

**TOWN OF LAKEVILLE**  
**Selectmen and Wage and Personnel Board, as applicable**  
**Meeting Minutes**  
**October 26, 2017 – 6:30 PM**  
**Lakeville Senior Center**

On October 26, 2017, the Board of Selectmen held a meeting at 6:30 PM at the Senior Center 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, Tracie Craig-McGee, Executive Assistant Lorraine Carboni, Town Coordinator, and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**6:30 PM Meet with Rick Colon of MassDOT regarding Solar Canopies at the Commuter Rail Station (Old Business)**

*Richard Colon, MBTA Director of Government and Public Affairs for MassDOT, Mike Travelini, consultant, James McAuliffe from Omni Navitas and other representatives were present for the discussion.* Mr. Colon stepped forward to speak on the Solar Canopies being proposed for MBTA Parking Lots and Garages. He stated that the project is separate and distinct from the South Coast Rail Station Project being proposed for Middleborough. The existing train station (Lakeville/Middleborough) is not being abandoned; it will be used for seasonal service for the Cape Flyer with the potential to expand that service to weekdays throughout the year.

Mr. McAuliffe then gave information about the Solar Canopies Project. The MBTA had put out a Request for Proposals (RFP) late spring, and his group won the bid which covers 37 stations. There will be a 20 year lease in place with Omni Navitas leasing the air over the parking lot. The MBTA will receive rent from his firm to lease the space. There are eight (8) parking structures which the tops will be covered. Seven (7) projects are projected to start in the December 17-January 18 time frame, and Lakeville is hopefully one of those stations. The project contributes to the Commonwealth's goal to reduce carbon emissions. MBTA commuters will be provided with covered parking spaces, which will protect their vehicles from snow in the winter and keep their cars cooler in the summer. LED lights will be installed on the bottom of each canopy providing better lighting for MBTA commuters. This also allows for costs to be less for snow removal and maintenance. The entire project will reduce carbon emissions by 28,885 metric tons annually. That reduction is equivalent to 66,736 barrels of oil consumed.

Mr. McAuliffe then showed an aerial view of the existing station and what their company will be doing to it in terms of solar panels. There is a difference in elevation in one (1) location of the parking lot, so one (1) panel model will be different. Otherwise, the company has standardized the canopies and what they will look like. They will either be a long span panel of 15 or a seven (7) panel canopy. He then showed a side view of the seven (7) panel, which will cover a car on each side. The lowest height of the canopy is 15'; this allows buses to go under the canopies with enough clearance. The clearance is higher on the opposite side. The canopies will provide a roof over the parking area. Initial talks with the Middleborough Gas & Electric Department (MG&E) began in April 2017. Talks took place with Lakeville's Tax Assessor, Harold Scheid, in March of 2017. Site implementation is planned to begin in January 2018. MG&E will be

taking all the electricity that is generated. The construction period will run from January 2018 to March of 2018. Minimal disturbance is anticipated to commuter parking availability during construction.

Mr. McAuliffe said the solar canopy size is 1.39 MW and will generate approximately 1,709,700 KWH annually. This will power 191 homes a year. The power generated will be purchased by the MG&E. This project will reduce the equivalent of 1,250 metric tons of carbon dioxide, annually. That reduction is equivalent to 2,900 barrels of oil. That is the overall impact for at least 20 years. After 20 years there are three (3) options: either re-up the contract with the MBTA, the MBTA will take it over, or the MBTA will ask to take everything away. There is a bond in place for that. The MG&E will purchase the electricity at a rate of seven cents a kilowatt hour, which is a really good price. Bridgewater State University (BSU) is taking about 11 credits and paying 11.5 cents per kilowatt hour; others are paying 12 cents a kilowatt hour or more.

Selectman Hollenbeck stated that the MBTA owns the land, and Omni Navitas owns the equipment. Mr. McAuliffe agreed with this. He stated that Omni Navitas will be paying the costs. There is a federal tax credit, and Mass Solar Energy Certificates. The sale of solar energy needs to take place for this to work financially. There is also the rent to the MBTA that will need to be paid. Mr. Colon stated that there will be advertising and other things set into place to generate additional revenue beyond that of the fares. Omni Navitas will be responsible for the maintenance of the panels throughout the lease. Mr. McAuliffe stated that the snow is not removed off of the panels. The panels are glass and shouldn't be scratched. This area of Massachusetts averages 4 ½ hours of sunlight a day during the year. Selectman Hollenbeck stated that the Board needs to speak with the Assessors' Office to find out if this is truly a PILOT with in-lieu-of payment of personal property taxes. Will this be taking place with every community? Mr. McAuliffe responded that this is what is taking place in all the communities. Mr. Scheid has already initiated things, and he is also a consultant for this project with other Towns. When building on State land, it brings into play many factors. There is case law which makes it clear that the company does not have to pay taxes. Rather than fight with Towns, they would rather pay a PILOT, which is the best way to go.

