

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
December 15, 2014 - 6:30 PM

On December 15, 2014, 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 Powderly at 6:34 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. LakeCAM was recording the meeting.

6:30 PM Meet with Board of Assessors to set Minimum Residential Factor

Janet Black and John Olivieri, Members of the Board of Assessors, and Molly Reed, Assessment Administrator, were present for the discussion. Chairman Powderly read the legal ad into the record and opened the classification hearing. He explained that the purpose of the Public Tax Classification Hearing is for the Board of Selectmen to set the allocation of the local property tax to be borne by the four classes of real and personal property for Fiscal Year 2015. Ms. Reed provided a brief explanation of the tax rates for a Uniform or Split Tax Rate. On a Uniform Tax Rate, all classes of property pay at the same tax rate; for a Split Tax Rate, Commercial, Industrial and Personal Property (CIP) pay at a higher rate and Residential pay at a lower rate. The Open Space Discount is for property designated as Open Space, which will receive a tax discount (none currently designated). The Residential Exemption is when the tax burden is shifted within the residential class (Higher valued property pay a greater portion of the tax). The Small Commercial Exemption is shifting the tax burden within the Commercial class (Higher valued property pay a greater portion of the tax). Ms. Reed noted that the FY2015 Certified Total Value by Class was broken down as follows: Residential \$1,211,836,300; Open Space 0; Commercial \$109,650,270; Industrial \$66,351,300; and Personal \$22,721,064 for a total Taxable Value of \$1,410,558,934. The Percent of Levy by Class is Residential 85.91%; Open Space 0%; Commercial 7.77%; Industrial 4.70%; and Personal Property 1.62% for a total of 100%. Ms. Reed further explained that values went up approximately 3% last year. She then reviewed the FY15 Proposed Comparative Tax Rate Analysis from a factor of 1, 96.7%, 95.1%, 93.4%, and 91.8%. Ms. Black said when the tax rate is split, it is actually discouraging commercial business. Mr. Olivieri explained that residential growth has recovered much more quickly than commercial. Selectman Hollenbeck noted that though you don't want to harm the existing businesses, you end up with much more of a burden on the residential taxpayers.

Selectman Hollenbeck asked how retention ponds are assessed. Ms. Reed responded that it is valued as excess acreage, an unbuildable lot. Selectman Hollenbeck stated that it is then artificially increasing residential taxes, and they have to bear that burden. Selectman Burke noted that some towns will allocate ownership and create an association, and then it is that neighborhood's property, and they pay the taxes. That is a great solution to this, since the issue of the developer not paying the tax creates an administrative burden on the town. That may be something worth having a conversation with the Planning Board on. Selectman Hollenbeck stated that the Open Space Committee is working on an Open Space bylaw and that is probably how the retention ponds would be classified. This is worth a conversation with the Open Space Committee, the Planning Board and Board of Assessors, especially with the regulations coming down for Storm Water Management, and developers walking away from liability issues and not

paying taxes on the retention ponds. Chairman Powderly stated that the Board should have a joint meeting with the Planning Board and the Assessors to discuss this topic. Ms. Reed asked how the value would be determined if it will never be on the market. With buildable lots, it can be seen what it sold for. Selectman Hollenbeck suggested contacting the Department of Revenue to see what they do with non-buildable lots.

Ms. Reed stated that the Town has many non-buildable lots, which total a lot of acres. Mr. Olivieri said that the way the Town accepts roads is very unique. Most towns do not accept them in that fashion. A long term solution is to get the Planning Board and Assessors together to discuss this. Chairman Powderly stated that right now non-buildable lots should be valued at a penny so that it shows that the Town doesn't have that money coming in. Mr. Olivieri stated that this matter needs to be cleaned up before moving forward. Chairman Powderly stated that there is a need to create a committee to look at the properties that do not pay taxes and the reasons for that. Chairman Powderly closed the hearing

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

VOTED: To set the Minimum Residential Factor of 1.
Unanimous in favor.

