

TOWN OF LAKEVILLE
Board of Selectmen and Wage & Personnel Board, as applicable
Meeting Minutes
September 26, 2016 – 6:30 PM

On September 26, 2016, 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 6:34 PM. Selectmen present were: Chairman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, and Tracie Craig-McGee, Executive Assistant. Matthew Ferreira of the Middleboro Gazette was recording the meeting and LakeCAM.

6:30 PM Meet with Historical Commission Member Joan Gladu Morton to discuss Letter of Support for a replacement of the Town's WWI Cannon

Joan Gladu Morton was present for the discussion. Ms. Gladu-Morton explained that she is the point person for the Historical Commission to find a replacement for the World War I cannon that used to be displayed at Dickran Diran Square. The canon was donated, by approval of the townspeople, to the scrap drive prior to World War II. Negotiations had taken place with a government representative from the Brooklyn Navy Yard, who promised a replacement of either a gun or cannon back on the site at the conclusion of hostilities. However, though there were some efforts made back in 1964, no replacement came to fruition. The matter has not really been pursued; however, the Historical Commission would like the support of the Board of Selectmen to pursue this now. The background information has been gathered to advance towards locating a suitable object. A letter will be needed from the Board of Selectmen to continue. The Town would be responsible to demilitarize what is procured and bring it to its Lakeville location. The U.S. Army TACOM Life Cycle Management Command in Minnesota is the division that Ms. Gladu-Morton has been working with. They distribute used military items.

Selectman Powderly mentioned that Wil Corey, Veterans Agent, had also been interested in obtaining a cannon or other like item (howitzer) for the Town. We will need to find out the cost once an item is located; however, there should be many volunteers in Town who will want to support this project. Selectman Burke stated that personally he felt that a War Memorial should be about the people that served, rather than the tools that were used. The weapons of war are a reminder of the wrong aspects of what to remember. He added that his father had been blown up in Vietnam, so he has experienced what war can do firsthand and its effects. Ms. Gladu-Morton added that items used in war also show what protected and helped the military during the war. Selectman Burke stated that this is a very personal topic to him, and he really feels that a war memorial should be about the people, not the tools. He would rather see a cannon than a tank, since a tank would not be living up to the goal of the past people who were trying to replace what had been donated. Ms. Gladu-Morton explained that cannons are very difficult to come by. Most of them were collected and melted down. There may be something from the Portsmouth Navy Yard in New Hampshire.

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

VOTED: To write a letter of support for the Historical Commission to move forward with obtaining a WWI replacement cannon or like piece of replacement equipment.
Two (2) in favor, one (1) against (Selectman Burke).

7:00 PM Meet with candidates for vacancy on the Conservation Commission

Aaron Best and Keith Jensen were present for the discussion. Chairman Hollenbeck stated that the Selectmen received letters from Mr. Best and Mr. Jensen, expressing interest to be appointed to the openings on the Conservation Commission. The Commission has an opening for an Associate and a Full Member. Aaron Best came forward and introduced himself. He stated that the Conservation Commission asked him to contact the State Ethics Commission as his work is part of the Massachusetts Division of Fisheries and Wildlife. There seems to be some issues since Natural Heritage is rolled into the Division of Fisheries and Wildlife. Mr. Best stated that he does not want there to be a perception that there could be a violation due to where he is employed. As part of his duties, he is to represent the Division's interest in areas where the State owns management rights. One of those places is Betty's Neck, which Mr. Best works primarily with Nancy Yeatts on. It is not intended for that relationship to change, so Mr. Best stated that he is withdrawing his name from consideration. Selectman Powderly stated that he did not feel that Mr. Best would have an ethics violation with Betty's Neck. Mr. Best explained that a Conservation Restriction is basically management rights, and it is recorded with the DEP. It is part of his job to ensure compliance with baseline documentation, and he deals with the Conservation Commission with those issues in the Town. Chairman Hollenbeck stated that while she is drawn to people being interested in serving the Town, if it will impact someone's day to day career, it is understood that Mr. Best needs to withdraw his name.

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

VOTED: To appoint Keith Jensen as a full Conservation Commission Member with a term to expire July 31, 2019.
Unanimous in favor.

