

TOWN OF LAKEVILLE
Selectmen's Meeting Minutes
January 20, 2016 – 6:30 PM

On January 20, 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 Burke at 6:33 PM. Selectmen present were: Selectmen Burke and Selectman Hollenbeck. Selectman Powderly was absent. 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.

Paul Meleedy and Evagelia Fabian, Members of the Board of Assessors, were present for the discussion. Mr. Meleedy opened the Assessors Meeting at 6:33 PM.

6:30 PM Meet with Board of Assessors in possible Executive Session, pursuant to M.G.L. c.30A ss21a (3) to discuss strategy with respect to collective bargaining, specifically the Clerical Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declares

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

VOTED: To enter into Executive Session discussions pursuant to M.G.L. c.30A ss21a (3) to discuss strategy with respect to collective bargaining, specifically the Clerical Union, if an open meeting may have a detrimental effect on the bargaining position of the Board and the Chair so declares.

Polled vote of Chairman Burke – aye and Selectman Hollenbeck – aye.

Upon a motion made by Mr. Meleedy; seconded by Ms. Fabian, it was:

VOTED: That the Board of Assessors enter into Executive Session discussions pursuant to M.G.L. c.30A ss21a (3) to discuss strategy with respect to collective bargaining, specifically the Clerical Union, if an open meeting may have a detrimental effect on the bargaining position of the Board and the Chair so declares.

Polled vote of Mr. Meleedy – aye and Ms. Fabian – aye.

At 7:20 PM a motion was made by Mr. Meleedy; seconded by Ms. Fabian, it was:

VOTED: That the Board of Assessors return to Open Session.
Unanimous in favor.

At 7:20 PM, upon a motion made by Chairman Burke; seconded by Selectman Hollenbeck, it was:

VOTED: To return to Open Session for the Selectman's Meeting.
Unanimous in favor.

7:00 PM Meet with Fire Chief to discuss the following: Promotion of Ryan Silvia to Lieutenant; Appointment of Robert Clemens as Full-Time Firefighter/Paramedic; Appointment of Rafael Carvalho as Call Firefighter/Paramedic; Comstar Rates; and Long Range Plans for Fire Department and Park Commission

Daniel Hopkins, Fire Chief, was present for the discussion. Chief Hopkins stated that he would like to promote Ryan Silvia to the rank of Lieutenant, since there is a vacancy that was created when Lieutenant Collins left the Department. This appointment would then restore the full complement of Lieutenants.

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

VOTED: To promote Ryan Silvia to the rank of Lieutenant.
Unanimous in favor.

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

VOTED: To appoint Robert Clemens as a Full-Time Firefighter/Paramedic. His appointment is contingent upon the successful completion of a Physical Abilities Test; completion of the Massachusetts Fire Fighting Academy and certification at the level of Firefighter I/II and a one-year probationary period.
Unanimous in favor.

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

VOTED: To appoint Rafael Carvalho as a Call Firefighter/Paramedic. His appointment is contingent upon successful completion of a Department approved Physical Examination, a Physical Abilities Test and a one-year probationary period.
Unanimous in favor.

Chief Hopkins stated that the Comstar Rates have not come out as of yet. They should be out within the next week, and he will then forward them to the Selectmen.

Chief Hopkins then reviewed the Long Range Personnel/Space Needs plans for the Fire Department. He stated that the principal need is to add more personnel to shifts. If there were four (4) employees on each shift, that would cover OSHA requirements of two (2) in and two (2) out. Presently the Fire Department has 12 people, which includes the Fire Chief and the Deputy, so there are actually ten (10) employees. There is also a need to come up with a plan for dispatch. Presently there is no one who remains at the Department when there is a dispatch. The Department is left empty until someone comes in, if someone comes in. The Fire Chief has approached the Police Chief to discuss possibly having a combined dispatch. That will take some work, and more people will have to be involved. Selectman Hollenbeck asked how that would work. Chief Hopkins explained that the Police Department would do the dispatch for the Fire Department. Freetown presently has this in place, and Easton has just changed to this procedure as well. It is something to look at, while discussing a new Police Station. Chairman Burke stated that it does not sound unreasonable. He asked if there were any arguments against

it? Chief Hopkins responded that it is a gain. The Police Department would get the call and dispatch out. Right now, the Police Department takes the call and then calls the Fire Department. Ms. Garbitt mentioned that the combined services goes back to 2007 when there was discussion about building a Public Safety Building for the Police and Fire Departments. Chief Hopkins stated that it would be easier for the Fire Department, since they would not do any dispatchers. Chairman Burke added that it would take a component off the plate to have continuity of dispatch.

