

TOWN OF LAKEVILLE
Board of Selectmen
Meeting Minutes
November 5, 2018 – 6:30 PM
Lakeville Senior Center – 1 Dear Crossing

On November 5, 2018, the Board of Selectmen held a meeting at 6:30 PM at the Lakeville Senior Center. The meeting was called to order by Chairman Burke at 6:30 PM. Selectmen present were: Chairman Burke, Selectman Hollenbeck and Selectman Powderly. Also present were Rita Garbitt, Town Administrator, Tracie Craig-McGee, Executive Assistant and Lorraine Carboni, Town Coordinator. LakeCAM was recording the meeting for public broadcast.

Warrant Review for Special Town Meeting November 13, 2018

Present for the discussion were: Daniel Holland; Katherine Desrosiers and Jennifer Sipiora of the Finance Committee and Town Moderator Gordon Goodfellow. Mr. Holland called the Finance Committee to order at 7:02 PM. Ms. Garbitt reviewed the Articles from the Special Town Meeting Warrant. Selectman Hollenbeck said we will be certified at \$1.4 million for Free Cash. We want to put \$400,000 for road repairs; \$291,500 for Debt Service/Capital Project Stabilization Fund, \$50,000 for Reserve Fund; and OPEB. Mr. Holland asked what the Reserve Fund Balance was currently. Ms. Garbitt said \$196,200. Discussion occurred regarding the possibility of using the OPEB funds for other uses. The Finance Committee will vote on the Warrant Articles prior to the Special Town Meeting.

Ms. Garbitt said on Article #2, the Park Commission voted at their last meeting to transfer \$75,000 from retained earnings for fields and \$2,500 for a bunker rake. Article #3 is various Capital expenses. Ms. Garbitt said on Article #4, the amount is approximately \$68,000. Article #5, the Assessors may be asking to table this. They are waiting for answers to their questions and may not be ready at Special Town Meeting to move forward. Selectman Powderly said the PILOT would be more than the 61A property taxes. Ms. Garbitt said Town Counsel removed the amount as it has not been agreed to yet. Mr. Goodfellow noted that if the motion is killed, it can be reworded for the next Town Meeting. Article #6 is regarding the future sale of the current Police Station. Article #7 is to allow the sale of a property owned by the Town on Cherry Street. Article #8 – Sylvester Zienkiewicz of the Planning Board Member noted that this should be brought forward by the Planning Board. Ms. Garbitt will ask Town Counsel about the wording on the warrant.

Mr. LaCamera spoke to Article #10, which was a Petition brought forward by him. Darlene Donnelly spoke to Articles #11 and #12, which were Petitions brought forward by her. Discussion occurred regarding potential amendments that may need to be made Article #11. Mr. Goodfellow said it would need to be amended on the floor. Ms. Donnelly noted she would bring an amendment. Further discussion occurred on Article #12.

Mr. Goodfellow said he would like to speak to Town Counsel regarding the Selectmen being listed on the Warrant versus the Planning Board and the possible amendment to Article #11. Mr. Goodfellow asked if the Finance Committee was deferring to vote on the Articles until the night of Special Town Meeting. Chairman Burke replied yes.

Upon a motion made by Ms. Desrosiers and seconded by Mr. Holland, it was:

VOTED: To adjourn the Finance Committee Meeting at 7:43 PM.
Unanimous in favor.

Discuss scheduling a meeting at Old Colony Voke regarding updating the District Agreement

Chairman Burke said Old Colony sent in information regarding proposed changes to the District Agreement. This will be revisited on the November 19th agenda.

Vote to sign Bond Anticipation Note (BAN) for new Police Station

Chairman Burke said this is a \$2 million borrowing; it is the second BAN. The interest rate is 2.5%. Selectman Hollenbeck asked if we can have Unibank give us information on long term bond rates. Ms. Garbitt said she has already spoken to Lynne Welsh at Unibank. Do we want to bond the full \$8 million? Selectman Hollenbeck said the rate did go up .5% since the last BAN. We should consider the increase in interest rates, and perhaps lock it in now. This will be discussed at the November 19th meeting.