Selectman Powderly spoke about the meeting that had taken place last week. Mr. Colon had said that the MBTA is not abandoning the parking lot, but there are 8,000 trips for the Lakeville Train Station. The Cape Flyer is only 104 of those stops, so the MBTA is truly abandoning the station. The Board doesn't mind if the station goes to Middleborough; however, this lot will be abandoned, and there will not be any security in place. This will result in problems with illegal activities, tractor trailer trucks parking there overnight, etc. The area gets blighted. It is in the middle of a residential apartment area. The Town will receive very little benefit. The Board does not want a blighted area and suggests that the MBTA sell the land to the Town. The PILOT of \$3,000 to \$15,000 a year is not a benefit to the Town; that is a devaluation. The Board is not a proponent for where the solar canopies will be located. Mr. McAuliffe stated that his company is extremely concerned about security. If the solar panels are broken, that does not work for the company at all. The company will be doing monthly, quarterly and yearly inspections. The solar panels will not be blighting an area; they have a nice high tech look. The "new frontier" is to put solar panels on parking lots and areas which will be parking lots for

decades to come. Mr. Colon stated that there is no way that the MBTA will allow parking at the parking lot for tractor trailers. The lots are revenue generating lots where commuters pay to park. Tractor trailers don't park there now and they won't then.

Chairman Burke stated that the burden of policing will fall on Lakeville. When a parking lot goes from the amount of use as it presently is to that of seasonal use, it will have a propensity to attract a negative element. It always falls on Lakeville when something like this happens in Lakeville. This conversation is to mitigate the potential negative effects. Mr. Colon agreed that the Cape Flyer trips are less than what is taking place with the commuter rail; however, the Cape Flyer has the potential to grow into much more. Chairman Burke asked that assumptions not be made and added that he agrees with Selectman Powderly's concerns. Mr. Colon can say that the MBTA will police the parking lot, but how often? Mr. Colon responded that he doesn't have that data. How often are the Police going to the Station now? Chairman Burke responded that they don't have to since it is a well-used facility. Mr. Colon stated that there is no data to prove that. It is MBTA property and MBTA responsibility. It will be policed in the event it has a problem. There are many stations that have video surveillance. If it is felt that there is a need to put video surveillance at this station, it will be done. Mr. Colon then committed to the Board that the station/lot will not get to a situation that it will go to court for lack of willingness to protect the MBTA property.

Selectman Powderly pointed out that the Lakeville Hospital site has had 24 hour security since it closed due to significant amounts of breaking and entering. Lakeville does have a history of abandoned State property and knows what it will lead to. Mr. Colon stated that to suggest that the solar arrays will cause a blight or security issues, he just cannot connect the dots with that in his mind. Mr. McAuliffe stated that his company is present at many MBTA stations and those communities don't consider it a blight. When a system is put in place, it has real time monitoring so that when a panel goes out, it is known right away. Discussion has taken place about putting in video cameras; however, it has not yet been done. Selectman Powderly explained that the Board has objected and sent a letter to Stephanie Pollack, the MassDOT Secretary, about the parking lot and solar panels. An answer came back how it will be a benefit in the summer and in the winter to cars parked there, but if there are no cars there, then it does not matter.

Selectman Hollenbeck stated that the real issue is what the Town and the Board has seen and the real issue right now is the South Coast Rail. The solar company runs the potential risk of having it in an abandoned parking lot. The timing overall is really poor. The Board is finally garnering the input, but feels that it is being told what will happen with the properties than being able to provide feedback. It is not known if there will be a new South Coast Rail. Since the timing is an issue, looking at this long term, the two (2) issues cannot be separated. Everything is speculative. There has been much discussion about the Rotary as well, and nothing has happened with that. The solar canopies may be a great idea; however, South Coast Rail may not materialize.

