

TOWN OF LAKEVILLE
Selectmen's and Wage and Personnel Board's, as applicable
Meeting Minutes
March 13, 2017 – 6:30 PM

On March 13, 2017, the Board of Selectmen held a meeting at 6:30 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Hollenbeck at 6:31 PM. Selectmen present were: Selectman Hollenbeck, Selectman Powderly and Selectman Burke. Also present were: Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

6:30 PM Meet with Park Commission to appoint Member to fill current vacancy

Daniel Hopkins, Scott Holmes, Ken Olivieri, and Ken Lalli of the Park Commission, were present for the discussion. Chairman Hopkins called the Park Commission to order at 6:42 PM. He said the Park Commission had reviewed all the letters of interest that had come in to fill the vacant position. There was a consensus of the Park Commission to recommend the appointment of Darryl Bernier to the Commission, since he served on the Park Commission previously. Chairman Hollenbeck stated that the Board likes to see new people involved; however, there are two (2) new Park Commissioners coming on board. If the other applicants are interested in being on the Park Commission, they can run as a write-in candidate in the April Town Election.

Selectman Burke asked if the Commission had met with the interested candidates. The Park Commission responded that they had not. Chairman Hollenbeck asked if there is a way to assess the interested residents. Mr. Lalli stated that they could have come to the Park Commission Meetings rather than just write a letter. Mr. Hopkins stated that since the letters went to the Selectmen, maybe there should be a policy about meeting with the people who have submitted letters of interest. Ms. Craig-McGee provided the letters prior to a Park Commission meeting, but there had not been enough time to put the matter on the agenda. Selectman Burke stated the Conservation Commission interviews interested candidates and then make a recommendation to the Selectmen. Mr. Lalli stated that Mr. Bernier contacted the Park Commission to let them know that he wanted to be on the Board. Mr. Olivieri stated that he knew that Mr. Bernier would handle things professionally on the Commission.

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

VOTED: To appoint Darryl Bernier to fill the current vacancy on the Park Commission with a term to expire April 1, 2018.
Unanimous in favor.

Upon a motion made by Mr. Olivieri; seconded by Mr. Lalli it was:

VOTED: To appoint Darryl Bernier to fill the current vacancy on the Park Commission with a term to expire April 1, 2018.
Unanimous in favor.

6:45 PM Meet with Open Space Committee to discuss High Priority Undeveloped Parcels List

Martha “Mike” Schroeder, Chair of the Open Space Committee, was present for the discussion. Ms. Schroeder had submitted a general list of undeveloped parcels. She stated that lands connected by water are the most significant. The list is: Assonet River (aka Cedar River) – the pig farm on Howland Ave and any forestry or agricultural land along Pierce Avenue or the south side of County Road; Wachamotusset River – Joseph Chamberlain’s two (2) lots, and any lots that contain swamp that feeds the brook, including the Town’s night soil depository and the adjacent Town parcel; Lakeville Country Club; farmland along the Nemasket; land along Leonard Washburn Brook and Poquoy; Lot 54-1-1 off Route 18 listed as recreational, but now is fields and farmland, considered of potential value to the Town because it would provide access to Long Pond and any larger farm fields in order to keep local agriculture viable.

