

TOWN OF LAKEVILLE
Selectmen and Wage and Personnel Board, as applicable
Meeting Minutes
December 6, 2017 – 6:30 PM – Town Office Building

On December 6, 2017, the Board of Selectmen held a meeting at 6:30 PM in the Town Office Building in Lakeville. The meeting was called to order by Chairman Burke at 6:35 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 Continuance of the Tax Rate Classification Hearing

Chairman Burke stated that the Department of Revenue (DOR) has provided approval on the Tax rate, so the Board can now vote to set the Residential Factor this evening.

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

VOTED: That the Lakeville Board of Selectmen votes in accordance with M.G.L., Ch. 40, Sec.56 as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2018 tax rates and set the Residential Factor at 1.0, pending approval of the Town's Annual Tax Recap by the Massachusetts Department of Revenue.
Unanimous in favor.

Revisit the 40R Application to Department of Housing and Community Development

Chairman Burke stated that it was anticipated that the density figures would have been provided by Mr. Poillucci's Attorney. Town Counsel Amy Kwesell has communicated that she spoke with Attorney O'Shaughnessy. A conceptual plan for the 40B has been provided. If it is converted to a 40R, then Mr. Poillucci will put a rental building on Lot D and will conform to 40R standards. He is confused why Selectman Powderly thinks that the Town will not get credit for the townhouses. It has been confirmed that some of the townhouses will be affordable. Town Counsel has indicated that it would be beneficial if everyone have a meeting together to discuss the 40R application and the project, so that everyone is on the same page. Chairman Burke noted that if the 40B plan changes to a 40R, there would be a different building built on Lot D. It would be an affordable apartment building for over 55.

Selectman Powderly stated that he had asked Attorney O'Shaughnessy to speak to Attorney Kwesell today and it was determined that feedback was needed from Mr. Poillucci. Town Counsel feels that there is a need to address the incentive bonuses, not the credits. She is happy to meet with the full Board or a designee. During that meeting it should be determined that everyone is clear about all the appropriate bonuses. Having everyone in the same room should do that. It is important to address the density and the incentive bonuses.

Chairman Burke asked if the plan was less dense than the current zoning would allow. Ms. Garbitt responded that the amount of developable land is not known. A calculation needs to take place to determine the amount of developable land. Chairman Burke stated that the only place that it would matter would be the parking lot. Does the Board want to allow it to be as dense of a development as what is already there? Selectman Hollenbeck stated that the Board is not talking about the parking lot, which has been taken off the table. Selectman Powderly stated that Attorney Kwesell needs to be asked that. Chairman Burke indicated that what needs to be known is if it is less dense. Selectman Hollenbeck stated that the issue is would this even qualify for a density bonus as it is, and the answer is no. Selectman Powderly stated that if it does not qualify, then it does not make a difference how it is zoned if the Town will not receive \$3,000 a unit. Selectman Hollenbeck explained that it needs to be made sure that as a 40B it qualifies towards the Town's subsidized housing inventory. Ms. Garbitt stated that she will try to see if the attorneys and Mr. Poillucci are available for the December 20th meeting of the Selectmen.

Request to rescind letter of non-opposition for Natural Remedies – 12 Harding Street and 234 Kenneth Welch Drive

Chairman Burke stated that Jeff Barton called to let the Town know that Natural Remedies has ceased its application efforts for a Registered Marijuana Dispensary. He suggested having the Board rescind the letters of non-opposition.

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

VOTED: To rescind both letters of non-opposition to Natural Remedies.
Unanimous in favor.

Discuss renewal of annual Agreements for Towns utilizing the Lakeville Animal Shelter

Chairman Burke provided an update regarding the ten (10) Towns that contract with Lakeville to utilize the Animal Shelter. At this time, seven (7) have voted to continue their contracts. Selectman Hollenbeck stated that she would like to make sure that the fees are appropriate. Ms. Garbitt noted that Mr. Frates has indicated that they are. Ms. Craig-McGee added that the other three (3) Towns may also come back with their agreements; they just had later Board of Selectmen Meetings this month. Ms. Garbitt noted that the adoption fee has been raised, which covers the spay or neutering, the chip and all shots.

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

VOTED: To renew the contracts with the Lakeville Animal Shelter with the following seven (7) Towns: Acushnet, Berkley, Bridgewater, Carver, East Bridgewater, Freetown, and Rochester with a new expiration date of December 31, 2018.
Unanimous in favor.