Chief Hopkins stated that, in order to meet the needs of the residents and general public on a daily basis, there are plans to have a North and South Fire Stations to meet Insurance Services Office requirements. Having other stations in place would help lower insurance rates. Presently the Fire Department is more than five (5) miles away from the northern part of Town from Route 44. Businesses have been calling in regarding their insurance rates, since they do not meet the five (5) mile requirement. South Lakeville is where the biggest population is during the day with the Schools. It is hoped to move fire prevention to all to one floor. Right now the offices are upstairs, and people come in downstairs. The present dispatch area could provide this office space. It would also allow for a smoother flow of operations. Chairman Burke stated that last night at the MPIC Meeting discussion took place regarding the fact that the Fire Department has had to do things reactively, piecemeal and has never had its own space; it has had to make do. There is no flow or continuity. Chief Hopkins agreed and added there has also been difficulty with the storage of equipment. Selectman Hollenbeck asked where the Fire Chief would want to be if there is a central location that is reconfigured and two (2) satellite Fire Stations. Chief Hopkins responded that ideally the North and South stations would be manned, and the center facility would be smaller, that way the Town is covered by mileage on all fronts. Chairman Burke stated that ideally there should be a station within five (5) miles of everywhere in Town. The issue with Route 44 is that it is so far out for response.

Selectman Hollenbeck said the Feasibility Study that was done in 2007 did speak about having a South station over near the schools. For decreasing response times, there would definitely be a need for two (2) sub stations. Chief Hopkins explained that there are ways to manage this, like splitting where the personnel are during day and when they are on call at night. The present facility is the most central to everywhere. Ms. Garbitt asked about the possibility of having a regional ladder truck with the Towns of Berkley and Freetown. Chief Hopkins stated that there will be a meeting with them to see if it is even feasible. Both Towns have ladder trucks, but they are in same situation as we are. This option is just at the beginning phase, but does the Board feel this is feasible? Chairman Burke stated that it is always a good discussion to see about regional possibilities. Chief Hopkins stated that there are a lot of points to consider, such as where would the truck be housed, who would do the maintenance, and who would be responsible for costs.

Chief Hopkins stated that the only computers that the Department has in its vehicles are those in the ambulances. If an upgrade was done, it would be preferable to also have computers in the trucks to do reports, and get the staff where it needs to go. With Fire Prevention and Code Enforcement, it would be beneficial to have tablets while the staff is out in the field. The Office and Dispatch areas would need their computers replaced at some time. There is also a need for a recorder or some type of way to record the radio messages. According to the FCC, the

Department is supposed to be recording radio traffic. Ms. Garbitt asked how much that would cost. Chief Hopkins responded that it is about \$3,000 just to put it on the radios. The Chief is currently trying to receive a grant for mobile and portable radios, but if it is not received, then there is that cost.

Ms. Garbitt noted that there were photos which clearly show that the Fire Department has storage needs. The Highway Department has helped to purge old turnout gear and items that are over ten (10) years old. Chief Hopkins explained that the Department cannot use any equipment that is over ten (10) years old. The staff cannot even go to the Fire Academy with older equipment, because they would not be allowed to participate. Chairman Burke thanked the Fire Chief for the information that has been provided about the Fire Department needs. It is helpful in considering the long range plans, and knowing that space is critical for many Departments. It is hoped to free up space in the Town Office Building in order to bring the Assessors back into this building, and then sell their building. There is much to consider as decisions are made to move forward.

Park Department

Daniel Hopkins was present for the discussion. Mr. Hopkins stated that there are 22 part time Park employees, of which 17 are summer part time employees. Over the next five (5) years, the plan is to hire a Park Director to take most of the responsibility off of the Park Commissioners. The Commissioners work really hard. They all have a certain job that they have to do, and if there was one (1) person for them to report back to, it would make things easier. They have full time jobs, and then they have the position of Park Commissioner. The goal is to hire a full time Park Director to handle all of the parks. There are no full time employees. There used to be two (2), but they were turned over to the Highway Department. They in turn do provide one (1) employee during the summer to help the Park Commission. Loon Pond Lodge is becoming busier, so there is a need to have more people there. Ms. Garbitt noted that the Park Commissioners have to do postings and interviews for employees.