7:00 PM Meet with Lakeville Legislators and Superintendent of Old Colony Vocational Technical Regional High School

Representative Keiko Orrall, Senator Michael Rodrigues, Sarah Griffin, Old Colony Business Manager and Frank Cote, Old Colony Superintendent, were present for the discussion. Mr. Cote explained that he had received a letter in April 2014 regarding the State Retirement and non-teaching personnel. The matter goes back about 40 years when secretaries, custodians and other employees went into the Massachusetts State Employees' Retirement System (MSERS). The issue with MSERS is that there was supposed to be a billing process on top of what the employee was to pay. However, the State did not bill the schools that were part of this or the Regional Planning Agencies. MSERS has been footing the bill. When we found out that the letter in April 2014 was going to represent a bill for the 2013 year for Old Colony retirees, we called our lawyer about this. The State apologized that they dropped the ball, but this is now on the books and this how it is supposed to be done. Old Colony is thinking that it cannot pay this. We reached out to other schools and called the Regional Planning Agencies to discuss the matter. This touches 83 different communities. Our amount is at the small end compared to where some other communities are, but we don't know how Old Colony will pay the 2013 and 2014 bills. The attorney was asked about reaching out to see if Old Colony can get that wiped away since this took place in the past and prior budget years. It does need to be put into the FY16 budget, and made sure that it is not so high as to make it unattainable.

Mr. Cote said Old Colony is putting together letters to the State legislators asking for their support in this. This will also be placed in the FY16 budget. The amount will be going into the assessment of the towns that are part of Old Colony. Selectman Hollenbeck asked how Old Colony will assess this, since Towns come in and leave and employees retire. Mr. Cote responded that it would not be for any town with tuition students; they pay a per child tuition.

This will be part of the Member Towns' Assessment. Senator Rodrigues stated that back in 1974, Old Colony voted to enter into the State Retirement System for non-teaching employees. Years have gone by with the employees contributing, but not the employers. Nick Faberito, Executive Director at the State Board of Retirement, is aware that there has been a mix up. He will forgive everything through FY12, but is looking to collect for FY13, 14 and 15. For FY13 there is a good argument for forgiveness, but it may be a stretch for FY14.

Representative Orrall stated that in April, when Old Colony found out about this, she was contacted by Bristol Plymouth Vocational. Mr. Cote explained that he and Ms. Griffin did not begin working for Old Colony until July. Ms. Garbitt stated that it will need to be made sure that the employees did actually retire from Old Colony. It depends on how long that they worked with Old Colony. Mr. Cote stated that that is on the list that the State has provided with percentages. It varies from 47% of retirement to 100% with about 15-20 employees. Senator Rodrigues explained that this issue is on the radar screen. They need to figure out how to create a system to prorate it for funding purposes. Chairman Powderly stated that he would like a list of the retirees. Lakeville's portion is 25% of the \$143,000. Ms. Griffin and Mr. Cote exited the meeting at 7:40 PM

A discussion occurred regarding filing Special Legislation for the sale of Lakeville's Water Tower to the City of Taunton. Chairman Powderly said that Town Meeting has authorized the sale of the water tower to the City of Taunton. Senator Rodrigues asked that he and Representative Orrall be provided with the draft agreement once it is prepared.

Ms. Garbitt explained that Attorney Kathleen O'Donnell's legislation, Representative Orrall is helping the Town with Lakeville's Appeal to the Department of Housing and Community Development (DHCD) regarding Lakeville's Subsidized Housing Inventory (SHI) to include the 104 units at Sterling Place. The Town was successful in getting the 40R Density Bonus for Sterling Place, but this does not count towards the affordable housing count. Senator Rodrigues stated that this matter can possibly be pursued further in January when the new secretary has been appointed. He asked how close Lakeville is to its 10% of affordable homes. Ms. Garbitt responded that with the 104 units included, the Town would still need 31 units to meet the 10%.

Senator Rodrigues told the Board there are no planned 9C cuts to Regional Transportation or Lottery Aid in FY15. However, if at the end of October, actual revenues will not meet estimated revenues, then the Governor has to balance the budget by 9C cuts. He can only cut departments that are under his executive control. He added that there are more cuts coming. Chairman Powderly stated that the Town would have been happier for Chapter 70 Aid to be reduced. Representative Orrall spoke on other types of positive acts that is another possibility of bringing in revenue that could offset cuts, so it is hoped that some of the Regional Transportation money can be restored. Senator Rodrigues added that there is money in a stabilization account if necessary. Everything will remain stable until Governor Baker gets on his feet.

Selectman Hollenbeck spoke on the Community Innovation Challenge (CIC) grants. She indicated that it is hoped that they continue. Senator Rodrigues stated that hopefully the Regional ones will go through, but people find it hard to release control. It is not simply sharing the cost of buying something like printers, it is big ticket items. That is where the decisions get

very hard, but there are a lot of opportunities for cost savings. The big budget killer is Mass Health, which was budgeted for 169,000 people. There are 190,000 people on it, and that number continues to grow.