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

VOTED: To approve and sign the Bond Anticipation Note in the amount of \$2,000,000 for the new Police Station to be issued on November 14, 2018 and due June 19, 2019 payable to Century Bank & Trust Company with an interest rate of 2.50%.
Unanimous in favor.

Review and discuss letter from Cable TV Advisory Committee to FCC regarding proposed revenue decrease

Robert Marshall, Chairman, of the Cable TV Advisory Committee was present for the discussion. Chairman Burke said the Cable TV Advisory Committee prepared a letter to the FCC regarding a proposed revenue decrease to LakeCAM. Mr. Marshall said the FCC has proposed making changes to the rules, which would allow Cable Companies to not provide certain revenues to cities and towns that we have received before. For LakeCAM to have our position noted, we have to send the proposed letter to the FCC. The Cable Advisory Committee thinks that as a Town, we should be opposed to this. Chairman Burke said we should try to prevent the loss of any revenue. Is this due to diminishing cable subscribers? Mr. Marshall said he doesn't see the link between cable and internet watching. They will assign a value to benefits that they provide to the Town, such as internet drops, and deduct that from the revenue. It was decided to add Mr. Marshall as Chairman to the letter.

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

VOTED: To issue the letter to the FCC as requested by the Cable TV Advisory Committee, in conjunction with them.
Unanimous in favor.

Review notice from MA State Lottery Commission regarding KENO Monitor – Savas Liquors

The Selectmen had no objections to Savas Liquors having a KENO Monitor in their store at 330 Bedford Street.

Announce Veterans’ Day Observance – November 11, 2018

Chairman Burke said the Veterans’ Day Observance will take place on November 11th at 1:00 PM. All of the Selectmen will attend and would like to speak.

Ratify vote of October 23, 2018 regarding request for Temporary Mobile Home Permit-111 Main Street

Chairman Burke said the vote of October 23, 2018 needs to be ratified as it took place under New Business on October 23, 2018.

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

VOTED: To approve the Temporary Mobile Home Permit as previously issued for 111 Main Street.
Unanimous in favor.

Request for Extension of Temporary Trailer Permit – 18 5th Avenue

Chairman Burke said there is a request for extension of a Temporary Trailer Permit at 18 5th Avenue, which expired September 15, 2018.

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

VOTED: To approve the extension as requested through March 15, 2019 for the Temporary Trailer Permit for 18 5th Avenue.
Unanimous in favor.

Request for Extension of Temporary Trailer Permit – 121 County Street

Chairman Burke said there is a request for extension of a Temporary Trailer Permit at 121 County Street, which expired July 2, 2018.

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

VOTED: To approve the extension as requested through January 2, 2019 for the Temporary Trailer Permit for 121 County Street.
Unanimous in favor.

Ms. Garbitt said ZBRAC is going to discuss this section of the Zoning By-Law with renewals going through the Building Commissioner.

Request for renewal of Temporary Storage Trailer Permit – 19 South Kingman Street

Chairman Burke said there is a request for the renewal of a Temporary Storage Trailer Permit at 19 South Kingman Street.

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

VOTED: To approve the renewal of the Temporary Storage Trailer Permit at 19 South Kingman Street until September 12, 2019.
Unanimous in favor.

Request from the Arts Council for two (2) signs to announce “All that Glitters” Holiday Shopping Event

Chairman Burke said the Lakeville Arts Council has requested two (2) A frame signs at the Lakeville Lions Club property and the intersection of Route 79 and Precinct Street for the “All that Glitters” Holiday Shopping Event.

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

VOTED: To approve the sign to be placed at the intersection of Route 79 and Precinct Street for the “All that Glitters” Holiday Shopping Event.
Unanimous in favor.

Schedule December and January Selectmen’s Meetings

The Board scheduled their upcoming meetings for December 17, 2018 and January 7 and 28, 2019. There will be a Strategic Planning Meeting in January.

Review and vote to approve Selectmen Meeting Minutes of August 29, 2018 and September 10, 2018

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

VOTED: To approve the Selectmen Meeting Minutes as drafted for August 29, 2018 and September 10, 2018.
Unanimous in favor.

New Business

There was no New Business discussed.

