

**TOWN OF LAKEVILLE  
Selectmen's Meeting Minutes  
January 12, 2015 - 6:30 PM**

On January 12, 2015, 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 6:30 PM. Selectmen present were: Selectman Powderly, Selectman Burke and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary. Matthew Ferreira of the Middleboro Gazette was recording the meeting and LakeCAM.

**6:30 PM Possible Executive Session pursuant to M.G.L. c.30A, subsection (1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.**

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

VOTED: To enter into Executive Session, pursuant to M.G.L. c.30A, subsection 21 (1) to discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual, or discuss the discipline or dismissal of, complaints or charges against, a public officer, employee staff member or individual.

Polled vote: Selectman Powderly –aye, Selectman Hollenbeck – aye and Selectman Burke – aye.

At 6:31 PM, the Selectmen moved their meeting into the Conference Room.

At 7:04 PM, the Selectmen returned to Open Session in the Selectmen's Office.

**Discuss the Economic Development Committee's Small Business Summit**

Selectmen Burke stated that the Economic Development Committee (EDC) had a rigorous discussion regarding having a Small Business Summit. Laurie Driscoll has been spearheading the event. State Senator Mike Rodrigues, State Representative Keiko Orrall and Buddy Rocha, Regional Director of Business Development for Massachusetts have been contacted about attending. Hopefully other key Department Heads/Committee Members will be in attendance. It would be helpful for the Building Commissioner either being on the panel or in the audience to answer general questions from prospective business people from area small businesses that may be interested in locating, starting up or relocating their business to Lakeville. The EDC is considering a date of May 7, 2015. Chairman Powderly stated that this is a great idea and a good start to positively promote business in Lakeville. Selectmen Burke stated that it is also hoped to put together a team to keep in contact with people are interested and to plan more of these types of events which will help build relationships with vendors, etc. This will help people to know what types of businesses would be a good fit for the Town and allow for networking and other connections. Selectman Hollenbeck noted that similar to the Winterfest event, it will help to

reach out to businesses that are presently located in town. Selectmen Burke stated that there will be a list of available business properties to rent or buy.

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

VOTED: To approve the Economic Development Committee's request to hold a Small Business Summit on May 7, 2015 at the Library.  
Unanimous in favor.

### **Discuss Establishing a Zoning Bylaw Advisory Committee**

Chairman Powderly read into the record a letter from the Building Commissioner regarding the fact that he was invited to the January 6, 2015 EDC meeting to discuss proposals for zoning changes. Mr. Darling recommended the creation of a Zoning By-Law Advisory Committee to review Lakeville's current by-laws for any conflicts and to gather information that would support the potential changes. Mr. Darling is the Town's Zoning Enforcement Officer and often encounters situations that the current Zoning By-Law is prohibiting in terms of reasonable and responsible growth. An Advisory Committee could specifically look at these situations and recommend possible solutions. He recommended that since the Planning Board plays an essential role in the development and adoption of the Town's Zoning By-Law, that a Planning Board member sit as the Chairman of this Committee. Membership is recommended to be eight (8) to ten (10) regular members, which would include representation from the Board of Health, Economic Development Committee, Zoning Board of Appeals, Conservation Committee, Open Space Committee, a member at large, and the Building Commissioner. This may also help to take some of the burden off the Planning Board as it pertains to identifying zoning changes and fact finding associated with these changes.

Selectmen Burke further explained that Sylvester Zienkiewicz, Planning Board Member, had come to the EDC with the idea of researching some zoning changes. Basically it appears that there is zoning that is in place now that are not in harmony with reasonable development. The idea is to look at zoning for the sake of recommending changes. Subsequently, the Town received a grant for the Route 105 Corridor Study, which begins at the Middleborough/Lakeville Town line up to Starr Market/Andrew's Family Automotive to look at the zoning in this area and to make changes there for the sake of commercial development. Mr. Zienkiewicz was working with Lorraine Carboni, EDC Member, researching zoning changes. However, they were unable to get very far, since there is a considerable amount of information to go through. The EDC discussed the project and decided it was most likely too cumbersome for only two (2) people. Mr. Darling was then invited to an EDC meeting for a discussion on zoning from his perspective. That is how the EDC learned that lot coverage was not working with certain lot sizes, and not allowing for ample parking. Mr. Darling suggested forming this Committee. Selectmen Burke said he thinks it is a great idea. Mr. Darling has a handle on what works and what does not. If a Zoning By-law Advisory Committee could be formed, there are some things that they can work on quickly to clean up some zoning issues. After the Route 105 Corridor Study is completed, this group could dissect and determine if any of that information is worth pursuing. Selectman Burke stated that he is in support of this suggestion in concept, and in lieu of a Town Planner, this is a way to at least begin examining the zoning in this area.

