TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
November 3, 2014 - 6:45 PM

On November 3, 2014, the Board of Selectmen held a meeting at 6:45 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Powderly at 6:52 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette was recording the meeting, and LakeCAM was recording for local broadcast.

6:45 PM Meet with Deputy Fire Chief Fire Chief Goodfellow and Roger Forbes from MEMA regarding Grant Awards

David Goodfellow, Deputy Fire Chief Fire Chief, was present for the discussion. Deputy Fire Chief Goodfellow explained that Mr. Forbes could not attend the meeting. He told the Board that Lakeville had been awarded a $2,000 grant from MEMA to be applied to the cost associated with the continuation of Lakeville Emergency Planning Committee (LEPC) activities. The LEPC annually reviews the Emergency Comprehensive Plan for the hazards that Lakeville has in Town. The grant will help the LEPC continue with that goal. Deputy Fire Chief Goodfellow stated that the Town has received approximately $6,000 in Emergency Preparedness Grants to buy equipment that will improve the Town's emergency response, such as generators, emergency lighting, gas cans, weather proof power cords, and all the things you need in an emergency but do not think of them until you need them.

7:00 PM Warrant Review – Special Town Meeting – November 17, 2014
Discuss the appointments to the Capital Expenditures Committee

Michael Petruzzo, Maureen Candito and Donald Healey were present for the Finance Committee. Also present was Janet Tracy, Town Clerk and Norman Orrall, Town Moderator.

Ms. Garbitt reviewed the nine (9) Special Town Meeting Warrant articles. Article 1 was the transfer of funds for unanticipated expenses in the FY15 budget. This includes the reclassification of the Police Dispatchers, which will be approximately $9,500. A Library Assistant will also be reclassified. It was agreed to fund an additional 12 hours a week for the Senior Center non-benefit eligible clerk from December 1, 2014 through June 30, 2015. The Heavy Equipment Operator for the Highway Department cost is $24,000 for 7 months salary. Ms. Garbitt is still working on the final numbers for the raises for the Union Employees, which will be approximately $15,000. Then there are a few FY15 payroll corrections since a few non-union employees did not receive their raises, which is approximately $1,460. Also, the water heater failed at the Senior Center, which was $6,000.

The Finance Committee can vote to transfer the $6,000 from the Reserve Fund or Town Meeting can approve a transfer from the Stabilization Fund for Capital Projects. At this time, we are not sure where the $6,000 for the water heater will come from. She does not have the money in the Town Office Budget to pay for it. Selectman Hollenbeck asked if the article will need a 2/3's vote. Ms. Garbitt responded that it would. She suggested taking the $6,000 out of the

Stabilization Account since it is a Capital Item. Chairman Powderly asked why little items such as $132 are included on Article One? Ms. Garbitt responded that everything has to be accounted for. It appears that all deficits have been covered. Chairman Powderly asked if this article was basically transfers. Ms. Garbitt responded that it was.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 1.
Unanimous in favor.

Ms. Garbitt stated that the 40S money was received. It was more than what was estimated for Town Meeting. The amount was $253,000, which was an additional $70,000. This money helps to support the students going to Lakeville Schools from Kensington Court and Sterling Place.

Article 2 is to put transfer funds into the regular Stabilization Fund Account. This article also requires a 2/3's vote.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 2.
Unanimous in favor.

Article 3 is seeking Special Legislation to sell the Water tower and Pumping Station to the City of Taunton. It was noted that there is an error on the map of the location of 8 Montgomery Street. Ms. Candito stated that the Finance Committee was interested in why the City of Taunton wanted to buy Lakeville's Water tower. Chairman Powderly explained that the Town had approached them. Selectman Hollenbeck added that it is a natural addition to their infrastructure. Minor discussion took place for clarification about the article. Ms. Garbitt noted that the Town of Lakeville customers are charged the same rate as the City of Taunton residents. Mr. Orrall stated that, in anticipation of questions from the audience, someone should make sure they have the information to explain the article. He questioned why the Town is doing this. Selectman Burke said the Town of Lakeville has been paying $225,000 per year for the Water tower. This amount has not been assessed to the taxpayers yet, but would be in the future as the loan is for another 17 years. If Taunton purchases the water tower, Lakeville is requesting that they return all the money that was spent on it, which is over $3 million. Selectman Burke stated that the 17 payments is the primary figure that we are shooting for. Selectman Hollenbeck noted that the negotiations began back in 2009.