Representative Orrall next spoke on the water levels and the Assawompset Pond Complex (APC). People are concerned and want to make sure that the water levels are being watched. Representative Orrall stated that she has full confidence in the Cities of Taunton and New Bedford and the Town of Middleborough regarding the recent rainfall. Culverts that are prone to flooding need to be kept clear. Chairman Powderly stated that he did not share Representative Orrall's confidence in Middleborough. The dam on Wareham Street is closed, and he feels that it should be open. Further, he would not be disappointed if fish ladders were put in and the dam was removed. Representative Orrall stated that Chris Peck, Department of Public Works Director in Middleborough, is monitoring water levels. In the fall, the water levels were really low, and that is when the herring are migrating to the ocean. The possibility of removing the Middleborough Wareham Street dam has been discussed, but further studies are needed. The Environmental Bond Bill and the Study of the APC needs to come into play, since there will be flooding elsewhere, if something is done at one end and the rest is not considered.

Chairman Powderly stated that, in his opinion, the gates should be opened so that the water flows down the river. Representative Orrall stated that when the dam was wide open, it did not affect the areas further up the river, only the areas in front of the dam became really low and dry. Chairman Powderly stated that he understands that, but doesn't share in the assessment. Representative Orrall stated that she did communicate that to the Town of Middleborough. Chairman Powderly stated that Middleborough does not have a standard operating procedure of what to do when the water gets to "such and such" a level. That needs to be set into place. It should be wide open during the winter season and closed during herring run season. Representative Orrall stated that she did ask for them to recalculate the levels. Chairman Powderly stated that people worried about the 12 houses upstream rather than the hundreds of homes downstream. Representative Orrall stated that Mr. Peck is working on this, and he is keeping a close eye on the matter. Chairman Powderly explained that the area is a funnel and has to be opened way ahead of the problem. Representative Orrall stated that she met with Mr. Peck last week to discuss this.

Representative Orrall and Senator Rodrigues exited the meeting at 8:11 PM

7:30 PM Meet with Finance Committee to vote on transfer for Stabilization Fund

Michael Petruzzo, Donna Winter, Donald Healey and George Vlahopoulos, Members of the Finance Committee, entered the meeting. Chairman Petruzzo called their meeting to order at 8:12 PM. Ms. Garbitt stated that an error had come to light when the Tax Recap was being reviewed by the Department of Revenue. The Director of Accounts, Gerard Perry, will allow the Town to set its tax rate, as long as the Selectmen and Finance Committee vote that they will place an article on the next Town Meeting warrant to transfer \$179,800 from the Stabilization Fund to the General Fund to clean up the overage of the Free Cash in the amount of \$179,800 for Capital Items. This has no impact on the Free Cash, but will reduce the Stabilization Fund and

all monies will go back to where they need to be. The total for Free Cash was \$610,381. The Town has the capacity to raise and appropriate the increased amount.

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

VOTED: That at the next Town Meeting, whether it is an Annual or Special, to transfer the amount of \$179,800 to clean up the overage of the Free Cash.
Unanimous in favor.

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

VOTED: To recommend the transfer of \$179,800 to clean up the overage of the Free Cash that was discovered on Article 2 of the Annual Town Meeting.
Unanimous in favor.

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

VOTED: To adjourn the Finance Committee at 8:17 PM.
Unanimous in favor.

7:45 PM Meet with Open Space Committee to discuss Committee Membership; Howland Road property; Chapter 61, 61A and 61B; APR and Conservation Restrictions; Hilltop Farm and Metal Detectors on Municipal Property

Martha “Mike” Schroeder, Linda Grubb, Donald Foster, Brian Reynolds, and Joan Gladu Morton, Members of the Open Space Committee, were present for the discussion. Chairman Powderly stated that the Board had received a memo from Linda Grubb, Chair of the Open Space Committee, requesting to meet with the Selectmen to discuss Open Space Committee membership, Status of Howland Road Property, Chapter 61, 61A and 61B properties; APR and Conservation Restriction; Hilltop Farm and Metal Detectors on Municipal Property.

