

**TOWN OF LAKEVILLE**  
**Selectmen and Wage and Personnel Board, as applicable**  
**Meeting Minutes**  
**November 21, 2016 – 6:30 PM**

On November 21, 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, Tracie Craig-McGee, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**6:30 PM Meet with Ben Smith of Fresh Meadow Farms regarding Marijuana Dispensary**

*Ben Smith and Eric from Fresh Meadow Farms were present for the discussion.* Mr. Smith provided a copy of their power point presentation and a list of Registered Marijuana Dispensaries (RMD). On November 6, 2012, 63% of Massachusetts voters approved the medical use of marijuana. The law established legal protection for medical marijuana patients, caregivers, physicians and medical professionals, cultivators, and providers. There were 31,116 active patients as of September 30, 2016. Massachusetts law allows a qualifying patient who suffers from a debilitating medical condition to possess a 60-day supply of marijuana, if the patient has a written certification from a Massachusetts licensed physician and is registered with the Massachusetts Department of Public Health. There is a substantial Licensing Process. Fresh Meadow Farms (FMF) is dedicated to the cultivation and dispersal of pesticide-free medical marijuana and other plant-based natural medicinals. The facility's policies and procedures for dispensing medication and their overall patient experience will ensure a safe, secure, and efficient environment that utilizes state-of-the-art techniques to deliver the best possible service to patients. The Cultivation Facility is a Controlled Environment Agriculture Facility, which allows for use of supplemental natural light. It is extremely secure and discrete and will create about 25 jobs. Security will be through Canna Security America, who specialize in security and compliance for cannabis businesses. They were the first comprehensive cannabis security company and have installed over 500 facilities since 2009. FMF is committed to be the best possible partner for the Town; to be a productive member of the business community; to hire locally and to alleviate the suffering of medical marijuana users. FMF has made it to the third phase of the licensing process. At this point, a lease is needed for a facility/site and a letter from the Selectmen of either support or non-opposition. The facility would be a dispensary with a cultivation aspect. Discussion has taken place with the Building Commissioner, and he indicated that the properties that were being looked at were properly zoned. This is not for recreational purposes; it is for medical purposes.

Selectman Burke stated that his main concern is mitigation for potential issues from the Town's perspective. The Harding Street location is not really located in Town, so that may be a positive. He has a concern with the traffic volume in the proposed zone and the number of patients that would be visiting the facility on a daily or weekly basis. Mr. Smith stated that there would be no patients entering the cultivation facility. The building would be approximately 10,000-20,000 square feet with 10-15 employees coming and going. Chairman Hollenbeck asked about their water usage requirement, since Lakeville has to have water connections approved with the City of Taunton. Mr. Smith explained that the company wants to be as green

as possible. The facility will need 1,000 gallons a day planning on about a gallon a day per plant. All water is to be accounted for through DEP Regulations.

Selectman Powderly noted that the dispensary for medicinal purposes is a somewhat easier process to initiate, and there are many presently in existence. The money though is in the recreational marijuana. What are the ideas of a recreational facility vs. a medical facility? Mr. Smith said in 2018 when the State allows for a recreational facility, it is hoped to increase the size of FMF's facility. However, that is not the focus at this time. Right now it is to work with patients and make things easier for them. Selectman Powderly explained that the proposed area is a good traffic area, and there are a lot of properties for sale in that region. However, the State wants traffic lights put in if another building is to be built after the first building. Mr. Smith responded that the three (3) necessary licenses were all filed on September 29, 2016. There are milestones to achieve in specific time periods. With a cultivation facility, there is not as much income a year, but with a dispensary, it is three (3) percent of gross revenue. The business is non-profit. Selectman Powderly stated that though medical marijuana is under a different category, it would be a start for moving forward later for recreational marijuana. It needs to be made sure though that the facility fits the Town.

Selectman Burke noted that the Board has talked to local legislators about this. They have to create the whole policy and regulatory piece for people to get a license. Eric stated that every license requires a dispensary to grow its own product. Only in emergencies can the business use others products. Chairman Hollenbeck asked what size lot they were looking for. Mr. Smith responded that they would need about four (4) to five (5) acres for parking and for a building. Ms. Craig-McGee stated that with Lakeville's Industrial Zoning, it would require a special permit by the ZBA. Selectman Burke explained that the area would allow highway access and also be "off the beaten track". Selectman Powderly noted that the demographics indicate that the business would do very well. He added that it is not that he is against it; he just wants to make sure that it is right for the Town. The medicinal income will not be much for the Town. However, if FMF intends to move on into the recreational side, this would be encouraged since that seems to be where the money is. Mr. Smith stated that they are interested in the recreational side, but most Towns do not want it. It is part of the plan maybe in four (4) to five (5) years. Right now FMF is working on obtaining final letters. The company has about a year from siting to have a letter from the Town and that would be June of 2017.