Ms. Schroeder stated that it is understood that if a piece of land became available, there would be no money. However, the Open Space Committee would like to know if funding would be accessible if a desirable piece of land did come up. The Open Space Committee would like to know how they should proceed, if a parcel was available for purchase. Selectman Powderly stated that there is a list of 61 various properties provided by Linda Grubb. Ms. Schroeder stated that not all 61 properties are equal. Selectman Powderly noted that there are not a lot of different owners, maybe 30 owners of all the parcels. The parcels are not necessarily adjacent to one another. With parcels over 20 acres, maybe the Committee Members could knock on their door and ask the owner if they want the Town to buy it. Ms. Schroeder stated that the Committee can work on the list to try to make it more specific; however, the Committee would really prefer a list of the steps to go through if a piece of land came before the Committee. Selectman Powderly suggested that the Committee work on the list and identify five (5) parcels. The Town presently owns three (3) open space areas: Tamarack Park, Howland Property and Betty’s Neck. The real question is how much open space does the Town want? Open space can be to prevent building or to be used by the general public. Ms. Schroeder explained that there are other reasons to have Open Space. There are ways to keep open space with a large parcel of land and allow for half of it to be developed. Chairman Hollenbeck asked how the conversation went with the Master Plan Committee and their ultimate goal for Lakeville and amount of Open Space. Selectman Powderly responded that it remains to be done. Open space people would generally buy into the concept, but that’s just one way to protect half the land which would be sold. The land would be deeded to the Town.

Ms. Schroeder stated that the Open Space Committee needs new Members as there are vacancies. The Park Commission designated their Member for the Open Space Committee; however, they have not attended a meeting. The Committee needs fresh blood, youth, energy and creative ideas. It is hoped that the Selectmen can advertise for the Committee.

Ms. Schroeder stated that previously Lakeville Litter Lifters had asked about having a contest between the Lakeville and Middleborough Selectmen, but that did not end up taking place. You cannot run, walk or drive through the streets in Town without seeing how bad it is with litter. It is from people showing total disrespect. We don’t know how to stop it from happening, but the Lakeville Litter Lifters know how to clean it up, but we need manpower. Not picking up the

litter is showing disrespect too. If everyone in Town picked up litter for just a half hour, it would be all picked up. Maybe the Selectmen could participate to set a good example. Kathy Nash of Assawompset School is very involved with Earth Day Litter Pickup. The kids do not care if they win. They are excited to be with their family, and it is beneficial for the Town. Selectman Burke mentioned that he has picked up litter with the Lions Club on Vaughn Street. Chairman Hollenbeck asked that Ms. Schroeder provide a list of dates that the Litter Lifters will be going out again. Selectman Burke stated that he picks up trash across the street from his house almost every day.

7:00 PM Discuss potential change to the Selectmen's Policy regarding Constables
Meet with John Goodfellow regarding his request to be appointed as a Constable

Chairman Hollenbeck stated that John Goodfellow wanted to become a Constable, but the Town's was at its maximum for Constables. There had been seven (7) Constables in Town, and at the advice of the Police Chief, the amount has been brought down to five (5). However, the policy should be made a bit clearer. Ms. Craig-McGee stated that when the Board voted, there were seven (7) Constables in Town. The intent was when two (2) Constables dropped off, the Town would remain with five (5). Chairman Hollenbeck stated that she had reached out to Police Chief Alvilhiera, and there have been no problems with John Goodfellow in the past.

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

VOTED: To appoint John Goodfellow as Constable with a term to expire March 13, 2018.
Unanimous in favor.

Discuss scheduling the Annual Town Meeting – June 12, 2017

Chairman Hollenbeck said that the Board needed to set the date for the Annual Town Meeting.

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

VOTED: To postpone the Annual Town Meeting until Monday June 12, 2017 at 7:00 PM at the Apponequet High School Auditorium.
Unanimous in favor.

Discuss setting date for Police Station Ballot Question

Selectman Burke suggested June 3, 2017. If it is voted no, but approved at Town Meeting, the Board can then schedule another ballot in 90 days. Ms. Garbitt noted that the Town Clerk needs about 30 days for notice, etc. Chairman Hollenbeck stated that the Board will meet with the Finance Committee next Tuesday. When the Board holds its Budget Workshop that would be the time to start rolling this out. Selectman Powderly stated that the Board should say that the Police Station is "x amount", then, how it is funded is something different. Chairman Hollenbeck stated that by the time the Board is ready to hold its Budget Workshop, the Board

will be ready to educate the public on the different options. April 29th would be a good date for the Budget Hearing/Workshop. It was done in March last year.