Old Business

Town Hall Re-design

Ms. Garbitt said that Mr. Darling is waiting for the air quality results to come back regarding replacing the carpet. He has reached out to W.B. Mason regarding ordering the new furniture for the Assessors' Office.

Community Compact Grants-IT Best Practices and HR Grant

Ms. Garbitt said that Jorge Pazos will close out the IT Best Practices Grant. There was supervisory training held last week for the HR Grant. We are looking to meet with the Collins Center next week.

Annual Performance Reviews

Ms. Garbitt said she is working on reviews and is hoping to finish one (1) this week.

Update on New Police Station

Chairman Burke said this is moving slowly. Selectman Powderly asked if there are penalties for being late. Ms. Garbitt will research that.

Comments to Gaming Commission due November 30, 2018

Ms. Garbitt asked if the Selectmen would like to address each comment and send them to Ms. Craig-McGee so a letter can be developed for the November 19th meeting. Selectman Hollenbeck said we had concerns regarding mitigation money to make sure they give clarity on distance and mitigation money. With the tribal casino, it was limited to the host community; not the surrounding communities.

Route 79 Improvements

Ms. Garbitt said Mass DOT has requested a letter from the Board regarding that the Town does not wish to move forward with the shared use path on one side of the roadway. It was decided to stick with the current plan.

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

VOTED: The Lakeville Board of Selectmen has reviewed the 25% design comment from MassDOT's Complete Streets Review Section, dated December 12, 2017, regarding consideration for a continuous shared use path along one side of the roadway. After consideration of this design alternative and consultation with the Town's consultant, BETA Group, Inc. the Board of Selectmen prefers to advance the current design which consists of a continuous sidewalk along one side of the roadway and on-road bicycle accommodations.
Unanimous in favor.

Regional Finance Committee update

Selectman Hollenbeck gave an update on the last meeting. There is a \$750,000 E&D balance. Selectman Powderly said they need to say what their projections are for E&D and how much they have spent. Selectman Hollenbeck said they are supposed to get us some information on the use of E&D. They are looking at a long term plan for E&D and the Special Education Stabilization Fund. Selectman Powderly said they do not want to give any information or backup grade by grade. He would like justification. Selectman Hollenbeck also spoke about OPEB with the Regional Finance Committee; we need to send over our Financial Policies to the Regional Finance Committee.

Executive Session

At 7:57 PM, upon a motion made by Chairman Burke and seconded by Selectman Powderly, it was:

VOTED: To enter into Executive Session pursuant to M.G.L. c. 30A, §21(a) (3) for the purpose of discussing strategy with respect to litigation in the matter of Trocki v. Lakeville, et al, Plymouth Superior Court C.A. No. 1783 cv 00700. Holding the meeting in open session would have a detrimental effect on the litigation position and the Chair so declares; and pursuant to M.G.L c.30A, §21a (7) to comply with the Open Meeting Law, M.G.L. c.30A, §22(f): approval of Executive Session Minutes for October 23, 2018 and not return to open session.

Polled vote: Selectman Hollenbeck – aye; Chairman Burke – aye and Selectman Powderly – aye.

Other Items

1. Notice from CEC regarding 14 Beechtree Drive
2. Letter from Darlene Donnelly regarding Walter J. Markham sign for Old Colony
3. Letter from Planning Board regarding Filling Station by-law amendment
4. Notice from Public Archaeology Laboratory regarding archaeological survey of the proposed Residences at LeBaron

List of documents provided at the Board of Selectmen Meeting of November 5, 2018

1. Warrant for Special Town Meeting November 13, 2018
2. Email from Jolene Costa regarding draft Old Colony District Agreement; letter from Aaron Polansky inviting Selectmen to November 13, 2018 meeting; current Old Colony District Agreement; proposed Old Colony District Agreement
3. Copies of Bond Anticipation Note paperwork for Police Station borrowing
4. Draft letter to Federal Communications Commission regarding proposed rule changes
5. Letter from Massachusetts State Lottery Commission regarding KENO Monitor-Savas Liquors
6. Information from Historical Commission regarding Veterans' Day Observance
7. Notes regarding ratifying vote for Temporary Mobile Home Permit-111 Main Street
8. Letter from American Mobile Homes regarding extension of Temporary Trailer Permit-18 5th Avenue