Selectman Hollenbeck asked how this committee is different than the Master Plan Implementation Committee (MPIC). Or is the MPIC where this should begin? Ms. Garbitt stated that a lot of what was in the Master Plan, the Planning Board was supposed to be working on it. The MPIC is mostly made up of at large members. Selectman Hollenbeck asked if this would then be an advisory committee to both the MPIC and the Planning Board. Ms. Garbitt stated that the MPIC has not met in about two (2) years. After the zoning changes on Route 18 failed at Town Meeting, they have not met. Selectmen Burke is on the MPIC and the EDC. Selectmen Burke stated that someone from the BOS, whether through a subset of this Committee or not, should be on it. Chairman Powderly suggested that the Board familiarize themselves with the charge of the MPIC to see where this may or may not be duplicating efforts. The Town has asked residents what business they would like to see in Town. The response was if the area near Buppa's was rezoned, they are in support of it. Along Route 105 from Middleborough, the taxpayers led us to believe that they like the quaintness of the town. Frank Sterrett has made the point before that he would like to make sure that when you drive down Route 105, they do not see an area like Route 44 in Raynham. Selectmen Burke stated that any changes would not necessarily be use by right; it would be through a Special Permit. This would mean that the Planning Board and the Zoning Board of Appeals are most likely the Boards in control of the look in that area. Selectmen Powderly agreed, and stated that that is why use by right is something to think about, since it could be scary. Selectman Hollenbeck stated that additional zones can be established.

Chairman Powderly stated that he knows that he does not want to allow awful looking buildings in town. If small buildings are allowed on small parcels, it may be affordable, but that is not all that we want to attract. If prices are too low for a small parcel, then the Town may be attracting businesses that maybe they did not intend to. More exploration needs to be done to know what the Town really wants. Ms. Garbitt stated that looking at what the MPIC was supposed to implement, some items no longer apply, some are in process and some items have been completed. Selectmen Burke stated that the Master Plan for the Town does need to be updated, since it has been ten (10) years since the last one was completed. Ms. Garbitt stated that she will get a copy of the Master Plan Charge for the Selectmen to review. Selectmen Burke stated that each of the members of this Advisory Committee would be a liaison back to their Committee in order to get the information dispersed.

### **Update from Selectman Hollenbeck regarding Winterfest 2015**

Selectman Hollenbeck provided an update regarding Winterfest being held by the Community Development Committee (CDC). The event is scheduled to take place on February 8, 2015 from 1:00 PM to 6:00 PM at Loon Pond Lodge. The event will be free to the public. Highlights include: children's craft activities, craft demonstrations, activities from the Council on Aging, story time, music, singing, magic, balloon animals, hot chocolate, cookies, coffee, fire pit and a cooking demonstration. The Committee is still looking for sponsors, though they have received sponsorships from Ocean Spray, Powderly Meadows, Somethin's Brewin, What's Cooking in Lakeville, Sharkansky LLP and various others. A Facebook page has been created. Anyone that is interested can pick up a sponsor ship form by contacting Selectman Hollenbeck or at the Town Hall where they will be available.

Chairman Powderly asked how does the Town get local businesses involved and encourage them to attend. Will something be sent to the schools? Selectmen Burke suggested that the flyer be sent to the Superintendent's Office so that it can be dispersed to the school Principals for distribution. Selectman Hollenbeck noted that Maria Martin will also work with the schools. Chairman Powderly asked where the money raised will go. Ms. Garbitt stated that checks can be made out to the Town of Lakeville, CDC, Winterfest. Chairman Powderly asked about publicity for the event. Selectman Hollenbeck stated that information will go on LakeCAM, on the Town's website and in the newspaper.

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

VOTED: To authorize the CDC to hold Winterfest on February 8, 2015 from 1:00 PM to 6:00 PM at the Ted Williams Camp.  
Unanimous in favor.

### **Revisit the Revised Domestic Violence Policy**

Ms. Garbitt stated that the Selectmen had approved the Domestic Violence Policy with the clarification of the 12-month period would be. Town Counsel has reviewed the revision. The Town would need to present the policy to all of the Town's unions.

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

VOTED: To approve the revised Domestic Violence Policy as previously accepted by the Board of Selectmen on December 22, 2014.  
Unanimous in favor.

### **Request from the Board of Health to approve contract with Town of Middleborough for Health Services**

Chairman Powderly explained that the Town has entered into an agreement with Middleborough to provide nursing services for several years. It was clarified that if someone goes to the hospital for a communicable disease, a Middleborough nurse performs the follow-up for the Town.

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

VOTED: To approve the Agreement between the Towns of Middleborough and Lakeville for Health Services for a term to commence on January 29, 2015 and ending on January 28, 2016.  
Unanimous in favor.