Ms. Grubb stated that several months ago, the Open Space Committee had made the Selectmen aware that the representative from the Park Commission was not attending meetings. This has been ongoing, and the Committee requests that a replacement be appointed. Ms. Garbitt stated that Daniel Hopkins was the Park Commission’s representative, but he is not available on Mondays, Wednesdays and every other Thursday. Ms. Grubb said Mr. Hopkins has offered to provide any information that is needed, however, it is nice to have someone at the meetings on a monthly basis. Selectman Burke asked if the Open Space Committee has asked him to resign for the sake of filling that seat. Ms. Grubb responded that they have not. Since the Selectmen make the appointment, perhaps it should come from the Selectmen. Selectman Burke stated that the Board has never unilaterally cut someone from a Board or a Commission. Ms. Grubb explained that that is why the matter is being brought to the Selectmen. If the Selectmen feel that the Open Space Committee should have the conversation about this, then we will. The Open Space Committee was unable to work out a schedule with Mr. Hopkins as previously suggested, and that is why the Committee has returned. Selectman Burke stated that Ms. Garbitt can speak with him before any action is taken. Ms. Grubb stated that the Committee would like to have a

representative at the table, or, if the Park Commission had someone from outside of their commission that they would like to designate.

Ms. Grubb stated that the Committee would also like to know where the Town stands on the Howland Road property. Ms. Garbitt stated that the State is still waiting to have the title examination completed. The plan is to remove the 23 acre parcel that has the Conservation Restriction on it. The Planning Board will have to vote and sign off on the Approval Not Required plan. The other 10 acre Conservation Restriction has not been finalized.

Ms. Grubb spoke on the Chapter 61 lands that the Town has. The Open Space Committee can provide a lot of information on these lands. Part of the Open Space Committee's Charge is to advise the Town on properties being removed from the Chapter 61 program. The Open Space Committee can provide information to the Selectmen so that they have all the necessary facts to make a decision. If the Open Space Committee knows about these withdrawals in advance, they can investigate and provide a heads up on property that might be considered of value to the Town. The Open Space Committee requests that the Selectmen keep them informed. Chairman Powderly stated that Gene Bartlett's property should not have been a surprise, since it has been on the market for two (2) years. Ms. Grubb stated that chapter lands are private property, and the Open Space Committee does not publicly discuss its desire for them. Selectman Burke explained that the Committee can do that on its own or as individuals, then communicate that back to the Board. Ms. Grubb stated that she just wants to keep the lines of communication open.

Ms. Grubb stated that with Agricultural Preservation Restrictions (APR), when the Town takes this on, it is the Town's responsibility to monitor the activities at the property, and enforce what the Conservation Restriction (CR) dictates. She does not believe that the Town should ever hold these, since we do not have the staff or expertise to do so. We do have the Roche APR, which was in private ownership, but now it is with The Trustees of Reservations (TTOR) or its entity that holds it for them. We have invited TTOR to make a presentation about their efforts there. Hopefully they will be coming in February. However, our Committee thinks that the Town should be taking a more active role on what goes on at Hilltop Farm. The Town does not receive taxes, so what is the community benefit? The Town did put money towards the purchase of development rights there, so what would the Town like to see that would be beneficial to residents. The Town needs a representative that sits with the TTOR as they are making plans, and is part of the planning process for that property. She would like to encourage TTOR to make the property more accessible to the Town with such things as Community Gardens, Riding Trails, etc. She is suggesting that the Town be at the table and say what do the citizens of Lakeville get for having this.

Roan Barber stated that he worked at the farm for 30 years. He was the main proponent for the CR, since Lydia Roche was not able to do that as she got older. The large field on the left from Highland Street to Robbins Lane is almost 75 acres with another CR of 8 acres down on the river. The Town, in putting their money in, only became a co-holder of the agreement. The Town has no rights on this property. Ms. Grubb is right that that through the Conversation Commission, it has the right to monitor any activities. However, the APR spells out that any heirs have the right to carry on without interference. In the past, he has been in favor of a liaison

to act between the Open Space Committee, the Town and TTOR. Chairman Powderly suggested that at the TTOR presentation, the Open Space Committee should ask what they would like for involvement. Ms. Grubb stated that she cannot speak for the Town without the Board's blessing. Joan Gladu-Morton also worked at the Hilltop Farm. She stated that she had the haying contract for the past two (2) years, and intends on applying for it again. She asked that the Selectmen appoint her as the liaison. Chairman Powderly stated that he feels that the presentation should take place first before someone is appointed. Ms. Grubb stated that she has provided a copy of the baseline report that the State has done of the property. The Town should have a baseline report for all of its properties. It will take time and effort to create, but it should be done. Mr. Barber asked if any conversations had taken place with Kelly from TTOR. Ms. Grubb stated that she and Ms. Schroeder had a conversation with Kelly regarding a meeting in February. Ms. Schroeder stated that Kelly was asked if there was some way that TTOR could make a presentation to the Town. Chairman Powderly stated that when the Open Space Committee knows when they are coming, please let the Board know.