Mr. Colon explained that the property is a valuable asset to the MBTA. There is every interest in maximizing the interest on that asset, and the MBTA will not let it turn into a blight. South Coast Rail is the real driver, not necessarily the solar panels. The area will be used by the

MBTA until such time it is decided that it is no longer wanted or needed for transportation purposes, then something will happen to it to maximize the asset. The MBTA does not want to have wasted investments. Selectman Powderly stated that the push in this area is to not have the solar panel ground mounts near residential properties. Our plan is, not that this is to be considered a threat, as soon as construction starts, the Town will issue a cease and desist. So when that happens, the Town does not want anyone to be surprised. The Board will leave it up to the attorneys, and the Town will fight it as much as it legally can. It is important that no one go away thinking that everything is fine. No by laws of the Town have been broken at this point. The Board has spoken to their State Senator and State Representative. The rebuttals are all understood, but the Town doesn't want the solar farm there. Mr. Colon stated that with the ongoing solar implementation and the reduction of greenhouse gases, the Town is going to issue a cease and desist on a greenhouse aspect? That still leaves a parking lot there. Selectman Powderly stated that the Board believes it is blighting the area. The Town has by laws, building permits and public hearings in place for when projects are proposed. None of that has happened for this project.

Mr. McAuliffe stated that this is State land. If the Board knew that the station would be fully operational over the next 20 years, would they feel the same way? Selectman Powderly responded that he would. There are upscale apartments where the solar canopies are being proposed. Mr. Colon asked if the project falls within the Town's green initiatives. Mr. McAuliffe stated that there are commuters who live in the Town of Lakeville. Selectman Powderly responded that most of the commuters do not live in Lakeville. Mr. Colon stated that the Town would receive a payment in lieu of taxes. Selectman Powderly stated that the payment is basically \$3,000 a year. As far as the benefit, the MG&E pays less than seven (7) cents for its current source of power, so this is not a benefit to them, so ultimately, Lakeville's rates will go up. Mr. McAuliffe stated that the in-lieu-of tax payment should be more than \$3,000 a year since they are negotiating that piece. Chairman Burke noted that Lakeville is not Braintree. While Lakeville does have open space, it does not necessarily mean for it to be all solar panels. It is understood what the State is saying, and it makes sense that way. However, in this application, this is not what the Town wants to see with that parking lot. Mr. McAuliffe stated that the issue then is not the station and whether it is in Lakeville or Middleborough; the Town just doesn't want solar there. Selectman Powderly agreed. Chairman Burke stated that it is not an appropriate use of the area. The area was developed for all residential development. Though the solar panels are nice looking, that is a relative term. It is just not necessarily a neighbor that those residents want. It is cost prohibitive in an urban place to use just land for solar panels, so it makes sense with a parking lot, but it is sad that the State wants to urbanize everything. That is not taking into consideration the local thoughts of the communities.

Selectman Powderly explained that unrelated to the solar panels, the Town was underway to having a 40R Overlay District there. The Town is a proponent of 40R districts near the train station. The Board had already started those discussions, since a builder had come to the Board with a proposal. There are about 200 apartments there, and the plan is to do another 200. If the station moves, the Town would love to put apartments in that parking lot. Mr. McAuliffe stated that they used to build apartments next to commuter rail stations. Selectman Powderly explained that the Board was working with the Department of Housing and Community Development prior to this. The suggestion is to hold off and let the train station stuff work its way through. Mr.

Colon stated that it is important to get the solar panels up and running before March 31, 2018. Mr. McAuliffe explained that the current solar program in Massachusetts, the SREC 2 ends in March, then the new program will be different.

Lia Fabian, Member of the Board of Assessors, asked Mr. McAuliffe to explain why they didn't have to pay any taxes. Mr. McAuliffe responded that case law is in their favor. They do not have to pay real estate taxes, since the project will be on State land. It may be appealable by the Town. It is basically not a substantial piece of real estate, but the lot in Lakeville, is larger than others. His firm wanted to be good guys and do a PILOT.

#### **Revisit insurance coverage for fuel tanks and deductibles**

Ms. Garbitt stated that the Board can hold off on deciding on insurance coverage for the fuel tanks until more information about the deductibles is available. Chairman Burke asked if the Town does want to insure them. Selectman Hollenbeck responded that they do; however, they need to look at the deductibles first.

#### **Vote to accept letter of resignation from Jeremy Peck, Superintendent of Streets, effective November 10, 2017**

Chairman Burke read the resignation letter from Jeremy Peck, Superintendent of Streets, into the record. His last day will be November 10, 2017.

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

VOTED: To accept letter of resignation from Jeremy L. Peck, and to send him a letter of thanks for a job well done.  
Unanimous in favor.

