

**TOWN OF LAKEVILLE**  
**Selectmen's and Wage and Personnel Board's, as applicable**  
**Meeting Minutes**  
**February 13, 2017 – 6:30 PM**

On February 13, 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 Hollenbeck at 6:31 PM. Selectmen present were Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**6:30 PM a. Meet with Superintendent of Streets Jeremy Peck and Pam Hazner from MassDOT regarding Roundabout at Routes 79/18**

*Jeremy Peck, Superintendent of Streets and Pam Hazner from MassDOT were present for the discussion.* Ms. Hazner introduced Bob Wheeler, MassDOT Engineer. Ms. Hazner stated that she was present to discuss the ongoing design project on Route 79 that the Town is advancing. The question is about the installation of a roundabout versus a signalized intersection and what BETA came up with. It was determined that the project should not move too far ahead until there was a set direction on what will be done at that location. Everyone needs to be on the same page before the 25% design is submitted. The general preference for MassDOT was the roundabout, but the Town wants the signal. MassDOT would like to explain its position on the benefits of a roundabout. The signal right now is a high crash location. Either project would improve what is there right now.

Chairman Hollenbeck stated that the Board feels that it is being forced into having a roundabout, so the Board wants to know if this is a wasted exercise, and the Town just has to go through the approval process. Ms. Hazner explained that a roundabout is not the same as a rotary. Studies have shown that once it is put in, people have liked it. Chairman Hollenbeck explained that Representative Orrall is working with the Town, but it does not seem that there are incentives if the Town puts in a signal, since the roundabout is the preferred design. Ms. Hazner explained that there are more impacts in the immediate intersection, i.e. land takings for a roundabout. A roundabout leads to traffic calming 24/7. Speed studies done at this intersection show 45 mph on the approach. People are going above the speed limit. With a roundabout you are required to slow down with the geometry. With any four (4) way intersection, there are 32 vehicular conflicts; with a roundabout there is no cross movement. Also the State would save with operation and maintenance.

Selectman Burke stated that the Town's Fire and Police Departments do not want a roundabout. They want a signal as negotiating around a roundabout during an emergency would not be advantageous for them. Ms. Hazner noted that that comes up; however, it is designed for the biggest fire apparatus the Town and surrounding Towns have. Mr. Peck stated that if the Town has a contract with BETA to finish out the design, it can recoup some of the costs.

Chairman Hollenbeck stated that originally \$289,000 was set aside. Does the State kick in the rest? What is the total cost to the Town? Mr. Peck stated that the design will cost approximately \$500,000, and the area will get updated storm water drainage. The Town is

getting a \$5-\$6 million project. Selectman Burke stated that this will be overbuilt. No one rides a bike on that road, and no one ever will. Ms. Hazner stated that there were some people at the open forum she went to that wanted a place to walk and ride a bike. Selectman Burke asked what the value is if the sidewalk starts and stops suddenly. Ms. Hazner stated that it is approximately two (2) miles in length. Selectman Powderly stated that he would not walk on a sidewalk when cars are going by at 50 mph when he can walk through a neighborhood, which is safer. He added that he is not strongly against a roundabout, but he does have a problem with sidewalks and bike paths leading to nowhere. Chairman Hollenbeck asked if the total cost to the Town would increase. Mr. Peck stated that the total cost for the design would be about the same. The traffic signal may be more expensive, since a traffic analysis needs to be done. Selectman Burke stated that the Board had the impression that the Town had more control over this and it doesn't. This is over engineered and more expensive than it should be to do that road. The Town shouldn't do one vs. another due to the money.

Ms. Garbitt stated that when Chris Peck came before the Board years ago the design was \$400,000. Chairman Hollenbeck asked if it is even a possibility to have the signalized intersection, or will the powers that be say the roundabout is to be done. Ms. Hazner recommended going through the packet that she presented, which explains the benefits, and it talks about different areas. Then the Selectmen should talk amongst your selves and send in a letter. Chairman Hollenbeck stated that the Board wants to know if it has a choice. Does the Board/Town have any input? Ms. Hazner stated that they are not looking to force anything on the Town, but want to discuss it and show the benefits that MassDOT has seen. The Complete Street Policy calls for sidewalks and bike lanes. A lot of benefits have been seen with that and the Federal Government is pushing it. People do walk and ride their bikes. Mr. Peck stated that the Town has to do a 75% design, a 100% design and then put it out to bid.

