

**TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
September 23, 2015 – 7:00 PM**

On September 23, 2015, 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 Burke at 7:02 PM. Selectmen present were: Selectman Burke, Selectman Powderly and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette was recording the meeting and LakeCAM.

7:00 PM Dog Complaint Hearing – Lori and Nicholas Chisholm – 11 Nelson Shore Road

David Frates, Animal Control Officer. Jeanne Freitas of 3 Bartelli Road, Nicholas, Richard and Lori Chisholm, 11 Nelson Shore Road, dog owners, Raymond J. McSoley of Animal Behavior Associates, Orion Chu of 9 Nelson Shore Road, and James Philips of Abington were present for the hearing. Chairman Burke outlined the process that would take place for the Dog Complaint Hearing. He read the letter that was sent to the dog owners into the record.

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

VOTED: To open the Dog Hearing for Lori and Nicholas Chisholm of 11 Nelson Shore Road.
Unanimous in favor.

Chairman Burke summarized MGL 140, Section 157. He swore in anyone that would be speaking at the hearing. The complaint from Jeanne Freitas was then read into the record. Ms. Freitas stated that there are children in the neighborhood, and they have named the dogs, “the Doberman Death Squad”. Ms. Freitas stated that she is afraid to go on her walk by the property. Ms. Freitas stated that she has been harassed by Nicholas Chisholm, who has been yelling and swearing at her. Chairman Burke stated that he has been provided a document submitted by Mr. Chisholm from Raymond J. McSoley of Animal Behavior Associates regarding Bella and Diamond, the Doberman Pinschers. Chairman Burke read the two (2) page letter into the record.

Lori Chisholm presented a letter from Dog Watch, a letter from the UPS driver, pictures, and a written affidavit. She stated that they have already installed the system by Dog Watch at a cost of approximately \$1,800. Nicholas Chisholm said he understood that his dogs have gone off the property a few times and into the road, that is it. He has not heard anything about “the Doberman Death Squad” or the dogs following people home. They have barked at people, but they have not bitten anyone. Richard Chisholm said if Ms. Freitas is so frightened to walk by, then why does she do so? Does she have a license for the mace? If she is spraying the mace at the dogs, it is provoking them. She should walk a different way. Chairman Burke pointed out that Mace is not part of the hearing. Chairman Burke responded that someone should not have to walk around their neighborhood in fear. There is objective fear. If so, that is one thing, however, if someone has a predisposition of being bitten, then that is a whole different set of circumstances. Mr. McSoley stated that if the dogs were going to bite, then they would have bitten. Ms. Chisholm said that Ms. Freitas intimidates and taunts the dogs when she walks by

with the mace. Mr. Frates stated it is simple: the Town has a leash law. The hearing is not about a bad dog or good dog; it is about loose dogs in violation of the leash law.

Chairman Burke stated that the Chisholms have taken reasonable steps to mitigate the situation by installing the fence. Mr. Frates added that when he had Dobermans and used the underground fence, they never went past it after the first time. Mr. McSoley stated that the Chisholms have taken the additional step of installing the underground fence system so that the dogs will not wind up off the property. Selectman Powderly mentioned that in the memo, regarding how far the fence needs to be installed back from the road, it reads 65' so that the dogs will not get barrier frustration condition. Nicholas Chisholm said it is not 65' back. Orion Chu of 9 Nelson Shore Road said the dogs are not dangerous, but he can see that others can be afraid of them. The installation of the fence is a reasonable attempt to solve the problem. Ms. Freitas said you don't need a permit to carry mace; you can buy it over the counter. She never taunted the dogs. She carries it with her when she walks by their home. Mr. Frates said he will walk by and see if the dogs respond to the fence. Richard Chisholm said they also have training with Dog Watch. Diamond ran after a squirrel and got within five (5) feet of the flags and put the brakes on.