#### **Discuss hiring process for new Superintendent of Streets**

Chairman Burke explained that when Mr. Peck was hired, he had been involved with the job search. He suggested to post the position and the Board set up a mechanism to filter through the applicants. Selectman Hollenbeck asked if the process had taken place during Executive Session. Ms. Garbitt responded that it had been up until the final interviews. Ms. Garbitt stated that there cannot be a quorum of the Selectmen on the Search Committee. The previous Search Committee included Aaron Burke, Roger Hamilton, Frank Alvilhiera, Dan Hopkins, Clifford Chausse and Jim Marot. Selectman Hollenbeck suggested that Ryan Trahan be on the search committee for his back ground.

Ms. Garbitt asked how the Board would like to advertise the position since there were a few options available. Selectman Powderly asked if some of the wording or qualifications on the Job Description could be changed. Ms. Garbitt responded that they could be at the next meeting of the Board, which is Wednesday, November 1<sup>st</sup>. Selectman Hollenbeck noted that Barney Taylor is also retiring in December, so should an interim be appointed? Has a search been initiated for a new Foreman? Selectman Powderly indicated that the new Superintendent should do that. The

position will be posted on the MMA website for a few weeks. Selectman Hollenbeck suggested that the retired person who filled in before be contacted to see if they are interested in the interim position. A temporary Job Description should be prepared for the interim position. Selectman Powderly suggested that the position not be put online or in the Beacon until the Job Description is reviewed to make any changes.

#### **Discuss additional water service stubs on the Taunton Water Line to the new Police Station**

Chairman Burke stated that the Taunton Water Department would like the Town to pay to have the additional stubs put in in case others across the street want to tie in at a future date. The Town doesn't want to pay for that, since it is important to keep the costs down for the new Police Station. The Town is bringing water from where it is to the new Police Station. It is felt that the Taunton Water Department should put them in, since it would be for their benefit. Ms. Garbitt mentioned that the cost is minimum. People don't want to tie in right now, but they may in the future. Selectman Powderly stated that if the Taunton Water Department wants to reimburse the Town or pay for anything, the Town would be happy to have the amount go beyond the \$270,000 quote. Discussion then ensued by the Board regarding their attendance at a pertinent meeting of the Police Station Building Committee in order to receive an update and be filled in on matters. Ms. Garbitt stated that the next meeting of that Committee may be beneficial to attend since the Committee is going to take off \$300,000 + and start the construction documents. Selectman Powderly asked that the Board be notified when that meeting takes place in order to put it on their schedule.

#### **Review and award Propane Gas Bid**

Chairman Burke reviewed the bids that were received. The bids were based on an average of 8,000 gallons of propane gas and 45 estimated hours of maintenance and repair annually.

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

VOTED: To award the bid for Propane Gas (\$4,000) and Maintenance & Repair (\$4,410) to Jaysan Gas for a total bid of \$8,410.  
Unanimous in favor.

#### **Request from Lakeville Arts Council for signage for Made In Lakeville Holiday Craft & Gift Sale**

Chairman Burke stated that the Arts Council is requesting permission to place a sign at the intersection of Precinct Street and Rhode Island Road to advertise the Made in Lakeville Holiday Craft & Gift Sale to be held on December 2, 2017.

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

VOTED: To approve the request from the Arts Council to place signs at the intersection of Precinct Street and Rhode Island Road to advertise their Made in Lakeville Holiday event on December 2, 2017.  
Unanimous in favor.

#### **Announce Hazardous Waste Day on October 28, 2017**

Chairman Burke stated that there will be a Hazardous Waste Day at the Transfer Station on October 28, 2017 from 9:00 AM to 12:00 PM. He read the notice which listed the acceptable and not acceptable items.

#### **Announce Commendation from Police Chief for Sergeant Leanues and Officers Sederquist and Silva**

Chairman Burke stated that a Commendation was given to Sergeant Leanues and Officers Sederquist and Silva from the Police Chief for a situation at a residential group home with a knife yielding patient. The Commendation was read into the record.

#### **Announce the Annual Veterans' Day Observance on November 11, 2017 at 10:30 AM**

Chairman Burke stated that the Historical Commission will be holding its annual Veterans' Day Observance on Saturday, November 11, at 10:30 AM beginning at the Assawompset School at the William Hitchcock Memorial. Selectman Hollenbeck stated that she is unable to attend the event; however, Chairman Burke and Selectman Powderly plan on attending.