Mr. Healey asked if the Town has to get the State to approve this so that the Town can continue to negotiate with Taunton. It seems that the Town is asking for this to be done before final details are worked out. Selectman Burke explained that Special Legislation is needed, but it cannot be filed unless there is an agreement and Town Meeting Approval. Selectman Burke explained that the City of Taunton would make a payment in lieu of taxes. The original loan was $4,398,111.32. That was after forgiveness of almost a million in interest, so roughly $4.4 million. Selectman Burke explained that the Town has explored every option of what to do in terms of the Water tower. He has not done the math, but has been told from the Water Advisory

Committee that even if every person in Lakeville got water, it still would not pay for the Water tower. Mr. Healey stated that the residents will question why $727,000 was spent on this, when it could have been used for something else. Selectman Burke said if you bought a major appliance for your house with all the bells and whistles, but want to sell it after a few weeks because you are not using it like it can be used, you would sell it on Craig's List for a significant amount less. The money for the settlement was wasted, but at least it was a settlement and not taxpayer's money. Chairman Powderly stated that the information will go back to 2007 when the Town voted this in. The voters were told very specifically that there would be no cost to the Lakeville taxpayers. This is a win win situation to correct an error that was made years ago.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 3.
Unanimous in favor.

Ms. Garbitt said Article 4 is amending the Cell Tower Bylaw so it is in compliance with Federal Regulation. Ms. Garbitt explained that the Planning Board is presently holding a public hearing on this.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 4.
Unanimous in favor.

Article 5 and Article 6 are regarding rezoning. Chairman Powderly said there is a handout for these articles and color maps. For Article 5, it is the intersection of Routes 18 and 105. Elizabeth Croutworst of 28 Bedford Street spoke in favor of Article 6. She said that this article was on the Town Meeting Warrant in 2013. Article 6 is to rezone 28 and 30 Bedford Street from residential to business. Chairman Powderly stated that his concern was whether the residents had requested the rezoning from the Planning Board, which they did. His other concern is if the State wants to widen the road, they may take some of the property in order to widen the road. Mr. Healey stated that his only question would be in allowing this change. How does this affect those that live there regarding taxes. Selectman Hollenbeck responded that it does not, since the Town has a single tax rate. Mr. Orrall asked what the Master Plan says about these areas. Selectman Burke responded that his opinion on the Master Plan is that whatever could have been implemented has been, and what has not been, there was no need to. Mr. Orrall stated that the Master Plan needs to be updated. Selectman Burke responded that it certainly does. It is a 10 year old document. Mr. Orrall stated that by law, he thinks it is every 10 years. Ms. Garbitt noted that for some towns it is 10-15 years.

Ms. Kulakovich stated that she understands why the residents would want to change their residential zoned property to business, but are people aware of what their options are. Ms. Kulakovich said she used to work in a mixed use zone, but Lakeville does not have that zoning category. Selectman Hollenbeck stated that the Town is currently looking at potential zones with the Economic Development Committee right now. Ms. Kulakovich stated that what concerns her is that we are looking at what does not exist right now, and this may not fit the future

demands of the community. Mr. Orrall said if we did have a strong Master Plan, it would help for people to know that this is part of the Master Plan. Selectman Burke agreed saying it sets forth the expectation. Mr. Healey asked if this is done, does this affect another area that could be business zoned. Selectman Burke responded that it would not.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 5.
Unanimous in favor.

Upon a motion made by Ms. Healey; seconded by Ms. Candito it was:

VOTED: To recommend Article 6 for approval.
Unanimous in favor.

Articles 7 and 8 - Ms. Garbitt explained that these articles are for the acceptance of Woodland Ridge Drive and Village Road as Town Ways. The Planning Board is recommending approval, based on the new as-built that was received. Chairman Powderly further explained that the owners have taken it upon themselves to do whatever clean-up was needed.

Upon a motion made by Mr. Healey; seconded by Ms. Candito it was:

VOTED: To recommend Article 7 for approval.
Unanimous in favor.