Selectman Powderly stated that he hopes with the mixture of those on the Commission at this time that everyone would come to the same decisions, separate from their backgrounds or professions. He trusts that Mr. Jensen would hold the line when it comes to areas that should not be built on. There is a lot of debate that goes on with that Commission, which is good, and it is controversial. Selectman Burke added that he hopes that Mr. Jensen brings clarity and direction to the Commission and bring people to making decisions.

Town Administrator's Annual Review

Chairman Hollenbeck stated that the Evaluation form has been received by the Board which the Selectmen had used before for the review of the Town Administrator. She wanted to make sure that the Board wanted to conduct the same type of process as has taken place in the past. The Board also should have sufficient time to accomplish their own review prior to having the

public review, so this topic will be tabled for two (2) weeks. Selectman Powderly was in agreement. Selectman Burke stated that he was prepared for tonight, but can wait the two (2) weeks.

Discuss Fee proposal from Pomroy Associates for Owner's Project Manager for Police Station

Chairman Hollenbeck stated that the Police Station Design Review Committee (PSDRC) is meeting tomorrow to go over the Fee Proposal for Project Manager. Selectman Burke would like the Board to discuss the Fee Proposal that he received when he met with Richard Pomroy and Taylor MacDonald from Pomroy Associates. If there are any questions that the Board has, they can provide them for him to present tomorrow night, so that they can move forward with the process and not have to wait an additional two (2) weeks for the Selectmen's approval. However, there is no rush if there are expectations on the timeline. When Selectman Powderly had asked earlier in the process if there was any savings to use a project that has already been presented, the representatives said that there would be, so any savings will be applied towards the project. Pomroy Associates expects to come in on time with the project and under budget with their proposal, basically since the Town wants them to do a project that they have done before, or a very similar one. It is felt that architects who have built similar buildings will get involved in the bidding process. It would be better for the Town to go with a contractor who is not "green".

Chairman Hollenbeck asked if the design includes the clearing of the land. Selectman Burke responded that it does. Chairman Hollenbeck asked if from the beginning of the project to the end, this is the price. Selectman Burke responded that it is. The architect's fee would be less, since the timeline for the design has been shortened. Selectman Powderly asked how far that the money (\$400,000) appropriated at Town Meeting will go through the first phase. Selectman Burke explained that it should get the Town through to the Spring Town Meeting, which at that time the final numbers on the cost should be known. Basically, from this point on,⁸ the Committee will be a Police Station Building Committee (PSBC) and Pomroy Associates will run and schedule the meetings for every two (2) weeks. They are going with a design that is familiar to them, and the architect could save time with the project. The Town needs to be able to get the necessary funding and determine the process it will take. Selectman Powderly asked how the Town would be raising the \$6 million, if that is how much the project costs. Chairman Hollenbeck responded that the Selectmen should spend time with the Finance Committee to look at some scenarios and options. Selectman Burke added that the firm has never gone over budget, so when they provide the number, it will be the number.

Chairman Hollenbeck asked if the present Police Stations roof will make it through the next two (2) winters, since it has not been patched. The Town seems to be clearly moving towards a new Police Station, so maybe the Building Commissioner should provide information about that point. Selectman Powderly stated that he would not propose to fix the roof. Selectman Burke stated that it will leak, and the snow can be shoveled off. Selectman Powderly stated that the discussion does need to take place on where the funds will be raised from. The fee schedule looks satisfactory since it is less than what originally thought. Selectman Burke added that he is excited working with the folks involved, since they do municipal buildings and public safety

buildings, specifically Police Stations. Presently they are working on a project in Wellfleet. Chairman Hollenbeck and Selectman Powderly were agreeable with moving the project forward as it is, and Selectman Burke will provide an update in two (2) weeks.

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

VOTED: To approve the DRAFT – Project Sequence Description and Owners Project Manager Scope of Services, dated September 20, 2016, provisionary to Selectman Burke’s review with the Police Station Building Committee’s Meeting, which will take place on September 27, 2016.
Unanimous in favor.

Review and vote on Job Description for Clerical position and the Notice to the Union

Chairman Hollenbeck stated that the new Job Description for the Clerical position and the Notice to the Union has been made available to the Board for review.

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

VOTED: To approve the proposed Job Description for the new Full-Time Union Clerical position for the Department of Inspectional Services and Permitting with a classification of Level 4, Step 1.
Unanimous in favor.