Selectman Powderly stated that there have been complaints since April 4th. There were earlier complaints where the Animal Control Officer had our office send letters to the Chisholms about their dogs being loose. It should come as no surprise that the dogs have been off the property. The complaint by Ms. Freitas is not the first complaint. Richard Chisholm said the letter said the dogs had not been licensed. They have always been licensed. Ms. Chisholm stated and showed proof that the dogs have been licensed. Chairman Burke explained that it is understood that the dogs are licensed. He added that he himself spent \$4,000 when he moved to Lakeville to put up a fence for his dog. However, the Town has a leash law requiring dogs to be leashed when off their owner's property. Ms. Chisholm said that all five (5) acres are fenced in. James Philips of Abington said he has interacted with the dogs and they only barked once. He has never felt intimidated. Mr. Chu said he has a two (2) year old daughter and a cockapoo. We walk and see the dogs, but they don't pose a threat; however, they are intimidating looking animals. He thought the Chisholms are taking the steps to provide relief for the people that have had an issue. He has never had an issue or felt that they were a threat.

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

VOTED: To close the Dog Complaint Hearing for Lori and Nicholas Chisholm of 11 Nelson Shore Road.
Unanimous in favor.

Selectman Powderly stated that the steps being taken are going in the right direction, but it was a long time in happening. Dog hearings tend to divide neighborhoods. People should always be able to walk down the street without being harassed by dogs. There are dog lovers, and there are others that are not. He asked Mr. Scholey about the 65' back and the barrier frustration. Mr. Scholey explained that it is a syndrome. If a dog is behind a barrier and people are walking past them very close to the dog, it can come under the heading of agitating the dog by the physical distance. If a dog is within ten (10) feet of the sidewalk, then that dog's

excitability can turn to frustration. It can build to barrier frustration and can result in an aggressive dog down the road. Selectman Powderly stated that he hopes that future retribution does not take place due to the complaint. However, if the fence was put up in April, then the hearing might not be taking place now. They are barking dogs. They are big, and they might scare people. The Chisholms have gone in the right direction a little too late, but the right direction. The barrier frustration does concern me.

Chairman Burke stated that the Board needs to discuss whether these are dangerous or nuisance dogs. It appears that they are not dangerous, so that can be taken off the table. The nuisance dog is a moot point, since the Chisholms have taken a step to mitigate the situation. Selectman Hollenbeck expressed her concern about the multiple complaints and most of all the charging complaints. She doesn't believe that they are dangerous, but the charging aspect can be considered something that may escalate to another level. She agreed that steps have been taken, and the Chisholms have alleviated the problem to her satisfaction. Ms. Garbitt asked if the fence was installed 65 feet back from the road. Selectman Powderly responded that it was not, it was a suggestion by the Animal Behavior Expert. Selectman Hollenbeck stated she would like to have the Dog Officer perform a test to make sure that the fence is operational. Otherwise, it is not doing any good for the neighborhood. Selectman Powderly stated that the fence is working; the test is if the dogs come off the property as time goes on. Selectman Hollenbeck stated that she would like to have it in the record that Mr. Frates tested the fence, since at some point it might require another hearing.

Selectman Powderly stated that if the dogs are off of their property, then all neighbors should come forward. If someone knows that their dog got off the property, they should come forward and say what they are doing to resolve the problem. If they are off the property, we will be back here again for a nuisance dog. Selectman Hollenbeck suggested to not set a date to review the matter, but to make sure that if something happens, that it has been noted that steps have been taken. Ms. Garbitt stated that the Selectmen can ask Mr. Frates to go out and inspect the fence, and if in time it is not working, even Mr. Frates can bring the complaint back again and proceed to the next step. Selectman Powderly stated that his concern is if the barrier frustration comes up in the future, since the main concern is if the dogs come off the property.

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

VOTED: That the owners, Nicholas and Lori Chisholm have taken remedial action and that the Animal Control Officer will conduct a test of the fence system and report back to the Board of Selectmen).
Unanimous in favor.