Review and vote to renew Annual Liquor Licenses

Chairman Burke explained that there are 15 Liquor Licenses up for renewal. All have filed their renewal applications for January 1 – December 31, 2018, and all the required paperwork has been received. Ms. Craig-McGee noted that though Season's Gas Station had applied for a Liquor License, they have changed their mind.

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

VOTED: To approve the liquor licenses as follows: Retail Package Store Wine & Malt - Paul F. Grasso, d/b/a Tutto Italiano and Gulf Resources, Inc.; Retail Package Store All Alcohol - Savas Liquors, Inc.; BBP, Inc., d/b/a Muckey's; Tamarack Wine & Spirits, Inc.; and Aarav Liquors, Inc., dba Star Liquor Market; Common Victualler All Alcohol - Hawaii Corporation, d/b/a Orchid of Hawaii; Poquoy Brook Golf Club, LLC, dba Poquoy Brook Pub; Lakeville Golf Club, Inc.; LeBaron Operating Company, LLC dba LeBaron Hills Country Club; Back Nine Club, Inc.; Baldies Pizzeria, Inc.; Club All Alcohol - Lakeville Aerie No. 3994, dba Fraternal Order of Eagles, Inc.; General On Premise Wine & Malt - Lakeville Virtual Entertainment Group, Inc.; General On Premise All Alcoholic Beverages - The Bartending Service of New England, LLC.
Unanimous in favor.

Request from Building Commissioner to appoint James Aguiar, Jr. as Assistant Board of Health Agent

Chairman Burke stated that the Building Commissioner has requested to appoint James Aguiar, Jr. as Assistant Board of Health Agent.

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

VOTED: To appoint James Aguiar, Jr. as Assistant Board of Health Agent with an expiration date of July 31, 2018.
Unanimous in favor.

Review and vote to approve request for Taunton Water Connection-303 Kenneth Welch Drive

Chairman Burke provided the details on the water connection application from Mark Knox/MJK Holdings for 303 Kenneth Welch Drive.

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

VOTED: To approve the requested application from Mark Knox/MJK Holdings for 303 Kenneth Welch Drive for a water connection to the City of Taunton water.
Unanimous in favor.

Discuss Senator Rodrigues' request regarding Capital Projects the Selectmen would like prioritized in the upcoming Capital Improvements Bond Bill

Chairman Burke stated that a letter was received from Senator Rodrigues. The letter dated November 30, 2017 was read into the record. Selectman Powderly asked if the Senator asks for these every year. Ms. Garbitt responded that he typically does not. She wondered if the Board would want to put in a request to increase the Chapter 90 money. Selectman Powderly asked what is really being requested. Selectman Hollenbeck suggested to put forward about adding a lane on Route 44 or the Rotary fix. Selectman Powderly added also the project for Route 79 and increasing Chapter 90 funds. Chairman Burke mentioned that they could put in a traffic light at Bridge Street. Ms. Garbitt stated that she will contact Jeremy Spittle to get additional information about the type of capital projects being requested.

Discuss the IT Director Position

Chairman Burke asked the Town Administrator to provide an update on the conversations which have taken place with Tim Grabarz regarding the IT Director position. Ms. Garbitt stated that at this point she would like to hire Tim Grabarz as the IT Director for the Fire and Police Departments. Mr. Burgess is presently helping with the transfer of the Assessors to the Town Office Building, and he can continue on through Dyntec and provide exposure to Mr. Grabarz about the whole Town Office Building. Selectman Hollenbeck stated that she thought with bringing John Barker on board it would reduce the Town's reliance on Dyntec. It seems that in July it was thought that there had been a conversation about hiring someone for Police and Fire Departments, and this would be separate. Was the position advertised? Ms. Garbitt responded that the position was advertised and Mr. Grabarz was interested and provided an application and it was thought that Mr. Burgess was also going to apply. An application was not received from him. The intent is that this person would do everything.