Discuss temporary assignment of Part-time Board of Health Clerk to assist Building Commissioner/Director of Inspectional Services

Chairman Hollenbeck stated that the Town has a Part Time Board of Health Clerk. The Building Commissioner has requested that additional clerical staff be assigned to him temporarily to assist him in carrying out his duties and responsibilities. The Board of Health Clerk can be used to keep the office open. Selectman Burke stated that Mr. Darling was delegated this power by the Board of Health, and it is felt that he would have the authority to reassign non-union personnel for clerical needs. It is also understood that he would want the Selectmen to approve this.

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

VOTED: To approve the request by Nate Darling, Building Commissioner/Director of Inspectional Services to be assigned additional clerical staff temporarily to assist him in carrying out his duties and responsibilities.
Unanimous in favor.

Review and discuss memo from Council on Aging Director regarding her replacement

Vicki Souza, Council on Aging Director, was present for the discussion. Chairman Hollenbeck asked Ms. Souza if there was anything that she would want to see added to her

position when a replacement is sought. A recommendation has been provided that Kelly Conway be the replacement upon Ms. Souza's retirement. The Board does have to go through the regular process of posting the position. The position is non-union. Selectman Powderly asked why the Board has to go through the process if the position is not part of the Union. Selectman Burke responded that it is good to go through the process to see who may be out there. Selectman Powderly asked if it is legally necessary to go through the process. Selectman Burke responded that Ms. Souza has suggested her replacement, but the Board has to do the due diligence to make sure that the next person is the best fit. It is up to Board to at least look. The public should demand the Board do the most vigorous process to find the right candidate for the position.

Chairman Hollenbeck stated that she is not sure if the Wage and Personnel Handbook speaks on that process, so the Board should think about memorializing that from the Selectmen's perspective. It does say from the union's perspective to do so. Ms. Souza expressed that her concern is what she has built up over the past four (4) years not get taken down, but remains, since Ms. Conway has the same vision that she has had. Chairman Hollenbeck stated that the posting will be up for two (2) weeks. What is the timeline that would be suitable for a replacement in the event that it is someone new to the position? Ms. Souza responded that if it were Ms. Conway, she would like to begin the process right away, since she knows a lot already. Chairman Hollenbeck stated that Ms. Conway is presently in a union position and the COA Director would be a non-union position, so there could potentially be a union issue. Ms. Garbitt stated that if Ms. Conway does move up, there would be a posting for a Clerk at the COA. Ms. Souza stated that her anticipated retirement date is December 22, 2016. She was also wondering about the process that would take place and if it would happen before she retires or not. Chairman Hollenbeck asked if the present Job Description for the Clerk's position is appropriate, or should it be revisited. Ms. Souza stated that she can discuss that with the Board at a later date.

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

VOTED: To post the position for Council on Aging Director in-house at Step one (1).
Unanimous in favor.

Discuss Scheduling the Special Town Meeting

Chairman Hollenbeck stated there are items listed on the agenda to get accomplished by holding a Special Town Meeting. We need to memorialize the Special Legislation of the vote that was taken by the Board of Health when that Department reorganized to have it permanently under the Director of Inspectional Services. Ms. Garbitt added that when the Town goes to Town Meeting for the new Police Station, there should be the full design and the cost known. The fall is the time to fund the full cost of the design phase. Selectman Burke mentioned that the amount of \$81,000 gets the project to the "star" on the timeline. If the Town waits for a June Town Meeting, there is enough money to get the design done.

Chairman Hollenbeck stated that last fall, the Town was unable to hold the Special Town Meeting due to lack of a quorum. This Special Town Meeting would be the time to repurpose the \$300,000 for the roof repairs on the Police Station. Selectman Powderly stated that he would

like someone to tell us if \$400,000 will take us to groundbreaking. Selectman Burke stated that the architectural fees are \$400,000. The plans have to be paid for no matter what, and the Town will need more funds. Chairman Hollenbeck stated that would be the third piece of the process for the Special Town Meeting. Selectman Powderly stated that he is concerned about having a Special Town Meeting since it costs \$5,000 for it to take place. Selectman Burke explained that it is really for the Police Station Funding. Selectman Powderly suggested to wait to determine if there is a need to fund the present process. Also he was agreeable with waiting to enact the Special Legislation for the Board of Health.