Chairman Hollenbeck explained that one of the concerns is that the Town does not want to sink money into the project when the Town supports signalization. It seems that the only way the State will help is if the Town puts in a roundabout, so the Town is out \$500,000. Selectman Powderly stated that the Town may be able to waive one (1) sidewalk, but with Complete Streets that may be all. Selectman Burke stated that he is not the best advocate for the roundabout; however, it seems that the Town should have another public hearing and get feedback. Ms. Hazner responded that they would be fine with that. Selectman Burke stated that everyone present was at the public meeting, however, everyone heard something different. Mr. Peck stated that most people said that they did not want a rotary. Selectman Burke stated that the presenters did a good job explaining the distinction. Mr. Peck added that he pushed people to go to Freetown and other areas with roundabouts so people could see the difference. Ms. Garbitt mentioned that the residents on Route 79 were invited, since they would be impacted the most by the roundabout. Maybe another should take place with an open invitation. Selectman Burke stated that it seems that no one wanted a roundabout. People want to see signalization; the intersection is horrible. Selectman Powderly stated that the design money would have been able to do the mill and overlay for that road, but now the Town is into this for \$300,000. Ms. Hazner stated that is Chapter 90 funds vs. state funding.

Chairman Hollenbeck stated that the Board wants to know what it has control over, and if the Town still has to sink more money in, (up to \$500,000), then the taking of more land. The Board

really doesn't know the entire cost of the project to the Town. If it will cost us another million, then she would just say stop. Selectman Powderly agreed. If the area is just done with mill and overlay and no land takings, then it is done. Ms. Hazner stated that there is the Complete Streets Policy. The Town would have to provide a compelling reason why it can't be done. i.e. wetlands, etc. Mr. Peck explained that it is more than a bike lane; it is also a shoulder, drainage, etc. Chairman Hollenbeck asked if the costs to the Town could be determined. Mr. Peck stated that he would have to go back to the Functional Design report. Selectman Powderly asked what BETA estimates for the land taking. Mr. Peck responded that he will get that number. Selectman Powderly asked if the Town does not do the roundabout, will MassDOT do the signals. Ms. Hazner stated that they are not saying no to the signals. Mr. Peck stated that the Town still has to account for bikes and pedestrians with both alternatives. Ms. Hazner stated that people do use bike lanes and sidewalks. Selectman Powderly stated that if the Town doesn't need any more money for the 25% submission, then the submission should be done. Mr. Peck stated that they need direction.

Selectman Powderly stated that he is not against the roundabout. Mr. Peck stated that the data shows that the roundabout is 50% safer, as it slows the traffic down. Selectman Powderly said that another public hearing should take place and ask people to give their true input. There should be a verbal or hand vote taken. People need to be sold on the safety aspect. Selectman Burke stated that people need to be educated if there are advantages.

**b. Meet with Superintendent of Streets Jeremy Peck to discuss entering into a contract with Environmental Partners Group, Inc. for MS4 Support Services**

*Jeremy Peck, Superintendent of Streets, was present for the discussion.* Chairman Hollenbeck went over the details about the contract with Environmental Partners Group, Inc. for MS4 Support Services. Mr. Peck stated that the Selectmen have been updated on the new Permit, and it has become active as of April 2016. The first submission is April 2017, and the Notice of Intent has to be submitted. With the new Permit, it will let the Town know what has to be done in addition to what it is doing. The Town should update the Storm Water Management Plan along with the Notice of Intent. Chairman Hollenbeck stated that the cost will be \$175,000 annually for the MS4. She stated that she likes Task 2. It will be important to get the Planning Board involved. Mr. Peck noted that the whole Town will need to be involved. Chairman Hollenbeck stated that there are a lot of by-laws that need to be updated. Mr. Peck stated that it is effective April 13<sup>th</sup>. DEP is trying to take over some of the enforcement of it.

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

VOTED: To approve entering into a contract with Environmental Partners Group, Inc. for MS4 Support Services.  
Unanimous in favor.

**7:00 PM Meet with the Superintendent of Schools Richard Medeiros, and Fred Baker, Director of Finance and Operations and F/L Regional School Committee regarding SBA Letter of Interest for Assawompset Elementary School**

*Richard Medeiros, Superintendent of Schools, Fred Baker, Director of Business & Finance, and School Committee members; Carolyn Gomes, Sherry Barron, and William Sienkiewicz, Jr. were present for the discussion.* Superintendent Medeiros provided a bit of a background about the Statement of Interest. The District has had multiple studies done regarding the Assawompset School, even prior to it becoming a Regional School. The School was designated as a Level 3 School seven (7) years ago. Another Needs Assessment Survey has been done, and the District is waiting for those results. At this time, the District needs the support of the Selectmen to move forward and present information on the School to the State. The State will then explore multiple options: renovation, rebuild or nothing. There are two (2) required votes, one (1) from the Regional School Committee and the other from the Board of Selectmen.