Ms. Grubb stated that in Massachusetts, without a permit from the State Archeologist, it is illegal to use a metal detector on any State land. She wanted to get that message out to the Town Clerk's Office and the Police Department. According to Ed Bell at Massachusetts Historical Commission, under Chapter 9, Section 27c, no one can do any sort of exploration or research work without a permit from the State Archeologist. Selectman Burke asked if a violation was criminal or civil. Ms. Grubb responded that there is a fine, and there could be imprisonment. Chairman Powderly stated that he will not be the enforcer of crazy rules. What type of law are they breaking? Ms. Grubb stated that if you go on the website for metal detectors, it asks for people to go to the Town Clerk. She would like the Town Clerk to make people aware of this limitation. Mr. Foster said this could be a safety issue as well. When people dig something up on public property, they leave a hole. A person could break their ankle or a horse could get hurt, so there is a practical aspect to this as well.

8:15 PM Meet with Historical Commission to accept resignation of Kathleen Barrack as full Member and appoint her as an Associate Member

Nancy LaFave, Kathleen Barrack, Brian Reynolds, Joan Gladu-Morton and Geraldine Taylor. Brian Reynolds called the Historical Commission to order. Chairman Powderly read the resignation letter from Kathleen Barrack as a full Member. Ms. Barrack would like to be appointed as an Associate Member to the Historical Commission.

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

VOTED: To accept the resignation of Kathleen Barrack as a full member of the Historical Commission and to appoint her as an Associate Member with a term to expire July 31, 2015.
Unanimous in favor.

The Historical Commission adjourned their meeting.

Discuss Selectmen's expectations for the FY16 Regional School Budget

Chairman Powderly stated that he would like to schedule a meeting with the current School Superintendent and their Director of Business. The Town and the School Department may have different expectations. They don't work for us, but we do ultimately fund them to some level. We just want to make sure that their number does not come in \$1 million higher. We would like them to come down and tell us what they are up to. Selectman Hollenbeck recommended that the Board table this and then discuss it next Monday after the next Regional Budget Finance Sub Committee. They will be coming up with a baseline and outline of their budget. Their meeting should provide an actual idea of where they want to go. If they kept at 2.5%, they would already be over that with contractual obligations, transportation and health obligations. Chairman Powderly stated that his main concern is why students are not attending the schools. Are they moving out of Town, opting to attend other schools, and if so, why? The School Committee votes the contractual obligations. If they don't change their approach to salaries, steps and levels, and determining why there is a student decline, it will continue to go as it is. He wants to discuss the declining enrollment with them. Lakeville's share is going to be over \$400,000, and then the Town only has \$165,000 left. Chairman Powderly stated that this process has been accepted for years, meanwhile, what about all the reductions that have been made at the Town level.

Discuss amending the Curb Cut Regulations

Ms. Garbitt explained that the Selectmen's Curb Cut Regulations were never amended, when the Town amended the General By-law at Town Meeting. The only change in the wording was "or its designee". The Selectmen have appointed the Superintendent of Streets as their designee. Ms. Craig stated that the Building Department provides the Curb Cut Regulations to people that apply for new buildings on Town roads. Selectman Burke stated that the Board has an appeal on a denial of a Curb Cut, because the Planning Board did not want to grant it. However, there are no specifications that say that they can do that. Somehow the Planning Board has become the authority on the Curb Cut Permits. This new proposed regulation would give that authority to the Superintendent of Streets, with input from the Planning Board. The Planning Board had a list of criteria, of which none was followed, when they made the decision. A Town employee will handle something consistently and is quicker with feedback than a Board. Chairman Powderly stated that there are two (2) issues: one is the procedure, then the applicant's appeal on our agenda next week. Selectman Burke stated that he also would rather tighten this up to 20 days rather than allow 30 days, or an applicant forfeits all rights to appeal. Ms. Craig stated that under application requirements, it requires a sketch. Typically people bring in a plot plan and draw a driveway in. Ms. Garbitt noted that that she has MassDOT's diagrams (R1 and R2) to incorporate into our regulations.

