

**TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
December 22, 2014 - 7:00 PM**

On December 22, 2014, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Powderly at 7:00 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 Middleborough Gazette was recording the meeting and LakeCAM was recording for public broadcast.

7:00 PM Meet with Town Moderator to appoint member to Capital Expenditures Committee

Norman Orrall, Town Moderator, was present for the discussion. Mr. Orrall stated that he has reviewed Ryan Trahan's letter of interest to be appointed to the Capital Expenditures Committee (CEC). He seems very interested in being on the CEC. If appointed, his term would expire July 31, 2015. Mr. Orrall appointed Ryan Trahan to the CEC with a term to expire July 31, 2015.

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

VOTED: To appoint Ryan Trahan to the Capital Expenditures Committee with a term to expire July 31, 2015.
Unanimous in favor.

7:05 PM Meet with LakeCAM to discuss studio space

Jose Invencio and Donald Foster, Representatives of LakeCAM, were present for the discussion. Chairman Powderly stated that LakeCAM is finding that the space in the Library is too small to operate their studio correctly. Mr. Foster is the interim President of LakeCAM presently, since Robert Marshall has stepped down from the committee. Mr. Foster said LakeCAM doesn't want to move away from the Library space. LakeCAM is doing a lot more programming than it was ever thought, so we are looking for some satellite studio space. It will need to be Americans with Disabilities Act (ADA) compliant, have modest parking, a head room, and it also needs to be fairly close to Verizon and Comcast fibers for connection purposes at a relatively small cost. LakeCAM has tried to explore commercial space in Town. There are some reasonably attractive places; however, the cost is not acceptable.

Mr. Foster said that LakeCAM is asking if the Town has some space for LakeCAM to work in. The relationship with the Library has worked out very well. He said he and Jose Invencio have had a productive preliminary discussion with Dr. Starkie, High School Principal, regarding exploring the use of the old studio there, which has not been used. LakeCAM would like to rent space that would benefit the Town and the students as well. If the Selectmen are aware of an extra classroom or space in a Town building that would be beneficial for LakeCAM, please inform us. Chairman Powderly asked where the studio is located in the High School. Mr. Foster responded that it is under the Library, which has its advantages and disadvantages. Chairman Powderly stated that the school studio would be good, as long as issues such as CORI checks,

operating times, entrances and exits can be worked out appropriately. Mr. Foster stated that if LakeCAM is going to pay rent, LakeCAM would rather that it go to the Town of Lakeville. The High School has an Audio Visual Club and LakeCAM would like to work with the students. Ms. Garbitt stated that the Town invested \$50,000 into the High School Studio and Freetown invested approximately \$20,000. Mr. Foster added that it has not cheap, but it has been money well spent for putting up many of the previous meetings from various Boards/Committees for the townspeople to view.

7:30 PM Discuss findings regarding Maintenance Bond versus Performance Bond – Woodland Ridge & Village Road

Chairman Powderly read a statement regarding Woodland Ridge and Village Road. In 2012, Gene Bartlett attended a Planning Board meeting and requested that the \$157,000 in cash bond be returned to him. In reviewing the Planning Board Meeting Minutes and the LakeCAM recording, the Planning Board requested a bond in replacement. The money was returned to Mr. Bartlett, however, he provided a maintenance bond, not a performance bond. The Town did not recognize the error. Chairman Powderly said Pauline Ashley, Planning Board Secretary, asked for a Performance Bond and objected to the return of the money. The bond was provided in early December of 2012, but it was never sent to Town Counsel for review. That is in the Rules & Regulations for the Planning Board.

