Management. Comments were provided by Selectman Burke and Selectman Hollenbeck for this section. At the end of the section it was summarized. Chairman Powderly stated that the statement – Demonstrates sound judgment in evaluating the relative strengths and weaknesses of each Department Head and effectively leads labor contract negotiations were, to him, not applicable. It was clarified that it is not Ms. Garbitt; it is more that the Selectmen need to do a better job. Ms. Garbitt is hindered with an increased demand of her current role. As the Board changes, Ms. Garbitt adapts to how the new Board wants her to perform. The third category was Financial Management. Chairman Powderly commented that the Town has an inadequate budget for Ms. Garbitt to keep the Town's infrastructure well maintained. We have to be reactive rather than proactive. It is hoped that next year we will have a budget and be able to keep up with things, so that we can keep everything in place. He believes that the Board of Selectmen need to demand that there is a maintenance and repair program in place. Selectman Burke agreed, but explained that why he said Exceeds Expectations is that due to a lack of funds, Ms. Garbitt has been able to secure money for repairs and replacements as needed. She takes any opportunity available to do the best that she can with what she was provided with.

Selectman Hollenbeck noted that Ms. Garbitt works closely with the Superintendent of Streets and the Capital Planning Committee to make sure that the future needs of the Town are considered. Selectman Hollenbeck stated that she is impressed with Ms. Garbitt's strengths with budgeting. She clearly understands the process, and has a strong grasp with each of the Departments' needs. Chairman Powderly stated that he was confused with the last question on Page 5 - Seeks to enhance municipal services and its delivery, so he did not provide a response. The next section on Community Relations was reviewed. Chairman Powderly noted that the Town reacts when someone in the community asks us a question, but is not proactive. Ms. Garbitt is visible to the community; however, this is more the role of the Selectmen. Selectman

Hollenbeck stated that Ms. Garbitt is well respected and liked within the community. Her job is sometimes more clerical in nature than it should be. The next category was Relationship with the Board of Selectmen. Selectman Hollenbeck stated that Ms. Garbitt is always successful. She has a lot of work on her plate, keeps things as stable as they possibly can be and works long hours. The last category was Personal Qualities. Selectman Hollenbeck stated that Ms. Garbitt is professional, courteous, informed and maintains a professional atmosphere. Selectman Hollenbeck stated that Ms. Garbitt's greatest strengths is her history with the Town; how she is able to deal with people from all walks of life; and how she keeps the Board informed. She is professional and courteous. Selectman Burke stated that she is a tireless employee and goes above and beyond any expectation. Her experience brings a host of advantages, enabling her to work through issues. Chairman Powderly stated that he agreed with the comments that Selectman Hollenbeck provided.

The section regarding List the most important thing(s) the Town Administrator could improve upon to increase overall effectiveness was discussed. Selectman Hollenbeck stated that Ms. Garbitt could better utilize her time with more administrative staff. She is very hindered by not having an extra staff person to work in her office. Selectman Burke stated that though her long hours are appreciated, but most likely due to the fact that her office is inadequately staffed, that may be the reason why long term goals get less focus. Chairman Powderly stated that this is a very good review, and Ms. Garbitt should be very proud of what was said. Selectman Hollenbeck stated that she left the last page blank with the goals, since it was felt that the Board would develop those later this evening with the Town Administrator. Chairman Powderly stated that he did not do that, since he did not have it on his last page. Selectman Burke noted that he had written up two (2) goals, but maybe the Board can revisit this portion another time. Chairman Powderly stated that he felt that the Board should set goals year to year. We don't want a long list of fifteen (15) items to do. If the Board and Ms. Garbitt have prepared goals, then they can be discussed. Ms. Garbitt stated that she does have some goals in mind, such as Performance Reviews for Department Heads. Another main goal is facility inspections. The Building Commissioner has taken over the list that she has started with respect to the facilities. Also, she would like to prepare the Capital Plan in the fall, rather than rushing through it in the spring. Another is updating the Personnel Plan, and getting all the Policies in place. Chairman Powderly stated that he didn't disagree with any of those goals.