### **Request from Police Chief for reappointment of Matthew Perkins as Lieutenant**

Chairman Powderly stated that the Police Chief is requesting the reappointment of Matthew Perkins to Lieutenant. He recently completed his first year as Lieutenant, which included the probationary period.

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

VOTED: To reappoint Matthew Perkins as Lieutenant and Constable with a term to expire July 31, 2015.  
Unanimous in favor.

### **Rescind Janet Tracy's appointment and appoint Lillian Drane to the Technology Committee**

Chairman Powderly noted that due to the retirement of Janet Tracy as Town Clerk, the Board needed to rescind her appointment to the Technology Committee, and appoint Lillian Drane as her replacement.

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

VOTED: To rescind the appointment of Janet Tracy from the Technology Committee and to appoint Lillian Drane to the Technology Committee with a term to expire July 31, 2015.  
Unanimous in favor.

### **Rescind One Day All Alcohol Liquor License for January 19, 2015 at Ted Williams Camp**

Chairman Powderly said the Selectmen had previously approved a one day all alcohol license for the Ted Williams Camp on January 19, 2015. Ms. Garbitt explained that one of the caterers will be covering the event.

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

VOTED: To rescind the One Day All Alcohol Liquor License that was issued for January 19, 2015 at the Ted Williams Camp.  
Unanimous in favor.

### **New Business: Request to appoint Joseph Urbanski as full Member of the Zoning Board of Appeals**

Chairman Powderly said that the Zoning Board of Appeals has requested that Joseph Urbanski be moved from an Associate Member Position to a full Member to fill a vacancy.

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

VOTED: To appoint Joseph Urbanski as a Full Member of the Zoning Board of Appeals with a term to expire July 31, 2016.  
Unanimous in favor.

### **Old Business**

Ms. Garbitt stated that since the Chairman will not be attending the Massachusetts Municipal Association Trade Show, he needs to authorize someone to vote in his place at the Business Meeting. Selectmen Burke stated that he would attend in the Chairman's place.

Chairman Powderly stated that the budget presentation from the Regional Schools took place on January 10<sup>th</sup>. They will be providing the Selectmen with a few copies of the budget. The next step is for the Board to suggest a meeting with either the Selectmen or the public to discuss the budget for additional discussion. The Regional Schools are not utilizing any circuit breaker funds. They are using some one time money, but it could be ongoing with School Choice. Chairman Powderly noted that using E&D funds is risky business, but certainly that account could grow again. Selectman Hollenbeck mentioned that the next Regional Budget Finance Committee meeting is scheduled for January 28<sup>th</sup> and the budget hearing is scheduled for February 7<sup>th</sup>. Chairman Powderly commented that he has a difficulty with the Regional Schools not including raises, since they have not had negotiations. However, they have included the steps and levels.

Selectmen Burke agreed that a meeting should take place to discuss the budget with Superintendent Richard Medeiros, the Director of Finance, Fred Baker, and anyone else that would like to attend. Selectman Hollenbeck suggested scheduling a joint meeting with the Regional Finance Sub Committee for the first week of February. Their one purpose is to review the budget. Chairman Powderly stated that he would like to convey the fact that he doesn't want the steps and levels in the budget "as a God given right". Presently the increase is 5% over each of the first 12 years of employment. The Town's Police, Fire and Town Employees do not have steps, levels and raises like that. Selectman Hollenbeck will provide an update at the next Selectmen's meeting.

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

VOTED: That Selectman Hollenbeck is the Board's representative for union negotiations with the Regional School Committee, and if she is unavailable, either Chairman Powderly or Selectmen Burke will serve as alternates.  
Unanimous in favor.

### **Other Items**

1. Memo from Town Counsel regarding Massachusetts Minimum Wage Law

At 8:20 PM, upon a motion made by Selectman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21(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 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, 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(3) to discuss strategy with respect to pending litigation, if an open meeting may have a detrimental effect on the litigating position of the public body, and the Chair so declared.  
Polled vote: Selectman Powderly-Aye, Selectman Burke-Aye, and Selectman Hollenbeck -Aye.

**Items distributed at the January 12, 2015 Selectmen's Meeting**

1. Information pertaining to EDC Small Business Summit
2. Memo from the Building Commissioner regarding a Zoning By-Law Advisory Committee
3. Winterfest schedule, Sponsorship Form and Sponsorship List
4. Revised Domestic Violence Leave Policy
5. Contract between Middleborough and Lakeville for Health Services
6. Request for appointment of Matthew Perkins as Lieutenant and Constable
7. Email from Zoning Board of Appeals regarding appointing Joseph Urbanski as Full Member of the Zoning Board of Appeals