

TOWN OF LAKEVILLE
Selectmen and Wage and Personnel Board, as applicable & The Finance Committee
Meeting Minutes
November 8, 2017 – 6:30 PM – Selectmen’s Office

On November 8, 2017, the Board of Selectmen held a meeting at 6:30 PM in the Selectmen’s Office in Lakeville. The meeting was called to order by Chairman Burke at 6:33 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 Special Town Meeting Warrant Review

Present for the discussion were Town Moderator Norman Orrall and Finance Committee Members George Vlahopoulos, Ryan Trahan, and Katherine Desrosiers. The Finance Committee was called to order by Chairman Vlahopoulos at 6:34 PM.

Chairman Burke stated that the Special Town Meeting has been scheduled for Monday, November 13, 2017. Chairman Burke then provided information regarding Articles 1 and 2.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 1.
Unanimous in favor.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 2.
Unanimous in favor.

Ms. Garbitt explained to the Board that the cost of the water line to the new Police Station came in at \$270,000, which is a decrease from the estimated \$320,000. The Board may now want to reduce the transfer to the Water Infrastructure Stabilization fund to \$13,000. Selectman Hollenbeck reviewed the transfers to update the Finance Committee. There is a difference of \$13,000 between what accounts funds are being appropriated to and what accounts funds are being appropriated from. At this time there is \$1,577,151 in Free Cash. Selectman Hollenbeck reviewed the areas where the monies and major components of the Free Cash account had come from. She explained that \$500,000 had not been used from various Department Budgets.

Richard LaCamera asked about the \$592,458. Since it was unused, did that amount reduce the budget? Selectman Hollenbeck responded that it will not be a component of next year’s Free Cash. The budget was not adjusted down. Mr. LaCamera asked why all of Free Cash was being spent. Selectman Hollenbeck explained that when the budget was set for FY18, the Board did not have the figures. She then provided additional information of where funds had come from such as the Water Stabilization Account, a payment from Ocean Spray, new hires, Building Permits, Licenses, and other Permits and Fees. State Aid came in \$11,000 higher than

anticipated. The transfers of Free Cash is to restore some of the items that went to the School District on Town Meeting floor back in June, such as the Other Post Employee Benefits (OPEB), lost interest, and monies to Stabilization Funds, etc. The Town's Stabilization Fund was restored back to \$1 million. Regarding the Police Station amount, presently the cost is still an estimate. The Town is only authorized to borrow \$8 million, so the Town may end up with a higher number than anticipated, which will be a problem with long term debt. There is the cost for the water tie in, and the Bond Anticipation Note (BAN) which will be coming due. A portion of that note was not paid due to changes that took place with the funding on Town Meeting floor. It is important that some debt management be done. Selectman Hollenbeck stated that there is the \$5,000 being requested from the Community Development Committee (CDC) for fireworks at the 2018 Winterfest, since it had taken three (3) years for the funds to be raised to have the fireworks in 2017. Selectman Powderly explained that the Board is spending the money to pay down debt.

Chairman Vlahopoulos stated that knowing what happened at the last Town Meeting, it does not make sense to pay down debt when there is the likelihood that something else potentially will be happening, and then there are no funds. Selectman Powderly stated that the Finance Committee and the Board of Selectmen have signed a financial policy to not use one time monies to fund the operating budget. However, no matter where the funds are, the money can still be taken out by the voters. Selectman Hollenbeck explained that the Board doesn't just want to pay down debt, the concern is freeing up cash in the operating budget for increases that have to be managed, like the \$500,000 base adjustment for the Schools. This will only free up \$110,000 in the operating budget rather than the \$230,000. It is important to set this aside in order to apply it to capital projects; however, to do that will bear a process. Mr. LaCamera stated that the Town has never spent all its Free Cash at the Fall Special Town Meeting, but brought it over to the Annual Town Meeting. There will be no money for capital items or emergencies, whether it's for snow and ice or whatever.