Selectman Burke stated that what he has seen is that there seems to be an inconsistency with authority within Town Departments. Some Boards do their own thing, and there is no supervisor. He would like to have as a goal to develop and redesign the workplace policy so that it is consistent throughout the Town. In some Departments, there seems to be a real lack of leadership, which seems to be causing the bulk of the issues. We keep hearing about the same issues over and over again. If there was consistent leadership, perhaps the problems would go away. It comes down to that we are providing inconsistent services, and there needs to be strong leadership at the Town Hall level. Also, there needs to be a succession plan put in place for when Ms. Garbitt retires. With adequate funding, how would the office be set up? We talked about a Town Planner that would also be an Assistant Town Administrator or a Human Resources Person. We need to free up certain aspects for Ms. Garbitt to look at some of these bigger things. We may find out that we cannot do things due to money, but we need to look at

how we can re-engineer how this Department delivers services and what role this Department plays in the entire Town Hall system.

Review the Request from Attorney John Ryder on behalf of Gene Bartlett regarding the Acceptance of Woodland Ridge Drive and Village Road as Town Way

Chairman Powderly read Attorney John Ryder's letter into the record. Chairman Powderly explained that traditionally, with new developments, the developers put in sidewalks, base coats, and culverts and then come back to put on the final coat on the sidewalk and streets. The Town holds money back for two (2) years after the final paving of the road is done. Once the two (2) years has expired, the developer can request that the Town accept the road at Town Meeting. In this case, it would appear that the roads look like they were completed a year ago. Attorney John Ryder noted that the developer, Gene Bartlett, is not physically or financially able to finish the project. The Town may be having a Special Town Meeting in October, and this could be placed on the warrant for the townspeople to vote to accept the road. However, the Town does not have an as-built for the road; it has not been done. An estimate has been received from the original engineer of \$1,500-\$2,000 to complete the plan. The developer should have paid to have it done.

Selectman Burke stated that it is in the best interest of the residents that live on the road for it to be accepted by the Town, but the developer typically handles this. The Town does not bail out developments. The residents could chip in for the as-built plan that needs to be done in time for Town Meeting. Mr. Olivieri stated that just because we have all the paperwork, it does not mean that the road would be accepted at Town Meeting. Chairman Powderly stated that the Board does not know why the Planning Board released the bond. Selectman Hollenbeck stated that her concern is that there could be frost heaves that destroy the road, and then we could have a \$300,000 problem. We don't have a fall back in this process, since the money was released and the bond has expired. Selectman Burke stated that the Planning Board, in my opinion, has an obligation not to release the funds until the road is accepted, but they did something different and that puts us in the middle now. It is not the Town's responsibility though to pay the bill for the engineering.

Chairman Powderly suggested having the Superintendent of Streets do an inspection and we can ask the Planning Board for a summary of why the money was released. Selectman Hollenbeck stated that even if Mr. Peck does an inspection and it is determined that the road, needs \$80,000 of work, the Board has no recourse due to the release of the money. She would like to know why and how that was done prior to knowing that the road was on its way to acceptance. Mr. Olivieri stated that he believed that the previous Superintendent of Streets did an inspection. Chairman Powderly added that he believes that there was a punch list, and it was completed. Ms. Garbitt stated that she didn't think that the Planning Board wanted the second coat to go down on the road before all the houses were built. Mr. Olivieri confirmed that a certain amount of houses have to be completed, and then the second coat is done. Chairman Powderly stated that, if there is a punch list, which was supposed to be completed if Mr. Bartlett was able, he would be requesting that this road be put on the Annual Town Meeting for acceptance. We need to get a report from the Superintendent of Streets. Chairman Powderly stated that the information is needed in two (2) weeks.

Ms. Garbitt stated that if the two (2) years on the road is not up, then that could be a problem placing it on the warrant. Selectman Hollenbeck stated that she didn't want to do anything to set a precedent, even though Mr. Bartlett is a prominent builder. Selectman Burke stated that the Town is not paying for anything. We are just expediting the process. In my opinion that is how far we can possibly go to try and solve the problem before the winter. Chairman Powderly added that the Board doesn't know if the Town will accept it at Town Meeting. Ms. Garbitt stated that she will put the topic on the next agenda for further discussion.

Review the Request from the Council on Aging Director to Close the Senior Center at Noon on Fridays to the Public

Chairman Powderly read the letter from the Council on Aging (COA) Director Vicki Souza about closing the Senior Center at noon on Fridays to the Public into the record. He stated that his vote is no. He felt that since the business in the COA has tripled, they could get volunteers to answer phones and do other light work. However, part of the problem with that is that the volunteers cannot use the computer due to privacy regulations. Chairman Powderly would like volunteers to play a greater role in the Council on Aging. He doesn't want this to be another Town building that is closed a half day on Fridays. Another suggestion is that we fund a part time position at the reception desk.