7:30 PM Meet with Police Chief to discuss appointment of Thomas Norcross as a Full Time Police Officer/Constable

Frank Alvilhiera, Police Chief, was present for the discussion. Chief Alvilhiera introduced Thomas Norcross to the Board. He asked Mr. Norcross be appointed as a Full Time Police Officer/Constable. It was noted that Mr. Norcross self-sponsored himself through the academy.

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

VOTED: To appoint Thomas Norcross as a Full Time Police Officer/Constable. The appointment will be effective September 24, 2015 with an expiration date of September 24, 2016, with a one year probation contingent upon successful completion of a physical and psychological examination.
Unanimous in favor.

7:35 PM Meet with Superintendent of Streets to review and vote on Fee Schedule for the Transfer Station

Jeremy Peck, Superintendent of Streets, was present for the discussion. Chairman Burke stated that the Selectmen have reviewed the provided information. Mr. Peck explained that the clean wood is being removed from the bulky waste in order that it can be disposed of for \$50 a ton, which is considerably lower than the normal bulky waste rate. A grant is being used to accomplish this, so that it will not bring additional cost to the Town. The employees at the Transfer Station monitor what comes in, and they make sure that it is placed accordingly. A permit is required to drop off anything at the Transfer Station.

Selectman Powderly noted that the Town is grossly undercharging as compared to the fees that other towns are charging. However, he would only suggest raising Lakeville's prices to the lowest price of its surrounding towns. Chairman Burke noted that the rates for disposal of items, which are being increased, is basically items that people do not get rid of everyday, such as TV's, Monitors, Mattresses, Box Springs, etc. Selectman Powderly asked if DEP had done a comparison of the rates and provided suggestions. Mr. Peck responded that they did, and this is the first step in making changes. Prices to charge were not suggested; it is based on the market price to dispose of the particular item. Mattresses have been undercharged by the Town for years. Chairman Burke stated that the Town needs to continue to reflect the reality of the cost of providing its services, mainly since this is an Enterprise Account. Mr. Peck stated that eventually the Transfer Station will be self-supporting. He is hoping to make sure that this is done gradually for the residents. We don't want residents to change to a private hauler due to frustration from the increase in rates.

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

VOTED: To approve and increase the pricing at the Transfer Station as recommended by the Superintendent of Streets as follows: Mattresses/Box Springs – from \$15 to \$30 each; TV's and Monitors – from \$10 to \$15 each; Console TV's – from \$15 to \$20 each; and Wide Screen TV's – from \$20 to \$25 each.
Unanimous in favor.

Review and vote to sign the Fire Union Contract

Chairman Burke pointed out that there are typos, etc. in the document. Ms. Garbitt noted that in reviewing it, she had seen grammatical errors also. That will have to be addressed in 2017. A

meeting can take place with the Union President ahead of time, and we can also discuss taking some of the old unnecessary language out.

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

VOTED: To sign the Contractual Agreement between Town of Lakeville and Lakeville Permanent Firefighters Association International Association of Firefighters Local #3188 from July 1, 2014 through to June 30, 2017.
Unanimous in favor.

Review and vote to sign Agreement with F/L Regional School District for the School Resource Officer

Selectman Powderly asked if Chief Alvilhiera had written the agreement for the School Resource Officer (SRO). Ms. Garbitt responded that it was initiated by the Town of Lakeville; however, she has not compared it. Section D under IX Miscellaneous is new from 2013. The Freetown Lakeville Regional School District shall be billed by the Lakeville Police Department the current detail rate up to a maximum of eight (8) hours per week for school related duties outside the SRO's normal work schedule or for duties of the supervising SRO. Selectman Hollenbeck stated that she has a question about the payment, which is in the new section. Selectman Powderly asked that the previous contract and this new one be compared before any decisions are made.