Sylvester Zienkiewicz, Planning Board Member, stated that he would like to object. The Planning Board is allowed surety and negotiations with the developer, and it is allowed in three (3) forms. It is a bond and you can make it the amount you want. We felt that we were amply covered. Once the Planning Board votes, the documents go to staff, and then it proceeds from there. The Town doesn't have a Town Planner, which is a problem sometimes. You have to watch the people that work for the Town. The Planning Board does not see the bonds. Ms. Garbitt stated that the Planning Board secretary works for the Planning Board. Mr. Zienkiewicz stated that no one told the Planning Board that it was a defective bond. It was defective for a full year before this came up. Selectman Burke asked if it was the responsibility of the Planning Board to know when bonds expire. Mr. Zienkiewicz responded that the bond is meant to expire after the road is accepted. Chairman Powderly stated that the only bond that the Town should be asking for is a Performance Bond, and the regulations should reflect just that. If it should be remotely different, then that could be specified. We now know that it is one of the check off items, to ask for a Performance Bond. Selectman Hollenbeck asked what controls are in place so that this does not happen again. We need to work together to make sure that we have a list of roads that are in the process of being accepted.

Chairman Powderly stated that the Selectmen need to have a meeting with the Planning Board to discuss these types of situations. Ms. Garbitt stated that when Attorney Cantor was looking at it, the statute was not specific. Chairman Powderly agreed this should be in the Rules and Regulations, and it is not. Selectman Hollenbeck added that there are also no ways to enforce it, so what can be done to impose that. Chairman Powderly stated that even if they knew when the bond was expiring, they are still dead in the water. Ms. Garbitt stated that Maintenance Bonds are for only a year. If the developer does not pay the renewal fee for a Performance Bond, the Planning Board would be notified. Chairman Powderly stated that the Town needs to hold

enough cash to make sure that bonds are paid for and renewed. Ms. Ashley's notes did allude to a Performance Bond, but no one ever read that. We have to make sure that that does not happen again.

8:00 PM Meet with Attorney Marsh regarding appeal of Curb Cut Denial – Highland Road

James Marsh, Esquire, Jonathan Pink from Azor Lane Sciences, Inc. and Kenneth Upham, Chairman of the Cemetery Commission, were present for the discussion. Chairman Powderly stated that the Curb Cut for Map 32, Block 2, Lot 6 Highland Road was denied, and the resident filed a Notice of Appeal. A letter was received from Attorney Marsh of Shephard S. Johnson, Jr. & Associates, P.C., on November 26, 2014, which goes through various scenarios as to why the curb cut should be allowed. It was noted that all members of the Board had visited the site. Also, a letter was received from Town Counsel, Patricia A. Cantor of Kopelman and Paige, P.C., which Chairman Powderly read into the record. Mr. Pink produced plans for the Board to view. He stated that the pink layer on the plans depicts Highland Road, the blue is the existing edge of pavement, and the yellow is the road that is being proposed. Discussion took place on the site line. It was noted that the proposal stays off the McCully Cemetery property. Certainly, all Rules and Regulations read that no one can be blocking the cemetery during certain hours, etc. and that would be looked into. Mr. Upham asked where people will park if they are visiting the cemetery. Chairman Powderly responded that it could be anywhere, but on the cemetery property.

Mr. Upham stated that a normal car length is 18 feet and there is the embankment. Where would the snow go? Attorney Marsh responded that it could be put down towards the end of the driveway, towards the property. Selectman Hollenbeck asked if right now, there is snow, can people access the cemetery. Mr. Upham responded that they could not. Selectman Hollenbeck asked if there is really access to the cemetery. Mr. Upham stated that he goes there fairly often and there is really only one place to park, and it all goes downhill. If we start changing things, it will not be the cemetery we knew it to be. If a driveway is put in, where will the water go? Attorney Marsh stated that he didn't see a big disturbance. The area that may get blocked is part of the Right of Way. People have become used to using that, and that is fine as long as the Town allows it. Mr. Zienkiewicz said that this came before us before, and there was no one to explain it to us. In most cases a property owner has a right to put in a driveway, which is right across from them. The title should be researched to make sure that the Town of Lakeville does not own it, and then permission can be obtained from the owner to cross it. We recommended against this.