Upon a motion made by Mr. Healey; seconded by Ms. Candito it was:

VOTED: To recommend Article 8 for approval.
Unanimous in favor.

Article 9 - Chairman Powderly stated that Article 9 is a non-binding vote brought forward by petition. It is to send a message to the State educators about what they would like to see done. Mr. Healey explained that he doesn't have a problem with the article, but he didn't think that the voters are educated on the matter. Chairman Powderly stated that the petitioner will speak to the article on the floor. Mr. Healey stated that people may be fearful of the matter thinking it may take away some of the funding to the schools. Ms. Candito explained that there is a big movement regarding Common Core.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To recommend approval of Article 9.
Unanimous in favor.

Ms. Kulakovich stated that she will speak to the article. There will be some educational outreach being done in the meantime. This is a way for us to have a voice where we currently do

not have a vote. Mr. Healey stated that Ms. Kulakovich should have information on where this is being used in other school districts, and if so, what did it replace and is it working.

Discuss the Appointments to the Capital Expenditures Committee

Ms. Garbitt stated that the charge for the Capital Expenditures Committee (CEC) calls for a member of the Finance Committee to serve on the CEC. Donald Healy is currently a member of the CEC as an at-large member appointed by the Town Moderator. Mr. Orrall will need to rescind his appointment as two (2) members of the Finance Committee cannot serve on the CEC at the same time. Mr. Petruzzo is the Finance Committee's representative.

Mr. Orrall said he was officially rescinding the appointment of Donald Healey to the CEC, effective immediately. Ms. Garbitt said a notice will be placed in the Middleboro Gazette regarding the vacancy. The deadline for letters of interest will be December 9, 2014. Then the Selectmen will review the letters of interest and make an appointment by December 15th. Ms. Garbitt stated that although the CEC only meet about 3-4 times a year, it is an important committee. The CEC should begin meeting at the beginning of the year. Department Heads will have until April to present their plans.

Upon a motion made by Ms. Candito; seconded by Mr. Healey it was:

VOTED: To adjourn the Finance Committee at 8:24 PM.
Unanimous in favor.

7:30 PM Meet with Board of Library Trustees to proclaim November 2-8, 2014 as Friends of the Lakeville Public Library Week

Nancy LaFave, Ruth Gross, Donald Fronzaglia, Library Trustees, were present for the discussion. Selectman Burke read the Proclamation of the Friends of the Lakeville Public Library Week into the record for the week of November 2 – 8, 2014. The Selectmen are invited to the appreciation luncheon on November 8th at noon at the Library. Ms. LaFave noted that the luncheon recognizes the Friends and volunteers helping in the Library, the Green Again Gardeners, the Great Ponds Gallery Art Committee, and the Lakeville Litter Lifters.

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

VOTED: To proclaim the week of November 2-8, 2014 as Friends of the Lakeville Public Library Week.
Unanimous in favor.

7:45 PM Meet with Residences at LeBaron Hills Board of Trustees to discuss Plowing of Roads

Linda Buckley and Linda Ewell, Members of the Residences at LeBaron Hills Board of Trustees, were present for the discussion. Chairman Powderly read the letter, dated October 21, 2014, from the LeBaron Hills Board of Trustees. Ms. Buckley said the developer has ceased

building. She did not know if it has any affect on the road being accepted by the Town if it is not finished. Chairman Powderly stated that he does not think that the road would ever get accepted as it is not built to the Town's specifications. When the residents bought their property, they knew this was a private road with an association, which would have to have a fund to do its own plowing, etc. Ms. Buckley said that originally there were to be 286 units constructed, but so far only 44 units have been built. The financial burden is on those 44 homeowners. The residents have been hit hard, and are looking to try to make it better for everyone. Chairman Powderly asked if the residents approached E.A. Fish/Peabody Properties to see if they can get roads accepted. Ms. Buckley said that they wanted to talk to the Town first, and then bring the matter to the association. There may be people that want the road to remain private. Chairman Powderly explained that there are many private roads along the ponds that the Town doesn't plow. The roads at the Residences at LeBaron Hills are in good condition compared to some of those around the ponds. Selectman Hollenbeck stated that the Board sends out a letter to the Associations in Town regarding the fact that the Town will plow roads if absolutely necessary. Ms. Buckley said they had not received a letter. Ms. Craig stated that the residents did not get a letter since she was not aware of an Association until now. She will email out the letter to the Association.