Selectman Powderly stated that traffic patterns will be important to know. A business plan would be nice to project where the business plans to be in the first four (4) years. Has the Police Chief been consulted? Mr. Smith responded that he has not yet communicated with the Police Chief. Chairman Hollenbeck asked how Mr. Smith got into this line of work. Mr. Smith responded that he was attracted to it since he ran a compliance and trading desk for the FCC. His job was to make sure everything was in compliance, keep track of fiduciary holdings, make sure licenses are not lost and keep the firm working with the necessary policies and procedures. He added that he also attended college for horticulture. He intends to have a "green" business that the Town would be proud to have. It has to work and be lucrative for FMF and the Town. The first year it is under construction. As it gets into its third year, it is on its way to becoming a more viable business. Route 44 is a good location for a non-descript building.

Chairman Hollenbeck mentioned that there are conservation issues up on Route 44 that prevented another business from going in. With another business, Mass DOT had significant requests that they put in place such as widening the road, etc. This will be something to take into consideration. Mr. Smith stated that he has provided year to date sales and the number of patients information from the State. Selectman Powderly explained that whatever is provided will help process things more favorably. Though the Town is not a business partner, it is interested in where the business heads. Providing a five (5) year business plan would be helpful. Mr. Smith stated that he will obtain the information and provide it in a few weeks. He would also speak with Chief Alvilhiera, the Fire Chief and the Board of Health. The municipal guidelines were provided from the Attorney General regarding the fact that the company is required to work with local Police. Chairman Hollenbeck asked that they return before the Board on Monday, December 19, 2016.

### **7:00 PM Liquor License Hearing – 7 Main Street - Seasons**

Chairman Hollenbeck read the legal notice into the record and opened the hearing.

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

VOTED: To open the Liquor License Hearing for 7 Main Street – Seasons.  
Unanimous in favor.

*Andrew Delli Carpini, Normand Lemay, and DJ Orr from Seasons were present for the discussion.* Mr. Delli Carpini stated they were very happy for the opportunity to come to Lakeville. Presently his company has liquor licenses in their Swansea and Attleboro stores. Ms. Craig-McGee noted that the only abutter that was notified was New England Rent-all, as required by the ABCC regulations. No objection has been received from the abutter.

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

VOTED: To close the Liquor License Hearing for 7 Main Street.  
Unanimous in favor.

Selectman Powderly noted that the Town has a similar license at Joe's Gas on Bedford Street. The hours for their license are 8:00 AM to 9:00 PM Monday through Saturday and 10:00 AM to 9:00 PM on Sundays. Season's is requesting the same hours.

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

VOTED: To approve a Liquor License to sell Beer and Malt Beverages at Seasons at 7 Main Street from 8:00 AM – 9:00 PM Monday-Saturday and 10:00 AM – 9:00 PM on Sundays.  
Unanimous in favor.

### **7:30 PM Tax Rate Classification Hearing**

*John Olivieri Jr. and Evagelia Fabian, Board of Assessors Members and Harald Scheid from Regional Resource Group were present for discussion.* Chairman Hollenbeck read the legal notice into the record. Mr. Scheid stated that the new evaluations have been approved by the DOR. New growth has also been certified in order to conduct the classification hearing. Assuming that the Town will adopt a single tax rate or dual rate, the Assessors will petition the DOR for approval of the tax rate. Mr. Scheid reviewed the information provided regarding the FY17 levy limit. It was explained that the tax rate will be decreasing slightly, and there will be a modest valuation increase of about 5%. Discussion ensued for clarification purposes.

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

VOTED: To approve in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy that will be borne by each class of real and personal property, relative to setting the Fiscal Year 2017 tax rates, and set the Residential Factor at 1.0, with a corresponding CIP shift of 1.0, pending approval of the Town's Annual Tax Recap by the Massachusetts Department of Revenue.  
Unanimous in favor.

Mr. Scheid asked for a vote in order to submit the document for the Town.