#### **Review Transfers for Article 3 of the Special Town Meeting**

Chairman Burke reviewed the details of the draft worksheet of transfers for Article #3 of the Special Town Meeting Warrant. Some of the transfers are estimates and do not have to be finalized until the night of Town Meeting. Ms. Garbitt provided additional details regarding other numbers that are not yet available or not yet certified such as New Growth. Selectman Powderly stated that he would like to add another item to Other Post Employee Benefits (OPEB), the interest which the Town would have received; however, was lost since the money went to the Schools and not to the OPEB account. Approximately \$23,000 was lost in interest, so he would like the amount to be \$250,000 rather than \$230,000. It was noted that presently there is a difference in the transfer amount being appropriated from and to of about \$8,000. This difference will be resolved by Town Meeting.

Selectman Hollenbeck spoke about the amount that is usually used towards capital projects of approximately \$450,000. She would like to put in a figure of \$450,000, so that money can be set aside into the Capital Projects Stabilization Fund. She would like to know what generated Free Cash last year, the amount of money from unused budgets in some Departments, and if it is anticipated that there may be the same amount this year. Since last year, Free Cash all went to the Schools. It is important to know where Free Cash was generated from and what was in

excess of what was estimated. Also, the amounts and whether they were from one time funds such as the permitting fees for Ocean Spray. Since this process is changing, it is being looked at for pushing out debt, paying a portion of the BAN and putting money into Debt Service to smooth out capital projects going forward.

Ms. Garbitt indicated that she would like to pay off the \$400,000 to the architect for the Police Station. Selectman Hollenbeck added that she would like to pay the additional \$120,000 which was going to be paid on debt and wasn't since it went to the Schools. She agreed to pay the architect. Selectman Powderly noted that he didn't mind putting half into Debt Stabilization, but he also wants to either pay down debt or the architect. Selectman Hollenbeck stated that she was fine with putting it into Stabilization. The sustainability for where the cash was coming from does not exist anymore, so that is why the Board is putting it where it will be now. Chairman Burke agreed that it is worth protecting the funds for the sustainability of the Town. Ms. Garbitt distributed handouts of the status of all the accounts. She expressed that she is concerned about the debt and how fast it went up. It is better to have lower debt for the Town to obtain a lower bond rate for the Police Station funding.

#### **Review and approve Selectmen Meeting Minutes for July 10, 2017; July 24, 2017 and July 31, 2017**

Selectman Hollenbeck noted that the Finance Committee was present at one of the July meetings; however, it is not included. Ms. Garbitt thought that they were copied on the Meeting Minutes since the Finance Committee has to approve their minutes.

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

VOTED: To approve the Selectmen Meeting Minutes for July 10, 2017, July 24, 2017 and July 31, 2017 as revised.  
Unanimous in favor.

#### **New Business**

Ms. Garbitt distributed a handout of the School enrollment as of October 1<sup>st</sup>. She stated that she has not had the opportunity to compare it.

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

There was no other business presented for discussion.

#### **Other Items**

1. Tamarack Park Report for 2017
2. Copy of thank you letters to Lakeville Lions Club and John Scanlon  
Chairman Burke noted the thank you letters to the Lakeville Lions Club and John Scanlon.



3. Copy of Planning Board Memo to Town Clerk regarding Proposed Zoning By-Law Amendment for Fall Special Town Meeting
4. Notice of MMA Annual Meeting and Trade Show – January 19<sup>th</sup> and 20<sup>th</sup> (who is planning on attending?)  
Selectman Powderly stated that he is not interested in attending the MMA Annual Meeting and Trade Show; however, Selectman Hollenbeck and Chairman Burke were.
5. The Voice of the Retired Public Employee Newsletter

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

VOTED: To adjourn the Board of Selectmen's Meeting at 9:00 PM.  
Unanimous in favor.

**List of documents provided at the Selectmen's Meeting of October 26, 2017**

1. Correspondence regarding meeting with MassDOT and Omni Navitas regarding solar canopy project for Lakeville parking lot at the MBTA station.
2. Virtue Guard Insurance proposal for storage tank and environmental liability policy.
3. Letter of resignation from Superintendent of Streets, Jeremy Peck
4. Job Description for the Superintendent of Streets, minutes from July 15, 2013 regarding the Superintendent of Streets Search Committee.
5. Correspondence from Nate Darling, Rita Garbitt, Ken Motta regarding the TWD additional water service stubs for future connections and the costs.
6. Propane Gas Bid
7. Hazardous Waste Day announcement
8. Commendation from Chief Alvilhiera for Sergeant Leanues and Officers Sederquist and Silva.
9. Historical Commission announcement for Veterans Day Observance.
10. Transfers for article #3 of the Special Town Meeting Warrant, October 1, 2017 School enrollment, debt schedule.
11. Selectmen Meeting Minutes of July 10, 24 and 31, 2017 for approval.