Review request from Superintendent of Streets to award Sand, Salt and De-Icer Bids

Chairman Powderly stated that the Superintendent of Streets, Jeremy Peck, has provided letters regarding his award recommendations. Minor discussion occurred regarding the bids.

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

VOTED: To award the sand bid to T.L. Edwards for $11.45 per ton.
Unanimous in favor.

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

VOTED: To award the salt bid to Eastern Minerals at a price of $62.50 per ton.
Unanimous in favor.

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

VOTED: To award the Agricultural By-Product bid to All State, Inc. at a cost of $1.35 per gallon.
Unanimous in favor.

Review and vote on Proposed Charge for the Community Development Committee

Selectman Hollenbeck stated that there have been two (2) meetings of the Community Development Committee (CDC), since they separated from the Economic Development Committee (EDC). The CDC is more of a cultural, tourism committee with the ultimate focus on economic development. The charge being proposed is modeled after the change for the EDC. Chairman Powderly conveyed that he did not understand how a Farmers Market would help with

tourism. Selectman Hollenbeck explained that it is to try and get the word out to people that attend events in surrounding Towns that Lakeville has something to offer to people, such as walking trials, hiking trails, areas for canoeing/kayaking, etc. It is designed more for eco-tourism, since Lakeville does not have large attractions. However, Lakeville may have a community event that people are attracted to come to. There are people that want to ice fish, cross country ski, and they might need a place to stay or eat, so perhaps someone would open a restaurant or a bed and breakfast. Chairman Powderly suggested that Ted Williams Park could be used for many things, along with Betty's Neck and its open space, though not a lot of people use that area. It seems that it is always the same 100 people there. Selectman Burke said he felt the charge captured everything that the Committee was saying when it was brainstorming and what was differentiated from that which the EDC was working on.

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

VOTED: To accept the charge of the Community Development Committee.
Unanimous in favor.

Review and vote on 2015 Holiday Schedule

Ms. Garbitt noted that the Selectmen, acting as the Wage and Personnel Board, approves the Holiday Schedule annually. She provided a draft holiday schedule based on previous years.

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

VOTED: To accept the 2015 Holiday Schedule as provided by the Town Administrator, along with Section 18.3-Holidays from the Union contract.
Unanimous in favor.

Review request from Town of Halifax to use Lakeville Animal Shelter for boarding of dogs

Ms. Garbitt said that the Town had received a request from the Town of Halifax to enter into an agreement to use the Lakeville Animal Shelter to board dogs. David Frates, Animal Control Officer, felt that there would not be a space issue.

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

VOTED: To enter into a contract with the Town of Halifax to use the Lakeville Animal Shelter for the boarding of dogs.
Unanimous in favor.

Request from Historical Commission to attend Veteran's Day Observance

Nancy LaFave, member of the Historical Commission, was present for the discussion. Chairman Powderly read the invitation from the Historical Commission regarding the Veteran's Day Observance, which will be November 11, 2014 at 10:30 AM. Ms. LaFave said the initial gathering will begin at the Hitchcock Memorial at Assawompset School. There will be

refreshments at the close of the observance at Dickran Diran Square. If there is inclement weather, the event will be held at the Historic Town House. Selectman Hollenbeck, Selectman Burke and Chairman Powderly stated that they plan to attend.

Request from City of New Bedford to ban the sale of Synthetic Drugs in Lakeville

Chairman Powderly read the letter from the City of New Bedford regarding their request for Lakeville to ban the sale of synthetic drugs. Police Chief Alvilhiera said he did not feel that this was a problem in Lakeville. He was not aware of any stores selling the synthetic drugs in Lakeville.

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

VOTED: To take no action and table the request from the City of New Bedford regarding banning the sale of synthetic drugs in Lakeville indefinitely.
Unanimous in favor.

