

**TOWN OF LAKEVILLE  
Board of Selectmen  
Meeting Minutes  
September 9, 2019 – 5:00 PM  
Lakeville Senior Center – 1 Dear Crossing**

On September 9, 2019, the Board of Selectmen held a meeting at 5:00 PM at the Lakeville Senior Center. The meeting was called to order by Acting Chairman Powderly at 5:03 PM. Selectmen present were: Acting Chairman Powderly and Selectman Fabian. Also present were Maureen Candito, Town Administrator, Lorraine Carboni, Town Coordinator and Tracie Craig-McGee, Executive Assistant. LakeCAM was recording the meeting for broadcast.

**Discuss Board of Selectmen Reorganization**

Acting Chairman Powderly said Mitzi Hollenbeck's resignation was effective yesterday. There are a few of her Selectmen positions that may need attention prior to the November 5<sup>th</sup> election. Acting Chairman Powderly said he has been acting as Vice Chairman and would like the Chairman position.

Upon a motion made by Selectman Fabian and seconded by Acting Chairman Powderly, it was:

VOTED: To appoint Selectman Powderly as Chairman of the Board of Selectmen.  
Unanimous in favor.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To designate appoint Selectman Fabian as liaison to the Cable Television Advisory Committee; as Parking Clerk and as the Selectmen's representative to the Regional Finance Committee.  
Unanimous in favor.

Upon a motion made by Selectman Fabian and seconded by Chairman Powderly, it was:

VOTED: To designate Chairman Powderly as Staff Meeting Liaison position.  
Unanimous in favor.

**5:15 PM Pole hearing – Pierce Avenue**

Chairman Powderly opened the hearing at 5:24 PM and read the request for the installation of two (2) new poles and relocation of one (1) pole for Verizon and TMLP.

A motion was made by Chairman Powderly and seconded by Selectman Fabian to approve the placement of Poles EL17-1/2 and EL18S on Pierce Avenue, and to approve the relocation of Pole EL18 on Pierce Avenue, Lakeville, MA.

Discussion: Selectman Fabian asked if the abutters were notified by mail. Ms. Craig-McGee said they were notified by regular mail.

The vote was unanimous in favor on the previous motion.

### **5:30 PM Ascertainment Hearing for Comcast Contract Renewal**

*Robert Marshall, Walter Healey, Thomas Cirignano, members of the Lakeville Cable Television Advisory Committee; Jose Invencio, Executive Director of LakeCAM; and William August, Esquire of Epstein and August were present for the discussion. Also present was Michael Galla from Comcast, Senior Government Affairs Representative for Lakeville,*

Chairman Powderly read the legal notice into the record.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To open the Ascertainment Hearing for the Comcast Contract Renewal.  
Unanimous in favor.

Chairman Powderly read the introduction statement into the record. Mr. Galla spoke of his experience and the Towns he serves and some of the government programs that he works on for Comcast. Mr. Marshall noted that approximately 10% of Lakeville households responded to the cable television survey. Costs, programming and customer service were identified as main items. Mr. Marshall spoke of the value of LakeCAM. Given the dwindling meeting coverage by the newspapers, it has become difficult for residents to remain informed on issues. Money for the support of LakeCAM is an area of focus. Chairman Powderly asked for any public comments and there were none. Mr. Marshall said there is a lot of information to be gained from the survey. Chairman Powderly asked if the survey will be discussed at the negotiation meetings. Mr. Marshall said yes. Selectman Fabian asked if Comcast sends out information regarding price increases. Mr. Galla said any time there is a change there are notices in bills and the Town receives notice. They don't notify individuals of package changes unless it is a Town wide change.

Attorney August asked Mr. Galla if there are any controversies or disputes going on with Town Departments? Mr. Galla said no. Attorney August asked if things are satisfactory regarding infrastructure in the rights of ways. Mr. Galla said there are no problems. Attorney August asked about problems with subscribers. Mr. Galla said there are none. Attorney August asked if there are any known changes for Lakeville or this region. Mr. Galla said no. Attorney August said the FCC issued a new rulemaking on calculation of the franchise fee. Has Comcast taken issue or announced a position on how that will be implemented. Is there a procedure to work with municipalities to inform them of Comcast's position. Mr. Galla said it is too new to comment.

Chairman Powderly read the closing statement. Attorney August said although the hearing record may close in 14 days, by Federal law, we are in the ascertainment process, which

continues, so residents can provide further information through the Board of Selectmen or the Cable Television Advisory Committee.

### **Request from Building Commissioner to approve Part Time Maintenance Position**

*Nathan Darling, Building Commissioner, was present for the discussion.* Mr. Darling said the funding for this is already approved for FY20. We have updated the job description.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To approve the Part Time Maintenance Position as presented.  
Unanimous in favor.

### **Discuss rescheduling Fall Special Town Meeting**

Chairman Powderly said the date for the Fall Special Town Meeting was tentatively set for November 18, 2019. He believes that, based on the current articles, that we could skip the Fall Special Town Meeting and hold it in the spring. Selectman Fabian said the Planning Board is working on something. Ms. Candito said they have held a hearing, but have not sent in their recommendation letter yet. Chairman Powderly said that can be done at the next Town Meeting. It was decided to table this matter.