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

VOTED: To table signing the Agreement with the F/L Regional School District for the School Resource Officer until a red line version is provided of last year's contract.
Unanimous in favor.

Review and vote on Taunton Water Connection Application for Jonathan White – 187 Rhode Island Road

Chairman Burke noted that an application to connect to Taunton Water had been received from Jonathan White for the property located at 187 Rhode Island Road.

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

VOTED: To approve Jonathan White's request for a Taunton Water Connection for 187 Rhode Island Road.
Unanimous in favor.

Review and vote on Taunton Water Connection Application for Philip DeMoranville and Lewis Gammons – 328 Bedford Street

Chairman Burke noted that an application to connect to Taunton Water had been received from Phillip DeMoranville and Lewis Gammons for the property located at 328 Bedford Street.

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

VOTED: To approve the request for a Taunton Water Connection from Philip Demoranville and Lewis Gammons for 328 Bedford Street.
Unanimous in favor.

Review Site Plan for property located at 263 Bedford Street

The site plan for 263 Bedford Street was reviewed, and the Board did not make any comments.

Review and vote on amended Energy Advisory Committee Charge

Chairman Burke said that the Board received a draft of the Energy Advisory Committee Charge that has been revised.

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

VOTED: To approve the amended Charge of the Energy Advisory Committee (Adopted March 26, 2012, Amended March 24, 2014 and Amended September 23, 2015).
Unanimous in favor.

Annual Review for the Town Administrator

Selectman Hollenbeck stated that she went through the form that had been approved last year by the Board of Selectmen for the Town Administrator's review and had reviewed last year's review as reference. She had noted where increases, goals and assessments had been made. She stated that she basically had comments for the end of each section. The sections are as follows: Leadership, Personnel Management, Financial Management, Community Relations, Relationship with Board of Selectmen, and Personal Qualities.

Selectman Hollenbeck stated that the Town Administrator had been short staffed this year, when one of the staff had moved over to the COA. Since the Master Plan Implementation Committee is now meeting again, longer range planning is taking place. The Town Administrator has been able to work with the Selectmen to achieve the priority goals that were set for the Selectmen. That is a huge positive, especially knowing that she did not have the staff. Now that she has a Clerk, she can push down the administrative duties toward her so that she can focus on other tasks. What is noteworthy is that Ms. Garbitt has been able to get the Priority List items taken care of. Though the Technology Advisory Committee has not met since February, there are technology improvements taking place with the infrastructure. Another point

is that the Casino Advisory Committee may begin meeting again. While staff reviews have not been done, and the Town Administrator has been short staffed, she has still been able to oversee what needs to take place. It is hoped to focus in on having the staff reviews done, since it is a priority. Failure of not having them can be harmful to the Town.

With respect to Community Relations, Selectman Powderly stated that Ms. Garbitt obviously does a good job communicating with the Senator and the Representatives for the Town, but it is also as much the Selectmen's duties as it is the Town Administrator's. Selectman Powderly added that the Town Administrator has her own opinion and voices her opinion to the Selectmen; however, it seems that it should also come out more in public. Selectman Hollenbeck stated that Ms. Garbitt is always professional, courteous and remains calm, especially in difficult circumstances. She deals with people in various states of emotion. Her strength is in the area of budgeting, and that is a great plus for the Town. She does tasks that are not intended for a Town Administrator to do, yet since staffing is tight, this is necessary. The Town Administrator needs the daily tasks done by others so that she can focus on long range items.