Discuss awarding SERSG DPW Service contracts

Chairman Powderly noted the request to award the Southeastern Regional Services Group (SERSG) is the procurement group that Lakeville has joined. Chairman Powderly stated that he is always cautious about entering into contracts in a declining or volatile market. Discussion took place on the bids and who to award them to. Selectman Hollenbeck stated that the Town

cannot purchase SERSG materials until July 1st since it is under contract with others until June 30th. Ms. Craig explained the Town is currently under contract for four (4) items, so those contracts are for seven (7) months. The Town will enter into 12 month contracts for the other services that we are not currently under contract for. Ms. Craig said if the Town doesn't award the bids, then it cannot buy into the contracts. It is being recommended that the Town issue their contracts as soon as possible. Selectman Burke stated that he is inclined to wait a while, since what Chairman Powderly has said is worth considering. He didn't like urgency in having to make a decision. Chairman Powderly stated that the Board needs to know where Mr. Peck spends the most money. Ms. Craig explained there is an escalation clause in the paving bid, which will be adjusted either up or down, depending on oil prices. That will be in the contract.

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

VOTED: To table the awarding of the SERSG DPW Service Contracts until the next meeting of the Board of Selectmen.
Unanimous in favor.

Discuss request for Taunton Water Connection from Robert Poillucci regarding 7 Water Street

Robert Poillucci was present for the discussion. Selectman Burke recused himself from the discussion. Chairman Powderly explained that Mr. Poillucci will be constructing 12 residential units on Water Street, similar to those he built on Bridge Street. There will be four (4) triplexes built on Water Street. Ms. Garbitt stated that when Mr. Poillucci applies to the Zoning Board of Appeals, he will address the 40B then.

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

VOTED: To approve the allocation request from Robert Poillucci of 4,000 gallons per day of Taunton water for a 12 unit residential project on 7 Water Street.
Unanimous in favor.

Request for renewal of contracts with the Towns of Berkley, Bridgewater, Carver, Freetown, Raynham, Rochester and Wareham to utilize the Animal Shelter for boarding of Stray dogs

Chairman Powderly noted that the contracts for the use of the Lakeville Animal Shelter by the Towns of Berkley, Bridgewater, Carver, Freetown, Raynham, Rochester and Wareham are up for renewal. The new contracts will expire on December 31, 2015. Fees are \$15.00 per day for boarding with a drop off fee of \$20.00.

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

VOTED: To approve the renewal of the contracts with the Towns of Berkley, Bridgewater, Carver, Freetown, Raynham, Rochester and Wareham to board dogs at the Lakeville Animal Shelter.
Unanimous in favor.

Discuss email from Middleboro Gazette Editor regarding Commentary Column

Chairman Powderly read the email received from Jon Haglof, Editor of the Middleboro Gazette regarding the Commentary Column. Selectman Burke stated that he felt that it was a bad idea to have a regular guest commentary feature. Selectman Hollenbeck stated that she felt that it is good idea for events to be publicized. Selectman Burke stated that the paper already serves that role. He does not think any single board member should do this. Chairman Powderly noted that the Gazette has not sent a reporter to Selectmen's Meetings for a while. It was decided to send a letter to the Gazette, noting the absence of coverage of Selectmen Meetings.

Discuss request for support of FY16 Budget – Plymouth County Mosquito Control Project

Chairman Powderly summarized the request for support of the FY16 Budget from the Plymouth County Mosquito Control Project. Selectman Burke stated that the Town will be billed for this regardless if the Board is in support of the FY16 Budget.

Discuss and vote to renew Class 1 and 2 Licenses

Selectman Burke read the license renewals into the record.

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

VOTED: To approve the following Class II License Renewals with an expiration date of January 1, 2016: Salvatore Cucinotti, dba SC Auto, 19 South Kingman Street; United Automotive Services, 298 Bedford Street; Lakeville Auto Sales, 35 Taunton Street; Sha-Nic Auto-Body, Inc., 35 Bedford Street; Christopher Altieri, dba C&E Enterprises, 43 Freetown Street; and Michael L. Outor, dba Marley Motors, 475 Kenneth Welch Drive.
Unanimous in favor.