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

VOTED: To table scheduling the Special Fall Town Meeting for November 14, 2016, and the Town Administrator will verify the necessary timeline with the Town Clerk.
Unanimous in favor.

Request and vote on School Resource Officer Agreement Extension

Chairman Hollenbeck stated that she had attended the School Committee Meeting that took place on September 14, 2016. The School Committee voted to extend the School Resource Officer Agreement, and there were no changes on the reimbursement or the wage rate.

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

VOTED: To approve the Extension of the School Resource Officer Agreement through June 30, 2017.
Unanimous in favor.

Request for Road Opening Permit – Columbia Gas – 7 Anaconda Drive

Chairman Hollenbeck stated that Columbia Gas has requested a Road Opening Permit to cut off an abandoned gas service at 7 Anaconda Drive. Jeremy Peck, Superintendent of Streets, has inspected the location and approved it with conditions.

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

VOTED: To approve the requested Road Opening Permit for Columbia Gas at 7 Anaconda Drive, subject to the conditions provided in the Superintendent of Streets' letter dated September 12, 2016.
Unanimous in favor.

Discuss participation in the program for access to emergency equipment in the Bridgewater Homeland Security Cache

Chairman Hollenbeck stated that apparently there is equipment available if the Town has an emergency. This equipment is located in Bridgewater. Southeast Homeland Security Regional Advisory Council has notified Emergency Directors and Fire Chiefs who have had funds

allocated, that the equipment is available. An inventory of the equipment has been made, and there is a form to sign and return. The Fire Chief would like the Town to participate. If the Town uses the equipment and it breaks, the Town is responsible to repair it. Ms. Garbitt explained that there is also a similar program in place with the Highway Department.

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

VOTED: To approve that the Town participate in the Bridgewater Homeland Security Cache through the Southeast Regional Homeland Security Advisory Council.
Unanimous in favor.

Discuss request from Angels in America/Massachusetts Police Wives to hang blue ribbons on Town Buildings in support of Law Enforcement Officers

Chairman Hollenbeck explained that there is a request from Angels in America, who are working with the Massachusetts Police Wives, to hang blue ribbons in Town and on Public Buildings to show support for Law Enforcement Officers. They will be contacting private property owners regarding their buildings; however, they would like permission to place ribbons on Town owned buildings. Selectman Powderly stated that the Police Chief should approve something like this. Chairman Hollenbeck mentioned that Sandra Martini-Gamache is a member of this organization, and appears to be a local non-profit group. She stated that it does potentially open up the Town to more and more of these types of requests. Chief Alvilhiera noted that people are putting on blue lights outside of their houses. Chairman Hollenbeck stated that she is not interested in having the Town support/promote any non-profit organizations.

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

VOTED: To table indefinitely the request from Angels in America/Massachusetts Police Wives to hang blue ribbons on Town Buildings in support of Law Enforcement Officers.
Unanimous in favor.

Acknowledge donation of flowers by Scanlon Construction and Nutrition for Life and maintenance by the Lions Club for the Islands at Routes 105/18

Chairman Hollenbeck noted that the Town has received two (2) donations from Scanlon Construction of Middleborough, and Nutrition for Life in Lakeville, to purchase the mums for the Islands at Route 105/18 as part of the Town's beautification project. The Lakeville Lions Club has also generously donated their time and labor to weed and mulch the Islands in preparation for the planting of the mums.

Review and vote to approve Board of Selectmen Meeting Minutes of May 25, 2016, June 1, 2016, June 8, 2016 and June 22, 2016

Chairman Hollenbeck mentioned that there is a circular reference taking place with the headings for the Selectmen Meeting minutes and the titles should be corrected.

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

VOTED: To approve the Selectmen Meeting Minutes of May 25, 2016, June 1, 2016, June 8, 2016 and June 22, 2016 with the correction being made to properly depict the headings.
Unanimous in favor.

New Business

Chairman Hollenbeck stated that a letter had been received from a resident, Leo Bourque, about the status of the water table. The majority of older homes have shallow wells, which would be the first to go dry, so there is concern for people to take notice and conserve water. He is requesting that the Board ask the public to conserve and shut off their outside watering systems. The extent of this drought has not happened since 1967. Ms. Garbitt asked Ms. Craig-McGee to provide the letter to Matthew Ferreira of the Middleboro Gazette. Chairman Hollenbeck asked for the letter to be forwarded to the Board of Health as well.