### **Review and vote to accept updated Americans with Disabilities Act Policy Documents for Town of Lakeville**

Chairman Powderly said we have received a draft Americans with Disabilities Act Grievance Policy from the Town Administrator, which is needed

Upon a motion made by Selectman Fabian and seconded by Chairman Powderly, it was:

VOTED: To approve the Americans with Disabilities Act Grievance Policy as submitted.  
Unanimous in favor.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To place a public notice, dated September 9, 2019, on the Town's Website.  
Unanimous in favor.

### **Review and vote to sign Quitclaim Deed and Title Insurance Affidavit for 296 Bedford Street**

Chairman Powderly said Town Counsel has submitted the Quitclaim Deed and Title Insurance Affidavit for the sale of the former Police Station.

A motion was made by Chairman Powderly and seconded by Selectman Fabian to sign the Quitclaim Deed and Title Insurance Affidavit for 296 Bedford Street.

Discussion: Ms. Candito said when the building went out to bid the Building Commissioner insisted that a performance bond of \$60,000 be required, so that the property would be razed due to contamination issues. Mark Knox was the only bidder at \$30,000. Ms. Candito said there is a payment in lieu of taxes. Selectman Fabian asked if the Board of Selectmen made that determination. Ms. Candito said it went through Harald Scheid. Chairman Powderly said the property will be on the tax roll after this. Ms. Candito said it would be valued at the sale price. Richard LaCamera said the building was valued at \$700,000; it has been reassessed at \$182,400. Why would Mr. Knox not pay taxes after he takes possession of the building? Selectman Fabian said we need to make sure that we address the valuation, so that taxes will be based on going forward after the sale. Chairman Powderly said we can have Mr. Scheid come to a meeting and discuss this. Ms. LaCamera asked why the assessment was changed. He would like to know what the property will be assessed going forward. Chairman Powderly said Mr. Scheid needs to come up with the value of a non-conforming, under sized vacant lot. Ms. Candito said there is nothing in the Purchase and Sale Agreement stating that he will not be paying taxes going forward. Once the new building is built, it will go on the tax roll.

The vote was unanimous in favor on the previous motion.

**Discuss Recommendation from Zoning Board of Appeals to appoint Gerald Noble as Associate Member and Discuss Vacancy for Full Member**

Chairman Powderly said the Zoning Board of Appeals would like to appoint Gerald Noble as an associate member.

A motion was made by Chairman Powderly and seconded by Selectman Fabian to appoint Gerald Noble as Associate Member to the Zoning Board of Appeals for a term to expire July 31, 2020.

Discussion: Selectman Fabian said we left it up to the Zoning Board of Appeals to appoint a full member. Do they not want a full member? Ms. Candito said we may want to establish a limit on Associate Members. Selectman Fabian said she would like to see a full member appointed prior to appointing another associate member. Ms. Candito said we can write a memo to the Board of Appeals expressing that we would like to see the full time position filled and a limit of associate members. Chairman Powderly said they should fill the vacancy.

The vote on the previous motion was unanimous.

**Vote to authorize Town Administrator to sign SRPEDD Agreement for Americans with Disabilities Act Grant**

Chairman Powderly said the Town Administrator is requesting to use the Selectmen's SRPEDD Municipal Assistance Hours for the review of the Americans with Disabilities Municipal Grant application. Ms. Candito said we have 20 hours for the Selectmen; she would like to dedicate all of the hours for this. Selectman Fabian said she just received the information and asked for this to be placed on the next meeting. The item was tabled until the next meeting.

**Vote to authorize Town Administrator to sign contract with Department of Energy Resources for Green Community Award 2019**

Chairman Powderly said the grant award will be announced in the upcoming weeks by the Department of Energy Resources. The Board needs to authorize the Town Administrator to sign the contract.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To authorize the Town Administrator to sign the contract with the Department of Energy Resources for the 2019 Green Community Grant Award.  
Unanimous in favor.

**Ratify vote for Town Administrator to sign extension of Municipal Contract with SRPEDD for Master Plan Assistance**

Chairman Powderly said the Board needs to ratify the vote to extend the contract time window for SRPEDD to work on the Master Plan Assistance.

A motion was made by Chairman Powderly and seconded by Selectman Fabian to extend the contract time for SRPEDD to work on the Master Plan Update.

Discussion: Selectman Fabian asked if SRPEDD had sent a letter stating that they will not be able to finish on time. Ms. Candito said this was discussed at the last Master Plan Implementation Committee Meeting. Selectman Fabian requested to be updated on things like this.

The vote was unanimous in favor on the previous motion.

**Request from Fire Chief for appointment of Danielle Bentley as Firefighter/Paramedic**

*Michael O'Brien, Fire Chief, was present for the discussion.* Chief O'Brien introduced Danielle Bentley to the Board. She is currently with the Plympton Fire Department and works for Brewster Ambulance for the Town of Middleborough. Chief O'Brien said Ms. Bentley is a certified Firefighter, so she does not need to attend the academy, but she would like to.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To appoint Danielle Bentley as a Full Time Firefighter/Paramedic, subject to successful completion of a Department approved physical examination, a Physical Abilities Test and a one-year probationary period.  
Unanimous in favor.