Selectman Hollenbeck read the letter from the Planning Board into the record. Chairman Powderly then read the letter from July 22, 2014 into the record from the Planning Board regarding their meeting held on July 21, 2014. There were no specifics for the denial recommendation. The safest exit and entrance onto the property is our ultimate goal. The Superintendent of Streets, Mr. Peck, says that there are supposed to be distances for each curb cut. Selectman Burke stated that there are curb cut regulations. He added that his concern is that the curb cut regulations were not addressed in the meeting minutes. If they are assigned specific conditions to meet, and the minutes do not reflect that it was followed, what then? One of the Superintendent of Streets responsibilities is to approve the Curb Cuts with input from the

Planning Board. Selectman Burke stated that the Town is re-writing the regulations to make them more accurate with the Superintendent of Streets representing the Selectmen with input from the Planning Board. Chairman Powderly asked what the plan was for the blacktop. It seems that all the water would go towards the back. The safest way is not to be forcing the issue of a driveway down here, so the matter should go back to the Planning Board. Selectman Hollenbeck stated that as long as conditions are made about the water runoff, it should be asked what the impact might be if this was done more along the top. Linda Grubb spoke about the fact that the Town did not record the deeds for the cemeteries that were taken by the Town. The Selectmen should consider doing this to make it all legal.

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

VOTED: To approve the request for the curb cut for the property located at Map 32, Block 2, Lot 6 Highland Road, subject to the Superintendent of Streets request for an evaluation of the drainage with the curb cut itself.
Unanimous in favor.

Mr. Upham said it should be made sure that there is no water runoff. Chairman Powderly stated that it will be necessary to make sure that there is no additional water placed on the cemetery.

Discuss FY16 Budget Process

Chairman Powderly said he would like to see the budget with and without salary increases with the 1.75% for FY16, then steps and levels. Ms. Garbitt stated that the Board has requested that the Town Administrator put in for no increases in hours or personnel. However, the Board has already included some half year employees. Chairman Powderly explained that they have been approved, so that should be included and highlight that it was a new hire in the middle of the year. Ms. Garbitt asked if a Department Head wants to ask for a new employee, do we allow the Department Head to put it in there. Selectman Hollenbeck stated that there are some positions to fill, and the Board will need to look at that, since it is not isolated for just one Department. She suggested that she would like the Department Heads to put in their additional requests, so that the Board can see what is needed across the Departments. She added that she is also a fan of having objectives put into the budget, such as what the Departments are hoping to achieve. Then the Board can better understand exactly what they think they may be able to do better, if they can increase or decrease services. Chairman Powderly stated that the Department Heads should also be outlining the maintenance and repairs that they need. We need to maintain or improve the buildings that we have. Ms. Garbitt asked who would be working on the budget with her? Chairman Powderly stated that he did it last year, but would not mind doing it again. Selectman Hollenbeck stated that she would not mind working on the budget. It was decided that Selectman Hollenbeck would work on the budget.

Update from Selectman Hollenbeck regarding Regional Finance Committee Meeting held on December 17th regarding the FY16 Regional Budget

Selectman Hollenbeck stated that on January 10, 2015 at 10:00 AM, there will be a discussion regarding the Regional Budget. Mr. Medeiros will provide the budget books and formally introduce the budget at that time. Regarding the School Budget, discussion has been taking place regarding full-day Kindergarten and as a revenue offset to increase School choice. The School Department would open School Choice up to all grades in Middle School and High School, instead of just the entry points. They would also not charge for full-day Kindergarten any longer. They may be able to reduce some of the bus costs, since they would not have to do the middle of the day run with the Kindergarteners. Other topics that will be discussed are the contractual obligations, transportation, retirement assessments, health costs, the 2.5% increase just on the existing contractual obligations. The Town has \$525,000 towards this. That amount would be completely absorbed. Full-day Kindergarten would have to offset itself. Presently there is no plan to increase any teachers. They have five (5) confirmed retirees for next year. That cost is approximately \$80,000 per teacher with benefits. The cut in the Regional Transportation will be something that is on the table that the Selectmen need to discuss as a Board.

Selectman Hollenbeck added that they thought that the split would be about \$180,000 to take out of Stabilization for the FY16 piece. Chairman Powderly stated that he thought he read \$135,000. Selectman Hollenbeck stated that additionally they are working on getting their Capital Expenditure Plan together, and there are some items in their Operating Budget that are in the Capital Expenditure Plan. There is a need to see long term purchases that will not be funded long term. Chairman Powderly stated that the contracts expire July 1, 2015. Selectman Hollenbeck mentioned that there will be discussion on the steps and levels, obligations with transportation, health insurance, etc. The meeting will be a posted meeting, and the Region will be starting contract negotiations sometime in February.