Selectman Powderly mentioned that the Board was going to get together with John Barker and that has not taken place. Chairman Burke stated that the plan needs to be revisited. If Mr. Grabarz is going to be the IT person for the Police and Fire Departments, then what is the timeline on Mr. Burgess and the solution for the rest of the Town according to John Barker's plan, and what is the budget for it all. Selectman Hollenbeck asked what John Barker is presently doing. He had provided an IT Strategic Plan but there isn't anyone to execute it. Mr. Burgess was in place until the next person was to be hired. Ms. Garbitt responded that Mr. Barker had asked for a list of things to be done and gave budgets for IT for the next few years. He worked with Mr. Burgess in October; however, his contract ran out the end of October. He had needed a list of inventory, etc. Chairman Burke stated that the Town Administrator needs to do some analysis and research and provide the plan to the Board. Selectman Powderly stated that he was agreeable with hiring Mr. Grabarz for the Police and Fire Departments, since they need someone. Chairman Burke agreed. Selectman Powderly suggested to hire Mr. Grabarz and then figure out what to do next. Selectman Hollenbeck stated that she would like to go through the Agendas and look at the minutes, since it was thought that this was done already.

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

VOTED: To hire Tim Grabarz part time, with a maximum of 12 hours a week, to support the Police and Fire Departments with IT.
Unanimous in favor.

Vote to Sign the Bond Anticipation Note (BAN) Renewal

Chairman Burke explained that the bids for the BAN renewal will include the Pumper Truck with equipment for the Fire Department in the amount of \$440,000.

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

VOTED: To approve and sign the Bond Anticipation Note in the amount of \$440,000 for various purposes to be issued on December 19, 2017 and due July 13, 2018 payable to Cape Cod Five Cents Savings Bank with an interest rate of 1.35%.
Unanimous in favor.

Discuss and vote to appoint the Town Coordinator as the Selectmen's Alternate Designee to the Regional School District's Negotiating Committee

Chairman Burke explained that the Board should appoint Ms. Carboni as the Selectmen's Designee to the Regional School District's Negotiating Committee for when Selectman Hollenbeck is unable to attend the meetings.

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

VOTED: To appoint Lorraine Carboni as the Board of Selectmen's Alternate Designee to the Regional School District's Negotiating Committee to attend the meetings when Selectman Hollenbeck is unable to.
Unanimous in favor

Discuss the Budget for the Town Office Building Re-Design

Chairman Burke asked Ms. Garbitt about the budget for the Town Office Building Re-Design. Ms. Garbitt explained that Mr. Darling has not finished the budget at this time. He is looking at phasing it in and a budget of approximately \$40,000-\$50,000. Selectman Powderly mentioned that Mr. Darling indicated that Tom Robinson would be doing the work. Ms. Garbitt responded that he would be doing all the carpentry. Selectman Powderly asked that the topic be put on the next agenda until it gets resolved. Chairman Burke stated that this is still not the result he wanted to see, and it is six (6) months late. The re-design needs to be set up in calendar fashion for how it will happen. Ms. Garbitt stated that a storage pod has been rented for the Assessors; it will be delivered on Friday. She will be meeting with McDonald Movers for the move on December 18th. The shredding company has been rescheduled for Monday. Tom Robinson will start work on Friday with the half door and small counter for the Assessors. The first part will be

to build a wall and work on where the Assessors will go, and then get the Treasurer/Collectors moved into their room and move Ms. Craig-McGee during the transition.

Schedule January and February Selectmen Meetings

It was the consensus of the Board to schedule their meetings for January 3 and January 17, 2018 and February 7 and February 21, 2018.

Review and vote to approve Board of Selectmen Meeting Minutes of August 1, 2017, September 6, 2017, September 13, 2017, September 27, 2017, October 4, 2017, October 11, 2017 and November 13, 2017

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

VOTED: To approve the following sets of Selectmen Meeting Minutes: August 1, 2017, September 6, 2017, September 13, 2017, September 27, 2017, October 4, 2017, October 11, 2017 and November 13, 2017 as presented.
Unanimous in favor.

New Business

Chairman Burke mentioned that he had heard from Senator Joan Menard over the weekend. Selectman Hollenbeck stated that she had also. Ms. Garbitt stated that Paul Rathburn had contacted her about meeting with the Selectmen regarding a proposal for the T. L. Edwards and Lakeville Nursery properties. The T. L. Edwards property is zoned industrial. The Lakeville Nursery property is not properly zoned for what they are proposing. Selectman Powderly suggested that the zoning be changed to accommodate the proposal and to also still be able to allow a Market Basket or other similar store to be built as well. Chairman Burke stated that he explained to Senator Menard that changing zoning is very difficult to do. Mr. Darling can explain what is allowed on what property. He would rather meet with the full Board to hear what the proposal is. The Board has a consistent reasonable approach of how it has been proceeding. The Board is a public body and meets in public so that each member can share in the dialogue to be on the same page. Though the full Board may not agree, each member has the opportunity to participate. If the proposal is serious, it is hoped that they contact the Town to meet with the Board. Selectman Hollenbeck stated that she suggested that Senator Menard contact Mr. Darling to discuss some of the particulars.