### **Request from Fire Chief to appoint Daniel Blizzard as Temporary Full Time Firefighter**

*Michael O'Brien, Fire Chief, was present for the discussion.* Chief O'Brien summarized Mr. Blizzard's experience. Appointing him as a Temporary Full Time Firefighter will help with overtime and take pressure off of the current firefighters.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To appoint Daniel Blizzard as a Temporary Full Time Firefighter, contingent upon successful completion of a Department approved physical examination and a physical abilities test.  
Unanimous in favor.

### **Request for Taunton Water Hookup - 44-46 Rhode Island Road – Paul Turner**

Chairman Powderly said the Board has received an application for Taunton Water for the property located at 44-46 Rhode Island. This property previously was given a water allocation for 12 single family homes, using 3,960 gallons per day. They are now requesting a water allocation of 5,280 gallons per day for 16 residential units.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To rescind the previous vote of January 29, 2019 for the Taunton Water allocation for 44-46 Rhode Island Road, Lakeville, MA.  
Unanimous in favor.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To approve the Taunton Water allocation of 5,280 gallons per day for 16 residential units at 44-46 Rhode Island Road, Lakeville, MA.  
Unanimous in favor.

### **Request from Zoning Board of Appeals for comments on Special Permit Application – 310 Kenneth Welch Drive-Munro Associates**

Chairman Powderly said the Zoning Board of Appeals has asked for comments from the Selectmen regarding the Special Permit Application for 310 Kenneth Welch Drive. Munro Associates is taking over the retail marijuana business for the building where Nature's Remedy is running a cultivation business. It is zoned for that area and would be the first marijuana retail operation. Selectman Fabian said the retail business was previously approved for Nature's Remedy. Chairman Powderly said he would like get this done as soon as possible. It has been well vetted by the Planning Board prior to this going to the Zoning Board of Appeals. Selectman Fabian did not have a comment.

### **Request from Planning Board for Site Plan Review – 310 Kenneth Welch Drive**

Chairman Powderly said this is the site plan for the building where the retail marijuana business operated by Munro Associates is located. His comment is to move this forward as soon as possible. Selectman Fabian had no comment.

### **Request from Planning Board for Site Plan Review – 5 Harding Street**

Chairman Powderly said the Planning Board has requested the Board review the site plan for 5 Harding Street. It is a multi-building development. The Board had no comment.

### **Request from Daughters of the American Revolution for Constitution Week Proclamation**

Chairman Powderly said the Board has received a request from the Daughters of the American Revolution to proclaim September 17, 2019 through September 23, 2019 as Constitution Week.

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To issue a proclamation declaring September 17, 2019 through September 23, 2019 as Constitution Week.  
Unanimous in favor.

### **Review and vote to approve Selectmen Meeting Minutes of April 12, 2019 and August 29, 2019**

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To approve the Selectmen's Meeting Minutes of April 12, 2019 and August 29, 2019.  
Unanimous in favor.

### **New Business**

Chairman Powderly reminded residents that tomorrow is the vote for a road bond approval on September 10, 2019 from 12:00 PM to 8:00 PM at the Ted Williams Camp.

### **Old Business**

There was no new business discussed.

### **Other Items:**

1. Notice from Massachusetts Municipal Association regarding upcoming Legislative Breakfast Meetings (**does anyone want me to register them**)  
Selectman Fabian asked to be registered.

2. August 2019 Pond Levels
3. Official Invitation to Ribbon Cutting Ceremony – New Police Station

### **Adjournment**

Upon a motion made by Chairman Powderly and seconded by Selectman Fabian, it was:

VOTED: To adjourn the Selectmen's Meeting at 6:30 PM.  
Unanimous in favor.

### **List of documents provided at the Board of Selectmen Meeting of September 9, 2019**

1. Reorganization list for Board of Selectmen
2. Pole Hearing Notice; map of poles
3. Legal advertisement; statement of introduction; closing statement; and Lakeville Cable TV Subscriber Survey
4. Job description
5. Agenda page
6. ADA Grievance Draft Policy
7. Quitclaim Deed; Title Insurance Affidavit for 296 Bedford Street
8. Letter from Gerald Noble; emails from Donald Foster and Tracie Craig-McGee
9. SRPEDD Municipal Assistance Form
10. Letter and emails from Department of Energy Resources
11. Municipal Contract from SRPEDD for Master Plan Assistance – Amendment and original Contract
12. Letter from Fire Chief regarding appointment of Danielle Bentley
13. Letter from Fire Chief regarding appointment of Daniel Blizard
14. Application for Taunton Water Hookup-44-46 Rhode Island Road
15. Special Permit Application from Zoning Board of Appeals – 310 Kenneth Welch Drive
16. Site Plan for 310 Kenneth Welch Drive
17. Site Plan – 5 Harding Street
18. Letter from Daughters of the American Revolution regarding proclamation; draft proclamation
19. Selectmen Meeting Minutes of April 12, 2019 and August 29, 2019