Selectman Hollenbeck stated that she met with Ms. Souza on August 21st and talked to her about these issues. The one thing about closing the COA is that the Library is also closed. If the Seniors wanted to go somewhere on Fridays, they cannot. The coffee shop closes fairly early as well and is not totally handicapped accessible, so what does the community have for a place for them to go to on a Friday? Ms. Souza stated that it was not really busy on Friday afternoons, and they need the time to get their work done. So perhaps there could be a soft close, and separate the offices from the main room so that people are not coming in to the main offices. Would it solve the problem of having someone additionally there for four (4) hours a week? Chairman Powderly stated that he didn't mind paying someone for eight (8) hours a week. If it is not busy on a Friday, then how can we get more volunteers and get it back to being busy?

Selectman Burke suggested that maybe the Board needs to look at some reconfiguration and staffing of the COA. Chairman Powderly stated that he didn't want to close public buildings that are open to the public from 8:00 AM to 5:00 PM during the day. Ms. Garbitt said that the cost to have a person work for 19 hours a week rather than six (6) hours is approximately \$10,000. Chairman Powderly responded that he didn't think they were asking for that. The COA Clerk n is only funded for 35 hours, but perhaps she could work for five (5) additional hours. Chairman Powderly suggested asking Ms. Souza for a proposal regarding her staffing needs now. Let's figure out how to solve this.

Discuss the memorandum from the Energy Advisory Committee regarding the Massachusetts Electric Vehicle Incentive Program (MASSVIP)

Selectman Hollenbeck stated that the proposal was to apply for a grant for an electric hybrid vehicle for the Town. She wanted to know if we needed one, does anyone drive one, and what is the cost. Ms. Garbitt responded that the cost is \$25,000. Chairman Powderly stated that a grant

generally pays for one half or one third of the costs. The grant is specifically for the true plug-ins. He is not in support of applying for the grant. The State is pushing the electric vehicles. Selectman Hollenbeck stated that if the Town gets an electric vehicle for free, then that is different. Selectman Burke stated that he felt that the technology for this is still in its infancy. It was agreed not to recommend applying for the grant at this time.

Discuss the Goals of the Economic Development Committee

Selectman Burke stated that the Economic Development Committee needs to have a discussion with the Board of Selectmen regarding where the Committee is heading. The Committee focused on two (2) or three (3) goals of what they would like to achieve over the next year. With that conversation, there was thought about an Economic Priority Zone, which would mirror the existing parcels from the Town of Middleborough's line to Andrews's Automotive. That property was rezoned for the sake of commercial development, but there is a question of whether that zoning should be re-examined. The Committee appointed Lorraine Carboni to work with Mr. Zienkiewicz of the Planning Board to see if that should be re-examined. The existing zoning has this parity, and it is actually residential, so is it in our best interest to have it this way or not? They are doing a survey of different types of zoning with their lot sizes, setbacks and what is needed.

Selectman Burke said the single most important improvement in that area is to ask Middleborough to extend the sewer line all the way up to Andrew's Automotive. The political climate in Middleborough has changed. They are in the process of upgrading their sewer system, so this is an opportunity to approach them on this. He wanted to find out from the entire board what they thought. Chairman Powderly stated that the former Lakeville Hospital site needs sewer. He felt the request to meet with someone from Middleborough is a good idea. Someone would have to determine what the cost would be to the Town of Lakeville. Having the sewerage line would solve a lot of problems, and then Lakeville would have property that is more viable to sell. Ms. Garbitt stated that she could reach out to the Middleborough Town Manager Charles Cristello. Chairman Powderly agreed to start there.

Selectman Burke explained that not enough is known about what the Town could do with the zoning. Even with existing zoning in that area, there could be development. We don't know what they will propose for a reasonable zoning change. Chairman Powderly asked if the Committee would want to meet with National Development. Selectman Burke responded that the Committee does want to reach out to them about the sewer line and zoning changes. Chairman Powderly pointed out that having the sewer would help getting a restaurant in that area. Sewer solves a lot of problems and makes a lot of opportunities.

Review and discuss the new Evaluation Forms for Department Heads and Town Employees

Selectman Burke stated that he and Ms. Garbitt reviewed the forms for the evaluation of the Department Heads and Town Employees. Selectman Hollenbeck stated that they just need to know the planning process of getting the previous goals on the form.