Old Business – Update from the Town Administrator regarding the letter to Lt. Governor Karyn Polito regarding the MBTA Solar Canopy Project

Ms. Garbitt provided an update regarding the letter to Lt. Governor Karyn Polito regarding the MBTA Solar Canopy Project. She had tried to call her and was told that she could talk to a constituent aide. She then tried to leave a message, but the voice mail was full. Ms. Garbitt then took advantage of the email address provided; however, nothing can be attached to the email, so the letter was overnighted to her. An hour or so later, a call was received from Richard Colon of MassDOT. Selectman Powderly stated that the communications need to be copied to

Representative Orrall and Senator Rodrigues to see if they might be able to gain a meeting with the Lt. Governor and the Board. Senator Rodrigues had very clearly stated that if the Town does not want solar canopies, it doesn't have to have them. The Board should direct Ms. Garbitt to chase down Representative Orrall and Senator Rodrigues to have them attempt to gain some time to meet and speak on the issue, since it has become very frustrating. The Town's representatives are to help take care of these types of issues. Ms. Garbitt stated that she will contact them.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Other Items

1. Notice from MassDOT regarding salting at Commuter Rail Highway/Railway Crossings
 2. Notice from Massachusetts Historical Commission regarding Massachusetts Preservation Projects Fund grant program
- Selectman Powderly asked if the Town can apply for the Massachusetts Preservation Projects Fund Grant Program since the Historical Commission is always asking to have capital projects done, which are never done. Ms. Garbitt explained that the Town has to have a Historical District in place in order to qualify for the funding. This would encompass the Sampson Cemetery, the Old Town House and the Historic Library.

At 7:40 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly, on an 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' Contract, 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, §21(a) (3) for the purpose of discussing strategy with respect to litigation in the matter of Trocki v. Lakeville, et al, Plymouth Superior Court C.A. No.1783 cv 00700. Holding the meeting in Open Session would have a detrimental effect on the litigation position, and the Chair so declared; and pursuant to M.G.L c.30A, §21a (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for November 1, 2017 and November 8, 2017.

Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck-Aye.

List of documents provided at the Selectmen's December 6, 2017 Meeting

1. Correspondence dated November 28, 2017 regarding the Tax Classification Hearing for FY18, the presentation for the Tax Classification Hearing dated November 30, 2017.
2. 40R application to the Department of Housing and Community Development; correspondence from Town Counsel Amy Kwesell dated December 4, 2017, December 6, 2017, and a plan.
3. Letter from Jeff Barton requesting that the Board rescind the letter of non-opposition for Natural Remedies at 12 Harding St and 234 and 310 Kenneth Welch Drive
4. Agreements from seven (7) towns to continue their contracts with the Lakeville Animal Shelter.
5. Alcohol Beverage License Renewals for 15 businesses
6. Request from the Building Commissioner to appoint James Aguiar, Jr. as Assistant Board of Health Agent
7. Request from Mark Knox/MJK Holdings for a Taunton water connection for 303 Kenneth Welch Drive
8. Letter from Senator Rodrigues requesting a list of capital projects which the Selectmen would like prioritized in the upcoming Capital Improvements Bond Bill
9. Job Description for the Part-Time Information Technology Director Position.
10. Municipal Note Sale Information from UniBank for a Bond Anticipation Note Renewal
11. Board of Selectmen Meeting Minutes portion dated 7-24-17 about Selectmen appointment to the Regional School District Negotiating Committee, letter from the Town Administrator dated July 25, 2017 to Jean Fox regarding the designation of Miriam Hollenbeck as representative member to the Freetown/Lakeville School District for purposes of union contract negotiations.
12. Note to discuss the budget for the Town Office Building re-design
13. Meeting dates for the Selectmen for January and February 2018
14. Selectmen Meeting Minutes of August 1, 2017, September 6, 2017, September 13, 2017, September 27, 2017, October 4, 2017, October 11, 2017 and November 13, 2017 for approval
15. Note that update will be provided from the Town Administrator regarding the letter to Lt. Governor Karyn Polito regarding the MBTA Solar Canopy Project