Ms. Garbitt stated that there are significant changes coming with the New Public Records Law and there will be Informational Sessions held at Plymouth North High School on November 3, 2016 from 3:30-7:30 PM. Ms. Garbitt will forward this information to all Boards and Committees.

Old Business-Updates from Selectman Powderly regarding his meeting with Middleborough regarding a sewer allocation for the Lakeville Hospital property, and the meeting he attended of the Twin Coach Homeowners' Association

Selectman Powderly stated that he, Ms. Garbitt and Keiko Orrall, State Representative, met with Diane Stewart, Chair of the Middleborough Board of Selectmen, Town Manager Robert Nunes, Christopher Peck, DPW Director and the Wastewater Superintendent Todd Goldman about connecting the Hospital Site to the existing sewer connection. A letter probably should be sent to National Development that the \$1.355 million offer originally quoted to hook up the sewer is now probably \$750,000. Middleborough has a bylaw that says there can be a hook up if the property is not in the Water District, and it is a buy in of the debt. The cost to run the lines is \$500,000. The true hookup cost is only \$200,000. Middleborough has a two million gallon capacity and is only at 1 million capacity. Kensington Court and Sterling Place did not hook up. National Development could develop their own septic system for \$750,000. He suggested that a letter be sent to National Development regarding the meeting.

Chairman Hollenbeck stated that the update she had received from the Twin Coach Homeowners' Association was that they were not interested in repealing the Rent Control By-law. Selectman Powderly stated that there were about 100 people at the meeting, and they did not want Rent Control to be removed.

Any other business that could possible come before the Board of Selectmen

It was noted that on Wednesday, October 19th in Worcester, there would be an Economic Summit meeting if the Board is interested in attending. Chairman Hollenbeck stated that she was not sure at this time if she would be available to attend.

Other Items

1. Long Range Personnel/Space Needs – Veterans Services and Board of Assessors
Selectman Powderly asked what is going on with the Assessors moving to the Town Office Building. Ms. Garbitt responded that she has spoken with John Pink regarding the survey and that it is a priority.
2. Selectmen's Bi-Weekly Update – As of September 22, 2016
Ms. Craig-McGee said she will draft the Selectmen's Section and email it to Chairman Hollenbeck. Selectman Burke asked that those who did not submit their report be contacted about what is expected and see if they need assistance.
3. Notice of Bankruptcy – ABC Disposal Services/New Bedford Waste
4. Letter from the Governor's Office regarding FY17 CCC Municipal Grant Programs
5. Invitation from Cardinal's Office to attend a Mass for Public Safety Personnel
6. Notice of Plymouth County Development Council Annual Meeting – October 28, 2016

At 8:20 PM, upon a motion made by Selectman Hollenbeck; seconded by Selectman Burke, 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, 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 distributed at the Selectmen's Meeting held on September 26, 2016

1. Letter from Historical Commission
2. Resumes from interested candidates for the vacant on the Conservation Commission.
3. Evaluation forms for the Town Administrator
4. Fee Proposal from Pomroy Associates for Owner's Project Manager (OPM) for Police Station
5. Job Description for Clerical Position for the Department of Inspectional Services and Permitting and Notice to the Union.
6. Request from the Building Commissioner for additional clerical staff to be assigned temporarily to him
7. Memo from the Council on Aging Director regarding her Replacement upon her retirement
8. Memo regarding scheduling a Fall Special Town Meeting.
9. Agreement to extend the School Resource Officer through to June 30, 2017.
10. Columbia Gas request for a Road Opening for 7 Anaconda Drive; Superintendent of Streets letter to Columbia Gas
11. Letter from Southeast Homeland Security Regional Advisory Council
12. Request from Angels in America to place blue ribbons on town buildings in support of law enforcement officers.
13. Acknowledgement of donations of flowers and labor from Scanlon Construction, Nutrition for Life, and the Lakeville Lions Club for the Islands at Route 105/18.
14. Meeting Minutes from May 25, 2016, June 1, 2016, June 8, 2016 and June 22, 2016.
15. Letter of concern from resident Leo Bourque regarding water conservation.
16. Invitation from KP Law, P.C. to attend the New Public Records Law Information Session on November 3, 2016 from 3:30 PM to 7:30 PM.