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

VOTED: To approve the Town of Lakeville Department Head Performance Review form and the Town of Lakeville Performance Review form for Town Employees.
Unanimous in favor.

Vote to accept Joseph Beneski's Resignation from the Zoning Board of Appeals

Chairman Powderly read the letter of resignation from Joseph Beneski into the record. Ms. Garbitt stated that she forwarded the letter to Donald Foster, Chairman of the Zoning Board of Appeals.

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

VOTED: To accept the resignation of Joseph Beneski from the Zoning Board of Appeals and to send him a letter of thanks for time served.
Unanimous in favor.

Vote to accept William Garvey's Resignation from the Board of Health

Chairman Powderly read the resignation letter into the record from William Garvey, resigning his position on the Board of Health. Ms. Garbitt explained that to fill the vacancy, a member would be appointed jointly by the Board of Health and Board of Selectmen. It was agreed that letters of interest will be accepted until September 22, 2014.

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

VOTED: To accept the resignation of William Garvey from the Board of Health and to send him a letter of thanks for time served.
Unanimous in favor.

Request for One Day All Alcohol Liquor Licenses – Park Commission – October 4, 2014 and October 11, 2014

Chairman Powderly said the Board had received two (2) applications for One Day All Alcohol Liquor Licenses for the Park Commission. Selectman Burke asked what the progress was for the Annual Liquor License for the Ted Williams Camp. Ms. Garbitt stated that Mr. Fuller is working with his attorney and accountant to complete the application.

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 Park Commission on October 4, 2014 from 6:00 PM to 11:00 PM and October 11, 2014 from 5:00 PM to 11:00 PM.
Unanimous in favor.

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

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

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

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of August 25, 2014 and August 27, 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 25, 2014 and August 27, 2014 as presented.
Unanimous in favor.

New Business

Vote To Sign Renewal Of Bond Anticipation Note for Ted Williams Camp Renovation Project

Ms. Garbitt stated that this is the last year that the note can be rolled over.

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

VOTE: To approve and sign the Bond Anticipation Note in the amount of \$190,000 for the Ted Williams Park Renovation Project to be issued on September 19, 2014 and due September 18, 2015 payable to Eastern Bank at an interest rate of .50%.
Unanimous in favor.

Any other business that may properly come before the meeting

Ms. Garbitt distributed the notice from the Massachusetts Municipal Association handout regarding the Legislative Breakfast Meetings on October 3, October 10 or October 17. Selectman Hollenbeck stated that she will probably attend the meeting in Stoughton.

Other Items

1. Notice of Preliminary Flood Insurance Rate Maps Open House – September 30, 2014
Chairman Powderly stated that he may be able to attend.
2. Notice from Lakeville Council on Aging regarding COA Wellness Day – September 30, 2014
3. Notice of Betty's Neck Extravaganza-Columbus Day Weekend – October 11 and 12
4. Bi-Monthly Sanitary Landfill & Transfer Station Inspection Report
5. Memo from Mark McAulay regarding Lakeville Animal Shelter

6. Copy of Dock Application – David Denison – 25 Twin Oaks
7. Notice from Town Counsel regarding An Act Relative to Domestic Violence
8. Notice from Town Counsel regarding Early Sunday Hours for Package Store Licenses
9. MassWildlife Newsletter
10. Notice from Verizon regarding Change of Programming

At 9:12 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(2) to conduct a strategy session in preparation for negotiations with non-union personnel, specifically the Police Dispatchers; and 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 September 8, 2014 Selectmen's Meeting

1. Annual review form for the Town Administrator
2. Letter from Attorney John Ryder on behalf of Gene Bartlett regarding the acceptance of Woodland Ridge Drive and Village Road as Town ways
3. Request from the Council on Aging Director to close the Senior Center at noon on Fridays to the public
4. Memo from the Energy Advisory Committee regarding the Massachusetts Electric Vehicle Incentive Program
5. Goals of the Economic Development Committee
6. Copies of evaluation forms for Department Heads and Town Employees
7. Resignation letter from Joseph Beneski from the Zoning Board of Appeals
8. Resignation letter from William Garvey from the Board of Health
9. Applications from Park Commission for One Day All Alcohol Liquor Licenses
10. Selectmen Meeting Minutes of August 27, 2014
11. Information of renewal of Bond Anticipation Note for Ted Williams Camp renovation project
12. Notice of MMA Fall Legislative Breakfast Meetings