Selectman Powderly asked if the Superintendent got a feel from the Field Inspectors when they were evaluating the school. Superintendent Medeiros responded that he had not. The evaluation is comprehensive. Typically they bring in multiple engineers; however, this time a fact sheet was used. They did not provide any indication of where they would rate the School. The evaluation should be in by the summer. Selectman Powderly asked if the cost that would be submitted would be \$13 million. Superintendent Medeiros responded that he doesn't define that. Mr. Baker explained that the evaluation is really making an argument on why the work should be done. Selectman Powderly asked what percentage the State would pay if the project moved forward and what percentage would the Town pay. Mr. Baker explained that the percentages are subject to change each year. It would probably be about half. Chairman Hollenbeck asked if the Board moves forward to allow the State to look into this, it would not be binding to the Town, since there will be a lot of people applying for MSBA projects. Mr. Baker explained that assuming there are 125 applicants, they typically fund about 50. It depends if the need is great enough, based on what they have to spend. Chairman Hollenbeck asked if it was possible that they would say, based upon enrollment, you have enough schools, and you don't need this project to take place. Selectman Powderly stated that he would never approve a \$5 million override for the Assawompset School. It doesn't make financial sense.

Chairman Hollenbeck asked why the School District wants to put money into Assawompset. Superintendent Medeiros responded that when you look at the six (6) Schools in the District, it is the one building that seven (7) years ago there was work which needed to be done. Yes, work is being done, but to get all the options done requires getting the State involved in the process. Selectman Powderly stated that the Town does not share in the opinion that something has to be done. Mr. Baker explained that the District did not necessarily say it needed \$10 million or \$13 million of work. Outside engineers, custodians and facilities people tell us it is inferior to the other Schools. Selectman Powderly stated that it is an older school. There is \$800,000 worth of work being done, and there will be savings as other work is done in the building. Chairman Hollenbeck asked if the study costs anything.

Superintendent Medeiros stated that the Statement of Interest will need to be seen by the State. It is a great deal of work, and the District would not do it without the support of both Boards. A

rating should come out this summer. The School received a Level 3 seven (7) years ago and was in the 15% category. The rest of the schools in the state were designated as a Level 1 or Level 2. The school has ADA compliance issues. It does not seem that the rating will get better. Selectman Powderly stated that the State did not define what gave it a Level 3 and what could be done to improve the rating. Chairman Hollenbeck asked if there are phased in options of what to do. Selectman Burke stated that with the State it is basically a cookie cutter approach. They say what needs to be done. The Needs Assessment for the Police Station originally stated that the Town needed a 15,000 square foot building in 2007. Now it is advocating for a 10,000 square foot building. They wanted to advocate for a building much bigger, and it would have been overbuilt, and not what the Town needed. If the Town didn't question that it would be strapped with a \$6 million Police Station, and ironically that is what it will cost now with prevailing wages, etc. Maybe there will be a point that a new School needs to be built, since the School is too old. The State doesn't always know what is best. The process should move forward since it would provide additional information, but this is not a rubber stamp to move forward with whatever the State might recommend.

Chairman Hollenbeck stated that she shared the same concerns as well. Superintendent Medeiros stated that the process begins in April. The district should know within two (2) years and be prepared to make a commitment. Selectman Powderly asked if it made sense getting grants to do work in the interim if the School will only be torn down. Mr. Baker explained that the State looks more favorably at the project seeing that the Town is trying to keep it repaired. Chairman Hollenbeck stated that there had been discussion about the longer term plans at the last Regional Finance Subcommittee. It was discussed what the Towns could contribute into the overall picture; however, the bigger picture with salaries, steps, levels and health insurance need to be known. It all won't be sustainable. What does the School District plan to do if this does not go through?

Ms. Barron stated that she is interested in the enrollment discussion that took place with Mr. Darling. Selectman Powderly stated that there is new construction coming online in the Town. The average for residential construction over the past ten (10) years is 26 homes. The duplexes at LeBaron are not counted, since they are age restricted, and this does not affect the Schools. Ms. Barron asked about the 77 homes. Selectman Powderly explained that is years out. The Builder said that it might bring in 19 students, and he came up with 26. Basically, it is ½ a child per house and that is in five (5) to eight (8) years, if the project ever gets done. Chairman Hollenbeck stated that the Town doesn't have the volume of students that would exceed that capacity.