Chairman Burke stated that he is very grateful for having Ms. Garbitt with her institutional history, and pushing the Selectmen to get where they need to go. Ms. Garbitt knows the culture, understands it and that is effective for personnel. However, there needs to be a cultural change with personnel so that they have annual reviews and goals set, bringing forward that there is an expectation of them. It is presently a missed opportunity. People may be working for personal goals and not the overall goal. The staff needs a central oversight. There seems to be a lack of continuity with expectations. Ms. Garbitt pointed out that she had gone five (5) years without a review herself. It is nice to set goals and for people to know where they need improvement. Selectman Hollenbeck stated that with the Master Plan Implementation Committee up and running, there will be goals set for the Town. Ms. Garbitt mentioned that she has been attentive to reviewing the records that are in the attic and in the basement in order to purge all unnecessary records. That will provide additional space as the Town continues to analyze the space needs. It will probably cost approximately \$12,000 to dispose of everything in the container, and there is still much more to go through and purge. A tour was taken of the Assessors Building, and it was found that their attic is full. There is a lot that they have to retain. The various Departments need to know what to retain, for how long and for each Department to keep that current from year to year. The Building Plans take up the largest amount of space. There is a huge cost to scanning them, so that is not a viable option. With Vital Records, the Town Clerk is required to keep the original.

Selectman Powderly stated that the annual review cycle needs to be positive to allow people to move forward with the areas that they need to have strengthened. There should be a balance between the positive and negative for it to be an overall positive growing experience. Ms. Garbitt noted that with the thirteen (13) people that the Selectmen review, it has been a positive experience. The Town Administrator has met with Department Heads and discussed with them their goals. One aspect that is needed for the Town is addressing the basic levels for the various reserve funds. That will also help improve the bond rating. This information needs to be made current by the next disclosure date.

Review request from Middleborough/Lakeville Herring Fishery Commission for appointment of Wardens and Volunteers Observers

David Cavanaugh, Chairman of the Middleborough/Lakeville Herring Fishery Commission, was present for the discussion. Ms. Garbitt noted that the Herring Fishery Commission is a joint Commission with the Town of Middleborough. The Town of Middleborough is now requiring a letter of interest for members to be reappointed; however, the Town of Lakeville does not. Sylvester Zienkiewicz and Joseph Urbanski did not provide a letter of interest for reappointment, and they are not included on the list. Mr. Cavanaugh stated that he sent an email to everyone explaining that they need to send a letter to the Town of Middleborough if they wish to continue as volunteer observers. Mr. Urbanski and Mr. Zienkiewicz responded that they would be willing to count herring, but did not want to be on the Commission officially.

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

VOTED: To appoint the following as Wardens for the Middleborough/Lakeville Herring Fishery Commission with a term to expire September 30, 2018: Thomas Barron and William Orphan.
Unanimous in favor.

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

VOTED: To appoint the following as Volunteer Observers for the Middleborough Lakeville Herring Fishery Commission with a term to expire September 30, 2016: Cory Leeson; Michael Bednarski; Allin Frawley; and Cynthia Gendron.
Unanimous in favor.

New Business

Chairman Burke announced the 11th Annual Arts & Music Festival, which will take place on Saturday, October 3, 2015 from 10:00 AM to 4:00 PM, rain or shine. For a schedule of the events and additional information people can visit www.lakevillearts.com.

Selectman Powderly stated that representatives of the Energy Advisory Committee would like to get together with the School's Regional Finance Budget Sub-Committee. There is some "low hanging fruit" available to them regarding savings in electricity and oil. The Energy Advisory Committee can provide facts, figures and suggestions of where the savings might be able to occur. Selectman Hollenbeck stated that she will pass that information along when she attends their next meeting. Ms. Garbitt noted that Energy Advisory Committee member, Jim Kenney, did a great presentation of the energy savings that has taken place in Town, since the Green Communities Program began, and the funding that the Town has received from it. It is really worthwhile that the School Department take notice of the available savings that they can realize. It is hoped that the Town of Freetown will get on board with this. Selectman Powderly stated that there is a need to have a relationship with someone from the School Department that will move forward with this. Ms. Garbitt noted that based on the analysis there is the potential of a \$96,000 savings.