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

VOTED: To set the Police Station Ballot Election date for Saturday, June 3, 2017.
Unanimous in favor.

Request from Town Clerk for Warrant Article on Annual Town Meeting to accept MGL Chapter 41, Sections 19K and 108P

Chairman Hollenbeck reviewed the request from the Town Clerk requesting that the Selectmen place an article on the Annual Town Meeting Warrant to accept the provisions of MGL Chapter 41, Section 19K and 108P. The article would provide additional compensation, up to \$1,000 to a Town Clerk, Treasurer or Collector who receive certification as a Massachusetts Municipal Clerk, Treasurer or Collector. Chairman Hollenbeck stated that Ms. Drane has done a lot of work to become a certified Town Clerk, and has provided a lot of information of what it takes to become a certified Town Clerk. It was noted that this may be something for the Department Heads that the Selectmen do not review. Selectman Powderly stated that he felt that it should be based on merit. He believes in performance review, and does not want to make it a Massachusetts General Law elected provision. Selectman Burke stated that their performance review is them getting re-elected. He added that he is not against it, but it is \$2,000. The law is silly, but there is a law that provides for it; for those who want to or have done this, that is their incentive.

Discuss request from Town Clerk to send letters regarding appointment of Election Workers to Town Committees

Chairman Hollenbeck reviewed the request from the Town Clerk to send the letters to the Town Political Committees regarding Election Workers.

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

VOTED: To send the annual letters to the Town's Political Committees regarding the appointment of Election Workers as per the request of the Town Clerk.
Unanimous in favor.

Rescind appointment to Master Planning Committee for John LeBlanc and appoint Keith Jenson as the Conservation Commission representative

Chairman Hollenbeck said the Conservation Commission has requested that John LeBlanc's appointment to the Master Plan Committee be rescinded. They would like Keith Jenson to be appointed in his place.

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

VOTED: To rescind John LeBlanc's appointment to the Master Plan Implementation Committee and appoint Keith Jenson as the Conservation Commission's representative on the Master Planning Committee with a term to expire July 31, 2017.

Unanimous in favor.

Rescind appointment to Zoning By-law Review Advisory Committee for Derek Maksy and appoint John LeBlanc as the Conservation Committee representative

Chairman Hollenbeck said the Conservation Commission has requested that Derek Maksy's appointment to the Zoning By-Law Review Advisory Committee be rescinded. They would like John LeBlanc to be appointed in his place.

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

VOTED: To rescind Derek Maksy's appointment to the Zoning By-law Review Advisory Committee and appoint John LeBlanc as the Conservation Commission's representative on the Zoning By-law Review Advisory Committee with a term to expire July 31, 2017.

Unanimous in favor.

Vote to accept resignation of Charles Pina as Alternate Plumbing Inspector

Chairman Hollenbeck explained that the Building Commissioner is presently working on replacing Mr. Pina, who is retiring. Mr. Darling will provide a recommendation to the Selectmen.

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

VOTED: To accept the resignation of Charles W. Pina as Alternate Plumbing Inspector, and to send him a letter thanking him for his service.

Unanimous in favor.

Request to hold 3rd Annual Hot Pursuit 5K-September 16, 2017

Chairman Hollenbeck went over the details of the request. The Police Chief has approved the route.

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

VOTED: To approve the request from Anne Marie Winchester, South Shore Race Management to hold their third Annual Hot Pursuit 5K (3.1) road race on Saturday, September 16, 2017.

Unanimous in favor.

Request to hold Green Sneaker Run 5K – May 20, 2017

Chairman Hollenbeck reviewed the request for the Green Sneaker Run on May 20, 2017. The proceeds benefit the Eric C. Johnson Memorial Scholarship. The route has been approved by the Police Chief.

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

VOTED: To approve the request to hold the Green Sneaker Run 5K on May 20, 2017.
Unanimous in favor.