Update from Selectman Burke regarding Economic Development Committee

Selectman Burke stated that a few months ago, Sylvester Zienkiewicz came before the Selectmen regarding zoning changes, specifically to commercial and industrial property. Mr. Zienkiewicz is working with Lorraine Carboni on the zoning study from the Middleborough line on Route 105 to Vaughn Street to see what can be done to change Lakeville's zoning for the sake of improving the availability for development. If someone has residential, commercial or industrial property, they all have the same zoning intensity requirements, and that is not how it is done when you have a more thoughtful approach to it. They invite input from any Board, Committee or Commission member, as well as, the public. We want to make sure that everyone is aware of what may be coming before Town Meeting.

Laurie Driscoll attended a seminar regarding the Economic Incentive Program. It is not known at this time if there is anything that would conform to this plan, but if the circumstances arise, we have someone that is well versed in this. Chairman Powderly stated that he was never against development taking place near the A-Frame and Route 79. Ms. Garbitt stated that there was concern about development behind those lots on Lori Lane since they are small lots.

Chairman Powderly stated that Starr's is the last business on Main Street before you get into the residential section. If we were looking to change the zoning and tear down the houses and make it look like Raynham, we would be fighting a battle. Selectman Burke stated that is a disincentive about having business. Maybe a zoning change in June is premature, but we as a Town need to decide where we are ok about having more concentrated business for the benefit of the Town. The Economic Development Committee (EDC) met with Jonathan White to make suggestions from a developer's point of view. The easy mix is to change the percentage for certain parcels. The EDC wanted to get recommendations from its survey of what to do and where. Ultimately it is up to the townspeople to decide what they want their Town to look like.

Discuss appointing Lillian Drane as Acting Town Clerk, effective December 31, 2014

Chairman Powderly said that due to the Town Clerk's pending retirement on December 31, 2014, the Board needed to appoint an Acting Town Clerk. Ms. Tracy had recommended that Lillian Drane, Assistant Town Clerk, be appointed as the Acting Town Clerk. The appointment would begin on December 31, 2014 and expire on April 6, 2015.

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

VOTED: To appoint Lillian Drane as Acting Town Clerk as of December 31, 2014 with a term to expire April 6, 2015.
Unanimous in favor.

Request from Town Clerk to vote to approve Annual Election Warrant for April 6, 2015

Chairman Powderly read the request from the Town Clerk for the Board to approve the Annual Election Warrant for April 6, 2015.

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

VOTED: To approve and sign the Annual Election Warrant for April 6, 2015.
Unanimous in favor.

Request from Town Clerk to declare wooden voting booths as Surplus Property

Chairman Powderly read the request from the Town Clerk to declare the wooden voting booths as Surplus Property. The wooden booths have been replaced with new plastic booths.

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

VOTED: To declare the old wooden voting booths as surplus property as requested by the Town Clerk.
Unanimous in favor.

Review and discuss Domestic Violence Leave Policy

Chairman Powderly asked about the yellow highlighted area in the Domestic Violence Leave Policy. Ms. Garbitt explained that this is a draft. The highlighted sections are Town Counsel's comments. The three (3) highlights are paid leave, right now it is the Leave Act, an employee has to exhaust all their available leave first. Selectman Hollenbeck stated that the time period needs to be specified to read either fiscal or calendar year. A brief discussion occurred regarding the highlighted comments.

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

VOTED: To accept the Domestic Violence Policy for Town Employees as recommended, with the highlighted comments removed.
Unanimous in favor.

Review and discuss Email and Social Media Policies for Town Employees

Chairman Powderly asked if the Town allows people on the internet to do shopping. Ms. Garbitt responded no, unless they are shopping for something for their Department. The Town has an Electronic Communication and Information Policy. The Technology Committee has revised it and now it is titled the Technology Acceptable Use Policy. The Social Media Policy is from the sample that Town Counsel provided. The Technology Committee did not take Town Counsel's recommendation for the Technology Policy, and it needs to be reviewed by the Selectmen. Also, notice needs to be given to the Unions that these policies have been adopted. She recommended that the Board adopt these policies, subject to Town Counsel review.