Selectman Powderly mentioned that the Council of Aging Director is in need of volunteer medical drivers to take seniors who do not drive to various medical appointments. There are not enough volunteers available for all the requests that come in. Another area of need is drivers for the Meals on Wheels Program. Anyone interested is encouraged to contact the Lakeville Senior Center.

Chairman Burke mentioned that a note of thanks had been received from the Lakeville Historical Society for the gift of Display Cases that were formerly used in the Town Office Conference Room.

Selectman Hollenbeck stated that she would like to discuss the School Committee's Agenda from last Wednesday. On their agenda were three (3) items that pertained to the Town of Lakeville. One item related to the Capital Plan for the Assawompsett School. The School Department would like to establish a committee to discuss the Capital Plan for the Assawompsett School. Another item is the Regional Finance Budget Sub-Committee regarding the George R. Austin Intermediate School Debt. The final item was providing an update on the School Department's financial picture. The Excess & Deficiency Account is currently at \$1.2 million. They needed to have Mr. Labelle, Superintendent Medeiros, Mr. Baker, Director of Business and Finance, and Mr. Souza, Director of Maintenance to give recommendations on it, as well as, what improvements need to take place with the schools.

Selectman Hollenbeck stated that the Community Development Committee is looking to conduct a Farm to Table Brunch on Sunday, October 18th from 1:00 PM to 3:00 PM at Somethin's Brewin. The dinner event that the Committee had been originally trying to organize was proving to be too expensive, so this is another event for the end of the series for "Grow Your Own Lakeville". Tickets will be available at a cost of \$10.

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

VOTED: To approve the Community Development Committee's "Grow Your Own Lakeville Farm to Table Brunch" on Sunday, October 18th from 1:00 to 3:00 PM at Somethin's Brewin
Unanimous in favor.

Old Business

Ms. Garbitt provided an update on the Federal Emergency Management Agency (FEMA) reimbursement. Though it has taken a lot of paperwork and a long time, the information is finally going into FEMA for the State to review. It is hoped that the Town will receive reimbursement by the Fall Town Meeting. Another area that the Town is hoping to receive back funds is regarding the 40S money. Discussion has also been taking place with the City of Taunton regarding the Supplemental Budget for payment of the Water Tower. They are in the process of keeping the same language when the Special Legislation goes through. The Fall Town Meeting may be scheduled at the end of October or early November.

Ms. Garbitt informed the Board that the renovations to the Boy Scout Camp are moving forward. Pledges are coming in. There are also townspeople who are driving by and have stopped to help out with the renovations.

Other Items

1. Thank you letter from Lakeville Historical Society regarding donation of display cases
2. Letter sent by the COA Director to the Superintendent of Schools regarding volunteer drivers
3. Notice from MMA regarding annual Website and Town Report Contest
4. Notice from Verizon regarding channel changes
5. Comcast connections Newsletter

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

VOTED: To adjourn the meeting at 9:25 PM
Unanimous in favor.

List of Documents provided at the Selectmen's Meeting September 23, 2015

1. Animal Control ByLaw, Complaint of vicious or barking dogs, letters sent to the Chisholms regarding their dogs, MGL 140 section 157, letter from Animal Behavior Associates
2. Letter from Police Chief to appoint Thomas Norcross to the full time position of Police Officer/Constable
3. Fee schedule for Transfer Station proposed by the Superintendent of Streets, clean wood guidelines and surrounding Town's rates
4. Fire Union contract
5. Agreement with F/L Regional School District for the SRO
6. Application for Taunton Water connection from Jonathan White for 187 Rhode Island Road
7. Application for Taunton Water connection from Philip Demoranville and Lewis Gammons for 328 Bedford Street
8. 263 Bedford Street Site Plan for review and comment
9. Amended Energy Advisory Committee Charge
10. Annual review for the Town Administrator
11. Request from the Middleborough/Lakeville Herring Fishery Commission for the appointment of wardens and volunteer observers
12. Announcement for Arts & Music festival for October 3, 2015