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

VOTED: To approve the following Class I License Renewals with an expiration date of January 1, 2016: Rousseau's Recreation Rentals, Inc., 150 Bedford Street and Route 44 Collision Center RV's & Boats, 8 Harding Street.
Unanimous in favor.

Discuss and vote to renew Dancing on Weekdays Licenses; Public Entertainment on Sundays Licenses; Coin Operated Amusements License and Livery License

Chairman Powderly said that the Board needed to vote to renew the Dancing on Weekdays Licenses; Public Entertainment on Sunday License, Coin Operated Amusements License and Livery License.

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

VOTED: To approve the Livery License for JP's Limousine Service (2 vehicles) to expire on December 31, 2015.
Unanimous in favor.

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

VOTED: To approve the following Dancing on Weekdays License, all to expire on December 31, 2015: LeBaron Hills Country Club; Orchid of Hawaii; Fraternal Order of Eagles; and Lakeville Golf Club, Inc.
Unanimous in favor

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

VOTED: To approve a Coin Operated Amusements License for the Fraternal Order of Eagles, Inc. with an expiration date of December 31, 2015.
Unanimous in favor.

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

VOTED: To approve the following Public Entertainment on Sundays Licenses with an expiration date of December 31, 2015: LeBaron Hills Country Club; Orchid of Hawaii; Fraternal Order of Eagles; and Lakeville Golf Club, Inc.
Unanimous in favor.

Vote to accept resignation of Robert Mello as Veteran's Agents/Graves Officer

Chairman Powderly read Mr. Mello's letter of resignation into the record. Ms. Garbitt stated that she would post the position immediately.

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

VOTED: To accept the resignation of Robert Mello, Veterans' Agent and Graves Officer, effective February 1, 2015, and send him a letter of thanks for time served.
Unanimous in favor.

Discuss request from Ryan Trahan to be appointed to Capital Expenditures Committee

Chairman Powderly noted that this vacancy is by Town Moderator appointment, so it is tabled until an upcoming meeting when the Town Moderator can make the appointment.

Discuss request from Stephen Allard to be appointed as an Associate Member to the Community Development Committee

Stephen Allard was present for the discussion. Chairman Powderly read his letter of interest to be appointed to the Community Development Committee into the record.

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

VOTED: To appoint Stephen Allard as an Associate Member to the Community Development Committee with a term to expire July 31, 2015.
Unanimous in favor.

Request for Temporary Storage Trailer Permit-19 South Kingman Street-Salvatore Cucinotti

Chairman Powderly reviewed the application from Salvatore Cucinotti requesting a permit for a Temporary Storage Trailer at 19 South Kingman Street. Selectman Burke stated that the applicant already has the trailer in place, so he is in violation of the Town Ordinance. Nathan Darling, Building Commissioner, has reviewed the application. He has requested that the trailer be moved to conform with the Town's zoning setbacks. A letter will be sent to the applicant informing him that he will have to move the temporary storage trailer so it conforms with the Zoning Setbacks, then the Board can consider approving it.

Discuss schedule for Board of Selectmen January and February meetings

Ms. Garbitt noted that the Board needed to schedule its January and February meetings. It was decided to schedule the meetings for January 5 and 12 with perhaps a meeting on January 26th and February 2 and 23, 2015.

Review and vote to approve Board of Selectmen Meeting Minutes of December 4, 2014

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

VOTED: To approve the Selectmen Meeting Minutes of December 4, 2014 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of December 4, 2014

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

VOTED: To approve the Executive Session Meeting Minutes of December 4, 2014 as presented.
Unanimous in favor.

New Business: Discuss letter received from Buppa's Place regarding BYOB License

Chairman Powderly stated that the Town does not have any Bring Your Own Bottle (BYOB) restaurants at this time. Selectman Burke stated that if there is no local regulation banning BYOB, then you have defacto BYOB in your Town. He felt the Selectmen needed to discuss this. Should the Town ban it, have a policy for BYOB, or does the Board not care? Chairman Powderly stated that perhaps the Board should take the matter under advisement. If the Town allows BYOB, why would anyone apply for a liquor license. Selectman Burke stated that owners could make money off of the liquor, as opposed to not being able to. Discussion ensued regarding the positives and negatives of the BYOB license. Ms. Craig stated that the Town of Upton bans BYOB, unless there are no liquor licenses available in the Town. Selectman Burke commented that the Town still has available licenses, and it probably won't be an issue in the foreseeable future. He suggested that the Town ban BYOB's.