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

VOTED: To authorize the Superintendent of the Freetown Lakeville Regional School District to submit a Statement of Interest to the Massachusetts School Building Authority for the Assawompset Elementary School.  
Unanimous in favor.

**Update by Chairman Hollenbeck on the Presentation by KP Law on Marijuana Legalization and Local Land Use Implications and review of the Proposed Community Benefit Agreements and Letter of Support/Non Opposition for the Medical Marijuana Dispensary and Cultivation Operation from Natural Remedies**

Chairman Hollenbeck stated that she and Ms. Garbitt attended the presentation which was provided by KP Law on February 7, 2017 on Marijuana Legalization and Local Land Use Implications and review of the Proposed Community Benefit Agreements and Letter of Support/Non Opposition for the Medical Marijuana Dispensary and Cultivation. The presentation provided additional information from the State about zoning restrictions, timelines, what is available under local control, etc. The Town can prohibit the medical or recreational use of marijuana through a ballot question. It can limit the number of retailers. By adding in the medical aspect, there is a zoning issue that came to fruition. If the Town allows for medical cultivation in the zoning area as being suggested at Kenneth Welch Drive, the Town would also have to allow recreational in the same area. However, the “same area” is not defined. By allowing medical marijuana, the Town needs to know what it wants to do with the recreational aspect. KP Law feels that the Town should put a moratorium on recreational marijuana next June, which would allow the Board time to decide what it should do. Laws should be out by April 2018. Selectman Burke stated that the Board would have to start the ballot initiative now. Selectman Powderly stated that he is okay with it since the people have voted for it, but he had voted against it. He stated that he does not want to restrict the location or do a moratorium.

Chairman Hollenbeck stated that the Board received two (2) sample letters from Jeff Barton of Natural Remedies. Chairman Hollenbeck stated that the Board can do a letter of Support; a letter of Non-Opposition, or none of the above. Ms. Garbitt stated that two (2) letters were done for two (2) separate locations.

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

VOTED: To sign the letters of Non-Opposition for Natural Remedies, Inc. for two (2) locations.  
Unanimous in favor

**Discuss the 2017 District Local Technical Assistance (DLTA) funding available through SRPEDD**

Chairman Hollenbeck stated that the Board needs to determine which aspects of the 2017 DLTA funding for the Community Compact Best Practices Program to apply for. The grant includes up to \$20,000 toward the cost of developing a modern, centralized Human Resources office. Ms. Garbitt explained that the grant has been changed a bit. Sandy Conaty of SRPEDD would help with the Best Practices Information Technology aspect part of it. Ms. Garbitt said a letter was received from Pam Kocher that it may be possible for the Town to apply for the software for the Human Resources Department, which is needed.

**Review and vote on Request for Taunton Water Connection from Atomic LLC for 84 Precinct Street**

Chairman Hollenbeck said that the Board had received a request to connect to Taunton Water for 84 Precinct Street.

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

VOTED: To approve the Water Connection Application from Atomic LLC for 84 Precinct Street.  
Unanimous in favor.

**Vote to ratify the Fire Chief's Employment Agreement signed on January 23, 2017**

Chairman Hollenbeck reviewed the details of the Employment Agreement for the Fire Chief, which the Board of Selectmen voted to approve and sign in Executive Session on January 23, 2017.

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

VOTED: To approve the Employment Agreement with Fire Chief Daniel Hopkins, effective July 1, 2016 through June 30, 2019, which was signed by the Selectmen on January 23, 2017.  
Unanimous in favor.

**Request to use Town Roads for Bicycle Ride-Mattapoisett Land Trust – May 21, 2017**

Chairman Hollenbeck reviewed the details of the Bicycle Ride by Mattapoisett Land Trust. Ms. Garbitt mentioned that they will notify the people on Long Point Road in advance of the May 21, 2017 bicycle road tour.

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

VOTED: To approve the request by Mattapoisett Land Trust to use Town Roads for their 50-mile Tour De Crème on May 21, 2017 provided that they notify the residents on Long Point Road in advance of the event.  
Unanimous in favor.

**Schedule March and April Board of Selectmen Meetings**

The Selectmen scheduled their March, April and first meeting in May as follows: Monday, March 13, & 27, 2017 at 6:30 PM; Monday, April 10, 2017 at 6:30 PM; and Monday, May 1, 2017 at 6:30 PM.