Chairman Burke explained that the money is not all being spent; some of it is being allocated to the Stabilization Funds. Mr. LaCamera stated that the Town is paying \$920,000 of debt. However, there is \$8 million in the Capital Plan and \$4 million needed for Assawompsett repairs. Chairman Burke mentioned that it is understood that this is a reaction from what happened on the Town Meeting floor this year. Mr. LaCamera stated that the Board does not even know its next year's fiscal budget. The Board should wait until the next Town Meeting before doing this. Chairman Burke responded that he understood Mr. LaCamera's point. Selectman Powderly stated that there is money in the Stabilization Accounts and that is a point to make. The Town cannot borrow money any cheaper and should be looking at paying its debt. The School Department is supposed to come up with a budget projected for five (5) years, estimating their need, and they have not done that. They "stole" \$500,000 on Town Meeting floor after 40% of the people left the room. That was not anticipated to happen. Chairman Burke added that the person who made the motion did not specify where the money was coming from. Mr. LaCamera was the one who came down and specified where it would be allocated from. The Board had discussed where the money was to be allocated; however, it was reallocated. Part of what is taking place now is a reaction to that.

Mr. Orrall stated that he understood about refinancing OPEB and Stabilization, but the question is, how is putting \$921,000 into debt service a reaction to Town Meeting? Selectman Hollenbeck explained that \$120,000 was part of the debt, which the Town was required to pay and did not pay, so it was included in the larger note. Then it was discussed how can the Town try to manage its long term debt with the operating budget. The Board wants to make sure it is adjusted as best as can be for the operating budget and to have a bit more flexibility. Other money is being put into the Capital Project Stabilization Fund, and it is earmarked. It is either pay off the Police Station Design or the Pumper Truck. It is preferred to pay the Police Station Design since it is not a capital asset per se.

Selectman Powderly stated that the Board has been trying to sell the Assessors' Office. There are funds available from the sale of the Howland Road Property and the Water Tower. To do less borrowing, the Town has to spend less, and he would rather see that take place. Mr. Trahan reminded everyone about the roads and when money has been put towards repairing them. Selectman Hollenbeck stated that the \$420,000 should be paid. Chairman Burke stated that the Board needs to take care of what the Town's needs are and not ignore the Schools. However, if they need the money, they need to turn to the Town for that. It does not make sense to use one time monies. Selectman Hollenbeck explained that the intent is to set up the budget process, and let the School Department know that the money being used is one time money for one time expenses. The Town does have a liability in the amount of \$9 million for the roads. Then there is the OPEB liability and other Capital Projects such as the Highway Barn. The Board has to remain aware of other long term plans needed for the Town.

Selectman Powderly stated that it is dangerous business to take one time funds to use in the operating budget. Selectman Hollenbeck stated that debt service is being reduced. The Police Station Design (\$400,000) and the back hoe (\$80,000) will be paid, then the interest for OPEB. \$627,000 is being put into Debt Service Stabilization in anticipation of next year's capital projects and any unanticipated costs for the Police Station. Essentially nothing will be in Free Cash. Selectman Powderly mentioned that this year is a quiet year for New Growth. Selectman Hollenbeck stated that the Town only brought in \$540,000 of guaranteed funding. Mr. LaCamera stated that he disagreed with paying down the Police Station amount, since it is not known about the cost at this time.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 3 with the modifications as discussed.
Two (2) in favor, One (1) opposed (Mr. Vlahopoulos).

Chairman Burke provided information regarding Article 4.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 4.
Unanimous in favor.

Ms. Garbitt provided an explanation regarding Articles 5, 6 and 7.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 5.
Unanimous in favor.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 6.
Unanimous in favor.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 7.
Unanimous in favor.

Chairman Burke briefly explained Articles 8, 9, 10 and 11.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 8.
Unanimous in favor.

Upon a motion made by Mr. Vlahopoulos; seconded by Mr. Trahan, it was:

VOTED: That the Finance Committee supports Article 9.
Zero (0) in favor, three (3) against.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 10.
Unanimous in favor.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Article 11.
Unanimous in favor.

Chairman Burke briefly explained Articles 12-14.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: That the Finance Committee supports Articles 12-14.
Unanimous in favor.

Chairman Vlahopolous said the Finance Committee needed to approve their minutes from November 7, 2016; June 12, 2017; June 19, 2017 and June 24, 2017.

Upon a motion made by Mr. Trahan; seconded by Mr. Vlahopoulos, it was:

VOTED: To approve the Finance Committee Meeting Minutes from June 12, June 19, and June 24, 2017 as presented.
Unanimous in favor.

Upon a motion made by Mr. Trahan and seconded by Mr. Vlahopoulos, it was:

VOTED: To approve the November 7, 2016 Meeting Minutes using the Rule of Necessity as Ms. Desrosiers had not been a member of the Finance Committee at that time.
Unanimous in favor.

