

TOWN OF LAKEVILLE
Selectmen's and Wage and Personnel Board's, as applicable
Meeting Minutes
October 11, 2016 – 6:30 PM

On October 11, 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 6:30 PM. Selectmen present were: Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, and Tracie Craig-McGee, Executive Assistant. LakeCAM and Matthew Ferreira of the Middleboro Gazette were recording the meeting.

6:30 PM Meet with Jeremy Peck to review the memos on Sanding of Private Roads and the FY17 Snow and Ice Removal Estimate for Assawompset School

Jeremy Peck was present for the discussion. Mr. Peck stated that the sanding of private roads has not really changed from last year. The memo he provided to the Board of Selectmen reads that the costs associated with snow and ice removal will be as follows: \$40/ton for material (1:1 sand/salt mix) and \$69/hour for driver and one ton dump truck. The homeowner associations have been told to contact the Police or Fire Department when they have areas of difficulty in the winter. The crews will go out, inspect the area and make a determination of what to do. Chairman Hollenbeck stated that the homeowner associations will be sent the same letter as last year with the same rates. Mr. Peck stated that the crews only went out once or twice last year. Chairman Hollenbeck noted that there had been a request from LeBaron Estates, and they were sent a letter as well. Selectman Powderly asked what their letter says about emergencies. Is it basically the same? Ms. Garbitt responded that it is. She will provide a copy of their letter to Selectman Powderly and will be sending out the letter to all the homeowner associations.

Chairman Hollenbeck said a letter had been provided to the School Department regarding how snow plowing, sanding, etc., would take place at the Assawompset School. They were billed back the time and work done last year (FY16) and the amount was just over \$2,200. Mr. Peck stated that the process with Assawompset School had worked out pretty well. Plowing and sanding is done right away if there is school the next day. This person assigned to the School keeps track of his time, so that it can be billed accordingly. Having one (1) person responsible allows for an easier check of what was done.

6:45 PM Meet with Josephine Ruthwicz from Middleborough Housing Authority regarding the Water Street Affordable Housing Project

Josephine Ruthwicz was present for the discussion. Selectman Aaron Burke recused himself from the discussion. Ms. Ruthwicz stated that she will be the lottery agent for the Water Street Crossing Affordable Housing Project. It is the new 40B in Lakeville. The area includes two (2) buildings with seven (7) apartments each. Each of the four (4) Rental Units that are part of the Affordable Rental Housing Lottery consist of three (3) bedrooms, and 2 ½ baths. All 14 Units count as affordable subsidized housing. The rent is \$1,528/month, plus utilities. The minimum annual income (40%) is \$53,000 and the Maximum Annual Income is \$76,250. The units do not

qualify for Section 8 vouchers. Renters will be responsible for all rent and utilities. Including utilities the rent is \$1,704 a month.

Applications will be available at the Lakeville Public Library, the Lakeville Town Clerk's Office and the Middleborough Housing Authority Office on Benton Street in Middleborough. Notices have been sent out to 75 places in the area, including Veterans, Police and Fire Departments, and Churches. Basically the units are for young working professionals. Two (2) units will go to Lakeville residents. Screening is done to determine who is qualified. Once they are qualified, their names are put into a pool. If the first lottery attempt does not bring anyone in, it will then be on a first come first serve basis. The units will still count towards the Town's housing count. The units have granite counter tops, wall to wall carpeting in the living area and bedrooms, a dedicated storage area, and parking for two (2) vehicles. Individuals will be required to go through an annual recertification to determine if they continue to qualify for the unit. At this time, the Owner of the property provides the information from the residents to the Housing Authority. If someone qualifies on January 1st and then receives a bigger and better job on January 2nd, they don't have to vacate the unit until the next year. Rents have decreased as of October 1st. The cost per month for a one (1) bedroom unit is \$922. It is \$1,475, including utilities, for a three (3) bedroom. The fair market rent has been established by the State and Housing & Urban Development determines if someone qualifies for Section 8. Rent cannot exceed the Fair Market Rent including utilities, for an individual to qualify for a Section 8 voucher. Chairman Hollenbeck suggested that Ms. Ruthwicz contact LakeCAM to advertise about the applications for the lottery and to see if it could be provided on the Town's website. Applications are due no later than November 22, 2016 at 3:00 PM at the Middleborough Housing Authority on 8 Benton Street.