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

VOTED: To amend the above motion to include that the Board of Selectmen authorize Harald Scheid to submit the Recap electronically to the State on behalf of the Town.  
Unanimous in favor.

### **7:45 PM Meet with David Cavanaugh to discuss approval of herring catching**

*David Cavanaugh and Tom Barron from the Middleborough/Lakeville Herring Fishery Commission were present for the discussion.* Mr. Cavanaugh explained that in 2006, the State put a ban on the catching of herring due to the declining population of herring. There was also a coast wide ban put into place until the State or another entity shows that there was a sustainable yield. The Commission has been working to reopen the Nemasket River for herring catching, so if the Towns vote to reopen herring catching, it would be allowed. The Atlantic States Marine Fishery Commission has approved this. It will be necessary to gather input from the public, both Towns' Boards of Selectmen and the Conservation Commissions to move forward.

Selectman Powderly asked how the Town would implement this, and how would it be controlled. Would Lakeville residents have to go to the Wareham Street Dam? Mr. Cavanaugh responded that there are a number of questions that will have to be answered. There are 300 permits available at the Wareham Street Ladder for out-of-towners. Wardens would have to be present during the catch. If a 10% catch was allowed from the average run each year, it would be approximately 30,000 fish. There would be a fee as well. Mr. Barron stated that it is hoped to

have a couple other runs open at the same time, so that the burden is not just on the Wareham Street run. Mr. Cavanaugh added that people would need to be provided a ticket for where the herring were taken from.

Selectman Powderly stated that if it is sustainable, then he is for it taking place. Mr. Cavanaugh stated that they will have to look at the count this year and the trend. There will be a need for more manpower as well. The group will formally come before both Middleborough and Lakeville Conservation Commissions and have a public hearing for public input to determine if they are in favor of it. Discussions will also need to take place with law enforcement.

**Ratify the vote of November 14, 2016 regarding Request for Water Allocation – 2 Southworth Street**

Chairman Hollenbeck noted that the vote on November 14, 2016 that was taken regarding the request for a water allocation for 2 Southworth Street needed to be ratified.

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

VOTED: To ratify the Water Allocation request vote for 2 Southworth Street that was taken on November 14, 2016.  
Unanimous in favor.

**Ratify the vote of November 14, 2016 regarding a Road Opening Permit – 12 Main Street**

Chairman Hollenbeck noted that the vote on November 14, 2016 that was taken regarding the Road Opening Permit for 12 Main Street needed to be ratified.

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

VOTED: To ratify the Road Opening Permit vote for 12 Main Street that was taken on November 14, 2016.  
Unanimous in favor.

**Review and vote on the new Non-Union Job Description and Classification for a Part-Time Library Clerk (14-18 Hours)**

Chairman Hollenbeck noted that Agenda items 7, 8, and 9 are all for the Library. A meeting took place with the Library Trustees about the Library being open a few additional hours a week. This would mean that some of the positions needed to be made more flexible and a few other changes made. Ms. Viveiros and Ms. Garbitt reviewed all of the job descriptions. One (1) of the job descriptions is a Union Level 3 position, and it does not require a Bachelor's Degree.

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

VOTED: To approve the new Job Description for the Part Time Library Clerk Non-Union Position with the Classification of Level 9.  
Unanimous in favor.

**Review and vote on the new Union Job Description and Classification for a Part-Time Library Assistant-Adult Services (20 hours)**

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

VOTED: To approve the new Job Description for the Part-Time Library Assistant-Adult Services Union position with the Classification of Level 3  
Unanimous in favor.

**Review and vote on the following amended Union Job Descriptions: Part-Time Library Technical Assistant Clerk (20-29 hours); Full-Time Library Technical Assistant Clerk (30-34 hours); Full-Time Library Assistant-Adult Services (30-35 hours); Full-Time Library Assistant-Technical Services (30-35 hours); and Full-Time Youth Services Librarian (38-40 hours)**

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

VOTED: To approve the amended Job Description for the Part-Time Library Technical Assistant Clerk Union position with the Classification of Level 5.  
Unanimous in favor.

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

VOTED: To approve the amended Job Description for the Full-Time Library Technical Assistant Clerk Union position with the Classification of Level 5.  
Unanimous in favor.

Chairman Hollenbeck noted that the Library Trustees would like this Job Description to be approved, but it will remain vacant for the time being.

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

VOTED: To approve the amended Job Description for the Full-Time Library-Adult Services Union position with the Classification of Level 3.  
Unanimous in favor.