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

VOTED: To ban Bring Your Own Bottle (BYOB) in the Town of Lakeville.
Unanimous in favor.

Update from Selectman Hollenbeck regarding Stormwater Session put on by Environmental Partners on December 10, 2014

Selectman Hollenbeck provided an update on the EPA Storm Water Management Permit. She stated that it may be a year from now before it goes into effect. The Town would have to put money into the 2017 budget for this; it will cost approximately \$157,000 a year to regulate. The Planning Board needs to get on board with these changing regulations. If a property owner disturbs more than an acre of land, they have to have a drainage plan. This applies to homes and developments, impervious surfaces for runoff, people taking their septic system and putting it elsewhere, etc.

Other Items

1. Email and Christmas card from the Fernau family regarding their dog adopted from the Lakeville Animal Shelter
2. List of donations to the Animal Shelter through November
3. Letter regarding Ted Williams Camp PARC Grant application

4. Memo from Superintendent of Streets regarding Assawompset School Snow and Ice Removal
5. Letter from Harmon Law Offices regarding 140 County Street
6. Notice of Payment from Verizon – 3rd Quarter
7. Letter regarding the Mashpee Wampanoag Tribe Proposed Destination Resort Casino in Taunton
8. SRPEDD Commission Meeting Notice for December 3, 2014
9. Annual Report and Assessment Appropriation from Plymouth County Extension
10. Letter from Department of Transitional Assistance
11. MassWildlife News Bulletin
12. Directions Newsletter from Woodard & Curran
13. Letter from National Grid regarding Natural Gas Safety Information
14. Letter from Comcast regarding Price Adjustments
15. Letter from Comcast regarding Internet Service to Town Schools and Library
16. Emails from Verizon regarding FOX channels being removed and returned to FiOS TV
17. Emails from Verizon regarding two changes in FiOS programming
18. Letter from DEP regarding Existing Structures in Jurisdiction – 17 Twin Oaks Road

At 10: 52 PM, upon a motion made by Selectman Powderly; 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(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, and pursuant to M.G.L. c.30A, §21(3) to discuss strategy with respect to collective bargaining, specifically the Police Union, if an open meeting may have a detrimental effect on the bargaining position of the public body, if an Open Meeting may have a detrimental effect on the bargaining position of the public body, and the Chair so declared and pursuant to M.G.L. c. 30A, §21(6) to consider the purchase, exchange, lease or value of real estate, and the Chair so declared.

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

List of documents provided at the December 15, 2014 Selectmen's Meeting

1. Minimum Residential Factor Handout from the Board of Assessors
2. Information from the State Treasurer Board of Retirement
3. Information from Gerard Perry, Director of Accounts, regarding the transfer and vote of the Stabilization Fund and Free Cash.
4. Memo from the Open Space Committee regarding discussing membership, Howland Road property, Chapter 61, 61a, and 61b, APR and Conservation Restrictions, Hilltop Farm and metal detectors on municipal property
5. Resignation of Kathleen Barrack from the Historical Commission as Member and request to be appointed as an Associate Member
6. Discussion on Selectmen's expectations for the FY16 Regional School Budget
7. Curb Cut Regulations and by law change
8. SERSG DPW service contract awards
9. Request from Robert Poillucci for Taunton water connection for 7 Water Street
10. Contracts with Towns of Berkley Bridgewater, Carver, Freetown, Raynham, Rochester and Wareham for boarding dogs at the Animal Shelter
11. Email from Middleborough Gazette Editor regarding commentary column
12. Request for support of FY16 budget Plymouth County Mosquito Control Project
13. List of Class I and Class II License Renewals
14. List of Dancing on Weekdays, Public Entertainment on Sunday, Livery and Coin Operated Amusements Permits for renewal
15. Resignation of Robert Mello as Veterans' Agent and Graves Officer
16. Request from Ryan Trahan to be appointed to Capital Expenditures Committee
17. Request from Stephen Allard to be appointed as Associate Member to the Community Development Committee
18. Request for Temporary Storage Trailer Permit, 19 South Kingman Street, Salvatore Cucinotti
19. Scheduling of January and February Selectmen Meetings
20. Selectmen Meeting Minutes of December 4, 2014
21. Letter from Buppa's Place regarding BYOB License