Request for Temporary Mobile Home Permit-138 Rhode Island Road

Chairman Hollenbeck explained that the reason for the Temporary Mobile Home Permit is due to a fire at 138 Rhode Island Road.

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

VOTED: To approve the request for a Temporary Mobile Home Permit at 138 Rhode Island Road for a period of six (6) months, with an extension of six (6) months if needed.
Unanimous in favor.

Review and vote to approve Board of Selectmen Executive Session Meeting Minutes of February 13, 2017 and February 27, 2017

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

VOTED: To approve the Selectmen Executive Session Meeting Minutes of February 13 & February 27, 2017 as presented.
Unanimous in favor.

New Business

Ms. Garbitt stated that tomorrow is Voter Registration. Due to the upcoming storm, (Stella) a Special Court Order has been put in place for the Voter Registration and Election Papers date to be changed to March 16, 2017.

Old Business – Regional School Budget

Brett Kulakovich was present for the discussion. Chairman Hollenbeck provided an update on the budget and how Lakeville sits, if you do not consider the Out-of-District Students. Superintendent Medeiros had asked if the amount could be increased to \$500 per student. It was not explained what benefits that would give if increased. Overall the District has been doing pretty well. The School Department did provide some information about what the budget would look like if cuts were made. Superintendent Medeiros would not go through the scenario of

cutting \$1.5 million, only \$500,000. Selectman Burke asked what the Superintendent's strategy was for the collective bargaining with the Teachers' Union and the runaway freight train of spending. Chairman Hollenbeck responded that it has not been addressed at all. The \$900,000 increase alone is not sustainable. It has been pointed out about the steps and levels many times. Selectman Burke stated that he just feels that the whole School Budget process is fraught with misinformation.

Mr. Kulakovich stated that he felt that it is on the School Committee, not really on the Superintendent. The issue is not just steps and levels; the District has lost staff competitively to other Districts. The conversation about steps and levels was the conversation when Mr. Kulakovich came on board, and it is still the conversation. The School Committee has received better information from Superintendent Medeiros than it has from other Superintendents in the past. Chairman Hollenbeck stated that she hoped that the School Committee knows that 17 para professionals were added after the original budget was approved, and then another eight (8) para professionals were added the year after. With the addition of all the para professionals, is that better? It seems that there would be more teachers if class sizes are less and less para professionals. Mr. Kulakovich explained that the District had to address the issue of para professionals, but they are not as expensive as teachers. There may also be more people with degrees and credits that are coming into the School District. Then there are the pensions and health care increases that the School Committee has no control over.

Selectman Powderly stated that he didn't buy into it. The problems are with Grades 8-12 losing 500 students, which should mean fewer teachers. The problem is not with the elementary grades. The problem with steps and levels needs to be addressed head on; it is absurd and unacceptable. Selectman Burke stated that historically raises provided to teachers were 3%. No one on the municipal side has seen 3% raises, but the teachers continue to see 3%. There has been a disconnect for a good ten (10) years. The Teachers have had the benefit of raises that the Town cannot afford for its employees. The bottom line is that it should be less of a dog and pony show, and for the Selectmen to see less than \$1million in the Excess & Deficiency (E&D) account each year. Selectman Powderly stated that the Schools will eventually run out of the money and have to have an override, since they did not want to make any of the hard decisions. Why hire anyone if the Schools are projecting that they will lose more students over the next five (5) years? It needs to be seen that someone is taking hard corrective action. The Schools cannot cut minor things of \$100,000 here and there to try and make the budget work.

Chairman Hollenbeck stated that major changes need to take place in the District, since it is not sustainable. Selectman Burke stated that everyone is replaceable. The draw is a strong leader. The District needs to be competitive within reason. Selectman Powderly stated that the School Committee has to drive the budget, since it is the School Committee who the Superintendent works for. Chairman Hollenbeck mentioned that the next Regional Finance Committee meeting is at the end of the month. Mr. Kulakovich stated that the School Committee voted the budget as it stands. Chairman Hollenbeck suggested that the Lakeville Selectmen send a letter to Freetown after its meeting with the Finance Committee next Tuesday. Selectman Powderly agreed. It will state the number that Lakeville is going with and ask Freetown to match it with their percentage.