Upon a motion made by Mr. Trahan; seconded by Ms. Desrosiers, it was:

VOTED: To adjourn the Finance Committee Meeting at 7:57 PM.
Unanimous in favor.

7:30 PM Meet with Trichome Health Corporation to discuss Host Community Agreement and Recreational Marijuana

Valerio Romano, Attorney, and Alexander Mazin, CEO of Trichome Health Corporation, were present for the discussion. Mr. Mazin said he had supplied a template for their business plan, which is for medical use and adult recreational use. It has been learned that the Board is interested in having both aspects, so that has been provided in the draft Host Agreement. The maximum amount, which is 3%, has been included, for medical and recreational, and then the Town would receive another 3% for additional local tax. The Special Permit process is taking place for the medical side of the business as the regulations for adult recreational use have not been developed yet. There will need to be a virtual separation between both aspects of the business. It is not known how that will look, but it is key to have some plans for it.

Mr. Mazin explained that the company wants to establish a true presence and relationship with the Town and community. The company is looking at a potential expansion at the current location, so it will make more sense if the medical use aspect is in place. The company may produce its entire product in Town, which would be just for Lakeville, and then later dispense to other places. The biggest risk is that the firm does not want to face a license with separate medical and recreational, so they are not presenting its business as just for the medical aspect. Chairman Burke agreed that the Board does want to see the recreational side, since it is felt that it will be bigger than the medical. Mr. Romano stated that the Special Permit will be strictly for the medical at this time. The company will have to return for a Special Permit for adult recreational use and would be happy to write the article for the Town. Mr. Mazin stated that it appears that they will be able to add onto the back of the building for expansion, which will help with production by 30-40%. The intention is to move forward with LED technology and maximize the height of the building. It is hoped to break ground by April 1st and begin the

business as soon as it is allowed. It is anticipated that construction should be done in October. The grow aspect will begin, and it is felt that the company could open its doors by February 2019. The facility is 20,000 square feet and 10,000 square feet is for growing purposes. It is felt that \$25 million dollars of product production can come from that. The expansion of the building will add a significant value.

Selectman Powderly asked that since the Board has already given authorization, can the firm move forward without the addition or is it key. Mr. Mazin responded that they need to upgrade the electrical and other aspects, but can start before that is done. It would be better to have it happen together. Expansion will be another 4,000 square feet on a 3.5 acre parcel of land. Attorney Romano stated that it was important to have this conversation and dialogue ahead of time with the Board. Assuming State laws and local requirements are followed, it is not expected that there will be opposition from the Board. Chairman Burke stated that there is so much potential with this, and for a Town to ban it is not beneficial. Having it done in a way that conforms to zoning and works for the company is the best that a Board can hope for with local control. The Board has supported every competent applicant that has come before us. Mr. Mazin stated that they are closing on the building December 5th. Selectman Powderly asked what the real estate taxes are on the building. Mr. Mazin did not know. The company will be a Chapter 180 nonprofit, not a Chapter 501c. There is no need for a PILOT or in-lieu-of taxes. The firm will fully pay its property taxes. A recreational Marijuana Dispensary (RMD) is defined as a nonprofit company, but the Department of Public Health is now allowing it to be for profit. The draft agreement does address that the firm will continue paying property taxes.

Chairman Burke stated that the nonprofit to profit is an important topic for the Zoning By Law Review Advisory Committee to get organized on. Attorney Romano asked if the Zoning Enforcement Officer could decline to enforce it. Chairman Burke responded that he may want to change the definition. Selectman Powderly asked what it would look like if the product is produced in Lakeville and then sold in another Town. Mr. Romano responded that if the firm was to change one of its activities, they would have to do a change of activities through the State, and there would be a \$10,000 filing fee. The Towns of Auburn and Ashland are for the other retail companies; however, Lakeville is the first starting location for the medical and RMD. Until there is extra product, a second or third dispensary cannot open. Also, the Town of Auburn banned recreational marijuana. The letter of support is about siting in Lakeville, so the product has to be sold here also, which is part of the plan. Selectman Powderly suggested that the Town check with Town Counsel regarding what it would look like if the facility is just a grow facility. Attorney Romano stated that the firm will figure out a way to compensate the Town for what is done. Mr. Mazin asked what the Board's intentions were regarding how many companies could locate in the community. Selectman Hollenbeck responded that the Board was looking for signing two (2) Host Agreements. The Board has supported four (4) potential firms at this time. It is understood that funding is a big hurdle. Mr. Mazin stated that his firm has strong investors.