Chairman Burke stated that part time Elected Officials having to run a Town Department is hard. The Park Commission is trying to run that Department without someone available to do the day to day matters. There is a lot of time and energy that needs to be put in to prepare for meetings, make decisions and implement them. It is a reasonable need to have a Director. Ms. Garbitt mentioned that the Park Commission used to have a Clear Pond Supervisor during the summer months. Now if something comes up at the Park, the full timer calls a Park Commissioner, who has to come in and respond to the matter. Chairman Burke explained that this is similar to what the Board of Health was dealing with. They should not have to deal with the day to day matters. Chief Hopkins stated that as far as space needs, the Park Commission does not need any more space. There are goals in place to finish the fields this spring and spread the loam and seed it. The office will be renovated to better utilize it. At this time organizations use the office for meetings. Some definite upgrades need to be done, like regular heat since it is electric heat now. That is in the five (5) year plan. The Capital Expenditures Committee has been told of the plans. The bathrooms at Jon Paun Park are in the works, and it is hoped to have them done this spring.

7:30 PM Meet with Alan Hanscom from BETA Group, Inc. for a status update on groundwater and Highway Barn and discuss Amendment #2

Jeremy Peck, Superintendent of Streets, and Alan Hanscom, of Beta Group, Inc., were present for the discussion. Chairman Burke stated that the Highway Barn site had been contaminated in 1999. There has been a remediation plan in place, and the Town is currently still monitoring the site for signs of contamination. The plume has shrunk, but there is still some contamination there. Mr. Hanscom stated that the monitoring has gone on for well over ten (10) years. There had been a release of gasoline from an underground storage tank. It is migrating down towards Daniel Road. Years ago, public water supply lines were put in since the water was contaminated. Wells 28 and 7d are being monitored, which are near the Highway Barn. The amount of contamination fluctuates from year to year, depending on the level of the ground water. Quarterly averages are used to determine if levels are below GW-1 standards. The difficulty is that there is still a pocket of soil that is contaminated. Mr. Hanscom provided some data regarding the groundwater fluctuation seasonally. There are two (2) options: put in an oxygenation system to eliminate the problem immediately at a cost of \$30,000, or continue the monitoring as is being done. Mr. Hanscom stated that his firm recommends continuing monitoring, since it seems that the Town is very close to having the amounts being within safe parameters, and then the Town can close this out permanently. A sampling has not been done for nine (9) months. When it is sampled, he hopes that the average will be within the necessary parameters to close this out. As a Licensed Service Provider, Mr. Hanscom can go back and look at the historic data and show where the Town has been within the standards. The average can be used to minimize cost. The spike tends to take place in November, so that is when the reading should be taken. The Town is in compliance where the lines fall below the dash and not in compliance where it is above. It is expected that within the next year, this can be closed out. Mr. Peck stated that he will use Chapter 90 funds to pay for the monitoring. The amendment needs to be signed and sent to DEP.

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

VOTED: To approve Amendment #2 to the Agreement for Professional Services between the Town of Lakeville and BETA Group, Inc. dated January 4, 2016.
Unanimous in favor.

Discuss memo from the Board of Health regarding their Proposed Reorganization and Transition Plan

Chairman Burke explained that a memo was received from the Board of Health about a proposed temporary reorganization plan leading to a permanent reorganization. He reiterated how difficult it is for a part time Elected Official to run a Town Department. Ms. Garbitt added that the Board of Selectmen had also been the Board of Health in the past. Chairman Burke stated that the scope of Town Government has changed. There is more that happens each day than a part time Elected Board can handle. It does not make sense to have the day to day operations of these Departments run by a part time Elected Official. There is a need to have day to day oversight. Ms. Garbitt stated that when she began researching how other Towns handle this, it was found that a lot of the smaller southeastern communities are moving in this direction

or have done it. Other Towns are trying to configure Town Government in order to get in front of the Administrative burdens. Town Counsel has been contacted about the change. It was indicated that there will need to have Town Meeting approval and special legislation set into place. Direction needs to be provided to Town Counsel about the positions, powers and responsibilities that will fall under the Building Commissioner and appointing authority. There will be a meeting with the Boards of Health Selectmen and Building Commissioner to discuss this. Chairman Burke noted that the Board of Health voted to do this on a temporary basis in December. Now, it is necessary to move forward with the steps for permanent reorganization. It will need to be determined whether this is working and what the delivery of services is. Feedback will be solicited from the stakeholders and the Board of Health. Mr. Poillucci would have some insight since he has had to deal with the day to day aspects of the Department. The employees might also be helpful in providing insight.