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

VOTED: To adopt the Information Technology Acceptable Use Policy and the Social Media Policy, subject to Town Counsel review and notify the unions accordingly.
Unanimous in favor.

Discuss having a Production Liaison with the State Film Office

Selectman Hollenbeck provided an update regarding the request from the State Film Office for a Production Liaison from the Town to work with them. The Community Development Committee (CDC) discussed this at their meeting on December 16th. The State Film Office is part of the Massachusetts Office of Travel, & Tourism. A Production Liaison would provide photos and/or film footage of potential areas in the Town that are deemed appropriate for filming to take place. Mary Beth McKay, member of the CDC, volunteered to be appointed as the Production Liaison. The Town would create a permit and Policies and Procedures for filming. The liaison would take a course from the State in order to be aware of what the State is looking for. All permits would have to go through the Board, and any relevant Board/Commissions that may have jurisdiction, but it may bring in revenue to the Town. Pictures of various areas would get uploaded onto the State Film Office's website for potential film companies to view them.

Chairman Powderly stated that anyone that wants to volunteer has his approval. Selectman Burke stated that he felt this was a great idea.

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

VOTED: To appoint Mary Beth McKay as the Production Liaison for the Town with the State Film Office with a term to expire July 31, 2015.
Unanimous in favor.

Review and vote to approve renewal of Class II Licenses for Elite Auto Sales; Andrews Family Automotive and Solana Auto Sales

Chairman Powderly read the request for renewal of Class II Licenses for Elite Auto Sales; Andrews Family Automotive and Solana Auto Sales. If approved, the licenses would expire January 1, 2016.

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

VOTED: To renew the following Class II License Renewals with a term to expire January 1, 2016: Leonardo Solana, dba Solana Auto Sales, 18 Staples Shore Road; Andrews Family Automotive, 79 Main Street & Linda Bury & Jason Bury, dba Elite Auto Sales, 431 Bedford Street.
Unanimous in favor.

Review and vote to approve renewal of Livery License for Moonlighting Limousine

Chairman Powderly said the Board had received an application for renewal of the Livery License for Moonlighting Limousine. If approved, the license would expire December 31, 2015.

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

VOTED: To renew the Livery License of Brian Johnson d/b/a Moonlighting Limousine for three (3) vehicles.
Unanimous in favor.

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 Board of Selectmen Meeting Minutes of December 4, 2014 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes

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

VOTED: To approve the Executive Session Selectmen Meeting Minutes of December 15, 2014 as presented.
Unanimous in favor.

New Business

Selectman Hollenbeck requested that Winterfest be placed on the Selectmen's Agenda for January 5, 2015 for discussion.

Other Items

1. Correction from Verizon FiOS regarding rate increase

Adjournment

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

VOTED: To adjourn the Selectmen's Meeting at 9:27 PM.
Unanimous in favor.

Documents provided at the Selectmen's Meeting December 22, 2014

1. Letter of interest from Ryan Trahan to serve on the Capital Expenditures Committee.
2. Letter from LakeCAM requesting to meet to ask about the need for additional space.
3. Information regarding maintenance bond vs. performance bond – Woodland Ridge and Village Road.
4. Letter and information from Attorney Marsh regarding appeal of Curb Cut denial for Highland Road.
5. Information from Town Administrator regarding FY16 budget process with information from FY15 budget process guidelines.
6. Letter from Janet Tracy, Town clerk, regarding appointment of Lillian Drake as Acting Town Clerk.
7. Annual Election Warrant for April 6, 2015.
8. Request from Town Clerk to declare wooden voting booths as surplus property.
9. Domestic Leave Violence Policy for Town employees.
10. Email Policy (information technology acceptable use policy) and Social Media Policy.
11. Production Liaison for Lakeville through the State Film Office.
12. Information regarding renewal of Class II Annual Licenses.
13. Information regarding renewal of Livery License for Moonlighting Limousine.
14. Selectmen Meeting Minutes of December 4, 2014