Review Scope of Services and Contract from the Collins Center regarding our Community Compact HR Grant

Ms. Garbitt provided an overview of the Scope of Services and contract from the Collins Center regarding the Community Compact HR Grant. She stated that the scope is broad and

encompasses everything that the Board asked them to do. The grant is in the amount of \$20,000, which is the fee for the contract.

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

VOTED: To approve the Professional Service Agreement between the Town of Lakeville and the University of Massachusetts represented by its Edward J. Collins, Jr. Center for Public Management engaging in technical services and to authorize the Town Administrator to sign the agreement.
Unanimous in favor.

Review and vote to award the Drug and Alcohol Testing Services through SERSG

Ms. Garbitt provided an explanation on the Southeastern Regional Services Group (SERSG) bid for random drug and alcohol services. SERSG is requesting that the Board award a contract to Advantage Drug of Andover, MA from January 1, 2018 through December 31, 2020. The bid is for the random drug testing for COA Van Drivers and Highway Employees. Since it takes a half day for an employee to get to and from the testing facility, Advantage will drive to the Town for the testing. Tristan will remain the facility which provides physicals for new employees.

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

VOTED: To approve the bid and award the contract for Drug and Alcohol Testing Services to Advantage Drug of Andover MA from 1-1-18 through 12-31-20.
Unanimous in favor.

Vote on FY18, FY19 and FY20 Wage Scales

Ms. Garbitt stated that the Board needs to approve all three (3) years for Appendix A in the union contract. Selectman Powderly asked that the “comments” to the right of the Wage Scales be removed.

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

VOTED: To approve the Appendix A Wage Scales for FY18 for Benefit Eligible Exempt and Non-Exempt Union Employees, and Benefit Eligible Exempt and Non-Exempt Non-Union Employees and Non-Exempt and Non-Benefit Eligible Non-Union Employees, and the Rates for Call Fire Personnel Non-Union Positions and the Wage Scales for FY19 for Benefit Eligible Exempt and Non-Exempt Union Employees, and Benefit Eligible Exempt and Non-Exempt Non-Union Employees and Non-Exempt and Non-Benefit Eligible Non-Union Employees, and the Rates for Call Fire Personnel Non-Union Positions and the Wage Scales for FY20 for the Union Employees.
Unanimous in favor.

Vote to accept resignation of Katherine Sankus from the Council on Aging Board of Directors

Chairman Burke stated that Katherine Sankus submitted a letter of resignation to the Council on Aging Board of Directors Meeting on November 1, 2017. Ms. Sankus has served on the Board for many years. She has also been a great asset to the Senior Center as well. Ms. Sankus performed many volunteer hours and her presence on the Board will surely be missed.

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

VOTED: To accept the resignation of Katherine Sankus from the Council on Aging Board of Directors and to send her a letter of thanks for her many volunteer hours of service.
Unanimous in favor.

Request from the Council on Aging Board of Directors to appoint Joanne Bowes as Full Member and Robert Staples as Alternate Member to the Council on Aging Board of Directors

Chairman Burke stated that there is a request from the Council on Aging Board of Directors that Joanne Bowes, who is currently an Alternate Member, fill the balance of the term created by Katherine Sankus' resignation. The Board of Directors is also recommending that Robert Staples be appointed as Alternate Member.

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

VOTED: To appoint Joanne Bowes as Full Member to the Council on Aging Board of Directors with a term to expire July 31, 2018 and Robert Staples as Alternate Member to the Council on Aging Board of Directors with a term to expire July 31, 2018.
Unanimous in favor.

Review and vote on Holiday Schedule for 2018

Chairman Burke reviewed the Holiday Schedule for 2018.

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

VOTED: To approve the 2018 Holiday Schedule as presented.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes for August 21, 2017 and September 6, 2017

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

VOTED: To approve the Selectmen Meeting Minutes of August 21 and September 6, 2017 as presented.
Unanimous in favor.

New Business

There was no new business presented for discussion.