Discuss rescheduling February 3, 2016 Board of Selectmen Meeting

It was noted that the Iron Chef event is taking place the same night as the next Selectmen's Meeting. It was decided to reschedule the meeting for February 2, 2016 at 6:30 PM.

Discuss letter from Prime Engineering regarding the potential purchase of .75 acres of land (Assessors Map 60-Block 7-Lot 1E) from the Town of Lakeville

Ms. Garbitt stated that she had asked the Superintendent of Streets to get the as-built for the relocation of Route 79. He has not been able to do too much research on this as of yet. The two (2) lots were donated to the Town by National Development for the relocation of Route 79. There are large retention basins on both lots, and the client wants to purchase the small area available. It is not known if the as-built will show the basins, or if the property can be sold. Chairman Burke stated that he was not inclined to act on this, since he does not know who wants to buy the property or why. They also should have been present for this meeting. It does not seem that the burden of the research should be done by the Town. Town Counsel should be consulted to provide their opinion. The Town should not bear any costs or legal fees associated with this. Possibly a call could be made to Prime Engineering to find out additional information.

Request for Bike Ride Event – May 22, 2016 – Mattapoisett Land Trust/Friends of the Mattapoisett Bike Path

Chairman Burke stated that the Mattapoisett Land Trust would like to do a bike ride fundraiser, which would be coming through Lakeville on May 22nd. This is their first event and they did not know that they needed to ask for permission for the event to take place. They hope to have 50 participants for each of the three (3) scenic bicycle rides. The residents on Long Point Road have asked to be notified whenever a bike event will be in their area.

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

VOTED: To approve the Mattapoisett Land Trust Bike Ride Fundraiser, subject to them notifying those who live along the route of the ride.
Unanimous in favor.

Request for reappointment of Heather Syrett as Police Officer/Constable

Chairman Burke stated that the Police Chief is requesting the appointment of Heather Syrett as Police Officer/Constable.

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

VOTED: To reappoint Heather Syrett as Police Officer/Constable with an expiration of July 31, 2016.
Unanimous in favor.

Discuss request for appointment to the Casino Advisory Committee from Michael Ellis

Michael Ellis is present for the discussion. Chairman Burke stated that the Casino Advisory Committee has had a vacancy for quite some time. A letter has been received from Michael Ellis, who is interested in being on the Committee. Mr. Ellis has worked as a Municipal Auditor, and is now Assistant Town Accountant for the Town of Bourne. Selectman Hollenbeck noted that the Committee will be an active committee moving forward.

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

VOTED: To appoint Michael Ellis to the Casino Advisory Committee with a term to expire July 31, 2016.
Unanimous in favor.

Discuss request from Town Clerk to appoint Election Officers

Chairman Burke said the Board had received a request from the Town Clerk to appoint three (3) Election Officers.

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

VOTED: To appoint James Leonard, Robert Buckley and Kathleen Fuller as Election Officers with terms to expire August 15, 2016.
Unanimous in favor.

Accept Lorraine Carboni's resignation from the Economic Development Committee

Chairman Burke read the letter of resignation from Lorraine Carboni from the Economic Development Committee into the record.

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

VOTED: To accept the resignation of Lorraine Carboni from the Economic Development Committee and to send a letter of thanks for time served.
Unanimous in favor.

Ms. Garbitt asked to have the vacancy advertised in the Middleboro Gazette asking for letters of interest.

Announce Informational Meeting on January 28, 2016 regarding Route 79 Reconstruction

Ms. Garbitt stated that the Superintendent of Streets has mailed a notice of the meeting to residents living along this section of Route 79. Chairman Burke stated that there will be a public informational meeting regarding the Route 79 Reconstruction at the Lakeville Library on January 28, 2016 from 7:00 PM to 9:00 PM. The Lakeville Highway Department, BETA Group, Inc., MassDOT-District 5, Taunton, MA, and Southeastern Regional Planning and Economic Development District will be present.

Review and vote to approve Board of Selectmen Meeting Minutes of July 14, 2015 and July 29, 2015

Selectman Hollenbeck pointed out something she would like to look into regarding the July 14, 2015 Meeting Minutes on Page 15. These minutes were tabled for approval at this time.

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

VOTED: To approve the Selectmen Meeting Minutes of July 29, 2015 as presented.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of December 30, 2015

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

VOTED: To accept the Executive Session Selectmen Meeting Minutes of December 30, 2015 as presented.
Unanimous in favor.