Town Administrator's Annual Review

The Selectmen reviewed their comments on the Town Administrator's Evaluation. The areas that were evaluated included: Leadership, Personnel Management, Financial Management, Community Relations, Relationship with Board of Selectmen, Personal Qualities, and open response questions regarding the effectiveness of the Town Administrator. Overall, the comments were extremely positive and exemplary, with a few suggestions for improvement. It was noted that the Town Administrator is very fair, caring, listens, a pleasure to work with, adaptive to change in a dynamic working environment and a great resource for the Town of Lakeville. The Evaluation will be provided to the Town Clerk where it will then be on file.

Selectman Burke added that it takes a really special person to do what the Town Administrator does. The Board is really appreciative of this and the Town/Board is fortunate to have her. She does an excellent job on a daily basis and exceeds most of expectations that he has with the position. An area that can always have improvement is communication, though Ms. Garbitt does a great job in communication. The need to improve this though cannot be overstated. There has been improvement and it's expected to continue to improve. With the seemingly ever changing Board of Selectmen, Ms. Garbitt is able to remain consistent. Ms. Garbitt mentioned that she feels that the biweekly reports that the Board has asked to have set into place from all Departments is a great relief to her. It is a significant amount of information that she does not have to relay to the Board. Selectman Burke agreed and asked if Ms. Craig-

McGee could email it to the Board once it is received so that the Board may spend more time reviewing it ahead of time.

Selectman Powderly added that he somewhat mirrors all of what has been mentioned in the reviews. Ms. Garbitt has a great relationship with the Board of Selectmen and does her job well.

Chairman Hollenbeck indicated that a priority of the Board is launching the new accounting system and making sure that it is working with all Town Departments so that systems can be developed around it during the upcoming year. Ms. Garbitt stated that the Accounting Department is on top of that and has been setting up all the accounts and processing the new account numbers with each Town Department. A goal from last year of Ms. Garbitt's was updating the Wage and Personnel Handbook. It is a top priority at this time. The records in the Assessors' attic have not been cleaned out. The Town Administrator is in the process of having all Departments obtain permission from the State to destroy records that are no longer required to be retained. This will help in bringing the Assessors over to the Town Office Building. The Building Commissioner has been finishing up Town projects for procurement, getting the office trailer ready for the Highway Department, and having the ramp redone in front of the Town Office Building so that early voting can take place beginning October 24, 2016. One important goal that was completed from the previous year was to complete the transfer of the Water Tower to the City of Taunton. This also allows for a great deal of those records being able to be purged. Selectman Powderly mentioned that he would like to get the Assessors to the Town Offices as a top priority.

Review and vote to sign the Agreement with Pomroy Associates for Owner's Project Management Services for the Police Station

Discussion took place regarding the proposed agreement with Pomroy Associates for the Owner's Project Management (OPM) Services for the Police Station. It had been forwarded to Town Counsel for review, and he has approved the proposed revisions. It was then reviewed by the Town's Insurance Agent, and they have recommended that the coverage for Professional Liability be increased from \$1 million to \$2 million. Pomroy Associates has agreed to the increase. Selectman Powderly asked what would happen if there was a problem with a contractor. Selectman Burke explained that Pomroy Associates is the Town's agent overseeing the whole project; therefore, they act as an employee to the Town. Since the Town is hiring the contractors, the Town would go after them if Pomroy Associates reported that something was not done correctly. Selectman Powderly asked what would take place in terms of performance itself. Ms. Garbitt responded that the General Contractor is insured. Everyone is required to have insurance when they bid on a contract, and the specifications will be in all the bidding contracts when the project goes out to bid. Insurance is required by the contractor for proper performance of the sub-contractors. Selectman Burke stated that he was not certain of who has the insurance if something goes wrong for the sub-contractor, such as the frame blowing over in a major windstorm. Selectman Powderly stated that he wants to make sure that this is clarified with Pomroy Associates. Ms. Garbitt explained that it will all be in the bid documents when it goes out to bid. Chairman Hollenbeck mentioned that her question was the fees. It has been learned that they will bill on percentage of completion.

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

VOTED: To sign the agreement with Pomroy Associates for Owners Project Management Services for the Police Station.
Unanimous in favor.