Old Business: Update from Selectman Hollenbeck regarding Regional Finance Committee regarding the meeting of November 2, 2017

Selectman Hollenbeck provided an update regarding the Regional Finance Committee Meeting that took place on November 2, 2017. When Selectman Hollenbeck had entered the meeting, a motion was on the table made by Steve Owen and Derek Gracia to disband the Regional Finance Subcommittee. Chairman Burke stated that having the Committee is part of the Regional Agreement. Selectman Hollenbeck explained that she abstained from voting on the motion; however, she had expressed disapproval with the motion, since there was no alternative means to provide communication to/from those Boards. Maybe the Board of Selectmen can meet with the Finance Committee and look into what other Towns do in this situation. Also, possibly the Board could meet with the Finance Committees of both Towns and have a discussion regarding the issues, then meet with the Regional School Committee to discuss the issues. It does not seem beneficial to disband a Committee when it would then not allow for any direct means of distributing communication. The disconnect may be that the Committee does not understand its purpose and what it is to be doing.

Chairman Burke mentioned that he remembers that the Committee had been proposed by Superintendent John McCarthy to appease the Board of Selectmen. No one was advocating for it. Former Member David Davenport has had as much frustration with the Committee, since it did little or nothing to move budgetary issues forward. That may be due to the fact that it is an Advisory Committee and has no binding authority on the School Committee. Selectman Hollenbeck mentioned that Ms. Carboni had found an addendum about the Committee. The addendum talks about the annual budget and how it will be developed with input from the Regional Finance Budget Subcommittee. Chairman Burke stated that the policy was probably developed by Mr. Davenport, so the current Members now have no history or knowledge of it. The disconnect is not being able to have the School Committee understand the budget needs and limitations of the Town. The Selectmen are not trying to harm education or anything like that. Maybe the forum is that the entire Boards of Selectmen meet with the entire School Committee on a quarterly basis. Selectman Hollenbeck stated that ideally the purpose is to see what each Town can afford and how much money can be put forth from the Towns that fits into the budget. The measure of a good Committee is that everyone walks away from the meeting with some measure of compromise.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Other Items

1. Memo from Chief Alvilhiera from the Lakeville Police 5K Run with the COPS
Chairman Burke stated that the amount raised from the third annual Lakeville Police 5K
“Run with the COPS” was \$9,324.94. These funds will benefit community programs and
equipment needs.
2. Letter from Jeremy Peck regarding Cedar Pond Preserve Roadways Acceptance
3. Memos from Planning Board regarding Proposed Zoning By-law Changes
4. Notice of Hearing for NSTAR Electric Company, dba Eversource Energy

At 9: 25 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck
on a unanimous roll call vote, the Board:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L.
c.30A, §21a (3) to discuss strategy with respect to collective bargaining,
specifically the Teachers, Custodians and Clerical Unions for the Regional School
District, if an open meeting may have a detrimental effect on the bargaining
position of the Board, and the Chair so declared.
Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman
Hollenbeck-Aye.

List of documents provided at the November 8, 2017 Board of Selectmen's Meeting

1. Special Town Meeting Warrant Articles #1-14 for Monday, November 13, 2017, the Special Town Meeting transfers for Article #3, handout listing certified "Free Cash" as of July 1, 2017, and a map of the Staple Shore parcels proposed for rezoning.
2. Letter from Vicente Sederberg, LLC, Law for Trichome Health Corp. regarding the host community agreement and recreational marijuana, draft host community agreement for the siting of a medical marijuana treatment center and/or a recreational marijuana establishment in the Town of Lakeville.
3. Scope of services and contract from the Collins Center regarding Lakeville's Community Compact HR Grant.
4. Contract for Drug Alcohol Testing Services by Southeastern Regional Services Group (SERSG) from 1-1-18 through 12-31-20.
5. Wage Scales for FY18, FY19 and FY20 for union, non-union, non-union part-time non-benefit eligible employees, Call Firefighters and Reserve Officers.
6. Letter of resignation from Katherine Sankus from the Council on Aging Board of Directors
7. Request from the Council on Aging Board of Directors to appoint Joanne Bowes as full member and Robert Staples as alternate member.
8. Holiday schedule for 2018.
9. Board of Selectmen Meeting Minutes of August 21, 2017, and September 6, 2017 for approval.
10. Update from Selectman Hollenbeck regarding the Regional Finance Committee Meeting of November 2, 2017.