New Business

A letter had been received from Kenneth Upham asking to be reappointed as Constable.

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

VOTED: To reappoint Kenneth Upham as Constable with a term to expire January 25, 2017.
Unanimous in favor.

Selectman Hollenbeck provided an update regarding the Casino Meeting that took place last night with the Gaming Commission. The focus of the discussion was surrounding the impacts of a Tribal Casino to the Middleborough, Lakeville and Freetown area and what role the Gaming Commission takes. The State has established the three (3) casino licenses. They provide the

arbitration framework for the surrounding communities to have their best and final offers looked at and making sure it is a fair process. That goes on with the developer and is an ongoing mitigation. That is driven by the commercial aspect and has nothing to do with the State. 6.5% of revenue will be used as mitigation for any community that can demonstrate that they have had an issue. A community would have to prove that there has been an increase in traffic driven by the Casino. That fund would be available on a yearly basis for Taunton, so the Town would have access to funding on a yearly basis, but miss out on the actual upfront piece. There is no such thing as a “surrounding community status” with a Tribal Casino. The Mass Gaming Commission has nothing to do with the Tribal Casino and their annual outset. Any ongoing mitigation that may be available from the Tribe would mean reaching out to them to see if they will negotiate. There is some leverage like the MEPA Certificate that the State needs to issue to them with transportation monitoring. The curb cuts and access to highways is a piece that the State has influence over, since it has not been ironed out yet. There is no real hierarchy about the yearly funds either. It would be preferable not to have other communities present at a future meeting with the Tribe. Representative Orrall has been able to reach out to them and will try for Lakeville. Mass Gaming said it would be good if a letter is written to them and maybe one to the Tribe as well about being part of the process. This would show that the Town is trying to be good neighbors and open up the dialogue. The Brockton determination will be made by the end of March. There may be more of an opportunity if the Town reaches out now as opposed to after the Brockton casino determination is made.

Chairman Burke suggested that the matter be added to the next agenda of the Selectmen as a discussion item so that Selectman Powderly can be part of the discussion. The Casino Committee will need to begin to meet, but it is not necessary for them to meet regarding drafting this letter. Selectman Hollenbeck stated that it is not even known if the Tribe is even willing to speak with the Town. Time is of the essence. Allin Frawley from Middleborough has heard rumors that they will break ground in the spring. The State loses out on 17% tax revenue, if the Brockton casino is granted. There will be a Public Hearing on January 29th. There have been no answers on the Casino Committee’s questions about the Assawompset Pond Complex. Ms. Garbitt noted that in the past it was Selectmen that negotiated with the Aquinnahs. It was believed that the Tribe would have reached out to us now. They are sovereign with the exception of a curb cut.

Other Items

1. Annual Report-Plymouth County Mosquito Control Project
2. Joint Transportation Planning Group Meeting Notice – January 13, 2016
3. Notice of MBTA Advisory Board Meeting – January 11, 2016
4. Letter from Comcast regarding Municipal Emergency Reporting Procedure

At 8:47 PM, upon a motion made by Chairman Burke; seconded by Selectman Hollenbeck it was:

VOTED: To adjourn the Selectmen’s meeting.
Unanimous in favor.

List of documents provided at the January 20, 2016 Selectmen Meeting

1. Letters from the Fire Chief requesting appointments, long range personnel/space needs for the Fire Department.
2. Parks Department long range personnel/space needs
3. Status report from BETA Group and amendment #2 to agreement with the Town.
4. Memo from BOH regarding proposed reorganization and transition plan
5. Memo to reschedule Feb 3, 2016 BOS meeting
6. Letter and maps from Prime Engineering regarding the potential purchase of .75 acres of land from the Town of Lakeville.
7. Request from Mattapoisett Land Trust/Friends of the Mattapoisett Bike Path to pass through Lakeville May 22, 2016. Includes Map
8. Request from Police Chief to appoint Heather Syrett as Police Officer/Constable
9. Letter from Michael Ellis asking to serve on the Casino Advisory Committee
10. Request from the Town Clerk to appoint election officers
11. Letter of resignation from Lorraine Carboni from the Economic Development Committee
12. Announcement of public informational meeting regarding the Route 79 Reconstruction.
13. Selectmen meeting minutes of July 14, 2015, July 29, 2015.
14. Executive Session Selectmen meeting minutes of December 30, 2015
15. Request from Kenneth Upham to be reappointed as Constable