### **Review of Board of Selectmen Fees**

Ms. Garbitt mentioned that the Temporary Trailer Permit is for residents if their house burns down. The main concerns are the people who have storage pods located at their premises on a permanent basis. Selectman Burke stated that a temporary trailer is not temporary if it is there all the time. Why is the Town then having those people pay every year? It should be changed so that the person pays a one-time fee. The Town should also know where the structure will be located. This is something that the Building Commissioner should be aware of. Chairman Hollenbeck asked if the annual fee should be changed then. Ms. Garbitt stated that if someone is moving they can have a pod and not be charged a fee. Ms. Craig-McGee stated that it seems that the need is to change the wording in the bylaw. Could the Zoning Bylaw Review Advisory Committee review this? Selectman Burke responded that it is not really a zoning issue.

### **Vote to accept the Resignation of Park Commissioner Michael Levrault**

Selectman Powderly stated that the Board needs a summary from the Town Clerk of who the Board needs to replace on various Committees/Boards and how the Selectmen are to go about having it take place. The Selectmen need clarification on who appoints who. Ms. Garbitt stated that an elected position vacancy is a joint appointment with the Board of Selectmen. Selectman Powderly asked to get an update on who has returned their papers for re-election.

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

VOTED: To accept the resignation of Park Commissioner Michael Levrault and to send him a letter of thanks for his service.  
Unanimous in favor.

### **Review and vote to approve Board of Selectmen Meeting Minutes of September 26, 2016; October 11, 2016; October 17, 2016; October 24, 2016; November 7, 2016; and November 21, 2016**

Chairman Hollenbeck asked about the vote made on the September 26, 2016 Meeting Minutes, second page if Selectman Burke made the motion. It will be checked on.

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

VOTED: To approve the Selectmen Meeting Minutes of October 11, 2016; October 17, 2016; October 24, 2016; November 7, 2016; and November 21, 2016 as presented and to approve the Selectman Meeting Minutes of September 26, 2017 with a clarification of the motion made on page two.  
Unanimous in favor.



**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of December 19, 2016; January 9, 2017 and January 23, 2017**

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of December 19, 2016; January 9, 2017 and January 23, 2017 as presented.  
Unanimous in favor.

**New Business**

There was no new business presented for discussion.

**Old Business**

There was no old business presented for discussion.

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

There was no other business presented for discussion.

**Other Items**

1. FY17 Donation list for the Animal Shelter
2. Letter from Old Colony requesting a Member of the Finance Committee to serve on the District Budget Sub-Committee
3. Letter from Mass DOT regarding Bridge Inspections-Bridge Street
4. Memo from Plymouth County Registry of Deeds regarding 2016 CPA Surcharge
5. MMA Spring Legislative Breakfast Meetings-February 24, 2017
6. Notice from U.S. Attorney's Office regarding Religious Land Use and Institutionalized Persons Act-Obligations of Public Officials
7. Comcast Form 500 for 2016
8. Verizon Form 500 for 2016
9. Memo from Town Administrator to Town Accountant regarding FY17 Snow & Ice Deficit

At 8:30 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

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 Police Union and Laborers' Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared; and pursuant to M.G.L. c.30A, §21a (2) to conduct contract negotiation with non-union personnel, specifically the Executive Assistant to the Selectmen's Office; and pursuant to M.G.L. c.30A, §21a (1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual.  
Polled vote: Selectman Powderly-Aye, Selectman Hollenbeck-Aye, and Selectman Burke-Aye.

**List of documents distributed at the Selectman's February 13, 2017 meeting**

1. Email from Representative Orrall re: meeting with MassDOT Boston Office and District 5 Office, Letter from Phil Viveiros, Project Manager McMahon Associations, Road Safety Audit January 2017.
2. Contract with Environmental Partners Group, Inc. for MS4 Support Services
3. Letter from Fred Baker re: request to be on agenda, vote taken by Regional School Committee
4. KP Law Power point Presentation on marijuana legalization and local land use implications and review of the proposed community benefit agreements and letter of support/non-opposition for the medical marijuana dispensary and cultivation operation from Natural Remedies, Inc.
5. DLTA Funding available through SRPEDD, email from Pam Kocher requesting a scope of work for a modern, centralized HR Office
6. Request for Taunton Water connection from Atomic LLC for 84 Precinct Street.
7. Employment agreement signed on January 23, 2017 for the Fire Chief.
8. Request from Mattapoisett Land Trust to use Town roads for a bicycle ride May 21, 2017.
9. Schedule for March and April Selectmen Meetings.
10. List of Selectmen Permit and License Fees, bylaw 8.7.1, 8.7.2, & 8.7.3
11. Resignation from Michael Levrault from the Park Commission
12. Selectmen Meeting Minutes of September 26, 2016, October 11, 2016, October 17, 2016, November 7, 2016 and November 21, 2016