Review and vote on FTA Drug and Alcohol Policy

Chairman Hollenbeck explained that an audit had been conducted by RLS Associates, Inc. (the firm hired by GATRA) regarding the safety-sensitive positions within the Council on Aging (COA), which is in compliance for USDOT-FTA drug and alcohol regulations. Since they are to be in compliance with these regulations, they now have to have a policy in place. The audit summarizes the findings and action items which will be followed up on. Ms. Garbitt explained that the dispatchers of the COA are also required to have random drug testing. The auditor amended the Town's policy with 20 additional pages, so it was decided to instead have one FTA Drug and Alcohol Policy for the COA and one for the Town, rather than for it to be combined. The audit was reviewed by Town Counsel. Chairman Hollenbeck stated that she wanted to make sure that it is very clear that the policy, which would be voted on this evening, is the policy for the COA. The policy is inclusive of every employee under the COA that performs under the safety functions of their job. The drivers are all part-time, only the Administrative Assistant is union and full- time. This may have to be sent to the Union. Ms. Garbitt explained that since this is a policy for the COA, it should not need to be sent to the Union. Selectman Burke mentioned that there is a risk, though it may be minimal. Chairman Hollenbeck stated that if it does impact a Union employee, the Board should be sensitive to it. It should be sent to the union for review, and to let them know it only applies to one (1) employee, or any employee that fills that particular position.

Selectman Burke asked what is going to happen if the bill for marijuana passes and is decriminalized. How will it affect this? Can the Town prohibit it if someone was using marijuana recreationally the night before? Ms. Garbitt responded that this is something that everyone will have to work out if that takes place.

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

VOTED: To approve the FTA Drug and Alcohol Policy for the COA, including some type of direct reference to the fact that the policy is for the COA.
Unanimous in favor.

Confirm date for Special Town Meeting of November 14, 2016 and review draft of Special Town Meeting Warrant

Chairman Hollenbeck noted that the High School Auditorium is available for the Special Town Meeting on November 14th and Town Counsel and the Moderator have been confirmed to be available. There is a draft of the Special Town Meeting Warrant for review. It is hoped that there will be a quorum. There are some transfers that will need to take place with the first Article. Ms. Garbitt provided an explanation on Article 1. There had been discussion about

creating a Facilities Budget. Department Heads would procure what is needed for their building through regular maintenance. When it is something beyond what they have budgeted for, that would come out of the Town Office Budget through the Building Commissioner. Each Department will know how much that they have spent in various categories. At this time it is not known if the Town will hire two (2) clerks for Inspectional Services. There will be one (1) clerk for the Superintendent of Streets. The total amount of the transfers is \$118,000.

Article 2 is specifically about the funding for the preliminary design of a new Police Station. Discussion took place regarding the amount to borrow. Ms. Garbitt explained that she has gone with the higher estimate on the construction costs. Chairman Hollenbeck suggested to perhaps move the \$300,000 for the Police Station roof. Ms. Garbitt explained that that can be rescinded; however, the note has been spread out over five (5) years and \$60,000 payments have been paid for last and this year. Selectman Burke noted that he would rather have the money to give back, since he would rather not go through the process and run out of money. The worst case scenario is if voters do not approve building a Police Station. The Town should be at least able to pay the bills for those who are going to design it. Selectman Powderly expressed his concern of not obtaining a quorum of 100 for the Special Town Meeting. Chairman Hollenbeck responded that the Town would move forward with Pomroy Associates and see if the Finance Committee would do a Reserve Fund Transfer.

Article 3 is about rescinding the Water Enterprise Account. Chairman Hollenbeck asked where the betterments were and how much was in that account. Ms. Garbitt responded that there was about \$165,000 and \$1,300 in the Stabilization Account.

Article 4 is asking if the Town will vote to authorize the Board to petition the General Court for Special Legislation creating a consolidated Department of Inspectional Services and Permitting, under the direction of the Director of Inspectional Services.

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

VOTED: To open the Warrant and schedule a Special Town Meeting at 7:00 PM at the Apponequet High School Auditorium on Monday, November 14, 2016.
Unanimous in favor.

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

VOTED: To close the Special Town Meeting Warrant on Tuesday, October 17, 2016, at 5 PM.
Unanimous in favor.

Revisit Road Opening Permit for 305 Kenneth Welch Drive

Chairman Hollenbeck stated that the Board approved the Road Opening Permit for 305 Kenneth Welch Drive at its last meeting for cable conduit. The permit was based on a \$50,000 bond requirement. R. W. Bryant had called the Superintendent of Streets and asked why the

amount was so high. Mr. Peck feels that the amount can be decreased to \$10,000, which seems adequate. Ms. Garbitt explained that the Town had changed the amount for a big project, but had not changed it back.

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

VOTED: To reduce the bond amount for Road Opening Permits to \$10,000 from \$50,000.
Unanimous in favor.