Any other business that may properly come before the meeting

There was no other business presented for discussion.

Other Items

1. Letter from Massachusetts Fiscal Alliance
2. Notice from Comcast regarding 2016 license fee payment and Internet Essentials Program
3. Notice from Comcast regarding discontinuation of Channel 966 – WSBE – Vme
4. Notice of filing from Department of Public Utilities regarding Eversource regarding increase in distribution rates
5. The Voice of the Retired Public Employee Newsletter

At 7:45 PM, upon a motion made by Selectman Burke; seconded by Selectman Powderly it was:

VOTED: To enter Executive Session and not return to Open Session pursuant to M.G.L. c.30A, §21a (3) to discuss strategy with respect to collective bargaining, specifically the Police Union, Fire Union and Laborers' Union, if an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declared.

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

List of documents provided at the March 13, 2017 Board of Selectmen Meeting

1. Memo from the Park Commission regarding vacancy on the Commission, letters of interest from interested candidates.
2. List of undeveloped parcels from the Open Space Committee, request/invitation from the LLL for the Selectmen to join them in picking up litter, copy of amended charge for the Open Space Committee, Meeting Minutes when Open Space Committee's Charge was amended.
3. Memo from Police Chief regarding Constables per copy of December 12, 2012 Meeting minutes, request from John Goodfellow to be appointed Constable, Memo regarding limit on appointed Constables, application for appointment as Constable from John Goodfellow, letter of interest from John Goodfellow, email from Police Chief, copy of MGL, Title VII, Chapter 41, Section 91B.
4. Memo with vote to postpone Annual Town Meeting to June 12, 2017
5. Memo regarding a discussion by the Police Station Building Committee regarding the timing of the Annual Town Meeting and the Town Election for a Debt Exclusion vote for the new Police Station, copy of Article 5: from Special Town Meeting December 12, 2002 and vote regarding New Library to borrow money subject to debt exclusion vote & grant, copy of Specimen Ballot December 28, 2002.
6. Memo from Town Clerk requesting that the Board place an article on the Annual Town meeting Warrant to accept the provisions of MGL Chapter 41, Section 19L and 108P, copy of letter to Chair regarding the request by the Town Clerk to place an article on the Annual Town Meeting Warrant, copy of MCTA Certification – Members and Assistants, copy of Town Clerks' Association Certification Program, copy of CMMC Certification Program Examination Information, Guidelines & Requirements, copy of MGL Part I, Title VII, Chapter 41, Section 19K, copy of MGL Part I, Title VII, Chapter 41, Section 108P.
7. Request from Town Clerk to send letters regarding appointment of election workers to Town Committees, copy of letter for the Republican Committee, copy of letter for the Democratic Committee.
8. Correspondence from the Conservation Commission to rescind appointment of Master Plan member John LeBlanc and appoint Keith Jenson as the Representative.
9. Appointment of Conservation Commission Representative to the Zoning by-law Review Advisory Committee, John LeBlanc while rescinding the appointment of Derek Maksy.
10. Resignation of Charles Pina as acting Assistant Plumbing and Gas Inspector.
11. Request from South Shore Race management to hold their 3rd Annual Hot Pursuit 5K on September 16, 2017, map of Hot Pursuit run, email from Police Chief.
12. Request to hold Green Sneaker Run on May 20, 2017, map of route, safety plan for Green Sneaker Run/walk, email from Police Chief of reviewed route.
13. Request for a temporary mobile home permit on 138 Rhode Island Road, map of site, copy of 8.7 temporary licenses bylaw, memo from Building Commissioner regarding request.