Vote to approve and adopt layout of Woodland Ridge Drive and Village Road as Town Ways

Chairman Powderly reviewed the layout procedure. Selectman Hollenbeck asked if Attorney John Ryder will file the easements at the Registry of Deeds. Ms. Garbitt responded that he would, once Town Counsel had reviewed them.

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

VOTED: To approve and adopt the layouts for Woodland Ridge Drive and Village Road.
Unanimous in favor.

Announce Invitation from Registrar of Deeds to attend Office Hours at Town Office Building November 20, 2014

Chairman Powderly announced that John Buckley, Jr., Plymouth County Registrar of Deeds, will be holding office hours at the Town Office Building on November 20, 2014 from 10:00 AM to 12:00 PM. The public is invited to meet with members of the Registry staff to ask questions about Registry of Deeds matters, print deeds, etc.

Request from Pancreatic Cancer Action Network to declare November as Pancreatic Cancer Awareness Month

Selectman Burke read the proclamation into the record.

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

VOTED: To declare the month of November 2014 as Pancreatic Cancer Awareness Month.
Unanimous in favor.

Review and vote to approve Board of Selectmen Meeting Minutes of July 14, 2014, July 28, 2014 and August 11, 2014

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

VOTED: To approve the July 14, July 28 and August 11, 2014 Board of Selectmen Meeting Minutes as presented.
Unanimous in favor.

New Business

Ms. Garbitt said the Board had received a request to proclaim November 15, 2014 as Janet Tracy Day in honor of her upcoming retirement. Selectman Burke read the proclamation into the record.

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

VOTED: To declare November 15, 2014 as Janet Tracy Day.
Unanimous in favor.

Other Items

1. Letter from Martha "Mike" Schroeder regarding Tyler's Way – Selectman October 20th meeting
   Selectman Hollenbeck explained that the Board had received some misinformation at the time of the meeting regarding this property and the agriculture restriction. If the new owner will not be changing the agricultural use, the Town does not have the right of first refusal.
2. Letter from MassDOT announcing $25,000 South Coast Rail Technical Assistance Grant
   Ms. Garbitt explained that the Town received the grant for the Route 105 Corridor Study.
3. MMA Chapter 90 Local Road Funding Survey
   Ms. Garbitt explained that the Superintendent of Streets filled out the MMA 2014 Chapter 90 Local Road Funding Survey. His response was that the Town needs $855,000 annually. The Town only receives just over $300,000 currently.
4. MMA Municipal Website Award Nominations Notice
5. Retired State, County and Municipal Employees Association of Massachusetts Newsletter
6. Letter from Town Counsel regarding Board of Selectmen's Authority to Set Hours of Operation and Staffing Levels for Town Offices

At 9:20 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21(1) to discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual, or discuss the

discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual, and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to potential litigation, if an open meeting may have a detrimental effect on the litigating position of the public body, and the Chair so declared.

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

List of documents presented at the November 3, 2014 Selectmen's Meeting

1. Email from Deputy Fire Chief fire chief regarding MEMA Doug Forbes award for town
2. Special Town Meeting Warrant
3. Appointment request for the Capital Expenditures Committee
4. Letter from Library Trustees requesting the proclamation of November 2-8, 2014 as Friends of the Lakeville Public Library Week
5. Letter from The Residences at LeBaron Hills Board of Trustees regarding plowing
6. Letter from the Superintendent of Streets to award sand, salt and de-icer bids
7. Proposed Charge for the Community Development Committee
8. 2015 Proposed Holiday Schedule and Section 18.3 of the Union Contract
9. Letter from the Town of Halifax requesting to use Lakeville Animal Shelter for boarding of dogs
10. Invitation from Historical Commission to attend Veterans' Day Observance
11. Letter from City of New Bedford requesting the ban the sale of synthetic drugs in Lakeville
12. Information on the vote to approve and adopt the layout of Woodland Ridge Drive and Village Road
13. Invitation from Registrar of Deeds to attend office hours at the Town Office Building November 20, 2014
14. Request from Pancreatic Cancer Action Network to declare November as Pancreatic Cancer Awareness Month
15. Selectmen's Meeting Minutes for July 14, July 28 and August 11, 2014
16. Town of Lakeville Proclamation for Janet Tracy for November 15, 2014
17. MMA 2014 Chapter 90 Local Road Funding Survey