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

VOTED: To approve the amended Job Description for the Full-Time Library Assistant-Technical Services Union position with the Classification of Level 3.  
Unanimous in favor.

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

VOTED: To approve the amended Job Description for the Youth Services Librarian Union position with the Classification of Level 1.  
Unanimous in favor.

### **Request for renewal of Temporary Trailer Permit-19 Stetson Street**

Chairman Hollenbeck noted this is a request to renew the Temporary Trailer Permit for the property located at 19 Stetson Street.

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

VOTED: To renew the Temporary Trailer License for the property located at 19 Stetson Street with an expiration date of December 3, 2017.  
Unanimous in favor.

### **Discuss Letter of Interest for appointment to the Zoning Board of Appeals**

*Daniel Gillis was present for the discussion.* Chairman Hollenbeck stated that the Town received two (2) letters of interest from Chris Carmichael and Daniel Gillis for the vacancy on the Zoning Board of Appeals. Ms. Garbitt noted that the statute does not give a maximum number of Associate Members for the Zoning Board of Appeals. Selectman Powderly said that there are some Boards/Committees/Commissions that may not operate to their full potential, since their members are not attending. There should be a policy that requires 80% meeting attendance. Members may have a good reason to miss a meeting. Since appointments take place once a year, the various Board, Committees or Commissions need to release members if they are not regularly attending. Selectman Burke stated that being an Associate Member is a great opportunity to learn the position. He suggested contacting Mr. Foster on a quarterly basis and asking how member attendance is. If someone is not attending, then an Associate Member can be advanced. Ms. Garbitt suggested that Chairmen of Boards, Committees and Commissions provide attendance records for the Board to review. Chairman Hollenbeck suggested making that a semiannual requirement.

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

VOTED: To appoint Chris Carmichael and Daniel Gillis as Associate Members to the Zoning Board of Appeals with terms to expire July 31, 2017.  
Unanimous in favor.

### **Discuss extending closing times for Package Stores on Christmas and New Year's Eve**

Chairman Hollenbeck noted that the Board received a memo regarding extending the closing times for package stores on Christmas Eve and New Year's Eve. Ms. Craig-McGee stated that no one has requested the extension of closing times. No action was taken by the Board on this.

### **Discuss extending closing times for Restaurants with Liquor Licenses on New Year's Eve**

Chairman Hollenbeck noted that the Board received a memo regarding extending the closing times for restaurants with Liquor Licenses on New Year's Eve. Ms. Craig-McGee said the Selectmen typically approve the extension.

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

VOTED: To extend "last call" hours on New Year's Eve for restaurants with liquor licenses until 1:30 AM with all patrons out at 2:00 AM.  
Unanimous in favor.

### **Request from Lakeville Arts Council for Made in Lakeville Event Signs**

Chairman Hollenbeck reviewed the letter from the Lakeville Arts Council regarding placing signs at the Lions Club Property and on the island intersection of Precinct Street and Route 79 for the Made in Lakeville Holiday Craft and Gift Sale, which will be held December 3, 2016 at both the Senior Center and the Library. It was suggested that the Police Chief be contacted to approve the sign location at the intersection of Precinct Street and Route 79.

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

VOTED: To allow the request from the Lakeville Arts Council to place signs for the Made in Lakeville Holiday Craft and Gift Sale. The sign should be placed so it does not block visibility at the intersection of Precinct Street and Route 79.  
Unanimous in favor.

### **Request for Proclamation in honor of Vicki Souza's retirement**

Selectman Burke read the Proclamation in honor of Vicki Souza's retirement into the record. The Proclamation will be given to Ms. Souza on December 8<sup>th</sup> at the COA Christmas Party that will be taking place at LeBaron Hills.

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

VOTED: To approve the Proclamation that December 8, 2016 is Vicki Souza Day in the Town of Lakeville.  
Unanimous in favor.



**Discuss request from Mass Gaming Commission for public comment on 2017 Community Mitigation Fund Guidelines**

Chairman Hollenbeck stated that the request from the Mass Gaming Commission for public comments on the 2017 Community Mitigation Fund Guidelines applies to the City of Taunton. Comments are due by December 28, 2016. The funds will go to SRPEDD. Lakeville does not qualify for mitigation or funds.