Vote to approve Election Warrant – November 8, 2016

Chairman Hollenbeck reviewed the Election Warrant for the State Election for November 8, 2016.

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

VOTED: To approve the Election Warrant for the Tuesday, November 8, 2016 Election.
Unanimous in favor.

Announce Early Voting for the November 8, 2016 Election

Chairman Hollenbeck stated that the Town Clerk provided a press release regarding Early Voting for the November 8, 2016 Election. This information is on the home page of the website, the Lakeville Helping Lakeville Facebook page, and will be published in the Middleboro Gazette. Selectman Burke reviewed where early voting will be taking place, the hours and the extended hours.

Discuss and vote on one year extension for Agreement with the Bartending Service of New England, LLC

Chairman Hollenbeck explained that the contract with The Bartending Service of New England, LLC expired on May 16, 2016. In the terms of the contract, there is a provision for two (2) one (1) year extensions. The Park Commission voted on September 26, 2016 to renew the contract for one (1) year. If the Board decides to renew, the new expiration date would be May 16, 2017. Selectman Powderly asked if the Board really wanted to extend the contract for one (1) year since the term would actually be about eight (8) months at this time, not a full year. Also the date on the contract is May 14th. Selectman Burke clarified that the language should then read “term remaining”. Selectman Powderly agreed, since the agreement could otherwise be contested. The Park Commission can then determine if they want to sub lease the facility. There are a lot of legal questions if that takes place, which will need to be answered. Chairman Hollenbeck stated that this is a reasonable time to have the exploratory and financial legwork take place. Ms. Garbitt mentioned that Ken Oliveiri came into the office today. In 2013 a Request for Proposals was done regarding running the Lodge. The decision will ultimately be with the Selectmen who will sign the agreement. Selectman Powderly suggested that the Board try to decide now and set a minimum lease. The figures to work with would be the total revenue of the food and beverages for FY16, minus 20%. Chairman Hollenbeck explained that the Park

Commission needs to go through accounts and figure this out on a budgetary basis. There should be some expenses that will go away, and there will be a charge back for utilities. She added that she has offered her assistance for the calculations of the revenue, expenses for functions and assigning an overhead factor.

Selectman Powderly stated that the figure could be north of \$6,000 a month. Sub-leasing a Town owned building to someone else is new territory; there are not just financial considerations. An attorney should be involved for determining who is paying for what, what happens with whomever is paying for heat and they don't turn it off and pipes break or someone damages the place. Chairman Hollenbeck responded that there may be a company that provides that type of outsourced scheduling function. They don't take over the building, but perform the scheduling and coordinating. Ms. Garbitt agreed that there are a lot of questions. It was determined that the Park Commissioners should be invited to a meeting with the Board of Selectmen, so that a discussion can take place about everything that needs to be considered and the information that needs to be found out.

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

VOTED: To invite the Park Commissioners to the Board of Selectmen's meeting on Monday, October 24, 2016 at 6:30 PM.
Unanimous in favor.

Review request from Police Chief Alvilhiera to increase the Clothing Allowance for Reserve Officers

Frank Alvilhiera, Police Chief, was present for the discussion. Chief Alvilhiera stated that when the Reserve program was started in 2011, the Clothing Allowance was \$200. Now the cost for a shirt and a pair of pants is \$200, which does not include a jacket and boots. Reserve Officers are required to work a year before they are entitled to a Clothing Allowance. Presently the Department has six (6) Reserve Officers. If the Clothing Allowance was increased to \$400, the overall increase would be \$1,200. This would allow the Reserve Officer to purchase another uniform. The increase would not take place until the next budget cycle, and the language in the Personnel Handbook would change so that it shows the new amount effective July 1, 2017.

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

VOTED: To increase the Clothing Allowance for Reserve Officers from \$200 to \$400, effective July 1, 2017.
Unanimous in favor.

Review and vote to approve Selectmen Meeting Minutes of July 27, 2016, August 10, 2016 and August 24, 2016

Chairman Hollenbeck asked that the headings to the minutes be adjusted, since some of the headings include joint meeting references.

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

VOTED: To approve the Selectmen Meeting Minutes of July 27, 2016, August 10, 2016 and August 24, 2016 (three sets) and to adjust the headings accordingly.
Unanimous in favor.

New Business

Chairman Hollenbeck stated that a letter had been provided from the COA Board of Directors highly recommending Kelly Conway as the next COA Director. This is a great letter of support, signed by a lot of people. When the Board goes through the process to evaluate that position, this letter will be beneficial to have.

Old Business

Chairman Hollenbeck stated that she had a discussion with Ms. Garbitt regarding the FY17 Community Compact Program. An email provided to the Board explains the Community Compact. Lt. Governor Polito could be invited in to speak with the Board of Selectmen regarding its plans and options. Ms. Garbitt stated that 221 communities have now signed on. It may be helpful with the Master Plan, which the Town is presently updating. Funding is needed to hire a consultant to help put together the updates that the Boards/Committees have been providing and the maps. The original Master Plan was \$65,000 and was done through Daylor Consulting. The cost should not be nearly that amount for the update. Sandy Conaty of SRPEDD has been contacted about possible areas under the Best Management Practices for Energy & Environmental needs that may be suitable to help complete the Master Plan through applying for grants. The Master Plan Implementation Committee still has a few Departments to meet with to go over their updates. The Town Clerk and the Town Administrator will be attending a meeting about Best Practices next week in Framingham with Lt. Gov. Karen Polito and can find out more information at that time.

Selectman Burke stated that it is hugely important to learn from other communities of how they do things. Selectman Powderly stated that if it doesn't cost anything to sign up for it and it will be beneficial for the Town, then that should take place. Chairman Hollenbeck stated that she will find out what that process is. Ms. Garbitt added that the Planning Agency will help out once the Town signs on. Ms. Garbitt mentioned that the Lt. Governor may come out to speak when the Town signs up.

Other Items

1. Thank you letters to the Highway Department and Police Department regarding the Lakeville Arts & Music Festival 2016
2. Information from Fresh Meadow Farms regarding possibility of constructing a Registered Marijuana dispensary in Lakeville

Chairman Hollenbeck stated that the Town has received another packet from a licensed marijuana facility. She asked if the Board would like to meet with them. Both Selectman Powderly and Selectman Burke indicated that they would not mind having the opportunity to speak with them. Chairman Hollenbeck stated that she will schedule them to meet with the Board at their November 21, 2016 meeting. They will be provided with the expectations of the Board of where they would be located, what their business plan is, etc.

3. JTPG Meeting Agenda – October 12, 2016
4. Selectmen Bi-Weekly Report – ending October 6, 2016
5. Copy of letter sent to property owners from 1 Main Street through 79 Main Street and the abutters to those properties regarding a meeting scheduled by the Economic Development Committee for November 1, 2016 at 6:30 PM at the Lakeville Library

Ms. Garbitt stated that the Economic Development Committee (EDC) sent a letter to the property owners located from 1 Main Street through 79 Main Street and the abutters of these properties. Would the Board be interested in also sending the letter to the Planning Board, Master Plan Implementation Committee and Zoning Bylaw Review Advisory Committee to see if they are interested in attending the meeting? The discussion would be about possible zoning changes. The open forum meeting is scheduled to take place on Tuesday, November 1, 2016 at 6:30 PM at the Library. The Board agreed to have the letter sent to any interested/related Board.

At 8:25 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 the 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 a strategy session in preparation for negotiations with non-union personnel (Police Dispatchers). Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck-Aye.

List of documents distributed at the October 11, 2016 Selectmen's Meeting

1. Memo from Jeremy Peck, Superintendent of Streets regarding 2016/2017 Private Ways Snow and Ice Removal Estimate, memo from Mr. Peck regarding 2016/2017 Assawompsett School Snow and Ice Removal Estimate, Invoice to Regional Schools regarding 2016 Sanding Operations at Assawompsett Elementary School.
2. Affordable Housing Lottery information, email from Josephine A. Ruthwicz, Exec. Dir. Middleborough Housing Authority.
3. Annual Review of the Town Administrator
4. Draft Agreement with Pomroy Associates for Owner's Project Management Services for the Police Station, Attachments, experience, job history, insurance information, etc.
5. FTA Drug and Alcohol Policy for the COA.
6. Special Town Meeting Warrant articles for November 14, 2016.
7. Road opening permit for 305 Kenneth Welch Drive regarding reducing the bond requirement from \$50,000 to \$10,000.
8. Warrant for the November 8, 2016 Election.
9. Press release for Early Voting provided by the Town Clerk.
10. Extension for agreement with the Bartending Service of New England, LLC.
11. Request from the Police Chief to increase the Reserve Officer Clothing Allowance from \$200 to \$400, effective July 1, 2017.
12. Selectmen Meeting Minutes of July 27, 2016, August 10, 2016 and August 24, 2016.
13. Correspondence from Lt. Gov. Karen Polito regarding the Community Compact Cabinet