**Announce the Lakeville Local Emergency Planning Committee's application for Start-Up Certification has been approved, and it has achieved Start-Up status as of October 11, 2016**

Chairman Hollenbeck stated that the Start-Up Certification has been approved. She read the letter from Deputy Chief Goodfellow into the record. Ms. Garbitt stated that representatives from SERC came down and did a formal presentation with the Fire Chief and the Deputy. Chairman Hollenbeck then read the letter from Doug Forbes, Local Coordinator, into the record.

**Review and vote to approve Board of Selectmen Meeting Minutes of November 14, 2016**

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

VOTED: To approve the Board of Selectmen Meeting Minutes of November 14, 2016 as presented.  
Unanimous in favor.

**Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of October 17, 2016, November 7, 2016 and November 14, 2016**

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

VOTED: To approve the Board of Selectmen Executive Session Meeting Minutes of October 17, 2016, November 7, 2016 and November 14, 2016 as presented.  
Unanimous in favor.

**New Business**

Ms. Garbitt stated that the Town received a Road Safety Audit for Route 18 and Route 79. There will be a meeting that the Superintendent of Streets will attend on Monday, December 1, 2016 from 10:00 AM to 12:00 PM. It was noted that the area had fallen into a higher percentage of accidents and that is why the audit is taking place.

**Old Business**

Chairman Hollenbeck asked to change the joint meeting with the Finance Committee from Tuesday, December 13, 2016 to Monday, December 5, 2016.

**Any other business that may properly come before the meeting**

There was no other business presented for discussion.

**Other Items**

1. Department Head Bi-Weekly Report ending November 15, 2016  
The Board provided positive comments about the bi-weekly reports that the Departments have been providing. Selectman Powderly asked about obtaining a grant for another ambulance. He would like to hire a professional grant writer to do it. Ms. Garbitt mentioned that the Historical and Cultural Commissions are looking at a historical grant to do the needed work on the Town House. She will put them in touch with Sharon Gay, who wrote the grant for the Senior Center. She is an independent grant writer and does a lot for Historical Commissions.
2. Copy of memo sent to the Planning Board regarding re-zoning of 12 parcels on Main Street
3. Copy of memo sent to the Planning Board regarding Curb Cut Appeal-78 Pierce Avenue
4. Letter from DEP regarding Sustainable Materials Recovery Program Grant
5. Letter from MassDOT regarding South Coast Rail Public Meetings
6. PEG Grant Report – 3<sup>rd</sup> Quarter
7. Letter from Comcast regarding Channel and Programming Changes

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

VOTED: To adjourn the Board of Selectmen's Meeting at 8:21 PM.  
Unanimous in favor.

### **List of documents provided at the November 21, 2016 Selectmen Meeting**

1. Notice of Public meeting with Taunton Planning Board for a Registered Medicinal Marijuana Dispensary and Cultivation Facility, power point presentation from Fresh Meadow Farms, List of Registered Marijuana Dispensary (RMD).
2. Legal notice of liquor hearing for Seasons, 7 Main Street, Letter to Owner requesting attendance at the hearing, Retail Alcoholic Beverages License Application.
3. Legal notice for Tax Rate Classification Hearing, Presentation from the Lakeville Board of Assessors for the FY17 Tax Classification Hearing
4. Letter from Middleborough/Lakeville Herring Fishery Commission
5. New non-union job description and classification for a Part Time Library Clerk
6. New union job description and classification for a Part Time Library Assistant – Adult Services
7. Amended job descriptions-Part Time Library Technical Assistant Clerk, Full Time Library Technical Assistant Clerk, Full Time Library Assistant-Adult Services, Full Time Library Assistant-Technical Services, Full Time Youth Services Librarian
8. Request from Philip Sherman for a Temporary Trailer Permit at 19 Stetson Street
9. Letters of interest from Chris Carmichael and Daniel Gillis
- 10 Memo from the Executive Assistant regarding extending the Christmas Eve and New Year's Eve package store closing hours
11. Memo from the Executive Assistant regarding extending last call hours on New Year's Eve for restaurants.
12. Request from Lakeville Arts Council to place Made in Lakeville Event Signs
13. Request for proclamation in honor of Vicki Souza's retirement, copy of proclamation
14. Request for public comment on the 2017 community Mitigation from the Mass Gaming Commission
15. Notice that the Lakeville Local Emergency Planning Committee's Application for start-up certification has been approved
16. Open Session Selectmen Meeting Minutes of November 14, 2016
17. Information on Road Safety Audit for Route 18 and Route 79